

1 House BILL NO. 659
 2 INTRODUCED BY Sheldon Schopf
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 50-1039, R.C.M. 1947 TO EXEMPT ANY POLITICAL SUBDIVISION OR
 6 AGENCY OF THE STATE OR FEDERAL GOVERNMENT FROM BONDING
 7 REQUIREMENTS OF THE STRIP MINING RECLAMATION ACT."
 8

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

10 Section 1. Section 50-1039, R.C.M. 1947, is amended to
 11 read as follows:

12 "50-1039. Permit required to engage in strip mining --
 13 application for permit -- contents -- fee -- bond --
 14 agencies exempt. (1) An operator may not engage in strip
 15 mining, without having first obtained from the department a
 16 permit designating the area of land affected by the
 17 operation. The permit shall authorize the operator to engage
 18 in strip mining upon the area of land described in his
 19 application and designated in the permit for a period of one
 20 (1) year from the date of its issuance. Such permit shall be
 21 renewable from year to year thereafter upon application to
 22 the department at least thirty (30) but not more than sixty
 23 (60) days prior to the renewal date so long as the operator
 24 is in compliance with the requirements of this act, the
 25 rules hereunder, and the reclamation plan provided for in

1 section ~~10-150-1043~~ of this act, and agrees to comply with
 2 all applicable laws and rules in effect at the time of
 3 renewal. Such renewal shall further be subject to the denial
 4 provisions of sections ~~9-and-13-150-1046~~ of this act.

5 (2) An operator desiring a permit shall file an
 6 application which shall contain a complete and detailed plan
 7 for the mining, reclamation, revegetation, and
 8 rehabilitation of the land and water to be affected by the
 9 operation. Such plan shall reflect thorough advance
 10 investigation and study by the operator and shall include
 11 all known or readily discoverable past and present uses of
 12 the land and water to be affected and the approximate
 13 periods of such use and shall state:

14 (a) the location and area of land to be affected by
 15 the operation, with a description of access to the area from
 16 the nearest public highways;

17 (b) the names and addresses of the owners of record of
 18 the surface of the area of land to be affected by the permit
 19 and the owners of record of all surface area within one-half
 20 (.5) mile of any part of the affected area;

21 (c) the names and addresses of the present owners of
 22 record of all subsurface minerals in the land to be
 23 affected;

24 (d) the source of the applicant's legal right to mine
 25 the mineral on the land affected by the permit;

1 (e) the permanent and temporary post office addresses
2 of the applicant;

3 (f) whether the applicant or any person associated
4 with the applicant holds or has held any other permits under
5 this act, and an identification of those permits;

6 (g) whether the applicant is in compliance with
7 subsection (2) of section ~~17~~[50-1050] and whether every
8 officer, partner, director, or any individual owner of
9 record or beneficially (alone or with associates) if known,
10 ten percent (10%) or more of any class of stock of the
11 applicant, is subject to any of the provisions of subsection
12 (2) of section 17 [50-1050] and he shall so certify, and
13 whether any of the foregoing parties or persons have ever
14 had a strip mining license or permit issued by any other
15 state or federal agency revoked, or have ever forfeited a
16 strip mining bond or a security deposited in lieu of a bond
17 and if so, a detailed explanation of the facts involved in
18 each case must be attached;

19 (h) the names and addresses of any persons who are
20 engaged in strip mining activities on behalf of the
21 applicant;

22 (i) the annual rainfall and the direction and average
23 velocity of the prevailing winds in the area where the
24 applicant has requested a permit;

25 (j) the results of any test borings or core samplings

1 which the applicant or his agent has conducted on the land
2 to be affected, including the nature and the depth of the
3 various strata or overburden and topsoil, the quantities and
4 location of subsurface water and its quality, the thickness
5 of any mineral seam, an analysis of the chemical properties
6 of such minerals, including the acidity, sulphur content,
7 and trace mineral elements of any coal seam, as well as the
8 British thermal unit (B.T.U.) content of such seam, and an
9 analysis of the overburden, including topsoil. If test
10 borings or core samplings are submitted, each permit
11 application shall contain two (2) copies each of two (2)
12 sets of geologic cross-sections accurately depicting the
13 known geologic makeup beneath the surface of the affected
14 land. Each set shall depict subsurface conditions at five
15 hundred (500) foot intervals across the surface and shall
16 run at a ninety (90) degree angle to the other set. Each
17 cross-section shall depict the thickness and geological
18 character of all known strata beginning with the top soil;

19 (k) the name and date of a daily newspaper of general
20 circulation within the county in which the applicant has
21 prominently published an announcement of his application for
22 a strip mining permit, and a detailed description of the
23 area of land to be affected should a permit be granted;

24 (l) such other or further information as the
25 department may require.

