



SF0044

Limited mining operations-amendments.

Sponsored By: Joint Minerals, Business & Economic Development
Interim Committee

AN ACT relating to environmental quality; amending requirements for the commencement of limited mining operations; amending bonding, notice and reporting requirements for limited mining operations; limiting overburden surface mining operations as specified; amending requirements for extending limited mining operations; requiring approval of limited mining operations on state or school lands by the county and the state board of land commissioners as specified; authorizing rulemaking; amending bond release provisions for limited mining operations; and providing for effective dates.

1/9/2024 Bill Number Assigned
1/24/2024 S Received for Introduction
2/12/2024 S Introduced and Referred to S09 - Minerals 30-1-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Baldwin, Barlow, Biteman, Boner, Bouchard, Brennan, Case, Cooper, Dockstader, Ellis, French, Furphy, Gierau, Hicks, Hutchings, Ide, Jones, Kinskey, Kolb, Landen, Mckeown, Nethercott, Pappas, President Driskill, Rothfuss, Salazar, Schuler, Scott, Steinmetz

Nays: Senator Laursen

Ayes 30 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

2/19/2024 S09 - Minerals:Recommend Amend and Do Pass 3-2-0-0-0

ROLL CALL

Ayes: Senator(s) Dockstader, Ellis, Jones

Nays: Senator(s) Cooper, Rothfuss

Ayes 3 **Nays** 2 **Excused** 0 **Absent** 0 **Conflicts** 0

2/19/2024 S Placed on General File

SF0044SS001/ADOPTED

Page 1-line 7 After "specifying" delete "that" and insert "how"; delete "cannot prevent" and insert "and zoning regulations may apply to".

Page 2-line 9 Delete line through "prevent" and insert "limit a county's authority to provide conditions for".

Page 2-line 10 After "35-11-401(e)(vi)" insert "in accordance with this chapter".

Page 3-line 16 Delete "W.S.".

Page 3-line 17 Delete entirely.

Page 3-line 18 Delete line through "prevent" and insert "this paragraph shall be construed to limit a county's authority to provide conditions under W.S. 18-5-201 through 18-5-208 for". DOCKSTADER, CHAIRMAN

2/20/2024 S COW:Passed

SF0044S2001/ADOPTED

Page 9-line 10 After "may" insert ", after consultation with any affected surface interest owner,".

Page 9-line 20 After "may" insert ", after consultation with any affected surface interest owner,". BONER

2/21/2024 S 2nd Reading:Passed

SF0044S3001/ADOPTED

Delete the Senate standing committee amendment (SF0044SS001/A) entirely and further amend as follows:

Page 1-line 7 Delete entirely.

Page 1-line 8 Delete "operations;".

Page 1-line 14 Delete "18-5-201 by creating a new subsection".

Page 1-line 15 Delete "(b),".

Page 2-lines 4 through 10 Delete entirely.

Page 3-line 16 Delete "Nothing in W.S.".

Page 3-lines 17 and 18 Delete entirely.

Page 3-line 19 Delete "operations authorized under this paragraph.".
ROTHFUSS

2/22/2024 S 3rd Reading:Passed 24-7-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Baldwin, Barlow, Biteman, Boner, Brennan, Case, Dockstader, Ellis, Furphy, Gierau, Hicks, Hutchings, Jones, Kinskey, Kolb, Landen, Nethercott, Pappas, President Driskill, Rothfuss, Schuler, Scott, Steinmetz

Nays: Senator(s) Bouchard, Cooper, French, Ide, Laursen, Mckeown, Salazar

Ayes 24 **Nays** 7 **Excused** 0 **Absent** 0 **Conflicts** 0

2/23/2024 H Received for Introduction

2/27/2024 H Introduced and Referred to H09 - Minerals

2/28/2024 H09 - Minerals:Recommend Amend and Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Banks, Burkhart, Jr, Conrad, Heiner, Knapp, Larson, Lawley, Tarver, Western

Ayes 9 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/28/2024 H Placed on General File

SF0044HS001/ADOPTED

(TO ENGROSSED COPY)

Page 4-line 9 Delete "not later than August 15, 2024" and insert "within one (1) year and in concurrence with the required annual report but no sooner than August 15, 2024". BURKHART, CHAIRMAN

SF0044HW001/ADOPTED

(TO ENGROSSED COPY)
(CORRECTED COPY)

Page 3-lines 10 through 23 Delete entirely.

