

This testimony is in support of HB 1292

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Hazelton, ND
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There are two constitutional limitations on the power of eminent domain:

1. Just compensation must be paid for the property condemned.
2. The property must be necessary for a public use.

Carbon dioxide pipelines do not supply or provide heat, refrigeration, or power for the use of any county, city, or the inhabitants thereof. A carbon dioxide pipeline has no public use and should therefore never have been granted status as a common carrier in North Dakota.

As rural landowners we have signed numerous easements over the years to ensure our community has adequate power, a reliable water source, and telecommunications. We understand the “common” good that these services bring. Eminent domain was never mentioned or needed.

Summit Carbon Solutions is on record threatening property owners with eminent domain in a public commission meeting 2 years prior to their project being approved. The outpouring of concerns regarding the tactics they used should be of great concern to our leaders. When private property owners are threatened because of an unconstitutional and unjust law being exploited by a private, out-of-state company seeking private gain...we must take a stand. We must defend our private property rights!

It is time for the ND legislature to right the wrong and amend the ND Century Code removing carbon dioxide pipelines from common carrier status.

We ask for a DO PASS on HB 1292.