

2012 Oklahoma Legislative Preview

By Chris Kidd, Oklahoma Farm Bureau Director of State and National Affairs

Oklahoma Farm Bureau is known for protecting private property rights. With a quick glance at OFB's priority list, it looks to be yet again a primary focus for the upcoming 2012 legislative session. Our sights are set on landowner rights related to eminent domain, energy production and street improvement districts.

Currently, Oklahoma statute provides a set of policies that entities wishing to exercise the power of eminent domain should follow. However, these policies are not required to be followed. A bill authored by Rep. Don Armes would make these policies mandatory. If an entity failed to follow these policies, the property owner could challenge this. If proven, it could be grounds for dismissal of the condemnation action.

Other legislation authored by Rep. Armes limits a municipality acquiring water rights by eminent domain to a ten-year term. Additionally, the taking of any surface rights for the acquisition of water rights is limited to easements for access, well sites, pipelines and other equipment necessary for the acquisition of water. This language also requires a municipality to remove any other equipment above or below the condemned property within two years from the end of the ten-year term.

Abandoned and non-producing oil and gas wells have proven time and again to be a problem for many landowners. **Senate Bill 1044**, authored by Sen. Ron Justice, will allow the Oklahoma Corporation Commission to create rules regarding the removal of trash, materials and equipment from abandoned wells.

Senate Bill 1035 also authored by Sen. Ron Justice, creates the Oklahoma Surface Use and Damages Act, which adds surface tenants to those required to receive notice of intent to conduct oil and gas operations. It also sets forth a process for seismic exploration damage determinations. Call the OFB Public Policy division for more information on our priority agenda at (405) 523-2681. Session begins Feb. 6. Come see us at the state capitol!