

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2317

Page 1, line 2, after the semicolon insert "to provide a continuing appropriation;"

Page 1, line 9, after "collateral" insert "which may be used"

Page 1, line 12, after "party" insert "and the requirements of a collateral bond"

Page 1, line 20, after the underscored period insert "Any expenses incurred by the board of university and school lands or the public service commission under this section must be reimbursed by the permit applicant or qualified third party."

Page 1, after line 21 insert:

"1."

Page 2, line 1, replace "1." with "a."

Page 2, line 1, after "assets" insert "in accordance with North Dakota Administrative Code chapter 69-05.2-12"

Page 2, line 2, replace "2." with "b."

Page 2, after line 3, insert:

"c. All other requirements of North Dakota Administrative Code chapter 69-05.2-12 have been satisfied.

2. Real property posted as a collateral bond by the person must:

a. Grant the regulatory authority a first mortgage, first deed of trust, or perfected first-lien security interest in the real property with a right to sell or dispose of the real property in the event of forfeiture; and

b. Include a schedule, submitted by the applicant, of the real property mortgaged or pledged to secure the obligations under the indemnity agreement. The schedule of the real property must allow the regulatory authority to evaluate the adequacy of the real property offered to satisfy collateral requirements. The schedule must include:

(1) A description of the property;

(2) The fair market value of the property, as determined by an independent appraisal conducted by a certified appraiser; and

(3) Proof of possession and title to the real property."

Page 2, after line 4 insert:

"The board of university and school lands must be reimbursed from trust proceeds for all reasonable costs and expenses incurred in the management of trust assets and the investment of trust proceeds. Reimbursements to the board must be deposited in the trust fund account from which the expenses were incurred."

Page 2, after line 13, insert:

"15-72-05. Continuing appropriation for trust management.

There is appropriated annually the amounts necessary to pay expenses for assets held in trust under this chapter and managed by the board of university and school lands, including expenses for survey costs, surface lease refunds, weed and insect control, cleanup costs, capital improvement rent credits, in lieu of tax payments, or other expenses necessary to manage, preserve, and enhance the value of trust assets, as determined by the board. Payments under this section must be made from the trust fund account for which the asset is held. Upon completion of all reclamation activities and obligations, all remaining assets held by the coal mine reclamation trust must be transferred to the common schools trust fund."

Re-number accordingly