

HOUSE BILL NO. 429

INTRODUCED BY J. POMNICHOWSKI

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AN ANNUAL FEE FOR OPENCUT OPERATIONS; REQUIRING THAT ANNUAL FEES BE USED TO PAY FOR ADMINISTERING THE OPENCUT MINING PROGRAM; AND AMENDING SECTIONS 82-4-422 AND 82-4-424, MCA."

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

Section 1. Section 82-4-422, MCA, is amended to read:

"82-4-422. Powers, duties, and functions. (1) The department has the powers, duties, and functions to:

(a) issue permits when, on the basis of the information set forth in the application and an evaluation of the proposed opencut operations, the department finds that the requirements of this part and rules adopted to implement this part will be observed;

(b) amend permits in accordance with the provisions of 82-4-436;

(c) reclaim any affected land with respect to which a bond has been forfeited;

(d) make investigations or inspections that are considered necessary to ensure compliance with any provision of this part; ~~and~~

(e) enforce and administer the provisions of this part and issue orders necessary to implement the provisions of this part; and

(f) assess an annual fee on operators of all opencut operations. The annual fee must be paid on all permitted acreage for each opencut operation for which final bond release has not been granted. The annual fee is:

(i) \$75 if the permitted acreage is less than or equal to 25 acres;

(ii) \$150 if the permitted acreage is greater than 25 acres and less than or equal to 50 acres;

(iii) \$300 if the permitted acreage is greater than 50 acres and less than or equal to 100 acres; and

(iv) \$600 if the permitted acreage is greater than 100 acres.

(2) The board shall:

(a) adopt rules that pertain to opencut operations in order to accomplish the purposes of this part;



- 1 (b) adopt rules:
- 2 (i) establishing uniform procedures for filing of necessary records;
- 3 (ii) providing procedures for the issuance of permits and filing of annual reports; and
- 4 (iii) providing other administrative requirements that the board considers necessary to implement this part;
- 5 and
- 6 (c) conduct hearings and, for the purposes of conducting those hearings, administer oaths and
- 7 affirmations, subpoena witnesses, compel attendance of witnesses, hear evidence, and require the production
- 8 of any books, papers, correspondence, memoranda, agreements, documents, or other records relevant or
- 9 material to the inquiry."

10

11 **Section 2.** Section 82-4-424, MCA, is amended to read:

12 **"82-4-424. Receipt and expenditure of funds -- disposition of penalties and other money.** (1) The

13 department may receive any federal funds, state funds, or any other funds for the reclamation of affected land.

14 The department may cause the reclamation work to be done by its employees, by employees of other

15 governmental agencies, by soil conservation districts, or through contracts with qualified persons.

16 (2) All penalties and other money paid under the provisions of this part, except annual fees, must be

17 deposited in the environmental rehabilitation and response account in the state special revenue fund provided

18 for in 75-1-110. Funds held by the department as bond or as a result of bond forfeiture that are no longer needed

19 for reclamation and for which the department is not able to locate a surety or other person who owns the funds

20 after diligent search must be deposited in the environmental rehabilitation and response account in the state

21 special revenue fund.

22 (3) Annual fees must be deposited in an account in the state special revenue fund and must be used by

23 the department to pay the costs of administering this part."

24 - END -