

**SENATE BILL NO. 2092
with House Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2092

Introduced by

Natural Resources Committee

(At the request of the Industrial Commission)

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 1997 Supplement to the North
5 Dakota Century Code is 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 surface owner written notice of the
8 drilling operations contemplated at least twenty days prior to the commencement of the
9 operations, unless waived by mutual agreement of both parties. If the mineral developer plans
10 to begin drilling operations within twenty days of the termination date of the mineral lease, the
11 required notice under this section may be given at any time prior to commencement of drilling
12 operations. This notice must be given to the record surface owner at that person's address as
13 shown by the records of the county register of deeds at the time the notice is given. This notice
14 must sufficiently disclose the plan of work and operations to enable the surface owner to
15 evaluate the effect of drilling operations on the surface owner's use of the property. Included
16 with this notice must be a form prepared by the ~~state geologist~~ director of the oil and gas
17 division advising the surface owner of the surface owner's rights and options under the chapter,
18 including the right to request the state department of health to inspect and monitor the well site
19 for the presence of hydrogen sulfide. If a mineral developer fails to give notice as provided
20 under this section, the surface owner may seek any appropriate relief in the court of proper
21 jurisdiction and may receive punitive as well as actual damages.