

1 ENGROSSED HOUSE
2 BILL NO. 2150

By: Pfeiffer and Roberts (Sean)
of the House

3 and

4 Allen of the Senate
5
6

7 An Act relating to oil and gas; designating certain
8 scenarios that constitute a taking of property
9 rights; providing exceptions; providing for
10 codification; and declaring an emergency.

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

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

15 A. It shall be considered a taking pursuant to Article 2 of the
16 Oklahoma Constitution and relevant statutes whenever a municipality,
17 county or other political subdivision, other than the Corporation
18 Commission, adopts or implements an ordinance, resolution, rule,
19 regulation or other form of official policy concerning oil and gas
20 operations that has the effect of:

21 1. Substantially interfering with the use and enjoyment of the
22 mineral estate, as defined in Section 802 of Title 52 of the
23 Oklahoma Statutes;
24

2. Imposing or enforcing a limitation that adversely impacts the use and development of minerals; or

3. Prohibiting access to develop the mineral estate, thereby substantially reducing the fair market value of the mineral estate.

B. The provisions of this section shall not apply to any ordinance, resolution, rule, regulation or other form of official policy adopted or implemented prior to December 31, 2014.

SECTION 2. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 11th day of March, 2019.

Presiding Officer of the House
of Representatives

Passed the Senate the _____ day of _____, 2019.

Presiding Officer of the Senate