

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1199

Introduced by

Representative Keiser

1 A BILL for an Act to create and enact subsection 5 to section 61-33-01 of the North Dakota
2 Century Code, relating to the definition of subsurface minerals; and to amend and reenact
3 subsection 3 of section 61-33-01 of the North Dakota Century Code, relating to the definition of
4 sovereign lands.

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

6 **SECTION 1. AMENDMENT.** Subsection 3 of section 61-33-01 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 3. "Sovereign lands" means those areas, including beds and islands, lying within the
9 ordinary high watermark of navigable lakes and streams. Lands established to be
10 riparian accretion or reliction lands pursuant to section 47-06-05 are considered to be
11 above the ordinary high watermark and are not sovereign lands. For the purpose of
12 determining subsurface mineral rights, the ordinary high water mark within the
13 boundary of Lake Sakakawea and below the elevation of one thousand eight hundred
14 fifty-four feet above sea level must be located as close as possible to the ordinary high
15 water mark of the riverbed channel as it existed before the inundation of the channel
16 that created the lake based on historical records.

17 **SECTION 2.** Subsection 5 to section 61-33-01 of the North Dakota Century Code is created
18 and enacted as follows:

19 5. "Subsurface mineral" means oil, gas, or any naturally occurring element or compound
20 recovered under chapter 38-12, excluding an element or a compound that would
21 disturb the surface soil or water during the recovery process.