



Sen. William R. Haine

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09500SB2079sam001

LRB095 15440 AJ0 48928 a

1 AMENDMENT TO SENATE BILL 2079

2 AMENDMENT NO. _____. Amend Senate Bill 2079 by replacing
3 everything after the enacting clause with the following:

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

1 equipment to commence drilling operations, but shall not
2 include entry for the survey for or ascertaining or
3 identification of a well location;

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

8 (e) "Surface owner" means the person in whose name the
9 surface of the land on which drilling operations are
10 contemplated, and who is assessed for purposes of taxes imposed
11 pursuant to the Property Tax Code according to the records of
12 the assessor of the county where the land is located as
13 certified by said assessor;

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

17 (g) "Production operation" means the operation of a well
18 for the production of oil, ~~or~~ gas, and coalbed methane,
19 including all acts, structures, equipment, and roadways
20 necessary for such operation;

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

25 (i) "Completion of the well" means completion of those
26 processes necessary before production occurs, including the

1 laying of flow lines and the construction of the tank battery.
2 If the well is not productive, the date of completion of the
3 well is the day it is plugged and abandoned.

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

5 (765 ILCS 530/3) (from Ch. 96 1/2, par. 9653)

6 Sec. 3. This Act shall be applicable only for the drilling
7 operations of new wells except as explicitly provided in
8 paragraph (c) of Section 6. It shall not apply for reworking
9 operations on a well.

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

12 (A) there has been a complete severance of the ownership of
13 the oil, ~~and gas,~~ and coalbed methane from the ownership of the
14 surface, or

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

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

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

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

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

2 Sec. 4. Notice.

3 (a) Prior to commencement of the drilling of a well, the
4 operator shall give a copy of the Act with a written notice to
5 the surface owner of the operator's intent to commence drilling
6 operations.

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

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

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

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

23 (3) The name, address and telephone number of the
24 operator.

25 (4) An offer to discuss with the surface owner those

1 matters set forth in Section 5 hereof prior to commencement
2 of drilling operations.

3 If the surface owner elects to meet the operator, the
4 surface owner shall request the operator to schedule a meeting
5 at a mutually agreed time and place within the limitations set
6 forth herein. Failure of the surface owner to contact the
7 operator at least 5 days prior to the proposed commencement of
8 drilling operations shall be conclusively deemed a waiver of
9 the right to meet by the surface owner.

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

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

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

24 (B) personal delivery to the surface owner at least 15
25 ~~8~~ days prior to the commencement of drilling operations.

26 (C) Notice to the surface owner as defined in this Act

1 shall be deemed conclusive notice to the record owners of
2 all interest in the surface.

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

4 Section 99. Effective date. This Act takes effect upon
5 becoming law."