

FOR A PERMIT HAS BEEN APPROVED, BUT PRIOR TO COMMENCING OPEN-PIT MINING, THE OPERATOR SHALL FILE ON A FORM FURNISHED BY THE BUREAU, A BOND FOR EACH OPERATION PAYABLE TO THE STATE AND CONDITIONED THAT THE OPERATOR WILL PERFORM FAITHFULLY EVERY REQUIREMENT OF THIS SUBTITLE. THE BOND SHALL BE FOR \$400 PER ACRE BASED ON THE NUMBER OF ACRES OF LAND AFFECTED. HOWEVER, NO BOND MAY BE FILED FOR LESS THAN \$3,000. THE LIABILITY OF THE OPERATOR UNDER THE BOND SHALL BE FOR THE DURATION OF OPEN-PIT MINING AT EACH OPERATION, AND FOR A PERIOD OF FIVE YEARS THEREAFTER, UNLESS HE IS RELEASED PRIOR TO THAT TIME OR HIS LIABILITY IS EXTENDED FOR A LONGER PERIOD IN A PORTION RESERVED FOR HAULAGE WAYS, DEEP MINING, OR AUGER MINING LOCATIONS AS PROVIDED IN §7-509(B). THE BOND SHALL BE EXECUTED BY THE OPERATOR AND A CORPORATE SURETY LICENSED TO DO BUSINESS IN THE STATE. INSTEAD OF A CORPORATE SURETY, EITHER OF THE FOLLOWING IS ACCEPTABLE:

(1) A DEPOSIT OF CASH OR NEGOTIABLE BONDS OF THE UNITED STATES GOVERNMENT. THE CASH DEPOSIT OR MARKET VALUE OF THE SECURITIES SHALL BE AT LEAST EQUAL TO THE REQUIRED SUM OF THE BOND. ON RECEIPT OF A DEPOSIT OF CASH OR SECURITIES, THE DIRECTOR IMMEDIATELY SHALL PLACE IT WITH THE STATE TREASURER, WHO SHALL RECEIVE AND HOLD THE DEPOSIT IN TRUST, IN THE NAME OF THE STATE FOR THE PURPOSES FOR WHICH IT IS MADE. THE STATE TREASURER IS RESPONSIBLE FOR THE CUSTODY AND SAFEKEEPING OF THE DEPOSIT. THE OPERATOR, MAKING THE DEPOSIT, MAY DEMAND AND RECEIVE FROM THE STATE TREASURER ALL OR ANY PORTION OF ANY DEPOSITED SECURITIES, IF HE REPLACES THEM WITH OTHER NEGOTIABLE SECURITIES OF THE CLASS SPECIFIED AS HAVING A MARKET VALUE AT LEAST EQUAL TO THE SUM OF THE BOND; OR

(2) A CERTIFICATE OF DEPOSIT IN AN AMOUNT EQUIVALENT TO THE REQUIRED BOND, ISSUED BY A BANK IN THE STATE, AND ACCOMPANIED BY WRITTEN AGREEMENT OF THE BANK TO PAY ON DEMAND TO THE STATE IN THE EVENT OF FORFEITURE.

REVISOR'S NOTE: This subsection presently appears as Article 66C, section 663(a) of the Code. The only changes made are in style.

(B) ADDITIONAL BOND; AMENDED PERMIT.—THE OPERATOR SHALL POST AN ADDITIONAL BOND PRIOR TO COMMENCING OPERATIONS ON ANY ADDITIONAL ACREAGE EXCEEDING THAT COVERED BY THE ORIGINAL BOND MADE IN THE APPLICATION FOR A PERMIT. ON RECEIPT OF THE ADDITIONAL BOND AND MATERIAL WHICH WOULD HAVE BEEN