

RÉSUMÉ DIGEST

ACT 85 (SB 106)

2019 Regular Session

Lambert

Prior law provided that in cases where monies from the Hazardous Waste Site Cleanup Fund are expended, the attorney general may institute a civil action to recover from the responsible persons all monies expended from the fund. Further provided that if the secretary requests that the attorney general institute a civil action but declines or does not institute such action within 60 days, the department, with the concurrence of the attorney general may institute a civil action to recover monies expended from the fund.

New law provides that the state will have a lien or privilege against the immovable property for monies expended from the Hazardous Waste Site Cleanup Fund on the immovable property.

New law provides that such liens will have priority in rank over all other privileges, liens, encumbrances, or other security interests affecting the property, unless those privileges, liens, encumbrances, or other security interests are filed before the lien filed as provided by new law, in which case they will have priority over the state lien, but only to the extent of the fair market value that the property had prior to closure, assessment, or remedial action by the state.

Effective August 1, 2019.

(Adds R.S. 30:2205(F))