1 (3) The application for a permit shall be accompanied
2 by two (2) copies of all maps meeting the requirements of
3 the subsections below. The maps shall:

4 (a) identify the area to correspond with the
5 application;

6 (b) show any adjacent deep mining and the boundaries
7 of surface properties and names of owners of record of the
8 affected area and within one thousand (1,000) feet of any
9 part of the affected area;

10 (c) show the names and locations of all streams,
11 creeks, or other bodies of water, roads, buildings,
12 cemeteries, oil and gas wells, and utility lines on the area
13 of land affected and within one thousand (1,000) feet of
14 such area;

15 (d) show by appropriate markings the boundaries of the
16 area of land affected, any cropline of the seam or deposit
17 of mineral to be mined, and the total number of acres
18 involved in the area of land affected;

19 (e) show the date on which the map was prepared and
20 the north point;

21 (f) show the drainage plan on and away from the area
22 of land affected. This plan shall indicate the directional
23 flow of water, constructed drainways, natural waterways used
24 for drainage, and the streams or tributaries receiving the
25 discharge;

1 (g) show the proposed location of waste or refuse
2 area;

3 (h) show the proposed location of temporary subsoil
4 and topsoil storage area;

5 (i) show the location of test boring holes;

6 (j) show the surface location lines of any geologic
7 cross-sections which have been submitted;

8 (k) show a listing of plant varieties encountered in
9 the area to be affected and their relative dominance in the
10 area, together with an enumeration of tree varieties and the
11 approximate number of each variety occurring per acre on the
12 area to be affected, and the locations generally of the
13 various kinds and varieties of plants, including but not
14 limited to grasses, shrubs, legumes, forbs and trees;

15 (l) be certified as follows: "I, the undersigned,
16 hereby certify that this map is correct, and shows to the
17 best of my knowledge and belief all the information required
18 by the strip mining laws of this state." The certification
19 shall be signed and notarized. The department may reject a
20 map as incomplete if its accuracy is not so attested;

21 (m) contain such other or further information as the
22 department may require.

23 (4) In addition to the information and maps required
24 above, each application for a permit shall be accompanied by
25 detailed plans or proposals showing the method of operation,

1 the manner, time or distance, and estimated cost for
 2 backfilling, grading work, highwall reduction, topsoiling,
 3 planting, revegetating, and a reclamation plan for the area
 4 affected by the operation, which proposals shall meet the
 5 requirements of this act and rules adopted under this act.

6 (5) An application fee of fifty dollars (\$50) shall be
 7 paid before the permit required in this section shall be
 8 issued. The operator shall file with the department a bond
 9 payable to the state of Montana with surety satisfactory to
 10 the department in the penal sum to be determined by the
 11 board (on the recommendation of the commissioner) of not
 12 less than two hundred dollars (\$200) nor more than
 13 twenty-five hundred dollars (\$2,500) for each acre or
 14 fraction thereof of the area of land affected, with a
 15 minimum bond of two thousand dollars (\$2,000), conditioned
 16 upon the faithful performance of the requirements set forth
 17 in this act and of the rules of the board. A political
 18 subdivision or agency of the state or federal government
 19 need not file a bond unless required to do so by the board.
 20 The board may require the filing of the bond prior to permit
 21 issuance or at any time thereafter.

22 In determining the amount of the bond within the above
 23 limits, the board shall take into consideration the
 24 character and nature of the overburden, the future suitable
 25 use of the land involved and the cost of backfilling,

1 grading, highwall reduction, topsoiling, and reclamation to
 2 be required; but in no event shall the bond be less than the
 3 total estimated cost to the state of completing the work
 4 described in the reclamation plan."

