

AN ACT concerning civil law.

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

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

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

Sec. 2. As used in this Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 4. Notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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