

SENATE BILL NO. 85

BY SENATOR JOHNS AND REPRESENTATIVE JIM MORRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 31:149(E)(introductory paragraph) and to enact R.S. 41:1338(D), relative to the transfer of public lands; to exempt property transferred or acquired by the Sabine River Authority from the requirement that if property that was acquired by the state or a political subdivision of the state is to be transferred to a third party, the property must first be offered to the person from whom it was originally transferred; to provide certain terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 31:149(E)(introductory paragraph) is hereby amended and reenacted to read as follows:

§149. Mineral rights reserved from acquisitions of land by governments or agencies thereof imprescriptible

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E. Rights or interests in land originally acquired by an acquiring authority through expropriation and subject to a mineral reservation shall not be transferred by the same or subsequent acquiring authority to another who is not an acquiring authority, unless **an exception is provided in R.S. 41:1338 or** prior to the transfer:

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Section 2. R.S. 41:1338(D) is hereby enacted to read as follows:

§1338. Transfers of property acquired by the state or political subdivision; exemptions

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D. Notwithstanding any law to the contrary, and specifically

1 notwithstanding the provisions of R.S. 31:149(E) and Subsection A of this
2 Section, any land, property, or rights acquired by the former Department of
3 Public Works in connection with the construction or maintenance of the Sabine
4 River Diversion Canal System and related facilities in Calcasieu Parish located
5 in Section 24, Township 9 South, Range 10 West or Sections 19, 20, 21, 28, or 29,
6 Township 9 South, Range 9 West, Southwestern District of Louisiana, all in
7 Calcasieu Parish, which property was transferred to the Department of
8 Transportation and Development and thereafter transferred to the Sabine River
9 Authority, may be sold or otherwise transferred to a third party for the
10 creation, development, or expansion of commerce and industry within the state
11 of Louisiana without prior offer to sell to the original grantor, donor, or vendor
12 or his successors in title. The provisions of this Subsection shall apply
13 retroactively and shall apply to any rights created by Title 31 of the Louisiana
14 Revised Statutes of 1950, the Louisiana Mineral Code.

15 Section 2. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____