

FIRST READING

MISSING

Approved by Committee on Natural Resources

Senate BILL NO. 442

INTRODUCED BY Flynn, Chm. Natural Resources Comm.

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 50-1203, R.C.M. 1947, AS IT DEFINES SMALL MINERS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 50-1203, R.C.M. 1947, is amended to read as follows:

"50-1203. Definitions. As used in this act, unless the context indicates otherwise ~~the following definitions apply:~~

(1) "Surface mining" ~~shall mean and include means~~ all or any part of the process involved in mining of minerals by removing the overburden and mining directly from the mineral deposits thereby exposed, including, but not limited to, open-pit mining of minerals naturally exposed at the surface of the earth, mining by the auger method, and any and all similar methods by which earth or minerals exposed at the surface are removed in the course of mining. Surface mining shall not include the extraction of oil, gas, bentonite, clay, coal, sand, gravel, phosphate rock, or uranium nor excavation or grading conducted for on-site farming, on-site road construction, or other on-site building construction.

(2) "Unit of surface mined area" ~~shall mean and include means~~ that area of land and surface water included

within an operating permit actually disturbed by surface mining during each twelve-month period of time, beginning at the date of the issuance of the permit, and shall comprise and include the area from which overburden and/or minerals have been removed, the area covered by mining debris, and all additional areas used in surface mining or underground mining operations which, by virtue of such use, are thereafter susceptible to erosion in excess of the surrounding undisturbed portions of land.

(3) "Disturbed land" ~~shall mean and include means~~ that area of land or surface water disturbed, beginning at the date of the issuance of the permit, and shall comprise that area from which the overburden, and/or minerals have been removed; tailings ponds, waste dumps, roads, conveyor systems, leach dumps, and all similar excavations or covering resulting from said operation and which has not been previously reclaimed under the reclamation plan.

(4) "Abandonment of surface or underground mining" may be presumed when it is shown that continued operation will not resume.

(5) "Underground mining" ~~shall mean and include means~~ all methods of mining other than surface mining.

(6) "Person" ~~shall mean and include means~~ any person, corporation, firm, association, partnership or other legal entity engaged in exploration for or development or mining

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1 of minerals on or below the surface of the earth.

2 (7) "Mineral" ~~shall mean and include~~ means any ore,
3 rock or substance, other than oil, gas, bentonite, clay,
4 coal, sand, gravel, phosphate rock or uranium, taken from
5 below the surface or from the surface of the earth for the
6 purpose of milling, concentration, refinement, smelting,
7 manufacturing, or other subsequent use or processing or for
8 stockpiling for future usage, refinement or smelting.

9 (8) "Exploration" ~~shall mean and include~~ means all
10 activities conducted on or beneath the surface of lands
11 resulting in material disturbance of the surface for the
12 purpose of determining the presence, location, extent,
13 depth, grade, and economic viability of mineralization in
14 those lands, if any, other than mining for production and
15 economic exploitation, as well as all roads made for the
16 purpose of facilitating exploration, except as noted in
17 section 20 [50-1220] and section 24 [50-1224] herein.

18 (9) "Development" ~~shall mean and include~~ means all
19 operations between exploration and mining.

20 (10) "Mining" shall be deemed to have commenced at
21 such time as the operator shall first mine ores or minerals
22 in commercial quantities for sale, beneficiation, refining,
23 or other processing or disposition or shall first take bulk
24 samples for metallurgical testing in excess of aggregate of
25 ten thousand (10,000) short tons.

