

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1406**

Chapter 27, Laws of 2017

65th Legislature  
2017 3rd Special Session

SURFACE MINING--FEES

EFFECTIVE DATE: October 19, 2017

Passed by the House June 29, 2017  
Yeas 94 Nays 0

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate June 30, 2017  
Yeas 41 Nays 8

CYRUS HABIB

**President of the Senate**

Approved July 7, 2017 1:36 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1406** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

July 7, 2017

**Secretary of State  
State of Washington**

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HOUSE BILL 1406

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Passed Legislature - 2017 3rd Special Session

State of Washington

65th Legislature

2017 Regular Session

By Representatives Barkis, Blake, Chandler, Fitzgibbon, and Wilcox;  
by request of Department of Natural Resources

Read first time 01/19/17. Referred to Committee on Agriculture &  
Natural Resources.

1 AN ACT Relating to adjusting the surface mining funding  
2 structure; and amending RCW 78.44.085.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 78.44.085 and 2006 c 341 s 1 are each amended to  
5 read as follows:

6 (1) An applicant for an expansion of a permitted surface mine, a  
7 new reclamation permit under RCW 78.44.081, or for combining existing  
8 public or private reclamation permits, shall pay a nonrefundable  
9 application fee to the department before being granted the requested  
10 permit or permit expansion. The amount of the application fee shall  
11 be ~~((two))~~ four thousand five hundred dollars.

12 (2) Permit holders submitting a revision to an application for an  
13 existing reclamation plan that is not an expansion shall pay a  
14 nonrefundable reclamation plan revision fee of ~~((one))~~ two thousand  
15 five hundred dollars.

16 (3) After June 30, ~~((2006))~~ 2017, each public or private permit  
17 holder shall pay an annual permit fee in an amount pursuant to this  
18 section. The annual permit fee shall be payable to the department  
19 prior to the reclamation permit being issued and on the anniversary  
20 of the permit date each year thereafter.

1 (4)(a) Except as otherwise provided in this subsection, each  
2 public or private permit holder must pay an annual fee (~~(under this~~  
3 ~~section based on the categories of aggregate or mineral mined or~~  
4 ~~extracted during the previous twelve months, as follows:~~

5 ~~(i) Zero to fifty thousand tons: A fee of one thousand two~~  
6 ~~hundred fifty dollars;~~

7 ~~(ii) More than fifty thousand tons to three hundred fifty~~  
8 ~~thousand tons: A fee of two thousand five hundred dollars;~~

9 ~~(iii) More than three hundred fifty thousand tons: A fee of three~~  
10 ~~thousand five hundred)) of two thousand dollars.~~

11 (b) Annual fees paid by a county for mines used exclusively for  
12 public works projects and having less than seven acres of disturbed  
13 area per mine shall not exceed one thousand dollars.

14 (c) Annual fees are waived for all mines used primarily for  
15 public works projects if the mines are owned and primarily operated  
16 by counties with 1993 populations of less than twenty thousand  
17 persons, and if each mine has less than seven acres of disturbed  
18 area.

19 (5) Any production records, mineral assessments, and trade  
20 secrets submitted by a permit holder, mine operator, or landowner to  
21 the department are to be held as confidential and not released as  
22 part of a public records request under chapter 42.56 RCW.

23 (6) Appeals from any determination of the department shall not  
24 stay the requirement to pay any annual permit fee. Failure to pay the  
25 annual fees may constitute grounds for an order to suspend surface  
26 mining, pay fines, or cancel the reclamation permit as provided in  
27 this chapter.

28 (7) All fees collected by the department shall be deposited into  
29 the surface mining reclamation account created in RCW 78.44.045.

30 (8) If the department delegates enforcement responsibilities to a  
31 county, city, or town, the department may allocate funds collected  
32 under this section to the county, city, or town.

33 (9) Within sixty days after receipt of an application for a new  
34 or expanded permit, the department shall advise applicants of any  
35 information necessary to successfully complete the application.

36 (10) In addition to other enforcement authority, the department  
37 may refer matters to a collection agency licensed under chapter 19.16  
38 RCW when permit fees or fines are past due. The collection agency may  
39 impose its own fees for collecting delinquent permit fees or fines.

Passed by the House June 29, 2017.  
Passed by the Senate June 30, 2017.  
Approved by the Governor July 7, 2017.  
Filed in Office of Secretary of State July 7, 2017.

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