

HOUSE BILL NO. 303

INTRODUCED BY K. FLYNN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SURFACE OWNER NOTICE REQUIREMENTS FOR MINERAL ACTIVITIES; AMENDING SECTION 82-2-303, MCA; AND REPEALING SECTION 82-2-302, MCA."

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

NEW SECTION. Section 1. Definitions. As used in this part, the following definitions apply:

(1) "Beneficiation" means the crushing and grinding of locatable mineral ore and processes that are employed to free the mineral from the other constituents, including but not limited to physical and chemical separation techniques.

(2) "Exploration" means techniques employed to locate the presence of a locatable mineral deposit and to establish its nature, position, size, shape, grade, and value.

(3) "Mineral activities" means any activity for, related to, or incidental to mineral exploration, mining, and beneficiation activities for any locatable mineral on a mining claim.

(4) "Mining" means the processes employed for the extraction of a locatable mineral from the earth.

(5) "Mining claim" means a claim located under the general mining laws of the United States and Montana.

Section 2. Section 82-2-303, MCA, is amended to read:

"82-2-303. Written notice and approval required before commencement of operations mineral activities. (1) ~~The land or surface of land not owned in fee by such person may not be disturbed in any manner until~~ A prospector or mineral developer, prior to accessing surface land not owned in fee by the prospector or mineral developer, shall provide in writing to the owner or manager of the surface of said land and the owner of a possessory right to said the land;

~~(a) are given notice in writing, accompanied by a United States geological survey map showing the specific locations involved proposed for mineral activities; of such person's intent or desire to enter upon such land, which will sufficiently disclose~~

(b) the plan of work and operations mineral activities, including contemplated measures for the protection

1 and restoration of the land and waters; ~~to enable the owner or manager of the land and any person holding a~~
 2 ~~possessory right to such land to evaluate the extent of disturbance contemplated and the effectiveness and~~
 3 ~~sufficiency of the protection and restoration measures planned~~

4 (c) a list of all notices, permits, or authorizations required by any local, state, or federal agencies related
 5 to prospecting or mineral activities on the surface land proposed for mineral activities; and

6 (d) a copy of this section.

7 (2) Before commencement of ~~any work or operations on any such lands, such person~~ mineral activities
 8 on the surface land, a prospector or mineral developer shall ~~must first~~ obtain from the surface owner of private
 9 land specific written approval of the proposed ~~work or operations~~ mineral activities.

10 (3) In the case of city, county, state, or ~~federally-owned~~ federally owned lands or minerals, ~~such person~~
 11 ~~must first~~ a prospector or mineral developer shall obtain the required authorization or permit, if any, and provide
 12 any notices required by the applicable law and the regulations of the governmental agency or board charged by
 13 law with the administration or management of the surface of such land.

14 (4) Compliance with the provisions of this section is required in addition to any applicable requirements
 15 of Title 82, chapters 2 through 4."

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 17 **NEW SECTION. Section 3. Repealer.** The following section of the Montana Code Annotated is
 18 repealed:

19 82-2-302. Ascertaining ownership of land.

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 21 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an
 22 integral part of Title 82, chapter 2, part 3, and the provisions of Title 82, chapter 2, part 3, apply to [section 1].

23
 24 **NEW SECTION. Section 5. Severability.** If a part of [this act] is invalid, all valid parts that are severable
 25 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
 26 remains in effect in all valid applications that are severable from the invalid applications.

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