

AMENDMENTS TO THE METAL MINE RECLAMATION ACT SINCE FEBRUARY 2000

SPECIAL SESSION MAY 2000				
BILL	CHAPTER	SPONSOR	FINAL VOTE	EFFECT
SB 9	Ch 7	Swysgood	34-15 60-40	This bill changed the purpose section of the Metal Mine Reclamation Act, and revised reclamation requirements declaring that mined land left as open pits and rock faces did not need reclamation by backfilling.
REGULAR SESSION 2001				
HB 69	Ch 488	McCann	50-0 97-2	This bill included some of the recommendations of the Legislative Finance Committee following its study of metal mine bonding deficiencies. The bill: <ol style="list-style-type: none"> 1) increased some permitting fees, 2) allows permits to be denied if state or surety has had to use applicant's bond proceeds to reclaim in the past under certain conditions, 3) changed the procedure for calculating bonds, 4) specifically required bonding to assure compliance with air and water protection laws, 5) requires the state to modify existing bond amounts any time it determines that a bond is insufficient, 6) requires the permittee to provide the modified bond amount or at least 1/2 of any increased amount if the permittee requests a board hearing, and 7) authorizes the state to use up to the lesser of \$150,000 or 10% of a permittee's bond to abate imminent dangers unresolved by the permittee.

BILL	CHAPTER	SPONSOR	FINAL VOTE	EFFECT
SB 449	Ch 338	Tester	49-0 95-5	<p>This bill</p> <p>(1) established a new Environmental Rehabilitation and Response Account (Section 75-1-110, MCA) that can be appropriated to DEQ and used for</p> <ul style="list-style-type: none"> (a) mined land reclamation, research and water rehabilitation, (b) remediation of hazardous waste sites, and (c) emergency responses to imminent environmental threats for which there is no other source of funding. <p>(2) is funded from penalties from the illegal disposal of septage, fines, fees, penalties and excess unclaimed bond funds collected on metal mines and open cut mines and account interest. As of January 2004, this fund balance was \$445,579.</p>
SB 484	Ch 460	Beck	49-0 96-4	<p>This bill created a hard-rock mining reclamation debt service fund (Section 82-4-312 through 82-4-315, MCA) and authorized the state to sell up to \$8 million in general obligation bonds to pay for legally required hard-rock mine reclamation, operation, and maintenance if the available surety bond is insufficient and the mine operator is insolvent. Bonded indebtedness is paid with 8.5% of the metalliferous mine license tax collections.</p>
REGULAR SESSION 2003				
HB 428	Ch 247	Keane	45-4 93-3	<p>This bill removed the language prohibiting the backfilling of open pits and rock faces in SB 9 above (Special Session 2000) after the provision was ruled unconstitutional by the courts. The bill was made void by the passage of SB 377 below.</p>

BILL	CHAPTER	SPONSOR	FINAL VOTE	EFFECT
HB 527	Ch 365	Mendenhall	50-0 68-32	This bill allows a mine operator after mine closure or abandonment to leave behind mine-related facilities for other industrial purposes. It allows disturbed land associated with mine-related facilities to not be reclaimed or mine-related facilities to not be removed if the post mining use of the facilities is approved by the state. Changes in a mine operating permit for the purpose of retaining mine-related facilities that are valuable for post mining use are not subject to MEPA review. The term "mine related facilities" is not defined.
HB 617	Ch 287	Mendenhall	34-16 60-37	This bill states that the modification of a mine operating permit cannot be finalized, and an existing bond may not be increased until all of the permit modification processes in law, including compliance with MEPA if necessary, is complete.
SB 366	Ch 459	Grimes	37-12 64-36	This bill replaces or voids HB 428 above. It replaces the unconstitutional prohibition on backfilling open pits and rock faces with language that neither requires nor prohibits the use of backfilling as a reclamation measure. The state is to make appropriate decisions based on site specific conditions.