

Regular Session, 2014

SENATE BILL NO. 570

BY SENATOR LONG

MINERALS. Provides relative to the prescription of nonuse for properties transferred in connection to an economic development project. (8/1/14)

1 AN ACT

2 To enact R. S. 31:149(I), relative to the prescription of nonuse; to provide for a twenty-year
3 prescription period for mineral rights reserved in a transfer in connection with a state
4 economic development project; to provide terms, conditions, and requirements; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 31:149(I) is hereby enacted to read as follows:

8 §149. Mineral rights reserved from acquisitions of land by governments or agencies
9 thereof imprescriptible; **prescription period in acquisitions for**
10 **economic development**

11 * * *

12 **(I) When land is acquired from any person by an acquiring authority or**
13 **other person, through act of sale, exchange, donation, or other contract, as part**
14 **of an economic development project pursuant to a cooperative endeavor**
15 **agreement between the acquiring authority and the state through the**
16 **Department of Economic Development, as evidenced in a certification by the**
17 **secretary of the Department of Economic Development attached to the**

1 **instrument by which the land is acquired, and a mineral right subject to the**
2 **prescription of nonuse is reserved in the instrument by which the land is**
3 **acquired, the prescription of nonuse shall thereafter not run against the right**
4 **whether the title to the land remains in the acquiring authority or is**
5 **subsequently transferred to a third person, public or private, for a period of**
6 **twenty years from the date of the acquisition.**

The original instrument was prepared by McHenry Lee. The following digest, which does not constitute a part of the legislative instrument, was prepared by Julie J. Baxter.

DIGEST

Long (SB 570)

Present law provides that mineral rights are subject to a prescription of nonuse for 10 years.

Proposed law provides when land is acquired from any person by an acquiring authority or other person, through act of sale, exchange, donation, or other contact as part of an economic development project pursuant to a cooperative endeavor agreement between the acquiring authority and the state through the Department of Economic Development, as evidenced in a certification by the secretary of the Department of Economic Development attached to the instrument by which the land is acquired, and a mineral right subject to the prescription of nonuse is reserved in the instrument by which the land is acquired, the prescription of nonuse shall thereafter not run against the right whether the title to the land remains in the acquiring authority or is subsequently transferred to a third person, public or private, for a period of twenty years from the date of the acquisition.

Effective August 1, 2014.

(Adds R.S. 31:149(I))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the engrossed bill

1. Provides that twenty years from the date of acquisition shall be the time at which the ten-year prescription of nonuse for mineral rights begins to run, when such mineral rights are subject to prescription of nonuse and are reserved in an instrument by which the land is acquired in a state economic development project.
2. Deleted certain provisions regarding notice of reinscription, including recording, signing and certain information to be included in such notice of reinscription.