



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

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

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

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

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

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

(3) Compensatory mitigation may be waived for opencut operations located outside of core areas and at 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, city, or town in the state."

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

"82-4-405. Inapplicability to government. (1) ~~Except as provided in subsection (2), the~~ The

provisions of this part relating to fees or bonds do not apply to the federal government or its agencies, the state of Montana, counties, cities, or towns.

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

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

- END -

I hereby certify that the within bill,
SB 284, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2021.

Speaker of the House

Signed this _____ day
of _____, 2021.

SENATE BILL NO. 284

INTRODUCED BY R. TEMPEL, D. ANKNEY, K. BOGNER, B. GILLESPIE, S. HINEBAUCH, B. HOVEN, M.
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SCHILLINGER, T. WELCH

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