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INTRODUCED BY *Senate* BILL NO. *176*
Rosbie *Manly* *Arakham* *Turnage*

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE TERMINATION OF DORMANT MINERAL INTEREST IN LAND OWNED BY PERSONS OTHER THAN THE OWNER OF THE SURFACE AND TO PROVIDE FOR THE VESTING OF TITLE TO SUCH MINERAL INTERESTS IN THE SURFACE OWNERS IN THE ABSENCE OF THE FILING OF A NOTICE OF CLAIM OF INTEREST WITHIN A SPECIFIED PERIOD OF TIME."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Interest owned by person other than owner of surface -- abandonment -- claim of interest -- vesting of interest. Any interest in oil, gas, or other minerals in any land owned by anyone other than the owner of the surface, which has not been devised, sold, leased, mortgaged or transferred by instrument recorded in the office of the clerk and recorder in the county where such interest is located for a period of twenty-five (25) years shall, in the absence of the actual production of oil, gas, or other minerals from such land, or from lands covered by a lease to which such interest is subject, or from lands pooled, unitized, or included in unit operations therewith, during such period of twenty-five (25) years, be deemed abandoned, unless the owner thereof, within three (3) years after the

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effective date of this act or within twenty-five (25) years after the last devise, sale, lease, mortgage, or transfer of record of such interest or actual production of oil, gas, or other minerals from such land, or from lands covered by a lease to which such interest is subject, or from lands pooled, unitized, or included in unit operations therewith, whichever is later, records a claim of interest as provided in this act. Any interest in oil, gas, or other minerals deemed abandoned as herein provided shall vest as of the date of such abandonment in the owner of the surface.

Section 2. Preservation of interest -- notice -- contents. Any interest in oil, gas, or other minerals referred to in this act may be preserved by the recording within the period specified in this act a verified written notice in the clerk and recorder's office for the county where such interest is located, describing the land and the nature of the interest claimed, giving the name and address of the person or persons claiming the interest, and stating that such person or persons desire to preserve the interest and do not intend to abandon same. This recording of notice preserves such interest from abandonment for a period of twenty-five (25) years thereafter. If the nondormant character of the interest has not been evidenced by sale, lease, mortgage, or transfer by instrument recorded in the clerk and recorder's office for the county where such

1 interest is located; oil, gas, or other minerals have not
2 been actually produced from those lands, or from lands
3 covered by a lease to which such interest is subject, or
4 from lands pooled, unitized, or included in unit operations
5 therewith; or a like notice filed, such interest shall be
6 deemed abandoned. In the absence of prior abandonment, such
7 interests may be preserved indefinitely by the filing of
8 notices or by other actions evidencing nondormancy of the
9 interest in accord with this act at intervals of not more
10 than twenty-five (25) years.

-End-