-End-

Approved by Committee
on Natural Resources

HOUSE BILL NO. 659

INTRODUCED BY SHELDEN, SCHYE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 50-1039, R.C.M. 1947, TO EXEMPT ANY POLITICAL SUBDIVISION OR AGENCY OF THE STATE ~~OR--FEDERAL--GOVERNMENT~~ from bonding requirements of the strip mining reclamation act."

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

Section 1. Section 50-1039, R.C.M. 1947, is amended to read as follows:

"50-1039. Permit required to engage in strip mining -- application for permit -- contents -- fee -- bond -- agencies exempt. (1) An operator may not engage in strip mining without having first obtained from the department a permit designating the area of land affected by the operation. The permit shall authorize the operator to engage in strip mining upon the area of land described in his application and designated in the permit for a period of one (1) year from the date of its issuance. Such permit shall be renewable from year to year thereafter upon application to the department at least thirty (30) but not more than sixty (60) days prior to the renewal date so long as the operator is in compliance with the requirements of this act, the rules hereunder, and the reclamation plan provided for in

~~section 50-1043 of this act~~, and agrees to comply with all applicable laws and rules in effect at the time of renewal. Such renewal shall further be subject to the denial provisions of sections ~~9 and 13 of 50-1042 and 50-1046 of this act~~

(2) An operator desiring a permit shall file an application which shall contain a complete and detailed plan for the mining, reclamation, revegetation, and rehabilitation of the land and water to be affected by the operation. Such plan shall reflect thorough advance investigation and study by the operator and shall include all known or readily discoverable past and present uses of the land and water to be affected and the approximate periods of such use and shall state:

(a) the location and area of land to be affected by the operation, with a description of access to the area from the nearest public highways;

(b) the names and addresses of the owners of record of the surface of the area of land to be affected by the permit and the owners of record of all surface area within one-half (.5) mile of any part of the affected area;

(c) the names and addresses of the present owners of record of all subsurface minerals in the land to be affected;

(d) the source of the applicant's legal right to mine

1 the mineral on the land affected by the permit;

2 (e) the permanent and temporary post office addresses

3 of the applicant;

4 (f) whether the applicant or any person associated

5 with the applicant holds or has held any other permits under

6 this act, and an identification of those permits;

7 (g) whether the applicant is in compliance with

8 subsection (2) of section ~~17-150-1050~~ and whether every

9 officer, partner, director, or any individual owning of

10 record or beneficially (alone or with associates) if known,

11 ten percent (10%) or more of any class of stock of the

12 applicant, is subject to any of the provisions of subsection

13 (2) of section 17 [50-1050] and he shall so certify, and

14 whether any of the foregoing parties or persons have ever

15 had a strip mining license or permit issued by any other

16 state or federal agency revoked, or have ever forfeited a

17 strip mining bond or a security deposited in lieu of a bond

18 and if so, a detailed explanation of the facts involved in

19 each case must be attached;

20 (h) the names and addresses of any persons who are

21 engaged in strip mining activities on behalf of the

22 applicant;

23 (i) the annual rainfall and the direction and average

24 velocity of the prevailing winds in the area where the

25 applicant has requested a permit;

1 (j) the results of any test borings or core samplings

2 which the applicant or his agent has conducted on the land

3 to be affected, including the nature and the depth of the

4 various strata or overburden and topsoil, the quantities and

5 location of subsurface water and its quality, the thickness

6 of any mineral seam, an analysis of the chemical properties

7 of such minerals, including the acidity, sulphur content,

8 and trace mineral elements of any coal seam, as well as the

9 British thermal unit (B.T.U.) content of such seam, and an

10 analysis of the overburden, including topsoil. If test

11 borings or core samplings are submitted, each permit

12 application shall contain two (2) copies each of two (2)

13 sets of geologic cross-sections accurately depicting the

14 known geologic makeup beneath the surface of the affected

15 land. Each set shall depict subsurface conditions at five

16 hundred (500) foot intervals across the surface and shall

17 run at a ninety (90) degree angle to the other set. Each

18 cross-section shall depict the thickness and geological

19 character of all known strata beginning with the top soil;

20 (k) the name and date of a daily newspaper of general

21 circulation within the county in which the applicant has

22 prominently published an announcement of his application for

23 a strip mining permit, and a detailed description of the

24 area of land to be affected should a permit be granted;

25 (l) such other or further information as the

1 department may require.

