

HOUSE BILL 670

Introduced by Daily, et al.

2/07	Introduced
2/07	Referred to Natural Resources
2/07	First Reading
2/07	Fiscal Note Requested
2/12	Fiscal Note Received
2/12	Fiscal Note Printed
2/15	Hearing
2/16	Committee Report--Bill Passed
2/23	Rereferred to Natural Resources
3/12	Tabled in Committee

INTRODUCED BY *Randy Huntz* *Carlson* BILL NO. *670*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF STATE LANDS TO REVIEW THE AMOUNTS OF METAL MINE PERFORMANCE BONDS AT LEAST EVERY 5 YEARS; CLARIFYING THAT THE DEPARTMENT MAY INCREASE THE AMOUNT OF A BOND IF NECESSARY; PROVIDING AN OPPORTUNITY FOR A HEARING ON AN ADJUSTED BOND LEVEL; AND AMENDING SECTION 82-4-338, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82-4-338, MCA, is amended to read:

"82-4-338. Performance bond. (1) The applicant shall file with the department a bond payable to the state of Montana with surety satisfactory to the department in the penal sum to be determined by the department of not less than \$200 or more than \$2,500 for each acre or fraction thereof of the disturbed area, conditioned upon the faithful performance of the requirements of this part and the rules of the board. In lieu of such bond, the applicant may file with the board a cash deposit, an assignment of a certificate of deposit, or other surety acceptable to the board. Regardless of the above limits, the bond shall not be less than the estimated cost to the state to complete the reclamation of the disturbed land. A public or governmental

agency shall not be required to post a bond under the provisions of this part. A blanket performance bond covering two or more operations may be accepted by the board. Such blanket bond shall adequately secure the estimated total number of acres of disturbed land.

(2) The department shall review the amount of each bond at least every 5 years and shall consult with the permittee if the review indicates that the bond level should be adjusted. When determined by the department that the set bonding level of a permit or license does not represent the present costs of reclamation, the department may modify the bonding requirements of that permit or license, including increasing the amount of the bond if necessary. The department shall make written findings, give the permittee a copy of the findings, and, for operating permits, publish notice of the findings in a newspaper of general circulation in the county in which the operation is located. The permittee or any person with an interest that may be adversely affected may obtain a contested case hearing under the provisions of the Montana Administrative Procedure Act on the adjusted bond level by filing a written request for hearing with the department within 30 days of the notice.

(3) No bond filed in accordance with the provisions of this part shall be released by the department until the provisions of this part, the rules adopted pursuant thereto,



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1 and this reclamation plan have been fulfilled.

2 ~~(3)~~(4) No bond filed for an operating permit obtained  
3 under 82-4-335 may be released until the public has been  
4 provided an opportunity for a hearing."

-End-

APPROVED BY COMM. ON  
NATURAL RESOURCES

1 ~~ABUSE~~ BILL NO. 670  
2 INTRODUCED BY Daily Hamm Carbond  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE  
5 DEPARTMENT OF STATE LANDS TO REVIEW THE AMOUNTS OF METAL  
6 MINE PERFORMANCE BONDS AT LEAST EVERY 5 YEARS; CLARIFYING  
7 THAT THE DEPARTMENT MAY INCREASE THE AMOUNT OF A BOND IF  
8 NECESSARY; PROVIDING AN OPPORTUNITY FOR A HEARING ON AN  
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SECOND READING

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