

SENATE CONCURRENT RESOLUTION NO. 105

BY SENATORS GALLOT AND PEACOCK

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations regarding whether the Constitution of Louisiana should be amended to provide that mineral interests of the state, school boards, or levee districts should be subject to loss by prescription or other means, and that private purchasers of land belonging to the state, school boards, or levee districts should gain the ability to acquire the mineral interests in those lands upon prescription resulting from nonuse without interruption or other means.

WHEREAS, Article IX, Section 4, of the Constitution of Louisiana provides that lands and mineral interests of the state, a school board, or of a levee district shall not be lost by prescription except as authorized in certain exceptions; and

WHEREAS, mineral rights on property sold or otherwise transferred by these entities must be reserved to the entity; and

WHEREAS, private citizens or entities who purchase land from the state, a school board, or a levee district are therefore perpetually unable to acquire such mineral rights by prescription resulting from nonuse without interruption or other means, unlike transactions involving other property; and

WHEREAS, the Louisiana State Law Institute should study and report to the legislature its findings concerning whether the appropriate provisions of the Constitution of Louisiana should be revised to authorize mineral interests of the state, a school board, or a levee district to be subject to loss by prescription or other means and, if so, the wording of such revisions in the form of proposed legislation and appropriate text.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study and make recommendations regarding whether the Constitution of Louisiana should be amended to provide that mineral interests of the state, school boards, or levee districts should be subject to loss by

prescription or other means, and that private purchasers of land belonging to the state, school boards, or levee districts should gain the ability to acquire mineral interests in those lands upon prescription resulting from nonuse without interruption or other means.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Louisiana State Law Institute.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES