

House Amendment to
Senate File 2490

S-5256

1 Amend Senate File 2490, as passed by the Senate, as follows:

2 1. Page 6, line 15, after <subsection 1,> by inserting <and
3 only if the producer has identified pools of existing natural
4 hydrogen within the spacing unit,>

5 2. Page 9, by striking lines 28 through 30 and inserting:
6 <Sec. ____ . NEW SECTION. 458A.26 Permission to enter site —
7 negotiation of surface damages.>

8 3. Page 9, before line 31 by inserting:

9 <1. Before entering a site that is subject to a pooling
10 order under section 458A.8, or that is within an exploratory
11 spacing unit, for purposes of an oil and gas operation, an
12 operator shall receive written permission from the surface
13 owner to enter the site. If the surface owner does not grant
14 written permission to the operator to enter the site, the
15 operator shall not enter the site for purposes of an oil and
16 gas operation.>

17 4. Page 9, line 31, by striking <1.> and inserting <2.>

18 5. Page 9, line 31, before <Before entering> by inserting
19 <a.>

20 6. Page 10, line 2, after <drill.> by inserting <If the
21 parties do not reach an agreement for payment of damages, the
22 operator shall not enter the site to drill.>

23 7. Page 10, after line 2 by inserting:

24 <b. Before entering into a negotiation under paragraph "a",
25 the operator shall provide a written description of the opt-out
26 procedure described in paragraph "c".

27 c. A surface owner may decline further communication with
28 an operator concerning a possible agreement for the payment
29 of any damage that may be caused by the drilling operation
30 by providing verbal or written notice to the operator that
31 states that the surface owner does not wish to discuss the
32 matter further, and by submitting to the attorney general
33 notice through mail or electronic means stating the same. Upon
34 receipt of such notice from the surface owner, the attorney
35 general shall forward a copy to the operator.

1 *d.* After receipt of notice from the surface owner pursuant
2 to paragraph "*c*", the operator shall not initiate further
3 contact with the surface owner for purposes of an agreement
4 for the payment of any damages that may be caused by the
5 drilling operation, except that the operator shall continue to
6 provide the surface owner with notices otherwise required by
7 law. The surface owner may rescind such refusal by contacting
8 the operator and notifying the attorney general through mail
9 or electronic means. Unless the surface owner rescinds the
10 refusal, the surface owner's land shall be deemed unavailable
11 for an agreement.

12 *e.* An operator violating the contact prohibition in
13 paragraph "*d*" is subject to a civil penalty of not less than ten
14 thousand dollars for each violation.>

15 8. Page 10, after line 2 by inserting:

16 <3. For purposes of this section, "*oil and gas operation*"
17 means the same as defined in section 458A.30.>

18 9. By striking page 10, line 3, through page 13, line 2.

19 10. Title page, line 5, after <jurisdiction> by inserting <,
20 and providing civil penalties>

21 11. By renumbering as necessary.