

Regular Session, 2014

SENATE BILL NO. 209

BY SENATOR WARD

SALT DOMES. Provides for permitting requirements of solution mining injection wells and solution mined caverns. (8/1/14)

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

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

\* \* \*

(6) Permit requirements that include the following:

\* \* \*

(b) Reimbursement to the state or any political subdivision of the state for reasonable and extraordinary costs incurred in responding to or mitigating a disaster or emergency due to a violation of this Subsection or any rule, regulation, or order promulgated or issued pursuant to this Subsection. Such costs shall be subject to approval by the director of the Governor's Office of Homeland Security and Emergency Preparedness prior to being submitted to the permittee for reimbursement. Such payments shall not be construed as an admission of responsibility or liability for the emergency or disaster. Such payments shall be made within one hundred eighty days from the declaration of the disaster or emergency.

(c) Reimbursement to any person who owns immovable property located within an area under a mandatory or forced evacuation due to a violation of this Subsection, or any rule, regulation, or order promulgated or issued pursuant to this Subsection. Such reimbursement shall be for the fair market value of the property and shall be made to the property owner within one hundred eighty days of the declaration of the mandatory or forced evacuation.

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

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#### DIGEST

Ward (SB 209)

Present law provides that the commissioner of conservation shall make, after notice and hearing, any reasonable rules, regulations, and orders that are necessary to control the drilling, operating, and plugging of solution mining injection wells, the permitting of such wells, and the resulting solution mined cavern.

Present law provides that such permits include reimbursement to the state or any political subdivision of the state for reasonable and extraordinary costs incurred responding to or mitigating a disaster caused by a violation of a rule, regulation, or order issued by the commissioner. Requires that such costs are subject to the approval by the director of Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) prior to being submitted to the permittee for reimbursement.

Proposed law retains present law but provides that such payments be made to the state or political subdivision within 180 days of the declaration of a disaster or emergency.

Proposed law requires that permits include reimbursement to any person who owns immovable property located within an area under mandatory or forced evacuation due to a violation of a rule, regulation, or order issued by the commissioner. Requires that such reimbursements will be for the fair market value of the property and made to the property owner within 180 days of the declaration of the mandatory or forced evacuation.

Effective August 1, 2014.

(Amends R.S. 30:4(M)(6)(b); adds R.S. 30:4(M)(6)(c))