

Regular Session, 2014

SENATE BILL NO. 209

BY SENATOR WARD

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

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:

* * *

(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. **The Department of Natural Resources, office of conservation, is hereby authorized to adopt rules and regulations in accordance with the Administrative Procedure Act to collect reimbursement under this Section.**

(c) Reimbursement to any person who owns immovable property located within an area under a mandatory or forced evacuation pursuant to R.S. 29:271 et seq. for a period of more than one hundred and eighty days, without interruption due to a violation of this Subsection, or any rule, regulation, or order promulgated or issued pursuant to this Subsection. The reimbursement shall be for the replacement value of the property. The replacement value of the property shall be calculated based on the estimated value of the property one hundred and eighty days before the declaration of the disaster or emergency. The reimbursement shall be made to the property owner within thirty days after notice by the property owner to the permittee indicating intention to seek reimbursement, and showing proof of continuous ownership prior to and during an evacuation lasting more than one hundred and eighty days, provided that the offer for reimbursement is accepted within thirty days of receipt, and transfers the immovable property to the permittee.

* * *

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

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 DNR is authorized to adopt rules and regulations in accordance with the APA to collect reimbursement.

Proposed law requires that permits include reimbursement to any person who owns immovable property located within an area under mandatory or forced evacuation for a period of more than 180 days, without interruption, due to a violation of a rule, regulation, or order issued by the commissioner.

Proposed law requires that such reimbursements will be for the replacement value of the property. Further requires that the replacement value of the property will be calculated based on the estimated value of the property 180 days before the declaration of the disaster or emergency.

Proposed law provides that the reimbursement will be made to the property owner within 30 days after notice by the property owner to the permittee indicating his intention to seek reimbursement, and showing proof of continuous ownership prior to and during an evacuation that lasts more than 180 days, provided that the offer for reimbursement is accepted within 30 days of receipt, and transfers the immovable property to the permittee.

Effective August 1, 2014.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill

1. Authorizes DNR to promulgate rules for reimbursement to political subdivisions.
2. Adds provisions for reimbursement to property owners who own property in a mandatory or forced evacuation area.