

**HOUSE BILL NO. 1292**

Introduced by

Representatives VanWinkle, Henderson, Holle, Hoverson, D. Johnston, Kasper, Morton, S.  
Olson, Osowski, Toman

Senators Magrum, Paulson

1 A BILL for an Act to amend and reenact sections 49-19-01, 49-19-11, and 49-19-19 of the North  
2 Dakota Century Code, relating to eliminating a carbon dioxide pipelines' owners', operators', or  
3 managers' status as a common pipeline carrier.

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

5 **SECTION 1. AMENDMENT.** Section 49-19-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **49-19-01. Definition of common pipeline carriers.**

8 Every person:

- 9 1. Owning, operating, or managing any pipeline or any part of any pipeline within this  
10 state for the transportation of crude petroleum, gas, or coal, ~~or carbon dioxide~~ to or for  
11 the public for hire, or engaged in the business of transporting crude petroleum, gas, or  
12 coal, ~~or carbon dioxide~~ by pipelines;
- 13 2. Owning, operating, managing, or participating in the ownership, operation, or  
14 management of, under lease, contract of purchase, agreement to buy or sell, or other  
15 agreement or arrangement ~~of any kind whatsoever~~, any pipeline, or any part of any  
16 pipeline, for the transportation of crude petroleum, gas, or coal bought from others  
17 from any oil, gas, or coal field or place of production, to any distributing, refining, or  
18 marketing center or reshipping point;
- 19 3. Engaged in the business of producing, purchasing, transporting for hire or transporting  
20 for sale within this state of natural gas, which is transported through pipelines, or any  
21 part of a pipeline, the right of way for which is granted or secured under the provisions  
22 of this chapter or, subject to chapter 32-15, through the exercise of the right of eminent  
23 domain; or

1           4.    Made a common carrier by or under the terms of a contract with or in ~~pursuance-~~  
2                of the laws of the United States, is a common carrier and is subject to the  
3                provisions of this chapter as a common pipeline carrier.

4           **SECTION 2. AMENDMENT.** Section 49-19-11 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **49-19-11. Pipeline carrier must agree to carry without discrimination.**

7           A common pipeline carrier, in the acceptance of the provisions of this chapter, shall agree  
8 expressly that it, without discrimination, will accept, carry, or purchase, the oil, coal, or gas, ~~or~~  
9 ~~carbon dioxide~~ of the state or of any person not the owner of any pipeline, operating a lease or  
10 purchasing oil, coal, or gas, ~~or carbon dioxide~~ at prices and under regulations to be prescribed  
11 by the commission.

12          **SECTION 3. AMENDMENT.** Section 49-19-19 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14          **49-19-19. Discrimination between shippers in facilities furnished, service rendered,**  
15 **and rates prohibited.**

16          ~~No~~

17          1.    A common pipeline carrier may not discriminate between or against shippers in regard  
18 to facilities furnished, services rendered, or rates charged under the same or similar  
19 circumstances in the transportation of crude petroleum, coal, or gas, ~~or carbon~~  
20 ~~dioxide~~, nor may there be any discrimination in the transportation of crude petroleum,  
21 coal, or gas, ~~or carbon dioxide~~ produced or purchased by itself directly or indirectly. In  
22 this connection the pipeline must be considered as a shipper of the crude petroleum,  
23 coal, or gas, ~~or carbon dioxide~~ produced or purchased by itself directly or indirectly  
24 and handled through its facilities. ~~No such~~

25          2.    A carrier in ~~such~~ operation, directly or indirectly, may not charge, demand, collect, or  
26 receive from anyone a greater or lesser compensation for any service rendered than  
27 from another for a like contemporaneous service. This section does not limit the right  
28 of the commission to prescribe rates and regulations from or to some places different  
29 from other rates or regulations for transportation from or to other places as it ~~may~~  
30 ~~determined~~ determined by the commission, nor is any carrier guilty of discrimination  
31 when obeying any order of the commission. ~~Where there is~~ When offered for

1 transportation more crude petroleum, or coal, ~~or carbon dioxide~~ than can be  
2 transported immediately, the ~~same~~products must be apportioned equitably. Gas must  
3 be taken on a pro rata basis or on ~~such~~the basis ~~as may be~~ established by the  
4 industrial commission ~~pursuant to~~under section 38-08-06.