

SENATE SUMMARY OF HOUSE AMENDMENTS

**SB 85 By Senator Johns**

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

**PUBLIC LANDS.** Exempts the Sabine River Authority from the requirement that property acquired by the state or a political subdivision which is to be transferred to a third party must first be offered to the person from whom it was originally transferred. (gov sig)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Adds provision concerning reservation of mineral rights on land acquired by governments or agencies.
2. Clarifies legal property description contained in proposed law.
3. Adds provision concerning retroactive application of proposed law.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

Present law requires that if property acquired by the state or a political subdivision of the state is transferred to a third party, that property must first be offered to the person from whom it was originally transferred. Provides exception for property acquired by a reservoir district created by the state, for property acquired or transferred by the governing authority of Shreveport or Caddo Parish; and for as to the sale of property adjudicated to the state for nonpayment of taxes in tax years 1880 through 1973.

Proposed law retains these provisions and provides an additional exception for lands acquired by the former Department of Public Works in connection with the construction or maintenance of the Sabine River Diversion Canal System and related facilities which property was transferred to DOTD and thereafter to the Sabine River Authority.

Present law provides for the interruption of prescription of nonuse on mineral rights on land acquired by an acquiring authority. Requires that the rights or interest in land originally acquired and subject to a mineral reservation not be transferred by the same or subsequent acquiring authority to another who is not an acquiring authority unless (1) first offered back to the owner, his heirs or successors, from whom originally acquired if they still retain the mineral rights reserved; (2) written offer is based on fair market value of the right or interest; (3) the offer is delivered by certified mail to the last known address of the person who then has 30 days to accept or reject the offer in writing after which point there is a presumption of rejection; and (4) when no reply is received with the 30 day period, a civil action by summary proceeding is instituted to show cause why the offer should not be considered rejected.

Proposed law also that the exception to the interruption of prescription of nonuse on minerals also applies to properties excepted from the requirement that an acquiring authority first offer property back to the original owner.

Proposed law is to be applied retroactively.

Effective upon the signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 31:149(E)(intro para); adds R.S. 41:1338(D))

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