

**2013 HOUSE JUDICIARY**

**HB 1350**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HB 1350  
January 29, 2013  
Job 17941

☐ Conference Committee



## Explanation or reason for introduction of bill/resolution:

Statute of limitations for actions for injury due to oil and gas production.

## Minutes:

*Testimony 1,2*

**Chairman Koppelman:** Opens.

**David Rust:** Could not be present but did provide (testimony 1).

**Myron Hanson,** NW Landowners Association: (testimony 2). We are attempting to clarify the language.

**Rep Steiner:** Are you talking about personal injury or property injury?

**Myron:** Property injury?

**Rep Kretschmar:** Are you aware of any court decision that has ruled that the 2 year thing applies to the damages or just the notification portion.

**Myron:** No. We just need to clear up that this is a notification between the land owner and development company. The current statute is confusing.

**Rep Klemin:** The 6 year period that's covered in another statute of limitation provision I believe.

**Myron:** Yes it is a common for ND law, statute 28-01-16. Provides 6 year recovery period.

**Rep Klemin:** We are just restating the existing provision.

**Myron:** There is language in there but the question is how is applied. Notification must be done in a 2 year time frame, after notification of the damage then they would have 6 years to file.

**Chairman Koppelman:** So it is a little different than the normal 6 years?

**Myron:** Yes because it takes some time to even be aware that there is damage.

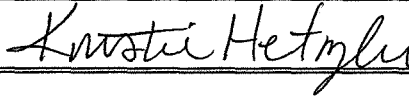
**Chairman Koppelman:** Closes

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HB 1350  
January 30, 2013  
Job 17966

☐ Conference Committee



## Explanation or reason for introduction of bill/resolution:

Statute of limitations for actions for injury due to oil and gas production.

## Minutes:

**Chairman Koppelman:** Opens.

**Rep Klemin:** It restates what is already in section 28-01-16, now if we were to have something in this section of the law on the notification of injury about the statute of limitations then I don't think we want to say it the way it is here. It makes it sound like it's a new six year statute of limitation period. Rather we should say something like any claim for relief, compensation brought into this chapter must be commenced within the period of time provided in section 28-01-16. It's redundant.

**Rep Maragos:** Motion to amend 1350, on line 10 delete six years after the claim, line 11 delete, and line 10 after the word within insert the time provided in section 28-01-16.

**Chairman Koppelman:** Did you want the period of time?

**Rep Maragos:** After the word within, insert the time provided in section 28-01-16.

Motion to amend.

**Rep Maragos:** Do pass as amended.

**Rep Delmore:** Second.

**Yes:** 13

**No:** 0

**Absent:** 1

**Carried by:** Rep Steiner.

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Title.02000

Adopted by the Judiciary Committee

January 30, 2013

1/30/13  
TD

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1350

Page 1, line 6, after "**injury**" insert "**- Statute of limitations**"

Page 1, line 10, remove "six years after the claim"

Page 1, line 11, replace "for relief has accrued" with "the limitations period provided in section 28-01-16"

Renumber accordingly

Date: 1-30-13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1350

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☐ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Klemin Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Voice Vote - Carried

Date: 1-30-13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1350

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Maragos Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman	/		Rep. Lois Delmore	/	
Vice Chairman Lawrence Klemin	/		Rep. Ben Hanson	/	
Rep. Randy Boehning			Rep. Kathy Hogan	/	
Rep. Roger Brabandt	/				
Rep. Karen Karls	/				
Rep. William Kretschmar	/				
Rep. Diane Larson	/				
Rep. Andrew Maragos	/				
Rep. Gary Paur	/				
Rep. Vicky Steiner	/				
Rep. Nathan Toman	/				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Steiner

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1350: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1350 was placed on the Sixth order on the calendar.

