

House Bill 465

In The House

January 24, 1981

Introduced and referred
to Committee on Natural
Resources.

February 10, 1981

Committee recommend bill
do not pass.

HOUSE BILL NO. 465

INTRODUCED BY *Way Belonger Connor*
Zachary Arlin *Walter Keedy*

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE DEFINITION OF "PREPARATORY WORK" TO INCLUDE CONSTRUCTION OF RAILROADS IN THE STRIP AND UNDERGROUND MINE SITING ACT; AMENDING SECTION 82-4-103, MCA."

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

Section 1. Section 82-4-103, MCA, is amended to read:

"82-4-103. Definitions. When used in this part, unless a different meaning clearly appears from the context the following definitions apply:

(1) "Board" means the board of land commissioners as provided for in Article X, section 4, of the constitution of this state.

(2) "Department" means the department of state lands provided for in Title 2, chapter 15, part 32.

(3) "Mineral" means mineral as defined in 82-4-203(12).

(4) "New mine" means a strip- or underground-mining operation proposed for an area of land which the department determines, because of distance from an existing strip-mine or underground-mine operation or their respective facilities or because of important differences in topography, soils,

wildlife, geologic structure, aquifers, or vegetation from an existing strip-mine or underground-mine operation, does not constitute an expansion of an existing operation.

(5) "Operation" means all of the premises, facilities, railroad loops, roads, power lines, and equipment used in the process of producing and removing mineral from a designated strip-mine or underground-mine area.

(6) "Operator" means a person who intends to operate a new strip mine or new underground mine involving the removal of more than 10,000 cubic yards of mineral or overburden.

(7) "Person" means a person, partnership, corporation, association, or other legal entity or any political subdivision or agency of the state.

(8) "Preparatory work" means all on-site disturbances, excluding prospecting, associated with the initiation of a new strip mine or underground mine, including but not limited to the construction of ~~railroad spurs or loops~~ ~~railroads~~, buildings to house mining operations, roads, storage and train load-out facilities, transmission lines, erection of draglines and loading shovels, and other associated facilities.

(9) "Strip mining" means any part of the process followed in the production of mineral by the opencut method, including mining by the auger method or any similar method which penetrates a mineral deposit and removes mineral

-2- INTRODUCED BILL
HB 465

LC 1169/01

1 directly through a series of openings made by a machine
2 which enters the deposit from a surface excavation or any
3 other method or process in which the strata or overburden is
4 removed or displaced in order to recover the mineral.

5 (10) "Underground mining" means any part of the process
6 followed in the production of a mineral such that vertical
7 or horizontal shafts, slopes, drifts, or incline planes
8 connected with excavations penetrating the mineral stratum
9 or strata are utilized."

-End-