2 (3) The application for a permit shall be accompanied
3 by two (2) copies of all maps meeting the requirements of
4 the subsections below. The maps shall:

5 (a) identify the area to correspond with the
6 application;

7 (b) show any adjacent deep mining and the boundaries
8 of surface properties and names of owners of record of the
9 affected area and within one thousand (1,000) feet of any
10 part of the affected area;

11 (c) show the names and locations of all streams,
12 creeks, or other bodies of water, roads, buildings,
13 cemeteries, oil and gas wells, and utility lines on the area
14 of land affected and within one thousand (1,000) feet of
15 such area;

16 (d) show by appropriate markings the boundaries of the
17 area of land affected, any cropline of the seam or deposit
18 of mineral to be mined, and the total number of acres
19 involved in the area of land affected;

20 (e) show the date on which the map was prepared and
21 the north point;

22 (f) show the drainage plan on and away from the area
23 of land affected. This plan shall indicate the directional
24 flow of water, constructed drainways, natural waterways used
25 for drainage, and the streams or tributaries receiving the

1 discharge;

2 (g) show the proposed location of waste or refuse
3 area;

4 (h) show the proposed location of temporary subsoil
5 and topsoil storage area;

6 (i) show the location of test boring holes;

7 (j) show the surface location lines of any geologic
8 cross-sections which have been submitted;

9 (k) show a listing of plant varieties encountered in
10 the area to be affected and their relative dominance in the
11 area, together with an enumeration of tree varieties and the
12 approximate number of each variety occurring per acre on the
13 area to be affected, and the locations generally of the
14 various kinds and varieties of plants, including but not
15 limited to grasses, shrubs, legumes, forbs and trees;

16 (l) be certified as follows: "I, the undersigned,
17 hereby certify that this map is correct, and shows to the
18 best of my knowledge and belief all the information required
19 by the strip mining laws of this state." The certification
20 shall be signed and notarized. The department may reject a
21 map as incomplete if its accuracy is not so attested;

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24 (4) In addition to the information and maps required
25 above, each application for a permit shall be accompanied by

1 detailed plans or proposals showing the method of operation,
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 4 planting, revegetating, and a reclamation plan for the area
 5 affected by the operation, which proposals shall meet the
 6 requirements of this act and rules adopted under this act.

7 (5) An application fee of fifty dollars (\$50) shall be
 8 paid before the permit required in this section shall be
 9 issued. The operator shall file with the department a bond
 10 payable to the state of Montana with surety satisfactory to
 11 the department in the penal sum to be determined by the
 12 board (on the recommendation of the commissioner) of not
 13 less than two hundred dollars (\$200) nor more than
 14 twenty-five hundred dollars (\$2,500) for each acre or
 15 fraction thereof of the area of land affected, with a
 16 minimum bond of two thousand dollars (\$2,000), conditioned
 17 upon the faithful performance of the requirements set forth
 18 in this act and of the rules of the board. A political
 19 subdivision or agency of the state ~~or federal government~~
 20 need not file a bond unless required to do so by the board.
 21 The board may require the filing of the bond prior to permit
 22 issuance or at any time thereafter.

23 In determining the amount of the bond within the above
 24 limits, the board shall take into consideration the
 25 character and nature of the overburden, the future suitable

1 use of the land involved and the cost of backfilling,
 2 grading, highwall reduction, topsoiling, and reclamation to
 3 be required; but in no event shall the bond be less than the
 4 total estimated cost to the state of completing the work
 5 described in the reclamation plan."

-End-

1 HOUSE BILL NO. 659

2 INTRODUCED BY SHELDEN, SCHYE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 50-1039, R.C.M. 1947, TO EXEMPT ANY POLITICAL SUBDIVISION OR
6 AGENCY OF THE STATE ~~OR--FEDERAL--GOVERNMENT~~ from bonding
7 requirements of the strip mining reclamation act."

