

# MINING AND GAS AND OIL PRODUCTION

## CHAPTER 327

### HOUSE BILL NO. 1085

(Representative Wald)

(At the request of the Industrial Commission)

## OIL AND GAS LAW VIOLATION PENALTIES

AN ACT to amend and reenact section 38-08.1-07 of the North Dakota Century Code, relating to penalties for violation of oil and gas laws, rules, and orders; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 38-08.1-07 of the North Dakota Century Code is amended and reenacted as follows:

**38-08.1-07. ~~Failure to comply with chapter - Penalty~~ Civil and criminal penalties. Any person violating any of the provisions of this chapter is guilty of a ~~class B misdemeanor.~~**

1. A person who violates any provision of this chapter or commission rule or order is subject to a civil penalty imposed by the commission not to exceed one thousand dollars for each offense, and each day's violation is a separate offense. A penalty imposed under this section, if not paid, may be recovered by the commission in the district court of the county in which the defendant resides, or in which any defendant resides if there is more than one defendant, or in the district court of any county in which the violation occurred. Payment of the penalty does not legalize the activity for which the penalty was imposed, or relieve the person upon whom the penalty was imposed from liability to any other person for damage caused by the violation.
2. Notwithstanding this section, a person who willfully violates any provision of this chapter or a commission rule or order is guilty of a class C felony.

Approved March 8, 1999  
Filed March 9, 1999

## CHAPTER 328

### SENATE BILL NO. 2092

(Natural Resources Committee)

(At the request of the Industrial Commission)

## OIL AND GAS DRILLING OPERATIONS NOTICES

AN ACT to amend and reenact section 38-11.1-05 of the North Dakota Century Code, relating to notice of oil and gas drilling operations.

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

**SECTION 1. AMENDMENT.** Section 38-11.1-05 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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

Approved March 11, 1999

Filed March 11, 1999

**CHAPTER 329****HOUSE BILL NO. 1086**

(Natural Resources Committee)

(At the request of the Public Service Commission)

**SURFACE COAL MINING PERMIT APPLICATION  
CONFERENCES**

AN ACT to amend and reenact subdivision f of subsection 3 of section 38-14.1-30 of the North Dakota Century Code, relating to persons presiding at surface coal mining permit application conferences.

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

**SECTION 1. AMENDMENT.** Subdivision f of subsection 3 of section 38-14.1-30 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- f. No person; ~~except a commissioner,~~ who presides at ~~any~~ an informal conference under section 38-14.1-19 in reference to a permit application may preside at a formal administrative hearing under this section or participate in making the final administrative decision pursuant to chapter 28-32.

Approved March 8, 1999

Filed March 8, 1999