

1 House, BILL NO. 380
 2 INTRODUCED BY Bradley Kuntze Remember Miloy
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE STRIP MINE
 5 SITING ACT TO REQUIRE PROOF OF NATIONAL NEED FOR THE COAL
 6 MINED AND LIMITING THE EFFECT OF THIS ACT; AMENDING SECTIONS
 7 50-1607 AND 50-1608, R.C.M. 1947; AND PROVIDING AN IMMEDIATE
 8 EFFECTIVE DATE."
 9

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

11 Section 1. Section 50-1607, R.C.M. 1947, is amended to
 12 read as follows:

13 "50-1607. Application for permit -- contents -- permit
 14 authorization -- notification -- fee -- bond. (1) A person
 15 desiring a mine site location permit shall file with the
 16 department an application which shall contain:

17 (a) a reclamation plan for any preparatory work,
 18 (b) decisive proof that there is a compelling national
 19 necessity, consistent with current environmental statutes,
 20 rules, policies, plans, and standards that the coal is mined
 21 for use within the United States, and

22 (c) such other information the department deems
 23 necessary to determine if the proposed area to be affected
 24 by the operation is appropriate for the location of a new
 25 strip mine. The department may require any information

1 included in, but not limited to, an application for a strip
 2 mining permit as required by chapter 10, Title 50, R.C.M.
 3 1947.

4 (2) A mine site location permit shall authorize the
 5 applicant to engage in preparatory work upon the area
 6 described in the application and designated in the permit
 7 for a period of one (1) year from the date of issuance and
 8 is renewable until the applicant has applied for and
 9 received a strip mining permit in accordance with chapter
 10 10, Title 50, R.C.M. 1947.

11 (3) The department shall notify the applicant within
 12 three hundred sixty-five (365) days of receipt of a complete
 13 application if the proposed site is an acceptable location
 14 for development of a new strip mine. If the site is
 15 approved, the department shall issue the applicant a mine
 16 site location permit. If the location is not approved, the
 17 department shall notify the applicant in writing, setting
 18 forth reasons why the location is not acceptable. The
 19 department shall also notify the applicant within three
 20 hundred sixty-five (365) days of receipt of a complete
 21 application whether the proposed reclamation plan is or is
 22 not acceptable. If the plan is not acceptable, the
 23 department shall set forth the reasons for non-acceptance of
 24 the plan. It may propose modifications, delete areas, or
 25 reject the entire plan.

1 (4) A fee of fifty dollars (\$50) shall be paid before
 2 the mine site location permit required in this act may be
 3 issued. The operator shall also file with the department a
 4 bond payable to the state of Montana with surety
 5 satisfactory to the department in the penal sum to be
 6 determined by the board (on the recommendation of the
 7 commissioner) of not less than two hundred dollars (\$200)
 8 nor more than ten thousand dollars (\$10,000) for each acre
 9 or fraction thereof of the area of land to be disturbed by
 10 preparatory work, with a minimum bond of five thousand
 11 dollars (\$5,000), conditioned upon the faithful performance
 12 of the requirements set forth in this act and of the rules
 13 of the board. In determining the amount of the bond within
 14 the above limits, the board shall take into consideration
 15 the character and nature of the surface disturbances, the
 16 future suitable use of the land involved and the cost of
 17 removing or burying facilities, backfilling, grading,
 18 topsoiling, and reclamation to be required. Notwithstanding
 19 the above limits the bond may not be less than the total
 20 estimated cost to the state of completing the work described
 21 in the reclamation plan."

22 Section 2. Section 50-1608, R.C.M. 1947, is amended to
 23 read as follows:

24 "50-1608. Refusal of permit -- grounds. (1) The
 25 department may not issue a permit under this act if it finds

1 that a new strip mine is not consistent with the purposes
 2 and policies of this act.

3 (2) The department shall not approve a new strip mining
 4 site or preparatory work site for any areas of land or water
 5 included in the application if the department determines
 6 that the area could not be approved under the criteria
 7 specified in section 50-1042, R.C.M. 1947.

8 (3) The department shall not issue a permit under this
 9 act if a proposed reclamation plan does not meet the
 10 requirements of Title 50, chapter 10, R.C.M. 1947.

11 (4) The department shall not issue a permit unless the
 12 provisions of section 50-1607, R.C.M. 1947, are fully
 13 satisfied at the burden of the mining applicant."

14 Section 3. There is a new R.C.M. section that reads as
 15 follows:

16 Effect at necessity determination. The necessity
 17 determinations made under this act shall not diminish the
 18 necessity requirements and burdens required by the Montana
 19 Surface Mined Land Reclamation Act, in Title 50, chapter 12,
 20 R.C.M. 1947.

21 Section 4. Severability. If a part of this act is
 22 invalid, all valid parts that are severable from the invalid
 23 part remain in effect. If a part of this act is invalid in
 24 one or more of its applications, the part remains in effect
 25 in all valid applications that are severable from invalid

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1 applications.
2 Section 5. Effective date. This act is effective on
3 passage and approval.

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