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INTRODUCED BY *Beary* *House* *Bill* ~~BILL NO. 437~~  
*Forbes*

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROVISIONS OF THE METAL MINE RECLAMATION LAW PERTAINING TO SMALL MINERS AND RECREATIONAL MINERS; REVISING THE SMALL MINER DEFINITION; REQUIRING SOIL MATERIALS SALVAGE BY SMALL MINERS WHO ENGAGE IN PLACER OR DREDGE MINING; INCREASING THE MAXIMUM BOND FOR SMALL MINERS; PROVIDING EXEMPTIONS FOR RECREATIONAL AND HOBBY MINERS; AMENDING SECTIONS 82-4-303, 82-4-305, AND 82-4-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND APPLICABILITY DATES."

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

**Section 1.** Section 82-4-303, MCA, is amended to read:

**"82-4-303. Definitions.** As used in this part, unless the context indicates otherwise, the following definitions apply:

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

(2) "Amendment" means a change to an approved operating or reclamation plan. A major amendment is an amendment that may significantly affect the human environment. A minor amendment is an amendment that will not significantly affect the human environment.

(3) "Board" means the board of environmental review provided for in 2-15-3502.

(4) "Cyanide ore-processing reagent" means cyanide or a cyanide compound used as a reagent in leaching operations.

(5) "Department" means the department of environmental quality provided for in 2-15-3501.

(6) "Disturbed land" means the area of land or surface water that has been disturbed, beginning at the date of the issuance of the permit. The term includes the area from which the overburden, tailings, waste materials, or minerals have been removed and tailings ponds, waste dumps, roads, conveyor systems, leach dumps, and all similar excavations or coverings that result from the operation and that have not been previously reclaimed under the reclamation plan.

(7) "Exploration" means:

1 (a) all activities that are conducted on or beneath the surface of lands and that result in material  
2 disturbance of the surface for the purpose of determining the presence, location, extent, depth, grade, and  
3 economic viability of mineralization in those lands, if any, other than mining for production and economic  
4 exploitation; and

5 (b) all roads made for the purpose of facilitating exploration, except as noted in 82-4-310.

6 (8) "Mineral" means any ore, rock, or substance (other than oil, gas, bentonite, clay, coal, sand,  
7 gravel, phosphate rock, or uranium) that is taken from below the surface or from the surface of the earth  
8 for the purpose of milling, concentration, refinement, smelting, manufacturing, or other subsequent use or  
9 processing or for stockpiling for future use, refinement, or smelting.

10 (9) "Mining" commences when the operator first mines ores or minerals in commercial quantities  
11 for sale, beneficiation, refining, or other processing or disposition or first takes bulk samples for  
12 metallurgical testing in excess of aggregate of 10,000 short tons.

13 (10) "Ore processing" means milling, heap leaching, flotation, vat leaching, or other standard  
14 hard-rock mineral concentration processes.

15 (11) "Person" means any person, corporation, firm, association, partnership, or other legal entity  
16 engaged in exploration for or mining of minerals on or below the surface of the earth, reprocessing of  
17 tailings or waste materials, or operation of a hard-rock mill.

18 (12) "Placer deposit" means naturally occurring, scattered or unconsolidated valuable minerals in  
19 gravel or alluvium lying above bedrock.

20 (13) "Placer or dredge mining" means the mining of minerals from a placer deposit by a person or  
21 persons.

22 (14) "Reclamation plan" means the operator's written proposal, as required and approved by the  
23 department, for reclamation of the land that will be disturbed. The proposal must include, to the extent  
24 practical at the time of application for an operating permit:

25 (a) a statement of the proposed subsequent use of the land after reclamation;

26 (b) plans for surface gradient restoration to a surface suitable for the proposed subsequent use of  
27 the land after reclamation is completed and the proposed method of accomplishment;

28 (c) the manner and type of revegetation or other surface treatment of disturbed areas;

29 (d) procedures proposed to avoid foreseeable situations of public nuisance, endangerment of public  
30 safety, damage to human life or property, or unnecessary damage to flora and fauna in or adjacent to the

1 area;

2 (e) the method of disposal of mining debris;

3 (f) the method of diverting surface waters around the disturbed areas when necessary to prevent  
4 pollution of those waters or unnecessary erosion;

5 (g) the method of reclamation of stream channels and stream banks to control erosion, siltation,  
6 and pollution;

7 (h) maps and other supporting documents that may be reasonably required by the department; and

8 (i) a time schedule for reclamation that meets the requirements of 82-4-336.

9 (15) (a) "Small miner" means a person, firm, or corporation that engages in the business of mining  
10 or reprocessing of tailings or waste materials, ~~that does not remove from the earth during any calendar year~~  
11 ~~material in excess of 36,500 tons in the aggregate,~~ that does not hold an operating permit under 82-4-335  
12 except for a permit issued under 82-4-335(2), and that conducts:

13 (i) an operation that results in not more than 5 acres of the earth's surface being disturbed and  
14 unreclaimed; or

15 (ii) two operations that disturb and leave unreclaimed less than 5 acres per operation if the  
16 respective mining properties are:

17 (A) the only operations engaged in by the person, firm, or corporation; and

18 (B) at least 1 mile apart at their closest point; ~~and~~

19 ~~(C) not operated simultaneously except during seasonal transitional periods, not to exceed 30 days.~~

20 (b) For the purpose of this definition only, the department shall, in computing the area covered by  
21 the operation;<sub>2</sub>

22 (i) exclude access or haulage roads that are required by a local, state, or federal agency having  
23 jurisdiction over that road to be constructed to certain specifications if that public agency notifies the  
24 department in writing that it desires to have the road remain in use and will maintain it after mining ceases;  
25 and

26 (ii) exclude access roads for which the person, firm, or corporation submits a bond to the  
27 department in the amount of the estimated total cost of reclamation along with a description of the location  
28 of the road and the specifications to which it will be constructed.

29 (16) "Soil materials" means earth material found in the upper soil layers that will support plant  
30 growth.

1           ~~(16)~~(17) (a) "Surface mining" means all or any part of the process involved in mining of minerals  
2 by removing the overburden and mining directly from the mineral deposits exposed, including but not limited  
3 to open-pit mining of minerals naturally exposed at the surface of the earth, mining by the auger method,  
4 and all similar methods by which earth or minerals exposed at the surface are removed in the course of  
5 mining.

