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**SUBSTITUTE HOUSE BILL 1466**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Natural Resources (originally sponsored by Representatives Sump, Sheldon, Grant, Hatfield, Delvin and Pennington)

Read first time 03/04/97.

1 AN ACT Relating to surface mining; and amending RCW 78.44.050.

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

3 **Sec. 1.** RCW 78.44.050 and 1993 c 518 s 7 are each amended to read  
4 as follows:

5 The department shall have the exclusive authority to regulate  
6 surface mine reclamation (~~except that, by contractual agreement, the~~  
7 ~~department may delegate some or all of its enforcement authority to a~~  
8 ~~county, city, or town~~). No county, city, or town may require for its  
9 review or approval a separate reclamation plan or application. The  
10 department may, however, delegate some or all of its enforcement  
11 authority by contractual agreement to a county, city, or town that  
12 employs personnel who are, in the opinion of the department, qualified  
13 to enforce plans approved by the department. All counties, cities, or  
14 towns shall have the authority to zone surface mines and adopt  
15 ordinances regulating operations (~~pursuant to section 16 of this act~~)  
16 as provided in this chapter, except that county, city, or town  
17 operations ordinances may be preempted by the department during the  
18 emergencies outlined in RCW 78.44.200 and related rules.

1        This chapter shall not alter or preempt any provisions of the state  
2 fisheries laws (Title 75 RCW), the state water allocation and use laws  
3 (chapters 90.03 and 90.44 RCW), the state water pollution control laws  
4 (chapter 90.48 RCW), the state wildlife laws (Title 77 RCW), state  
5 noise laws or air quality laws (Title 70 RCW), shoreline management  
6 (chapter 90.58 RCW), the state environmental policy act (chapter 43.21C  
7 RCW), state growth management (chapter 36.70A RCW), state drinking  
8 water laws (chapters 43.20 and 70.119A RCW), or any other state  
9 statutes.

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