An Act

ENROLLED SENATE
BILL NO. 191

By: Marlatt and Ivester of the Senate

and

Jackson and Russ of the House

An Act relating to oil and gas; amending 52 O.S. 2011, Section 318.3, which relates to negotiation of surface damages; modifying method of delivery for certain required notice; and declaring an emergency.

SUBJECT: Surface owner notification

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

SECTION 1. AMENDATORY 52 O.S. 2011, 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 non-state resident surface owners, non-state 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 intent to drill containing a designation of the proposed location and the approximate date that the operator proposes to commence drilling.

Such notice shall be given ~~in writing by certified mail~~ to the surface owner in any manner as provided for in paragraph 1 and paragraph 2 of subsection C of Section 2004 of Title 12 of the

Oklahoma Statutes for the service by personal delivery or by mail of a summons in a civil action. If the operator makes an affidavit that he has conducted a search with reasonable diligence and the whereabouts of the surface owner cannot be ascertained or such 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. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 14th day of May, 2013.

Presiding Officer of the Senate

Passed the House of Representatives the 16th day of April, 2013.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 15th

day of May, 20 13, at 2:54 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 20th

day of May, 20 13, at 2:48 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 20th

day of May, 20 13, at 4:15 o'clock P. M.

By: Chris Phennis