

HOUSE BILL NO. 274

INTRODUCED BY QUILICI, DAILY, JACOBSON, PAVLOVICH,
VAN VALKENBURG, LYNCH, STIMATZ, BECK, HARRINGTON,
D. BROWN, HARPER, CAMPBELL, BLOTKAMP

IN THE HOUSE

JANUARY 17, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
JANUARY 18, 1989	FIRST READING.
FEBRUARY 4, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. STATEMENT OF INTENT ADOPTED.
FEBRUARY 6, 1989	PRINTING REPORT.
FEBRUARY 7, 1989	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 8, 1989	ENGROSSING REPORT.
FEBRUARY 9, 1989	THIRD READING, PASSED. AYES, 75; NOES, 24. TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 10, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES. FIRST READING.
MARCH 21, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 22, 1989	SECOND READING, CONCURRED IN.
MARCH 27, 1989	THIRD READING, CONCURRED IN. AYES, 36; NOES, 13. RETURNED TO HOUSE.

MARCH 28, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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House BILL NO. 274 *Parlowil*
INTRODUCED BY *Julie R. Jackson*
Va. Vallaing, Spet. Stenach, Brock, Huntington, Dave Brown
A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
DEPARTMENT OF STATE LANDS TO INVESTIGATE COMPLAINTS AND
ORDER CHANGES OR OTHER APPROPRIATE MITIGATION CONCERNING THE
USE OF EXPLOSIVES ASSOCIATED WITH HARD-ROCK MINING
ACTIVITIES; AND REMOVING NUISANCE AS A CAUSE OF COMPLAINT."

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

NEW SECTION. Section 1. Action in response to complaints related to use of explosives. (1) An owner of an interest in real property or an individual who resides or works at a dwelling, structure, or site that is located within an area subject to property damage or safety hazards related to the use of explosives by any person subject to the provisions of this part may file a complaint with the department, describing the alleged property damage or safety hazards. The complainant shall provide creditable evidence to the department to substantiate allegations of property damage or safety hazards.

(2) Upon receipt of a complaint, the department:

(a) shall investigate the statements and charges in the complaint, using all available information, including mine or exploration blasting records and other data obtained

1 through an examination of the dwelling, structure, or site
2 identified in the complaint;

3 (b) may conduct tests and make measurements, including
4 reasonable efforts to replicate conditions that may have
5 caused property damage or safety hazards, and may require
6 the allegedly responsible person to cooperate as necessary
7 to investigate the complaint;

8 (c) shall issue a written finding specifying the cause
9 of any property damage or safety hazards that are validated
10 by the investigation; and

11 (d) shall, if it determines that the preponderance of
12 evidence indicates that property damage or safety hazards
13 are or were caused by exploration or mining activities,
14 order the responsible person to make changes in the use of
15 explosives or other appropriate mitigation to alleviate
16 property damage or safety hazards.

17 **NEW SECTION. Section 2.** Extension of authority. Any
18 existing authority to make rules on the subject of the
19 provisions of [this act] is extended to the provisions of
20 [this act].

21 **NEW SECTION. Section 3.** Codification instruction.
22 [Section 1] is intended to be codified as an integral part
23 of Title 82, chapter 4, part 3, and the provisions of Title
24 82, chapter 4, part 3, apply to [section 1].

-End-

INTRODUCED BILL
HB 274

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB274, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The act authorizes the Department of State Lands to investigate complaints and order changes or other appropriate mitigation concerning the use of explosives associated with hard-rock mining activities.

ASSUMPTIONS:


1. A professional engineer (P.E.), specifically a structural engineer with special knowledge of the effects of blasting, would be required to conduct investigations and prepare mitigation reports required by the act.
2. The DSL estimates four investigations per year, each requiring 24 hours for investigation and reports.
3. DSL would contract engineering services as needed at an estimated \$100 per hour.

FISCAL IMPACT:Expenditures:

	<u>FY90</u>			<u>FY91</u>		
Department of State Lands	Current law	Proposed law	Difference	Current law	Proposed law	Difference
Operating Expenses	\$ -0-	\$ 10,360	\$ 10,360	\$ -0-	\$ 10,610	\$ 10,610
Equipment	-0-	8,000	8,000	-0-	-0-	-0-
Total	\$ -0-	\$ 18,360	\$ 18,360	\$ -0-	\$ 10,610	\$ 10,610

Funding:

General Fund	\$ -0-	\$ 18,360	\$ 18,360	\$ -0-	\$ 10,610	\$ 10,610
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 RAY SHACKLEFORD, BUDGET DIRECTOR
 OFFICE OF BUDGET AND PROGRAM PLANNING
 1/24/89
 DATE


 JOE QUILICI, PRIMARY SPONSOR
 1/24/89
 DATE

Fiscal Note for HB274, as introduced

HB 274

APPROVED BY COMM. ON BUSINESS
AND ECONOMIC DEVELOPMENT

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complaints related to use of explosives. (1) An owner of an
interest in real property or an individual who resides or
~~works---at---a---dwelling,---structure,---or-site-that-is-located~~
within an area subject to property damage or safety hazards
related to the use of explosives by any person subject to
the provisions of this part may file a complaint with the
department, describing the alleged property damage or safety
hazards. The complainant shall provide ~~credible~~ credible
evidence to the department to substantiate allegations of
property damage or safety hazards.

(2) Upon receipt of a complaint, the department:

(a) shall investigate the statements and charges in

the complaint, using all available information, including
mine or exploration blasting records and other data obtained
through an examination of the dwelling, structure, or site
identified in the complaint;

(b) may conduct tests and make measurements, including
reasonable efforts to replicate conditions that may have
caused property damage or safety hazards, and may require
the allegedly responsible person to cooperate as necessary
to investigate the complaint;

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of any property damage or safety hazards that are validated
by the investigation; and

(d) shall, if it determines that the preponderance of
evidence indicates that property damage or safety hazards
are or were caused by exploration or mining activities,
order the responsible person to make changes in the use of
explosives or other appropriate mitigation to alleviate
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provisions of [this act] is extended to the provisions of
[this act].

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[Section 1] is intended to be codified as an integral part
of Title 82, chapter 4, part 3, and the provisions of Title

HB 0274/02

1 82, chapter 4, part 3, apply to [section 1].

-End-

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12 STATEMENT OF INTENT

13 A statement of intent is required for this bill in
14 order to provide guidance to the department of state lands
15 concerning the rulemaking authority that is provided in the
16 bill. The department is authorized to adopt rules concerning
17 the types and methods of investigations it may conduct to
18 appropriately respond to complaints about the use of
19 explosives associated with hard-rock mining and exploration
20 activities. The rules may also specify the manner in which
21 persons using explosives shall participate and cooperate in
22 the department's investigation of a complaint and in
23 carrying out any changes ordered by the department as a
24 result of the investigation.
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