



January 22, 2010

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## SENATE BILL No. 115

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DIGEST OF SB 115 (Updated January 19, 2010 2:20 pm - DI 106)

**Citations Affected:** IC 32-24.

**Synopsis:** Eminent domain for carbon dioxide pipeline. Permits an entity authorized to transport carbon dioxide by pipeline to acquire real property by eminent domain.

**Effective:** July 1, 2010.

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**Gard, Bray, Waterman, Hume**

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January 5, 2010, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.  
January 21, 2010, amended, reported favorably — Do Pass.

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SB 115—LS 6352/DI 52+



January 22, 2010

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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## SENATE BILL No. 115



A BILL FOR AN ACT to amend the Indiana Code concerning property.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 32-24-8 IS ADDED TO THE INDIANA CODE AS  
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2010]:

4 **Chapter 8. Eminent Domain for Transportation of Carbon  
5 Dioxide by Pipeline**

6 **Sec. 1. Because the transportation of carbon dioxide by pipeline  
7 in Indiana for sequestration, enhanced oil recovery, and other  
8 purposes can:**

- 9 (1) assist efforts to reduce carbon dioxide emissions from:
  - 10 (A) the generation of electricity; and
  - 11 (B) the manufacture of gas using coal; and
- 12 (2) promote economic development in Indiana;

13 the transportation of carbon dioxide by pipeline in Indiana is  
14 declared to be a public use and service, in the public interest, and  
15 a benefit to the welfare of Indiana and the people of Indiana.

16 **Sec. 2. As used in this chapter, "carbon dioxide" means a fluid  
17 consisting of more than ninety percent (90%) carbon dioxide**

SB 115—LS 6352/DI 52+



1 molecules compressed to a supercritical state.  
 2 Sec. 3. As used in this chapter, "pipeline" means all parts of  
 3 physical facilities through which carbon dioxide can move in  
 4 transportation, including the following:  
 5 (1) Pipe.  
 6 (2) Valves and other appurtenances attached to pipe.  
 7 (3) Compressor units.  
 8 (4) Metering stations.  
 9 (5) Regulator stations.  
 10 (6) Delivery stations.  
 11 (7) Holders.  
 12 (8) Fabricated assemblies.  
 13 The term excludes motor vehicles of all kinds.  
 14 Sec. 4. As used in this chapter, "transportation" means the  
 15 physical movement of carbon dioxide by pipeline conducted for:  
 16 (1) a person's own use or account; or  
 17 (2) the use or account of another person or persons.  
 18 Sec. 5. (a) This section applies to any of the following that is  
 19 authorized to do business in Indiana and is authorized to transport  
 20 carbon dioxide by pipeline:  
 21 (1) A person.  
 22 (2) A firm.  
 23 (3) A partnership.  
 24 (4) A limited liability company.  
 25 (5) A corporation.  
 26 (b) An entity described in subsection (a) may take, acquire,  
 27 condemn, and appropriate any of the following to accomplish the  
 28 transportation of carbon dioxide by pipeline:  
 29 (1) Land.  
 30 (2) Real estate.  
 31 (3) Any permanent or temporary interest in land or real  
 32 estate.  
 33 (c) An entity to which subsection (b) applies has all  
 34 accommodations, rights, and privileges necessary to accomplish the  
 35 use for which the property is taken.  
 36 Sec. 6. (a) Except as provided in subsection (b), the taking,  
 37 acquisition, condemnation, and appropriation authorized by this  
 38 chapter must be made under IC 32-24-1.  
 39 (b) An entity that exercises its right under section 5(b) of this  
 40 chapter shall:  
 41 (1) compensate the owner of the land, real estate, or interest  
 42 in the manner that a condemnor is required to compensate the

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1 owner of a parcel of real property under IC 32-24-4.5-8(1)(A),  
2 IC 32-24-4.5-8(2)(A), or IC 32-24-4.5-8(3)(A); and  
3 (2) pay the owner's relocation costs (as defined in  
4 IC 32-24-4.5-6), if any.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 115, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 19, delete "engaged in the".

Page 2, line 20, delete "transportation of" and insert "**authorized to transport**".

Page 2, line 36, delete "The" and insert "**(a) Except as provided in subsection (b), the**".

Page 2, after line 38, begin a new paragraph and insert:

**"(b) An entity that exercises its right under section 5(b) of this chapter shall:**

- (1) compensate the owner of the land, real estate, or interest in the manner that a condemnor is required to compensate the owner of a parcel of real property under IC 32-24-4.5-8(1)(A), IC 32-24-4.5-8(2)(A), or IC 32-24-4.5-8(3)(A); and**
- (2) pay the owner's relocation costs (as defined in IC 32-24-4.5-6), if any."**

and when so amended that said bill do pass.

(Reference is to SB 115 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 1.

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