1   SENATE   BILL NO.   19

2   INTRODUCED BY   NEIL J. LYNCH

3

4   A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE IMPOSITION

5   OF SECRECY FROM INFORMATION SUBMITTED TO THE   DEPARTMENT   OF

6   STATE LANDS UNDER THE ACT PROVIDING FOR RECLAMATION OF LANDS

7   DISTURBED BY HARD ROCK MINING BY REPEALING SECTION 50-1221,

8   R.C.M. 1947."

9

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

11   Section 1.   Section 50-1221, R.C.M. 1947, is   repealed.

                        -End-

                                                    SB 19

INTRODUCED   BILL

Approved by Committee
on Natural Resources

1   SENATE BILL NO. 19

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4   A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE IMPOSITION

5   OF SECRECY FROM CERTAIN INFORMATION SUBMITTED TO THE

6   DEPARTMENT OF STATE LANDS UNDER THE ACT PROVIDING FOR

7   RECLAMATION OF LANDS DISTURBED BY HARD ROCK MINING BY

8   REPEALING AMENDING SECTION 50-1221, R.C.M. 1947."

9

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

11   Section 1. Section 50-1221, R.C.M. 1947, is repealed.

12   AMENDED TO READ AS FOLLOWS:

13   "50-1221. Information   obtained   from   applications

14   confidential -- admissible in hearings or proceedings. Any

15   and all information obtained by the board or by the director

16   or his staff by virtue of applications for licenses--or

17   permits exploration, licenses, and small miners, is

18   confidential between the board and the applicant, except as

19   to the name of the applicant and the county of proposed

20   operation.   Provided   that   all   activities   conducted

21   subsequent to locating a mineral body such as locating and

22   acquiring lands for tailing ponds, and other associated

23   facilities shall be public information and conducted under a

24   development permit.   It is further provided that Any any

25   information obtained by the board or by the director or his

1   staff by virtue of such applications for-licenses-or-permits

2   is,-however, properly admissible in any hearing conducted by

3   the director, the board, appeals board or in any judicial

4   proceeding to which the director and the applicant are

5   parties and is not confidential when a violation of the act

6   or rules has been determined by the department or by

7   judicial   order.   Failure to comply with the secrecy

8   provisions of this act shall be punishable by a fine of up

9   to ten--thousand--dollars--($10,000) one thousand dollars

10   ($1,000) or-one-(1)-year-in-jail."

11   SECTION 2. THERE IS A NEW R.C.M. SECTION THAT READS AS

12   FOLLOWS:

13   Existing departmental files shall be reviewed and their

14   contents shall be segregated and available for public

15   inspection to the same extent as new files under section 1.

16   SECTION 3. THERE IS A NEW R.C.M. SECTION THAT READS AS

17   FOLLOWS:

18   An applicant may release the board and department from

19   the confidentiality requirements of this act by notarized

20   waiver to that effect on forms to be provided by the

21   department.

                        -End-

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18   confidential between the board and the applicant, except as

19   to the name of the applicant and the county of proposed

20   operation.   Provided that all activities conducted

21   subsequent to locating--a-mineral-body EXPLORATION such as

22   locating and acquiring lands for tailing ponds, and other

23   associated facilities shall be public information and

24   conducted under a development OR OPERATING permit. It is

25   further provided that Any any information obtained by the

1   board or by the director or his staff by virtue of such

2   applications for--licenses-or-permits is,-however, properly

3   admissible in any hearing conducted by the director, the

4   board, appeals board or in any judicial proceeding to which

5   the director and the applicant are parties and is not

6   confidential when a violation of the act or rules has been

7   determined by the department or by judicial order.   Failure

8   to comply with the secrecy provisions of this act shall be

9   punishable by a fine of up to ten-thousand-dollars-($10,000)

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                            -End-

February 21, 1975

HOUSE COMMITTEE ON NATURAL RESOURCES

AMENDMENTS TO SENATE BILL NO. 19

That Senate Bill No. 19, third reading, be amended as follows:

1. Page 1, section 1, line 17.
   Following: "and"
   Insert: "all information obtained from"

2. Page 1, section 1, lines 21 and 22.
   Following: "EXPLORATION"
   Strike: "such as locating and acquiring lands for tailing
            ponds"

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15   and all information obtained by the board or by the director

16   or his staff by virtue of applications for ~~licenses--or~~

17   ~~permits~~ exploration, licenses, and ALL INFORMATION OBTAINED

18   FROM small miners, is confidential between the board and the

19   applicant, except as to the name of the applicant and the

20   county of proposed operation. Provided that all activities

21   conducted subsequent to ~~locating-a-mineral-body~~ EXPLORATION

22   ~~such--as-locating-and-acquiring-lands-for-tailing-ponds,~~ and

23   other associated facilities shall be public information and

24   conducted under a development OR OPERATING permit. It is

25   further provided that ~~Any~~ any information obtained by the

1   board or by the director or his staff by virtue of such

2   applications ~~for-licenses-or-permits~~ is,~~--however,~~ properly

3   admissible in any hearing conducted by the director, the

4   board, appeals board or in any judicial proceeding to which

5   the director and the applicant are parties and is not

6   confidential when a violation of the act or rules has been

7   determined by the department or by judicial order. Failure

8   to comply with the secrecy provisions of this act shall be

9   punishable by a fine of up to ~~ten-thousand-dollars--($10,000)~~

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