1 (11) "Reclamation plan" ~~shall mean and include~~ means
2 the operator's written proposal, as required and approved by
3 the board for reclamation of the land that will be
4 disturbed, which proposal shall include to the extent
5 practical at the time of application for a developing or
6 operating permit: (a) a statement of the proposed subsequent
7 use of the land after reclamation;

8 (b) Plans for surface gradient restoration to a
9 surface suitable for the proposed subsequent use of the land
10 after reclamation is completed, and proposed method of
11 accomplishment;

12 (c) Manner and type of revegetation or other surface
13 treatment of disturbed areas;

14 (d) Procedures proposed to avoid foreseeable
15 situations of public nuisance, endangerment of public
16 safety, damage to human life or property, or unnecessary
17 damage to flora and fauna in or adjacent to the area;

18 (e) Method of disposal of mining debris;

19 (f) Method of diverting surface waters around the
20 disturbed areas where necessary to prevent pollution of such
21 waters or unnecessary erosion;

22 (g) Method of reclamation of stream channels and
23 stream banks to control erosion, siltation, and pollution;

24 (h) Such maps and other supporting documents as may be
25 reasonably required by the department;

1 (i) A time schedule for reclamation that meets the
2 requirements of ~~section 9 [50-1209] of this act.~~

3 (12) "Vegetative cover" as used in this act ~~shall mean~~
4 means the type of vegetation, grass, shrubs, trees, or any
5 other form of natural cover deemed suitable at time of
6 reclamation.

7 (13) "Board" ~~shall mean~~ means the board of land
8 commissioners, or such state employee or state agency as may
9 succeed to its powers and duties under this act.

10 (14) "Department" ~~shall mean~~ means the department of
11 state lands.

12 (15) "Small miner" ~~shall mean~~ means any person, firm,
13 or corporation engaged in the business of mining who does
14 not remove from the earth during any ~~twenty-four (24) hour~~
15 period calendar year material in excess of ~~one hundred (100)~~
16 36,500 tons in the aggregate."

-End-

1 *Senate* BILL NO. 442
 2 INTRODUCED BY *Flynn, Chm. Natural Resources Comm.*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 50-1203, R.C.M. 1947, AS IT DEFINES SMALL MINERS."
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7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Section 50-1203, R.C.M. 1947, is amended to
 9 read as follows:

10 "50-1203. Definitions. As used in this act, unless the
 11 context indicates otherwise ~~the following definitions apply:~~

12 (1) "Surface mining" ~~shall mean and include means~~ all or
 13 any part of the process involved in mining of minerals by
 14 removing the overburden and mining directly from the mineral
 15 deposits thereby exposed, including, but not limited to,
 16 open-pit mining of minerals naturally exposed at the surface
 17 of the earth, mining by the auger method, and any and all
 18 similar methods by which earth or minerals exposed at the
 19 surface are removed in the course of mining. Surface mining
 20 shall not include the extraction of oil, gas, bentonite,
 21 clay, coal, sand, gravel, phosphate rock, or uranium nor
 22 excavation or grading conducted for on-site farming, on-site
 23 road construction, or other on-site building construction.

24 (2) "Unit of surface mined area" ~~shall mean and~~
 25 ~~include means~~ that area of land and surface water included

1 within an operating permit actually disturbed by surface
 2 mining during each twelve-month period of time, beginning at
 3 the date of the issuance of the permit, and shall comprise
 4 and include the area from which overburden and/or minerals
 5 have been removed, the area covered by mining debris, and
 6 all additional areas used in surface mining or underground
 7 mining operations which, by virtue of such use, are
 8 thereafter susceptible to erosion in excess of the
 9 surrounding undisturbed portions of land.

10 (3) "Disturbed land" ~~shall mean and include means~~ that
 11 area of land or surface water disturbed, beginning at the
 12 date of the issuance of the permit, and shall comprise that
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 15 systems, leach dumps, and all similar excavations or
 16 covering resulting from said operation and which has not
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21 (5) "Underground mining" ~~shall mean and include means~~
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23 (6) "Person" ~~shall mean and include means~~ any person,
 24 corporation, firm, association, partnership or other legal
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2 INTRODUCED BY FLYNN, CHAIRMAN

3 (NATURAL RESOURCES COMMITTEE)

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