

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1833

By: McBride of the House

and

Daniels of the Senate

8
9 COMMITTEE SUBSTITUTE

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

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

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

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

1 B. No action for nuisance shall be brought against oil and gas
2 activities which have lawfully been in operation for two (2) years
3 or more prior to the date of bringing the action. The established
4 date of operation is the date on which an oil and gas activity
5 commenced. The established date of operation for each change is not
6 a separately and independently established date of operation and
7 commencement of the expanded activity does not divest the oil and
8 gas activities of a previously established date of operation if:

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

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

12 C. In any action for nuisance brought against oil and gas
13 activities pursuant to this section:

14 1. The court or jury shall determine the amount of noneconomic
15 damages separately from the amount of compensation for all other
16 damages; and

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

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

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22 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES,
23 dated 02/18/2021 - DO PASS, As Amended and Coauthored.

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