

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 ENGROSSED SENATE

5 BILL NO. 468

By: Marlatt of the Senate

and

Calvey of the House

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9 An Act relating to oil and gas; stating procedures
for taking private property by certain
10 municipalities, counties or political subdivisions
under certain conditions relating to oil and gas
11 operations; repealing 52 O.S. 2011, Section 137,
which relates to certain powers of cities and towns
12 relating to certain oil and gas exploration;
providing for codification; and declaring an
13 emergency.

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16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 137.2 of Title 52, unless there
19 is created a duplication in numbering, reads as follows:

20 Whenever a municipality, county or other political subdivision,
21 other than the Corporation Commission, adopts or implements an
22 ordinance, resolution, rule, regulation or other form of official
23 policy concerning oil and gas operations that has the effect of: (1)
24 interfering with the use and enjoyment of the mineral estate, as

1 defined in Section 802 of Title 52 of the Oklahoma Statutes, (2)
2 imposing or enforcing a limitation that adversely impacts the use
3 and development of minerals by substantially increasing the costs of
4 the oil and gas operations, or thereby substantially reducing the
5 fair market value of the mineral estate, or (3) prohibiting access
6 to develop the mineral estate, it shall be considered a taking
7 pursuant to Article 2 of the Oklahoma Constitution and relevant
8 statutes. The provisions of this section shall not apply to any
9 ordinance, resolution, rule, regulation or other form of official
10 policy adopted or implemented prior to December 31, 2014.

11 SECTION 2. REPEALER 52 O.S. 2011, Section 137, is hereby
12 repealed.

13 SECTION 3. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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18 COMMITTEE REPORT BY: COMMITTEE ON ENVIRONMENTAL LAW, dated
19 04/07/2015 - DO PASS.
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