

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1485

By: Marlatt

4  
5 AS INTRODUCED

6 An Act relating to nuisances; defining terms;  
7 providing oil and gas exploration and production  
8 activities shall not constitute a nuisance; stating  
9 exception; prohibiting certain nuisance actions  
10 against certain oil and gas exploration and  
11 production activities within certain time period;  
12 providing for defendant expenses in certain frivolous  
13 actions; providing for codification; and declaring an  
14 emergency.

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

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

19 A. As used in this section:

20 "Oil and gas exploration and production activities" means, but  
21 is not limited to, surveying, geophysical assessment, clearing, pad  
22 development, drilling, hydraulic fracturing, operating well-site  
23 facilities, completion activities, production and operation of  
24 wells, transportation of product and equipment to and from well-  
sites and gathering system development. "Oil and gas exploration  
and production activities" includes improvements or expansion to the

1 activities provided for in this subsection including, but not  
2 limited to, activities or equipment resulting from technological  
3 advancements. If the expansion is part of the same operating  
4 facility, the expansion need not be contiguous.

5 B. Oil and gas exploration and production activities conducted  
6 on a mineral interest leasehold or the purpose of supporting oil and  
7 gas exploration and production activities, if consistent with good  
8 exploration and production practices, are presumed reasonable and do  
9 not constitute a nuisance unless the activity has a substantial  
10 adverse effect on the public health and safety. Further, if such  
11 oil and gas exploration and production activities are undertaken in  
12 conformity with federal, state and local laws and regulations, they  
13 are presumed to be good oil and gas exploration and production  
14 practices and not adversely affecting the public health and safety.

15 C. No action for nuisance shall be brought against owners or  
16 operators of oil and gas exploration and production activities on a  
17 mineral leasehold or land used for the purpose of supporting oil and  
18 gas exploration and production activities which has been in  
19 operation for two (2) years or more prior to the date of bringing  
20 the action. The established date of operation is the date on which  
21 an oil and gas exploration and production activity on a mineral  
22 interest leasehold or land used for the purpose of supporting oil  
23 and gas exploration and production activities commenced activity.  
24 If the physical facilities of the oil and gas exploration and

1 production activity of the mineral interest leasehold or land used  
2 for the purpose of supporting oil and gas exploration and production  
3 activities are subsequently expanded or new technology adopted, the  
4 established date of operation each change is not a separately and  
5 independently established date of operation and commencement of the  
6 expanded activity does not divest the mineral interested leasehold  
7 or land used for the purpose of supporting oil and gas exploration  
8 and production activities of a previously established date of  
9 operation.

10 D. In any action for nuisance in which oil and gas exploration  
11 and production activities are alleged to be a nuisance, and which  
12 action is found to be frivolous by the court pursuant to Section  
13 2011.1 of Title 12 of the Oklahoma Statutes, the defendant shall  
14 recover the aggregate amount of costs and expenses determined by the  
15 court to have been reasonably incurred in connection with defending  
16 the action, together with a reasonable amount for attorney fees.

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

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