

**353.812 Cabinet and bordering states to discuss and develop unified approach to subsurface migration -- Reports to Governor and Legislative Research Commission.**

- (1) The secretary of the cabinet shall take affirmative steps to initiate discussions with surrounding states to develop a coordinated and unified approach to subsurface migration of stored carbon dioxide and may enter into reciprocal agreements with states that share a border with Kentucky that:
  - (a) Affirm that accidental or unforeseen migration of subsurface stored carbon dioxide across state lines shall not be treated by the states as trespass;
  - (b) Provide a mechanism for resolution and compensation for unforeseen migration incidents, including necessary monitoring arrangements to track or arrest future migration; or
  - (c) Establish a process whereby reservoirs that cross state lines can be created where it is geologically and mutually advantageous to do so.
- (2) The cabinet shall report to the Governor and the Legislative Research Commission on the progress of discussions held under this section. The report shall be presented in writing and through testimony to the Special Subcommittee on Energy and the Interim Joint Committee on Natural Resources and Environment annually unless the chairs of these committees direct otherwise. Reporting shall begin in 2012 and continue until the cabinet is satisfied that all necessary agreements have been reached and has reported that conclusion.

**Effective:** June 8, 2011

**History:** Created 2011 Ky. Acts ch. 24, sec. 7, effective June 8, 2011.