70247.0400

Sixtieth Legislative Assembly of North Dakota

FIRST ENGROSSMENT with Senate Amendments

ENGROSSED HOUSE BILL NO. 1229

Introduced by

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Representatives Drovdal, Kempenich Senators Bowman, Urlacher, Wardner

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- SECTION 1. AMENDMENT. Section 38-08-05 of the North Dakota Century Code is amended and reenacted as follows:
- 6 **38-08-05. Drilling permit required.** It is unlawful to commence operations for the
- 7 drilling of a well for oil or gas without first obtaining a permit from the industrial commission
- 8 under such rules as may be prescribed by the commission and paying to the commission a fee
- 9 for each such well in an amount to be prescribed by the commission. The applicant shall
- 10 provide notice to the owner of any permanently occupied dwelling located within one-quarter
- 11 mile [402.34 meters] of the proposed oil or gas well. Unless waived by the owner or if the
- 12 commission determines that the well location is reasonably necessary to prevent waste or to
- 13 protect correlative rights, the commission may not issue a drilling permit for an oil or gas well
- 14 that will be located within five hundred feet [152.4 meters] of an occupied dwelling. If the
- 15 commission issues a drilling permit for a location within five hundred feet [152.4 meters] of an
- 16 occupied dwelling, the commission may impose such conditions on the permit as the
- 17 commission determines reasonably necessary to minimize impact to the owner of the dwelling.