

INTERIM STUDY PROPOSAL 2007-190

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3 REQUESTING THE LEGISLATIVE COUNCIL OF THE EIGHTY-SIXTH GENERAL
4 ASSEMBLY TO REFER TO THE APPROPRIATE INTERIM COMMITTEE A
5 STUDY OF THE RIGHTS AND DUTIES OF THE OWNER OF MINERAL RIGHTS,
6 THE OWNER OF SURFACE RIGHTS, AND THE PRODUCER OF NATURAL GAS
7 TO DETERMINE WHETHER LEGISLATION IS NEEDED TO CLARIFY AND
8 BALANCE THEIR RESPECTIVE RIGHTS AND DUTIES AND WHETHER
9 ADDITIONAL REQUIREMENTS FOR THE NATURAL GAS PRODUCER IS
10 NEEDED TO ENSURE SAFE WATER AND A CLEAN ENVIRONMENT AND TO
11 PROTECT CROPS, LIVESTOCK, AND WILDLIFE.
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13 WHEREAS, the development of the Fayetteville Shale has resulted in numerous new leases of
14 land and mineral rights, and the state has experienced increased production in other natural gas producing
15 areas of the state;
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17 WHEREAS, natural gas exploration activities in the Fayetteville Shale have proved successful,
18 and the natural gas production from the Fayetteville Shale is projected to greatly increase in the near term;
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20 WHEREAS, natural gas exploration and production techniques have changed over time, and the
21 ramifications of the new techniques being used in the production of the Fayetteville Shale are just now
22 being understood by Arkansans;
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24 WHEREAS, increased production from existing wells and new wells in established fields has
25 raised new issues with respect to old and new leases;
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27 WHEREAS, a number of committees of the Eighty-sixth General Assembly have heard testimony
28 about problems associated with conflicts between the mineral rights owner and the surface owner over the
29 access, the appropriate use, and the adequate restoration of the surface owner's property and about water
30 contamination concerns and various environmental issues;
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32 WHEREAS, much of the statutory law of this state concerning the ownership and development of
33 mineral rights was enacted more than fifty (50) years ago; and
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36 Filed: 07/17/07 GLG:vjf

1 WHEREAS, a study of the comparative experience and efficacy of the laws of other natural gas
2 producing states may inform the policy analysis of whether an imbalance now exists between the rights
3 and duties of the mineral rights owner, the surface owner, and the natural gas producer,
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5 NOW THEREFORE,

6 BE IT PROPOSED BY THE LEGISLATIVE COUNCIL OF THE 86TH GENERAL ASSEMBLY OF
7 THE STATE OF ARKANSAS:

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9 THAT the appropriate House and Senate interim committees study the rights and duties of the
10 mineral rights owner, the rights and duties of the surface owner, and the rights and duties of the natural
11 gas producer to determine whether legislation is needed to clarify and balance their respective rights and
12 duties in order to preserve the land, crops, livestock, wildlife, and water of this state.
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14 Respectfully submitted,

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18 Representative Shirley Walters
19 District 62
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