

**FIRST ENGROSSMENT**

**ENGROSSED SENATE BILL NO. 2313**

Introduced by

Senators Magrum, Boehm

1 A BILL for an Act to amend and reenact section 38-08-04.12 of the North Dakota Century Code,  
2 relating to reclamation of land disturbed by oil and gas activity.

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

4 **SECTION 1. AMENDMENT.** Section 38-08-04.12 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **38-08-04.12. Reclamation of land disturbed by oil and gas activity.**

7 1. Any land disturbed by construction of well sites, treating plants, saltwater handling  
8 facilities, access roads, underground gathering pipelines and associated facilities, and  
9 from remediation of leaks or spills within the jurisdiction of the commission ~~shall~~must  
10 be reclaimed as close as practicable to its original condition as it existed before the  
11 construction of the well site or other disturbance. Suitable plant growth material  
12 disturbed for the construction of well sites, treating plants, saltwater handling facilities,  
13 or access roads must be documented and preserved.

14 2. The commission, with the consent of the appropriate government land manager or  
15 surface owner, may waive the requirement of reclamation of the site and access road  
16 after a well is plugged or treating plant or saltwater handling facility is  
17 decommissioned. The commission shall record documentation of the waiver with the  
18 recorder of the county in which the site or road is located.

19 ~~2.3.~~ This section may not be construed to require removal of a properly reclaimed reserve  
20 pit or a properly abandoned underground gathering pipeline.

21 ~~3.4.~~ A person may not bring a legal proceeding under this section, unless the person has  
22 exhausted all administrative remedies.