

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

As Engrossed: S2/14/07

A Bill

SENATE BILL 228

5 By: Senator J. Taylor
6 By: Representative Maxwell
7
8

For An Act To Be Entitled

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

Subtitle

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 circuit clerk for the county in which the mineral
21 lands, severed mineral interests, or the greater part of the mineral lands
22 and 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) If known by the owner, a description of the ownership
30 interest or degree of 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 circuit
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.

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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.

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35 /s/ J. Taylor
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