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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: H-2607.1/93

ATTY/TYPIST: LC:mos

BRIEF TITLE:

2 **E2SSB 5502** - H AMD  
3 By Representative Pruitt

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 78.44 RCW  
8 to read as follows:

9 The surface mining reclamation account is created in the state  
10 treasury. Annual mining fees, funds received by the department for  
11 reclamation or mine regulatory research, and fines collected pursuant  
12 to this chapter shall be deposited into this account.

13 The department may use funds in the surface mining reclamation  
14 account to:

- 15 (1) Administer the regulatory program required by this chapter;  
16 (2) Undertake research relating to surface mining reclamation,  
17 regulation, and related issues; and  
18 (3) Cover costs arising from appeals and determinations of the  
19 department pursuant to this chapter.

20 The account is subject to chapter 43.88 RCW. Expenditure of funds  
21 from this account may only occur after appropriation.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 78.44 RCW  
23 to read as follows:

24 (1) An applicant for a new surface mining permit shall pay an  
25 application fee to the department before being granted a surface mining  
26 permit. The amount of the application fee is six hundred fifty  
27 dollars.

28 (2) Between June 30, 1993, and June 30, 1994, each operator shall  
29 pay an annual permit fee of six hundred fifty dollars. The annual  
30 permit fee is payable to the department on the first anniversary of the  
31 permit date and each year thereafter.

32 (3) Appeals from a determination of the department shall not stay  
33 the requirement to pay an annual permit fee. Failure to pay the annual  
34 fee may constitute grounds for an order to suspend surface mining or  
35 cancellation of the permit as provided in this chapter. However, the

1 department shall develop by rule a procedure for owners of inactive  
2 surface mines to petition the department for an exemption from the  
3 annual fee. The department shall develop criteria on which to base  
4 exemption decisions. Owners seeking a fee exemption shall provide the  
5 department with any necessary information the department requires  
6 regarding the surface mining operation.

7 (4) All fees collected by the department under this section shall  
8 be deposited into the surface mining reclamation account.

9 (5) Beginning July 1, 1994, the department shall annually adjust  
10 fees in accordance with changes in the implicit price deflator for  
11 personal consumption expenditures published by the United States  
12 department of commerce.

13 NEW SECTION. **Sec. 3.** RCW 78.44.110 and 1987 c 258 s 2, 1984 c 215  
14 s 4, & 1970 ex.s. c 64 s 12 are each repealed.

15 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
16 preservation of the public peace, health, or safety, or support of the  
17 state government and its existing public institutions, and shall take  
18 effect immediately."

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