

Summit Carbon Solutions Testimony on House Bill 1210
January 30, 2025, 2:30 P.M.
House Energy and Natural Resource Committee
Representative Todd Porter, Chairman

Jeffrey Skaare – Director of Land Summit Carbon Solutions

Opposition to HB 1210

1 the Easement by Company, its servants, agents, or invitees, excepting, however, such claims,
2 liabilities, or damages as may be due to or caused by the acts of Landowner, or its servants, agents,
3 or invitees.”

4 Moreover, the North Dakota Public Service Commission (PSC) has thoroughly evaluated liability
5 concerns, concluding in its order that: “No additional requirements are needed to ensure the Project
6 will have minimal adverse impacts on the liability insurance requirements of the landowners.”
7 SCS also maintains significant insurance coverage, as required by the PSC, with \$100 million in
8 liability insurance and an additional \$25 million in general liability insurance specifically for the
9 North Dakota portion of the project. These measures provide robust safeguards for landowners.

10 style="text-align:center">**UNPRECEDENTED AND UNNECESSARY LEGISLATION**

11 The automatic lien provision proposed in HB 1210 is both unnecessary and excessive,
12 particularly given the stringent safety measures, legal protections, and insurance coverage already in
13 place. No comparable legislation exists for other industries with potential risks, including:

- 14 • **Nuclear power plants**, regulated under the federal Price-Anderson Act but not subject to
15 automatic liens.
- 16 • **Anhydrous ammonia storage facilities**, highly regulated by OSHA and the EPA without
17 automatic lien requirements.
- 18 • **Oil and gas pipelines**, regulated by PHMSA, which also lack automatic lien systems for
19 landowner claims.

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- 1 • **Storage facilities for gasoline, diesel fuel, jet fuel, propane, and other natural gas liquids**, all of
2 which are far more volatile than CO₂ and face no similar statutory lien requirements.
- 3 Likewise, industries such as rail transport of hazardous materials, chemical plants, and wind or
4 solar projects are not subject to this type of regulation. HB 1210 imposes an unjustified and
5 disproportionate regulatory burden on a single industry, setting a dangerous precedent.

CONCLUSION

7 HB 1210 is an unwarranted and targeted piece of legislation; it is not grounded in science or
8 evidence but is instead an attempt to obstruct a thoroughly vetted and publicly supported project. It
9 disregards the substantial safety, legal, and insurance measures already in place. CO₂ pipelines are safe,
10 and SCS's pipeline, built to the most rigorous PHMSA standards, will be the safest of its kind.

11 Summit Carbon Solutions has gone above and beyond to ensure the protection of landowners,
12 incorporating indemnity agreements and substantial insurance coverage into our framework. The
13 proposed statutory lien is excessive, unprecedented, and inconsistent with the treatment of other
14 industries. For these reasons, I respectfully urge the Committee to oppose House Bill 1210.

15 Thank you, Mr. Chairman. I am happy to stand for any questions.