

1 **SENATE FLOOR VERSION**

2 February 14, 2013

3 SENATE BILL NO. 191

By: Marlatt and Ivester of the  
Senate

4 and

5 Jackson of the House

6  
7  
8 An Act relating to oil and gas; amending 52 O.S.  
9 2011, Section 318.3, which relates to negotiation of  
10 surface damages; providing alternative methods of  
delivery for certain required notice; and declaring  
an emergency.

11  
12  
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 52 O.S. 2011, Section 318.3, is  
15 amended to read as follows:

16 Section 318.3. Before entering upon a site for oil or gas  
17 drilling, except in instances where there are non-state resident  
18 surface owners, non-state resident surface tenants, unknown heirs,  
19 imperfect titles, surface owners, or surface tenants whose  
20 whereabouts cannot be ascertained with reasonable diligence, the  
21 operator shall give to the surface owner a written notice of his  
22 intent to drill containing a designation of the proposed location  
23 and the approximate date that the operator proposes to commence  
24 drilling.

1       Such notice shall be given in writing by certified mail to the  
2 surface owner, or delivered to the surface owner by a professional  
3 process server or other person engaged by the operator for such  
4 purpose. If the operator makes an affidavit that he has conducted a  
5 search with reasonable diligence and the whereabouts of the surface  
6 owner cannot be ascertained or such notice cannot be delivered, then  
7 constructive notice of the intent to drill may be given in the same  
8 manner as provided for the notice of proceedings to appoint  
9 appraisers.

10       Within five (5) days of the date of delivery or service of the  
11 notice of intent to drill, it shall be the duty of the operator and  
12 the surface owner to enter into good faith negotiations to determine  
13 the surface damages.

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

18 COMMITTEE REPORT BY: COMMITTEE ON ENERGY  
19 February 14, 2013 - DO PASS  
20  
21  
22  
23  
24