

## HB 1602 -- Mining Regulation

Sponsor: St. Onge

This bill changes the laws regarding the Land Reclamation Act.  
The bill:

(1) Clarifies that the act does not regulate the excavation of minerals or fill dirt from construction sites;

(2) Defines the terms "commercial purpose," "construction," "excavation," "fill dirt," "land improvement," "mining," "public entity," "quarry," and "surface mining";

(3) Specifies that the Land Reclamation Commission in the Department of Natural Resources has no authority to regulate the excavation of minerals or fill dirt for construction;

(4) Utilizes the powers authorized by the bill to promote the reclamation of land subjected to disturbance by surface mining and to promote and protect the health, safety, and general welfare of the people of this state in relation to surface mining;

(5) Specifies that no one will be required to obtain a permit for the purpose of moving minerals or fill dirt within the confines of real property where excavation occurs or to remove minerals or fill dirt from the real property as incidental to the primary purpose of construction;

(6) Authorizes the commission to determine whether an activity on real property constitutes surface mining that requires a permit. If a permit is required, the owner of the property will be notified by a letter stating the reasons for the determination. If the staff director of the commission and the owner disagree with the findings, the owner can request a hearing before the commission at its next regular meeting; and a written determination will be issued within 30 calendar days. The determination can be appealed with the burden of proof on the director and the commission; and

(7) Allows additional penalties to be levied at the discretion of the court for up to double the cumulative total of penalties authorized for a violation of operation without a permit which constitutes fraud and the court imposes civil penalties for the violation.