6           (b) Surface mining does not include the extraction of oil, gas, bentonite, clay, coal, sand, gravel,  
7 phosphate rock, or uranium or excavation or grading conducted for onsite farming, onsite road construction,  
8 or other onsite building construction.

9           ~~(17)~~(18) "Underground mining" means all methods of mining other than surface mining.

10           ~~(18)~~(19) "Unit of surface-mined area" means that area of land and surface water included within  
11 an operating permit actually disturbed by surface mining during each 12-month period of time, beginning  
12 at the date of the issuance of the permit. The term includes the area from which overburden or minerals  
13 have been removed, the area covered by mining debris, and all additional areas used in surface mining or  
14 underground mining operations that by virtue of mining use are susceptible to erosion in excess of the  
15 surrounding undisturbed portions of land.

16           ~~(19)~~(20) "Vegetative cover" means the type of vegetation, grass, shrubs, trees, or any other form  
17 of natural cover considered suitable at time of reclamation."  
18

19           **Section 2.** Section 82-4-305, MCA, is amended to read:

20           "**82-4-305. Exemption -- small miners -- written agreement.** (1) Except as provided in subsections  
21 (3) through (9), the provisions of this part do not apply to a small miner if the small miner annually agrees  
22 in writing:

23           (a) that the small miner will not pollute or contaminate any stream;

24           (b) that the small miner will provide protection for human and animal life through the installation  
25 of bulkheads installed over safety collars and the installation of doors on tunnel portals;

26           (c) that the small miner will provide a map locating the miner's mining operations. The map must  
27 be of a size and scale determined by the department.

28           (d) if the small miner's operations are placer or dredge mining, that the small miner shall salvage  
29 and protect all soil materials for use in reclamation of that site and shall reclaim all land disturbed by the  
30 operations to comparable utility and stability as that of adjacent areas.

1 (2) For small-miner exemptions obtained after September 30, 1985, a small miner may not obtain  
2 or continue an exemption under subsection (1) unless the small miner annually certifies in writing:

3 (a) if the small miner is an individual, that:

4 (i) no business association or partnership of which the small miner is a member or partner has a  
5 small-miner exemption; and

6 (ii) no corporation of which the small miner is an officer, director, or owner of record of 25% or  
7 more of any class of voting stock has a small-miner exemption; or

8 (b) if the small miner is a partnership or business association, that:

9 (i) none of the associates or partners holds a small-miner exemption; and

10 (ii) none of the associates or partners is an officer, director, or owner of 25% or more of any class  
11 of voting stock of a corporation that has a small-miner exemption; or

12 (c) if the small miner is a corporation, that no officer, director, or owner of record of 25% or more  
13 of any class of voting stock of the corporation:

14 (i) holds a small-miner exemption;

15 (ii) is a member or partner in a business association or partnership that holds a small-miner  
16 exemption;

17 (iii) is an officer, director, or owner of record of 25% or more of any class of voting stock of  
18 another corporation that holds a small-miner exemption.

19 (3) A small miner whose operations are placer or dredge mining shall post a performance bond  
20 equal to the state's ~~actual~~ documented cost estimate of reclaiming the disturbed land, although the bond  
21 may not exceed ~~\$5,000~~ \$10,000 per operation. ~~However, if~~ If the small miner has posted a bond for  
22 reclamation with another government agency, the small miner is exempt from the requirement of this  
23 subsection.

24 (4) If a small miner who conducts a placer or dredge mining operation fails to reclaim the operation,  
25 the small miner is liable to the department for all its reasonable costs of reclamation, including a reasonable  
26 charge for services performed by state personnel and for state materials and equipment used. If the small  
27 miner posts a surety bond, the surety is liable to the state to the extent of the bond amount and the small  
28 miner is liable for the remainder of the reasonable costs to the state of reclaiming the operation.

29 (5) If a small miner who conducts a placer or dredge mining operation fails to commence  
30 reclamation of the operation within 6 months after cessation of mining or within an extended period allowed

1 by the department for good cause shown or if the small miner fails to diligently complete reclamation, the  
2 department shall notify the small miner by certified mail that it intends to reclaim the operation unless the  
3 small miner commences reclamation within 30 days and diligently completes the reclamation. The notice  
4 must be mailed to the address stated on the small miner exclusion statement or, if the small miner has  
5 notified the department of a different address by letter or in the annual certification form, to the most recent  
6 address given to the department. If the small miner fails to commence reclamation within 30 days or to  
7 diligently complete reclamation, the department may revoke the small miner exclusion statement, forfeit  
8 any bond that has been posted with the department, and enter and reclaim the operation. If the small miner  
9 has not posted a bond with the department or if the reasonable costs of reclamation exceed the amount  
10 of the bond, the department may also collect additional reclamation costs, as set forth in subsection (6),  
11 before or after it incurs those costs.

12 (6) To collect additional reclamation costs, the department shall notify the small miner by certified  
13 mail, at the address determined under subsection (5), of the additional reasonable reclamation costs and  
14 request payment within 30 days. If the small miner does not pay the additional reclamation costs within  
15 30 days, the department may bring an action in district court for payment of the estimated future costs  
16 and, if the department has performed any reclamation, of its reasonable actual costs. The court shall order  
17 payment of costs that it determines to be reasonable and shall retain jurisdiction until reclamation of the  
18 operation is completed. Upon completion of reclamation, the court shall order payment of any additional  
19 costs that it considers reasonable or the refund of any portion of any payment for estimated costs that  
20 exceeds the actual reasonable costs incurred by the department.

21 (7) A small miner who intends to use a cyanide ore-processing reagent shall obtain an operating  
22 permit for that part of the small miner's operation in which the cyanide ore-processing reagent will be used  
23 or disposed of. The acreage disturbed by the cyanide ore-processing operation and covered by the operating  
24 permit is excluded from the 5-acre limit specified in 82-4-303(15)(a)(i) and (ii).

