

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

# A Bill

HOUSE BILL 2182

5 By: Representative Roebuck  
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## For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR THE EXTINGUISHING OF UNUSED  
10 SEVERED MINERAL RIGHTS; AND FOR OTHER PURPOSES.  
11

## Subtitle

12 AN ACT TO PROVIDE FOR THE EXTINGUISHING  
13 OF UNUSED SEVERED MINERAL RIGHTS.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code Title 15, Chapter 56, is amended to add an  
20 additional subchapter to read as follows:

21 15-56-601. Definition.

22 As used in this subchapter, "severed mineral interest" means the  
23 interest created by an instrument transferring, either by grant, assignment,  
24 reservation, or otherwise, an interest of any kind in coal, sand, gravel,  
25 oil, gas, bromine, brine, or other minerals.  
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27 15-56-602. A severed mineral interest shall be extinguished if unused  
28 for a period of twenty (20) years, unless a statement of claim is filed in  
29 accordance with § 15-56-605, and the ownership shall revert to the fee owner  
30 of the land on or under which the severed mineral interest is located.  
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32 15-56-603. A severed mineral interest shall be deemed to be used if:

33 (1) There are any minerals currently being produced under the severed  
34 mineral interest, at the end of the expiration period;

35 (2) Operations on the land on or under which the severed mineral  
36 interest is located are being conducted for injection, withdrawal, storage or



1 disposal of water, gas or other fluid substances;

2 (3) Rentals or royalties are being paid to the owner of the severed  
 3 mineral interest for the purpose of delaying or enjoying the use or exercise  
 4 of the rights;

5 (4) Any use is being carried out on any tract with which the severed  
 6 mineral interest may be unitized or pooled for production purposes;

7 (5) For coal or other solid minerals, there is production from a  
 8 common vein or seam by the owner of the severed mineral interests; or

9 (6) Taxes are paid on the severed mineral interest by the owner of the  
 10 severed mineral interest.

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 12 15-56-604. (a) The owner of the severed mineral interest shall file  
 13 with the clerk of the county in which the mineral lands or mineral interests  
 14 or the greater part thereof lie, the statement of claim under § 15-56-602  
 15 before the end of the twenty-year period or before September 1, 2005,  
 16 whichever is later.

17 (b) The statement of claim shall contain:

18 (1) The name and address of the owner of the interest;

19 (2) A description of the land on or under which the severed  
 20 mineral interest is located; and

21 (3) A description of the ownership interest or degree of  
 22 ownership.

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 24 15-56-605. Failure to file a statement of claim within the time  
 25 required under § 15-56-604 shall not cause a severed mineral interest to be  
 26 extinguished if the owner of the severed mineral interest:

27 (1)(A) Made diligent effort to preserve all of the severed mineral  
 28 interests that were not being used; and

29 (B) Preserved within a period of ten (10) years before the  
 30 expiration of the period under § 15-56-604 other severed mineral interests in  
 31 the county by the filing of statements of claim under § 15-56-602; or

32 (2)(A) Filed the statement of claim required under § 15-56-602 within  
 33 sixty (60) days after publication of notice under § 15-56-606, if the notice  
 34 is published; or

35 (B) If no notice is published, within sixty (60) days after  
 36 receiving actual knowledge that the severed mineral interest had lapsed.

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15-56-606. A person who will succeed to the ownership of a severed mineral interest upon the lapse of the interest shall give notice of the lapse of the severed mineral interest:

(1) By publishing a notice in a newspaper of general circulation in the county in which the severed mineral interest is located; and

(2) If the address of the severed mineral interest owner is shown of record or can be determined upon reasonable inquiry, by mailing a copy of the notice to the owner of the severed mineral interest within ten (10) days after the publication.

15-56-607. Upon the filing of the statement of claim under § 15-56-604 or the proof of service of notice under § 15-56-606 in the office for the county where the interest is located, the recorder shall record the statement or affidavit of publication and service of notice in a book to be kept for that purpose, which shall be known as the "Dormant Severed Mineral Interest Record".

15-56-608. The provisions of this subchapter may not be waived at any time before the expiration of the twenty (20) year period provided in § 15-56-602.