

SENATE BILL NO. 209

BY SENATOR WARD

1 AN ACT

2 To amend and reenact R.S. 30:4(M)(6)(b) and to enact R.S. 30:4(M)(6)(c), relative to certain
3 permits for solution mining injection wells and solution mined caverns; to provide
4 for certain permit requirements; to require compensation to property owners whose
5 property lies in an area under a mandatory or forced evacuation; to provide terms,
6 conditions, and requirements; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:4(M)(6)(b) is hereby amended and reenacted and R.S.
9 30:4(M)(6)(c) is hereby enacted to read as follows:

10 §4. Jurisdiction, duties, and powers of the assistant secretary; rules and regulations

11 * * *

12 M. The commissioner shall make, after notice and hearing as provided in this
13 Chapter, any reasonable rules, regulations, and orders that are necessary to control
14 the drilling, operating, and plugging of solution mining injection wells, the
15 permitting of such wells, and the resulting solution mined cavern. Such rules and
16 regulations shall be adopted pursuant to the Administrative Procedure Act and shall
17 provide for, but not be limited to the following:

18 * * *

19 (6) Permit requirements that include the following:

20 * * *

21 (b) Reimbursement to the state or any political subdivision of the state for
22 reasonable and extraordinary costs incurred in responding to or mitigating a disaster
23 or emergency due to a violation of this Subsection or any rule, regulation, or order
24 promulgated or issued pursuant to this Subsection. Such costs shall be subject to
25 approval by the director of the Governor's Office of Homeland Security and
26 Emergency Preparedness prior to being submitted to the permittee for reimbursement.

1 Such payments shall not be construed as an admission of responsibility or liability
 2 for the emergency or disaster. The Department of Natural Resources, office of
 3 conservation, is hereby authorized to adopt rules and regulations in accordance
 4 with the Administrative Procedure Act to collect reimbursement under this
 5 Section.

6 (c) Reimbursement to any person who owns noncommercial residential
 7 immovable property located within an area under a mandatory or forced
 8 evacuation pursuant to R.S. 29:721 et seq. for a period of more than one
 9 hundred and eighty days, without interruption due to a violation of this
 10 Subsection, or any rule, regulation, or order promulgated or issued pursuant
 11 to this Subsection. The offer for reimbursement shall be for the replacement
 12 value of the property based on an appraisal by a qualified professional. The
 13 replacement value of the property shall be calculated based on the estimated
 14 value of the property prior to the time of the incident resulting in the
 15 declaration of the disaster or emergency. The reimbursement shall be made to
 16 the property owner within thirty days after notice by the property owner to the
 17 permittee indicating acceptance of the offer and showing proof of continuous
 18 ownership prior to and during an evacuation lasting more than one hundred
 19 and eighty days, provided that the offer for reimbursement is accepted within
 20 thirty days of receipt, and transfers the immovable property free and clear of
 21 any liens, mortgages, or other encumbrances to the permittee.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____