

April 12, 2019

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2344

That the House recede from its amendments as printed on page 1167 of the Senate Journal and page 1330 of the House Journal and that Engrossed Senate Bill No. 2344 be amended as follows:

Page 1, line 8, remove "**Temporary storage of natural gas -**"

Page 1, line 12, remove "the temporary"

Page 1, line 13, remove "underground storage of natural gas:"

Page 1, line 16, remove "It is a valid exercise of the state's police powers to discourage the flaring of natural"

Page 1, remove lines 17 through 19

Page 1, line 20, remove "3."

Page 1, line 20, remove "and"

Page 1, line 21, remove "the global environment by reducing greenhouse gas emissions"

Page 2, line 3, replace "4." with "3."

Page 2, line 6, replace "5." with "4."

Page 2, line 6, after "interest" insert "for"

Page 2, line 8, remove "the temporary storage of natural gas."

Page 2, line 12, replace "6." with "5."

Page 2, line 12, remove "operations for"

Page 2, line 13, remove "temporary storage of natural gas."

Page 2, line 19, after the second "the" insert "subsurface geologic"

Page 2, line 19, remove "temporary storage of natural gas."

Page 2, line 21, after the third underscored comma insert "disposal operations."

Page 2, line 24, replace "7." with "6."

Page 2, line 30, overstrike "necessary to exercise the police power of" and insert immediately thereafter "incumbent on"

Page 3, line 2, remove "for, and development of, oil and gas reserves in"

Page 3, remove line 3

Page 3, line 4, remove "including"

Page 3, after line 11, insert:

"4. This chapter may not be construed to alter, amend, repeal, or modify the law concerning title to pore space under section 47-31-03."

Page 4, after line 10 insert:

"1."

Page 4, after line 15, insert:

- "2. This section and chapter 38-08 may not be construed to impair the obligations of any contract for use of the surface estate for disposal operations, provided the contract was entered before the effective date of the unit approved by the commission pursuant to sections 38-08-09 through 38-08-09.17, and provided the disposal well is located within the unit area of the approved unit.
3. This section and chapter 38-08 may not be construed to allow the operator of a disposal well where the contract has expired after the effective date of the unit approved by the commission pursuant to sections 38-08-09 through 38-08-09.17 to claim the surface owner should not be compensated as if the new contract for the disposal well on which the contract has expired had been entered after the effective date of the approved unit.
4. The owner of the surface estate upon which the surface location of a disposal well is located does not lose, and may not be deemed to have lost, a claim for trespass, nuisance, or other tort if the operator of the disposal well commences or continues operations of the disposal well in violation of subsections 2 or 3."

Renumber accordingly