

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
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ROLL NUMBER

DESCRIPTION

3075

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Calista Rickford
Operator's Signature

10/16/03
Date

2003 HOUSE NATURAL RESOURCES

HCR 3075

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Colista Richard
Operator's Signature

10/6/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 3075

House Natural Resources Committee

Conference Committee

Hearing Date March 7, 2003

Tape Number	Side A	Side B	Meter #
1	xx		0-2006
2	xx		2994-3205
Committee Clerk Signature <i>Emi Meyer</i>			

Minutes:

Chair Nelson called the hearing on HCR 3075 a concurrent resolution 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.

Rep. Galvin: Introduced HCR 3075. Introduced HCR 3075 on behalf of a constituent in district. I have served on the school board and member of the city commission. I am very aware of the vital role the mining industry plays in economy. **Rep. Galvin** introduced an amendment.

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Yolanda Rickford
Operator's Signature

10/16/03
Date

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House Natural Resources Committee
Bill/Resolution Number 3075
Hearing Date March 7, 2003

John Dwyer: President Lignite Energy Council. Support of HCR 3075 with the amendment.

Testified that the amendment takes out the inflammatory language from the resolution. Pointed out that the section 10-06.1-06 provides for an exemption to the corporate farming laws.

Rep. Solberg: You rent the land for taxes. Do you rent it back to the owner?

John Dwyer: That is usually the case, however it is not always the case. If the land is not bought by the company. About 70% of the land is just rented.

Jean Wertz: Testified in opposition to HCR 3075 based on the amendment. Testified that the amendment tries to blame the agencies for the problem. Falkirk mine has never returned to farmers. This has messed up the farm economy in the area.

Rep. Kelsh: Would you support the amendment if it resulted in the study?

Jean Wertz: It is better than nothing.

Chair Nelson: Do you currently lease land for the coal companies?

Jean Wertz: I used to. My landlord sold the land to Falkirk mine. They have buddies, farmers that do not rock the boat. We reported a violation and the public service commission concurred with us. That same year they pulled my lease and gave it to a different farmer.

Commissioner Wefald: ND Public Service Commission. Testified Neutral to HCR 3075. (See Attached Testimony) Commissioner Wefald prepared an Amendment.

Chair Nelson closes the hearing on HCR 3075.

Chair Nelson: Reopens the hearing on HCR3075.

Rep. Drovdal moves and amendment seconded by **Rep. Clark**. Passed by voice vote.

Motion made by **Rep. Drovdal** seconded by **Rep. Klein** to place the resolution on the Consent Calendar. Motion carries. **Rep. DeKrey** will carry.

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Colosita Richardson
Operator's signature

10/16/03
Date

33115.0101
Title.

Prepared by the Legislative Council staff for
Representative Nelson
March 4, 2003

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.

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

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

33115.9999
Title.

Representative Nelson
March 4, 2003

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:

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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

33115.0102
Title.0200

Prepared by the Legislative Council staff for
Representative Nelson
March 4, 2003

House Amendments to HCR3075 - Natural Resources Committee 03/07/2003

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

