

**SENATE BILL NO. 2040**

Introduced by

Legislative Council

(Natural Resources Committee)

1 A BILL for an Act to amend and reenact subdivisions a and b of subsection 1 of section  
2 38-14.1-17 of the North Dakota Century Code, relating to notice of release of surface coal  
3 mining performance bonds.

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

5 **SECTION 1. AMENDMENT.** Subdivisions a and b of subsection 1 of section  
6 38-14.1-17 of the North Dakota Century Code are amended and reenacted as follows:

7 a. Within thirty days after filing of the request, a copy of an advertisement placed  
8 at least once a week for four successive weeks in the official newspaper of  
9 each county ~~wherein~~ in which the surface coal mining operation is located  
10 ~~and in other daily newspapers of general circulation in the locality of the~~  
11 ~~surface coal mining operation.~~ Such. The advertisement must contain  
12 notification of all of the following:

- 13 (1) The precise location and the number of acres [hectares] of the land  
14 affected.
- 15 (2) The permit and the date approved.
- 16 (3) The amount of the bond filed and the portion sought to be released.
- 17 (4) The type and approximate dates of reclamation work performed and a  
18 description of the results achieved as they relate to the permittee's  
19 approved reclamation plan.
- 20 (5) The right to file written objections and to request a public hearing or an  
21 informal conference as specified in subsection 2.

22 b. Copies of letters which the permittee has sent to all owners of surface rights  
23 within the permit area proposed for bond release, ~~all owners of subsurface~~  
24 ~~rights within the permit area proposed for bond release,~~ adjoining property

1 owners, state agencies specified in subsection 2 of section 38-14.1-21, heads  
2 of local governmental bodies, including the county commissioners and mayors  
3 of municipalities, planning agencies, sewage and water treatment authorities,  
4 and water companies in the locality in which the surface coal mining and  
5 reclamation operations took place, notifying them of the permittee's intention  
6 to seek release from the bond. ~~Such~~ The letters must also contain notice of  
7 the right to file written objections and request an informal conference or a  
8 public hearing as specified in subsection 2.