1   HOUSE JOINT RESOLUTION NO. 42

2   INTRODUCED BY M. LINDEEN

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4   A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF

5   MONTANA REQUESTING AN INTERIM STUDY TO REVIEW THE STATUS OF COAL MINE RECLAMATION

6   AND RECLAMATION BOND RELEASE IN MONTANA; AND REQUIRING THE RESULTS OF THE STUDY TO

7   BE REPORTED TO THE 59TH LEGISLATURE.

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9   WHEREAS, Article IX, section 2, of the Montana Constitution requires that all lands disturbed by the

10   taking of natural resources be reclaimed; and

11   WHEREAS, the act of coal mining is an irrevocable taking of natural resources that requires lands

12   disturbed by coal mining to be reclaimed; and

13   WHEREAS, in accordance with the constitution, the Legislature has established requirements and

14   standards for the proper reclamation of coal-mined land in Title 82, chapter 4, parts 1 and 2, MCA; and

15   WHEREAS, in the national interest, Congress has also established requirements and standards that

16   govern the reclamation of coal-mined lands; and

17   WHEREAS, the federal government has delegated regulatory authority and considerable federal funding

18   to the State of Montana for implementing state and federal coal mine permitting and reclamation requirements;

19   and

20   WHEREAS, although bonds are routinely released for the successful backfilling, regrading, and placing

21   of topsoil on coal-mined lands, no coal mine reclamation bonds have been fully released as the result of total

22   compliance with the reclamation requirements after nearly 30 years of coal mining and reclamation efforts under

23   the contemporary state and federal regulatory program.

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25   NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF

26   THE STATE OF MONTANA:

27   That the Legislative Council be requested to designate an appropriate interim committee, pursuant to

28   section 5-5-217, MCA, or direct sufficient staff resources to:

29   (1)   review the current status of coal mine reclamation activities and reclamation bond release

30   applications and approvals;

1   (2) determine why the final bond release for coal-mined land reclamation does not occur in Montana;

2   (3) compare reclamation success and bond release information in Montana with that from other western

3   coal mining states with similar ecological characteristics; and

4   (4) identify the impacts that result from the apparent inability to reclaim to final reclamation standards

5   and from the failure to release the final bond amounts upon reclamation.

6   BE IT FURTHER RESOLVED, that:

7   (1) the study be conducted with the participation of the coal mining industry, surety companies, affected

8   landowners, the Department of Environmental Quality, other state and federal agencies that have a regulatory

9   interest in proper coal mine reclamation, and interested citizens or citizen organizations;

10   (2) the study findings and recommendations not jeopardize the federal delegation of state regulatory

11   authority for coal mining in Montana;

12   (3) if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an

13   appropriate committee designated by the Legislative Council;

14   (4) that all aspects of the study, including presentation and review requirements, be concluded prior to

15   September 15, 2004; and

16   (5) the final results of the study, including any findings, conclusions, comments, or recommendations

17   of the appropriate committee, be reported to the 59th Legislature.

18   - END -