

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 629

By: Jolley of the Senate

3 and

4 Jackson of the House

5
6
7 [carbon sequestration - Oklahoma Conservation
8 Commission - certification program - fees - Oklahoma
Geological Survey - codification - noncodification -
9 emergency]

10
11 AUTHOR: Add the following House Coauthor: Walker

12 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
13 entire bill and insert

14
15 "An Act relating to carbon sequestration; amending
16 Section 2, Chapter 429, O.S.L. 2009 (27A O.S. Supp.
2010, Section 3-5-102), which relates to the
17 Oklahoma Carbon Capture and Geologic Sequestration
Act; defining term; amending 27A O.S. 2001, Sections
18 3-4-101, as amended by Section 1, Chapter 221,
O.S.L. 2003, 3-4-102, as last amended by Section 2,
19 Chapter 221, O.S.L. 2003, 3-4-103, as amended by
Section 3, Chapter 221, O.S.L. 2003 and Section 2,
20 Chapter 273, O.S.L. 2002, as amended by Section 4,
Chapter 221, O.S.L. 2003 (27A O.S. Supp. 2010,
21 Sections 3-4-101, 3-4-102, 3-4-103 and 3-4-105),
which relate to the Oklahoma Carbon Sequestration
22 Enhancement Act; modifying legislative findings;
defining terms; eliminating the Carbon Sequestration
23 Advisory Committee; modifying and deleting certain
duties of the Oklahoma Conservation Commission;

24

1 deleting certain assessment and reporting
2 requirements; modifying purposes of the carbon
3 sequestration certification program; requiring
4 consultation with certain entities; requiring
5 Commission to develop certain standards and
6 criteria; modifying procedures and application
7 requirements for certification; deleting certain
8 definition; authorizing Commission to establish fees
9 for program; amending 60 O.S. 2001, Section 6, which
10 relates to property definitions; modifying
11 definition; adding definition; specifying
12 application to certain oil and gas ownership or
13 rights; directing the Oklahoma Geological Survey to
14 assess public property for carbon sequestration
15 potential; amending 27A O.S. 2001, Section 3-2-103,
16 which relates to employees, experts and offices of
17 the Oklahoma Conservation Commission; authorizing
18 the Commission to employ or appoint attorneys or in-
19 house counsel; and providing for noncodification.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY Section 2, Chapter 429, O.S.L.
14 2009 (27A O.S. Supp. 2010, Section 3-5-102), is amended to read as
15 follows:

16 Section 3-5-102. As used in the Oklahoma Carbon Capture and
17 Geologic Sequestration Act:

18 1. "Agency" means the Corporation Commission or the Department
19 of Environmental Quality, as the case may be and as described in
20 Section ~~3~~ 3-5-103 of this ~~act~~ title;

21 2. "Anthropogenic carbon dioxide" or "man-made carbon dioxide"
22 means the carbon dioxide compound manufactured, mechanically formed
23 or otherwise caused to occur, as a result of either:
24

- 1 a. a chemical process performed by or involving efforts
2 of a person, or
3 b. separation of carbon dioxide from natural gas.

4 The term shall not include carbon dioxide that is naturally present
5 in underground locations;

6 3. "Approved reservoir" means a reservoir that is determined by
7 the Agency with jurisdiction to be suitable for the receipt, storage
8 and/or sequestration of injected carbon dioxide therein;

9 4. "Carbon dioxide" or "CO₂" means an inorganic compound
10 containing one carbon atom and two oxygen atoms, and exists as a gas
11 at standard temperature and pressure. Carbon dioxide is an inert,
12 stable, colorless, odorless, ~~non-toxic~~ nontoxic, incombustible,
13 inorganic gas that is dissolvable in water and is naturally present,
14 such as in underground locations and in the atmosphere as a trace
15 gas;

16 5. "Carbon sequestration" means long-term or short-term
17 underground storage or sequestration of anthropogenic carbon dioxide
18 in one or more reservoirs;

19 6. "CO₂ injection well" means an artificial excavation or
20 opening in the ground made by digging, boring, drilling, jetting,
21 driving, or another method and is used to inject or transmit
22 anthropogenic carbon dioxide into one or more reservoirs;

