

1 State of Arkansas *As Engrossed: H3/28/13 S4/5/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 2001

4

5 By: Representatives *Leding, Lenderman, D. Douglas, J. Edwards, Gillam, D. Meeks, Sabin, Wren, Wright*

6 By: Senators *Rapert, Irvin, Caldwell, D. Wyatt, Elliott*

7

8

For An Act To Be Entitled

9

AN ACT TO CREATE THE LANDOWNER NOTIFICATION ACT; AND

10

FOR OTHER PURPOSES.

11

12

13

Subtitle

14

THE LANDOWNER NOTIFICATION ACT.

15

16

17

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

18

19

SECTION 1. DO NOT CODIFY. Title.

20

This act shall be known and may be cited as the "Landowner Notification

21

Act".

22

23

SECTION 2. Arkansas Code § 15-72-203, concerning prerequisites to exploring or drilling and notice to the surface owner, is amended to add additional subsections to read as follows:

24

25

26

(c)(1)(A) As used in this subsection, "shale operations" means

27

drilling activities relating to the production of gas and other petroleum

28

hydrocarbons directed at an unconventional shale gas formation in a county

29

listed in Arkansas Oil and Gas Commission Rule B-43(c) or (d) if entry upon

30

the surface owner's surface estate is required and the drilling activities

31

are conducted on or after the effective date of this act.

32

(B) "Shale operations" does not include:

33

(i) The periodic inspection, maintenance, or repair

34

of completion activities;

35

(ii) Preparatory activities such as inspection,

36

surveying, or staking; or



1 (iii) Drilling additional wells, redrilling, or
2 recompletion operations on an existing drilling pad if the operator does not
3 expand the existing pad.

4 (2) The Arkansas Oil and Gas Commission shall promulgate rules,
5 regulations, and orders consistent with this section to require an operator
6 intending to conduct shale operations to provide a single enhanced written
7 notice as described in subdivision (c)(3) of this section in lieu of the
8 written notice required under subsection (a) of this section.

9 (3) The rules, regulations, and orders of the commission shall
10 require the enhanced written notice to:

11 (A) Describe:

12 (i) The proposed shale operations; and

13 (ii) The location of the proposed well and the pad
14 location, including the section, township, range, and plat of the pad
15 location, if available;

16 (B) Be given to the surface owner at least fourteen (14)
17 days before the operator proposes to begin shale operations on the surface
18 owner's property;

19 (C) Contain a statement that the operator has a pending or
20 approved drilling permit for the proposed shale operations on the surface
21 owner's property and that the permit shall be available for inspection by the
22 surface owner on request by the surface owner;

23 (D) Contain the name, address, telephone number, fax
24 number, and electronic mailing address of the operator or the operator's
25 agent; and

26 (E) Be sent by certified United States mail or delivered
27 personally to the surface owner at the address of the surface owner stated in
28 the public records of the county collector of the county in which the surface
29 owner's property is located.

30 (4) After written notice of the operator's intent to begin shale
31 operations is given under this subsection, an operator is not required to
32 give any other notice to begin, conduct, or complete shale operations on the
33 surface owner's property.

34 (5) Written notice under this subsection is:

35 (A) Presumed delivered three (3) days after mailing by
36 certified mail;

