23.0637.01000

Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2212

Introduced by

Senator Magrum

Representative Prichard

A BILL for an Act to amend and reenact subsection 10 of section 32-15-02 and section 49-19-12 of the North Dakota Century Code, relating to eminent domain and carbon dioxide pipelines; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 10 of section 32-15-02 of the North Dakota Century Code is amended and reenacted as follows:

10. Oil, gas, and coal~~, and carbon dioxide~~ pipelines and works and plants for supplying or conducting gas, oil, coal~~, carbon dioxide~~, heat, refrigeration, or power for the use of any county, city, or the inhabitants thereof, together with lands, buildings, and all other improvements in or upon which to erect, install, place, maintain, use, or operate pumps, stations, tanks, and other machinery or apparatus, and buildings, works, and plants for the purpose of generating, refining, regulating, compressing, transmitting, or distributing the same, or necessary for the proper development and control of such gas, oil, coal~~, carbon dioxide~~, heat, refrigeration, or power, either at the time of the taking of said property or for the future proper development and control thereof.

SECTION 2. 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.

~~Every~~Except for carbon dioxide carriers, every common pipeline carrier which shall have filed with the commission its acceptance of the provisions of this chapter has, subject to chapter 32-15, the right and power of eminent domain in the exercise of which it may enter upon and condemn the land, right of way, easements, and property of any person necessary for the construction, maintenance, or authorization of its pipeline. The manner and method of such condemnation, and the assessment and payment of the damages therefor are the same as is

provided by law in the case of railroads. The right of eminent domain and the right to use public lands, highways, or roads for right of way for pipelines shall be acquired only by compliance with the provisions of this chapter.

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