

HOUSE BILL NO. 287

INTRODUCED BY HARPER

BY REQUEST OF THE DEPARTMENT OF STATE LANDS

IN THE HOUSE

January 18, 1983	Introduced and referred to Committee on Natural Resources.
January 26, 1983	Committee recommend bill do pass. Report adopted.
January 27, 1983	Bill printed and placed on members' desks.
January 29, 1983	Second reading, do pass as amended.
January 31, 1983	Correctly engrossed.
February 1, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 2, 1983	Introduced and referred to Committee on Natural Resources.
February 15, 1983	Committee recommend bill be concurred in. Report adopted.
March 4, 1983	Second reading, concurred in.
March 7, 1983	Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 7, 1983

Returned to House.

March 8, 1983

Sent to enrolling.

Reported correctly
enrolled.

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2 INTRODUCED BY Ray

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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE
6 RECLAMATION BOND REQUIRED BY THE OPENCUT MINING ACT MAY BE
7 GREATER THAN \$1,000 PER ACRE IF THE DEPARTMENT OF STATE
8 LANDS DETERMINES, IN WRITING, THAT THE COST OF RESTORING THE
9 DISTURBED LAND EXCEEDS \$1,000 PER ACRE; AMENDING SECTION
10 82-4-433, MCA."
11

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

13 Section 1. Section 82-4-433, MCA, is amended to read:

14 "82-4-433. Bonds. (1) A bond required to be filed in
15 this part by the operator shall be in such form as the board
16 prescribes, payable to the state of Montana and conditioned
17 upon the operator's full compliance with all requirements of
18 this part and all rules of the board. The bond shall be
19 signed by the landowner or operator, as appropriate, as
20 principal, and by a good and sufficient corporate surety
21 licensed to do business in the state of Montana, as surety.
22 The ~~penalty of the~~ bond shall be in an amount not to exceed
23 the costs of restoration required by this part as determined
24 by the board, ~~but the amount of the bond~~ may not be less
25 than \$200 or more than \$1,000 per acre ~~unless the~~

1 ~~department determines, in writing, that the cost of~~
2 ~~restoration of the land by the board exceeds \$1,000 per~~
3 ~~acre. Upon such a determination, the bond amount must be~~
4 ~~set by the board at the cost of restoring the land.~~

5 (2) In lieu of the bond, the operator may deposit with
6 the board cash and government securities or a bond with
7 property sureties in an amount equal to that of the required
8 bond on conditions as above prescribed. In the discretion of
9 the board, surety bond requirements may be fulfilled by the
10 operator's posting a bond with land and improvements and
11 facilities thereon as security, in which event no surety may
12 be required. The penalty of the bond or amount of cash and
13 securities shall be increased or reduced from time to time
14 as provided in this part. The bond or security remains in
15 effect until the mined acreages have been reclaimed as
16 provided under the contract and the reclamation has been
17 approved and the bond or security has been released by the
18 board. The bond or security shall cover only actual mined
19 acreages and may be increased or reduced to cover only such
20 acreages as remain unreclaimed.

21 (3) If the license of a surety upon a bond filed with
22 the board pursuant to this part is suspended or revoked, the
23 operator, within 30 days after receiving notice thereof from
24 the board, shall substitute for that surety a good and
25 sufficient surety licensed to do business in the state. Upon

INTRODUCED BILL

1 failure of the operator to make substitution of surety, the
2 board may suspend the contract of the operator to conduct
3 operations upon the land described in the contract until the
4 substitution has been made.

5 (4) The board shall cause the reclamation of any
6 affected land with respect to which a bond has been
7 forfeited.

8 (5) Whenever an operator has completed all of the
9 requirements under the provisions of this part as to any
10 affected land, he shall notify the board thereof. If the
11 board releases the operator from further obligation
12 regarding such affected land, the penalty of the bond shall
13 be reduced proportionately."

-End-

Approved by Committee
on Natural Resources

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1 department determines, in writing, that the cost of
2 restoration of the land by the board exceeds \$1,000 per
3 acre. Upon such a determination, the bond amount must be
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5 (2) In lieu of the bond, the operator may deposit with
6 the board cash and government securities or a bond with
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