

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 71 be amended to read as follows:

- 1 Page 1, between lines 11 and 12, begin a new paragraph and insert:
2 "SECTION 2. IC 14-8-2-302 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 302. "Waste" or
4 "wasted" has the following meaning:
5 (1) For purposes of IC 14-25-3, the meaning set forth in
6 IC 14-25-3-2.
7 (2) For purposes of IC 14-37, the term includes the following:
8 (A) Locating, spacing, drilling, equipping, operating, or
9 producing a well for oil and gas purposes drilled after March
10 13, 1947, in any manner that:
11 (i) reduces or tends to reduce the quantity of oil or gas
12 ultimately to be recovered from any well in Indiana; or
13 (ii) violates the spacing provisions adopted by the
14 commission under IC 14-37.
15 **(B) Locating, spacing, drilling, equipping, operating, or**
16 **producing a well for coal bed methane purposes in a**
17 **manner that reduces or tends to reduce the quantity of**
18 **commercially minable coal resources ultimately to be**
19 **recovered from a mine in Indiana.**
20 ~~(B)~~ (C) Storing oil in earthen reservoirs except in an
21 emergency to prevent the total loss of that oil.
22 ~~(C)~~ (D) Producing oil or gas in a manner that will cause water
23 channeling or zoning.
24 ~~(D)~~ (E) Injecting fluids into a stratum or part of a stratum
25 capable of producing oil or gas, except in accordance with the
26 terms of a Class II well for which a permit is issued under
27 IC 14-37.
28 ~~(E)~~ (F) Allowing water other than fresh water to flow from any
29 producing horizon located in a producing pool, except in
30 accordance with the terms of a permit issued under IC 14-37.

- 1 ~~(F)~~ **(G)** Allowing gas from a well that produces only gas to
 2 escape into the atmosphere, except as is necessary while
 3 making or changing connections, completing the well, or
 4 reconditioning the well."
- 5 Page 2, line 32, delete "IC 32-23-7-11;" and insert "**IC**
 6 **14-37-4-8.5;**".
- 7 Page 2, line 38, delete "chemicals," and insert "**products,**".
- 8 Page 3, line 31, delete "an interest in developing" and insert
 9 "**experience and interest in mining**".
- 10 Page 4, line 24, after "coal" insert "**resources from waste;**".
- 11 Page 4, delete line 25.
- 12 Page 4, line 28, delete "do not result in waste." and insert "**may**
 13 **result in the endangerment of the health and safety of miners.**".
- 14 Page 5, line 10, delete "diminution" and insert "**waste**".
- 15 Page 5, line 20, delete "diminution" and insert "**waste**".
- 16 Page 5, line 33, delete "The" and insert "**Subject to subsection (h),**
 17 **the**".
- 18 Page 5, between lines 37 and 38, begin a new paragraph and insert:
 19 "**(h) The information that the director gathers under subsection**
 20 **(g) may include the following:**
- 21 **(1) Whether the location is in an active, abandoned, or**
 22 **projected underground coal mine.**
- 23 **(2) Whether the location is in an unsealed inactive area or a**
 24 **sealed area of a coal mine with the potential for introducing**
 25 **oxygen into the area from drilling or the well.**
- 26 **(3) The proximity and size of coal pillars in an alternative**
 27 **location that might be drilled through, including whether in**
 28 **a panel or support for a submain or main entries.**
- 29 **(4) The equipment technology and operating or drilling**
 30 **experience history of the operator.**".
- 31 Page 5, line 38, delete "(h)" and insert "**(i)**".
- 32 Page 8, line 8, delete "holds" and insert "**controls by deed, lease, or**
 33 **other instrument**".
- 34 Page 13, line 30, strike "(b) This chapter".
- 35 Page 13, line 30, delete "declares".
- 36 Page 13, line 30, strike "the law of".
- 37 Page 13, line 30, delete "the".
- 38 Page 13, strike line 31.
- 39 Page 13, line 32, strike "existed before".
- 40 Page 13, line 32, delete "July 1, 2011.".
- 41 Page 13, line 33, strike "(c)" and insert "**(b)**".
- 42 Page 13 delete lines 36 through 42.
- 43 Page 14, delete lines 1 through 3.
- 44 Page 14, line 4, delete "IC 32-23-7-11" and insert "IC 14-37-4-8.5".
- 45 Page 14, line 6, delete "11." and insert "**8.5**".
- 46 Page 14, line 10, delete "and the coal mine" and insert "**under**

- 1 **subsection (c)(2), unless the director makes a finding that the**
2 **exercise of the right will not:".**
3 Page 14, delete line 11.
4 Page 14, line 12, delete "results" and insert "**result**".
5 Page 14, line 14, delete "diminution" and insert "**waste**".
6 Page 14, line 14 delete "in" and insert "**or endangerment of the**
7 **health and safety of miners."**
8 Page 14, delete line 15.
9 Page 14, line 16, after "the" insert "**director shall consider**
10 **whether**".
11 Page 14, line 16, after "any" insert "**one (1)**".
12 Page 14, line 17, delete "presumed to be".
13 Page 14, line 18, delete "has the potential to" and insert "**may**".
14 Page 14, line 18, delete "the future in diminution" and insert
15 "**waste**".
16 Page 14, line 19, delete "resource:" and insert "**resource or**
17 **endangerment of the health and safety of miners."**
18 Page 14, line 36, delete "diminution" and insert "**waste**".
19 Page 14, line 36, delete "resource;" and insert "**resource or**
20 **endangerment of the health and safety of miners;"**.
21 Page 15, line 6, delete "the diminution" and insert "**waste**".
22 Page 15, line 13, delete "diminution" and insert "**waste**".
23 Renummer all SECTIONS consecutively.
 (Reference is to SB 71 as printed January 21, 2011.)

Senator GARD