

Introduced by

1 A BILL for an Act to create and enact two new subsections to section 38-14.1-17 of the North
2 Dakota Century Code, relating to release of surface mining and reclamation performance
3 bonds.

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

5 **SECTION 1.** A new subsection to section 38-14.1-17 of the North Dakota Century Code
6 is created and enacted as follows:

7 For reclaimed tracts that are eighty acres [32.37 hectares] or larger and have an
8 agricultural postmining land use, the permittee must prepare for final bond release
9 by beginning vegetation measurements for proving reclamation success as
10 required by subsection 17 of section 38-14.1-24 no later than the eighth year of the
11 ten-year period of revegetation responsibility under subsection 18 of section
12 38-14.1-24. The beginning of the ten-year responsibility period for this requirement
13 must be based on the latest date that any area within the tract was initially planted;
14 however, the permittee must also apply for any variances that are available to
15 expedite the final bond release process. Once the vegetation measurements show
16 that the reclamation success standards are met and the ten-year responsibility
17 period has ended, the permittee must submit an application for final bond release
18 during the growing season of the following year.

19 **SECTION 2.** A new subsection to section 38-14.1-17 of the North Dakota Century Code
20 is created and enacted as follows:

21 If the permittee does not submit an application for final bond release as required by
22 section 1 of this Act, the commission shall assess the permittee an annual fee.

23 The fee is twenty-five dollars an acre [hectare] the first year that eligible lands are

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- 1 not bond-released and the fee increases five dollars per acre [hectare] for each
- 2 successive year until final bond release is obtained.