23 7. "CO₂ capture and compression equipment" means the equipment,
24 separation units, processing units, processing plants, pipe,

1 buildings, pumps, compressors, meters, facilities, motors, fixtures,
2 materials, and machinery, and all other improvements used in the
3 operation of any of them, and property, real or personal, intangible
4 or tangible, either attributable to or relating to, or located
5 thereon, used for the purpose of:

- 6 a. capturing carbon dioxide from a source that produces
7 anthropogenic carbon dioxide, and/or
- 8 b. compressing or otherwise increasing the pressure of
9 anthropogenic carbon dioxide;

10 8. "CO₂ pipeline" means any pipeline, compressors, pumps,
11 meters, facilities, valves, fittings, right-of-way markers, cathodic
12 protection ground beds, anodes, rectifiers, and any other cathodic
13 protection devices, and other associated equipment, appurtenances
14 and fixtures located on, attributable to or used in connection with
15 the same, and used for the purpose of transporting carbon dioxide
16 for carbon sequestration in this state or another state, excluding:

- 17 a. CO₂ capture and compression equipment at the source of
18 the carbon dioxide, and
- 19 b. pipelines that are part of a CO₂ sequestration
20 facility;

21 9. "CO₂ sequestration facility" means the approved reservoir(s),
22 and all associated underground equipment and pipelines, all
23 associated surface buildings and equipment, and all associated CO₂

24

1 injection wells, utilized for carbon sequestration in a defined
2 geographic boundary established by the Agency, excluding any:

- 3 a. CO₂ capture and compression equipment at the source of
4 the carbon dioxide, and
- 5 b. CO₂ pipeline transporting carbon dioxide to the
6 facility from a source located outside the geographic
7 boundaries of the surface of the facility;

8 10. "CO₂ trunkline" means a CO₂ pipeline that both exceeds
9 seventy-five (75) miles in distance and has a minimum pipe outside
10 diameter of at least twelve (12) inches;

11 11. "Commission" means the Corporation Commission as
12 established by Section 15 of Article 9 of the Oklahoma Constitution;

13 ~~11.~~ 12. "Common source of supply" shall have the same meaning
14 as in Section 86.1 of Title 52 of the Oklahoma Statutes;

15 ~~12.~~ 13. "Department" means the Department of Environmental
16 Quality as established by Section 2-3-101 et seq. of Title 27A of
17 ~~the Oklahoma Statutes~~ this title;

18 ~~13.~~ 14. "Enhanced oil or gas recovery" means the increased
19 recovery of hydrocarbons, including oil and gas, from a common
20 source of supply achieved by artificial means or by the application
21 of energy extrinsic to the common source of supply, such as
22 pressuring, cycling, pressure maintenance or injection of a
23 substance or form of energy, such as injection of water and/or
24 carbon dioxide, including immiscible and miscible floods; provided

1 that enhanced oil or gas recovery shall not include injection of a
2 substance or form of energy for the sole purpose of either:

- 3 a. aiding in the lifting of fluids in the well, or
- 4 b. stimulation of the reservoir at or near the well by
5 mechanical, chemical, thermal or explosive means;

6 ~~14.~~ 15. "Facility operator" means any person authorized by the
7 Agency to operate a CO₂ sequestration facility;

8 ~~15.~~ 16. "Facility owner" means the person who owns the CO₂
9 sequestration facility;

10 ~~16.~~ 17. "Gas" shall have the same meaning as in Section 86.1 of
11 Title 52 of the Oklahoma Statutes;

12 ~~17.~~ 18. "Governmental entity" means any department, commission,
13 authority, council, board, bureau, committee, legislative body,
14 agency, beneficial public trust, or other establishment of the
15 executive, legislative or judicial branch of the United States, the
16 State of Oklahoma, any other state in the United States, the
17 District of Columbia, the Territories of the United States, and any
18 similar entity of any foreign country;

19 ~~18.~~ 19. "Oil" shall have the same meaning as in Section 86.1 of
20 Title 52 of the Oklahoma Statutes;

21 ~~19.~~ 20. "Person" means any individual, proprietorship,
22 association, firm, corporation, company, partnership, limited
23 partnership, limited liability company, joint venture, joint stock
24 company, syndicate, trust, organization, committee, club,

1 governmental entity, or other type of legal entity, or any group or
2 combination thereof either acting in concert or as a unit;

3 ~~20.~~ 21. "Private operator" means any person that is either a
4 facility operator or an operator of a CO₂ pipeline, but that is
5 neither a public utility nor a common carrier as such terms are
6 defined by the Oklahoma ~~statutes~~ Statutes; and

7 ~~20.~~ 22. "Reservoir" means any portion of a separate and
8 distinct geologic or subsurface sedimentary stratum, formation,
9 aquifer, cavity or void, whether naturally occurring or artificially
10 created, including an oil or gas formation, saline formation, or
11 coal seam.