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

10 Section 1. Section 50-1039, R.C.M. 1947, is amended to
11 read as follows:

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13 application for permit -- contents -- fee -- bond --
14 agencies exempt. (1) An operator may not engage in strip
15 mining without having first obtained from the department a
16 permit designating the area of land affected by the
17 operation. The permit shall authorize the operator to engage
18 in strip mining upon the area of land described in his
19 application and designated in the permit for a period of one
20 (1) year from the date of its issuance. Such permit shall be
21 renewable from year to year thereafter upon application to
22 the department at least thirty (30) but not more than sixty
23 (60) days prior to the renewal date so long as the operator
24 is in compliance with the requirements of this act, the
25 rules hereunder, and the reclamation plan provided for in

1 section ~~10-150-1043~~ of this act, and agrees to comply with
2 all applicable laws and rules in effect at the time of
3 renewal. Such renewal shall further be subject to the denial
4 provisions of sections ~~9-and-13--~~50-1042 and 50-1046 of
5 this act

6 (2) An operator desiring a permit shall file an
7 application which shall contain a complete and detailed plan
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9 rehabilitation of the land and water to be affected by the
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16 the operation, with a description of access to the area from
17 the nearest public highways;

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19 the surface of the area of land to be affected by the permit
20 and the owners of record of all surface area within one-half
21 (.5) mile of any part of the affected area;

22 (c) the names and addresses of the present owners of
23 record of all subsurface minerals in the land to be
24 affected;

25 (d) the source of the applicant's legal right to mine

THIRD READING

1 the mineral on the land affected by the permit;

2 (e) the permanent and temporary post office addresses
3 of the applicant;

4 (f) whether the applicant or any person associated
5 with the applicant holds or has held any other permits under
6 this act, and an identification of those permits;

7 (g) whether the applicant is in compliance with
8 subsection (2) of section 17-1050 and whether every
9 officer, partner, director, or any individual owning or
10 record or beneficially (alone or with associates) if known,
11 ten percent (10%) or more of any class of stock of the
12 applicant, is subject to any of the provisions of subsection
13 (2) of section 17 [50-1050] and he shall so certify, and
14 whether any of the foregoing parties or persons have ever
15 had a strip mining license or permit issued by any other
16 state or federal agency revoked, or have ever forfeited a
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18 and if so, a detailed explanation of the facts involved in
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20 (h) the names and addresses of any persons who are
21 engaged in strip mining activities on behalf of the
22 applicant;

23 (i) the annual rainfall and the direction and average
24 velocity of the prevailing winds in the area where the
25 applicant has requested a permit;

1 (j) the results of any test borings or core samplings
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5 location of subsurface water and its quality, the thickness
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~~section 10-{50-1043}-of-this-act, and agrees to comply with all applicable laws and rules in effect at the time of renewal. Such renewal shall further be subject to the denial provisions of sections 9-and-13--{50-1042 and 50-1046}-of this-act~~

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5 with the applicant holds or has held any other permits under
6 this act, and an identification of those permits;

7 (g) whether the applicant is in compliance with
8 subsection (2) of section ~~17~~-[50-1050] and whether every
9 officer, partner, director, or any individual owning of
10 record or beneficially (alone or with associates) if known,
11 ten percent (10%) or more of any class of stock of the
12 applicant, is subject to any of the provisions of subsection
13 (2) of section 17 [50-1050] and he shall so certify, and
14 whether any of the foregoing parties or persons have ever
15 had a strip mining license or permit issued by any other
16 state or federal agency revoked, or have ever forfeited a
17 strip mining bond or a security deposited in lieu of a bond
18 and if so, a detailed explanation of the facts involved in
19 each case must be attached;

20 (h) the names and addresses of any persons who are
21 engaged in strip mining activities on behalf of the
22 applicant;

23 (i) the annual rainfall and the direction and average
24 velocity of the prevailing winds in the area where the
25 applicant has requested a permit;

