The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by McHenry Lee.

DIGEST

SB 106 Engrossed 2019 Regular Session Lambert

Present law provides that in cases where monies from the Hazardous Waste Site Cleanup Fund are expended, the attorney general may institute a civil action to recover from the responsible persons all monies expended from the fund. Further provides that if the secretary requests that the attorney general institute a civil action but declines or does not institute such action within 60 days, the department, with the concurrence of the attorney general may institute a civil action to recover monies expended from the fund.

Proposed law provides that the state will have a lien or privilege against the immovable property for monies expended from the Hazardous Waste Site Cleanup Fund on the immovable property.

Proposed law provides that such liens will have priority in rank over all other privileges, liens, encumbrances, or other security interests affecting the property, unless those privileges, liens, encumbrances, or other security interests are filed before the lien filed as provided by proposed law, in which case they will have priority over the state lien, but only to the extent of the fair market value that the property had prior to closure, assessment, or remedial action by the state.

Effective August 1, 2019.

(Adds R.S. 30:2205(F))