

1 *Senate* BILL NO. *162*
 2 INTRODUCED BY *Harding*
 3 BY REQUEST OF THE DEPARTMENT OF STATE LANDS
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE
 6 REQUIREMENT THAT A COUNTY CLERK AND RECORDER AND A CLAIM
 7 LOCATOR PROVIDE THE DEPARTMENT OF STATE LANDS AND THE BOARD
 8 OF LAND COMMISSIONERS WITH A COPY OF EACH NOTICE OF CLAIM
 9 LOCATION; AND AMENDING SECTIONS 82-2-102 AND 82-4-332, MCA."
 10

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

12 **Section 1.** Section 82-2-102, MCA, is amended to read:

13 **"82-2-102. Record of certificate of location. (1)**
 14 Within 60 days after posting the notice of location, the
 15 locator shall record his location in the office of the
 16 county clerk of the county in which the mining claim is
 17 situated, ~~and within 20 days thereafter, the county clerk~~
 18 ~~shall provide a copy thereof to the department of state~~
 19 ~~lands, Helena, Montana.~~ The record shall consist of a
 20 certificate of location for each claim containing:

- 21 (a) the name of the lode or claim and whether located
- 22 as a lode or placer claim;
- 23 (b) the name of the locator or locators, if there be
- 24 more than one, together with the post-office address of such
- 25 locator or locators;

1 (c) the date of location and the description of the
 2 claim, with reference to some natural object or permanent
 3 monument, as will identify the claim and the section,
 4 township, and range wherein the claim is situated by
 5 projected survey lines, if located in unsurveyed country;

6 (d) the directions and distances from the discovery
 7 point which describe the claim.

8 (2) The certificate of location must be verified before
 9 some officer authorized to administer oaths by the locator
 10 or one of the locators, if there be more than one, or by
 11 authorized agent. In the case of a corporation, the
 12 verification may be made by any officer thereof or by an
 13 authorized agent. When the verification is made by an agent,
 14 the fact of the agency shall be stated in the affidavit. A
 15 certificate of location so verified or a certified copy
 16 thereof is prima facie evidence of all facts properly
 17 recited therein. Failure of the locator or locators to
 18 record a certificate of location as herein required shall
 19 create a prima facie presumption of intent to abandon.
 20 However, recordation after the 60-day period but before the
 21 ground is located by another renews the location and saves
 22 the rights of the original locator. Nothing contained in
 23 82-2-112 affects the prima facie presumption created by this
 24 section."

25 **Section 2.** Section 82-4-332, MCA, is amended to read:



-2- INTRODUCED BILL
 SB 162

1 **"82-4-332. Exploration license.** (1) An exploration
 2 license shall be issued to any applicant therefor who shall:
 3 (a) pay a fee of \$5 to the board;
 4 (b) agree to reclaim any surface area damaged by the
 5 applicant during exploration operations, as may be
 6 reasonably required by the board;
 7 (c) not be in default of any other reclamation
 8 obligation under this law.

9 (2) An application for an exploration license shall be
 10 made in writing, notarized, and submitted to the department
 11 in duplicate upon forms prepared and furnished by it. The
 12 application shall include an exploration map or sketch in
 13 sufficient detail to locate the area to be explored and to
 14 determine whether significant environmental problems would
 15 be encountered. The department shall by rule determine the
 16 precise nature of such exploration map or sketch. The
 17 applicant must state what type of prospecting and excavation
 18 techniques will be employed in disturbing the land.

19 ~~(3) Upon filing of any certificate of claim location as~~
 20 ~~permitted by federal and state mining laws and regulations,~~
 21 ~~the locator shall provide copies of the certificate to the~~
 22 ~~board.~~

23 †4† Prior to the issuance of an exploration license,
 24 the applicant shall file with the department a reclamation
 25 and revegetation bond in a form and amount as determined by

1 the department in accordance with 82-4-338.
 2 †5†(4) In the event that the holder of an exploration
 3 license desires to mine the area covered by the exploration
 4 license and has fulfilled all of the requirements for an
 5 operating permit, the department shall allow the
 6 postponement of the reclamation of the acreage explored if
 7 that acreage is incorporated into the complete reclamation
 8 plan submitted with the application for an operating permit.
 9 Any land actually affected by exploration or excavation
 10 under an exploration license and not covered by the
 11 operating reclamation plan shall be reclaimed within 2 years
 12 after the completion of exploration or abandonment of the
 13 site in a manner acceptable to the department."

-End-

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THIRD READING

SB 162

CONSENT CALENDAR



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