
 DIGEST

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Ward

SB No. 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 and authorizes the commissioner 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 noncommercial residential 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 an offer of reimbursement to 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 prior to the incident resulting in 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 acceptance of the offer, 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 free and clear of any liens, mortgages, or encumbrances 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.

Senate Floor Amendments to engrossed bill

1. Makes technical changes.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Natural Resources and Environment to the reengrossed bill.

1. Limits reimbursement to a person who owns noncommercial residential immovable property.
2. Requires the offer of reimbursement to be based on an appraisal by a qualified professional.
3. Changes the calculation of the value from the estimated value 180 days prior to the declaration disaster to the estimated value prior to the incident.
4. Changes the requirement that reimbursement be made within 30 days from the notice of an intention to seek reimbursement to 30 days of the acceptance of the offer.
5. Adds requirement that the property be transferred without encumbrances to the permittee.