

1 H BILL NO. 561  
 2 INTRODUCED BY Mitcalf, Grady, Meloy, Krauscher  
 3 Cox, Johnson, South, Hager, Kessler, Cooney  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE STRIP Ellis  
 5 MINED COAL CONSERVATION ACT BY CHANGING THE DEFINITION OF Edaily  
 6 MARKETABLE COAL; AMENDING SECTION 50-1403, R.C.M. 1947."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 50-1403, R.C.M. 1947, is amended to  
10 read as follows:

11 "50-1403. Definitions. Unless the context requires  
12 otherwise, in this act:

13 (1) "Board" means the state board of land  
14 commissioners.

15 (2) "Department" means the department of state lands.

16 (3) "Strip mining" means all or any part of the  
17 process followed in the production of coal by the open cut  
18 method including mining by the auger method or any similar  
19 method which penetrates a coal deposit and removes coal  
20 directly through a series of openings made by a machine  
21 which enters the deposit from a surface excavation, or any  
22 other mining method or process in which the strata or  
23 overburden is removed or displaced in order to recover the  
24 coal.

25 (4) "Overburden" means all of the earth and other

1 materials which lie above a natural coal deposit and also  
2 means such earth and other material after removal from their  
3 natural state in the process of strip mining.

4 (5) "Strippable coal" means that coal which can be  
5 removed through strip mining methods adaptable to the  
6 location that coal is being strip mined or is planned to be  
7 strip mined.

8 (6) "Marketable coal" means strippable coal that is  
9 economically technologically feasible to mine and is fit for  
10 sale in the usual course of trade.

11 (7) "Waste" means the nonremoval or nonutilization of  
12 strippable and marketable coal by an operation, provided  
13 that the nonremoval or nonutilization of strippable and  
14 marketable coal in accordance with reclamation standards  
15 established by the department shall not be considered waste.

16 (8) "Person" means a person, partnership, corporation,  
17 association or other legal entity.

18 (9) "Operation" means any person engaged in strip  
19 mining who removes more than ten thousand (10,000) cubic  
20 yards of coal or overburden.

21 (10) "Operator" means a person that conducts an  
22 operation.

23 (11) "Strip mining plan" means the planned course of  
24 conduct of a strip mining operation to include plans for the  
25 removal and utilization of strippable and marketable coal

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1 located within the area planned to be mined."

-End-

Approved by Committee  
on Natural Resources

HOUSE BILL NO. 561

INTRODUCED BY METCALF, BRADLEY, MELDY, HUENNEKENS,  
COX, ESTENSON, SOUTH, HARPER, KESSLER, COONEY, ELLIS, EUDAILY

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method including mining by the auger method or any similar  
method which penetrates a coal deposit and removes coal  
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other mining method or process in which the strata or  
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(4) "Overburden" means all of the earth and other  
materials which lie above a natural coal deposit and also  
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natural state in the process of strip mining.

(5) "Strippable coal" means that coal which can be  
removed through strip mining methods adaptable to the  
location that coal is being strip mined or is planned to be  
strip mined.

(6) "Marketable coal" means strippable coal that is  
economically technologically feasible to mine and is fit for  
sale in the usual course of trade, AND WOULD NOT CAUSE AN  
UNDUE ECONOMIC HARDSHIP.

(7) "Waste" means the nonremoval or nonutilization of  
strippable and marketable coal by an operation, provided  
that the nonremoval or nonutilization of strippable and  
marketable coal in accordance with reclamation standards  
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SECOND READING

1   conduct of a strip mining operation to include plans for the  
2   removal and utilization of strippable and marketable coal  
3   located within the area planned to be mined.\*

-End-