

**FIRST ENGROSSMENT
with Conference Committee Amendments****ENGROSSED SENATE BILL NO. 2351**

Introduced by

Senators Kringstad, Cook, Lindaas

Representative Martinson

1 A BILL for an Act to amend and reenact section 38-16-01.1 of the North Dakota Century Code,
2 relating to gravel and sand surface mining operations and reclamation.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 38-16-01.1 of the 1995 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **38-16-01.1. Gravel and sand surface mining operations - Reclamation - Civil**
7 **action - Penalty.** Any surface mining operator conducting a gravel or sand surface mining
8 operation on land in this state owned by another person ~~shall~~, upon completion or
9 abandonment of the surface mining operation, shall reclaim the affected land. Each surface
10 mining operator shall negotiate with the landowner a written agreement providing for the
11 reclamation of the affected land. Unless the affected land is to be used for other purposes as
12 agreed upon between the surface mining operator and the landowner, the reclamation
13 agreement must, at a minimum, provide for restoration by the surface mining operator of the
14 affected land as nearly as possible to ~~its original~~ the agreed contour and ~~productivity useability~~;
15 indicate the amount of topsoil and subsoil to be saved, segregated, and respread; and indicate
16 the party responsible for compaction of backfill, soil testing, fertilization, revegetation, weed
17 control, rock disposal, and replacement or establishment of conservation practices. The
18 reclamation must be within a time period agreed upon between the parties, but within one year
19 after the final cessation of surface mining operations. A landowner may bring a claim for relief
20 in any appropriate district court against the surface mining operator who has failed to reclaim
21 properly affected land pursuant to a reclamation agreement under this section. In an action
22 under this section, a surface mining operator is liable for damage in an amount necessary to
23 reclaim the land. Any person who violates any provision of this section is guilty of a class B
24 misdemeanor.