

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Drilling Operations Act is amended by  
5 changing Sections 2, 3, and 4 as follows:

6 (765 ILCS 530/2) (from Ch. 96 1/2, par. 9652)

7 Sec. 2. As used in this Act:

8 (a) "Person" means any natural person, corporation, firm,  
9 partnership, venture, receiver, trustee, executor,  
10 administrator, guardian, fiduciary or other representative of  
11 any kind and includes any government or any political  
12 subdivision or agency thereof;

13 (b) "Drilling operations" means the drilling, deepening or  
14 conversion of a well for oil or gas production, core hole or  
15 drill hole for a stratigraphic test;

16 (c) "Entry" means the moving upon the surface of land with  
17 equipment to commence drilling operations, but shall not  
18 include entry for the survey for or ascertaining or  
19 identification of a well location;

20 (d) "Operator" means the person, whether the owner or not,  
21 who applies for or holds a permit for drilling operations or  
22 who is named as the principal on a bond for a permit for a well  
23 that was issued by the Department of Natural Resources;

1 (e) "Surface owner" means the person in whose name the  
2 surface of the land on which drilling operations are  
3 contemplated, and who is assessed for purposes of taxes imposed  
4 pursuant to the Property Tax Code according to the records of  
5 the assessor of the county where the land is located as  
6 certified by said assessor;

7 (f) "Assessor" means the supervisor of assessments, board  
8 of assessors, or county assessor, as the case may be, for the  
9 county in which the land is located;

10 (g) "Production operation" means the operation of a well  
11 for the production of oil, ~~or~~ gas, and coalbed methane,  
12 including all acts, structures, equipment, and roadways  
13 necessary for such operation;

14 (h) "New well" means a well that is spudded after the  
15 effective date of this Act and does not utilize any part of a  
16 well bore or drilling location that existed prior to the  
17 effective date of this Act;

18 (i) "Completion of the well" means completion of those  
19 processes necessary before production occurs, including the  
20 laying of flow lines and the construction of the tank battery.  
21 If the well is not productive, the date of completion of the  
22 well is the day it is plugged and abandoned.

23 (Source: P.A. 88-670, eff. 12-2-94; 89-445, eff. 2-7-96.)

24 (765 ILCS 530/3) (from Ch. 96 1/2, par. 9653)

25 Sec. 3. This Act shall be applicable only for the drilling

1 operations of new wells except as explicitly provided in  
2 paragraph (c) of Section 6. It shall not apply for reworking  
3 operations on a well.

4 This Act shall be applicable only when the surface owner  
5 has not consented in writing to the drilling operations and:

6 (A) there has been a complete severance of the ownership of  
7 the oil, ~~and gas,~~ and coalbed methane from the ownership of the  
8 surface, or

9 (B) where the surface owner owns an interest in the oil,  ~~10 and gas,~~ and coalbed methane, which interest is the subject of  
11 either:

12 (1) An integration proceeding brought pursuant to "An Act  
13 in relation to oil, gas, coal, and other surface and  
14 underground resources and to repeal an Act herein named",  
15 approved July 24, 1945, as amended, or

16 (2) A proceeding brought pursuant to "An Act in relation to  
17 oil and gas interest in land", approved July 1, 1939, as  
18 amended.

19 (Source: P.A. 85-1312.)

20 (765 ILCS 530/4) (from Ch. 96 1/2, par. 9654)

21 Sec. 4. Notice.

22 (a) Prior to commencement of the drilling of a well, the  
23 operator shall give a copy of the Act with a written notice to  
24 the surface owner of the operator's intent to commence drilling  
25 operations.

1           (b) The operator shall, for the purpose of giving notice as  
2 herein required, secure from the assessor's office within 90  
3 days prior to the giving of the notice, a certification which  
4 shall identify the person in whose name the lands on which  
5 drilling operations are to be commenced and who is assessed at  
6 the time the certification is made. The written certification  
7 made by the assessor of the surface owner shall be conclusive  
8 evidence of the surface ownership and of the operator's  
9 compliance with the provisions of this Act.

10          (c) The notice required to be given by the operator to the  
11 surface owner shall identify the following:

12           (1) The location of the proposed entry on the surface  
13 for drilling operations, and the date on or after which  
14 drilling operations shall be commenced.

15           (2) A photocopy of the drilling application to the  
16 Department of Natural Resources for the well to be drilled.

17           (3) The name, address and telephone number of the  
18 operator.

19           (4) An offer to discuss with the surface owner those  
20 matters set forth in Section 5 hereof prior to commencement  
21 of drilling operations.

22          If the surface owner elects to meet the operator, the  
23 surface owner shall request the operator to schedule a meeting  
24 at a mutually agreed time and place within the limitations set  
25 forth herein. Failure of the surface owner to contact the  
26 operator at least 5 days prior to the proposed commencement of

1 drilling operations shall be conclusively deemed a waiver of  
2 the right to meet by the surface owner.

3 The meeting shall be scheduled between the hours of 9:00 in  
4 the morning and the setting of the sun of the same day and  
5 shall be at least 3 days prior to commencement of drilling  
6 operations. Unless agreed to otherwise, the place shall be  
7 located within the county in which drilling operations are to  
8 be commenced where the operator or his agent shall be available  
9 to discuss with the surface owner or his agent those matters  
10 set forth in Section 5 hereof.

11 The notice and a copy of the Act as herein required shall  
12 be given to the surface owner by either:

13 (A) certified mail addressed to the surface owner at  
14 the address shown in the certification obtained from the  
15 assessor, which shall be postmarked at least 15 ~~10~~ days  
16 prior to the commencement of drilling operations; or

17 (B) personal delivery to the surface owner at least 15  
18 ~~8~~ days prior to the commencement of drilling operations.

19 (C) Notice to the surface owner as defined in this Act  
20 shall be deemed conclusive notice to the record owners of  
21 all interest in the surface.

22 (Source: P.A. 95-331, eff. 8-21-07; 95-493, eff. 1-1-08.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.