

House File 2531

H-8033

1 Amend House File 2531 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. NEW SECTION. 331.310 Mineral interests.

5 1. For purposes of this section:

6 a. "*Mineral interests*" means any real property interest  
7 in one or more natural resources or minerals underlying the  
8 surface of a tract of land, which can be owned separately from  
9 the surface estate.

10 b. "*Minerals*" means coal, any naturally occurring gas, oil,  
11 or other gaseous, liquid, or solid hydrocarbons; oil shale;  
12 gemstones; metals; fissionable or nonfissionable ore; or steam  
13 or other geothermal resources.

14 2. A county shall divest itself of any mineral interest  
15 owned or controlled by the county and shall convey such mineral  
16 interest to the surface owner of the land to which the mineral  
17 interest pertains except when the county is the fee simple  
18 surface owner of the land. A conveyance under this section  
19 shall be made without consideration and shall be without cost  
20 to the surface owner of the land.

21 3. A county shall complete all conveyances required under  
22 this section no later than five years after the effective date  
23 of this Act. Conveyances pursuant to section 458A.20 shall  
24 be completed within one hundred fifty days of service of the  
25 required notice. Any interest in minerals acquired by the  
26 county after the effective date of this Act shall be conveyed  
27 as required under this section within ninety days.

28 Sec. 2. NEW SECTION. 364.26 Mineral interests.

29 1. For purposes of this section:

30 a. "*Mineral interests*" means any real property interest  
31 in one or more natural resources or minerals underlying the  
32 surface of a tract of land, which can be owned separately from  
33 the surface estate.

34 b. "*Minerals*" means coal, any naturally occurring gas, oil,  
35 or other gaseous, liquid, or solid hydrocarbons; oil shale;

1 gemstones; metals; fissionable or nonfissionable ore; or steam  
2 or other geothermal resources.

3 2. A city shall divest itself of any mineral interests  
4 owned or controlled by the city and shall convey such mineral  
5 interests to the surface owner of the land to which the mineral  
6 interest pertains except when the city is the surface owner  
7 of the land. A conveyance under this section shall be made  
8 without consideration and shall be without cost to the surface  
9 owner of the land.

10 3. A city shall complete all conveyances required under this  
11 section no later than five years after the effective date of  
12 this Act. Any mineral interest acquired by the city after the  
13 effective date of this Act shall be conveyed as required under  
14 this section within ninety days.

15 Sec. 3. Section 446.7, Code 2026, is amended by adding the  
16 following new subsection:

17 NEW SUBSECTION. 3. The county shall not offer mineral  
18 interests, as defined in section 331.310, for sale. If the  
19 taxes on any mineral interests not owned by the owner of the  
20 land are delinquent, the county shall proceed in accordance  
21 with section 458A.20.

22 Sec. 4. Section 458A.18, Code 2026, is amended to read as  
23 follows:

24 **458A.18 Mineral rights taxed separately.**

25 All rights and interests in or to oil, gas, or other minerals  
26 underlying land, whether created by or arising under deed,  
27 lease, reservation of rights, or otherwise, which rights or  
28 interests are owned by any person other than the surface owner  
29 of the land, shall be assessed and taxed separately to the  
30 owner of such rights or interests in the same manner as other  
31 real estate. The taxes on such rights or interests that are  
32 not owned by the surface owner of the land shall not be a lien  
33 on the land.

34 Sec. 5. Section 458A.19, Code 2026, is amended to read as  
35 follows:

1       **458A.19 Rate.**

2       In order to pay the costs of assessment and collection and  
3 provide a reasonable minimum standard of taxation, the taxes on  
4 any mineral rights or interests not owned by the surface owner  
5 of the land shall be not less than five cents per acre.

6       Sec. 6. Section 458A.20, Code 2026, is amended to read as  
7 follows:

8       **458A.20 Tax sale — redemption by owner.**

9       1. When If the taxes on any mineral rights or interests  
10 not owned by the surface owner of the land are ~~sold at tax~~  
11 ~~sale, and when delinquent, the county treasurer shall send a~~  
12 statement of delinquent taxes and a notice that the mineral  
13 rights or interests will be conveyed to the owner of the  
14 associated surface tract unless the owner of those mineral  
15 rights or interests ~~does not redeem under the provisions of~~  
16 ~~chapter 447~~ pays the total amount of the delinquent taxes,  
17 interest, and costs to the county treasurer within ninety days  
18 after the tax sale, the owner of the land shall thereafter have  
19 the same right of redemption as the owner of the mineral rights  
20 or interests has, and redemption by the notice is served.  
21 The county treasurer shall serve the notice by sending it by  
22 regular first class mail to the person's last known address and  
23 to the address of the person's registered agent listed with the  
24 secretary of state, applicable.

25       2. When the owner of those mineral rights or interests does  
26 not pay the total amount due by the deadline, the county shall  
27 convey the mineral rights or interests pursuant to section  
28 331.310 to the surface owner of the land. Such conveyance  
29 shall terminate any right of redemption of the owner of the  
30 mineral rights or interests.

31       3. a. The county may collect the total amount due by  
32 converting the amount due to a personal judgment against the  
33 owner of the delinquent mineral interest pursuant to sections  
34 445.3 and 446.20, notwithstanding the absence of a tax sale or  
35 tax sale certificate.

1 b. If the treasurer determines that it is impractical to  
2 pursue collection of the total amount due and the personal  
3 judgment remedies, the treasurer shall make a written  
4 recommendation to the board of supervisors to abate the amount  
5 due. The board of supervisors shall abate, by resolution, the  
6 amount due and direct the treasurer to strike the amount due  
7 from the county system.

