

2016 Regular Session

HOUSE BILL NO. 634

BY REPRESENTATIVE MAGEE

MINERALS/RIGHTS: Provides with respect to the imprescriptible reservation of mineral rights

1 AN ACT

2 To amend and reenact R.S. 31:149(B), relative to mineral rights in land acquired by
3 governmental agencies; to provide relative to the prescription of mineral rights; to
4 provide for mineral rights in appropriated property; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 31:149(B) is hereby amended and reenacted 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 economic
10 development

11 * * *

12 B. When land is acquired from any person by an acquiring authority through
13 act of sale, exchange, donation, or other contract, or by condemnation, appropriation,
14 or expropriation, and a mineral right subject to the prescription of nonuse is reserved
15 in the instrument or judgment by which the land is acquired, prescription of the
16 mineral right is interrupted as long as title to the land remains with the acquiring
17 authority, or any successor that is also an acquiring authority. The instrument or
18 judgment shall reflect the intent to reserve or exclude the mineral rights from the
19 acquisition and their imprescriptibility as authorized under the provisions of this

1 Section and shall be recorded in the conveyance records of the parish in which the
2 land is located.

3 * * *

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)]

HB 634 Original

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Magee

Abstract: Relative to the imprescriptibility of mineral rights in land acquired by a governmental authority, includes property appropriated by an acquiring authority.

Present law provides that when land is acquired from any person by an acquiring authority through act of sale, exchange, donation, or other contract, or by condemnation or expropriation, and a mineral right is reserved, prescription of the mineral right is interrupted.

Present law requires that the instrument or judgment reflect the intent to reserve or exclude the mineral rights from the acquisition and their imprescriptibility as authorized under present law and requires that it be recorded in the conveyance records of the parish in which the land is located.

Proposed law retains present law and includes property appropriated by an acquiring authority.

(Amends R.S. 31:149(B))