

HOUSE BILL NO. 1182

Introduced by

Representatives Drovdal, Kempenich, Thoreson

Senators Bowman, Lyson

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~~ all surface owner owners and tenants
8 located within one-half mile [.80 kilometer] of the well site written notice of the drilling operations
9 contemplated at least twenty days ~~prior to~~ before the commencement of the operations, unless
10 waived by mutual agreement of ~~both~~ the parties. If the mineral developer plans to begin drilling
11 operations within twenty days of the termination date of the mineral lease, the required notice
12 under this section may be given at any time ~~prior to~~ before commencement of drilling
13 operations. ~~This~~ The notice must be given to ~~the~~ each record surface owner at ~~that person's~~
14 the owner's address as shown by the records of the county recorder at the time the notice is
15 given. ~~This~~ If the one-half mile [.80 kilometer] radius extends within the geographical boundary
16 of a city, the notice must be given to the governing body of the city and no further notice need
17 be given to the record title owners of real estate within the geographical boundary of the city. If
18 the one-half mile [.80 kilometer] radius includes land within the geographical boundary of a rural
19 subdivision where the lots are of 10 acres [4.04 hectares] or less, the notice must be given to
20 the governing body of the township or other governing authority for the rural subdivision and no
21 further notice need be given to the record title owners of real estate within the geographical
22 boundary of the rural subdivision. If the one-half mile [.80 kilometer] radius includes a single
23 tract of rural land that is owned by more than ten individuals, the notice must be given to the
24 governing body of the township or other governing authority for that tract of land and no further

1 notice need be given to the record title owners of that tract. The notice must sufficiently
2 disclose the plan of work and operations to enable the surface ~~owner~~ owners or tenants to
3 evaluate the effect of drilling operations on the surface owner's or tenant's use of the property.
4 Included with ~~this~~ the notice must be a form prepared by the director of ~~the oil and gas division~~
5 mineral resources advising the surface ~~owner~~ owners and tenants of the surface owner's and
6 tenant's rights and options under the chapter, including the right to request the state department
7 of health to inspect and monitor the well site for the presence of hydrogen sulfide. If a mineral
8 developer fails to give notice as provided under this section, the surface owner or tenant may
9 seek any appropriate relief in the court of proper jurisdiction and may receive punitive as well as
10 actual damages.