1 (j) the results of any test borings or core samplings
2 which the applicant or his agent has conducted on the land
3 to be affected, including the nature and the depth of the
4 various strata or overburden and topsoil, the quantities and
5 location of subsurface water and its quality, the thickness
6 of any mineral seam, an analysis of the chemical properties
7 of such minerals, including the acidity, sulphur content,
8 and trace mineral elements of any coal seam, as well as the
9 British thermal unit (B.T.U.) content of such seam, and an
10 analysis of the overburden, including topsoil. If test
11 borings or core samplings are submitted, each permit
12 application shall contain two (2) copies each of two (2)
13 sets of geologic cross-sections accurately depicting the
14 known geologic makeup beneath the surface of the affected
15 land. Each set shall depict subsurface conditions at five
16 hundred (500) foot intervals across the surface and shall
17 run at a ninety (90) degree angle to the other set. Each
18 cross-section shall depict the thickness and geological
19 character of all known strata beginning with the top soil;

20 (k) the name and date of a daily newspaper of general
21 circulation within the county in which the applicant has
22 prominently published an announcement of his application for
23 a strip mining permit, and a detailed description of the
24 area of land to be affected should a permit be granted;

25 (l) such other or further information as the

1 department may require.

2 (3) The application for a permit shall be accompanied
3 by two (2) copies of all maps meeting the requirements of
4 the subsections below. The maps shall:

5 (a) identify the area to correspond with the
6 application;

7 (b) show any adjacent deep mining and the boundaries
8 of surface properties and names of owners of record of the
9 affected area and within one thousand (1,000) feet of any
10 part of the affected area;

11 (c) show the names and locations of all streams,
12 creeks, or other bodies of water, roads, buildings,
13 cemeteries, oil and gas wells, and utility lines on the area
14 of land affected and within one thousand (1,000) feet of
15 such area;

16 (d) show by appropriate markings the boundaries of the
17 area of land affected, any cropline of the seam or deposit
18 of mineral to be mined, and the total number of acres
19 involved in the area of land affected;

20 (e) show the date on which the map was prepared and
21 the north point;

22 (f) show the drainage plan on and away from the area
23 of land affected. This plan shall indicate the directional
24 flow of water, constructed drainways, natural waterways used
25 for drainage, and the streams or tributaries receiving the

1 discharge;

2 (g) show the proposed location of waste or refuse
3 area;

4 (h) show the proposed location of temporary subsoil
5 and topsoil storage area;

6 (i) show the location of test boring holes;

7 (j) show the surface location lines of any geologic
8 cross-sections which have been submitted;

9 (k) show a listing of plant varieties encountered in
10 the area to be affected and their relative dominance in the
11 area, together with an enumeration of tree varieties and the
12 approximate number of each variety occurring per acre on the
13 area to be affected, and the locations generally of the
14 various kinds and varieties of plants, including but not
15 limited to grasses, shrubs, legumes, forbs and trees;

16 (l) be certified as follows: "I, the undersigned,
17 hereby certify that this map is correct, and shows to the
18 best of my knowledge and belief all the information required
19 by the strip mining laws of this state." The certification
20 shall be signed and notarized. The department may reject a
21 map as incomplete if its accuracy is not so attested;

22 (m) contain such other or further information as the
23 department may require.

24 (4) In addition to the information and maps required
25 above, each application for a permit shall be accompanied by

1 detailed plans or proposals showing the method of operation,
 2 the manner, time or distance, and estimated cost for
 3 backfilling, grading work, highwall reduction, topsoiling,
 4 planting, revegetating, and a reclamation plan for the area
 5 affected by the operation, which proposals shall meet the
 6 requirements of this act and rules adopted under this act.

7 (5) An application fee of fifty dollars (\$50) shall be
 8 paid before the permit required in this section shall be
 9 issued. The operator shall file with the department a bond
 10 payable to the state of Montana with surety satisfactory to
 11 the department in the penal sum to be determined by the
 12 board (on the recommendation of the commissioner) of not
 13 less than two hundred dollars (\$200) nor more than
 14 twenty-five hundred dollars (\$2,500) for each acre or
 15 fraction thereof of the area of land affected, with a
 16 minimum bond of two thousand dollars (\$2,000), conditioned
 17 upon the faithful performance of the requirements set forth
 18 in this act and of the rules of the board. A political
 19 subdivision or agency of the state ~~or federal government~~
 20 need not file a bond unless required to do so by the board.
 21 The board may require the filing of the bond prior to permit
 22 issuance or at any time thereafter.

