

Midwestern Governors Association (MGA): State-by-State CCS Statutory & Regulatory Framework Matrix
States included in the matrix include [MGA states](#) and a set of neighboring states with proposed CCS projects

		ILLINOIS <small>* Applies only to FutureGen</small>	INDIANA	IOWA	KANSAS
State review or study on development of a CCS Framework		Other: HB 3854 [sunset in 2010]			X – workshops and public meetings
Geologic storage of CO ₂ (GS) declared to be in the public interest					
Authority for GS project permitting; development of rules					X – HB 2419 – Kansas Corporation Commission X – Regulations
Property rights: Pore space or storage site ownership	Property rights: Ownership of CO ₂	X*– Surface rights purchased for FutureGen	X*- State takes title to CO ₂ SB 1704		
Mechanisms to acquire/aggregate pore space					
Long-term stewardship; financial assurance; liability		X* – State takes liability SB 1704			X – HB 2419 supplemented by HB 2418 Limited liability; permit requires financial responsibility for operation and closure; CO ₂ well and underground storage fund may cover range of activities from permitting to emergency or long-term remedial activities and enforcement, at the Director’s discretion. HB 2418 Limits liability of the State for damages resulting from leakage or discharge of CO ₂ from well/storage.
Enhanced Oil Recovery (EOR) - Address EOR projects in the context of GS rules		Other: SB 1987 EOR included in Clean Coal Portfolio Standard in the definition of ‘sequester.’			X – Definition used for carbon dioxide wells may be used for EOR and storage; carbon dioxide injection well though is distinct from underground storage.

Authority for CO ₂ pipeline siting/construction; pipeline safety	Illinois Commerce Commission likely has existing authority.	X – Safety SB 22		
Eminent domain for acquiring pipeline corridor	Unknown: Condemnation of right-of-way for a CO ₂ pipeline attached to a coal facility may qualify under the Coal and Energy Development Bond Act.	X- SB 521 Eminent domain; requires issuance of a carbon dioxide transmission pipeline certificate of authority by the DNR		

		MICHIGAN		MINNESOTA		MISSOURI		OHIO	
State review or study on development of a CCS Framework									
Geologic storage of CO ₂ (GS) declared to be in the public interest									
Authority for GS project permitting; development of rules									
Property rights: Pore space or storage site ownership	Property rights: Ownership of CO ₂								
Mechanisms to acquire/aggregate pore space									
Long-term stewardship; financial assurance; liability									
Enhanced Oil Recovery (EOR) - Address EOR projects in the context of GS rules									Other: SB 165 provides regulations for underground injection of CO ₂ for secondary/tertiary recovery of oil or natural gas including authorizing test for maximum allowable injection pressure (June 2010).
Authority for CO ₂ pipeline siting/construction; pipeline									

safety				
Eminent domain for acquiring pipeline corridor				

		South Dakota	Wisconsin	North Dakota	
State review or study on development of a CCS Framework			X – 2010 Report on potential for GS in WI that included review of regulatory issues.		
Geologic storage of CO ₂ (GS) declared to be in the public interest				X - SB 2095	
Authority for GS project permitting; development of rules				X - SB 2095	
Property rights: Pore space or storage site ownership	Property rights: Ownership of CO ₂			X - SB 2139 Defines pore space/ownership to surface estate; may not be severed.	X - SB 2095 Owned by operator until certificate of completion; transfers to state.
Mechanisms to acquire/aggregate pore space				X - SB 2095	
Long-term stewardship; financial assurance; long-term liability				X - SB 2095 No financial assurance requirements; storage fund created to cover range of activities from regulatory responsibilities to long-term monitoring and stewardship of a closed site.	
Enhanced Oil Recovery (EOR) - Address EOR projects in the context of GS rules				X – SB 2095 Statute does not apply to EOR projects but Commission may allow conversion of EOR to storage facilities.	
Authority for CO ₂ pipeline siting/construction; pipeline safety		X – SB 60 Amends language to include CO ₂ pipelines for GS or EOR under regs. for transmission facilities.		X – ND Code Ch 49-19 provides siting authority; eminent domain as a common carrier. The ND Pipeline Authority also may participate in pipeline construction and/or funding of CO ₂ pipelines.	
Eminent domain for acquiring pipeline corridor				X – ND Code Ch 49-19 provides eminent domain and designation as a common carrier.	

		KENTUCKY		WEST VIRGINIA	
State review or study on development of a CCS Framework		X - 2010 Report: Legal Issues of Carbon Sequestration		X – HB 2860 Established a carbon dioxide sequestration working group (report due July 1, 2011).	
Geologic storage of CO ₂ (GS) declared to be in the public interest				X - HB 2860	
Authority for GS project permitting; development of rules				X HB 2860 Statute requires promulgation of rules that meet specific provisions for project permitting including project development, monitoring, financial assurance, post-closure activities. Sec. may enter into cooperative agreements with other governments/government entites to regulate GS projects that extend beyond state regulatory authority.	
Property rights: Pore space or storage site ownership	Property rights: Ownership of CO ₂			Other: HB 2860 directs the working group to “recommend any legislation the working group may determine to be necessary or desirable to clarify issues regarding the ownership and other rights and interest in pore space.”	
Mechanisms to acquire/aggregate pore space					
Long-term stewardship; financial assurance; liability				Other: HB 2860 requires proof of bonding or financial assurance and a detailed plan for post-closure monitoring, verification, accounting, matinenance and mitigation to be included in permitting rules.	
Enhanced Oil Recovery (EOR) - Address EOR projects in the context of GS rules				X - HB 2860 Statute does not apply to EOR projects but projects may convert (no details on conversion); protects activities of mineral owners.	
Authority for CO ₂ pipeline siting/construction; pipeline safety					
Eminent domain for acquiring pipeline corridor		X – SB 50 provides eminent domain; requires construction certificate from Kentucky State Board on Electric Generation & Transmission Siting.			