Page 1, line 6, after "**injury**" insert "**- Statute of limitations**"

Page 1, line 10, remove "six years after the claim"

Page 1, line 11, replace "for relief has accrued" with "the limitations period provided in section 28-01-16"

Renumber accordingly

**2013 SENATE JUDICIARY**

**HB 1350**

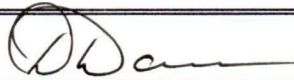
# 2013 SENATE STANDING COMMITTEE MINUTES

**Senate Judiciary Committee**  
Fort Lincoln Room, State Capitol

HB1350  
3/1/2013  
Job #20050

☐ Conference Committee

Committee Clerk Signature



**Minutes:**

**Relating to statute of limitations for actions for injury due to oil and gas productions**

**Senator David Hogue - Chairman**

Derrick Braaten - NW Landowners Association - In support - Mr. Braaten says the intent of this bill is just for clarification of what the statute of limitations are for the Service Damages Act for oil and gas. Senator Hogue states that they still need to give notice in 2 years but 6 years to bring the action. Senator Armstrong asks if there is a definition of notice. Mr. Braaten replies that it would be helpful.

Opposition - none  
Neutral - none

Close the hearing

Discussion

Senator Lyson asks if it is an underground break and you do not notice it do you get six years. Senator Hogue replies that in theory it could go longer. He said it is however long a reasonable person would have been able to discover that.

Senator Sitte motions a do pass  
Senator Grabinger seconded

Discussion

Senator Sitte asks if we need an amendment for notice. Senator Armstrong thinks that goes beyond the scope of the intent of the bill and may be an issue which takes more time to be addressed between landowners and companies and probably shouldn't be addressed in this bill.

Vote - 7 yes, 0 no  
Motion passes  
Senator Armstrong will carry

Date: 3-18-13  
Roll Call Vote #: 1

**2013 SENATE STANDING COMMITTEE**  
**ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1350**

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By S. Sitte Seconded By S. Grabinger

Senators	Yes	No	Senator	Yes	No
Chairman David Hogue	<input checked="" type="checkbox"/>		Senator Carolyn Nelson	<input checked="" type="checkbox"/>	
Vice Chairman Margaret Sitte	<input checked="" type="checkbox"/>		Senator John Grabinger	<input checked="" type="checkbox"/>	
Senator Stanley Lyson	<input checked="" type="checkbox"/>				
Senator Spencer Berry	<input checked="" type="checkbox"/>				
Senator Kelly Armstrong	<input checked="" type="checkbox"/>				

Total (Yes) 7 No 0

Absent 0

Floor Assignment S. Armstrong

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1350, as engrossed: Judiciary Committee (Sen. Hogue, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1350 was placed on the Fourteenth order on the calendar.

**2013 TESTIMONY**

**HB 1350**

1-29-13

Introduction of HB 1350  
Representative David Rust, District 2

Mr. Chairman and Members of the House Judiciary Committee:

For the record I am Representative David Rust of District 2 in NW ND. I am here to introduce to you HB 1350.

This bill adds one sentence to NDCC 38-11.1-07 relating to the statute of limitations for actions for injury due to oil and gas production.

In a nutshell, it states that "Any claim for relief for compensation brought under this chapter must be commenced within six years after the claim for relief has accrued."

That should clear up any confusion with regards to timelines. It also is the exact same time frame as given in the previous section of the law NDCC 38-11.1-06 when dealing with damages related to ground and surface water.

Myron Hanson of the NW Landowners Association is here. I've asked him to provide testimony in regards to this bill and its contents. He should be able to provide the rationale for the bill as well.

It's a straight forward bill. I urge your support, and I stand ready for any questions you may have in its regard.

If not, I will return to the House Education Committee and my duties there.

Thank you.

HB 1350

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1-29-13

Mr. Chairman, members of the committee:

I am Myron Hanson, president of the Northwest Landowners Association, representing 340 farmers and ranchers in the counties of Bottineau, Renville, Burke, Divide, Williams, McKenzie, and Dunn with additional memberships from other parts of the state.

Our association supports HB 1350 as a means of clarifying the language of the current statute.

The present language has caused confusions among our members. It has also led some development company representatives to pressure surface owners to sign damage settlements claiming that there is only a two-year period to recover damages.

In order to clarify this time line that there is a two-year notification of damages and a six-year period after damages occur to recover damages.

The Northwest Landowners Association supports a Do Pass recommendation from this committee.