23 In determining the amount of the bond within the above
 24 limits, the board shall take into consideration the
 25 character and nature of the overburden, the future suitable

1 use of the land involved and the cost of backfilling,
 2 grading, highwall reduction, topsoiling, and reclamation to
 3 be required; but in no event shall the bond be less than the
 4 total estimated cost to the state of completing the work
 5 described in the reclamation plan."

-End-

HOUSE BILL NO. 659

INTRODUCED BY SHELDEN, SCHYE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 50-1039, R.C.M. 1947, TO EXEMPT ANY POLITICAL SUBDIVISION OR AGENCY OF THE STATE ~~OR--FEDERAL--GOVERNMENT~~ FROM BONDING REQUIREMENTS OF THE STRIP MINING RECLAMATION ACT."

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

Section 1. Section 50-1039, R.C.M. 1947, is amended to read as follows:

"50-1039. Permit required to engage in strip mining -- application for permit -- contents -- fee -- bond -- agencies exempt. (1) An operator may not engage in strip mining without having first obtained from the department a permit designating the area of land affected by the operation. The permit shall authorize the operator to engage in strip mining upon the area of land described in his application and designated in the permit for a period of one (1) year from the date of its issuance. Such permit shall be renewable from year to year thereafter upon application to the department at least thirty (30) but not more than sixty (60) days prior to the renewal date so long as the operator is in compliance with the requirements of this act, the rules hereunder, and the reclamation plan provided for in

~~section 10-{50-1043}-of-this-act~~, and agrees to comply with all applicable laws and rules in effect at the time of renewal. Such renewal shall further be subject to the denial provisions of sections ~~9-and-13--{50-1042 and 50-1046}-of this-act~~.

(2) An operator desiring a permit shall file an application which shall contain a complete and detailed plan for the mining, reclamation, revegetation, and rehabilitation of the land and water to be affected by the operation. Such plan shall reflect thorough advance investigation and study by the operator and shall include all known or readily discoverable past and present uses of the land and water to be affected and the approximate periods of such use and shall state:

(a) the location and area of land to be affected by the operation, with a description of access to the area from the nearest public highways;

(b) the names and addresses of the owners of record of the surface of the area of land to be affected by the permit and the owners of record of all surface area within one-half (.5) mile of any part of the affected area;

(c) the names and addresses of the present owners of record of all subsurface minerals in the land to be affected;

(d) the source of the applicant's legal right to mine

REFERENCE BILL

1 the mineral on the land affected by the permit;

2 (e) the permanent and temporary post office addresses
3 of the applicant;

4 (f) whether the applicant or any person associated
5 with the applicant holds or has held any other permits under
6 this act, and an identification of those permits;

7 (g) whether the applicant is in compliance with
8 subsection (2) of section ~~17-150-1050~~ and whether every
9 officer, partner, director, or any individual owner of
10 record or beneficially (alone or with associates) if known,
11 ten percent (10%) or more of any class of stock of the
12 applicant, is subject to any of the provisions of subsection
13 (2) of section ~~17-150-1050~~ and he shall so certify, and
14 whether any of the foregoing parties or persons have ever
15 had a strip mining license or permit issued by any other
16 state or federal agency revoked, or have ever forfeited a
17 strip mining bond or a security deposited in lieu of a bond
18 and if so, a detailed explanation of the facts involved in
19 each case must be attached;

20 (h) the names and addresses of any persons who are
21 engaged in strip mining activities on behalf of the
22 applicant;

23 (i) the annual rainfall and the direction and average
24 velocity of the prevailing winds in the area where the
25 applicant has requested a permit;

