

1 SENATE BILL NO. 284

2 INTRODUCED BY R. TEMPEL, D. ANKNEY, K. BOGNER, B. GILLESPIE, S. HINEBAUCH, B. HOVEN, M.
3 LANG, T. MCGILLVRAY, B. MOLNAR, K. REGIER, W. SALES, D. SALOMON, J. SMALL, C. SMITH, M.
4 SWEENEY, G. VANCE, J. WELBORN, S. GALLOWAY, E. HILL, J. KASSMIER, M. MALONE, J.
5 SCHILLINGER, T. WELCH
6

7 A BILL FOR AN ACT ENTITLED: "AN ACT WAIVING CERTAIN COSTS INCURRED BY COUNTIES, CITIES,
8 AND TOWNS RELATED TO OPENCUT MINING OPERATIONS; AMENDING SECTIONS 76-22-116 AND 82-
9 4-405, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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13 **Section 1.** Section 76-22-116, MCA, is amended to read:

14 **"76-22-116. Compensatory mitigation reduction or waiver.** (1) ~~The~~ Except as provided in
15 subsection (3), the oversight team shall consider on a case-by-case basis requests for a reduction in or waiver
16 of compensatory mitigation based upon an assessment including but not limited to the following:

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

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

25 (3) Compensatory mitigation is waived for opencut operations located at least six-tenths of a mile
26 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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28 **Section 2.** Section 82-4-405, MCA, is amended to read:

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

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

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

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