25 (8) The exemption provided in this section does not apply to a person:

26 (a) whose failure to comply with the provisions of this part, the rules adopted under this part, or  
27 a permit or license issued under this part has resulted in the forfeiture of a bond, unless that person meets  
28 the conditions described under 82-4-360;

29 (b) who has not paid a penalty for which the department has obtained a judgment pursuant to  
30 82-4-361;

1 (c) who has failed to post a reclamation bond required by this section, unless the department has  
 2 certified that the area for which the bond should have been posted has been reclaimed by that person or  
 3 reclaimed by the department and the person has reimbursed the department for the cost of the reclamation;  
 4 or

5 (d) who has failed to comply with an abatement order issued pursuant to 82-4-362, unless the  
 6 department has completed the abatement and the person has reimbursed the department for the cost of  
 7 abatement.

8 (9) The exemption provided in this section does not apply to an area:

9 (a) under permit pursuant to 82-4-335;

10 (b) that has been permitted pursuant to 82-4-335 and reclaimed by the permittee, the department,  
 11 or any other state or federal agency; or

12 (c) that has been reclaimed by or has been subject to remediation of contamination or pollution by  
 13 a public agency, under supervision of a public agency, or using public funds."

14

15 **Section 3.** Section 82-4-310, MCA, is amended to read:

16 "**82-4-310. Exemption -- sample collectors and recreational miners.** This part ~~shall~~ does not be  
 17 ~~applicable~~ apply to ~~any a person or persons engaged in recreational mining or~~ collecting rock samples as  
 18 a hobby ~~or when the collection of rocks and minerals is offered for sale in any amount not exceeding \$100~~  
 19 ~~per year~~ who does not:

20 (1) use motorized equipment;

21 (2) use blasting agents;

22 (3) disturb more than 100 square feet or 50 cubic yards of material per site; and

23 (4) use a suction dredge with an intake of more than 4 inches in diameter."

24

25 **NEW SECTION. Section 4. Applicability.** (1) [Section 1(15)] applies to operations conducted after  
 26 [the effective date of this act].

27 (2) [Section 2(1)(d)] applies to lands initially disturbed after May 15, 1997.

28 (3) [Section 2(3)] applies to operations for which a bond was not posted prior to May 15, 1997.

29

30 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

-END-

## 1 HOUSE BILL NO. 437

2 INTRODUCED BY BEAUDRY, PAVLOVICH, BECK, QUILICI, LYNCH

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROVISIONS OF THE METAL MINE RECLAMATION  
5 LAW PERTAINING TO SMALL MINERS AND RECREATIONAL MINERS; REVISING THE SMALL MINER  
6 DEFINITION; REQUIRING SOIL MATERIALS SALVAGE BY SMALL MINERS WHO ENGAGE IN PLACER OR  
7 DREDGE MINING; INCREASING THE MAXIMUM BOND FOR SMALL MINERS; ~~PROVIDING~~ REVISING  
8 EXEMPTIONS FOR RECREATIONAL AND HOBBY MINERS; AMENDING SECTIONS 82-4-303, 82-4-305,  
9 AND 82-4-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND APPLICABILITY DATES."

10

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

12

13 **Section 1.** Section 82-4-303, MCA, is amended to read:14 **"82-4-303. Definitions.** As used in this part, unless the context indicates otherwise, the following  
15 definitions apply:16 (1) "Abandonment of surface or underground mining" may be presumed when it is shown that  
17 continued operation will not resume.18 (2) "Amendment" means a change to an approved operating or reclamation plan. A major  
19 amendment is an amendment that may significantly affect the human environment. A minor amendment  
20 is an amendment that will not significantly affect the human environment.

21 (3) "Board" means the board of environmental review provided for in 2-15-3502.

22 (4) "Cyanide ore-processing reagent" means cyanide or a cyanide compound used as a reagent in  
23 leaching operations.

24 (5) "Department" means the department of environmental quality provided for in 2-15-3501.

25 (6) "Disturbed land" means the area of land or surface water that has been disturbed, beginning  
26 at the date of the issuance of the permit. The term includes the area from which the overburden, tailings,  
27 waste materials, or minerals have been removed and tailings ponds, waste dumps, roads, conveyor  
28 systems, leach dumps, and all similar excavations or coverings that result from the operation and that have  
29 not been previously reclaimed under the reclamation plan.

30 (7) "Exploration" means:



1 (a) all activities that are conducted on or beneath the surface of lands and that result in material  
2 disturbance of the surface for the purpose of determining the presence, location, extent, depth, grade, and  
3 economic viability of mineralization in those lands, if any, other than mining for production and economic  
4 exploitation; and

5 (b) all roads made for the purpose of facilitating exploration, except as noted in 82-4-310.

6 (8) "Mineral" means any ore, rock, or substance (other than oil, gas, bentonite, clay, coal, sand,  
7 gravel, phosphate rock, or uranium) that is taken from below the surface or from the surface of the earth  
8 for the purpose of milling, concentration, refinement, smelting, manufacturing, or other subsequent use or  
9 processing or for stockpiling for future use, refinement, or smelting.

10 (9) "Mining" commences when the operator first mines ores or minerals in commercial quantities  
11 for sale, beneficiation, refining, or other processing or disposition or first takes bulk samples for  
12 metallurgical testing in excess of aggregate of 10,000 short tons.

13 (10) "Ore processing" means milling, heap leaching, flotation, vat leaching, or other standard  
14 hard-rock mineral concentration processes.

15 (11) "Person" means any person, corporation, firm, association, partnership, or other legal entity  
16 engaged in exploration for or mining of minerals on or below the surface of the earth, reprocessing of  
17 tailings or waste materials, or operation of a hard-rock mill.

18 (12) "Placer deposit" means naturally occurring, scattered or unconsolidated valuable minerals in  
19 gravel or alluvium lying above bedrock.

20 (13) "Placer or dredge mining" means the mining of minerals from a placer deposit by a person or  
21 persons.

