

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1902

 By: Calvey

7 AS INTRODUCED

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

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

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

16 Whenever a municipality, county or other political subdivision,
17 other than the Corporation Commission, adopts or implements an
18 ordinance, resolution, rule, regulation or other form of official
19 policy concerning oil and gas operations that has the effect of:

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

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

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

10 SECTION 2. It being immediately necessary for the preservation
11 of the public peace, health or 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.

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15 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/01/2017 - DO PASS.
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