

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

HOUSE BILL 1234

4 **By: Representatives George and Newman**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 15-71-114(a)(3) TO PROVIDE
9 FOR THE FILING BY A SURFACE OWNER OF A CLAIM FOR DAMAGE
10 RESULTING FROM THE PERFORMANCE OF FIELD SEISMIC
11 OPERATIONS; AND FOR OTHER PURPOSES."

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Subtitle

14 "CLAIMS OF SURFACE OWNER FOR DAMAGE RESULTING FROM FIELD
15 SEISMIC OPERATIONS."

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code 15-71-114(a)(3) is amended to read as follows:

20 "(3)(A) The application shall be accompanied by a bond in the amount of
21 fifty thousand dollars (\$50,000) or such larger amount as may be prescribed by
22 the commission not to exceed two hundred fifty thousand dollars (\$250,000).

23 (B) The bond shall be executed by the applicant, as principal, and a
24 corporate surety approved by the commission, and shall be conditioned that the
25 permittee shall pay all damages resulting from such seismic operations.

26 (C) The bond shall be maintained at an amount not less than fifty
27 thousand dollars (\$50,000) nor more than two hundred fifty thousand dollars
28 (\$250,000) as may be set by the commission, so long as the permittee is
29 conducting field seismic operations in the state and until released by the
30 commission.

31 (D) Any surface owner seeking to recover under such bond for damages
32 caused by the performance of such field seismic operations must file written
33 notice of claim therefor with the Arkansas Oil and Gas Commission within one
34 (1) year of the date of expiration of the permit for conducting such
35 operations; provided, however, that such claim shall be subordinate to the

1 rights of the Arkansas Oil and Gas Commission under said bond to secure
2 compliance by said permittee with the provisions of said act, as hereby
3 amended, and the rules and regulations of the Commission promulgated
4 thereunder."
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6 SECTION 2. All provisions of this act of a general and permanent nature
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
8 Revision Commission shall incorporate the same in the Code.
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10 SECTION 3. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.
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16 SECTION 4. All laws and parts of laws in conflict with this act are
17 hereby repealed.
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19 SECTION 5. EMERGENCY. It is hereby found and determined by the General
20 Assembly that the law relating to the procedure whereby a surface owner files
21 a claim for damage resulting from the performance of seismic operations is in
22 need of immediate clarification; that this act is designed to accomplish this
23 purpose and should be given effect immediately. Therefore, an emergency is
24 hereby declared to exist and this act being necessary for the preservation of
25 the public peace, health and safety shall be in full force and effect from and
26 after its passage and approval.

27 */s/Lloyd George, et al*
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