

**Sixty-third Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1348  
(Representatives Froseth, Drovdal, Hunskor, Kempenich, Monson)  
(Senators Andrist, Laffen)

AN ACT to amend and reenact section 38-08-05 of the North Dakota Century Code, relating to setbacks for oil and gas wells.

**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:

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

1. ~~It is unlawful to~~ A person may not commence operations for the drilling of a well for oil or gas without first obtaining a permit from the industrial commission under ~~such~~ rules as may be ~~prescribed~~ adopted by the commission and paying to the commission a fee for each ~~such~~ well in an amount to be ~~prescribed~~ determined by the commission. The applicant shall provide notice to the owner of any permanently occupied dwelling located within ~~one-quarter mile~~ one thousand three hundred twenty feet [402.34 meters] of the proposed oil or gas well.
2. Unless waived by the owner or if the commission determines that the well location is reasonably necessary to prevent waste or to protect correlative rights, the commission may not issue a drilling permit for an oil or gas well that will be located within five hundred feet [152.4 meters] of an occupied dwelling. If the commission issues a drilling permit for a location within ~~five hundred~~ one thousand feet [152.4300.48 meters] of an occupied dwelling, the commission may impose ~~such~~ conditions on the permit as:
  - a. For wells permitted on new pads built after July 31, 2013, the conditions imposed under this subdivision may include, upon request of the owner of the permanently occupied dwelling, requiring that the location of all flares, tanks, and treaters utilized in connection with the permitted well be located at a greater distance from the occupied dwelling than the oil and gas well bore if the location can be accommodated reasonably within the proposed pad location; or
  - b. As the commission determines reasonably necessary to minimize impact to the owner of the occupied dwelling.

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1348.

House Vote:      Yeas 93              Nays 0              Absent 1

Senate Vote:      Yeas 47              Nays 0              Absent 0

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2013,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State