22 (14) "Reclamation plan" means the operator's written proposal, as required and approved by the  
23 department, for reclamation of the land that will be disturbed. The proposal must include, to the extent  
24 practical at the time of application for an operating permit:

25 (a) a statement of the proposed subsequent use of the land after reclamation;

26 (b) plans for surface gradient restoration to a surface suitable for the proposed subsequent use of  
27 the land after reclamation is completed and the proposed method of accomplishment;

28 (c) the manner and type of revegetation or other surface treatment of disturbed areas;

29 (d) procedures proposed to avoid foreseeable situations of public nuisance, endangerment of public  
30 safety, damage to human life or property, or unnecessary damage to flora and fauna in or adjacent to the

1 area;

2 (e) the method of disposal of mining debris;

3 (f) the method of diverting surface waters around the disturbed areas when necessary to prevent  
4 pollution of those waters or unnecessary erosion;

5 (g) the method of reclamation of stream channels and stream banks to control erosion, siltation,  
6 and pollution;

7 (h) maps and other supporting documents that may be reasonably required by the department; and

8 (i) a time schedule for reclamation that meets the requirements of 82-4-336.

9 (15) (a) "Small miner" means a person, firm, or corporation that engages in the business of mining  
10 or reprocessing of tailings or waste materials, OR, EXCEPT AS PROVIDED IN 82-4-310, THAT KNOWINGLY  
11 ALLOWS OTHER PERSONS TO ENGAGE IN MINING ACTIVITIES ON LAND OWNED OR CONTROLLED BY  
12 THE PERSON, FIRM, OR CORPORATION; ~~that does not remove from the earth during any calendar year~~  
13 ~~material in excess of 36,500 tons in the aggregate,~~ that does not hold an operating permit under 82-4-335  
14 except for a permit issued under 82-4-335(2); OR A PERMIT THAT MEETS THE CRITERIA OF SUBSECTION  
15 (15)(C); and that conducts:

16 (i) an operation that results in not more than 5 acres of the earth's surface being disturbed and  
17 unreclaimed; or

18 (ii) two operations that disturb and leave unreclaimed less than 5 acres per operation if the  
19 respective mining properties are:

20 (A) the only operations engaged in by the person, firm, or corporation; and

21 (B) at least 1 mile apart at their closest point; ~~and~~

22 ~~(C) not operated simultaneously except during seasonal transitional periods, not to exceed 30 days.~~

23 (b) For the purpose of this definition only, the department shall, in computing the area covered by  
24 the operation;

25 (i) exclude access or haulage roads that are required by a local, state, or federal agency having  
26 jurisdiction over that road to be constructed to certain specifications if that public agency notifies the  
27 department in writing that it desires to have the road remain in use and will maintain it after mining ceases;  
28 and

29 (ii) exclude access roads for which the person, firm, or corporation submits a bond to the  
30 department in the amount of the estimated total cost of reclamation along with a description of the location

1 of the road and the specifications to which it will be constructed.

2 (C) A SMALL MINER MAY HOLD AN OPERATING PERMIT THAT ALLOWS DISTURBANCE OF 100  
3 ACRES OR LESS. THE PERMIT MAY BE AMENDED TO ADD NEW DISTURBANCE AREAS, BUT THE TOTAL  
4 AREA PERMITTED FOR DISTURBANCE MAY NOT EXCEED 100 ACRES AT ANY TIME.

5 (16) "Soil materials" means earth material found in the upper soil layers that will support plant  
6 growth.

7 ~~(16)~~(17) (a) "Surface mining" means all or any part of the process involved in mining of minerals  
8 by removing the overburden and mining directly from the mineral deposits exposed, including but not limited  
9 to open-pit mining of minerals naturally exposed at the surface of the earth, mining by the auger method,  
10 and all similar methods by which earth or minerals exposed at the surface are removed in the course of  
11 mining.

12 (b) Surface mining does not include the extraction of oil, gas, bentonite, clay, coal, sand, gravel,  
13 phosphate rock, or uranium or excavation or grading conducted for onsite farming, onsite road construction,  
14 or other onsite building construction.

15 ~~(17)~~(18) "Underground mining" means all methods of mining other than surface mining.

16 ~~(18)~~(19) "Unit of surface-mined area" means that area of land and surface water included within  
17 an operating permit actually disturbed by surface mining during each 12-month period of time, beginning  
18 at the date of the issuance of the permit. The term includes the area from which overburden or minerals  
19 have been removed, the area covered by mining debris, and all additional areas used in surface mining or  
20 underground mining operations that by virtue of mining use are susceptible to erosion in excess of the  
21 surrounding undisturbed portions of land.

22 ~~(19)~~(20) "Vegetative cover" means the type of vegetation, grass, shrubs, trees, or any other form  
23 of natural cover considered suitable at time of reclamation."

24

25 **Section 2.** Section 82-4-305, MCA, is amended to read:

26 **"82-4-305. Exemption -- small miners -- written agreement.** (1) Except as provided in subsections  
27 (3) through (9), the provisions of this part do not apply to a small miner if the small miner annually agrees  
28 in writing:

29 (a) that the small miner will not pollute or contaminate any stream;

30 (b) that the small miner will provide protection for human and animal life through the installation

1 of bulkheads installed over safety collars and the installation of doors on tunnel portals;

2 (c) that the small miner will provide a map locating the miner's mining operations. The map must  
3 be of a size and scale determined by the department.

4 (d) if the small miner's operations are placer or dredge mining, that the small miner shall salvage  
5 and protect all soil materials for use in reclamation of that site and shall reclaim all land disturbed by the  
6 operations to comparable utility and stability as that of adjacent areas.

7 (2) For small-miner exemptions obtained after September 30, 1985, a small miner may not obtain  
8 or continue an exemption under subsection (1) unless the small miner annually certifies in writing:

9 (a) if the small miner is an individual, that:

10 (i) no business association or partnership of which the small miner is a member or partner has a  
11 small-miner exemption; and

12 (ii) no corporation of which the small miner is an officer, director, or owner of record of 25% or  
13 more of any class of voting stock has a small-miner exemption; or

14 (b) if the small miner is a partnership or business association, that:

15 (i) none of the associates or partners holds a small-miner exemption; and

16 (ii) none of the associates or partners is an officer, director, or owner of 25% or more of any class  
17 of voting stock of a corporation that has a small-miner exemption; or

18 (c) if the small miner is a corporation, that no officer, director, or owner of record of 25% or more  
19 of any class of voting stock of the corporation:

20 (i) holds a small-miner exemption;

21 (ii) is a member or partner in a business association or partnership that holds a small-miner  
22 exemption;

23 (iii) is an officer, director, or owner of record of 25% or more of any class of voting stock of  
24 another corporation that holds a small-miner exemption.

