

1 ENGROSSED SENATE
2 BILL NO. 1555

By: Branan of the Senate

3 and

4 Liebmann of the House

5
6
7 [oil and gas - Production Revenue Standards Act -
8 emergency]

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 52 O.S. 2001, Section 570.2, is
12 amended to read as follows:

13 Section 570.2 As used in the Production Revenue Standards Act:

14 1. "Owner" means a person or governmental entity with a legal
15 interest in the mineral acreage under a well which entitles that
16 person or entity to oil or gas production or the proceeds or
17 revenues therefrom;

18 2. "Produce", "Producing" and "Production" mean the physical
19 act of severance of oil and gas from a well by an owner and includes
20 but is not limited to the sale or other disposition thereof;

21 3. "Producing owner" means an owner entitled to produce who
22 during a given month produces oil or gas for its own account or the
23 account of subsequently created interests as they burden its
24 interest;

1 4. "Proportionate production interest" means that interest in
2 production which a working interest owner is entitled to produce in
3 order to adjust for shifting of royalty burdens among working
4 interest owners under the royalty payment provisions of this act,
5 and is equal to the quotient of:

6 a. the sum of that working interest owner's net revenue
7 interests plus the net revenue interests of any
8 subsequently created interests as they burden such
9 owner's working interest,

10 b. divided by the remainder of one (1) less the royalty
11 share;

12 5. "Proportionate royalty share" means the percentage of the
13 royalty share owned by a royalty interest owner calculated by
14 dividing such owner's royalty interest in a well by the royalty
15 share;

16 6. "Royalty interest" means the entirety of the percentage
17 interest in production or proceeds therefrom:

18 a. reserved or granted by a mineral interest owner
19 exclusive of any interest defined as a working
20 interest or a subsequently created interest, or

21 b. otherwise provided or ascribed to a mineral interest
22 owner by statute, rule, order or operation of law.

23 The interest of a participating mineral interest owner shall be
24 designated in part as a royalty interest and in part as a working

1 interest as set forth in Section 87.1 of ~~Title 52 of the Oklahoma~~
2 ~~Statutes~~ this title;

3 7. "Royalty interest in a well" means an owner's royalty
4 interest multiplied by the quotient of:

5 a. the gross mineral acres under the well attributable to
6 such interest, divided by

7 b. the total mineral acres under the well;

8 8. "Royalty proceeds" means the share of proceeds or other
9 revenue derived from or attributable to any production of oil and
10 gas attributable to the royalty share, but shall not include
11 payments of bonus, delay rentals, shut-in royalties or any
12 additional royalty payable to the Commissioners of the Land Office
13 or other governmental entity, pursuant to and valued according to
14 the terms of its oil and gas lease, which is calculated separately
15 from the royalty portion of actual proceeds from the sale of oil or
16 gas;

17 9. "Royalty share" means the percentage of the well equal to
18 the sum of all royalty interests in a well;

19 10. "Subsequently created interest" means any interest carved
20 from a working interest other than a royalty interest, including but
21 not limited to overriding royalty interest. In addition to the
22 royalty interest contained in a lease, a nonparticipatory interest
23 created by a working interest owner for the benefit of a mineral
24 interest owner in excess of a one-eighth (1/8) royalty interest may,

1 by separate agreement other than the oil and gas lease, be a
2 subsequently created interest and thereby not be communitized under
3 the terms of the Production Revenue Standards Act only if there is
4 clear and unambiguous language expressing that intent in the
5 creating document. The additional royalty payable to the
6 Commissioners of the Land Office or other governmental entity,
7 pursuant to and valued according to the terms of its oil and gas
8 lease, which is calculated separately from the royalty portion of
9 actual proceeds from the sale of oil or gas shall also be a
10 subsequently created interest and thereby shall not be communitized
11 under the Production Revenue Standards Act;

12 11. "Well" means an oil or gas well, and shall include:

13 a. a well having uniform ownership as to all producing
14 zones,

15 b. a drilling and spacing unit having uniform ownership
16 wherein multiple wells producing gas are commonly
17 metered, and

18 c. each separately metered producing zone within a single
19 wellbore wherein ownership varies by zone; and

20 12. "Working interest" means the interest in a well entitling
21 the owner thereof to drill for and produce oil and gas, including
22 but not limited to the interest of a participating mineral owner to
23 the extent set forth in Section 87.1 of ~~Title 52 of the Oklahoma~~
24 ~~Statutes~~ this title.

