

METAL MINING (HARD ROCK)

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: Montana has a long, well-documented history of mining for minerals that spans more than a century. However, it was not until 1971 that the Legislature passed a bill that still serves as the basis for the regulation of hard rock mining in Montana. In general, the Hard Rock Mining Program covers any ore, rock, or substance removed for milling, concentration, refinement, smelting, manufacturing, or processing. This includes operations that mine for metals, gypsum, and talc. It does not include oil, gas, bentonite, clay, coal, sand, gravel, peat, soil materials, or uranium. A mining operation typically starts with an exploration license that allows one to drill holes and dig trenches to determine the viability of a site. If the site is viable, the operator can file for a small miner exclusion, which may waive reclamation on up to 5 acres. Operations disturbing more than 5 acres must apply for a general operating permit, which includes bonding and reclamation requirements.

The Hard Rock Mining Program does not regulate activities commonly associated with recreational. Cyanide or leaching agents are not allowed. Mercury must be used in a contained facility. Suction dredging with an intake of less than 4 inches in diameter is allowed in a streambed provided permits are obtained from the DEQ for discharging materials and from the local conservation district for work in a streambed.

Legislative Services Division Materials:

Hard Rock Mining Program Evaluation, [update](#) 2017

Hard Rock Mining [Program Evaluation](#), 2016.

[Metal Mine Bonding in Montana, Status and Policy Considerations](#), 2004.

Zortman & Landusky Mines: [Water Quality Impacts](#), 2004.

[Report](#) to the 48th Montana Legislature on the Socio-Economic Impacts of Large-Scale Hard-Rock Mining, Environmental Quality Council, Revenue Oversight Committee, 1983

Other Materials:

[Metal Mine Performance Bonds and State Liability: Are there any deficiencies?](#) Legislative Fiscal Division, 2000

Introduced Legislation

Chapter number assigned means bill was passed and approved.

2017

[HB 593](#) (H) Died in Standing Committee. AN ACT REVISING THE METAL MINE RECLAMATION ACT; REQUIRING INDEPENDENT AUDITS TO ENSURE COMPLIANCE WITH STATE LAWS; ESTABLISHING A FEE; REQUIRING ADDITIONAL BONDING FOR CERTAIN MINES; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 82-4-338, MCA.

2015

[HB 458](#) (H) Missed Deadline for General Bill Transmittal. AN ACT ESTABLISHING THE SMITH RIVER LEGACY ACT; ESTABLISHING AND REQUIRING A LEGACY PERMIT FOR CERTAIN ACTIVITIES IN THE SMITH RIVER WATERSHED; PROVIDING RULEMAKING AUTHORITY; AND ALLOWING FOR REVOCATION OF PERMITS.

[HB 476](#) (H) Missed Deadline for General Bill Transmittal. AN ACT REQUIRING WATER REMOVED FROM A MINE TO BE RETURNED TO THE AQUIFER WITHOUT DEGRADING WATER QUALITY AND IN A MANNER THAT PREVENTS SURFACE WATER DEPLETIONS; AND AMENDING SECTION 85-2-505, MCA."

[HB 626](#) (H) Missed Deadline for Revenue Bill Transmittal. AN ACT PROHIBITING THE DEPARTMENT OF ENVIRONMENTAL QUALITY FROM ISSUING A METAL MINES OPERATING PERMIT IF THE MINE WILL REQUIRE PERPETUAL CARE OF THE DISTURBED LANDS AFTER RECLAMATION; REQUIRING A METAL MINES PERMIT APPLICANT TO DESIGN A RECLAMATION PLAN THAT AVOIDS THE NEED FOR PERPETUAL CARE OF THE DISTURBED LANDS; EXTENDING A DEFINITION; REQUIRING AN ANNUAL COMPLIANCE REVIEW FEE; AMENDING SECTIONS 82-4-303, 82-4-335, AND 82-4-339, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

[SB 218](#) (S) Missed Deadline for General Bill Transmittal. AN ACT REQUIRING AN INCREASED BOND FOR METAL MINE OPERATIONS IN ORE BODIES THAT CONTAIN SULFIDE MINERALIZATION; AND AMENDING SECTION 82-4-338, MCA.

[SB 409](#) Chapter Number Assigned. AN ACT REVISING METAL MINE RECLAMATION LAWS; ESTABLISHING STANDARDS FOR TAILINGS STORAGE FACILITIES; ESTABLISHING A FEE; DEFINING TERMS; CREATING INDEPENDENT REVIEW PANELS; PROVIDING FOR REVIEWS AND INSPECTIONS; PROVIDING ENFORCEMENT; AMENDING SECTIONS 82-4-301, 82-4-303, 82-4-305, 82-4-335, 82-4-336, 82-4-337, AND 82-4-342, MCA; AND PROVIDING AN APPLICABILITY DATE.

2013 - None

2011

[HB 303](#) (H) Died in Standing Committee. AN ACT REVISING SURFACE OWNER NOTICE REQUIREMENTS FOR MINERAL ACTIVITIES; AMENDING SECTION 82-2-303, MCA; AND REPEALING SECTION 82-2-302, MCA.

[HB 422](#) Chapter Number Assigned. AN ACT AUTHORIZING PERMIT CONTRACTORS UNDER THE METAL MINE RECLAMATION LAWS TO DIRECTLY INVOICE THE PERMIT APPLICANT; AMENDING SECTION 82-4-335, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SB 306](#) [\(S\) Vetoed by Governor](#). AN ACT CLARIFYING THE PROHIBITION OF CYANIDE HEAP AND VAT LEACH OPEN-PIT GOLD AND SILVER MINING; AND AMENDING SECTION 82-4-390, MCA

[SB 312](#) Chapter Number Assigned. AN ACT REVISING METAL MINE RECLAMATION LAWS; REQUIRING THAT DRAFT PERMITS BE ISSUED FOR COMPLETE AND COMPLIANT APPLICATIONS; REVISING COORDINATION OF PERMIT REVIEWS WITH THE MONTANA ENVIRONMENTAL POLICY ACT; AND AMENDING SECTIONS 82-4-303, 82-4-305, 82-4-335, 82-4-337, 82-4-342, AND 82-4-353, MCA.

2009 - None

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