25 (3) A small miner whose operations are placer or dredge mining shall post a performance bond  
26 equal to the state's ~~actual~~ documented cost estimate of reclaiming the disturbed land, although the bond  
27 may not exceed ~~\$5,000~~ \$10,000 per operation. ~~However, if~~ If the small miner has posted a bond for  
28 reclamation with another government agency, the small miner is exempt from the requirement of this  
29 subsection.

30 (4) If a small miner who conducts a placer or dredge mining operation fails to reclaim the operation,

1 the small miner is liable to the department for all its reasonable costs of reclamation, including a reasonable  
2 charge for services performed by state personnel and for state materials and equipment used. If the small  
3 miner posts a surety bond, the surety is liable to the state to the extent of the bond amount and the small  
4 miner is liable for the remainder of the reasonable costs to the state of reclaiming the operation.

5 (5) If a small miner who conducts a placer or dredge mining operation fails to commence  
6 reclamation of the operation within 6 months after cessation of mining or within an extended period allowed  
7 by the department for good cause shown or if the small miner fails to diligently complete reclamation, the  
8 department shall notify the small miner by certified mail that it intends to reclaim the operation unless the  
9 small miner commences reclamation within 30 days and diligently completes the reclamation. The notice  
10 must be mailed to the address stated on the small miner exclusion statement or, if the small miner has  
11 notified the department of a different address by letter or in the annual certification form, to the most recent  
12 address given to the department. If the small miner fails to commence reclamation within 30 days or to  
13 diligently complete reclamation, the department may revoke the small miner exclusion statement, forfeit  
14 any bond that has been posted with the department, and enter and reclaim the operation. If the small miner  
15 has not posted a bond with the department or if the reasonable costs of reclamation exceed the amount  
16 of the bond, the department may also collect additional reclamation costs, as set forth in subsection (6),  
17 before or after it incurs those costs.

18 (6) To collect additional reclamation costs, the department shall notify the small miner by certified  
19 mail, at the address determined under subsection (5), of the additional reasonable reclamation costs and  
20 request payment within 30 days. If the small miner does not pay the additional reclamation costs within  
21 30 days, the department may bring an action in district court for payment of the estimated future costs  
22 and, if the department has performed any reclamation, of its reasonable actual costs. The court shall order  
23 payment of costs that it determines to be reasonable and shall retain jurisdiction until reclamation of the  
24 operation is completed. Upon completion of reclamation, the court shall order payment of any additional  
25 costs that it considers reasonable or the refund of any portion of any payment for estimated costs that  
26 exceeds the actual reasonable costs incurred by the department.

27 (7) A small miner who intends to use a cyanide ore-processing reagent shall obtain an operating  
28 permit for that part of the small miner's operation in which the cyanide ore-processing reagent will be used  
29 or disposed of. The acreage disturbed by the cyanide ore-processing operation and covered by the operating  
30 permit is excluded from the 5-acre limit specified in 82-4-303(15)(a)(i) and (ii).

1 (8) The exemption provided in this section does not apply to a person:

2 (a) whose failure to comply with the provisions of this part, the rules adopted under this part, or  
3 a permit or license issued under this part has resulted in the forfeiture of a bond, unless that person meets  
4 the conditions described under 82-4-360;

5 (b) who has not paid a penalty for which the department has obtained a judgment pursuant to  
6 82-4-361;

7 (c) who has failed to post a reclamation bond required by this section, unless the department has  
8 certified that the area for which the bond should have been posted has been reclaimed by that person or  
9 reclaimed by the department and the person has reimbursed the department for the cost of the reclamation;  
10 or

11 (d) who has failed to comply with an abatement order issued pursuant to 82-4-362, unless the  
12 department has completed the abatement and the person has reimbursed the department for the cost of  
13 abatement.

14 (9) The exemption provided in this section does not apply to an area:

15 (a) under permit pursuant to 82-4-335;

16 (b) that has been permitted pursuant to 82-4-335 and reclaimed by the permittee, the department,  
17 or any other state or federal agency; or

18 (c) that has been reclaimed by or has been subject to remediation of contamination or pollution by  
19 a public agency, under supervision of a public agency, or using public funds."

20

21 **Section 3.** Section 82-4-310, MCA, is amended to read:

22 "**82-4-310. Exemption -- ~~sample collectors and recreational miners~~ SCALE AND TYPE OF**

23 **ACTIVITY.** (1) This part ~~shall~~ does not be applicable apply to any a person or persons engaged in

24 recreational mining or collecting rock samples as a hobby or when the collection of rocks and minerals is

25 offered for sale in any amount not exceeding \$100 per year who **MINING ACTIVITIES IF THAT PERSON**

26 does not:

27 (1)(A) use motorized EXCAVATING equipment;

28 (2)(B) use blasting agents;

29 (3)(C) disturb more than 100 square feet or 50 cubic yards of material per site; and

30 (D) LEAVE UNRECLAIMED SITES THAT ARE LESS THAN 1 MILE APART;

1           ~~(4)(E) use a suction dredge with an intake of more than 4 inches in diameter; OR~~  
2           ~~(F) OPERATE A SUCTION DREDGE BEYOND THE AREA OF THE STREAM BED THAT IS~~  
3 ~~NATURALLY UNDER WATER AT THE TIME OF OPERATION.~~

4           ~~(2) THIS PART DOES NOT APPLY TO A PERSON WHO, ON LAND OWNED OR CONTROLLED BY~~  
5 ~~THAT PERSON, ALLOWS OTHER PERSONS TO ENGAGE IN MINING ACTIVITIES IF THOSE ACTIVITIES~~  
6 ~~CUMULATIVELY MEET THE REQUIREMENTS OF SUBSECTION (1)."~~

7

8           **NEW SECTION. Section 4. Applicability.** (1) [Section 1(15)] applies to operations conducted after  
9 [the effective date of this act].

10           (2) [Section 2(1)(d)] applies to lands initially disturbed after May 15, 1997.

11           (3) [Section 2(3)] applies to operations for which a bond was not posted prior to May 15, 1997.

