

Introduced by

Representatives S. Olson, Henderson

Senators Clemens, Magrum, Weston

1 A BILL for an Act to create and enact a new section to chapter 38-22 of the North Dakota
2 Century Code, relating to a prohibition on direct air carbon dioxide capture projects; to amend
3 and reenact section 38-08-21 of the North Dakota Century Code, relating to the authority of the
4 industrial commission; to provide for application; and to provide an expiration date.

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

6 **SECTION 1. AMENDMENT.** Section 38-08-21 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **38-08-21. Regulation of carbon dioxide and nitrogen gas.**

9 1. The commission is vested with the authority and duty to regulate the exploration,
10 development, and production of carbon dioxide, coal bed methane gas, helium gas,
11 and nitrogen gas within the state, in the same manner, ~~insofar~~ as is practicable, as
12 ~~the~~ the commission regulates oil or gas as defined in this chapter.

13 2. The commission may not approve or authorize a direct air carbon dioxide capture
14 project as defined under section 2 of this Act.

15 **SECTION 2.** A new section to chapter 38-22 of the North Dakota Century Code is created
16 and enacted as follows:

17 **Direct air carbon dioxide capture projects - Prohibition.**

18 A person may not construct, implement, or operate a direct air carbon dioxide capture
19 project in this state. As used in this section, "direct air carbon dioxide capture" means the
20 process of removing carbon dioxide directly from the atmosphere by using scrubbers and
21 chemical processes for underground storage or use in products.

22 **SECTION 3. APPLICATION.** The prohibition under section 2 of this Act does not apply to
23 an operator of a direct air carbon dioxide capture project in possession of necessary local,
24 state, and federal permits and approvals before the effective date of this Act.

1 **SECTION 4. EXPIRATION DATE.** This Act is effective through July 31, 2027, and after that
2 date is ineffective.