

SENATE BILL NO. 209

BY SENATOR WARD

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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

\* \* \*

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.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_