

**LEGISLATIVE REFERENCE BUREAU**

AMENDMENTS TO SENATE BILL NO. 1324

Sponsor:

Printer's No. 1762

1 Amend Bill, page 1, lines 17 through 19, by striking out all  
2 of said lines and inserting

3 (b) Nonapplicability.--The rebuttable presumption  
4 established in this section shall not apply to fee interests,  
5 including, without limitation, deeds and long-term leases for  
6 coal and other minerals and oil and gas, including all  
7 appurtenant rights, which have been reserved or acquired by a  
8 duly recorded conveyance.

9 (c) Definitions.--The following words and phrases when used  
10 in this section shall have the meanings given to them in this  
11 subsection unless the context clearly indicates otherwise:

12 "Exercise of subsurface rights." The term includes, but is  
13 not limited to, any of the following:

14 (1) The production of any oil and gas and the production  
15 of coal or other minerals under subsurface rights.

16 (2) Operations being conducted under subsurface rights  
17 for injection, withdrawal, storage or disposal of water, oil,  
18 gas or other fluid substances.

19 (3) A mortgage, assignment, conveyance or order or  
20 agreement to pool or unitize subsurface rights recorded in  
21 the recorder's office in the county in which the right or  
22 interest is located.

23 (4) Payment of taxes or fees on subsurface rights by the  
24 owner or owner's agent.

25 (5) A valid permit of any government agency pertaining  
26 to the use of subsurface rights has been issued.

27 (6) A statement describing subsurface rights and  
28 claiming ownership of the right and the intention to preserve  
29 subsurface rights is filed with the court and recorded in the  
30 county where the subsurface rights are located prior to entry  
31 of a final judgment.

32 (7) Use of the surface, the strata between the surface  
33 and the situs of the mineral and the strata where the mineral  
34 is situated for, without limitation, exploration, evaluation,  
35 surveying, digging, extraction, production, draining,  
36 ventilation, cleaning, storing, blending and transportation  
37 for and of the mineral.

38 "Subsurface rights." Mineral, oil or gas rights or

1 interests, or any combination of those rights or interests.