

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 86th General Assembly  
3 Regular Session, 2007  
4

# A Bill

SENATE BILL 228

5 By: Senator J. Taylor  
6 By: Representative Maxwell  
7

## For An Act To Be Entitled

8  
9  
10 AN ACT TO PROVIDE FOR THE EXTINGUISHING OF UNUSED  
11 SEVERED MINERAL RIGHTS; AND FOR OTHER PURPOSES.  
12

## Subtitle

13  
14 AN ACT TO PROVIDE FOR THE EXTINGUISHING  
15 OF UNUSED SEVERED MINERAL RIGHTS.  
16  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. Arkansas Code Title 15, Chapter 56 is amended to add an  
21 additional subchapter to read as follows:

22 15-56-601. Definition.

23 As used in this subchapter, "severed mineral interest" means the  
24 interest created by an instrument transferring, either by grant, assignment,  
25 reservation, or otherwise, an interest of any kind in coal, sand, gravel,  
26 shale, oil, gas, bromine, brine, or other minerals.  
27

28 15-56-602. Title to severed mineral interest extinguished.

29 Unless a statement of claim is filed under § 15-56-604, a severed  
30 mineral interest is extinguished if unused for a period of fifteen (15) years  
31 after the date of severance and the ownership of the severed mineral interest  
32 reverts to the fee owner of the land on or under which the severed mineral  
33 interest is located.  
34

35 15-56-603. Severed mineral interest used.

36 A severed mineral interest is used if:



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

3           (2) Operations on the land on or under which the severed mineral  
4 interest is located are being conducted for injection, withdrawal, storage or  
5 disposal of water, gas, or other fluid substances;

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

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

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

13           (6) Taxes are paid on the severed mineral interest by the owner  
14 of the severed mineral interest.

15  
16           15-56-604. Filing a claim to a severed mineral interest.

17           (a) Before the end of the fifteen-year period specified in § 15-56-602  
18 or before September 1, 2009, whichever is later, the owner of a severed  
19 mineral interest shall file a statement of claim of ownership of the severed  
20 mineral interest with the clerk of the county in which the mineral lands,  
21 severed mineral interests, or the greater part of the mineral lands and  
22 severed mineral interest lie.

23           (b) The statement of claim of ownership of the severed mineral  
24 interest shall contain:

25           (1) The name and address of the owner of the severed mineral  
26 interest;

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

29           (3) A description of the ownership interest or degree of  
30 ownership of the severed mineral interest.

31  
32           15-56-605. Failure to file a claim.

33           Failure to file a statement of claim within the time required under §  
34 15-56-604 shall not cause a severed mineral interest to be extinguished if  
35 the owner of the severed mineral interest:

36           (1)(A) Made a diligent effort to preserve all of the severed

1 mineral interests that were not being used; and

2 (B) Preserved another severed mineral interest in the  
 3 county within a period of fifteen (15) years before the expiration of the  
 4 period under § 15-56-604 by the filing of a statement of claim under § 15-56-  
 5 604; or

6 (2) Filed the statement of claim required under § 15-56-604  
 7 within sixty (60) days after publication of notice under § 15-56-606, if the  
 8 notice is published; or

9 (3) If no notice is published, filed the statement of claim  
 10 required under § 15-56-604 within sixty (60) days after receiving actual  
 11 knowledge that the severed mineral interest has lapsed.

12  
 13 15-56-606. Notice.

14 A person who will succeed to the ownership of a severed mineral  
 15 interest upon the lapse of the interest shall give notice of the lapse of the  
 16 severed mineral interest:

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

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

23  
 24 15-56-607. Recording of claim.

25 Upon the filing of the statement of claim under § 15-56-604 or the  
 26 proof of service of notice under § 15-56-606 in the office of the county  
 27 clerk for the county in which the severed mineral interest is located, the  
 28 recorder shall record the statement of claim, an affidavit of publication,  
 29 and the proof of service of notice.

30  
 31 15-56-608. Prohibition on waiver.

32 The provisions of this subchapter may not be waived at any time before  
 33 the expiration of the fifteen-year period under § 15-56-602.