12

13           **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

14

-END-

1 HOUSE BILL NO. 437

2 INTRODUCED BY BEAUDRY, PAVLOVICH, BECK, QUILICI, LYNCH

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROVISIONS OF THE METAL MINE RECLAMATION  
5 LAW PERTAINING TO SMALL MINERS AND RECREATIONAL MINERS; REVISING THE SMALL MINER  
6 DEFINITION; REQUIRING SOIL MATERIALS SALVAGE BY SMALL MINERS WHO ENGAGE IN PLACER OR  
7 DREDGE MINING; INCREASING THE MAXIMUM BOND FOR SMALL MINERS; ~~PROVIDING~~ REVISING  
8 EXEMPTIONS FOR RECREATIONAL AND HOBBY MINERS; AMENDING SECTIONS 82-4-303, 82-4-305,  
9 AND 82-4-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND APPLICABILITY DATES."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE  
REPRINTED. PLEASE REFER TO SECOND READING COPY  
(YELLOW) FOR COMPLETE TEXT.**



APPROVED BY COM ON  
NATURAL RESOURCES

HOUSE BILL NO. 437

INTRODUCED BY BEAUDRY, PAVLOVICH, BECK, QUILICI, LYNCH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROVISIONS OF THE METAL MINE RECLAMATION LAW PERTAINING TO SMALL MINERS AND RECREATIONAL MINERS; REVISING THE SMALL MINER DEFINITION; REQUIRING SOIL MATERIALS SALVAGE BY SMALL MINERS WHO ENGAGE IN PLACER OR DREDGE MINING; INCREASING THE MAXIMUM BOND FOR SMALL MINERS; ~~PROVIDING~~ REVISING EXEMPTIONS FOR RECREATIONAL AND HOBBY MINERS; AMENDING SECTIONS 82-4-303, 82-4-305, AND 82-4-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND APPLICABILITY DATES."

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

**THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO SECOND READING COPY (YELLOW) FOR COMPLETE TEXT.**

## 1 HOUSE BILL NO. 437

2 INTRODUCED BY BEAUDRY, PAVLOVICH, BECK, QUILICI, LYNCH

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROVISIONS OF THE METAL MINE RECLAMATION  
5 LAW PERTAINING TO SMALL MINERS AND RECREATIONAL MINERS; REVISING THE SMALL MINER  
6 DEFINITION; REQUIRING SOIL MATERIALS SALVAGE BY SMALL MINERS WHO ENGAGE IN PLACER OR  
7 DREDGE MINING; INCREASING THE MAXIMUM BOND FOR SMALL MINERS; ~~PROVIDING~~ REVISING  
8 EXEMPTIONS FOR RECREATIONAL AND HOBBY MINERS; AMENDING SECTIONS 82-4-303, 82-4-305,  
9 AND 82-4-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND APPLICABILITY DATES."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12  
13 **Section 1.** Section 82-4-303, MCA, is amended to read:

14 **"82-4-303. Definitions.** As used in this part, unless the context indicates otherwise, the following  
15 definitions apply:

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

18 (2) "Amendment" means a change to an approved operating or reclamation plan. A major  
19 amendment is an amendment that may significantly affect the human environment. A minor amendment  
20 is an amendment that will not significantly affect the human environment.

21 (3) "Board" means the board of environmental review provided for in 2-15-3502.

22 (4) "Cyanide ore-processing reagent" means cyanide or a cyanide compound used as a reagent in  
23 leaching operations.

24 (5) "Department" means the department of environmental quality provided for in 2-15-3501.

25 (6) "Disturbed land" means the area of land or surface water that has been disturbed, beginning  
26 at the date of the issuance of the permit. The term includes the area from which the overburden, tailings,  
27 waste materials, or minerals have been removed and tailings ponds, waste dumps, roads, conveyor  
28 systems, leach dumps, and all similar excavations or coverings that result from the operation and that have  
29 not been previously reclaimed under the reclamation plan.

30 (7) "Exploration" means:

1 (a) all activities that are conducted on or beneath the surface of lands and that result in material  
2 disturbance of the surface for the purpose of determining the presence, location, extent, depth, grade, and  
3 economic viability of mineralization in those lands, if any, other than mining for production and economic  
4 exploitation; and

5 (b) all roads made for the purpose of facilitating exploration, except as noted in 82-4-310.

6 (8) "Mineral" means any ore, rock, or substance (other than oil, gas, bentonite, clay, coal, sand,  
7 gravel, phosphate rock, or uranium) that is taken from below the surface or from the surface of the earth  
8 for the purpose of milling, concentration, refinement, smelting, manufacturing, or other subsequent use or  
9 processing or for stockpiling for future use, refinement, or smelting.

10 (9) "Mining" commences when the operator first mines ores or minerals in commercial quantities  
11 for sale, beneficiation, refining, or other processing or disposition or first takes bulk samples for  
12 metallurgical testing in excess of aggregate of 10,000 short tons.

13 (10) "Ore processing" means milling, heap leaching, flotation, vat leaching, or other standard  
14 hard-rock mineral concentration processes.

15 (11) "Person" means any person, corporation, firm, association, partnership, or other legal entity  
16 engaged in exploration for or mining of minerals on or below the surface of the earth, reprocessing of  
17 tailings or waste materials, or operation of a hard-rock mill.

18 (12) "Placer deposit" means naturally occurring, scattered or unconsolidated valuable minerals in  
19 gravel or alluvium lying above bedrock.

20 (13) "Placer or dredge mining" means the mining of minerals from a placer deposit by a person or  
21 persons.

22 (14) "Reclamation plan" means the operator's written proposal, as required and approved by the  
23 department, for reclamation of the land that will be disturbed. The proposal must include, to the extent  
24 practical at the time of application for an operating permit:

25 (a) a statement of the proposed subsequent use of the land after reclamation;

26 (b) plans for surface gradient restoration to a surface suitable for the proposed subsequent use of  
27 the land after reclamation is completed and the proposed method of accomplishment;

28 (c) the manner and type of revegetation or other surface treatment of disturbed areas;

29 (d) procedures proposed to avoid foreseeable situations of public nuisance, endangerment of public  
30 safety, damage to human life or property, or unnecessary damage to flora and fauna in or adjacent to the

1 area;

2 (e) the method of disposal of mining debris;

3 (f) the method of diverting surface waters around the disturbed areas when necessary to prevent  
4 pollution of those waters or unnecessary erosion;

5 (g) the method of reclamation of stream channels and stream banks to control erosion, siltation,  
6 and pollution;

7 (h) maps and other supporting documents that may be reasonably required by the department; and

8 (i) a time schedule for reclamation that meets the requirements of 82-4-336.

