

February 2, 2009

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1370

Page 1, line 2, after "interests" insert "; and to provide a penalty"

Page 2, line 26, after "**claim**" insert "**- Penalty**" and after the second boldfaced period insert:

"1."

Page 2, line 28, overstrike "the owner of", remove "record of", overstrike "the mineral interest", and remove "at the time of the first publication"

Page 2, line 29, remove "required in section 38-18.1-06", overstrike "meets", remove "one", and overstrike "of the following requirements"

Page 2, line 30, overstrike "1."

Page 3, line 1, remove "Within sixty days after first publication of the notice provided"

Page 3, remove lines 2 through 4

Page 3, line 5, overstrike "2."

Page 3, line 7, replace "Within sixty days after first publication" with:

- "a. The owner of record of the mineral interest satisfies either one of the following requirements within sixty days after first publication of the notice provided for in section 38-18.1-06:
- (1) Files with the county recorder a statement of claim as required in section 38-18.1-04 which is dated and notarized to confirm that the statement was signed before the first publication of notice; or
  - (2) Files with the county recorder documentation that at least one of the activities under subsection 1 of section 38-18.1-03 took place during the twenty-year period immediately preceding the first publication of notice.
- b. A person other than the owner of record of the mineral interest files with the county recorder within sixty days after first publication of the notice provided for in section 38-18.1-06 an affidavit under oath or a declaration under oath which includes the following:
- (1) An explanation of the factual and legal basis for the person's assertion of title to the mineral interest. This explanation must be accompanied by documentation supporting the assertion or an explanation why documentation is unavailable; and
  - (2) An explanation with supporting documentation that at least one of the activities under subsection 1 of section 38-18.1-03 took

place during the twenty-year period immediately preceding the first publication of notice.

2. A person that files a false claim under this section is guilty of a class B misdemeanor and is liable for attorney's fees in an action brought pursuant to this section."

Page 3, remove lines 8 through 13

Renumber accordingly