

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Responsibilities of sequestration injectors and pore space owners.

Sponsored by: Representative(s) Lubnau

A BILL

for

1 AN ACT relating to carbon sequestration; describing the
2 responsibilities of injectors; describing the
3 responsibilities of persons with interests in pore space
4 and related surface and subsurface rights; and providing
5 for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 34-1-153 is created to read:

10

11 **34-1-153. Ownership of material injected into**
12 **geologic sequestration sites; liability for holding**

1 **interests related to a sequestration site or giving consent**
2 **to allow geologic sequestration activities.**

3
4 (a) All material injected into any geologic
5 sequestration site for the purpose of geologic
6 sequestration shall be presumed to be owned by the injector
7 of such material and all rights, benefits, burdens and
8 liabilities of such ownership shall belong to the injector.
9 This presumption may be rebutted by a person claiming
10 contrary ownership by a preponderance of the evidence in an
11 action to establish ownership.

12
13 (b) No owner of pore space, or other person holding
14 any right to control pore space, into which material is
15 injected for the purpose of geologic sequestration, nor any
16 other surface or subsurface interest holder shall be liable
17 for the effects of injecting material for the purpose of
18 geologic sequestration solely by virtue of their interest
19 or by their having given consent to inject the material.

20
21 ***** STAFF COMMENT *****

22 **There are many issues surrounding any attempt to**
23 **specifically define the liability associated with**
24 **sequestration. Although the injector may be**
25 **declared the owner and subject to all related**
26 **liabilities, the injector likely should not be**
27 **strictly liable for all problems associated with**

1 injection. For example, the injector likely
2 should not be responsible for improperly capped
3 old exploration wells or the negligent acts of an
4 oil and gas exploration company who fails to
5 follow Commission rules when drilling a new well
6 over a sequestration site (W.S.30-5-501, passed
7 last year, allows such exploration as long as it
8 is accomplished according to the Oil and Gas
9 Commission's rules). Consequently, the approach
10 taken here addresses only one type of liability
11 and defines who is not liable, rather than
12 attempting to defining who is liable.
13

14 **Section 2.** This act is effective July 1, 2009.

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16

(END)