12 SECTION 2. AMENDATORY 27A O.S. 2001, Section 3-4-101, as
13 amended by Section 1, Chapter 221, O.S.L. 2003 (27A O.S. Supp. 2010,
14 Section 3-4-101), is amended to read as follows:

15 Section 3-4-101. A. This article shall be known and may be
16 cited as the "Oklahoma Carbon Sequestration Enhancement Act".

17 B. The Oklahoma Legislature finds that:

18 1. Increasing levels of carbon dioxide and other gases in the
19 atmosphere have led to growing interest in national and
20 international forums for implementing measures to slow and reverse
21 the buildup of such atmospheric constituents. These measures may
22 include, but are not limited to, the establishment of systems of
23 trading in carbon dioxide credits or adoption of practices,

24

1 technologies, or other measures which decrease the concentration of
2 carbon dioxide in the atmosphere and improve air quality;

3 ~~2. Improved agricultural practices, including, but not limited~~
4 ~~to, soil and vegetation, improved natural resources conservation~~
5 ~~practices, including, but not limited to, vegetation, revegetation,~~
6 ~~forestation and reforestation on rangeland and other agricultural~~
7 ~~and nonagricultural lands, improved practices for the capture and~~
8 ~~sequestration of carbon dioxide emissions through carbon dioxide~~
9 ~~injection in marginally producing oil and/or gas wells and abandoned~~
10 ~~oil and/or gas wells and other improved methods of stewardship for~~
11 ~~Oklahoma's natural resources~~ Carbon sequestration practices have
12 great potential to increase carbon sequestration and help offset the
13 impact of carbon dioxide emissions on carbon dioxide concentrations
14 in the atmosphere; and

15 3. It is in the interest of the citizens of this state that the
16 Oklahoma Conservation Commission document and quantify carbon
17 sequestration associated with ~~improved agricultural practices,~~
18 ~~improved natural resources conservation practices associated with~~
19 ~~other methods of improved stewardship of soil and vegetation for~~
20 ~~Oklahoma's natural resources, on rangeland, and other agricultural~~
21 ~~and nonagricultural lands, and associated with the capturing and~~
22 ~~sequestration of carbon dioxide emissions through carbon dioxide~~
23 ~~injection in marginally producing oil and/or gas wells and abandoned~~
24 ~~oil and/or gas wells~~ carbon sequestration practices.

1 C. It is the intent of the Legislature that such efforts to
2 document and quantify carbon sequestration ~~on agricultural and~~
3 ~~nonagricultural lands and the capturing and sequestration of carbon~~
4 ~~dioxide emissions through carbon dioxide injection in marginal oil~~
5 ~~and/or gas wells and abandoned oil and/or gas wells within the state~~
6 associated with carbon sequestration practices will enhance the
7 ability of the state's landowners, well owners and mineral owners to
8 participate in any system of carbon dioxide emissions marketing or
9 trading that may be developed in the future.

10 D. For purposes of this act, "carbon sequestration practices"
11 and "carbon capture and storage practices" shall mean and include:

12 1. Improved agricultural practices, including, but not limited
13 to, decreasing soil tillage, planting and managing vegetation,
14 growing agricultural crops or managing any existing vegetated area;

15 2. Improved natural resources conservation practices,
16 including, but not limited to, vegetation, revegetation,
17 forestation, afforestation and reforestation on rangeland and other
18 agricultural and nonagricultural lands;

19 3. Practices involving the capture and sequestration or storage
20 of carbon dioxide emissions through carbon dioxide injection in
21 producing oil or gas wells, abandoned oil or gas wells, or other
22 wells;

23 4. Other improved methods of stewardship for the natural
24 resources of Oklahoma; and

1 5. Other methods of sequestering, displacing or avoiding carbon
2 dioxide emissions approved by the Oklahoma Conservation Commission.

