SB 5319 - H COMM AMD
By Committee on Agriculture & Natural Resources

ADOPTED 04/16/2025

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 78.44.085 and 2017 3rd sp.s. c 27 s 1 are each amended to read as follows:

(1) An applicant ((~~for an expansion of a permitted surface mine, a new reclamation permit under RCW 78.44.081, or for combining existing public or private reclamation permits, shall pay a nonrefundable application fee to the department before being granted the requested permit or permit expansion~~)): (a) For a revision of an existing reclamation permit or reclamation plan; (b) for an expansion of a permitted surface mine; (c) for a new reclamation permit under RCW 78.44.081; or (d) seeking to combine existing public or private surface mine reclamation permits, shall pay a nonrefundable application fee to the department before the department will make a decision on the application. The amount of the application fee shall be ((~~four thousand five hundred dollars.~~

~~(2) Permit holders submitting a revision to an application for an existing reclamation plan that is not an expansion shall pay a nonrefundable reclamation plan revision fee of two thousand five hundred dollars~~)) $4,500.

((~~(3)~~)) (2) After June 30, 2017, each public or private permit holder shall pay an annual permit fee in an amount pursuant to this section. The annual permit fee shall be payable to the department prior to the reclamation permit being issued and on the anniversary of the permit date each year thereafter.

((~~(4)~~)) (3)(a) Except as otherwise provided in this subsection, each public or private permit holder must pay an annual fee of ((~~two thousand dollars~~)) $3,500.

(b) Annual fees paid by a county for mines used exclusively for public works projects and having less than seven acres of disturbed area per mine shall not exceed ((~~one thousand dollars~~)) $1,000.

(c) ((~~Annual fees are waived for all mines used primarily for public works projects if the mines are owned and primarily operated by counties with 1993 populations of less than twenty thousand persons, and if each mine has less than seven acres of disturbed area~~)) Except as provided in (b) of this subsection, the annual fee for a public permit holder for mines used exclusively for public works projects, as defined in RCW 39.04.010(5), is $2,500.

((~~(5)~~)) (4) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department are to be held as confidential and not released as part of a public records request under chapter 42.56 RCW.

((~~(6)~~)) (5) Appeals from any determination of the department shall not stay the requirement to pay any annual permit fee. Failure to pay the annual fees may constitute grounds for an order to suspend surface mining, pay fines, or cancel the reclamation permit as provided in this chapter.

((~~(7)~~)) (6) All fees collected by the department shall be deposited into the surface mining reclamation account created in RCW 78.44.045.

((~~(8)~~)) (7) If the department delegates enforcement responsibilities to a county, city, or town, the department may allocate funds collected under this section to the county, city, or town.

((~~(9)~~)) (8) Within ((~~sixty~~)) 60 days after receipt of an application for a new or expanded permit, or revision to an existing reclamation permit or reclamation plan, the department shall advise applicants of any information necessary to successfully complete the application.

((~~(10)~~)) (9) In addition to other enforcement authority, the department may refer matters to a collection agency licensed under chapter 19.16 RCW when permit fees or fines are past due. The collection agency may impose its own fees for collecting delinquent permit fees or fines."

Correct the title.

EFFECT: Restores the fee cap for certain smaller county mines used for public works.

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