

Introduced by

Senator Magrum

1 A BILL for an Act to amend and reenact section 38-22-08 of the North Dakota Century Code,
2 relating to permit requirements for pore space storage; to repeal section 38-22-10 of the North
3 Dakota Century Code, relating to amalgamation property interests; and to declare an
4 emergency.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 38-22-08 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **38-22-08. Permit requirements.**

9 Before issuing a permit, the commission shall find:

- 10 1. That the storage operator has complied with all requirements set by the commission.
- 11 2. That the storage facility is suitable and feasible for carbon dioxide injection and
12 storage.
- 13 3. That the carbon dioxide to be stored is of a quality that allows it to be safely and
14 efficiently stored in the storage reservoir.
- 15 4. That the storage operator has made a good-faith effort to get~~obtained~~ the consent of
16 all persons who own the storage reservoir's pore space.
- 17 5. That the storage operator has obtained the consent of persons who own at least sixty
18 percent of the storage reservoir's pore space.
- 19 6. Whether the storage facility contains commercially valuable minerals and, if it does, a
20 permit may be issued only if the commission is satisfied that the interests of the
21 mineral owners or mineral lessees will not be adversely affected or have been
22 addressed in an arrangement entered into by the mineral owners or mineral lessees
23 and the storage operator.

1 | ~~7.6.~~ That the proposed storage facility will not adversely affect surface waters or formations
2 | containing fresh water.

3 | ~~8.7.~~ That carbon dioxide will not escape from the storage reservoir.

4 | ~~9.8.~~ That substances that compromise the objectives of this chapter or the integrity of a
5 | storage reservoir will not enter a storage reservoir.

6 | ~~10.9.~~ That the storage facility will not endanger human health nor unduly endanger the
7 | environment.

8 | ~~11.10.~~ That the storage facility is in the public interest.

9 | ~~12.11.~~ That the horizontal and vertical boundaries of the storage reservoir are defined. These
10 | boundaries must include buffer areas to ensure that the storage facility is operated
11 | safely and as contemplated.

12 | ~~13.12.~~ That the storage operator will establish monitoring facilities and protocols to assess
13 | the location and migration of carbon dioxide injected for storage and to ensure
14 | compliance with all permit, statutory, and administrative requirements.

15 | 14. ~~That all nonconsenting pore space owners are or will be equitably compensated.~~have
16 | received just compensation under chapter 32-15 and section 16 of article I of the
17 | Constitution of North Dakota or the district court has authorized the plaintiff to take
18 | possession under section 32-15-29.

19 | **SECTION 2. REPEAL.** Section 38-22-10 of the North Dakota Century Code is repealed.

20 | **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.