

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  
18 ~~sixty~~eighty-five percent of the storage reservoir's pore space. If a county elects to  
19 require written consent from more than eighty-five percent of the persons that own the  
20 storage reservoir's pore space, the storage operator has received written consent from  
21 the specified percentage of the owners required by the county.
- 22 6. Whether the storage facility contains commercially valuable minerals and, if it does, a  
23 permit may be issued only if the commission is satisfied that the interests of the  
24 mineral owners or mineral lessees will not be adversely affected or have been