

Introduced by

Senators Bowman, Andrist, O'Connell, Warner

Representatives Sukut, Hunskor

1 A BILL for an Act to amend and reenact section 38-08-05 of the North Dakota Century Code,  
2 relating to setbacks for oil and gas wells.

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

4 **SECTION 1. AMENDMENT.** Section 38-08-05 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **38-08-05. Drilling permit required.**

7 ~~It is unlawful to~~ A person may not commence operations for the drilling of a well for oil or gas  
8 without first obtaining a permit from the industrial commission under ~~such~~ rules as may be  
9 prescribed by the commission and paying to the commission a fee for each ~~such~~ well in an  
10 amount to be ~~prescribed~~ determined by the commission. The applicant shall provide notice to  
11 the owner of any permanently occupied dwelling located within ~~one-quarter mile~~ one thousand  
12 three hundred twenty feet [402.34 meters] of the proposed oil or gas well. Unless waived by the  
13 owner or if the commission determines that the well location is reasonably necessary to prevent  
14 waste or to protect correlative rights, the commission may not issue a drilling permit for an oil or  
15 gas well with multiple drill pads that will be located within ~~five~~ one thousand feet [304.8 meters]  
16 of an occupied dwelling or for an oil or gas well with one drill pad that will be located within  
17 seven hundred fifty feet [152.4228.6 meters] of an occupied dwelling. If the commission issues  
18 a drilling permit for a location within ~~five hundred feet~~ [152.4 meters] of the distances provided  
19 by this section from an occupied dwelling, the commission may impose ~~such~~ conditions on the  
20 permit as the commission determines reasonably necessary to minimize impact to the owner of  
21 the dwelling.