3 SECTION 3. AMENDATORY 27A O.S. 2001, Section 3-4-102, as
4 last amended by Section 2, Chapter 221, O.S.L. 2003 (27A O.S. Supp.
5 2010, Section 3-4-102), is amended to read as follows:

6 Section 3-4-102. A. ~~There is hereby created the Carbon~~
7 ~~Sequestration Advisory Committee. The Committee shall consist of~~
8 ~~the following members appointed by the Governor:~~

9 1. ~~The Director of the Department of Agriculture or designee;~~

10 2. ~~The Director of the Department of Environmental Quality or~~
11 ~~designee;~~

12 3. ~~The Director of the Oklahoma Conservation Commission or~~
13 ~~designee;~~

14 4. ~~One member representing the Natural Resources Conservation~~
15 ~~Service of the United States Department of Agriculture;~~

16 5. ~~One member representing Oklahoma State University;~~

17 6. ~~One member representing the Oklahoma Energy Board;~~

18 7. ~~One member representing an entity which generates electrical~~
19 ~~energy and operates facilities/equipment associated with the~~
20 ~~transmission and distribution of electrical energy;~~

21 8. ~~Two members who are producers of field crops at least one of~~
22 ~~whom actively employs a minimum tillage management system in his or~~
23 ~~her farming operation;~~

1 ~~9. Two members who are producers of livestock at least one of~~
2 ~~whom is actively involved in range management;~~

3 ~~10. One member with expertise in carbon dioxide emissions~~
4 ~~marketing or trading;~~

5 ~~11. One member representing an agri-business that does business~~
6 ~~and trading with farmers and ranchers and is involved with day-to-~~
7 ~~day merchandising in agricultural products;~~

8 ~~12. One member representing conservation districts in this~~
9 ~~state;~~

10 ~~13. One member representing the ethanol industry;~~

11 ~~14. One member representing electric cooperatives in this state~~
12 ~~designated by the industry;~~

13 ~~15. The Director of the Oklahoma Climatological Survey; and~~

14 ~~16. One member representing production agriculture who is~~
15 ~~actively engaged in carbon-based energy and wildlife-related~~
16 ~~activities to be designated by the Director of the Conservation~~
17 ~~Commission.~~

18 ~~B. Members of the Committee shall serve without compensation~~
19 ~~but shall be reimbursed for their actual and necessary expenses as~~
20 ~~provided in the State Travel Reimbursement Act. The Oklahoma~~
21 ~~Conservation Commission shall, subject to availability of~~
22 ~~appropriations, provide space for meetings of the Committee and~~
23 ~~shall provide other assistance and staffing needs of the Committee.~~

24 ~~C. The Carbon Sequestration Advisory Committee shall:~~

1 ~~1. Advise and assist the Oklahoma Conservation Commission in~~
2 ~~preparing any reports required by this section and in conducting the~~
3 ~~assessment pursuant to Section 3-4-103 of this title;~~

4 ~~2. Identify existing opportunities for Oklahoma agricultural~~
5 ~~and nonagricultural landowners, owners of marginally producing oil~~
6 ~~and/or gas wells and mineral owners to participate in any system of~~
7 ~~carbon dioxide emissions marketing or trading that may be developed~~
8 ~~in the future, and to optimize the economic benefits to Oklahoma~~
9 ~~agricultural and nonagricultural landowners, owners of marginally~~
10 ~~producing oil and/or gas wells and mineral owners who participate in~~
11 ~~such carbon dioxide emissions trading transactions. Such policies~~
12 ~~or programs may include, but are not limited to, identifying~~
13 ~~existing or new nonprofit organizations or other public or private~~
14 ~~entities capable of serving as assemblers of carbon dioxide~~
15 ~~emissions credits or as intermediaries on behalf of agricultural and~~
16 ~~nonagricultural landowners, owners of marginally producing oil~~
17 ~~and/or gas wells and mineral owners in any carbon dioxide emissions~~
18 ~~trading or marketing system that may be developed in the future;~~

