

**SECOND ENGROSSMENT  
with Senate Amendments  
REENGROSSED HOUSE BILL NO. 1358**

Introduced by

Representatives D. Anderson, Hatlestad, J. Nelson, Porter, Weisz

Senators Bekkedahl, O'Connell

1 A BILL for an Act to create and enact a new section to chapter 38-08 and a new subsection to  
2 section 38-08-26 of the North Dakota Century Code, relating to the operation of underground  
3 gathering pipelines and the sharing of information by a surface owner; to amend and reenact  
4 subsection 18 of section 38-08-02, subdivisions d and l of subsection 1 of section 38-08-04,  
5 subsection 6 of section 38-08-04, and section 38-08-04.5 of the North Dakota Century Code,  
6 relating to an exception to confidentiality of well data, to underground gathering pipelines, to  
7 temporarily abandoned status, and the uses of the abandoned oil and gas well plugging and  
8 site reclamation fund; to provide a report to the legislative management; to provide a transfer; to  
9 provide an appropriation; and to declare an emergency.

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

11 **SECTION 1. AMENDMENT.** Subsection 18 of section 38-08-02 of the North Dakota  
12 Century Code is amended and reenacted as follows:

13 18. "Underground gathering pipeline" means an underground gas or liquid pipeline  
14 ~~that~~with associated above ground equipment which is designed for or capable of  
15 transporting crude oil, natural gas, carbon dioxide, or water produced in association  
16 with oil and gas which is not subject to chapter 49-22. As used in this subsection,  
17 "associated above ground equipment" means equipment and property located above  
18 ground level, which is incidental to and necessary for or useful for transporting crude  
19 oil, natural gas, carbon dioxide, or water produced in association with oil and gas from  
20 a production facility. As used in this subsection, "equipment and property" includes a  
21 pump, a compressor, storage, leak detection or monitoring equipment, and any other  
22 facility or structure.

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

1        **Controls, inspections, and engineering design on crude oil and produced water**  
2 **underground gathering pipelines.**

3        The application of this section is limited to an underground gathering pipeline that is  
4 designed or intended to transfer crude oil or produced water from a production facility for  
5 disposal, storage, or sale purposes and which was placed into service after August 1, 2015-.  
6 Upon request, the operator shall provide the commission the underground gathering pipeline  
7 engineering construction design drawings and specifications, list of independent inspectors, and  
8 a plan for leak protection and monitoring for the underground gathering pipeline. Within sixty  
9 days of an underground gathering pipeline being placed into service, the operator of that  
10 pipeline shall file with the commission an independent inspector's certificate of hydrostatic or  
11 pneumatic testing of the underground gathering pipeline.

12        **SECTION 3. AMENDMENT.** Section 38-08-04.5 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14        **38-08-04.5. Abandoned oil and gas well plugging and site reclamation fund - Budget**  
15 **section report.**

16        There is hereby created an abandoned oil and gas well plugging and site reclamation fund.

- 17        1. Revenue to the fund must include:
- 18            a. Fees collected by the oil and gas division of the industrial commission for permits
  - 19            or other services.
  - 20            b. Moneys received from the forfeiture of drilling and reclamation bonds.
  - 21            c. Moneys received from any federal agency for the purpose of this section.
  - 22            d. Moneys donated to the commission for the purposes of this section.
  - 23            e. Moneys received from the state's oil and gas impact fund.
  - 24            f. Moneys recovered under the provisions of section 38-08-04.8.
  - 25            g. Moneys recovered from the sale of equipment and oil confiscated under section
  - 26            38-08-04.9.
  - 27            h. Moneys transferred from the cash bond fund under section 38-08-04.11.
  - 28            i. Such other moneys as may be deposited in the fund for use in carrying out the
  - 29            purposes of plugging or replugging of wells or the restoration of well sites.
  - 30            j. Civil penalties assessed under section 38-08-16.
- 31        2. Moneys in the fund may be used for the following purposes:

- 1 a. Contracting for the plugging of abandoned wells.
- 2 b. Contracting for the reclamation of abandoned drilling and production sites,  
3 saltwater disposal pits, drilling fluid pits, and access roads.
- 4 c. To pay mineral owners their royalty share in confiscated oil.
- 5 d. Defraying costs incurred under section 38-08-04.4 in reclamation of oil and  
6 gas-related pipelines and associated facilities.
- 7 e. Reclamation and restoration of land and water resources impacted by oil and gas  
8 development, including related pipelines and facilities that were abandoned or  
9 were left in an inadequate reclamation status before August 1, 1983, and for  
10 which there is not any continuing reclamation responsibility under state law. Land  
11 and water degraded by any willful act of the current or any former surface owner  
12 are not eligible for reclamation or restoration. The commission may expend up to  
13 one million five hundred thousand dollars per biennium from the fund in the  
14 following priority:
  - 15 (1) For the restoration of eligible land and water that are degraded by the  
16 adverse effects of oil and gas development including related pipelines and  
17 facilities.
  - 18 (2) For the development of publicly owned land adversely affected by oil and  
19 gas development including related pipelines and facilities.
  - 20 (3) For administrative expenses and cost in developing an abandoned site  
21 reclamation plan and the program.
  - 22 (4) Demonstration projects for the development of reclamation and water  
23 quality control program methods and techniques for oil and gas  
24 development, including related pipelines and facilities.
- 25 3. All moneys collected under this section must be deposited in the abandoned oil and  
26 gas well plugging and site reclamation fund. This fund must be maintained as a  
27 special fund and all moneys transferred into the fund are appropriated and must be  
28 used and disbursed solely for the purpose of defraying the costs incurred in carrying  
29 out the plugging or replugging of wells, the reclamation of well sites, and all other  
30 related activities.

