

SENATE BILL NO. 442
INTRODUCED BY C. KAUFMANN

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN ABANDONED MINE RECLAMATION ACCOUNT; REQUIRING USE OF THE ACCOUNT FOR RECLAMATION OF ABANDONED MINE LANDS; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Abandoned mine reclamation account.** (1) There is an abandoned mine reclamation account in the federal special revenue fund provided for in 17-2-102.

(2) There must be deposited in the account:

(a) money received by the state from the federal government pursuant to 30 U.S.C. 1232 through 1243;

and

(b) interest earned on the account.

(3) (a) Money in the account is available to the department of environmental quality by appropriation and must be used to pay for reclamation or drainage abatement on eligible lands or waters. Eligible lands and waters are those:

(i) that were mined or processed for minerals or were affected by that mining or processing;

(ii) that were abandoned or left in an inadequate reclamation status prior to:

(A) November 26, 1980, for federal lands administered by the United States bureau of land management;

(B) August 28, 1974, for federal lands administered by the United States forest service; and

(C) August 3, 1977, for state lands, private lands, and federal lands not subject to subsection (3)(a)(ii)(A)

or (3)(a)(ii)(B); and

(iii) for which there is no continuing reclamation responsibility under state or federal law.

(b) Allowable reclamation or abatement activities under subsection (3)(a) include but are not limited to:

(i) reclamation of abandoned surface mine areas, abandoned mine processing areas, and abandoned mine refuse disposal areas;

(ii) sealing and filling abandoned mine entries and voids;

(iii) planting of land adversely affected by past mining practices to prevent erosion and sedimentation;

(iv) prevention, abatement, treatment, and control of water pollution created by abandoned mine

drainage, including restoration of stream beds and construction and operation of water treatment plants;

(v) prevention, abatement, and control of burning coal refuse disposal areas and burning coal in situ;

(vi) prevention, abatement, and control of abandoned mine subsidence; and

(vii) payment of costs of administration of the abandoned mine land reclamation program administered by the department of environmental quality.

(4) Money in the account that is subject to restrictions on use pursuant to federal law, regulation, or grant condition may be used only for the purposes allowed by the federal provision.

(5) Any unspent or unencumbered money in the account at the end of a fiscal year must remain in the account until spent or appropriated by the legislature.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 82, chapter 4, and the provisions of Title 82, chapter 4, apply to [section 1].

NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2007.

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