

Introduced by

Senators Magrum, Weston

Representatives Hoverson, S. Olson, Prichard

1 A BILL for an Act to amend and reenact section 49-19-12 of the North Dakota Century Code,
2 relating to eminent domain and carbon dioxide pipelines; and to declare an emergency.

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

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

6 **49-19-12. When pipeline carrier may exercise right of eminent domain.**

7 1. Every common pipeline carrier which shall have filed with the commission its
8 acceptance of the provisions of this chapter has, subject to chapter 32-15, the right
9 and power of eminent domain in the exercise of which it may enter upon and condemn
10 the land, right of way, easements, and property of any person necessary for the
11 construction, maintenance, or authorization of its pipeline. The manner and method of
12 such condemnation, and the assessment and payment of the damages therefor are
13 the same as is provided by law in the case of railroads. The right of eminent domain
14 and the right to use public lands, highways, or roads for right of way for pipelines shall
15 be acquired only by compliance with the provisions of this chapter.

16 2. Notwithstanding subsection 1, a carbon dioxide common carrier may not exercise the
17 right of eminent domain under subsection 1 until the common carrier has received
18 written consent from:

19 a. Eighty-five percent of the landowners that would otherwise be subject to an
20 eminent domain action under this section; or

21 b. More than eighty-five percent of the landowners that otherwise would be subject
22 to an eminent domain action under this section, at the percentage specified by
23 the board of county commissioners, if the board of county commissioners

1 determines it is necessary to receive consent from a larger percentage of
2 landowners.

3 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.