19 ~~3. The Oklahoma Conservation Commission shall:~~

20 ~~1. Encourage the production of educational and advisory~~
21 ~~materials regarding carbon sequestration and storage and the~~
22 ~~opportunities to participate in any system of carbon dioxide~~
23 ~~emissions trading or marketing that may be developed in the future;~~
24 ~~and~~

1 4. 2. Identify ~~and recommend~~ areas of research needed to better
2 understand and quantify ~~the processes of~~ carbon sequestration ~~on~~
3 ~~agricultural and nonagricultural lands and through the use of~~
4 ~~marginally producing oil and/or gas wells and abandoned oil and/or~~
5 ~~gas wells and storage involved in carbon sequestration practices~~
6 within the state.

7 D. ~~On or before December 1, 2003, the Oklahoma Conservation~~
8 ~~Commission, in consultation with the Carbon Sequestration Advisory~~
9 ~~Committee, shall prepare an updated report to the Legislature. The~~
10 ~~updated report shall include, but not be limited to:~~

11 1. ~~Any new potential economic impact from utilizations of a~~
12 ~~voluntary system of carbon dioxide emissions trading or marketing~~
13 ~~for carbon sequestered on agricultural or nonagricultural lands in~~
14 ~~the state and for capturing and sequestering carbon dioxide~~
15 ~~emissions through carbon dioxide injection in marginally producing~~
16 ~~wells and abandoned oil and/or gas wells that could be used in the~~
17 ~~event carbon dioxide emissions regulations are adopted in the~~
18 ~~future;~~

19 2. ~~Improved agricultural practices, including, but not limited~~
20 ~~to, soil and vegetation, improved natural resources conservation~~
21 ~~practices, improved practices for the capture and sequestration of~~
22 ~~carbon dioxide emissions through carbon dioxide injection in~~
23 ~~marginal oil and/or gas wells and abandoned oil and/or gas wells,~~
24 ~~and other improved methods of stewardship for Oklahoma's natural~~

1 ~~resources which increase stored soil carbon and/or minimize carbon~~
2 ~~dioxide emissions associated with practices and activities that may~~
3 ~~generate carbon dioxide emissions;~~

4 ~~3. Methods for measuring and modeling net carbon sequestration~~
5 ~~associated with improved agricultural practices, improved natural~~
6 ~~resources conservation practices, improved practices for the capture~~
7 ~~and sequestration of carbon dioxide emissions through carbon dioxide~~
8 ~~injection in marginal and abandoned oil and/or gas wells and other~~
9 ~~improved methods of stewardship for Oklahoma's natural resources;~~

10 ~~4. Areas of scientific uncertainty with respect to quantifying~~
11 ~~and understanding sequestration associated with improved~~
12 ~~agricultural practices, improved natural resources conservation~~
13 ~~practices, improved practices for the capture and sequestration of~~
14 ~~carbon dioxide emissions through carbon dioxide injection in~~
15 ~~marginal and abandoned oil and/or gas wells, and other methods of~~
16 ~~improved stewardship for natural resources; and~~

17 ~~5. Any recommendations of the Carbon Sequestration Advisory~~
18 ~~Committee developed pursuant to the Oklahoma Carbon Sequestration~~
19 ~~Enhancement Act.~~

20 SECTION 4. AMENDATORY 27A O.S. 2001, Section 3-4-103, as
21 amended by Section 3, Chapter 221, O.S.L. 2003 (27A O.S. Supp. 2010,
22 Section 3-4-103), is amended to read as follows:

23 Section 3-4-103. A. ~~1. The Oklahoma Conservation Commission~~
24 ~~shall, subject to availability of appropriations, in consultation~~

1 ~~with the Carbon Sequestration Advisory Committee, assess~~
2 ~~agricultural and nonagricultural lands and marginally producing and~~
3 ~~abandoned oil and/or gas wells in this state for past carbon~~
4 ~~sequestration and future carbon sequestration potential.~~

5 ~~2. The assessment shall seek to quantify carbon sequestration~~
6 ~~associated with improved agricultural practices, including, but not~~
7 ~~limited to, soil and vegetation, improved natural resources~~
8 ~~conservation practices, improved practices for capture and~~
9 ~~sequestration of carbon dioxide through carbon dioxide injection in~~
10 ~~marginally producing and abandoned oil and/or gas wells, and other~~
11 ~~improved methods of stewardship for natural resources.~~

