

1 ENGROSSED SENATE
2 BILL NO. 468

By: Marlatt of the Senate

3 and

4 Calvey of the House

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

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

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

19 Whenever a municipality, county or other political subdivision,
20 other than the Corporation Commission, adopts or implements an
21 ordinance, resolution, rule, regulation or other form of official
22 policy concerning oil and gas operations that has the effect of: (1)
23 interfering with the use and enjoyment of the mineral estate, as
24 defined in Section 802 of Title 52 of the Oklahoma Statutes, (2)
imposing or enforcing a limitation that adversely impacts the use
and development of minerals by substantially increasing the costs of

1 the oil and gas operations, or thereby substantially reducing the
2 fair market value of the mineral estate, or (3) prohibiting access
3 to develop the mineral estate, it shall be considered a taking
4 pursuant to Article 2 of the Oklahoma Constitution and relevant
5 statutes. The provisions of this section shall not apply to any
6 ordinance, resolution, rule, regulation or other form of official
7 policy adopted or implemented prior to December 31, 2014.

8 SECTION 2. REPEALER 52 O.S. 2011, Section 137, is hereby
9 repealed.

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

14 Passed the Senate the 12th day of March, 2015.

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Presiding Officer of the Senate

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18 Passed the House of Representatives the ____ day of _____,
19 2015.

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Presiding Officer of the House
of Representatives

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