

SENATE BILL NO. 2370

Introduced by

Senators Larsen, Oban

Representatives D. Anderson, Froseth, Hunskor, Oversen

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 1. A person may not commence operations for the drilling of a well for oil or gas without
8 obtaining a permit from the industrial commission under rules as may be adopted by
9 the commission and paying to the commission a fee for each well in an amount to be
10 determined by the commission. The applicant shall provide notice to the owner of any
11 permanently occupied dwelling located within one thousand three hundred twenty feet
12 [~~402.34~~ meters] of the proposed oil or gas well.
- 13 2. Unless waived by the owner or if the commission determines that the well location is
14 reasonably necessary to prevent waste or to protect correlative rights, the commission
15 may not issue a drilling permit for an oil or gas well that will be located within fiveone
16 thousand three hundred twenty feet [~~152.44~~402.34 meters] of an occupied dwelling. If
17 the commission issues a drilling permit for a location within one thousand three
18 hundred twenty feet [~~300.48~~402.34 meters] of an occupied dwelling, the commission
19 may impose conditions on the permit:
- 20 a. For wells permitted on new pads built after July 31, 2013, the conditions imposed
21 under this subdivision may include, upon request of the owner of the permanently
22 occupied dwelling, requiring that the location of all flares, tanks, and treaters
23 utilized in connection with the permitted well be located at a greater distance from

- 1 the occupied dwelling than the oil and gas well bore if the location can be
- 2 accommodated reasonably within the proposed pad location; or
- 3 b. As the commission determines reasonably necessary to minimize impact to the
- 4 owner of the occupied dwelling.