Regular Session, 2011

HOUSE BILL NO. 258

BY REPRESENTATIVE BURFORD

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

PRESCRIPTION: Provides for the liberative prescription on actions to recover underpayments or overpayments of royalties from the production of minerals

1   AN ACT

2   To enact Civil Code Article 3501.2 and to repeal Civil Code Article 3494(5), relative to

3   prescription; to provide for the liberative prescriptive period for actions to recover

4   certain mineral royalty payments; and to provide for related matters.

5   Be it enacted by the Legislature of Louisiana:

6   Section 1. Civil Code Article 3501.2 is hereby enacted to read as follows:

7   Art. 3501.2. Actions for payment of mineral royalties

8   An action to recover underpayments or overpayments of royalties from the

9   production of minerals, provided that nothing herein applies to any payments, rent,

10   or royalties derived from state-owned properties, is subject to a liberative

11   prescription of ten years.

12   Section 2. Civil Code Article 3494(5) is hereby repealed in its entirety.

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)]

Burford   HB No. 258

Abstract: Changes from three years to 10 years the prescriptive period for an action to recover underpayments or overpayments of mineral royalties.

Present law provides that an action to recover underpayments or overpayments of royalties from the production of minerals is subject to a liberative prescription of three years.

Proposed law changes the prescriptive period from three years to 10 years.

(Adds C.C. Art. 3501.2; Repeals C.C. Art. 3494(5))