Page 4-lines 1 through 9 Delete entirely including the House standing committee amendment (SF0044HS001/A) to these lines and insert:

"(B) Before commencing any limited mining operations for the removal of sand, gravel, scoria, dolomite, shale, ballast or feldspar, the operator shall file a bond to insure reclamation in accordance with the purposes of this act in the amount of two thousand dollars (\$2,000.00) per acre, for all limited mining operations commencing operations before July 1, 2024 and five thousand dollars (\$5,000.00) per acre for all limited mining operations commencing operations on and after July 1, 2024, except for quarries for which the bond amount shall not exceed three thousand dollars (\$3,000.00) per acre of affected land including roads used to access the mining operation for quarries commencing operations before July 1, 2024 and seven thousand dollars (\$7,000.00) per acre of affected land including roads used to access the mining operation for quarries commencing operations on and after July 1, 2024 or a full-cost bond to insure reclamation in accordance with W.S. 35-11-417. All other noncoal limited mining operations shall file a full-cost bond to insure reclamation in accordance with W.S. 35-11-417. Within ~~ninety (90)~~ one hundred fifty (150) days after limited mining operations commence, the administrator may require the operator to post an additional bond per acre of affected land if he determines that such amount is necessary to insure reclamation. The operator shall post the additional bond not later than ~~thirty (30)~~ forty-five (45) days after receipt of such notification;". TARVER, BURKHART, KNAPP

2/29/2024 H COW:Passed
3/1/2024 H 2nd Reading:Passed

SF0044H3001/ADOPTED

(TO ENGROSSED COPY)
(CORRECTED COPY)

Page 1-line 6 After "operations;" insert "requiring approval of limited mining operations on state or school lands by the county and the state board of land commissioners as specified;".

Page 1-line 13 Delete "(B)" and insert "(A)".

Page 1-line 14 After "(F)," insert "by creating new subparagraphs (G) and (H),".

Page 3-after line 8 Insert:

"(A) That the affected lands shall not be within:

(I) Three hundred (300) feet of any existing occupied dwelling, home, public building, school, church, community or institutional building, park or cemetery unless the landowner's consent has been obtained;

(II) One thousand (1,000) feet of any existing occupied dwelling, home, public building, school, church, community or institutional building, park or cemetery if the affected lands are state or school lands, unless the surface owner's consent has been obtained and the operator has obtained a conditional use permit from the county where the limited mining operation will occur and additional approval from the state board of land commissioners pursuant to subparagraph (H) of this paragraph."

Page 5-after line 13 Insert:

"(G) No operator shall:

(I) Conduct more than one (1) limited mining operation within adjacent areas when the limited mining operations are to mine the same mineral; or

(II) Conduct more than one (1) limited mining operation within any six (6) mile radius when the limited mining operations are to mine the same mineral. The administrator may allow two (2) limited mining operations for the same mineral within the six (6) mile radius if one (1) of the limited mining operations has completed all required reclamation work, the bond has been released and the operator has obtained an additional conditional use permit from the county where the limited mining operation will occur to conduct the second limited mining operation.

