

House File 2327 - Introduced

HOUSE FILE 2327
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 599)

A BILL FOR

1 An Act requiring recording of claims involving mineral rights
2 in real estate owned by another person and providing for
3 loss of mineral rights if a claim is not timely recorded.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 within that twenty-one year period.

2 *c.* If the interest in minerals is separately listed and
3 assessed by an assessor for property taxation purposes, the
4 provisions of paragraph "a" or "b" requiring the filing of a
5 verified claim shall not apply to the interest in minerals so
6 listed and assessed for so long as the interest in minerals
7 remains listed and assessed as a separate tax parcel. At such
8 time as the assessor may cease to separately list and assess
9 the interest in minerals, the person claiming such interest in
10 the minerals must file a verified claim by not later than the
11 latest of the following:

12 (1) Twenty-one years after the date of recording of the
13 instrument creating the interest in minerals.

14 (2) Twenty-one years after the date of filing the last
15 verified claim.

16 (3) December 31 of the year after the year the interest in
17 minerals is no longer listed and assessed as a separate tax
18 parcel.

19 3. The claimant may be any person claiming an interest in
20 minerals, regardless of whether that interest in minerals is a
21 present interest or an interest that would come into existence
22 if the happening or contingency provided in the instrument
23 creating the interest in minerals were to happen at once. A
24 claimant also may be any member of a class of persons entitled
25 to claim such interest.

26 4. A verified claim must comply with all of the following:

27 *a.* Be filed by the claimant personally or by the claimant's
28 attorney or agent. However, if the claimant is a minor or
29 under legal disability, the verified claim may be filed by the
30 claimant's guardian, custodian, parent, or next friend.

31 *b.* Identify the name and address of the person claiming
32 the interest in minerals, the nature of the interest, the
33 instrument creating the interest, together with dates of
34 execution and recording of the instrument, the instrument
35 number provided in the records of the recorder as provided in

1 provisions of sections 614.24 ~~to~~ through 614.28.

2 Sec. 4. Section 614.27, Code 2014, is amended to read as
3 follows:

4 **614.27 Persons under disability.**

5 The provisions of section 614.8 as to the rights of minors
6 and persons with mental illness shall not be applicable against
7 the provisions of sections 614.24 ~~to~~ through 614.28.

8 Sec. 5. Section 614.28, Code 2014, is amended to read as
9 follows:

10 **614.28 Barred claims.**

11 The provisions of sections 614.24 ~~to~~ through 614.27,
12 ~~inclusive,~~ or the filing of a claim ~~or claims,~~ hereunder under
13 those sections, shall not revive or permit an action to be
14 brought or maintained upon any claim or cause of action ~~which~~
15 that is barred by any other statute. ~~Provided further, that~~
16 ~~nothing contained in these sections shall affect litigation~~
17 ~~pending on July 4, 1965.~~

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 GENERAL. This bill provides for the reservation of a right
22 to bring a claim in district court involving an interest in
23 one or more minerals underlying the surface of real estate to
24 which another person holds record title. The bill does not
25 revive or extinguish an interest in coal (Code chapter 557C),
26 impair the validity of an environmental covenant (Code chapter
27 455I), revive an interest in minerals that has expired or been
28 terminated, or bar a right to remove gravel, limestone, or sand
29 in some circumstances.

30 RIGHTS BASED ON WHEN INTEREST WAS CREATED. The bill provides
31 for two different circumstances: (1) an interest in minerals
32 created prior to July 1, 1994, or (2) an interest in minerals
33 created on or after that date. In the first circumstance,
34 the person must file a verified claim with the appropriate
35 county recorder by June 30, 2015. In the second circumstance,

1 the person must file a verified claim with the appropriate
2 county recorder within 21 years from the recording of the
3 instrument creating the interest in minerals or within 21 years
4 after filing the last verified claim. However, one exception
5 applies in both circumstances: when an interest in minerals
6 is separately listed and assessed by an assessor for property
7 taxation purposes. A verified claim is not required to be
8 filed until the assessor ceases to separately list and assess
9 the interest in minerals. In that case, the person must file
10 the verified claim by the later of 21 years after the date of
11 recording of the instrument, 21 years after the date of filing
12 the last verified claim, or December 31 of the year after the
13 year the interest in minerals is no longer listed and assessed
14 as a separate tax parcel.