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SENATE BILL 5501

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State of Washington

55th Legislature

1997 Regular Session

By Senator Morton

Read first time 01/29/97. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to surface mining; and amending RCW 78.44.085.

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

3 **Sec. 1.** RCW 78.44.085 and 1996 c 70 s 1 are each amended to read  
4 as follows:

5 (1) An applicant for a public or private reclamation permit shall  
6 pay an application fee to the department before being granted a surface  
7 mining permit. The amount of the application fee shall be six hundred  
8 fifty dollars.

9 (2) After June 30, 1993, each public or private permit holder shall  
10 pay an annual permit fee of six hundred fifty dollars. The annual  
11 permit fee shall be payable to the department on the first anniversary  
12 of the permit date and each year thereafter. Annual fees paid by a  
13 county for mines used exclusively for public works projects and having  
14 less than seven acres of disturbed area per mine shall not exceed one  
15 thousand dollars. Annual fees are waived for all mines used primarily  
16 for public works projects if the mines are owned and primarily operated  
17 by counties with 1993 populations of less than twenty thousand persons.

18 (3) ~~((After July 1, 1995, the department may modify annual permit~~  
19 ~~fees by rule if:~~

1       ~~(a) The total annual permit fees are reasonably related to the~~  
2 ~~approximate costs of administering the department's surface mining~~  
3 ~~regulatory program;~~

4       ~~(b) The annual fee does not exceed five thousand dollars; and~~

5       ~~(c) The mines are small mines in remote areas that are used~~  
6 ~~primarily for public service, then lower annual permit fees may be~~  
7 ~~established.~~

8       ~~(4))~~ Appeals from any determination of the department shall not  
9 stay the requirement to pay any annual permit fee. Failure to pay the  
10 annual fee may constitute grounds for an order to suspend surface  
11 mining or cancellation of the reclamation permit as provided in this  
12 chapter.

13       ~~((5))~~ (4) All fees collected by the department shall be deposited  
14 into the surface mining reclamation account.

15       ~~((6))~~ (5) If the department delegates enforcement  
16 responsibilities to a county, city, or town, the department may  
17 allocate funds collected under this section to the county, city, or  
18 town.

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