

By: Representatives Boyd, Tullos

To: Judiciary A

HOUSE BILL NO. 238

1 AN ACT TO PROVIDE THAT MINERAL ESTATES SEPARATED FROM THE
2 SURFACE ESTATE SHALL REVERT TO THE OWNER OF THE SURFACE ESTATE
3 AFTER TWENTY YEARS OF NONPRODUCTION; TO DEFINE NONPRODUCTION; AND
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** (1) Mineral estates separated from the surface
7 estate prior to the passage of this act, shall revert to the owner
8 of the surface estate if, after a twenty-year period, there is no
9 bona fide attempt to drill for or produce minerals or no actual
10 production of minerals. The twenty-year period may run
11 continuously or be interrupted. If there is attempted or actual
12 production, the period shall be interrupted and shall begin again
13 on the day after the last day of actual production or the last day
14 actual drilling or production operations are conducted on the
15 property. For contracts providing for shut-in rental payments in
16 lieu of production, the twenty-year period may be interrupted, but
17 shall begin again at the end of the period for which the last
18 rental payment was made if there is no production. The
19 possibility of interruption is not limited to the instances stated



20 in this section, but may extend to other circumstances as equity
21 may demand. If the twenty-year period is interrupted and begins
22 again with less than one hundred eighty (180) days remaining in
23 the period, the period shall not expire less than one hundred
24 eighty (180) days after the date on which the period begins again.

25 (2) If on July 1, 2018, the owner of the mineral estate
26 interests is separate from that of the owner of the surface
27 estate, and there has been twenty (20) years of nonproduction or
28 no bona fide attempt to drill for or produce minerals or no actual
29 production of minerals, the mineral interest shall immediately
30 revert to the owner of the surface estate in accordance with this
31 section.

32 (3) The surface estate owner to which the mineral estate
33 shall revert by operation of this act is the holder of the surface
34 estate at the time of the reversion.

35 (4) For purposes of this section, oil and gas are deemed not
36 to be in production if: (a) in the case of oil production, the
37 well is not located on the regular governmental quarter-quarter
38 section of surface estate where the severed mineral estate lies;
39 or (b) in the case of gas production, the gas well is not located
40 in the regular governmental one-half (1/2) section in which the
41 mineral interest lies.

42 **SECTION 2.** This act shall take effect and be in force from
43 and after its passage.

