ENROLLED

Regular Session, 2013

ACT No. 369

HOUSE BILL NO. 494

BY REPRESENTATIVES ST. GERMAIN, ADAMS, ANDERS, ARNOLD, BADON, BARRAS, BARROW, BERTHELOT, WESLEY BISHOP, BROSSETT, BROWN, TIM BURNS, BURRELL, CARTER, CHAMPAGNE, CHANEY, CONNICK, COX, DIXON, EDWARDS, FRANKLIN, GAINES, GAROFALO, GEYMANN, GISCLAIR, GUINN, HARRISON, HAZEL, HENSGENS, HODGES, HONORE, HUNTER, KATRINA JACKSON, JAMES, JEFFERSON, JOHNSON, JONES, NANCY LANDRY, TERRY LANDRY, LEBAS, LEGER, LORUSSO, MACK, MORENO, JAY MORRIS, ORTEGO, PIERRE, POPE, PRICE, PUGH, PYLANT, REYNOLDS, SCHEXNAYDER, SIMON, SMITH, THIBAUT, WHITNEY, PATRICK WILLIAMS, AND WILLMOTT AND SENATOR MILLS

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

AN ACT

To enact R.S. 9:3198(A)(2)(c) and R.S. 30:23.1, relative to salt domes; to require notification of the proximity of property to a salt dome in which there is solution mining and storage activity; to provide for certain penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:3198(A)(2)(c) is hereby enacted to read as follows:

§3198. Duties of the seller; delivery of property disclosure document; termination of real estate contract; information contained in document and inaccuracies; required disclosure of information relative to homeowners' associations; liability of seller

A.

* * *

(2)

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<u>(c) Included with the property disclosure documents required by this Section shall be a statement of acknowledgment as to whether or not a cavity created within a salt stock by dissolution with water lies underneath the property and whether or not</u>

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the purchasing property is within two thousand six hundred forty feet of a solution mining injection well.

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Section 2. R.S. 30:23.1 is hereby enacted to read as follows:

§23.1. Recordation of notice of solution mined cavern

A. The owner or operator of a solution mined cavern shall record the survey plat of the well location for the solution mining injection well in the mortgage and conveyance records of the parish in which the property is located. Such notice shall be made in a form approved by the commissioner and within the time specified by the commissioner. If an owner or operator fails or refuses to record such notice, the commissioner may, if he determines that the public interest requires, and after due notice and an opportunity for a hearing has been given to the owner and operator, cause such notice to be recorded. The clerk of court shall forward to the office of conservation a copy of each notice recorded by an owner or operator in accordance with this Subsection.

B. The failure of an owner to file, or ensure that the operator has filed, the required notice may constitute grounds for an action in redhibition under the applicable provisions of Civil Code Articles 2520 et seq., unless the purchaser has actual or constructive knowledge that the property has been used for such purposes.

C. Any action brought pursuant to the provisions of this Section shall be commenced within one year from the date the purchaser first knows of the existence of the fact that gives rise to the action, but in any event within three years of the date upon which the purchaser acquired his ownership interest in the property. Venue shall be in any parish in which the property or any portion thereof is located.

_____
SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____
PRESIDENT OF THE SENATE

_____
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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