

Stricken language would be deleted from and underlined language would be added to present law.
Act 1299 of the Regular Session

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/28/13 S4/5/13

A Bill

HOUSE BILL 2001

By: Representatives *Leding, Lenderman, D. Douglas, J. Edwards, Gillam, D. Meeks, Sabin, Wren, Wright*
By: Senators *Rapert, Irvin, Caldwell, D. Wyatt, Elliott*

For An Act To Be Entitled

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

Subtitle

THE LANDOWNER NOTIFICATION ACT.

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

SECTION 1. DO NOT CODIFY. Title.

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

SECTION 2. Arkansas Code § 15-72-203, concerning prerequisites to exploring or drilling and notice to the surface owner, is amended to add additional subsections to read as follows:

(c)(1)(A) As used in this subsection, "shale operations" means drilling activities relating to the production of gas and other petroleum hydrocarbons directed at an unconventional shale gas formation in a county listed in Arkansas Oil and Gas Commission Rule B-43(c) or (d) if entry upon the surface owner's surface estate is required and the drilling activities are conducted on or after the effective date of this act.

(B) "Shale 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.

(2) The Arkansas Oil and Gas Commission shall promulgate rules, regulations, and orders consistent with this section to require an operator intending to conduct shale operations to provide a single enhanced written notice as described in subdivision (c)(3) of this section in lieu of the written notice required under subsection (a) of this section.

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

(A) Describe:

(i) The proposed shale 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 shale operations on the surface owner's property;

(C) Contain a statement that the operator has a pending or approved drilling permit for the proposed shale 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.

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

(5) Written notice under this subsection is:

(A) Presumed delivered three (3) days after mailing by certified mail;

(B) Effective immediately upon hand delivery;

(C) Not required for emergency situations in which the shale operations are required to protect the public health and safety or the environment; and

(D) Not required if a surface owner has a contractual relationship with an operator that specifies when or how the operator shall give notice regarding the beginning of shale operations.

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

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

/s/Leding

APPROVED: 04/16/2013