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ROLL NUMBER

DESCRIPTION

1470

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Salvatore Rickford
Operator's Signature

10/16/03
Date

2003 HOUSE NATURAL RESOURCES
HB 1470

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Yolanda Richardson
Operator's Signature

10/16/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1470

House Natural Resources Committee

Conference Committee

Hearing Date February 6, 2003

Tape Number	Side A	Side B	Meter #
3	xx		0-3119
Committee Clerk Signature <i>Eric Moran</i>			

Minutes:

Chair Nelson called the meeting to order on HB 1470 relating to release of surface mining and reclamation performance bonds.

Rep. Weisz: Introduced on behalf of a constituent. I would defer to them with questions.

Jeff Reinke: Testified on behalf of HB 1470. (See Attached Testimony)

Mary Christianson: Testified on behalf of HB 1470. (See Attached Testimony)

Rep. Solberg: The person owns this property prior to mining. Are they able to farm it after the bond is released. Do they charge you rent?

Jeff Reinke: I do not think they charge rent. Usually there is an agreement made before hand.

Susan Wefald: Public Service Commissioner. Testified on behalf of HB 1470. (See Attached

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Solista Richardson
Operator's Signature

10/16/03
Date

Page 2
House Natural Resources Committee
Bill/Resolution Number 1470
Hearing Date February 6, 2003

Testimony).

John Dwyer: Testified in opposition to HB 1470. Gave an overview of the mining and reclamation process. (See Attached Testimony)

Rep. Clark: Have you seen the Wefald Figures. What is holdup on this process.

John Dwyer: There are many hold ups in the process. Whole areas have sedimentation ponds. vegetation success standards. Bad years of data. The bond relief process takes time. It must fit in with a mine plan.

Rep. DeKrey (2430): Where did the 80 acre figure come from?

John Dwyer: That came from the sponsors of the bill. It is an arbitrarily chosen. We feel it is a bad idea because it creates islands in the mining plan. 320 acres would make more sense.

Tony Clark (2680): Public Service Commissioner. (See Attached Testimony)

Rep. Solberg: Does the original owner have the first chance to reclaim the land.

Tony Clark: My understanding is the coal company buys the land and the landowner by contract can have right of first purchase.

Chair Nelson closes the hearing on HB 1470.

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Yolanda Richardson
Operator's Signature

10/16/03
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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1470

House Natural Resources Committee

Conference Committee

Hearing Date February 6, 2003

Tape Number	Side A	Side B	Meter #
3		xx	190-468
Committee Clerk Signature			

Minutes:

Jim Meyer

Rep. Porter: Makes a motion to recall HB 1470 for the purposes of hog housing the amendment making the a resolution to congress on improving the time frame on bond resolution.

Seconded by **Rep. DeKrey.**

Motion fails due to 6-8-0.

Rep. Keiser: I object to this because it takes someone else's bill and changes it so profoundly. I have a personal bias against that. I share Rep. Porter's opinion on the issue.

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La Costa Richard
Operator's Signature

10/16/03
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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1470

House Natural Resources Committee

Conference Committee

Hearing Date February 6, 2003

Tape Number	Side A	Side B	Meter #
3		XX	0-676
Committee Clerk Signature <i>C. M. ...</i>			

Minutes:

Chair Nelson called the meeting to order.

Rep. DeKrey motions a **Do Not Pass** on HB 1470. Seconded by **Rep. Solberg**.

Rep. DeKrey: The 80 acres is ridiculous. Ag producers know that 80 acres would not be feasible.

Rep. Solberg: This would be an absolute nightmare from the book work and monetary strains.

Rep. Norland calls question.

The motion carries by a vote of 14-0-0.

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Jo Costa Rickford
Operator's Signature

10/16/03
Date

FISCAL NOTE
 Requested by Legislative Council
 01/21/2003

Bill/Resolution No.: HB 1470

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$400,000	\$0	\$200,000	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

There are currently about 78,500 acres of land under mine permit in North Dakota. There is a ten year productivity assessment period once mining and initial reclamation is complete. This bill proposes to assess an annual fine against mining companies that fail to seek bond release once this ten year assessment period is over. Funds generated would go to the General Fund.

3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

The Public Service Commission estimates that there may be between 8,000 and 10,000 acres of land that are technically eligible for bond release but for which no related requests have been filed by mining companies. Based on this bill's \$25 per acre fee assessment, annual collections would total about \$200,000; biennial collections would approach \$400,000. It is anticipated that collections would diminish as companies move to avoid the assessment by seeking earlier bond release dates.

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

The Commission anticipates that staff work required by this bill can be completed with few additional out-of-pocket expenses and with no additional FTEs.

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

No additional appropriations would be needed to carry out the provisions of this bill.

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Richard Costa
 Operator's Signature

10/16/03
 Date

Name:	Jon Mielke	Agency:	Public Service Commission
Phone Number:	328-4082	Date Prepared:	01/23/2003

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Yolanda Rickford
Operator's Signature

10/16/03
Date

LR

Date: 2/6/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1470

House House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By De Krey Seconded By Solberg

Representatives	Yes	No	Representatives	Yes	No
Chairman Jon O. Nelson	✓				
Vice-Chairman Todd Porter	✓				
Rep. Byron Clark	✓				
Rep. Duane DeKrey	✓				
Rep. David Drovdal	✓				
Rep. Lyle Hanson	✓				
Rep. Bob Hunskor	✓				
Rep. Dennis Johnson	✓				
Rep. George Keiser	✓				
Rep. Scott Kelsh	✓				
Rep. Frank Klein	✓				
Rep. Mike Norland	✓				
Rep. Darrell Nottestad	✓				
Rep. Dorvan Solberg	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment ~~De Krey~~

If the vote is on an amendment, briefly indicate intent:

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Yolanda Richardson
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10/16/03
Date

Date: 2/6/03
Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. ~~1470~~ 1470

House House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Motion to reconsider

Motion Made By Porter Seconded By DeKrey

Representatives	Yes	No	Representatives	Yes	No
Chairman Jon O. Nelson	✓				
Vice-Chairman Todd Porter	✓				
Rep. Byron Clark		✓			
Rep. Duane DeKrey	✓				
Rep. David Drovdal		✓			
Rep. Lyle Hanson		✓			
Rep. Bob Hunskor		✓			
Rep. Dennis Johnson	✓				
Rep. George Keiser		✓			
Rep. Scott Kelsh	✓				
Rep. Frank Klein	✓				
Rep. Mike Norland		✓			
Rep. Darrell Nottestad		✓			
Rep. Dorvan Solberg		✓			

Total (Yes) 6 No 8

Absent 0

Floor Assignment DeKrey

If the vote is on an amendment, briefly indicate intent:

