

Regular Session, 2011

SENATE BILL NO. 119

BY SENATOR PERRY

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

PUBLIC LANDS. Provides relative to leases of public lands. (6/23/11)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

AN ACT

To amend and reenact R.S. 41:1216, relative to leases of public lands; to provide for certain provisions regarding leases on public lands; to exempt lands administered, controlled or managed by the Department of Wildlife and Fisheries from certain restrictions on public leases; to provide terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R. S. 41:1216 is hereby amended and reenacted to read as follows:

§1216. Restrictions of area, number, and transfer of leases; subleases

A.(1) In order to allow the individual lessee to lease lands from the state in preference to syndicated landholders or corporations, no lease shall cover a larger area than six hundred forty acres of public land, which area must be contiguous. No lessee may own more than one such lease at one time.

(2) The provisions of Paragraph (1) of this Subsection shall not apply to leases of lands administered, controlled or managed by the Department of Wildlife and Fisheries.

B. All leases made under the terms of this Part shall be heritable, but may not

1 be mortgaged, pledged, hypothecated, subjected to seizure and sale, subleased,
2 transferred, or assigned, except as provided in Subsection ~~B~~ C of this Section.

3 BC. Subject to the prior written approval of the lessor, as defined in R.S.
4 41:1211, or its successor in office, all leases made under the terms of this Part may
5 be subleased, transferred, or assigned by the original lessee, his sublessees, heirs, or
6 assigns, and likewise may be mortgaged, pledged, hypothecated, or subjected to
7 seizure and sale. The lessor is authorized to permit such transfers of leases upon
8 such terms and conditions as it may deem proper, provided that said sublessees,
9 transferees, assignees, mortgagees, or pledgees are entitled to the same rights and
10 privileges as were granted by the lessor to the original lessee and specifically those
11 granted to the original lessee under the provisions of R.S. 41:1222(A). The lessor
12 is directed to collect a fee of ten dollars for the privilege of permitting such transfers,
13 said fee to be paid into the general fund of the state.

14 Section 2. This Act shall become effective on June 23, 2011.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by J. W. Wiley.

DIGEST

Present law provides that in order to allow the individual lessee to lease lands from the state in preference to syndicated landholders or corporations, no lease will cover a larger area than 640 acres of public land, which area must be contiguous. Further provides that no lessee may own more than one such lease at one time.

Proposed law provides that provisions of present law will not apply to leases of lands administered, controlled or managed by the DW&F.

Effective June 23, 2011.

(Amends R.S. 41:1216)