

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 267****2022 Regular Session****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

Synopsis of Senate Amendments

1. Clarifies that the ability to prohibit the exercise of eminent domain is triggered when the five year period has elapsed from actual drilling.
2. Adds that satisfaction of the requirements to prohibit the exercise of eminent domain be determined by the commissioner of conservation.
3. Adds for the termination of the prohibition of exercise of eminent domain upon a determination by the commissioner of conservation that the operator abandoned the use of the facility for storage of carbon dioxide.

Digest of Bill as Finally Passed by Senate

Present law 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.

Present law provides that the exercise of the right of eminent domain does 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.

Proposed law 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 actual drilling or operation of any oil or gas well within the boundaries to depths below the base of the storage facility as determined by the commissioner of conservation.
- (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 as determined by the commissioner of conservation.

Proposed law terminates the prohibition provided in proposed law upon a finding by the commissioner, after notice and public hearing, that the storage facility operator abandoned all reasonable efforts to use, or cause others to use, the storage facility prior to any use of the underground reservoir component of the storage facility for the storage of carbon dioxide. (Amends R.S. 30:1108(B))