

SENATE BILL NO. 115

BY SENATOR WARD AND REPRESENTATIVE JIM MORRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 31:164, 166, and 175, relative to mineral rights and operations; to provide relative to co-ownership; to provide relative to the rights and consequences arising from co-ownership of land and mineral rights; to provide relative to the creation of servitudes and leases; to provide relative to the exercise of rights and the conducting of operations; to provide certain terms, conditions, consent requirements, procedures, and effects; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 31:164, 166, and 175 are hereby amended and reenacted to read as follows:

§164. Creation of mineral servitude by co-owner of land

A co-owner of land may create a mineral servitude out of his undivided interest in the land, and prescription commences from the date of its creation. One who acquires a mineral servitude from a co-owner of land may not exercise his right without the consent of co-owners owning at least an undivided ~~eighty~~ **seventy-five** percent interest in the land, provided that he has made every effort to contact such co-owners and, if contacted, has offered to contract with them on substantially the same basis that he has contracted with another co-owner. A co-owner of the land who does not consent to the exercise of such rights has no liability for the costs of development and operations, except out of his share of production.

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§166. Granting of mineral lease by co-owner of land

A co-owner of land may grant a valid mineral lease or a valid lease or permit for geological surveys, by means of a torsion balance, seismographic explosions, mechanical device, or any other method as to his undivided interest in the land but

1 the lessee or permittee may not exercise his rights thereunder without consent of
 2 co-owners owning at least an undivided ~~eighty~~ **seventy-five** percent interest in the
 3 land, provided that he has made every effort to contact such co-owners and, if
 4 contacted, has offered to contract with them on substantially the same basis that he
 5 has contracted with another co-owner. A co-owner of the land who does not consent
 6 to the exercise of such rights has no liability for the costs of development and
 7 operations or other costs, except out of his share of production.

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9 §175. Co-owner of mineral servitude may not operate independently

10 A co-owner of a mineral servitude may not conduct operations on the
 11 property subject to the servitude without the consent of co-owners owning at least
 12 an undivided ~~eighty~~ **seventy-five** percent interest in the servitude, provided that he
 13 has made every effort to contact such co-owners and, if contacted, has offered to
 14 contract with them on substantially the same basis that he has contracted with
 15 another co-owner. Operations as used in this Section shall include geological
 16 surveys, by means of a torsion balance, seismographic explosions, mechanical
 17 device, or any other method. A co-owner of the servitude who does not consent to
 18 such operations has no liability for the costs of development and operations except
 19 out of his share of production.

20 Section 2. The provisions of this Act shall have prospective application only and
 21 shall apply only to contracts entered into on or after the effective date of this Act.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____