

HOUSE BILL NO. 921

Introduced: 03/24/83

Referred to Committee on Appropriations: 03/24/83

Report: 03/28/83, Do Not Pass

Bill Killed: 03/29/83

1 *J. Johnson* *House* BILL NO. *921*  
 2 INTRODUCED BY *Kennan Vincent Daily Harrington*  
*Lambert McBride Joe Brown Kemmis Lulien*  
*Nutcase Park O. Gentry*  
*Kenahon* *James Kader Beckner Harris J. Brown* *Do3*  
 3 A BILL FOR AN ACT ENTITLED, "AN ACT TO APPROPRIATE FUNDS TO  
 4 THE GOVERNOR'S OFFICE TO CONDUCT AN INQUIRY INTO THE LEGAL  
 5 RESPONSIBILITIES FOR RECLAMATION OF THE LANDS AFFECTED BY  
 6 MINING AND SMELTING AND FOR THE IMPACTS OF THE CLOSURE OF  
 7 MINING AND SMELTING OPERATIONS IN THE BUTTE-ANACONDA AREA  
 8 AND THE LEGAL REMEDIES FOR THOSE IMPACTS; REQUIRING THE  
 9 ENVIRONMENTAL QUALITY COUNCIL TO MONITOR AND ADVISE THE  
 10 GOVERNOR'S OFFICE ON THE INQUIRY; AND PROVIDING AN IMMEDIATE  
 11 EFFECTIVE DATE."

12  
 13  
 14 WHEREAS, as a result of the closure of major mining and  
 15 smelting operations in the Butte-Anaconda area, there are  
 16 vast amounts of unreclaimed areas that contribute  
 17 significantly to the continued degradation of surface and  
 18 ground water quality; and

19 WHEREAS, these unreclaimed lands could be returned to a  
 20 useful purpose as part of the area's agricultural land base  
 21 or other economically viable use; and

22 WHEREAS, unreclaimed soils in the area polluted with  
 23 heavy metals recycle air pollution, thus further degrading  
 24 air quality; and

25 WHEREAS, significant concern exists over the monitoring

1 of the flooding of the Berkely Pit and the potential effects  
 2 of the flooding on the community; and

3 WHEREAS, a considerable amount of toxic wastes  
 4 resulting from these mining and smelting operations remain  
 5 in place in Butte and Anaconda; and

6 WHEREAS, as a result of the air, water, and toxic waste  
 7 pollution associated with these operations and remaining  
 8 unmitigated at this time, the residents of the  
 9 Butte-Anaconda area suffer respiratory cancer at a rate 80%  
 10 higher than the national average; and

11 WHEREAS, there has been a severe effect on the local  
 12 tax base resulting from the closure of mining and smelting  
 13 operations; and

14 WHEREAS, the economic stability of the area has been  
 15 shattered, resulting in the loss of employment and  
 16 associated businesses and the reduction of property values;  
 17 and

18 WHEREAS, the need for social services for the community  
 19 has expanded significantly as a result of the closure,  
 20 without the resources necessary to provide those services;  
 21 and

22 WHEREAS, at the time of the merger of two major  
 23 minerals companies, industry officials stated that  
 24 substantial funds would be invested in the Anaconda-Butte  
 25 operations to improve their economic viability, yet those

1    investaents were not made, thus contributing to the closure  
2    of operations.

3  
4    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

5        Section 1. Appropriation for legal inquiry. (1) There  
6    is appropriated \$150,000 from the general fund to the  
7    Governor's office for the biennium ending June 30, 1985, for  
8    the purpose of conducting an inquiry into reclamation in the  
9    Anaconda-Butte area and the effects of the closure of mining  
10   and smelting operations and legal remedies available to the  
11   state and local communities to mitigate the impacts of such  
12   closure. The inquiry must include but is not limited to:

13        (a) legal responsibilities of the specific industry  
14   and the State for mitigating environmental damage resulting  
15   from the operations and their closure, with emphasis on  
16   reclamation responsibilities;

17        (b) effects of the closure on state and local tax  
18   revenues;

19        (c) socio-economic effects of the closure on the  
20   affected communities and remedies and resources necessary to  
21   mitigate those impacts; and

22        (d) representations made by various parties at the  
23   time of the merger of two major minerals companies and  
24   resulting obligations of those parties.

25        (2) The Governor's office shall use existing data to

1    conduct the inquiry and make recommendations for possible  
2    legal remedies.

3        Section 2. Monitoring of inquiry by Environmental  
4    Quality Council. The Environmental Quality Council shall  
5    monitor the inquiry provided for in section 1 and shall  
6    advise the Governor's office on the inquiry and the possible  
7    need for legal action resulting from the inquiry.

8        Section 3. Effective date. This act is effective on  
9    passage and approval.

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