

# 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       Re-number all SECTIONS consecutively.  
      (Reference is to SB 71 as printed January 21, 2011.)

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Senator GARD