

SENATE BILL NO. 2212

Introduced by

Senator Magrum

Representative Prichard

1 A BILL ~~for an Act to amend and reenact subsection 10 of section 32-15-02 and section 49-19-12~~
2 ~~of the North Dakota Century Code, relating to eminent domain and carbon dioxide pipelines;~~
3 ~~and to declare an emergency.~~ for an Act to amend and reenact section 49-22.1-03 of the North
4 Dakota Century Code, relating to avoidance areas for carbon dioxide pipelines.

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

6 ~~— **SECTION 1. AMENDMENT.** Subsection 10 of section 32-15-02 of the North Dakota~~
7 ~~Century Code is amended and reenacted as follows:~~

8 ~~— 10. — Oil, gas, and coal, and carbon dioxide pipelines and works and plants for supplying or~~
9 ~~conducting gas, oil, coal, carbon dioxide, heat, refrigeration, or power for the use of~~
10 ~~any county, city, or the inhabitants thereof, together with lands, buildings, and all other~~
11 ~~improvements in or upon which to erect, install, place, maintain, use, or operate~~
12 ~~pumps, stations, tanks, and other machinery or apparatus, and buildings, works, and~~
13 ~~plants for the purpose of generating, refining, regulating, compressing, transmitting, or~~
14 ~~distributing the same, or necessary for the proper development and control of such~~
15 ~~gas, oil, coal, carbon dioxide, heat, refrigeration, or power, either at the time of the~~
16 ~~taking of said property or for the future proper development and control thereof.~~

17 ~~— **SECTION 2. AMENDMENT.** Section 49-19-12 of the North Dakota Century Code is~~
18 ~~amended and reenacted as follows:~~

19 ~~— **49-19-12. When pipeline carrier may exercise right of eminent domain.**~~

20 ~~— Every ~~Except for carbon dioxide carriers, every~~ common pipeline carrier which shall have~~
21 ~~filed with the commission its acceptance of the provisions of this chapter has, subject to chapter~~
22 ~~32-15, the right and power of eminent domain in the exercise of which it may enter upon and~~
23 ~~condemn the land, right of way, easements, and property of any person necessary for the~~
24 ~~construction, maintenance, or authorization of its pipeline. The manner and method of such~~

1 ~~condemnation, and the assessment and payment of the damages therefor are the same as is~~
2 ~~provided by law in the case of railroads. The right of eminent domain and the right to use public~~
3 ~~lands, highways, or roads for right of way for pipelines shall be acquired only by compliance~~
4 ~~with the provisions of this chapter.~~

5 ~~—SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.~~

6 **SECTION 1. AMENDMENT.** Section 49-22.1-03 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **49-22.1-03. Exclusion and avoidance areas - Criteria.**

9 The commission shall develop criteria to be used in identifying exclusion and avoidance
10 areas and to guide the site, corridor, and route suitability evaluation and designation process.
11 Except for oil and gas transmission lines in existence before July 1, 1983, areas within five
12 hundred feet [152.4 meters] of an inhabited rural residence must be designated avoidance
13 areas. For carbon dioxide pipelines, areas within one thousand feet [304.8 meters] of an
14 inhabited rural residence must be designated avoidance areas. This criterion does not apply to
15 a water pipeline. The five hundred foot [152.4 meter] and one thousand foot [304.8 meter]
16 avoidance area criteria for an inhabited rural residence may be waived by the owner of the
17 inhabited rural residence in writing. The criteria also may include an identification of impacts and
18 policies or practices which may be considered in the evaluation and designation process.