9 (15) (a) "Small miner" means a person, firm, or corporation that engages in the business of mining  
10 or reprocessing of tailings or waste materials, OR, EXCEPT AS PROVIDED IN 82-4-310, THAT KNOWINGLY  
11 ALLOWS OTHER PERSONS TO ENGAGE IN MINING ACTIVITIES ON LAND OWNED OR CONTROLLED BY  
12 THE PERSON, FIRM, OR CORPORATION; that does not remove from the earth during any calendar year  
13 material in excess of 36,500 tons in the aggregate; that does not hold an operating permit under 82-4-335  
14 except for a permit issued under 82-4-335(2); OR A PERMIT THAT MEETS THE CRITERIA OF SUBSECTION  
15 (15)(C); and that conducts:

16 (i) an operation that results in not more than 5 acres of the earth's surface being disturbed and  
17 unreclaimed; or

18 (ii) two operations that disturb and leave unreclaimed less than 5 acres per operation if the  
19 respective mining properties are:

20 (A) the only operations engaged in by the person, firm, or corporation; and

21 (B) at least 1 mile apart at their closest points; ~~and~~

22 ~~(C) not operated simultaneously except during seasonal transitional periods, not to exceed 30 days.~~

23 (b) For the purpose of this definition only, the department shall, in computing the area covered by  
24 the operation;

25 (i) exclude access or haulage roads that are required by a local, state, or federal agency having  
26 jurisdiction over that road to be constructed to certain specifications if that public agency notifies the  
27 department in writing that it desires to have the road remain in use and will maintain it after mining ceases;  
28 and

29 (ii) exclude access roads for which the person, firm, or corporation submits a bond to the  
30 department in the amount of the estimated total cost of reclamation along with a description of the location

1 of the road and the specifications to which it will be constructed.

2 (C) A SMALL MINER MAY HOLD AN OPERATING PERMIT THAT ALLOWS DISTURBANCE OF 100  
 3 ACRES OR LESS. THE PERMIT MAY BE AMENDED TO ADD NEW DISTURBANCE AREAS, BUT THE TOTAL  
 4 AREA PERMITTED FOR DISTURBANCE MAY NOT EXCEED 100 ACRES AT ANY TIME.

5 (16) "Soil materials" means earth material found in the upper soil layers that will support plant  
 6 growth.

7 ~~(16)~~(17) (a) "Surface mining" means all or any part of the process involved in mining of minerals  
 8 by removing the overburden and mining directly from the mineral deposits exposed, including but not limited  
 9 to open-pit mining of minerals naturally exposed at the surface of the earth, mining by the auger method,  
 10 and all similar methods by which earth or minerals exposed at the surface are removed in the course of  
 11 mining.

12 (b) Surface mining does not include the extraction of oil, gas, bentonite, clay, coal, sand, gravel,  
 13 phosphate rock, or uranium or excavation or grading conducted for onsite farming, onsite road construction,  
 14 or other onsite building construction.

15 ~~(17)~~(18) "Underground mining" means all methods of mining other than surface mining.

16 ~~(18)~~(19) "Unit of surface-mined area" means that area of land and surface water included within  
 17 an operating permit actually disturbed by surface mining during each 12-month period of time, beginning  
 18 at the date of the issuance of the permit. The term includes the area from which overburden or minerals  
 19 have been removed, the area covered by mining debris, and all additional areas used in surface mining or  
 20 underground mining operations that by virtue of mining use are susceptible to erosion in excess of the  
 21 surrounding undisturbed portions of land.

22 ~~(19)~~(20) "Vegetative cover" means the type of vegetation, grass, shrubs, trees, or any other form  
 23 of natural cover considered suitable at time of reclamation."  
 24

25 **Section 2.** Section 82-4-305, MCA, is amended to read:

26 **"82-4-305. Exemption -- small miners -- written agreement.** (1) Except as provided in subsections  
 27 (3) through (9), the provisions of this part do not apply to a small miner if the small miner annually agrees  
 28 in writing:

29 (a) that the small miner will not pollute or contaminate any stream;

30 (b) that the small miner will provide protection for human and animal life through the installation

1 of bulkheads installed over safety collars and the installation of doors on tunnel portals;

2 (c) that the small miner will provide a map locating the miner's mining operations. The map must  
3 be of a size and scale determined by the department.

4 (d) if the small miner's operations are placer or dredge mining, that the small miner shall salvage  
5 and protect all soil materials for use in reclamation of that site and shall reclaim all land disturbed by the  
6 operations to comparable utility and stability as that of adjacent areas.

7 (2) For small-miner exemptions obtained after September 30, 1985, a small miner may not obtain  
8 or continue an exemption under subsection (1) unless the small miner annually certifies in writing:

9 (a) if the small miner is an individual, that:

10 (i) no business association or partnership of which the small miner is a member or partner has a  
11 small-miner exemption; and

12 (ii) no corporation of which the small miner is an officer, director, or owner of record of 25% or  
13 more of any class of voting stock has a small-miner exemption; or

14 (b) if the small miner is a partnership or business association, that:

15 (i) none of the associates or partners holds a small-miner exemption; and

16 (ii) none of the associates or partners is an officer, director, or owner of 25% or more of any class  
17 of voting stock of a corporation that has a small-miner exemption; or

18 (c) if the small miner is a corporation, that no officer, director, or owner of record of 25% or more  
19 of any class of voting stock of the corporation:

20 (i) holds a small-miner exemption;

21 (ii) is a member or partner in a business association or partnership that holds a small-miner  
22 exemption;

23 (iii) is an officer, director, or owner of record of 25% or more of any class of voting stock of  
24 another corporation that holds a small-miner exemption.

