2022 Regular Session

HOUSE BILL NO. 267

<u>ENROLLED</u> ACT NO. 163

BY REPRESENTATIVE RISER AND SENATOR WOMACK

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
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.

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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
5	of any oil or gas well within the boundaries of the storage facility to depths below
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

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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