

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

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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 OUTSIDE OF CORE AREAS AND at
26 least six-tenths of a mile from the center of an active lek if the permit pursuant to 82-4-431 is held by a county,
27 city, or town in the state."

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

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

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

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

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