

Sixty-eighth  
Legislative Assembly  
of North Dakota

## SENATE BILL NO. 2314

Introduced by

Senators Magrum, Dwyer

Representatives Heilman, S. Olson, Prichard

- 1 A BILL for an Act to create and enact section 49-19-12.1 of the North Dakota Century Code,
- 2 relating to common carrier use of eminent domain; and to amend and reenact section 49-19-12
- 3 of the North Dakota Century Code, relating to common carrier use of eminent domain.

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

- 5 **SECTION 1. AMENDMENT.** Section 49-19-12 of the North Dakota Century Code is
- 6 amended and reenacted as follows:

#### 7 **49-19-12. When pipeline carrier may exercise right of eminent domain.**

8 Every

- 9 1. Subject to approval from the commission under section 49-19-12.1, every common filing an  
10 pipeline carrier which shall have filed with the commission its acceptance of the acceptance of  
11 provisions of this chapter has, subject to chapter 32-15, the right and power of of this chapter  
12 eminent domain in the exercise of which it may enter upon and condemn the land, and a finding  
13 right of way, easements, and property of any person necessary for the construction, by the trier of  
14 maintenance, or authorization of its pipeline. The manner and method of such fact in a  
15 condemnation, and the assessment and payment of the damages therefor are the proceeding  
16 same as is provided by law in the case of railroads. The right of eminent domain under chapter  
17 and the right to use public lands, highways, or roads for right of way for pipelines 32-15 that it is  
18 shall be acquired only by compliance with the provisions of this chapter. a common  
19 2. Notwithstanding subsection 1, a carbon dioxide common carrier may not exercise the carrier pursuant  
20 right of eminent domain under subsection 1 until: to this chapter  
21 a. The common carrier has received written consent from eighty-five percent of the and subject to  
22 landowners that would otherwise be subject to an eminent domain action under chapter 32-15  
23 this section; or every common  
pipeline carrier  
shall have