

# MINING AND GAS AND OIL PRODUCTION

## CHAPTER 356

**HOUSE BILL NO. 1210**  
(Representatives Martin, Brown)  
(Senator Urlacher)

### OIL AND GAS RESERVE PITS

AN ACT to create and enact a new subsection to section 38-08-02 and a new section to chapter 38-08 of the North Dakota Century Code, relating to recording the location of oil and gas reserve pits.

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

**SECTION 1.** A new subsection to section 38-08-02 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

“Reserve pit” means an excavated area used to contain drill cuttings accumulated during oil and gas drilling operations and mud-laden oil and gas drilling fluids used to confine oil, gas, or water to its native strata during the drilling of an oil and gas well.

**SECTION 2.** A new section to chapter 38-08 of the North Dakota Century Code is created and enacted as follows:

**Plats.** Any person reclaiming a reserve pit after the completion of oil and gas drilling operations shall record an accurate plat certified by a registered surveyor showing the location of the well and notice that an abandoned reserve pit may be on the location within six months of the completion of the reclamation with the register of deeds of the county in which the reserve pit is located. A plat filed for record in accordance with this section may be recorded without acknowledgment or further proof as required by chapter 47-19 and without the auditor’s certificate referred to in section 11-18-02.

Approved April 11, 1995  
Filed April 12, 1995

**CHAPTER 357****HOUSE BILL NO. 1159**

(Industry, Business and Labor Committee)  
(At the request of the Industrial Commission)

**INDUSTRIAL COMMISSION HEARINGS**

AN ACT to amend and reenact subsection 3 of section 38-08-11 of the North Dakota Century Code, relating to notice of hearings in industrial commission proceedings.

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

**SECTION 1. AMENDMENT.** Subsection 3 of section 38-08-11 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. Any notice required by this chapter must be given at the election of the commission either in accordance with chapter 28-32 or by one publication in a newspaper of general circulation in the state capital and in a newspaper of general circulation in the county where the land affected, or some part thereof, is situated. The notice must issue in the name of the state, must be signed by the chairman or secretary of the commission, and must specify the style and number of the proceeding, the time and place of the hearing, and must briefly state the purpose of the proceeding. Should the commission elect to give notice by personal service, such service may be made by any officer authorized to serve process, or by any agent of the commission, in the same manner as is provided by law for the service of summons in civil actions in the courts of the state. Proof of the service by such agent must be by the affidavit of the person making personal service. In proceedings that do not involve a complaint and a specifically named respondent, including agency hearings on applications seeking some right or authorization from the commission, the notice of hearing must be given at least fifteen days before the hearing, except in cases of emergency.

Approved March 28, 1995

Filed March 29, 1995

**CHAPTER 358****HOUSE BILL NO. 1158**

(Industry, Business and Labor Committee)  
(At the request of the Industrial Commission)

**OIL AND GAS WELLHEAD WELDER CERTIFICATION**

AN ACT to repeal section 38-08-22 of the North Dakota Century Code, relating to regulation of oil and gas wellhead welders.

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

**SECTION 1. REPEAL.** Section 38-08-22 of the 1993 Supplement to the North Dakota Century Code is repealed.

Approved March 1, 1995  
Filed March 2, 1995

## CHAPTER 359

### HOUSE BILL NO. 1157

(Natural Resources Committee)

(At the request of the North Dakota Geological Survey)

### COAL EXPLORATION VIOLATIONS

AN ACT to amend and reenact section 38-12.1-08 of the North Dakota Century Code, relating to the penalty for improper coal exploration activities; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 38-12.1-08 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**38-12.1-08. Civil and criminal penalties - Unclassified.**

1. Any person, including a director, officer, or agent of a corporate permittee, who violates this chapter, or any permit condition or regulation implementing this chapter is subject to a civil penalty not to exceed five thousand dollars per day of such violation.
2. Any person, including a director, officer, or agent of a corporate permittee, who knowingly or willfully violates this chapter, or any permit condition or regulation implementing this chapter or who knowingly reports information required by this chapter falsely is subject, upon conviction, to a criminal penalty of not more than ten thousand dollars or by imprisonment for not more than one year.
3. Any corporation or any person who controls the activity of a corporation who violates this chapter or any permit condition or rule implementing this chapter is subject to a civil penalty not to exceed five thousand dollars per day of such violation.

