

Hall of the House of Representatives

88th General Assembly - Regular Session, 2011

Amendment Form

Subtitle of House Bill No. 1399

THE RURAL GOOD NEIGHBOR ACT.

Amendment No. 1 to House Bill No. 1399

Amend House Bill No. 1399 as originally introduced:

Delete Section 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code Title 15, Chapter 72, Subchapter 2 is amended to add an additional section to read as follows:

15-72-220. Rural Good Neighbor Act -- Noise.

(a) The Arkansas Oil and Gas Commission shall initiate rulemaking by July 30, 2011, to limit continuous noise from wells, compressor stations, or drilling equipment within one thousand yards (1,000 yds.) of a habitable dwelling to:

(1) Fifty-five (55) decibels during the day;

(2) Forty-five (45) decibels at night; or

(3) A lower threshold as determined to be necessary to protect the health and rights of Arkansans.

(b) Rules developed by the commission under subsection (a) of this section shall not impinge on a surface owner or surface tenant's right to take legal action under the Arkansas nuisance laws for relief from the noise.

(c) A surface owner or surface tenant who prevails in a suit for nuisance noise against a natural gas operator for well, compressor station, or drilling equipment noise shall be entitled to compensation for all reasonable legal fees and costs.

(d) A natural gas operator shall follow best noise management practices when building roads, pipelines, and drilling pads."



The Amendment was read _____

By: Representative Pierce

MMC/MMC - 03/15/11 04:08

MMC328

Chief Clerk