



Sen. J. Bradley Burzynski

Filed: 3/22/2004

09300SB2696sam002

LRB093 20575 LCB 48679 a

1 AMENDMENT TO SENATE BILL 2696

2 AMENDMENT NO. _____. Amend Senate Bill 2696, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Drilling Operations Act is amended by
6 changing Section 4 and by adding Section 3.5 as follows:

7 (765 ILCS 530/3.5 new)

8 Sec. 3.5. Information pamphlet. The Department of Natural
9 Resources shall prepare an information pamphlet concerning a
10 property owner's rights relating to drilling operations and the
11 laws pertaining to those rights. The Department of Natural
12 Resources shall provide the drilling operator with a copy of
13 the pamphlet at the time that the operator is given a permit to
14 perform the drilling operations.

15 (765 ILCS 530/4) (from Ch. 96 1/2, par. 9654)

16 Sec. 4. Notice.

17 (a) Prior to commencement of the drilling of a well, the
18 operator shall give written notice to the surface owner of the
19 operator's intent to commence drilling operations. In addition
20 to the notice, the operator shall give the surface owner the
21 pamphlet prepared by the Department of Natural Resources
22 informing the owner of the law and the owner's rights
23 concerning the drilling 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 (5) If the surface owner elects to meet the operator,
23 the surface owner shall request the operator to schedule a
24 meeting at a mutually agreed time and place within the
25 limitations set forth herein. Failure of the surface owner
26 to contact the operator at least 5 days prior to the
27 proposed commencement of drilling operations shall be
28 conclusively deemed a waiver of the right to meet by the
29 surface owner.

30 (6) The meeting shall be scheduled between the hours of
31 9:00 in the morning and the setting of the sun of the same
32 day and shall be at least 3 days prior to commencement of
33 drilling operations. Unless agreed to otherwise, the place
34 shall be located within the county in which drilling

1 operations are to be commenced where the operator or his
2 agent shall be available to discuss with the surface owner
3 or his agent those matters set forth in Section 5 hereof.

4 (7) The notice herein required shall be given to the
5 surface owner by either:

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

11 (B) personal delivery to the surface owner at least
12 8 days prior to the commencement of drilling
13 operations.

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

17 (Source: P.A. 89-445, eff. 2-7-96.)".