

SENATE BILL NO. 416

Introduced: 02/15/83

Referred to Committee on Natural Resources: 02/15/83

Hearing: 2/18/83

Minority Report: 02/19/83, Do Pass

Majority Report: 02/19/83, Do Not Pass

Adopted

On Motion, 2/21/83, That The Majority Report Be Reconsidered
And That The Bill Be Placed On Second Reading. Motion
Failed.

Bill Killed.

1 *Senate* BILL NO. *416*
 2 INTRODUCED BY *Debra* *Compton* *Brund*
 3 *McKinnis* *Blaylock* *Drumill*
 4 A BILL FOR AN ACT ENTITLED *AN ACT TO AMEND THE DEFINITION*
 5 *OF "PREPARATORY WORK" IN THE STRIP AND UNDERGROUND MINE*
 6 *SITING ACT; TO INCLUDE CONSTRUCTION OF CERTAIN CONNECTING*
 7 *RAILROADS; AMENDING SECTION 82-4-103, MCA."*

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

10 Section 1. Section 82-4-103, MCA, is amended to read:
 11 "82-4-103. Definitions. When used in this part, unless
 12 a different meaning clearly appears from the context the
 13 following definitions apply:

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

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

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

20 (4) "New mine" means a strip- or underground-mining
 21 operation proposed for an area of land which the department
 22 determines, because of distance from an existing strip-mine
 23 or underground-mine operation or their respective facilities
 24 or because of important differences in topography, soils,
 25 wildlife, geologic structure, aquifers, or vegetation from

1 an existing strip-mine or underground-mine operation, does
 2 not constitute an expansion of an existing operation.

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

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

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

13 (8) "Preparatory work" means:

14 (a) all on-site ~~onsite~~ disturbances, excluding
 15 prospecting, associated with the initiation of a new strip
 16 mine or underground mine, including but not limited to the
 17 construction of ~~railroad-spurs-or-loops~~ buildings to house
 18 mining operations, roads, storage and train load-out
 19 facilities, transmission lines, erection of draglines and
 20 loading shovels, and other associated facilities; and

21 ~~(a) construction of railroads consisting of new track~~
 22 ~~between the proposed mine and an existing railroad.~~

23 (9) "Strip mining" means any part of the process
 24 followed in the production of mineral by the opencut method,
 25 including mining by the auger method or any similar method

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

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

-End-

STATE OF MONTANA

REQUEST NO. 433-83

FISCAL NOTE

Form BD-15

In compliance with a written request received February 17, 19 83, there is hereby submitted a Fiscal Note for Senate Bill 416 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

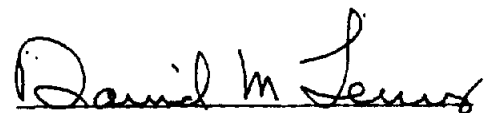
DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 416 includes railroad construction in the definition of preparatory work in the strip and underground mine siting act.

FISCAL IMPACT:

There would be no direct fiscal impact from this bill to state general fund monies. Assuming one rail spur per five year period, associated costs could be absorbed under the existing staffing and budget levels. If an EIS were needed, however, authority would be needed to spend industry monies collected under the MEPA fee requirements.

FISCAL NOTE 16: V/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-20-83