

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3075

Page 1, line 1, after "resolution" replace the remainder of the resolution with "directing the Legislative Council to study and identify federal and state statutory and regulatory policies that discourage or prevent final bond release applications from being filed and study and identify Public Service Commission regulatory policies that could be implemented to encourage flexibility in proving reclamation success and reducing administrative and regulatory burdens necessary for bond release applications and study and identify actions being undertaken by the mining companies to achieve final bond release.

WHEREAS, there are approximately 50,000 acres of disturbed land under mining permits in this state and there is a 10-year statutory period once mining and initial reclamation are completed before final bond release can be achieved; and

WHEREAS, the Public Service Commission estimates that there may be between 8,000 and 10,000 acres of land that have been reclaimed for 10 years but for which no related final bond release requests by mining companies have been filed with the Public Service Commission; and

WHEREAS, the mining companies, regulatory agencies, and farmers and ranchers have mutual interests in obtaining timely bond release; and

WHEREAS, there are circumstances in which the land has been reclaimed for 10 years and is in full agricultural production where mining companies have not applied for final bond release due to the irregular shape of tracts, proximity to active operations, need for future access, and safety concerns for the landowners or tenants;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Council study and identify federal and state statutory and regulatory policies that discourage or prevent final bond release applications from being filed and study and identify Public Service Commission regulatory policies that could be implemented to encourage flexibility in proving reclamation success and reducing administrative and regulatory burdens necessary for bond release applications; and study and identify activities being undertaken by the mining companies to achieve final bond release; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-ninth Legislative Assembly."

Renumber accordingly