

1 **SENATE FLOOR VERSION**

2 February 21, 2011

3 As Amended

4 SENATE BILL NO. 629

5 By: Jolley of the Senate

6 and

7 Jackson of the House

8 [ carbon sequestration - Oklahoma Conservation  
9 Commission - certification program - fees - Oklahoma  
10 Geological Survey - codification - noncodification -  
11 emergency ]

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

13 SECTION 1. AMENDATORY Section 3, 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 of this act;

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:

- 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 "CO<sub>2</sub>" 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, incombustible, inorganic gas  
13 that is dissolvable in water and is naturally present, such as in  
14 underground locations and in the atmosphere as a trace gas;

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

18       6.    "CO<sub>2</sub> injection well" means an artificial excavation or  
19 opening in the ground made by digging, boring, drilling, jetting,  
20 driving, or another method and is used to inject or transmit  
21 anthropogenic carbon dioxide into one or more reservoirs;

22       7.    "CO<sub>2</sub> capture and compression equipment" means the equipment,  
23 separation units, processing units, processing plants, pipe,  
24 buildings, pumps, compressors, meters, facilities, motors, fixtures,

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

5 a. capturing carbon dioxide from a source that produces  
6 anthropogenic carbon dioxide, and/or

7 b. compressing or otherwise increasing the pressure of  
8 anthropogenic carbon dioxide;

9 8. "CO<sub>2</sub> pipeline" means any pipeline, compressors, pumps,  
10 meters, facilities, valves, fittings, right-of-way markers, cathodic  
11 protection ground beds, anodes, rectifiers, and any other cathodic  
12 protection devices, and other associated equipment, appurtenances  
13 and fixtures located on, attributable to or used in connection with  
14 the same, and used for the purpose of transporting carbon dioxide  
15 for carbon sequestration in this state or another state, excluding:

16 a. CO<sub>2</sub> capture and compression equipment at the source of  
17 the carbon dioxide, and

18 b. pipelines that are part of a CO<sub>2</sub> sequestration  
19 facility;

20 9. "CO<sub>2</sub> sequestration facility" means the approved reservoir(s),  
21 and all associated underground equipment and pipelines, all  
22 associated surface buildings and equipment, and all associated CO<sub>2</sub>  
23 injection wells, utilized for carbon sequestration in a defined  
24 geographic boundary established by the Agency, excluding any:

1 a. CO<sub>2</sub> capture and compression equipment at the source of  
2 the carbon dioxide, and

3 b. CO<sub>2</sub> pipeline transporting carbon dioxide to the  
4 facility from a source located outside the geographic  
5 boundaries of the surface of the facility;

6 10. "CO<sub>2</sub> trunkline" means a CO<sub>2</sub> pipeline that both exceeds  
7 seventy five (75) miles in distance and has a minimum pipe outside  
8 diameter of at least twelve (12) inches;

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

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

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

16 ~~13.~~ 14. "Enhanced oil or gas recovery" means the increased  
17 recovery of hydrocarbons, including oil and gas, from a common  
18 source of supply achieved by artificial means or by the application  
19 of energy extrinsic to the common source of supply, such as  
20 pressuring, cycling, pressure maintenance or injection of a  
21 substance or form of energy, such as injection of water and/or  
22 carbon dioxide, including immiscible and miscible floods; provided  
23 that enhanced oil or gas recovery shall not include injection of a  
24 substance or form of energy for the sole purpose of either:

1 a. aiding in the lifting of fluids in the well, or

2 b. stimulation of the reservoir at or near the well by  
3 mechanical, chemical, thermal or explosive means;

4 ~~14.~~ 15. "Facility operator" means any person authorized by the  
5 Agency to operate a CO<sub>2</sub> sequestration facility;

6 ~~15.~~ 16. "Facility owner" means the person who owns the CO<sub>2</sub>  
7 sequestration facility;

8 ~~16.~~ 17. "Gas" shall have the same meaning as in Section 86.1 of  
9 Title 52 of the Oklahoma Statutes;

10 ~~17.~~ 18. "Governmental entity" means any department, commission,  
11 authority, council, board, bureau, committee, legislative body,  
12 agency, beneficial public trust, or other establishment of the  
13 executive, legislative or judicial branch of the United States, the  
14 State of Oklahoma, any other state in the United States, the  
15 District of Columbia, the Territories of the United States, and any  
16 similar entity of any foreign country;

17 ~~18.~~ 19. "Oil" shall have the same meaning as in Section 86.1 of  
18 Title 52 of the Oklahoma Statutes;

19 ~~19.~~ 20. "Person" means any individual, proprietorship,  
20 association, firm, corporation, company, partnership, limited  
21 partnership, limited liability company, joint venture, joint stock  
22 company, syndicate, trust, organization, committee, club,  
23 governmental entity, or other type of legal entity, or any group or  
24 combination thereof either acting in concert or as a unit;20.

