

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2140

Introduced by

Natural Resources Committee

(At the request of the Public Service Commission)

1 A BILL for an Act to amend and reenact subsection 18 of section 38-14.1-24 and subsection 2
2 of section 38-14.2-14 of the North Dakota Century Code, relating to the time period for
3 successful revegetation on lands permitted for surface coal mining and reclamation operations
4 and limitations for filing liens on abandoned mine lands that are reclaimed.

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

6 **SECTION 1. AMENDMENT.** Subsection 18 of section 38-14.1-24 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 18. Assume the responsibility for successful revegetation, as required by
9 subsection 17, for a period of ten full years after the last year of augmented
10 seeding, fertilizing, irrigation, or other work, provided that, when the commission
11 approves a long-term intensive agricultural postmining land use, the ten-year
12 period of responsibility for revegetation commences at the date of initial planting.
13 However, for previously mined areas that are affected by remining, the operator's
14 responsibility for successful revegetation will extend for a period of five full years
15 after the last year of augmented seeding, fertilizing, irrigation, and other work in
16 order to assure compliance with the applicable standards. For the purposes of this
17 subsection, "previously mined areas" are lands that were affected by coal mining
18 activities prior to January 1, 1970, and "augmented seeding, fertilizing, irrigation, or
19 other work" does not include normal conservation practices recognized locally as
20 good management for the postmining land use.

21 **SECTION 2. AMENDMENT.** Subsection 2 of section 38-14.2-14 of the North Dakota
22 Century Code is amended and reenacted as follows:

23 2. No lien may be filed against the property of any person, in accordance with this
24 section, ~~who owned the surface prior to May 2, 1977, and who neither consented~~

- 1 to nor participated in nor exercised control over the mining operation which
- 2 necessitated the reclamation performed hereunder.