

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 2001

5 By: Representatives Leding, Lenderman, D. Meeks, Wren, Wright
6 By: Senators Rapert, Irvin, D. Wyatt
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE LANDOWNER NOTIFICATION ACT; AND
10 FOR OTHER PURPOSES.
11

Subtitle

12 THE LANDOWNER NOTIFICATION ACT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. DO NOT CODIFY. Title.

20 This act shall be known and may be cited as as the "Landowner
21 Notification Act".
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23 SECTION 2. Arkansas Code § 15-72-201 is amended to read as follows:
24 15-72-201. Definitions.

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

26 (1)(A) "Operations" means the following when entry on the
27 surface estate is required and the activities are conducted on or after the
28 effective date of this act:

29 (i) Exploration activities relating to the
30 production of brine, oil, gas, and other petroleum hydrocarbons, including
31 without limitation seismic activities;

32 (ii) Drilling activities relating to the production
33 of brine, oil, gas, and other petroleum hydrocarbons; and

34 (iii) Completion activities relating to the
35 production of brine, oil, gas, and other petroleum hydrocarbons, including
36 without limitation the use of surface equipment, and the installation of a



1 well, well pad, compressor pad, tank battery, meter, power line, or pipeline.

2 (B) "Operations" does not include the periodic inspection,
 3 maintenance, or repair of the completion activities described in subdivision
 4 (1)(A)(iii) of this section;

5 ~~(1)~~ (2) "Operator" means the a person who or a person's agent
 6 that has the right to enter upon the lands of another person for the purpose
 7 of exploring, drilling, and developing for the production of brine, oil, gas,
 8 and all other petroleum hydrocarbons conducting operations;

9 ~~(2)~~ (3) "Person" means any a natural person, corporation,
 10 association, partnership, trustee, guardian, executor, administrator,
 11 fiduciary, or representative of any kind, or legal entity; and

12 ~~(3)~~ (4) "Surface owner" means the owner or owners of record of
 13 the surface of the property on which the drilling operation is operations are
 14 to occur or are occurring.

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

17 15-72-203. Prerequisite to ~~exploring or drilling~~ conducting operations
 18 - Notice to surface owner.

19 (a)~~(1)~~ Before entering upon a ~~site~~ surface owner's property for the
 20 purpose of ~~exploration or for oil or gas drilling~~ conducting operations on
 21 the surface owner's property, except in instances ~~where~~ in which there are
 22 nonresident surface owners, nonresident surface owner tenants, unknown
 23 surface owner heirs, imperfect titles to surface property, ~~or~~ surface owners,
 24 or surface tenants whose whereabouts cannot be ascertained with reasonable
 25 diligence, the operator shall give to the surface owner written notice of ~~his~~
 26 ~~or her~~ the operator's intent ~~of exploration or undertaking drilling to~~
 27 conduct operations on premises owned by the surface owner. ~~The notice shall~~
 28 ~~contain the proposed location and the approximate date that the operator~~
 29 ~~proposes to commence exploration or drilling operations.~~

30 ~~(b) The notice shall be given in writing~~

31 (2) The written notice required under subdivision (a)(1) of this
 32 section shall:

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

35 (B) Be sent by certified United States mail, or delivered
 36 personally, to the surface owner at the address of the surface owner as is

1 reflected in the records of the ~~tax~~ county collector of the county in which
2 the ~~lands are~~ surface property is located.

3 (b)(1) The written notice under subsection (a) of this section shall
4 be an enhanced written notice if the surface owner's property on which the
5 operator proposes to conduct operations is located in an area of the state:

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

9 (B) That is designated for enhanced notice by Arkansas Oil
10 and Gas Commission rule.

11 (2) The enhanced written notice required under subdivision
12 (b)(1) of this section shall:

13 (A) Describe the proposed operations, including without
14 limitation the location of the operations, reserve pits, roads, and other
15 site developments planned for the surface owner's property;

16 (B) Be given to the surface owner no more than ninety (90)
17 days and no fewer than fourteen (14) days before the operations begin on the
18 surface owner's property;

19 (C) List each permit issued by a local, state, or federal
20 government for the operations on the surface owner's property;

21 (D) Notify the surface owner that a copy of each permit
22 listed under subdivision (b)(2)(C) of this section is either posted at the
23 operations site or is available to the surface owner upon request;

24 (E) Contain the name, address, telephone number, facsimile
25 transmission number, and electronic mailing address of the operator or the
26 operator's agent; and

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

31 (3) Enhanced written notice under subdivision (b)(1) of this
32 section is:

33 (A) Presumed delivered five (5) days after mailing by
34 certified mail;

35 (B) Effective immediately upon hand delivery;

36 (C) Not required for the following:

1 (i) Emergency situations in which the operations are
2 required to protect either the public health and safety or the environment;
3 and

4 (ii) Redrilling, reworking, or recompletion
5 operations that do not require the operator to occupy a portion of the
6 surface owner's property in addition to the portion used for the original
7 operations.

8 (c)(1) In addition to the notice otherwise required under this
9 section, the operator shall provide oral or written notification to each
10 surface owner within forty-eight (48) hours of a spill of a chemical or a
11 hydraulic fracturing fluid used in the operations on the surface owner's
12 property that constitutes a violation of:

13 (A) A local, state, or federal law, rule, or regulation;
14 or

15 (B) A permit granted by a local, state, or federal
16 governmental entity to the operator for the operations on the surface owner's
17 property.

18 (2) Subdivision (c)(1) of this section applies only to
19 operations occurring:

20 (A) In relation to the development by an operator of
21 unconventional sources of supply under Rule B-43 of the commission; and

22 (B) In a county listed in Rule B-43(c) or (d) of the
23 commission.

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