

Hall of the House of Representatives
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of House Bill No. 2001
THE LANDOWNER NOTIFICATION ACT.

Amendment No. 1 to House Bill No. 2001

Amend House Bill No. 2001 as originally introduced:

Delete Representatives Leding, Lenderman, D. Meeks, Wren, Wright as cosponsors of the bill

AND

Add Representatives Leding, Lenderman, D. Douglas, J. Edwards, Gillam, D. Meeks, Sabin, Wren, Wright as cosponsors of the bill

AND

Delete Senators Rapert, Irvin, D. Wyatt as cosponsors of the bill

AND

Add Senators Rapert, Irvin, Caldwell, D. Wyatt, Elliott as cosponsors of the bill

AND

Delete everything after the enacting clause, and substitute the following:

"SECTION 1. DO NOT CODIFY. Title.

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

SECTION 2. Arkansas Code § 15-72-201 is amended to read as follows:
15-72-201. Definitions.

As used in this act, ~~unless the context otherwise requires~~ subchapter:

(1)(A) "Operations" means drilling activities relating to the production of brine, oil, gas, and other petroleum hydrocarbons if entry upon the surface estate is required and the drilling activities are conducted on or after the effective date of this act.

(B) "Operations" does not include:

(i) The periodic inspection, maintenance, or repair



of completion activities;

(ii) Preparatory activities such as inspection, surveying, or staking; or

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

~~(1)(2)~~ “Operator” means the a person or the person’s agent who that has the right to enter upon the lands property of another person for the purpose of exploring, drilling, and developing for the production of brine, oil, gas, and all other petroleum hydrocarbons conducting operations;

~~(2)(3)~~ “Person” means any natural person an individual or entity, including without limitation a corporation, association, partnership, trustee, guardian, executor, administrator, fiduciary, or representative of any kind; and

~~(3)(4)~~ “Surface owner” means the owner or owners of record of the surface of the property on which the drilling operation is operations are to occur or are occurring.

SECTION 3. Arkansas Code § 15-72-203 is amended to read as follows:

15-72-203. Prerequisite to ~~exploring or drilling~~ conducting operations
– Notice to surface owner.

~~(a) Before entering upon a site for the purpose of exploration or for oil or gas drilling, except in instances where there are nonresident surface owners, nonresident surface tenants, unknown heirs, imperfect titles, or surface owners or surface tenants whose whereabouts cannot be ascertained with reasonable diligence, the operator shall give to the surface owner written notice of his or her intent of exploration or undertaking drilling operations on premises owned by the surface owner. The notice shall contain the proposed location and the approximate date that the operator proposes to commence exploration or drilling operations.~~

~~(b) The notice shall be given in writing by certified United States mail, or personally, to the surface owner at the address of the surface owner as is reflected in the records of the tax collector of the county in which the lands are located.~~

(a)(1) Except as provided in subdivision (a)(2) of this section, before entering upon a surface owner’s property for the first time to conduct operations on the surface owner’s property, written notice of the operator’s intent to begin operations shall be given to the surface owner under:

(A) Subdivision (a)(3) of this section; or

(B) Subsection (b) of this section.

(2) An operator is not required to give the written notice prescribed under this section to:

(A) A nonresident surface owner;

(B) A nonresident surface tenant;

(C) An unknown heir of a surface owner;

(D) A surface owner or surface tenant with imperfect title or whose whereabouts cannot be ascertained with reasonable diligence; or

(E) A surface owner with whom the operator has a contractual relationship that specifies when or how the operator shall give notice regarding the beginning of operations.

(3) Except as provided by subsection (b) of this section, the written notice shall:

(A) Contain the proposed drilling location and the approximate date that the operator proposes to commence operations;

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

(C) Be sent by certified United States mail or delivered personally to the surface owner at the address of the surface owner reflected in the public records of the county collector of the county in which the surface owner's property is located.

(b)(1) The Arkansas Oil and Gas Commission shall promulgate rules, regulations, and orders consistent with this section to require an operator to provide a single enhanced written notice as described in subdivision (b)(2) of this section in lieu of the written notice required by subdivision (a)(3) of this section if the surface owner's property on which the operator proposes to conduct operations is located in an area of the state:

(A) Where operations are conducted in an unconventional shale gas formation in a county listed in Arkansas Oil and Gas Commission Rule B-43(c) or (d); or

(B) That is designated for enhanced notice by rule of the commission.

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

(A) Describe:

(i) The proposed operations; and

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

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

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

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

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

(c) After written notice of the operator's intent to begin operations is given under subdivision (a)(3) or subsection (b) of this section, an operator is not required to give any other notice to begin, conduct, or complete operations on the surface owner's property.

(d) Written notice under subdivision (a)(3) or subsection (b) of this section is:

(1) Presumed delivered five (5) days after mailing by certified mail;

(2) Effective immediately upon hand delivery; and

(3) Not required for emergency situations in which the operations are required to protect the public health and safety or the

environment.

(e) After receipt of a written notice of the operator's intent to begin operations under subdivision (a)(3) or subsection (b) of this section, the surface owner shall not make alterations to a proposed drilling location to interfere with the operations for which the surface owner received the notice.

(f) This section does not supersede, modify, or supplant the notice provisions of Rule B-42 of the commission."

The Amendment was read _____

By: Representative Leding
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Chief Clerk