2022 Regular Session

HOUSE BILL NO. 267

BY REPRESENTATIVE RISER

PROPERTY/EXPROPRIATION: Provides relative to the existing right of a storage facility operator to expropriate property for the purpose of drilling through a storage facility in Caldwell Parish

1	AN ACT
2	To amend and reenact R.S. 30:1108(B), relative to geological sequestration of carbon
3	dioxide; to provide relative to eminent domain; to provide for an exception to
4	eminent domain under certain circumstances in Caldwell Parish; and to provide for
5	related matters.
6	Notice of intention to introduce this Act has been published
7	as provided by Article III, Section 13 of the Constitution of
8	Louisiana.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 30:1108(B) is hereby amended and reenacted to read as follows:
11	§1108. Eminent domain; expropriation
12	* * *
13	B.(1) The Except as provided in Paragraph 2 of this Subsection, the exercise
14	of the right of eminent domain granted in this Chapter shall not prevent persons
15	having the right to do so from drilling through the storage facility in such manner as
16	shall comply with the rules of the commissioner issued for the purpose of protecting
17	the storage facility against pollution or invasion and against the escape or migration
18	of carbon dioxide. Furthermore, the right of eminent domain set out in this Section

1	shall not prejudice the rights of the owners of the lands or minerals not acquired for
2	the storage facility and not reasonably necessary for the use of the acquired property.
3	(2) The exercise of the right of eminent domain granted in this Section may
4	prohibit persons having the right to do so from drilling through the storage facility
5	located in Caldwell Parish only when the following requirements are satisfied:
6	(a) A period of five years has elapsed from the drilling or operation of any
7	oil or gas well within the boundaries of the storage facility to depths below the
8	underground reservoir component of the storage facility.
9	(b) All reservoirs below the underground reservoir component of the storage
10	facility that were drilled to and produced in any oil or gas well located within the
11	boundaries of the storage facility are no longer capable of producing minerals in
12	paying quantities.
13	* * *

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)]

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nd 207 Original	2022 Regular Session	Riser

Abstract: Provides relative to expropriation requirements of storage facilities in Caldwell Parish.

<u>Present law</u> provides that any storage operator may exercise the power of eminent domain and expropriate needed property for the purpose of constructing, operating, or modifying a storage facility for the purpose of transporting carbon dioxide to a storage facility.

<u>Present law</u> provides that the exercise of the right of eminent domain shall not prevent persons from having the right to drill through the storage facility in order to protect the storage facility against pollution or invasion and against the escape or migration of carbon dioxide.

<u>Proposed law</u> provides that in Caldwell Parish, persons may be prohibited from drilling through a storage facility only when the following is satisfied:

- (1) A period of five years has elapsed from the drilling or operation of any oil or gas well within the boundaries of the storage facility to the underground reservoir below.
- (2) All reservoirs that were drilled to and produced in any oil or gas well located within the boundaries of the storage facility are no longer capable of producing minerals in paying quantities.

(Amends R.S. 30:1108(B))

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.