

Sixty-third  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1348**

Introduced by

Representatives Froseth, Drovdal, Hunsakor, Kempenich, Monson

Senators Andrist, Laffen

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~~ adopted by the commission and paying to the commission a fee for each such well in  
10 an 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 that will be located within ~~five~~ one thousand three hundred twenty feet [~~152.4~~ 402.34  
16 meters] of an occupied dwelling. If the commission issues a drilling permit for a location within  
17 ~~five~~ one thousand three hundred twenty feet [~~152.4~~ 402.34 meters] of an occupied dwelling, the  
18 commission may impose such conditions on the permit as the commission determines  
19 reasonably necessary to minimize impact to the owner of the dwelling.