12 ~~3. On or before January 1, 2004, the Commission shall publish~~
13 ~~an updated report of the findings. The Commission may, from time to~~
14 ~~time, update such findings as advancements in understanding of the~~
15 ~~processes of carbon sequestration and new data become available.~~

16 ~~B. The assessment required in subsection A of this section~~
17 ~~shall be conducted in a manner that provides a means for owners of~~
18 ~~land in this state to estimate past and future net carbon~~
19 ~~sequestration resulting from improved agricultural practices,~~
20 ~~improved natural resources conservation practices, improved~~
21 ~~practices for capture and sequestration of carbon dioxide through~~
22 ~~carbon dioxide injection in marginally producing and abandoned oil~~
23 ~~and/or gas wells, and other improved methods of stewardship of~~
24 ~~natural resources occurring on their property.~~

1 ~~C. The Commission may contract and cooperate with the Natural~~
2 ~~Resources Conservation Service of the United States Department of~~
3 ~~Agriculture to conduct assessment activities provided for in this~~
4 ~~section.~~

5 D. The Oklahoma Conservation Commission may apply for and
6 accept grants, gifts, or other sources of public and private funds
7 to carry out the purposes of the Oklahoma Carbon Sequestration
8 Enhancement Act.

9 SECTION 5. AMENDATORY Section 2, Chapter 273, O.S.L.
10 2002, as amended by Section 4, Chapter 221, O.S.L. 2003 (27A O.S.
11 Supp. 2010, Section 3-4-105), is amended to read as follows:

12 Section 3-4-105. A. The Oklahoma Conservation Commission is
13 hereby authorized to establish and administer the carbon
14 sequestration certification program. The ~~purpose~~ purposes of the
15 program ~~is~~ are to provide a mechanism for creating and preserving
16 carbon reserves in this state ~~produced as by-products of best~~
17 ~~available resource management activities upon certified lands by~~
18 encouraging voluntary practices that protect or improve natural
19 resources, to enable Oklahomans to participate in market-based
20 programs for natural resource protection, to provide a mechanism for
21 Oklahomans to benefit from the ecosystem services they provide, to
22 verify carbon sequestration or storage associated with carbon
23 sequestration practices, and to issue carbon sequestration

1 certificates associated with carbon sequestration practices that the
2 Commission determines qualify for such certificates.

3 B. The Commission, in consultation with the Department of
4 Environmental Quality and with the advice of the ~~Carbon~~
5 ~~Sequestration Committee~~ carbon sequestration stakeholder groups
6 appointed by the Commission, shall develop and promulgate rules as
7 necessary to administer, implement and enforce the provisions of
8 this act, including, but not limited to, developing and implementing
9 uniform standards and criteria for ~~the certification of existing or~~
10 ~~potential carbon sinks located in this state~~ verifying carbon
11 sequestration and storage associated with carbon sequestration
12 practices and issuing carbon sequestration certificates associated
13 with approved carbon sequestration practices. In promulgating the
14 rules, the Commission shall develop the program to be as consistent
15 as possible with other governmental programs designed to create
16 carbon reserves for the purpose of voluntarily reducing greenhouse
17 gases or designed to certify carbon sequestration practices.

18 C. In order ~~to have land certified as an existing or potential~~
19 ~~carbon sink~~ for carbon sequestration to be verified and certified
20 under this section, an applicant shall file an application with the
21 Commission. Along with the application, the applicant shall submit
22 a resource management plan, or a project plan as applicable,
23 detailing activities ~~which~~ that will increase or maintain existing
24 trapped carbon including, but not limited to, improved forest

1 management, alteration of or changes in silviculture practices, and
2 growing of designated crops and any other such practices including,
3 but not limited to, the capture and sequestration of carbon dioxide
4 emissions through injection of carbon dioxide ~~in marginal and~~
5 ~~abandoned oil and/or gas wells which, based on best available~~
6 ~~information, will increase trapped carbon~~ underground.

7 D. The Commission shall require applicants to submit such
8 information, forms, and reports as are necessary to properly and
9 efficiently administer the program.

