

**FIRST ENGROSSMENT
with Senate Amendments**

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1229

Introduced by

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.

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.** 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.