

State of Arkansas  
86th General Assembly  
Regular Session, 2007

# A Bill

HOUSE BILL 2744

By: Representatives Walters, Breedlove, Pickett

## For An Act To Be Entitled

AN ACT TO PROVIDE ADDITIONAL REQUIREMENTS FOR THE  
NOTICE PROVIDED BY AN OPERATOR TO A SURFACE  
LANDOWNER; AND FOR OTHER PURPOSES.

## Subtitle

TO PROVIDE ADDITIONAL REQUIREMENTS FOR  
THE NOTICE PROVIDED BY AN OPERATOR TO A  
SURFACE LANDOWNER.

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

SECTION 1. Arkansas Code § 15-72-201 is amended to read as follows:  
15-72-201. Definitions.

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

(1)(A) "Operations" means the exploration, drilling, or  
completion activities that require entry upon the surface owner's property.

(B) "Operations" includes seismic activities and the  
installation of a well, a well pad, a compressor pad, a tank battery, a  
meter, a power line, a pipeline, and surface equipment;

(2) "Operator" means the person or his or her agent who has the  
right to enter upon the lands of another for the purposes of exploring,  
drilling, and developing for the production of brine, oil, gas, and all other  
petroleum hydrocarbons; ~~and~~

~~(1)(3)~~ (3) "Person" means any natural person, corporation,  
association, partnership, trustee, guardian, executor, administrator,  
fiduciary, or representative of any kind; and

~~(3)(4)~~ (4) "Surface owner" means the owner or owners of record of



1 the surface of the property on which the ~~drilling operation~~ operations ~~is~~ are  
 2 to occur.

3  
 4 SECTION 2. Arkansas Code § 15-72-203 is amended to read as follows:

5 15-72-203. Prerequisite to ~~exploring or drilling~~ conducting operations  
 6 - Notice to surface owner.

7 (a)(1) Before entering upon a site for the purpose of ~~exploration or~~  
 8 ~~for oil or gas drilling~~ conducting operations on the surface owner's  
 9 property, except in instances where there are nonresident surface owners,  
 10 nonresident surface tenants, unknown heirs, imperfect titles, surface owners  
 11 or surface tenants whose whereabouts cannot be ascertained with reasonable  
 12 diligence, the operator shall give to the surface owner written notice of his  
 13 or her intent of exploration or undertaking drilling to conduct operations  
 14 that will disturb the surface on premises of any property owned by the  
 15 surface owner.

16 (2) The notice shall:

17 (A)(i) ~~contain the proposed location~~ Describe the planned  
 18 operations in sufficient detail that the surface owner can reasonably  
 19 understand the proposed operations.

20 (ii) The description shall include the proposed  
 21 location of any access route, well, well pad, seismic test, pit, reservoir,  
 22 power line, pipeline, compressor pad, tank battery, and any other facility  
 23 planned in connection with the operations;

24 (B) ~~and the approximate~~ Provide the date that the operator  
 25 proposes to commence ~~exploration or drilling~~ operations on the surface  
 26 owner's property;

27 ~~(b) The notice shall be~~ (C)(i) Be given in writing by  
 28 certified United States mail, or personally, to:

29 (a) ~~the~~ The surface owner at the address of the  
 30 surface owner as is reflected in the records of the tax collector of the  
 31 county in which the lands are located, or

32 (b) The guardian or executor whenever the  
 33 surface owner is a minor or the surface ownership is pending in a probate  
 34 proceeding.

35 (ii) Personal delivery is presumed if the operator  
 36 has an acknowledgement of receipt of notice signed by the surface owner.

1                    (iii) In the event that the surface owner's address  
2 cannot be determined after a reasonable search, notice shall be given by  
3 publication in a newspaper of general circulation in the county where the  
4 surface owner's property on which the operator intends to begin operations is  
5 located.

6                    (D) Be delivered to the surface owner no less than twenty  
7 (20) days before the operator begins operations on the surface owner's  
8 property; and

9                    (E) Contain the name, address, and telephone number of the  
10 operator or his or her agent and the operator's or his or her agent's  
11 facsimile transmission number and electronic mailing address, if the operator  
12 has a connection for those means of communication.