

Introduced: 2/8/63  
Referred: State Affairs and  
Resources

1 IN THE SENATE

BY SENATOR OWEN

2 SENATE BILL NO. 65

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the backfilling of  
7 abandoned strip mines; and providing for an  
8 effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 27.20 is amended by adding new sections to  
11 read:

12 ARTICLE 4. ABANDONMENT OF STRIP MINES.

13 Sec. 27.20.490. ABANDONMENT OF STRIP MINES. (a) No  
14 operator may abandon a strip mine without rendering it safe  
15 by backfilling or other methods if in the opinion of the  
16 commissioner it may endanger

17 (1) the safety of the public by creating flood  
18 conditions or other hazards;

19 (2) a fishing industry or other wildlife;

20 (3) the future use of an area for valuable public  
21 purposes, including recreation.

22 Sec. 27.20.500. COMMISSIONER TO MAKE REGULATIONS. The  
23 commissioner shall promulgate regulations for the safe  
24 abandonment of strip mines by backfilling or other methods  
25 based upon standard practices in the mining industry.

26 Sec. 27.20.510. APPLICATION. The provisions of secs.  
27 490 - 540 of this chapter apply to all strip-mine operations,  
28 except those exempted by this chapter.

29 Sec. 27.20.520. BOND (a) A strip-mine operator shall

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1 before beginning mining operations file with the commissioner  
2 a bond, payable to the state, and conditioned upon compli-  
3 ance with regulations promulgated under sec. 500 of this  
4 chapter. The bond shall be kept in force until the mine  
5 operator receives a certificate of safe abandonment from the  
6 commissioner.

7 (b) The amount of the bond is initially \$3,000, or  
8 \$300 times the number of acres to be affected by the opera-  
9 tion, whichever is greater. The commissioner may change the  
10 amount of bond from time to time in order to make the amount  
11 of the bond correspond with the estimated cost of rendering  
12 the mine safe in the event of its abandonment.

13 Sec. 27.20.530. SATISFACTION OF REQUIREMENTS. (a)  
14 After the completion of any strip-mining operation, the mine  
15 operator shall comply with regulations and notify the com-  
16 missioner of the compliance.

17 (b) Upon receipt of notice of compliance, the commis-  
18 sioner shall inspect the premises to determine whether or  
19 not the mine operator has complied with the regulations,  
20 and if he has, or if he does so at any subsequent time, the  
21 commissioner shall immediately issue a certificate of com-  
22 pliance.

23 (c) If the mine operator has not complied with the  
24 regulation, the commissioner shall specify the extent of non-  
25 compliance and shall order compliance within a reasonable  
26 time. If the order is not complied with within the time set  
27 in the order, the commissioner shall order the bond forfeit  
28 ed, after opportunity for a hearing under the Administrative  
29 Procedure Act (AS 44.62).

1 (d) In the event of forfeiture the commissioner shall  
2 use the proceeds of the bond to have the necessary steps  
3 taken to render the area safe in accordance with regulations  
4 promulgated under sec. 500 of this chapter.

5 Sec. 27.20.540. EXEMPTIONS. (a) Secs. 490 - 540 of  
6 this chapter do not apply to a strip-mining operation com-  
7 pleted before the effective date of this chapter, or to any  
8 portion of a strip-mining operation in progress which was  
9 completed before the effective date of this chapter.

10 (b) Secs. 490 - 540 of this chapter do not apply to  
11 mining operations which take place on private property unless  
12 the commissioner determines that the condition of the mine  
13 area endangers or is likely to endanger the safety of the  
14 public or the natural resources of the state.

15 (c) Secs. 490 - 540 of this chapter do not apply to  
16 mining operations the yearly production of which is less  
17 than 250 tons.

18 \* Sec. 2. This Act takes effect on the day after its passage  
19 and approval or on the day it becomes law without such approval.  
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