

HOUSE BILL NO. 173

1/14 Introduced
1/14 Referred to Local Government
1/29 Hearing
1/30 Adverse Committee Report
1/31 Bill Killed

1 HOUSE BILL NO. 173
2 INTRODUCED BY Land

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE PAYMENT OF
5 PROPERTY TAXES ON A LODE OR PLACER CLAIM BEFORE AN AFFIDAVIT
6 OF ANNUAL ASSESSMENT WORK MAY BE FILED WITH THE COUNTY
7 CLERK; AMENDING SECTION 82-2-103, MCA."

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

10 Section 1. Section 82-2-103, MCA, is amended to read:

11 "82-2-103. Affidavit of performance of annual work.

12 (1) The owner of a lode or placer claim who performs or
13 causes to be performed the annual work or makes the
14 improvements required by the laws of the United States, as
15 permitted and defined by laws of the United States, in order
16 to prevent the forfeiture of the claim, must, within 90 days
17 after the expiration of the federal annual assessment work
18 period, file in the office of the county clerk of the county
19 in which such claim or claims is situated an affidavit of
20 his own or an affidavit of the person who performed such
21 work or made the improvements, showing:

- 22 (a) the name of the mining claim or claims;
23 (b) the location of the claim or claims by section,
24 township, and range, by projected survey lines if located in
25 unsurveyed country;

1 (c) the book and page numbers wherein the original or
2 latest amended relocation for each claim is recorded;

3 (d) the number of days' work done and the character
4 and value of the improvements placed thereon or the verified
5 report required by United States mining law if geological,
6 geophysical, or geochemical work or labor is being relied
7 upon;

8 (e) the dates between which such work or improvements
9 were effected;

10 (f) at whose instance the work was done or the
11 improvements made;

12 (g) the actual amount paid for work and improvements
13 and by whom paid when the same was not done by the owner.

14 (2) Annual assessment work may be performed or caused
15 to be performed at one or more points within a group of
16 contiguous claims and may be utilized to satisfy annual
17 assessment work requirements upon the group of contiguous
18 claims. Said point or points of work may be performed upon
19 a patented claim. If annual assessment work is performed or
20 caused to be performed at one or more points within a group
21 of contiguous claims, the affidavit of performance of
22 assessment work must be filed for the group of claims. The
23 affidavit, in addition to requirements established by this
24 section for affidavits of performance of assessment work,
25 must contain a description and location of the work done

1 upon the group at a point or points within the group, the
 2 specific names of all the claims in the group for whose
 3 benefit the work was performed, and the total cost of the
 4 work performed.

5 (3) If group work is claimed for a group of claims
 6 crossing county lines, the affidavit required by this
 7 section shall be filed for recording within the required
 8 time in each of the counties in which such claims are
 9 located.

10 (4) An affidavit of performance of annual assessment
 11 work must be verified before some officer authorized to
 12 administer oaths by the locator or one of the locators, if
 13 there be more than one, or by authorized agent. In the case
 14 of a corporation, the verification may be made by any
 15 officer thereof or by an authorized agent. When the
 16 verification is made by an agent, the fact of the agency
 17 shall be stated in the affidavit. Such affidavit or a
 18 certified copy thereof is prima facie evidence of the facts
 19 therein stated. The failure to file such affidavits within
 20 the period allowed therefor shall be prima facie evidence
 21 that such labor has not been performed and that the owner of
 22 the claim or claims has abandoned and surrendered same.

23 (5) No affidavit of performance of annual assessment
 24 work on a lode or placer claim may be filed as required by
 25 this section without first providing to the county clerk

1 proof of payment of all outstanding property taxes levied
 2 against the lode or placer claim."

-End-