Sixty-eighth Legislative Assembly of North Dakota

SENATE BILL NO. 2209

Introduced by

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Senators Magrum, Weston

Representatives Hoverson, S. Olson, Prichard

- 1 A BILL for an Act to amend and reenact section 49-19-12 of the North Dakota Century Code,
- 2 relating to eminent domain and carbon dioxide pipelines; and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 4 **SECTION 1. AMENDMENT.** Section 49-19-12 of the North Dakota Century Code is amended and reenacted as follows:
 - 49-19-12. When pipeline carrier may exercise right of eminent domain.
- 7 Every common pipeline carrier which shall have filed with the commission its 8 acceptance of the provisions of this chapter has, subject to chapter 32-15, the right 9 and power of eminent domain in the exercise of which it may enter upon and condemn 10 the land, right of way, easements, and property of any person necessary for the 11 construction, maintenance, or authorization of its pipeline. The manner and method of 12 such condemnation, and the assessment and payment of the damages therefor are 13 the same as is provided by law in the case of railroads. The right of eminent domain 14 and the right to use public lands, highways, or roads for right of way for pipelines shall 15 be acquired only by compliance with the provisions of this chapter.
 - 2. Notwithstanding subsection 1, a carbon dioxide common carrier may not exercise the right of eminent domain under subsection 1 until the common carrier has received written consent from:
 - a. Eighty-five percent of the landowners that would otherwise be subject to an eminent domain action under this section; or
 - b. More than eighty-five percent of the landowners that otherwise would be subject
 to an eminent domain action under this section, at the percentage specified by
 the board of county commissioners, if the board of county commissioners

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- determines it is necessary to receive consent from a larger percentage of
- 2 <u>landowners.</u>
- 3 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.