1           4. The commission shall report to the budget section of the legislative management on  
2           the balance of the fund and expenditures from the fund each biennium.

3           **SECTION 4. AMENDMENT.** Subdivision d of subsection 1 of section 38-08-04 of the North  
4           Dakota Century Code is amended and reenacted as follows:

5           d. The furnishing of a reasonable bond with good and sufficient surety, conditioned  
6           upon the full compliance with this chapter, and the rules and orders of the  
7           industrial commission, including without limitation a bond covering the operation  
8           of any underground gathering pipeline transferring oil or produced water from a  
9           production facility for disposal, storage, or sale purposes, except that if the  
10          commission requires a bond to be furnished, the person required to furnish the  
11          bond may elect to deposit under such terms and conditions as the industrial  
12          commission may prescribe a collateral bond, self-bond, cash, or any alternative  
13          form of security approved by the commission, or combination thereof, by which  
14          an operator assures faithful performance of all requirements of this chapter and  
15          the rules and orders of the industrial commission.

16          **SECTION 5. AMENDMENT.** Subdivision l of subsection 1 of section 38-08-04 of the North  
17          Dakota Century Code is amended and reenacted as follows:

18          l. The placing of wells in abandoned-well status which have not produced oil or  
19          natural gas in paying quantities for one year. A well in abandoned-well status  
20          must be promptly returned to production in paying quantities, approved by the  
21          commission for temporarily abandoned status, or plugged and reclaimed within  
22          six months. If none of the three preceding conditions are met, the industrial  
23          commission may require the well to be placed immediately on a single-well bond  
24          in an amount equal to the cost of plugging the well and reclaiming the well site. In  
25          setting the bond amount, the commission shall use information from recent  
26          plugging and reclamation operations. After a well has been in abandoned-well  
27          status for one year, the well's equipment, all well-related equipment at the well  
28          site, and salable oil at the well site are subject to forfeiture by the commission. If  
29          the commission exercises this authority, section 38-08-04.9 applies. After a well  
30          has been in abandoned-well status for one year, the single-well bond referred to  
31          above, or any other bond covering the well if the single-well bond has not been

1           obtained, is subject to forfeiture by the commission. A surface owner may request  
2           a review of the temporarily abandoned status of a well that has been on  
3           temporarily abandoned status for at least seven years. The commission shall  
4           require notice and hearing to review the temporarily abandoned status. After  
5           notice and hearing, the surface owner may request a review of the temporarily  
6           abandoned status every two years.

7           **SECTION 6. AMENDMENT.** Subsection 6 of section 38-08-04 of the North Dakota Century  
8 Code is amended and reenacted as follows:

- 9           6. To provide for the confidentiality of well data reported to the commission if requested in  
10           writing by those reporting the data for a period not to exceed six months. However, the  
11           commission may release:
- 12           a. Volumes injected into a saltwater injection well.
  - 13           b. Information from the spill report on a well on a site at which more than ten barrels  
14           of fluid, not contained on the well site, was released for which an oilfield  
15           environmental incident report is required by law.

16           **SECTION 7.** A new subsection to section 38-08-26 of the North Dakota Century Code is  
17 created and enacted as follows:

18           The surface owner may share information contained in the geographic information  
19           system database.

20           **SECTION 8. TRANSFER - ABANDONED OIL AND GAS WELL PLUGGING AND SITE**  
21 **RECLAMATION FUND TO OIL AND GAS RESEARCH FUND - PRODUCED WATER**

22 **PIPELINE STUDY - REPORT TO LEGISLATIVE MANAGEMENT.** The director of the office of  
23 management and budget shall transfer the sum of \$1,500,000 from the abandoned oil and gas  
24 well plugging and site reclamation fund to the oil and gas research fund for the purpose of  
25 funding a special project through the energy and environmental research center at the  
26 university of North Dakota during the biennium beginning July 1, 2015, and ending June 30,  
27 2017. The special project must focus on conducting an analysis of crude oil and produced water  
28 pipelines including the construction standards, depths, pressures, monitoring systems,  
29 maintenance, types of materials used in the pipeline including backfill, and an analysis of the  
30 ratio of spills and leaks occurring in this state in comparison to other large oil and gas-producing  
31 states with substantial volumes of produced water. The industrial commission shall contract with

1 the energy and environmental research center to compile the information and the center shall  
2 work with the department of mineral resources to analyze the existing regulations on  
3 construction and monitoring of crude oil and produced water pipelines, determine the feasibility  
4 and cost effectiveness of requiring leak detection and monitoring technology on new and  
5 existing pipeline systems, and provide a report with recommendations to the industrial  
6 commission and the energy development and transmission committee by December 1, 2015.  
7 The industrial commission shall adopt the necessary administrative rules necessary to improve  
8 produced water and crude oil pipeline safety and integrity. In addition, the industrial commission  
9 shall contract for a pilot project to evaluate a pipeline leak detection and monitoring system.

10 **SECTION 9. APPROPRIATION.** Notwithstanding section 38-08-04.5, there is appropriated  
11 out of any moneys in the abandoned oil and gas well plugging and site reclamation fund in the  
12 state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may  
13 be necessary, to the industrial commission for the purpose of conducting a pilot program  
14 involving the oil and gas research council in conjunction with research facilities in this state to  
15 determine the best techniques for remediating salt and any other contamination from the soil  
16 surrounding waste pits reclaimed by trenching between 1951 and 1984 in the north central  
17 portion of this state, for the biennium beginning July 1, 2015, and ending June 30, 2017.

18 **SECTION 10. EMERGENCY.** This Act is declared to be an emergency measure.