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LRB-4267/1 RCT:kaf:hmh

1997 SENATE RESOLUTION 3

November 14, 1997 - Introduced by Senator Decker. Referred to Committee on Agriculture and Environmental Resources.

Relating to: requesting the attorney general to appear for the state as a party in proceedings related to metallic mineral mining.

Whereas, the senate recognizes that the people of this state have a strong and legitimate interest in ensuring that metallic mineral mining operations do not damage the natural resources of the state and that the state, under the public trust doctrine, has the obligation to protect the interest of the public in navigable waters; now, therefore, be it

Resolved by the senate, That, under section 165.25 of the statutes, the attorney general is requested to appear as a party in interest for the state in any administrative or judicial proceedings related to a proposed mine for which a notice of intent has been submitted under section 293.31 (1) of the statutes before this resolution is adopted, including proceedings related to any of the following:

- (1) Review of the environmental impact statement for the proposed mine.
- (2) The approval or disapproval of a mining permit under section 293.49 of the statutes.

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| 1 | (3) Modifications to a mining or reclamation plan under section 293.55 of the |
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| 2 | statutes. |
| 3 | (4) Review of orders of the department of natural resources under subchapter |
| 4 | IV of chapter 293 of the statutes; and, be it further |
| 5 | Resolved, That, in representing the state under this resolution, the attorney |
| 6 | general is requested to participate as a party for the purpose of ensuring that the |
| 7 | public's rights and interest in natural resources are adequately protected and to |
| 8 | appeal, as appropriate, from administrative rulings and decisions of lower courts; |
| 9 | and, be it further |
| 10 | Resolved, That the attorney general is requested to assign attorneys to |
| 11 | provide representation under this resolution from an organizational unit in the |
| 12 | department of justice that is different than the unit that provides representation to |
| 13 | the department of natural resources in environmental matters; and, be it further |
| 14 | Resolved, That the senate chief clerk shall transmit a copy of this resolution |

to the attorney general immediately upon adoption of the resolution.

(END)