

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2099

Introduced by

Natural Resources Committee

(At the request of the Industrial Commission)

1 A BILL for an Act to amend and reenact subsection 3 of section 38-08-04.5, section 38-08-21,
2 and subsection 7 of section 38-12-01 of the North Dakota Century Code, relating to the
3 abandoned oil and gas well plugging and site reclamation fund, control of gas and oil
4 resources, and subsurface mineral regulation; and to provide an effective date.

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

6 **SECTION 1. AMENDMENT.** Subsection 3 of section 38-08-04.5 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 3. All moneys collected under this section must be deposited in the abandoned oil
9 and gas well plugging and site reclamation fund. This fund must be maintained as
10 a special fund and all moneys transferred into the fund are ~~hereby~~ appropriated
11 and must be used and disbursed solely for the purpose of defraying the costs
12 incurred in carrying out the plugging or replugging of wells, the reclamation of well
13 sites, and all other related activities. However, when the ~~money~~ fees accumulated
14 in the fund exceeds fifty thousand dollars, any additional fees collected by the oil
15 and gas division of the industrial commission must be deposited in the general
16 fund.

17 **SECTION 2. AMENDMENT.** Subsection 3 of section 38-08-04.5 of the North Dakota
18 Century Code is amended and reenacted as follows:

19 3. All moneys collected under this section must be deposited in the abandoned oil
20 and gas well plugging and site reclamation fund. This fund must be maintained as
21 a special fund and all moneys transferred into the fund are ~~hereby~~ appropriated
22 and must be used and disbursed solely for the purpose of defraying the costs
23 incurred in carrying out the plugging or replugging of wells, the reclamation of well
24 sites, and all other related activities. However, when the ~~money~~ fees accumulated

1 in the fund ~~exceeds~~ exceed two hundred fifty thousand dollars, any additional fees
2 collected by the oil and gas division of the industrial commission must be
3 deposited in the general fund.

4 **SECTION 3. AMENDMENT.** Section 38-08-21 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **38-08-21. Regulation of carbon dioxide and nitrogen gas.** The commission is
7 ~~hereby~~ vested with the authority and duty to regulate the exploration, development, and
8 production of carbon dioxide, coal bed methane gas, helium gas, and nitrogen gas within the
9 state, ~~used for the development of oil and gas resources,~~ in the same manner, insofar as is
10 practicable, as it regulates oil or gas as defined in this chapter.

11 **SECTION 4. AMENDMENT.** Subsection 7 of section 38-12-01 of the 1999
12 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 13 7. "Subsurface minerals" means all naturally occurring elements and their
14 compounds, volcanic ash, precious metals, carbonates, and natural mineral salts
15 of boron, bromine, calcium, fluorine, ~~helium,~~ iodine, lithium, magnesium, ~~nitrogen,~~
16 phosphorus, potassium, sodium, thorium, uranium, and sulfur, and their
17 compounds, but does not include sand and gravel and rocks crushed for sand and
18 gravel.

19 **SECTION 5. EFFECTIVE DATE.** Section 2 of this Act becomes effective on July 1,
20 2003.