

SENATE BILL NO. 106

BY SENATOR LAMBERT

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

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AN ACT

To enact R.S. 30:2205(F), relative to the Hazardous Waste Site Cleanup Fund; to provide for liens by the state against immovable property for monies expended from the fund; to provide priority for the lien by the state; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2205(F) is hereby enacted to read as follows:

§2205. Hazardous Waste Site Cleanup Fund

* * *

F. The state shall have a lien or privilege against the immovable property for monies expended from the Site Cleanup Fund on the immovable property. The lien may be perfected against such property by filing a notice of lien containing the name of the current record owner and the legal description of the immovable property in the mortgage records of the parish in which the immovable property is located. Except as provided in this Subsection, the lien of the state, through the department, shall have priority in rank over all other privileges, liens, encumbrances, or other security interests affecting the property. As to all privileges, liens, encumbrances, or other security interests affecting the property that are filed or otherwise perfected before the filing of the notice of lien of the state authorized by this Section, such prior recorded security interests shall 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, and prior recorded security interests shall be

1 subordinate to the state lien for any amount in excess of the fair market value
2 of the property prior to such closure, assessment, or remediation.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____