

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2269:

Hiett

AS INTRODUCED

An Act relating to oil and gas; amending 52 O.S. 2001, Section 318.3, which relates to notice of intent to drill for oil or gas; updating statutory language; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 52 O.S. 2001, Section 318.3, is amended to read as follows:

Section 318.3 Before entering upon a site for oil or gas drilling, except in instances where there are nonstate resident surface owners, nonstate resident surface tenants, unknown heirs, imperfect titles, surface owners, or surface tenants whose whereabouts cannot be ascertained with reasonable diligence, the operator shall give to the surface owner a written notice of ~~his~~ an intent to drill containing a designation of the proposed location and the approximate date that the operator proposes to commence drilling.

~~Such~~ The notice shall be given in writing by certified mail to the surface owner. If the operator makes an affidavit that ~~he~~ the operator has conducted a search with reasonable diligence and the whereabouts of the surface owner cannot be ascertained or ~~such~~ the notice cannot be delivered, then constructive notice of the intent to drill may be given in the same manner as provided for the notice of proceedings to appoint appraisers.

Within five (5) days of the date of delivery or service of the notice of intent to drill, it shall be the duty of the operator and

the surface owner to enter into good faith negotiations to determine the surface damages.

SECTION 2. This act shall become effective November 1, 2004.

49-2-8088            KB            01/19/04