

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1833

By: McBride

AS INTRODUCED

An Act relating to nuisances; defining oil and gas activities; providing that no action for nuisance shall be brought against oil and gas activities if they have been in operation for more than two years; providing exceptions; providing for damages; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1.2 of Title 50, unless there is created a duplication in numbering, reads as follows:

A. "Oil and gas activities" includes, but is not limited to, oil and gas exploration, drilling, fracture stimulation, completion, production, maintenance, plugging and abandonment, produced water disposal, secondary recovery operations, flow and gathering lines or pipeline infrastructure.

B. No action for nuisance shall be brought against oil and gas activities which has lawfully been in operation for two (2) years or more prior to the date of bringing the action. The established date

1 of operation is the date on which an oil and gas activity commenced.  
2 The established date of operation for each change is not a  
3 separately and independently established date of operation and  
4 commencement of the expanded activity does not divest the farm or  
5 ranch of a previously established date of operation if:

6 1. The physical facilities of the operation are subsequently  
7 expanded or new technology adopted; or

8 2. Operation is interrupted for no more than three (3) years.

9 C. In any action for nuisance brought against agricultural  
10 activities on farm or ranch land pursuant to this section:

11 1. The court or jury shall determine the amount of noneconomic  
12 damages separately from the amount of compensation for all other  
13 damages; and

14 2. Noneconomic damages awarded to a plaintiff shall not exceed  
15 three times the amount of compensatory damages or Two Hundred Fifty  
16 Thousand Dollars (\$250,000.00), whichever amount is greater.

17 SECTION 2. This act shall become effective November 1, 2021.

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