2022 Regular Session

HOUSE BILL NO. 267

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BY REPRESENTATIVE RISER AND SENATOR WOMACK

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 as provided by Article III, Section 13 of the Constitution of 7 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 19 shall not prejudice the rights of the owners of the lands or minerals not acquired for 20 the storage facility and not reasonably necessary for the use of the acquired property.

AN ACT

HB NO. 267 **ENROLLED**

1 (2) The exercise of the right of eminent domain granted in this Section may 2 prohibit persons having the right to do so from drilling through the storage facility 3 located in Caldwell Parish only when the following requirements are satisfied: 4 (a) A period of five years has elapsed from the actual drilling or operation of any oil or gas well within the boundaries of the storage facility to depths below 5 6 the base of the underground reservoir component of the storage facility as 7 determined by the commissioner of conservation. 8 (b) All reservoirs below the underground reservoir component of the storage 9 facility that were drilled to and produced in any oil or gas well located within the 10 boundaries of the storage facility are no longer capable of producing minerals in 11 paying quantities as determined by the commissioner of conservation. 12 (3) If a party who has the right to explore for and produce minerals from 13 depths below the base of the underground reservoir component of the storage facility 14 is prohibited from drilling through the storage facility under Paragraph (2) of this 15 Subsection by the exercise of the right of eminent domain granted in this Section, 16 that prohibition shall terminate upon a finding by the commissioner, after notice and 17 hearing conducted in accordance with R.S. 30:1105(C), that the storage facility 18 operator abandoned all reasonable efforts to use, or cause others to use, the storage 19 facility prior to any use of the underground reservoir component of the storage 20 facility for the storage of carbon dioxide. 21 SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE

APPROVED: ___

GOVERNOR OF THE STATE OF LOUISIANA