

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

A Bill

SENATE BILL 314

4
5 By: Senator Salmon
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For An Act To Be Entitled

8 AN ACT TO ESTABLISH A LANDOWNER'S SURFACE PROPERTY
9 RIGHTS IN RELATION TO A MINERAL EXPLORATION OR
10 DEVELOPMENT COMPANY; AND FOR OTHER PURPOSES.

Subtitle

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

23 15-56-312. Notice and rights under exploration or development plan.

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

31 (b) The notice shall include:

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

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

36 (B) The proposed date on or after which the proposed



1 alterations will begin;

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

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

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

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

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

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

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

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

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

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