

Regular Session, 2012

HOUSE BILL NO. 500

BY REPRESENTATIVE TIM BURNS

MINERALS/LEASES: Requires written notice by land owner to lessee prior to judicial demand for restoration or damages from mineral activity

1 AN ACT

2 To amend and reenact R.S. 31:136, relative to notice of damages from mineral activity; to  
3 require written notice by the lessor to lessees prior to a judicial demand for damages  
4 or dissolution of the lease; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 31:136 is hereby amended and reenacted to read as follows:

7 §136. Written notice; requirement and effect on claims for damages or dissolution  
8 of lease

9 A. If a mineral lessor seeks relief from his lessee arising from drainage of  
10 the property leased or from any other claim that the lessee has failed to develop and  
11 operate the property leased as a prudent operator, he must give his lessee written  
12 notice of the asserted breach to perform and allow a reasonable time for performance  
13 by the lessee as a prerequisite to a judicial demand for damages or dissolution of the  
14 lease. If a lessee is found to have had actual or constructive knowledge of drainage  
15 and is held responsible for consequent damages, the damages may be computed from  
16 the time a reasonably prudent operator would have protected the leased premises  
17 from drainage. In other cases where notice is required by this Article, damages may  
18 be computed only from the time the written notice was received by the lessee.

19 B. In an action for restoration of the surface or for surface or subsurface  
20 damages alleged to have occurred as a result of surface mineral activity, the lessor

1        or surface owner of land subject to a mineral lease shall give a mineral lessee written  
2        notice of the asserted breach to perform or alleged damage to the property and allow  
3        a reasonable time for performance by the lessee as a prerequisite to a judicial  
4        demand for damages or dissolution of the lease.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Tim Burns

HB No. 500

**Abstract:** Requires written notice by land owner to lessee prior to judicial demand for restoration or damages from mineral activity.

Present law provides a process for remediation of an oilfield site under the terms of a mineral lease. Proposed law requires written notice by land owner to lessee prior to judicial demand for restoration or damages from mineral activity.

(Amends R.S. 31:136)