

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

157U0075

HOUSE BILL NO. 1001

Introduced by: Representatives Olson (Betty), Hawley, Hoffman, Magstadt, Rozum, Schrempp, and Solum and Senators Sutton, Maher, Rampelberg, Rhoden, and Tieszen at the request of the Interim Oil and Gas Study Committee

1 FOR AN ACT ENTITLED, An Act to require mineral developers to give notice to surface
2 owners before entering the land.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 45-5A be amended by adding thereto a NEW SECTION to read as
5 follows:

6 A mineral developer shall provide the surface owner, and surface lessee, if any, with at least
7 seven days notice by registered mail to the address shown by the records of the county treasurer
8 at the time the notice is given or by hand delivery prior to entry on the land for mineral
9 exploration activities that do not disturb the surface. This notice shall include:

- 10 (1) The name, address, and telephone number of the mineral developer or the mineral
11 developer's designee;
- 12 (2) An offer to discuss the proposed exploration plan with the surface owner, and surface
13 lessee if any, before the exploration operations begin; and
- 14 (3) A diagram of the approximate location or the proposed drilling site.



1 The notice required by this section is deemed to be received by the surface owner and
2 surface lessee immediately, if hand delivered, and seven days after mailing if sent by registered
3 mail.

4 The notice required by this section is in addition to the notice required by § 45-5A-5.

5 Section 2. That chapter 45-9 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 The surface owner, and surface lessee, if any, may seek actual and punitive damages in the
8 court of proper jurisdiction if the mineral developer fails to provide the notice required by
9 section 1 of this Act.

10 Section 3. That chapter 45-9 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 The provisions of this Act do not apply if the mineral developer and surface owner or
13 surface lessee have an existing use agreement or contract regarding the property at issue.