

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

SENATE BILL NO. 2040
(Legislative Council)
(Natural Resources Committee)

AN ACT to amend and reenact subdivisions a and b of subsection 1 of section 38-14.1-17 of the North Dakota Century Code, relating to notice of release of surface coal mining performance bonds.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

- a. Within thirty days after filing of the request, a copy of an advertisement placed at least once a week for four successive weeks in the official newspaper of each county ~~wherein in which~~ the surface coal mining operation is located ~~and in other daily newspapers of general circulation in the locality of the surface coal mining operation.~~ Such. The advertisement must contain notification of all of the following:
 - (1) The precise location and the number of acres [hectares] of the land affected.
 - (2) The permit and the date approved.
 - (3) The amount of the bond filed and the portion sought to be released.
 - (4) The type and approximate dates of reclamation work performed and a description of the results achieved as they relate to the permittee's approved reclamation plan.
 - (5) The right to file written objections and to request a public hearing or an informal conference as specified in subsection 2.

- b. Copies of letters which the permittee has sent to all owners of surface rights within the permit area proposed for bond release, ~~all owners of subsurface rights within the permit area proposed for bond release,~~ adjoining property owners, state agencies specified in subsection 2 of section 38-14.1-21, heads of local governmental bodies, including the county commissioners and mayors of municipalities, planning agencies, sewage and water treatment authorities, and water companies in the locality in which the surface coal mining and reclamation operations took place, notifying them of the permittee's intention to seek release from the bond. ~~Such~~ The letters must also contain notice of the right to file written objections and request an informal conference or a public hearing as specified in subsection 2.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2040.

Senate Vote: Yeas 44 Nays 0 Absent 3

House Vote: Yeas 91 Nays 0 Absent 3

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2005.

Approved at _____ M. on _____, 2005.

Governor

Filed in this office this _____ day of _____, 2005,

at _____ o'clock _____ M.

Secretary of State