

1 H JOINT RESOLUTION NO. 40
 2 INTRODUCED BY *Dassinger, Linn, Smith, Mich*
 3 MULAR *Day, Blaylock* BY RESOLUTION OF THE GOVERNOR *Halverson*
 4 *Sheldy* *Meloy, Bradley, Hunsicker, Krauter* *Covey*
 5 *Smith*
 6 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 7 REPRESENTATIVES OF THE STATE OF MONTANA SUPPORTING FEDERAL
 8 COAL STRIP MINE RECLAMATION LEGISLATION UPON CERTAIN
 9 CONDITIONS.
 10 WHEREAS, the State of Montana has enacted comprehensive
 11 legislation to control reclamation of lands disturbed by
 12 surface mining for coal within the state; and
 13 WHEREAS, Montana has previously enforced its laws on
 14 state, private, and federal lands within the state; and
 15 WHEREAS, there is currently pending before Congress
 16 federal coal strip mine reclamation legislation; and
 17 WHEREAS, such legislation could have the effect of
 18 preempting the state's control over the reclamation of lands
 19 disturbed by surface mining for coal; and
 20 WHEREAS, the State of Montana desires to continue to
 21 administer and enforce its reclamation program on lands
 22 disturbed for coal mining within Montana.
 23
 24 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 25 OF REPRESENTATIVES OF THE STATE OF MONTANA:

1 That the State of Montana supports the enactment of
 2 federal coal strip mine reclamation legislation if such
 3 legislation:
 4 (1) provides that, where a state's reclamation law is
 5 as stringent as the federal reclamation law, the state law
 6 will be applied to all private, state, and federal lands
 7 within the state, excluding Indian lands, and will be
 8 administered by and enforced by state personnel; and
 9 (2) provides for federal funds to be made available to
 10 the state for administration and enforcement of a
 11 reclamation program on federal lands within the state.
 12 BE IT FURTHER RESOLVED, that copies of this resolution
 13 be sent by the Secretary of State to the Governor, the
 14 Attorney General, members of Montana's Congressional
 15 Delegation, the United States Secretary of the Interior, and
 16 to the President of the United States.

-End-

INTRODUCED BILL

HJR 40

Approved by Committee on Natural Resources

H JOINT RESOLUTION NO. 40

INTRODUCED BY Dassinger, Linn, Smith, Knick
MULAR Dox, Blayton REQUEST OF THE GOVERNOR Halverson

Shelden Meloy Bradley Hausman Krauter Conroy
Smith

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SUPPORTING FEDERAL COAL STRIP MINE RECLAMATION LEGISLATION UPON CERTAIN CONDITIONS.

WHEREAS, the State of Montana has enacted comprehensive legislation to control reclamation of lands disturbed by surface mining for coal within the state; and

WHEREAS, Montana has previously enforced its laws on state, private, and federal lands within the state; and

WHEREAS, there is currently pending before Congress federal coal strip mine reclamation legislation; and

WHEREAS, such legislation could have the effect of preempting the state's control over the reclamation of lands disturbed by surface mining for coal; and

WHEREAS, the State of Montana desires to continue to administer and enforce its reclamation program on lands disturbed for coal mining within Montana.

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

That the State of Montana supports the enactment of federal coal strip mine reclamation legislation if such legislation:

(1) provides that, where a state's reclamation law is as stringent as the federal reclamation law, the state law will be applied to all private, state, and federal lands within the state, excluding Indian lands, and will be administered by and enforced by state personnel; and

(2) provides for federal funds to be made available to the state for administration and enforcement of a reclamation program on federal lands within the state.

BE IT FURTHER RESOLVED, that copies of this resolution be sent by the Secretary of State to the Governor, the Attorney General, members of Montana's Congressional Delegation, the United States Secretary of the Interior, and to the President of the United States.

-End-

HJR 40

March 8, 1977

SENATE COMMITTEE OF THE WHOLE

That House Joint Resolution No. 40 be amended as follows:

1. Amend page 2, line 7.
Following: "state,"
Strike: "excluding Indian lands,"

1 HOUSE JOINT RESOLUTION NO. 40
 2 INTRODUCED BY DASSINGER, LIEN, SOUTH, HIRSCH, MULAR,
 3 DAY, BENGTON, HALVORSON, SHELDEN, MELDY, BRADLEY,
 4 HUENNEKENS, KVAALEN, CONROY, SMITH
 5 BY REQUEST OF THE GOVERNOR
 6
 7 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 8 REPRESENTATIVES OF THE STATE OF MONTANA SUPPORTING FEDERAL
 9 COAL STRIP MINE RECLAMATION LEGISLATION UPON CERTAIN
 10 CONDITIONS.
 11
 12 WHEREAS, the State of Montana has enacted comprehensive
 13 legislation to control reclamation of lands disturbed by
 14 surface mining for coal within the state; and
 15 WHEREAS, Montana has previously enforced its laws on
 16 state, private, and federal lands within the state; and
 17 WHEREAS, there is currently pending before Congress
 18 federal coal strip mine reclamation legislation; and
 19 WHEREAS, such legislation could have the effect of
 20 preempting the state's control over the reclamation of lands
 21 disturbed by surface mining for coal; and
 22 WHEREAS, the State of Montana desires to continue to
 23 administer and enforce its reclamation program on lands
 24 disturbed for coal mining within Montana.
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1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 2 OF REPRESENTATIVES OF THE STATE OF MONTANA:
 3 That the State of Montana supports the enactment of
 4 federal coal strip mine reclamation legislation if such
 5 legislation:
 6 (1) provides that, where a state's reclamation law is
 7 as stringent as the federal reclamation law, the state law
 8 will be applied to all private, state, and federal lands
 9 within the state, ~~excluding Indian lands~~, and will be
 10 administered by and enforced by state personnel; and
 11 (2) provides for federal funds to be made available to
 12 the state for administration and enforcement of a
 13 reclamation program on federal lands within the state.
 14 BE IT FURTHER RESOLVED, that copies of this resolution
 15 be sent by the Secretary of State to the Governor, the
 16 Attorney General, members of Montana's Congressional
 17 Delegation, the United States Secretary of the Interior, and
 18 to the President of the United States.

-End-