

HOUSE BILL NO. 1324

Introduced by

Representatives Damschen, Anderson, Froseth, Onstad

Senators Andrist, Warner

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.**

7 Except for exploration activities governed by chapter 38-08.1, the mineral developer shall
8 give the surface owner written notice of the drilling operations contemplated at least ~~twenty-~~
9 ~~days prior to the commencement of the operation~~thirty days before applying for a drilling
10 permit, unless waived by mutual agreement of both parties. ~~If the mineral developer plans to~~
11 ~~begin drilling operations within twenty days of the termination date of the mineral lease, the~~
12 ~~required notice under this section may be given at any time prior to commencement of drilling~~
13 ~~operations.~~ This notice must be given to the record surface owner at that person's address as
14 shown by the records of the county recorder at the time the notice is given. This notice must
15 sufficiently disclose the plan of work and operations to enable the surface owner to evaluate the
16 effect of drilling operations on the surface owner's use of the property. The notice also must
17 contain a plat map showing the location of the well. When feasible, the mineral developer shall
18 work with the surface owner to locate the well so that the well does not unreasonably interfere
19 with the surface owner's operations. Included with this notice must be a form prepared by the
20 director of the oil and gas division advising the surface owner of the surface owner's rights and
21 options under the chapter, including the right to request the state department of health to
22 inspect and monitor the well site for the presence of hydrogen sulfide. If a mineral developer
23 fails to give notice as provided under this section, the surface owner may seek any appropriate
24 relief in the court of proper jurisdiction and may receive punitive as well as actual damages.