

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 809

By: Bingman

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6 AS INTRODUCED

7 An Act relating to oil and gas; stating regulatory  
8 authority over certain drilling, completing, fracture  
9 stimulating, and operation of oil and gas wells and  
10 produced water disposal wells; prohibiting certain  
11 regulation by municipalities, counties or political  
12 subdivisions; stating exception; authorizing  
13 Corporation Commission to make certain determination;  
14 providing certain rebuttable presumption; authorizing  
15 Corporation Commission to implement rules; repealing  
16 52 O.S. 2011, Section 137, which relates to powers of  
17 cities and towns; providing for codification;  
18 providing for noncodification; and declaring an  
19 emergency.

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1 52 of the Oklahoma Statutes and Section 52 of Title 17 of the  
2 Oklahoma Statutes. State regulation does not prohibit  
3 municipalities, counties or other political subdivisions from  
4 enacting reasonable ordinances, rules, and regulations relating to  
5 the local aspects of the oil and gas operations within its  
6 boundaries, provided such ordinances, rules, and regulations are  
7 reasonable and consistent with, and not in opposition to, the  
8 regulation established by this title and the Corporation Commission.  
9 No municipal, county or other political subdivision ordinance, rule  
10 or regulation may prohibit or ban the drilling, completing, fracture  
11 stimulating or operations of oil and gas wells, or produced water  
12 disposal wells related thereto, within its boundaries without the  
13 approval of the Corporation Commission, except that the municipal,  
14 county or other political subdivision may enact reasonable setbacks  
15 for surface operations based upon the necessity to protect the  
16 health, safety, and welfare of its citizens. Upon application and  
17 notice, the Corporation Commission shall have the authority and  
18 jurisdiction to determine whether a municipal, county or other  
19 political subdivision ordinance, rule or regulation related to the  
20 drilling, completing, fracture stimulating, and operations of oil  
21 and gas wells, and produced water disposal wells related thereto, is  
22 reasonable and consistent with, and not in opposition to, regulation  
23 by the Corporation Commission. Any municipal, county or other  
24 governmental subdivision ordinance, rule or regulation enacted prior

1 to the effective date of this act shall be subject to a rebuttable  
2 presumption of validity. Any municipal, county or other political  
3 subdivision ordinance, rule or regulation found by the Corporation  
4 Commission to be unreasonable or inconsistent with, or in opposition  
5 to, state law or regulation by the Commission shall be void and  
6 unenforceable.

7 SECTION 2. NEW LAW A new section of law not to be  
8 codified in the Oklahoma Statutes reads as follows:

9 The Corporation Commission is authorized to promulgate any rule  
10 or issue orders as necessary to implement the provisions of this  
11 act.

12 SECTION 3. REPEALER 52 O.S. 2011, Section 137 , is  
13 hereby repealed.

14 SECTION 4. It being immediately necessary for the preservation  
15 of the public peace, health and safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

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19 55-1-852 MJM 2/18/2016 7:12:48 PM  
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