

HOUSE BILL No. 2132

By Committee on Energy and Environment

1-27

1 AN ACT concerning oil and gas; relating to natural gas injection wells,
2 ownership, rule of capture; amending K.S.A. 55-1210 and repealing the
3 existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 55-1210 is hereby amended to read as follows: 55-
7 1210. (a) *The rule of capture is abolished with respect to all natural gas*
8 *which has previously been reduced to possession by an injector that is*
9 *licensed or certificated to store natural gas by the federal energy*
10 *regulatory commission or the state corporation commission while*
11 *operating under the terms of such license or certificate, and which is*
12 *subsequently injected into underground natural gas storage fields, sands,*
13 *reservoirs and or facilities, whether such storage rights were acquired by*
14 *regardless of whether the injector's rights in such storage fields, sands,*
15 *reservoirs or facilities are established by certificate, agreement, lease,*
16 *eminent domain or otherwise. All such injected natural gas shall at all*
17 *times be the property of the injector, such injector's heirs, successors or*
18 *assigns, whether owned by the injector or stored under contract, regardless*
19 *of where such natural gas may be found.*

20 (b) In no event shall ~~such injected natural gas, as described in~~
21 ~~subsection (a), be subject to the right of the owner of the surface of such~~
22 ~~lands or of any mineral interest therein, under which such gas storage~~
23 ~~fields, sands, reservoirs and facilities lie, or of any person, wherever such~~
24 ~~person may be located, other than the injector, such injector's heirs,~~
25 ~~successors and assigns, to produce, take, reduce to possession, either by~~
26 ~~means of the law of capture or otherwise, waste, or otherwise interfere~~
27 ~~with or exercise any control over such gas, regardless of where such~~
28 ~~natural gas may be found. Nothing in this subsection shall be deemed to~~
29 ~~affect the right of the owner of the surface of such lands or of any mineral~~
30 ~~interest therein to drill or bore through the underground natural gas~~
31 ~~storage fields, sands, reservoirs and or facilities in such a manner as will~~
32 ~~protect such fields, sand, reservoirs and facilities against pollution and the~~
33 ~~escape of the natural gas being stored.~~

34 (c) With regard to ~~injected natural gas that has migrated to adjoining~~
35 ~~property or to a stratum, or portion thereof, which has not been condemned~~
36 ~~as allowed by law or otherwise purchased may be found outside of the~~

1 *vertical or horizontal boundaries of underground natural gas storage*
2 *fields, sands, reservoirs or facilities:*

3 (1) The injector, such injector's heirs, successors and assigns shall not
4 lose title to or possession of such gas if such injector, such injector's heirs,
5 successors or assigns can prove by a preponderance of the evidence that
6 such gas was originally ~~injected into the~~ *located within such injector's,*
7 *such injector's heirs', successors' or assigns' underground natural gas*
8 *storage field, sands, reservoir or facility.*

9 (2) The injector, such injector's heirs, successors and assigns, shall,
10 *upon reasonable notice*, have the right to conduct such tests on any
11 ~~existing wells on adjoining property~~, at such injector's sole risk and
12 expense including, but not limited to, the value of any lost production of
13 other than the injector's gas, as may be reasonable to determine ownership
14 of such gas.

15 (3) The owner of the stratum and the owner of the surface shall be
16 entitled to such compensation, including compensation for use of or
17 damage to the surface or substratum, as is provided by law, and shall be
18 entitled to recovery of all costs and expenses, including reasonable
19 attorney fees, if litigation is necessary to enforce any rights under this
20 subsection (c) and the injector does not prevail.

21 (d) The injector, such injector's heirs, successors and assigns *and any*
22 *other affected party* shall have the right to compel compliance with this
23 section by injunction or other appropriate relief by application to a court of
24 competent jurisdiction.

25 Sec. 2. K.S.A. 55-1210 is hereby repealed.

26 Sec. 3. This act shall take effect and be in force from and after its
27 publication in the statute book.