

2 State of Arkansas  
3 88th General Assembly  
4 Regular Session, 2011

# A Bill

SENATE BILL 314

5  
6 By: Senator Salmon

7 Filed with: Interim Senate Committee on Agriculture, Forestry and Economic Development  
8 pursuant to A.C.A. §10-3-217.

## For An Act To Be Entitled

9  
10 AN ACT TO ESTABLISH A LANDOWNER’S SURFACE PROPERTY  
11 RIGHTS IN RELATION TO A MINERAL EXPLORATION OR  
12 DEVELOPMENT COMPANY; AND FOR OTHER PURPOSES.  
13  
14

## Subtitle

15 TO ESTABLISH A LANDOWNER’S SURFACE  
16 PROPERTY RIGHTS IN RELATION TO A MINERAL  
17 EXPLORATION OR DEVELOPMENT COMPANY.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code Title 15, Chapter 56, Subchapter 3 is amended  
24 to add an additional section to read as follows:

25 15-56-312. Notice and rights under exploration or development plan.

26 (a) If the explorer or developer of minerals, including without  
27 limitation oil, coal, lignite, and natural gas, is not the owner of the  
28 surface estate, before beginning exploration or development the owner or  
29 lessee of the minerals shall give written notice by certified mail to the  
30 surface owner of the lands of the intention of the mineral owner or lessee to  
31 begin exploration or development not less than thirty (30) days before  
32 exploration or development.

33 (b) The notice shall include:

34 (1) A description of the exploration or development plan,  
35 including, without limitation:

1                   (A) The proposed locations of any roads, drill pads,  
2 pipeline routes, and other alterations to the surface estate; and

3                   (B) The proposed date on or after which the proposed  
4 alterations will begin;

5                   (2) An offer of the mineral owner or lessee to consult with the  
6 surface owner to review and discuss the location of the proposed alterations  
7 to the surface owner's property;

8                   (3) A full disclosure of the surface owner's rights under this  
9 section; and

10                   (4) The name, address, telephone number, and title of a contact  
11 person employed by or representing the mineral owner or lessee who the  
12 surface owner may contact during the thirty-day period following receipt of  
13 the notice concerning the location of the proposed alterations.

14                   (c)(1) Except as provided in subdivision (c)(2) of this section,  
15 within the period described in subsection (a) of this section, the surface  
16 owner may select the locations where alterations are placed or performed on  
17 the surface of the property that:

18                   (A) Are preferable to the surface owner; and

19                   (B) Increase the costs to the mineral owner or lessee of  
20 placing the proposed alterations on the property.

21                   (2) The surface owner shall not select locations that make it  
22 impossible for the mineral owner to perform exploratory or development  
23 activities on the surface of the property due to geographic or geologic  
24 obstacles.

25                   (3) The surface owner's selection shall be in writing and  
26 delivered to the contact person specified under subsection (b) of this  
27 section.

28                   (d) If the surface owner does not make the selection within the time  
29 and in the manner required by this section, the surface owner will be deemed  
30 to have accepted the locations of the alterations to the property proposed in  
31 the notice by the mineral owner or lessee.

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33 Referred by the Arkansas Senate

34 Prepared by: DLP/VJF

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