

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT WAIVING CERTAIN COSTS INCURRED BY COUNTIES, CITIES,  
5 AND TOWNS RELATED TO OPENCUT MINING OPERATIONS; AMENDING SECTIONS 76-22-116 AND 82-  
6 4-405, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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10 **Section 1.** Section 76-22-116, MCA, is amended to read:

11 **"76-22-116. Compensatory mitigation reduction or waiver.** (1) ~~The~~ Except as provided in  
12 subsection (3), the oversight team shall consider on a case-by-case basis requests for a reduction in or waiver  
13 of compensatory mitigation based upon an assessment including but not limited to the following:

- 14 (a) a project that is located at least six-tenths of a mile from the center of an active lek but for which it
- 15 is economically infeasible to be located more than 2 miles from the center of an active lek;
- 16 (b) the economic benefit to the local community and the project developer;
- 17 (c) whether the project is undertaken and completed outside of the sage grouse mating season; or
- 18 (d) whether the project involves one-time construction and does not require ongoing disturbance once
- 19 completed, except for occasional routine maintenance of existing facilities.

20 (2) The oversight team shall provide a summary of the reasons why a reduction in or waiver of  
21 compensatory mitigation is approved or denied.

22 (3) Compensatory mitigation is waived for opencut operations located at least six-tenths of a mile  
23 from the center of an active lek if the permit pursuant to 82-4-431 is held by a county, city, or town in the state."

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25 **Section 2.** Section 82-4-405, MCA, is amended to read:

26 **"82-4-405. Inapplicability to government.** ~~(1) Except as provided in subsection (2), the~~ The  
27 provisions of this part relating to fees or bonds do not apply to the federal government or its agencies, the state  
28 of Montana, counties, cities, or towns.

1           ~~(2) — Counties, cities, and towns are responsible for the fees required pursuant to 82-4-437(2) and (3).~~"

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3           NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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