Approved March 14, 1995

Filed March 14, 1995

**CHAPTER 360****SENATE BILL NO. 2107**

(Natural Resources Committee)

(At the request of the Public Service Commission)

**COAL MINE OPERATOR COST REIMBURSEMENT**

AN ACT to amend and reenact subsection 4 of section 38-14.1-37 of the North Dakota Century Code, relating to reimbursement of the public service commission for small coal mine operator costs.

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

**SECTION 1. AMENDMENT.** Subsection 4 of section 38-14.1-37 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. An operator who has received assistance under ~~subsection~~ subsections 2 or 3 shall reimburse the commission for the cost of the services rendered if the commission finds that the operator's actual and attributed annual production of coal for all locations exceeds three hundred thousand tons [272155.41 metric tons] during the twelve months immediately following the date the operator is issued a surface coal mining and reclamation permit.

Approved March 7, 1995

Filed March 7, 1995

## CHAPTER 361

### SENATE BILL NO. 2108

(Natural Resources Committee)

(At the request of the Public Service Commission)

## ABANDONED MINE LANDS CONTRACT REQUIREMENTS

AN ACT to create and enact a new subsection to section 38-14.2-03 of the North Dakota Century Code, relating to the powers and duties of the public service commission concerning abandoned mine reclamation projects.

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

**SECTION 1.** A new subsection to section 38-14.2-03 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

Every successful bidder for an abandoned mine lands contract must be eligible based on available information concerning federal and state failure-to-abate cessation orders, unabated federal and state imminent harm cessation orders, delinquent civil penalties issued pursuant to section 518 of the Surface Mining Control and Reclamation Act of 1977 [Pub. L. 95-87; 91 Stat. 445; 30 U.S.C. 1201 et seq.], bond forfeitures where violations upon which the forfeitures were based have not been corrected, delinquent abandoned mine reclamation fees, and unabated violations of federal and state laws and rules and regulations pertaining to air or water environmental protection incurred in connection with any surface coal mining operation.

Approved March 7, 1995

Filed March 7, 1995

## CHAPTER 362

## HOUSE BILL NO. 1118

(Natural Resources Committee)

(At the request of the North Dakota Geological Survey)

GEOTHERMAL SYSTEM INSTALLER REPORT  
REQUIREMENTS

AN ACT to amend and reenact subsection 3 of section 38-19-02 and section 38-19-04 of the North Dakota Century Code, relating to reporting requirements for installers of residential geothermal systems.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 3 of section 38-19-02 of the North Dakota Century Code is amended and reenacted as follows:

3. "Geothermal energy extraction facility" means and includes any drilled, bored, or excavated device or installation to provide for the extraction of geothermal energy **but does not include any device used for private residential heating or cooling purposes.**

**SECTION 2. AMENDMENT.** Section 38-19-04 of the North Dakota Century Code is amended and reenacted as follows:

**38-19-04. Permit or report required.** It is unlawful to commence any operations for the drilling, boring, excavating, or construction of a geothermal energy extraction facility, which is used for other than private residential heating and cooling purposes, without first securing a permit from the state geologist, under such rules as may be adopted by the commission and after paying to the commission a fee for each such facility in an amount to be prescribed by the commission by rule. The fee set must be related to the cost of regulation and inspection under this chapter.

A report is required upon completion of any geothermal energy extraction facility used solely for private residential heating or cooling purposes. The report must be prepared by the geothermal energy extraction facility installer on a form provided by the state geologist and must be furnished to the state geologist within thirty days after the completion of the facility. The report must contain relevant information the state geologist requires relating to the environmental safety of the facility, including the facility owner and location, a log of formations penetrated, if any, system specifications and design, and fluids used in the facility.

All construction of geothermal energy extraction facilities must comply with rules adopted under this chapter.

Approved March 1, 1995

Filed March 1, 1995