

Sixtieth
Legislative Assembly
of North Dakota

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

1 one-half mile [.80 kilometer] radius includes a single tract of rural land that is owned by more
2 than ten individuals, the notice must be given to the governing body of the township or other
3 governing authority for that tract of land and no further notice need be given to the record title
4 owners of that tract. The notice must sufficiently disclose the plan of work and operations to
5 enable the surface ~~owner~~ owners to evaluate the effect of drilling operations on the surface
6 ~~owner's~~ owners' use of the property. Included with ~~this~~ the notice must be a form prepared by
7 the director of ~~the oil and gas division~~ mineral resources advising the surface ~~owner~~ owners of
8 the ~~surface owner's~~ rights and options under the chapter, including the right to request the state
9 department of health to inspect and monitor the well site for the presence of hydrogen sulfide.
10 If a mineral developer fails to give notice as provided under this section, the surface owner may
11 seek any appropriate relief in the court of proper jurisdiction and may receive punitive as well
12 as actual damages.