8 Sec. 7. Section 557C.1, Code 2026, is amended to read as  
9 follows:

10 **557C.1 Lapse of mineral interests in coal — prevention.**

11 A mineral interest ~~in coal shall be extinguished is~~  
12 abandoned if it has not been active in accordance with section  
13 557C.2A for a period of twenty years after its creation,  
14 transfer, or preservation, unless a statement of claim is  
15 filed in accordance with [section 557C.3](#), and the ownership  
16 shall revert to the person who was then the owner of the  
17 interest from which the mineral interest in coal was created,  
18 transferred, or preserved. Title to an abandoned mineral  
19 interest vests in the owner of the surface estate in the land  
20 in, or under, which the mineral interest is located on the date  
21 of abandonment. Upon the filing of a statement of claim within  
22 the specified period, the mineral interest shall be deemed to  
23 have been preserved for an additional period of twenty years,  
24 or a shorter period as may be specified in the instrument  
25 creating the interest.

26 Sec. 8. Section 557C.2, subsection 2, Code 2026, is amended  
27 to read as follows:

28 2. ~~"Mineral Severed mineral interest in coal"~~ means an  
29 interest created by an instrument ~~which~~ that creates or  
30 transfers, either by grant, assignment, reservation, or  
31 otherwise, an interest of any kind in coal, ~~as described in~~  
32 ~~chapter 207,~~ without limitation on the manner of mining the  
33 coal any naturally occurring gases, oil, or other gaseous,  
34 liquid, or solid hydrocarbons; oil shale; gemstones; metals;  
35 fissionable or nonfissionable ore; or steam or other geothermal

1 resources.

2 Sec. 9. NEW SECTION. 557C.2A Active mineral interests.

3 A severed mineral interest is active when any one of the  
4 following conditions exists:

5 1. Minerals are produced or explored by the record owner  
6 of the mineral interest, or the rightful assignees or lessees  
7 of the record owner of the severed mineral interest, or  
8 pursuant to a pooling order issued by the department of natural  
9 resources pursuant to chapter 458A.

10 2. Operations are conducted for extraction, withdrawal,  
11 injection, storage, or disposal of water, gas, or other fluid  
12 substances to produce or enhance the production of minerals  
13 by or with the express permission of the record holder of the  
14 mineral interest, or pursuant to a pooling order issued by the  
15 department of natural resources pursuant to chapter 458A.

16 3. For sold minerals, there is a production from a well or  
17 a common vein or seam with the express permission, including  
18 such permission as provided for in an instrument of lease or  
19 other form of assignment, of the record owner of the severed  
20 mineral interest, or pursuant to a pooling order issued by the  
21 department of natural resources pursuant to chapter 458A.

22 4. Any valid conveyance, lease, mortgage, assignment,  
23 private distribution, termination of joint tenancy interest  
24 affidavit, termination of life estate affidavit, or any  
25 judgment or decree that makes specific references to the record  
26 owner's severed mineral interest is recorded within the last  
27 twenty years in the recorder's office for the county in which  
28 the severed mineral interest is located.

29 5. The severed mineral interest is subject to a written  
30 agreement or pooling order issued by the department of natural  
31 resources pursuant to chapter 458A.

32 6. A statement of claim is filed in accordance with section  
33 557C.3.

34 Sec. 10. Section 557C.3, Code 2026, is amended to read as  
35 follows:

1       **557C.3 Statement of claim — filing requirement.**

2       The statement of claim provided in [section 557C.1](#) shall be  
3 filed by the owner of the severed mineral interest in coal  
4 prior to the end of the twenty-year period set forth in section  
5 557C.1 or by July 1, 1994, whichever is later. The statement  
6 of claim shall contain the name and address of the owner of  
7 the severed mineral interest ~~in coal~~, and a description of the  
8 real estate on, or under, which the severed mineral interest ~~in~~  
9 ~~coal~~ is located. The statement of claim shall be filed in the  
10 office of the recorder in the county in which the real estate  
11 is located.

12       Sec. 11. Section 557C.4, Code 2026, is amended to read as  
13 follows:

14       **557C.4 Statement of claim — recorder's duty.**

15       Upon the filing of the statement of claim provided for  
16 in [section 557C.3](#) in the recorder's office for the county  
17 where the real estate on, or under, which the severed mineral  
18 interest ~~in coal~~ exists, is located, the recorder shall record  
19 the statement of claim and index the entries required to be  
20 made pursuant to [section 557C.3](#) and any applicable entries  
21 specified in [sections 558.49](#) and [558.52](#).

22       Sec. 12. Section 557C.5, Code 2026, is amended to read as  
23 follows:

24       **557C.5 Reservation in other conveyance.**

25       A reservation of a mineral interest ~~in coal~~ or an exception  
26 of a mineral interest ~~in coal~~, contained in a conveyance of  
27 the interest out of which it is carved, by a nonowner of the  
28 mineral interest ~~in coal~~ shall not be deemed to satisfy the  
29 requirements of [this chapter](#) or as a revival of a severed  
30 mineral interest ~~in coal~~ otherwise extinguished under this  
31 chapter.

32       Sec. 13. Section 557C.6, Code 2026, is amended to read as  
33 follows:

34       **557C.6 Exemption.**

35       The filing of the statement of claim required under section

1 557C.3 to preserve the severed mineral interest ~~in coal~~ shall  
2 not be required of an owner if the severed mineral interest was  
3 separately taxed for real estate tax purposes at any time after  
4 July 1, 1971, the tax was paid, the mineral interest has not  
5 been subject to a tax sale, and the severed mineral interest  
6 has not been conveyed to the owner of the surface estate  
7 pursuant to sections 331.310 or 458A.20.>

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