1 "Private operator" means any person that is either a facility  
2 operator or an operator of a CO<sub>2</sub> pipeline, but that is neither a  
3 public utility nor a common carrier as such terms are defined by  
4 Oklahoma statutes; and

5 ~~20.~~ 21. "Reservoir" means any portion of a separate and  
6 distinct geologic or subsurface sedimentary stratum, formation,  
7 aquifer, cavity or void, whether naturally occurring or artificially  
8 created, including an oil or gas formation, saline formation, or  
9 coal seam.

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

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

15 B. The Oklahoma Legislature finds that:

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

24

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

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

23           C. It is the intent of the Legislature that such efforts to  
24 document and quantify carbon sequestration ~~on agricultural and~~

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

8 D. For purposes of this article, "carbon sequestration  
9 practices" and "carbon capture and storage practices" shall mean and  
10 include:

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

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

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

22 4. Other improved methods of stewardship for Oklahoma's natural  
23 resources; and

24

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;~~

24

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

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

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

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

16 C. In order ~~to have land certified as an existing or potential~~  
17 ~~carbon sink~~ for carbon sequestration to be verified and certified  
18 hereunder, an applicant shall file an application with the  
19 Commission. Along with the application, the applicant shall submit  
20 a resource management plan, or a project plan as applicable,  
21 detailing activities ~~which~~ that will increase or maintain existing  
22 trapped carbon including, but not limited to, improved forest  
23 management, alteration of or changes in silviculture practices, and  
24 growing of designated crops and any other such practices including,

1 but not limited to, the capture and sequestration of carbon dioxide  
2 emissions through injection of carbon dioxide ~~in marginal and~~  
3 ~~abandoned oil and/or gas wells which, based on best available~~  
4 ~~information, will increase trapped carbon~~ underground.

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

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

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

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

1 Commission is authorized to establish fees associated with the  
2 carbon sequestration certification program.

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

5 Section 6. Land is the solid material of the earth, whatever  
6 may be the ingredients of which it is composed, whether soil, rock  
7 or other substance, and includes any pore space. "Pore space" means  
8 any interstitial space not occupied by soil or rock, within the  
9 solid material of the earth, and any cavity, hole, hollow, or void  
10 space within the solid material of the earth.

11 SECTION 7. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 10 of Title 60, unless there is  
13 created a duplication in numbering, reads as follows:

14 Pore space, as that term is used and defined in Section 6 of  
15 this act, is real property and until title thereto or rights,  
16 interests or estates therein are separately transferred, pore space  
17 is the property of the person or persons holding title to the land  
18 surface above it.

19 SECTION 8. NEW LAW A new section of law not to be  
20 codified in the Oklahoma Statutes reads as follows:

21 The Oklahoma Geological Survey, a state agency created by the  
22 Oklahoma Constitution, shall, subject to availability of  
23 appropriations or other funding, assess publicly-owned lands,  
24 minerals and other public property for carbon sequestration

1 potential, including, but not limited to, determining suitable  
2 reservoirs for carbon dioxide injection underlying state surface and  
3 mineral property interests and estimating the volume capacity for  
4 CO2 sequestration in such reservoirs, as such terms are used and  
5 defined in Section 3-5-102 of Title 27A of the Oklahoma Statutes.

6 SECTION 9. It being immediately necessary for the preservation  
7 of the public peace, health and safety, an emergency is hereby  
8 declared to exist, by reason whereof this act shall take effect and  
9 be in full force from and after its passage and approval.

10 COMMITTEE REPORT BY: COMMITTEE ON ENERGY, dated 2-17-11 - DO PASS,  
11 As Amended and Coauthored.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24