

HOUSE BILL NO. 1170
with Senate AmendmentsSixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1170

Introduced by

Representatives Drovdal, S. Meyer, Kempenich

Senators Lyson, Bowman

- 1 A BILL for an Act to amend and reenact section 38-18.1-06 of the North Dakota Century Code,
2 relating to termination of mineral interest notices.

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

4 **SECTION 1. AMENDMENT.** Section 38-18.1-06 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **38-18.1-06. Notice of lapse of mineral interest - Method.**

- 7 1. ~~Any person~~ The owner or owners of the surface estate in the land in or under
8 which the mineral interest is located intending to succeed to the ownership of a
9 mineral interest upon its lapse shall give notice of the lapse of the mineral interest
10 by publication.
- 11 2. The publication provided for in subsection 1 must be made once each week for
12 three weeks in the official county newspaper of the county in which the mineral
13 interest is located; however, if the address of the mineral interest owner is shown
14 of record ~~or can be determined upon reasonable inquiry~~ in the office of the county
15 recorder in the county in which the mineral interest is located, notice must also be
16 made by mailing a copy of the notice to the owner of the mineral interest within ten
17 days after the last publication is made.
- 18 3. The notice must state:
- 19 a. The name of the record owner of the mineral ~~interests~~ interest;
- 20 b. A description of the land on which the mineral interest involved is located; and
- 21 c. The name of the ~~person~~ owner or owners of the surface estate in the land in
22 or under which the mineral interest is located giving the notice.
- 23 4. A copy of the notice and an affidavit of service of the notice must be recorded in
24 the office of the recorder of the county in which the mineral interest is located and

- 1 constitutes prima facie evidence in any legal proceedings that such notice has
2 been given.
- 3 5. ~~A person~~ The owner or owners of the surface estate in the land in or under which
4 the mineral interest is located who succeeds to the ownership of a mineral interest
5 upon its lapse under this chapter is entitled to record a statement of succession in
6 interest indicating that that ~~person~~ owner or owners of the surface estate in the
7 land in or under which the mineral interest is located has succeeded to the
8 ownership of the mineral interest.