

HOUSE JOINT RESOLUTION NO. 42
INTRODUCED BY M. LINDEEN

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO REVIEW THE STATUS OF COAL MINE RECLAMATION AND RECLAMATION BOND RELEASE IN MONTANA; AND REQUIRING THE RESULTS OF THE STUDY TO BE REPORTED TO THE 59TH LEGISLATURE.

WHEREAS, Article IX, section 2, of the Montana Constitution requires that all lands disturbed by the taking of natural resources be reclaimed; and

WHEREAS, the act of coal mining is an irrevocable taking of natural resources that requires lands disturbed by coal mining to be reclaimed; and

WHEREAS, in accordance with the constitution, the Legislature has established requirements and standards for the proper reclamation of coal-mined land in Title 82, chapter 4, parts 1 and 2, MCA; and

WHEREAS, in the national interest, Congress has also established requirements and standards that govern the reclamation of coal-mined lands; and

WHEREAS, the federal government has delegated regulatory authority and considerable federal funding to the State of Montana for implementing state and federal coal mine permitting and reclamation requirements; and

WHEREAS, although bonds are routinely released for the successful backfilling, regrading, and placing of topsoil on coal-mined lands, no coal mine reclamation bonds have been fully released as the result of total compliance with the reclamation requirements after nearly 30 years of coal mining and reclamation efforts under the contemporary state and federal regulatory program.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

- (1) review the current status of coal mine reclamation activities and reclamation bond release applications and approvals;
- (2) determine why the final bond release for coal-mined land reclamation does not occur in Montana;

(3) compare reclamation success and bond release information in Montana with that from other western coal mining states with similar ecological characteristics; and

(4) identify the impacts that result from the apparent inability to reclaim to final reclamation standards and from the failure to release the final bond amounts upon reclamation.

BE IT FURTHER RESOLVED, that:

(1) the study be conducted with the participation of the coal mining industry, surety companies, affected landowners, the Department of Environmental Quality, other state and federal agencies that have a regulatory interest in proper coal mine reclamation, and interested citizens or citizen organizations;

(2) the study findings and recommendations not jeopardize the federal delegation of state regulatory authority for coal mining in Montana;

(3) if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council;

(4) that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2004; and

(5) the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 59th Legislature.

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