

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 419

By: Branan

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5
6 AS INTRODUCED

7 An Act relating to oil and gas; amending 52 O.S.
8 2001, Section 570.2, which relates to the Production
9 Revenue Standards Act; modifying definition; and
10 declaring an emergency.

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

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

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

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

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

23 3. "Producing owner" means an owner entitled to produce who
24 during a given month produces oil or gas for its own account or the

1 account of subsequently created interests as they burden its
2 interest;

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

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

12 b. divided by the remainder of one (1) less the royalty
13 share;

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

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

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

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

1 The interest of a participating mineral interest owner shall be
2 designated in part as a royalty interest and in part as a working
3 interest as set forth in Section 87.1 of ~~Title 52 of the Oklahoma~~
4 ~~Statutes~~ this title;

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

7 a. the gross mineral acres under the well attributable to
8 such interest, divided by

9 b. the total mineral acres under the well;

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

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

21 10. "Subsequently created interest" means any interest carved
22 from a working interest other than a royalty interest, including but
23 not limited to overriding royalty interest. In addition to the
24 royalty interest contained in a lease, a nonparticipatory interest

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

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

15 a. a well having uniform ownership as to all producing
16 zones,

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

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

22 12. "Working interest" means the interest in a well entitling
23 the owner thereof to drill for and produce oil and gas, including
24 but not limited to the interest of a participating mineral owner to

1 the extent set forth in Section 87.1 of ~~Title 52 of the Oklahoma~~
2 ~~Statutes~~ this title.

3 SECTION 2. It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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