

2026 Regular Session

SENATE BILL NO. 492

BY SENATOR KLEINPETER

MINERALS. Provides for mineral rights acquired from certain acquiring authorities.
(8/1/26)

1 AN ACT
2 To amend and reenact R.S. 31:149(I), relative to mineral rights; and to provide for related
3 matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 31:149(I) is hereby amended and reenacted to read as follows:

6 §149. Mineral rights reserved from acquisitions of land by governments or agencies
7 thereof imprescriptible; prescriptive period in acquisitions for
8 economic development

9 * * *

10 I. **(1) Notwithstanding any provision of law to the contrary, When when**
11 land is acquired from any person by an acquiring authority or other person, through
12 act of sale, exchange, donation, or other contract, as part of an economic
13 development project ~~pursuant to a cooperative endeavor agreement between the~~
14 ~~acquiring authority and the state through Louisiana Economic Development~~, as
15 evidenced in a certification by the secretary of Louisiana Economic Development
16 attached to the instrument by which the land is acquired, and a mineral right subject
17 to the prescription of nonuse is reserved in the instrument by which the land is

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

6 **(2) The certification by the secretary of Louisiana Economic**
7 **Development shall constitute a determination that the acquisition serves a**
8 **public purpose for economic development.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

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Kleinpeter

Present law defines "acquiring authority" as a government entity, legal entity with expropriating authority, or a nonprofit state or national land conservation organization that acquires land from any person. Further provides that prescription of mineral rights is interrupted while title remains with the acquiring authority.

Present law provides that when an acquiring authority acquires land for an economic development project that is certified by the secretary of LED, the prescription of nonuse of a mineral right is twenty years from the date of acquisition by the acquiring authority, regardless of whether title is subsequently transferred.

Proposed law retains present law and removes the 20 year prescription of nonuse. Further provides that the secretary's certification constitutes a determination that the acquisition serves a public purpose.

Effective August 1, 2026.

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