

By: Senator(s) Scoper

To: Oil, Gas and Other
Minerals; Judiciary

SENATE BILL NO. 2896

1 AN ACT TO ENACT CERTAIN LIMITATIONS ON THE RENDERING OF
2 JUDGMENT AND THE DISPOSITION OF DAMAGE AWARDS IN THE CASE OF
3 INJURIES CAUSED TO LAND AND ARISING IN CONNECTION WITH OR AS A
4 RESULT OF THE EXPLORATION FOR OR PRODUCTION OF OIL, GAS OR OTHER
5 MINERALS; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. (1) Any monetary sum that is awarded as damages
8 for injuries caused to land located in this state arising out of
9 or in connection with or as a result of the exploration for or
10 production of oil, gas or other minerals shall be divided in the
11 verdict of the trier of fact and in the final judgment, and shall
12 be limited to either the difference in the before and after fair
13 market value of the land or the cost of restoring or remediating
14 the damages caused to the land.

15 (2) (a) Any monetary sum that is awarded as damages to
16 restore or remediate injuries caused to land located in this state
17 arising out of or in connection with or as a result of the
18 exploration for or production of oil, gas or other minerals shall
19 be used solely for the purpose of restoring or remediating the
20 injuries to the land subject to paragraph (b) of this subsection
21 (2).

22 (b) As a part of its final judgment in any action
23 described in paragraph (a), the trial court shall order the
24 monetary sum to be paid by the responsible defendant into an
25 interest bearing trust account that shall be administered by the
26 Mississippi State Oil and Gas Board. The board shall use the sum
27 so paid solely for the purpose of restoring or remediating the
28 damages caused to the land. An accounting shall be filed annually

29 by the board with the court, and provided to the parties,
30 concerning the status of the trust account and the disposition and
31 use of any monies therein. Any monies that remain in the trust
32 account after completion of the restoration or remediation is
33 complete shall be paid to the defendant or defendants or other
34 person or persons who paid the monies into the trust account.
35 Interest from the interest-bearing account shall be paid to the
36 board as compensation for its oversight and implementation of the
37 remediation.

38 SECTION 2. This act shall take effect and be in force from
39 and after its passage.