

Regular Session, 2013

HOUSE BILL NO. 494

BY REPRESENTATIVE ST. GERMAIN

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

SALT DOMES: Requires notification of the proximity of property to a salt dome containing solution mining and storage caverns

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

8 §3198. Duties of the seller; delivery of property disclosure document; termination  
9 of real estate contract; information contained in document and inaccuracies;  
10 required disclosure of information relative to homeowners' associations;  
11 liability of seller

12 A.

13 \* \* \*

14 (2)

15 \* \* \*

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



1        between the owner, the clerk of court, and the commissioner or his designee, the  
 2        court may grant such relief upon adequate proof by the petitioner that the property  
 3        no longer contains a solution mined cavern which may pose a potential threat to  
 4        health or to the environment.

5            C. The failure of an owner to file the required notice may constitute grounds  
 6        for an action in redhibition under the applicable provisions of Civil Code Articles  
 7        2520 et seq., unless the purchaser has actual or constructive knowledge that the  
 8        property has been used for such purposes.

9            D. Any action brought pursuant to the provisions of this Section shall be  
 10       commenced within one year from the date the purchaser first knows of the existence  
 11       of the fact which gives rise to the action, but in any event within three years of the  
 12       date upon which the purchaser acquired his ownership interest in the property.

13       Venue shall be in any parish in which the property or any portion thereof is located.

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

St. Germain

HB No. 494

**Abstract:** Requires notification of the proximity of property to a salt dome containing solution mining and storage caverns

Present law requires the seller of property to disclose known features about the property for sale. Proposed law includes among those disclosures, a statement as to whether or not a cavity created within salt stock by dissolution with water lies under the property or whether the property is within 2,640 feet of a solution mining injection well.

Proposed law further requires the owner of a solution mined cavern to provide notification of the location of such cavern in the mortgage and conveyance records of the parish where the property is located. If the owner fails to provide such notification, the commissioner may cause such notice to be recorded. Requires the clerk of court to forward a copy of each notice recorded to the office of conservation.

Proposed law provides a process by which a notice may be removed. A person shall notify the commissioner requesting removal with such request specifying the facts supporting removal including evidence that the cavern no longer poses a threat to health or the environment. If the commissioner approves the request, the request may be submitted by affidavit to the clerk of court. The clerk shall notify the commissioner when the notice is removed. If the commissioner objects to the removal or fails to make a determination within 90 days, the person wishing to remove the notice can petition the court in the parish where the property is located.

Proposed law provides that failure of an owner to file the required notice may constitute grounds for an action of redhibition unless the purchaser has actual or constructive knowledge that the property overlays or is in proximity to a solution mined cavern. Provides a period of prescription of one year from the date of knowledge of the fact that gives rise to an action and three years after the purchase of the property, the purchaser shall have no right of action. Provides venue for any action to be in the parish in which the property is located.

(Adds R.S. 9:3198(A)(2)(c) and R.S. 30:23.1)