



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 265 be amended to read as follows:

1 Page 1, between lines 4 and 5, begin a new paragraph and insert:
2 "SECTION 2. IC 14-39-1-2.6 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2022]: **Sec. 2.6. As used in this chapter,**
5 **"mineral lessee" means a lessee identified by the records of the**
6 **recorder of deeds for each county containing a portion of the**
7 **proposed reservoir who holds an interest in minerals on real**
8 **property that are located above, below, or within the proposed**
9 **reservoir that has been severed from the surface estate by:**
10 **(1) grant;**
11 **(2) exception;**
12 **(3) reservation;**
13 **(4) lease; or**
14 **(5) any other means.**
15 SECTION 3. IC 14-39-1-2.7 IS ADDED TO THE INDIANA CODE
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2022]: **Sec. 2.7. As used in this chapter, "mineral owner" means**
18 **an owner identified by the records of the recorder of deeds for each**
19 **county containing a portion of the proposed reservoir who holds an**
20 **interest in minerals on real property that are located above, below,**
21 **or within the proposed reservoir that has been severed from the**
22 **surface estate by:**

- 1 **(1) grant;**
 2 **(2) exception;**
 3 **(3) reservation;**
 4 **(4) lease; or**
 5 **(5) any other means.**

6 SECTION 4. IC 14-39-1-2.9 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 2022]: **Sec. 2.9. As used in this chapter, "pore space" means**
 9 **subsurface cavities or voids that can be used as a storage space for**
 10 **carbon dioxide."**

11 Page 2, line 32, after "utility." insert **"It is inequitable for a rate**
 12 **payer of a public utility to bear the cost of an effect of the carbon**
 13 **sequestration pilot project on a source of the public water supply**
 14 **used by a public utility under this subsection, and such cost**
 15 **should constitute a cost of a facility described in section 3.5 of this**
 16 **chapter.**

17 SECTION 7. IC 14-39-1-16 IS ADDED TO THE INDIANA CODE
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2022]: **Sec. 16. (a) Before July 1, 2022, this chapter does not**
 20 **alter, amend, diminish, or invalidate ownership of the pore space**
 21 **of real property that has been divided into a surface estate and a**
 22 **mineral estate where ownership of the pore space was acquired or**
 23 **reserved by a conveyance document. Any ownership rights to pore**
 24 **space that were not expressly or by implication acquired or**
 25 **reserved by a conveyance document remain vested in the surface**
 26 **estate.**

27 **(b) After June 30, 2022, the ownership of pore space is vested in**
 28 **the surface estate of real property that is divided into a surface**
 29 **estate and a mineral estate unless such rights are explicitly**
 30 **acquired by a conveyance document.**

31 **(c) This chapter does not alter, amend, diminish, or invalidate**
 32 **common law established prior to July 1, 2022, regarding the rights**
 33 **to or dominance of a mineral estate, or the implied or express right**
 34 **of a mineral owner or mineral lessee for the use of pore space.**

35 **(d) A grant of:**

- 36 **(1) an easement to use; or**
 37 **(2) a lease of pore space;**

38 **for carbon sequestration is in perpetuity if specified by an**
 39 **easement or lease. Unless an individual who obtains an easement**
 40 **or lease operates carbon dioxide injection not later than twenty**

- 1 **(20) years after obtaining the easement or lease, interest shall**
- 2 **lapse, extinguish, and revert to the owner of the surface estate."**
- 3 Renumber all SECTIONS consecutively.
(Reference is to ESB 265 as printed February 14, 2022.)

Representative Boy