

2015 Regular Session

SENATE BILL NO. 148

BY SENATOR GALLOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PRESCRIPTION. Constitutional amendment to provide that private purchasers of lands belonging to the state, school board, or levee district shall gain the ability to acquire mineral interests upon prescription resulting from nonuse without interruption. (2/3-CA13s1(A))

A JOINT RESOLUTION

Proposing to amend Article IX, Section 4 of the Constitution of Louisiana, relative to natural resources and reservation of mineral rights and prescription; to provide relative to lands and mineral interests of the state, a school board, or a levee district; to provide that private purchasers of such lands shall gain the ability to acquire these entities' mineral interests upon prescription resulting from nonuse; to provide certain terms and conditions; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article IX, Section 4 of the Constitution of Louisiana to read as follows:

§4. Reservation of Mineral Rights; Prescription

Section 4.(A) Reservation of Mineral Rights. The mineral rights on property sold by the state shall be reserved, except when the owner or person having the right to redeem buys or redeems property sold or adjudicated to the state for taxes. The mineral rights on land, contiguous to and abutting navigable waterbottoms reclaimed

1 by the state through the implementation and construction of coastal restoration
2 projects shall be reserved, except when the state and the landowner having the right
3 to reclaim or recover the land have agreed to the disposition of mineral rights, in
4 accordance with the conditions and procedures provided by law.

5 (B) Prescription. Lands and mineral interests of the state, of a school board,
6 or of a levee district shall not be lost by prescription except as authorized in
7 ~~Paragraph~~ **Paragraphs C and D.**

8 (C) Exception. The legislature by act may direct the appropriate parish
9 authority in Terrebonne Parish to transfer title and ownership as to certain lands near
10 Bayou Dularge in Section 16 of Township 20 South, Range 16 East, which due to an
11 error in the original governmental survey completed around 1838 until recently were
12 thought to be within Section 9, to those persons who have possessed the property
13 under good faith and just title for a minimum of ten years or to those who have
14 acquired from them, reserving the mineral rights as just and sole compensation for
15 the transfer. Consistent with the provisions of Article XIII, Section 3, the notice
16 requirements of Article III, Section 13 are satisfied for an act passed as a companion
17 to the act setting forth this Paragraph.

18 **(D) A mineral interest of the state, of a school board, or of a levee**
19 **district on land belonging to another shall be subject to the same prescription**
20 **of nonuse without interruption as is provided by law for a mineral interest**
21 **privately held, except that no prescriptive period shall be less than ten years.**
22 **For a mineral interest existing on the effective date of this Paragraph, the**
23 **prescriptive period shall commence on such effective date.**

24 Section 2. Be it further resolved that this proposed amendment shall be submitted
25 to the electors of the state of Louisiana at the statewide election to be held on November 21,
26 2015.

27 Section 3. Be it further resolved that on the official ballot to be used at said election
28 there shall be printed a proposition, upon which the electors of the state shall be permitted
29 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as

1 follows:

2 Do you support an amendment to provide that private purchasers of lands
 3 belonging to the state, a school board, or a levee district shall gain the ability
 4 to acquire these entities' mineral interests on such lands by prescription
 5 resulting from nonuse without interruption?
 6 (Amends Article IX, Section 4)

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Julie J. Baxter.

	DIGEST	
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Present constitution provides that lands and mineral interests of the state, of a school board, or of a levee district shall not be lost by prescription except as authorized in present constitution.

Proposed constitutional amendment provides that a mineral interest of the state, of a school board, or of a levee district on land belonging to another shall be subject to the same prescription of nonuse without interruption as is provided by law for a mineral interest privately held, except that no prescriptive period shall be less than ten years.

Proposed constitutional amendment further provides that for a mineral interest existing on the effective date of proposed constitutional amendment, the prescriptive period shall commence on such effective date.

Specifies submission of the amendment to the voters at the statewide election to be held on November 21, 2015.

(Amends Const. Art. IX, Sec. 4)