25 (3) A small miner whose operations are placer or dredge mining shall post a performance bond  
26 equal to the state's ~~actual~~ documented cost estimate of reclaiming the disturbed land, although the bond  
27 may not exceed ~~\$5,000~~ \$10,000 per operation. ~~However, if~~ if the small miner has posted a bond for  
28 reclamation with another government agency, the small miner is exempt from the requirement of this  
29 subsection.

30 (4) If a small miner who conducts a placer or dredge mining operation fails to reclaim the operation,

1 the small miner is liable to the department for all its reasonable costs of reclamation, including a reasonable  
2 charge for services performed by state personnel and for state materials and equipment used. If the small  
3 miner posts a surety bond, the surety is liable to the state to the extent of the bond amount and the small  
4 miner is liable for the remainder of the reasonable costs to the state of reclaiming the operation.

5 (5) If a small miner who conducts a placer or dredge mining operation fails to commence  
6 reclamation of the operation within 6 months after cessation of mining or within an extended period allowed  
7 by the department for good cause shown or if the small miner fails to diligently complete reclamation, the  
8 department shall notify the small miner by certified mail that it intends to reclaim the operation unless the  
9 small miner commences reclamation within 30 days and diligently completes the reclamation. The notice  
10 must be mailed to the address stated on the small miner exclusion statement or, if the small miner has  
11 notified the department of a different address by letter or in the annual certification form, to the most recent  
12 address given to the department. If the small miner fails to commence reclamation within 30 days or to  
13 diligently complete reclamation, the department may revoke the small miner exclusion statement, forfeit  
14 any bond that has been posted with the department, and enter and reclaim the operation. If the small miner  
15 has not posted a bond with the department or if the reasonable costs of reclamation exceed the amount  
16 of the bond, the department may also collect additional reclamation costs, as set forth in subsection (6),  
17 before or after it incurs those costs.

18 (6) To collect additional reclamation costs, the department shall notify the small miner by certified  
19 mail, at the address determined under subsection (5), of the additional reasonable reclamation costs and  
20 request payment within 30 days. If the small miner does not pay the additional reclamation costs within  
21 30 days, the department may bring an action in district court for payment of the estimated future costs  
22 and, if the department has performed any reclamation, of its reasonable actual costs. The court shall order  
23 payment of costs that it determines to be reasonable and shall retain jurisdiction until reclamation of the  
24 operation is completed. Upon completion of reclamation, the court shall order payment of any additional  
25 costs that it considers reasonable or the refund of any portion of any payment for estimated costs that  
26 exceeds the actual reasonable costs incurred by the department.

27 (7) A small miner who intends to use a cyanide ore-processing reagent shall obtain an operating  
28 permit for that part of the small miner's operation in which the cyanide ore-processing reagent will be used  
29 or disposed of. The acreage disturbed by the cyanide ore-processing operation and covered by the operating  
30 permit is excluded from the 5-acre limit specified in 82-4-303(15)(a)(i) and (ii).

1 (8) The exemption provided in this section does not apply to a person:

2 (a) whose failure to comply with the provisions of this part, the rules adopted under this part, or  
3 a permit or license issued under this part has resulted in the forfeiture of a bond, unless that person meets  
4 the conditions described under 82-4-360;

5 (b) who has not paid a penalty for which the department has obtained a judgment pursuant to  
6 82-4-361;

7 (c) who has failed to post a reclamation bond required by this section, unless the department has  
8 certified that the area for which the bond should have been posted has been reclaimed by that person or  
9 reclaimed by the department and the person has reimbursed the department for the cost of the reclamation;  
10 or

11 (d) who has failed to comply with an abatement order issued pursuant to 82-4-362, unless the  
12 department has completed the abatement and the person has reimbursed the department for the cost of  
13 abatement.

14 (9) The exemption provided in this section does not apply to an area:

15 (a) under permit pursuant to 82-4-335;

16 (b) that has been permitted pursuant to 82-4-335 and reclaimed by the permittee, the department,  
17 or any other state or federal agency; or

18 (c) that has been reclaimed by or has been subject to remediation of contamination or pollution by  
19 a public agency, under supervision of a public agency, or using public funds."

20  
21 **Section 3.** Section 82-4-310, MCA, is amended to read:

22 "**82-4-310. Exemption -- ~~sample collectors and recreational miners~~ SCALE AND TYPE OF**  
23 **ACTIVITY.** (1) This part ~~shall~~ does not be ~~applicable~~ apply to ~~any a~~ a person ~~or persons~~ engaged in  
24 ~~recreational mining or collecting rock samples as a hobby or when the collection of rocks and minerals is~~  
25 ~~offered for sale in any amount not exceeding \$100 per year~~ who **MINING ACTIVITIES IF THAT PERSON**  
26 **does not:**

27 ~~(1)(A)~~ use motorized EXCAVATING equipment;

28 ~~(2)(B)~~ use blasting agents;

29 ~~(3)(C)~~ disturb more than 100 square feet or 50 cubic yards of material per site; and

30 (D) LEAVE UNRECLAIMED SITES THAT ARE LESS THAN 1 MILE APART;



1           ~~(4)(E) use a suction dredge with an intake of more than 4 inches in diameter; OR~~

2           ~~(F) OPERATE A SUCTION DREDGE BEYOND THE AREA OF THE STREAM BED THAT IS~~  
3 ~~NATURALLY UNDER WATER AT THE TIME OF OPERATION.~~

4           ~~(2) THIS PART DOES NOT APPLY TO A PERSON WHO, ON LAND OWNED OR CONTROLLED BY~~  
5 ~~THAT PERSON, ALLOWS OTHER PERSONS TO ENGAGE IN MINING ACTIVITIES IF THOSE ACTIVITIES~~  
6 ~~CUMULATIVELY MEET THE REQUIREMENTS OF SUBSECTION (1)."~~

7

8           NEW SECTION. Section 4. Applicability. (1) [Section 1(15)] applies to operations conducted after  
9 [the effective date of this act].

10           (2) [Section 2(1)(d)] applies to lands initially disturbed after May 15, 1997.

11           (3) [Section 2(3)] applies to operations for which a bond was not posted prior to May 15, 1997.

12

13           NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

14

-END-