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## DIGEST

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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)