

Sixtieth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1349

Introduced by

Representatives Kempenich, Herbel, Thoreson

Senators Flakoll, Wardner

1 A BILL for an Act to amend and reenact section 38-11.1-05 of the North Dakota Century Code,
2 relating to notice of oil and gas drilling operations.

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

4 **SECTION 1. AMENDMENT.** Section 38-11.1-05 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **38-11.1-05. Notice of drilling operations.** Except for exploration activities governed
7 by chapter 38-08.1, the mineral developer shall give the surface owner written notice of the
8 drilling operations contemplated at ~~least twenty days prior to the commencement of the~~
9 ~~operations~~ the time the mineral developer applies for a drilling permit under section 38-08-05,
10 unless waived by mutual agreement of both parties. ~~If the mineral developer plans to begin~~
11 ~~drilling operations within twenty days of the termination date of the mineral lease, the required~~
12 ~~notice under this section may be given at any time prior to commencement of drilling~~
13 ~~operations.~~ This notice must be given to the record surface owner at that person's address as
14 shown by the records of the county recorder at the time the notice is given. This notice must
15 sufficiently disclose the plan of work and operations to enable the surface owner to evaluate the
16 effect of drilling operations on the surface owner's use of the property. Included with this notice
17 must be a form prepared by the director of the oil and gas division advising the surface owner of
18 the surface owner's rights and options under the chapter, including the right to request the state
19 department of health to inspect and monitor the well site for the presence of hydrogen sulfide.
20 If a mineral developer fails to give notice as provided under this section, the surface owner may
21 seek any appropriate relief in the court of proper jurisdiction and may receive punitive as well as
22 actual damages.