1 (j) the results of any test borings or core samplings
2 which the applicant or his agent has conducted on the land
3 to be affected, including the nature and the depth of the
4 various strata or overburden and topsoil, the quantities and
5 location of subsurface water and its quality, the thickness
6 of any mineral seam, an analysis of the chemical properties
7 of such minerals, including the acidity, sulphur content,
8 and trace mineral elements of any coal seam, as well as the
9 British thermal unit (B.T.U.) content of such seam, and an
10 analysis of the overburden, including topsoil. If test
11 borings or core samplings are submitted, each permit
12 application shall contain two (2) copies each of two (2)
13 sets of geologic cross-sections accurately depicting the
14 known geologic makeup beneath the surface of the affected
15 land. Each set shall depict subsurface conditions at five
16 hundred (500) foot intervals across the surface and shall
17 run at a ninety (90) degree angle to the other set. Each
18 cross-section shall depict the thickness and geological
19 character of all known strata beginning with the top soil;

20 (k) the name and date of a daily newspaper of general
21 circulation within the county in which the applicant has
22 prominently published an announcement of his application for
23 a strip mining permit, and a detailed description of the
24 area of land to be affected should a permit be granted;

25 (l) such other or further information as the

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10 part of the affected area;

11 (c) show the names and locations of all streams,
12 creeks, or other bodies of water, roads, buildings,
13 cemeteries, oil and gas wells, and utility lines on the area
14 of land affected and within one thousand (1,000) feet of
15 such area;

16 (d) show by appropriate markings the boundaries of the
17 area of land affected, any cropline of the seam or deposit
18 of mineral to be mined, and the total number of acres
19 involved in the area of land affected;

20 (e) show the date on which the map was prepared and
21 the north point;

22 (f) show the drainage plan on and away from the area
23 of land affected. This plan shall indicate the directional
24 flow of water, constructed drainways, natural waterways used
25 for drainage, and the streams or tributaries receiving the

1 discharge;

2 (g) show the proposed location of waste or refuse
3 area;

4 (h) show the proposed location of temporary subsoil
5 and topsoil storage area;

6 (i) show the location of test boring holes;

7 (j) show the surface location lines of any geologic
8 cross-sections which have been submitted;

9 (k) show a listing of plant varieties encountered in
10 the area to be affected and their relative dominance in the
11 area, together with an enumeration of tree varieties and the
12 approximate number of each variety occurring per acre on the
13 area to be affected, and the locations generally of the
14 various kinds and varieties of plants, including but not
15 limited to grasses, shrubs, legumes, forbs and trees;

16 (l) be certified as follows: "I, the undersigned,
17 hereby certify that this map is correct, and shows to the
18 best of my knowledge and belief all the information required
19 by the strip mining laws of this state." The certification
20 shall be signed and notarized. The department may reject a
21 map as incomplete if its accuracy is not so attested;

22 (m) contain such other or further information as the
23 department may require.

24 (4) In addition to the information and maps required
25 above, each application for a permit shall be accompanied by

1 detailed plans or proposals showing the method of operation,
 2 the manner, time or distance, and estimated cost for
 3 backfilling, grading work, highwall reduction, topsoiling,
 4 planting, revegetating, and a reclamation plan for the area
 5 affected by the operation, which proposals shall meet the
 6 requirements of this act and rules adopted under this act.

7 (5) An application fee of fifty dollars (\$50) shall be
 8 paid before the permit required in this section shall be
 9 issued. The operator shall file with the department a bond
 10 payable to the state of Montana with surety satisfactory to
 11 the department in the penal sum to be determined by the
 12 board (on the recommendation of the commissioner) of not
 13 less than two hundred dollars (\$200) nor more than
 14 twenty-five hundred dollars (\$2,500) for each acre or
 15 fraction thereof of the area of land affected, with a
 16 minimum bond of two thousand dollars (\$2,000), conditioned
 17 upon the faithful performance of the requirements set forth
 18 in this act and of the rules of the board. A political
 19 subdivision or agency of the state ~~or federal government~~
 20 need not file a bond unless required to do so by the board.
 21 The board may require the filing of the bond prior to permit
 22 issuance or at any time thereafter.

23 In determining the amount of the bond within the above
 24 limits, the board shall take into consideration the
 25 character and nature of the overburden, the future suitable

1 use of the land involved and the cost of backfilling,
 2 grading, highwall reduction, topsoiling, and reclamation to
 3 be required; but in no event shall the bond be less than the
 4 total estimated cost to the state of completing the work
 5 described in the reclamation plan."

-End-