10 E. ~~The~~ Prior to granting a carbon sequestration certificate,
11 the Commission shall adopt ~~site certification conditions for each~~
12 ~~carbon sink~~ criteria associated with the approved carbon
13 sequestration practice for which an application is submitted. In
14 addition, the Commission shall determine, based upon compliance with
15 ~~the site certification conditions~~ the site criteria, the volume or
16 numerical amount of credits or offsets achievable by the specific
17 carbon ~~sink~~ sequestration practice.

18 F. Applications for ~~certification of a carbon sink~~
19 sequestration certificate shall be approved or denied in accordance
20 with criteria promulgated by the Commission.

21 G. ~~For purposes of this section, "carbon sink" means a~~
22 ~~geographical area that could be developed with reforestation,~~
23 ~~afforestation, growing agricultural crops or any existing vegetated~~
24 ~~area or marginally producing and/or abandoned oil and/or gas well~~

1 ~~area in which carbon is or could be trapped or injected~~ The
2 Commission is authorized to establish fees associated with the
3 carbon sequestration certification program.

4 SECTION 6. AMENDATORY 60 O.S. 2001, Section 6, is
5 amended to read as follows:

6 Section 6. A. Land is the solid material of the earth,
7 whatever may be the ingredients of which it is composed, whether
8 soil, rock or other substance, and includes any pore space.

9 B. 1. As used in this section, "pore space" means any
10 interstitial space not occupied by soil or rock, within the solid
11 material of the earth, and any cavity, hole, hollow or void space
12 within the solid material of the earth.

13 2. As used in this section, pore space is real property and,
14 until title to the pore space or rights, interests or estates in the
15 pore space are separately transferred, pore space is property of the
16 person or persons holding title to the land surface above it.

17 3. Notwithstanding the ownership of the pore space, nothing in
18 this section shall alter or be construed to alter the ownership of,
19 or rights associated with the oil or gas, as those terms are defined
20 in Section 86.1 of Title 52 of the Oklahoma Statutes, that may be
21 within the pore space.

22 SECTION 7. NEW LAW A new section of law not to be
23 codified in the Oklahoma Statutes reads as follows:

24

1 The Oklahoma Geological Survey, a state agency created by the
2 Oklahoma Constitution, shall, subject to availability of
3 appropriations or other funding, assess publicly owned lands,
4 minerals and other public property for carbon sequestration
5 potential, including, but not limited to, determining suitable
6 reservoirs for carbon dioxide injection underlying state surface and
7 mineral property interests and estimating the volume capacity for CO₂
8 sequestration in such reservoirs, as such terms are used and defined
9 in Section 3-5-102 of Title 27A of the Oklahoma Statutes.

10 SECTION 8. AMENDATORY 27A O.S. 2001, Section 3-2-103, is
11 amended to read as follows:

12 Section 3-2-103. A. The Commission:

13 1. May employ an Executive Director and ~~such~~ any technical
14 experts and ~~such~~ other agents and employees, permanent and
15 temporary, as may be required, and shall determine their
16 qualifications, duties, and compensation;

17 2. May call upon the Attorney General of the state for ~~such~~ any
18 legal services as may be required. In addition, the Commission, if
19 it determines that it is needed, may employ or appoint attorneys or
20 in-house counsel to advise or represent the Commission; and

21 3. Shall have authority to delegate to its chairman, to one or
22 more of its members, or to one or more agents or employees, ~~such~~ any
23 powers and duties as it may deem proper.

24

1 B. Offices shall be provided by the Department of Central
2 Services in Oklahoma City. Upon request of the Commission for the
3 purpose of carrying out any of its functions, the supervising
4 officer of any state agency, or of any state institution of
5 learning, shall, insofar as may be possible under available
6 appropriations and having due regard to the needs of the agency to
7 which the request is directed, assign or detail to the Commission
8 members of the staff or personnel of ~~such~~ the agency or institution
9 of learning, and make ~~such~~ any special reports, surveys, or studies
10 as the Commission may request."

11 Passed the House of Representatives the 26th day of April, 2011.

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14 _____
Presiding Officer of the House of
Representatives
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16 Passed the Senate the ____ day of _____, 2011.

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Presiding Officer of the Senate
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