(H) If the affected lands are state or school lands, before commencing any limited mining operation, the operator shall obtain a conditional use permit from the county where the limited mining operation will occur and the operator shall obtain additional approval from the state board of land commissioners to conduct the limited mining operation." HARSHMAN, BURKHART, O'HEARN

3/4/2024 H 3rd Reading:Passed 38-20-4-0-0

ROLL CALL

Ayes: Representative(s) Allred, Andrew, Angelos, Banks, Berger, Burkhart, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Harshman, Henderson, Knapp, Larsen, Lloyd, Larson, Jt, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Provenza, Sherwood, Stith, Storer, Tarver, Walters, Washut, Western, Yin, Zwonitzer, Dan, Zwonitzer, Dave
Nays: Representative(s) Allemand, Bear, Brown, Haroldson, Heiner, Hornok, Jennings, Locke, Neiman, Ottman, Penn, Singh, Slagle, Smith, Speaker Sommers, Strock, Styvar, Trujillo, Ward, Winter
Excused: Representative(s) Lawley, Pendergraft, Rodriguez-Williams, Wylie
Ayes 38 **Nays** 20 **Excused** 4 **Absent** 0 **Conflicts** 0

3/4/2024 S Received for Concurrence
3/4/2024 S Concur:Failed 0-25-6-0-0

ROLL CALL

Nays: Senator(s) Anderson, Baldwin, Barlow, Biteman, Boner, Brennan, Case, Cooper, Dockstader, Ellis, French, Furphy, Gierau, Hicks, Hutchings, Ide, Jones, Kolb, Landen, Nethercott, President Driskill, Rothfuss, Schuler, Scott, Steinmetz
Excused: Senator(s) Bouchard, Kinskey, Laursen, Mckeown, Pappas, Salazar
Ayes 0 **Nays** 25 **Excused** 6 **Absent** 0 **Conflicts** 0

3/4/2024 S Appointed JCC01 Members
Senator(s) Cooper, Ellis, Jones
3/4/2024 H Appointed JCC01 Members
Representative(s) Burkhart, Harshman, Larson, JT
3/6/2024 S Adopted SF0044JC001: 21-9-1-0-0

SF0044JC001/SADOPTEDHADOPTE (TO ENGROSSED COPY)

Adopt the following House amendments:
SF0044HW001/ACE

Delete the following House amendments:
SF0044HS001/AE
SF0044H3001/ACE

Further amend the ENGROSSED COPY as follows:

Page 1-line 6 After "operations;" insert "requiring approval of limited mining operations on state or school lands by the county and the state board of land commissioners as specified;".

Page 1-line 13 Delete "(B)" and insert "(A)".

Page 1-line 14 After "(F)," insert "by creating new subparagraphs (G) and (H),".

Page 3-after line 8 Insert:

"(A) That the affected lands shall not be within:

(I) Three hundred (300) feet of any existing occupied dwelling, home, public building, school, church, community or institutional building, park or cemetery unless the landowner's consent has been obtained;

(II) Five hundred (500) feet of any existing occupied dwelling, home, public building, school, church, community or institutional building, park or cemetery if the affected lands are state or school lands, unless the surface owner's consent has been obtained and the operator has obtained a conditional use permit from the county where the limited mining operation will occur and additional approval from the state board of land commissioners pursuant to subparagraph (H) of this paragraph."

Page 5-after line 13 Insert:

"(G) No operator shall:

(I) Conduct more than one (1) limited mining operation within adjacent areas when the limited mining operations are to mine the same mineral; or

(II) Conduct more than one (1) limited mining operation within any six (6) mile radius when the limited mining operations are to mine the same mineral. The administrator may allow two (2) limited mining operations for the same mineral within the six (6) mile radius if one (1) of the limited mining operations has completed all required reclamation work, the bond has been released and the operator has obtained an additional conditional use permit

from the county where the limited mining operation will occur to conduct the second limited mining operation.

(H) If the affected lands are state or school lands, before commencing any limited mining operation, the operator shall obtain a conditional use permit from the county where the limited mining operation will occur if a conditional use permit is required in the affected county.". COOPER, ELLIS, JONES, BURKHART, HARSHMAN, LARSON, JT

ROLL CALL

Ayes: Senator(s) Anderson, Baldwin, Barlow, Boner, Brennan, Case, Cooper, Dockstader, Furphy, Gierau, Hicks, Jones, Kolb, Landen, Nethercott, Pappas, President Driskill, Rothfuss, Schuler, Scott, Steinmetz

Nays: Senator(s) Biteman, Bouchard, French, Hutchings, Ide, Kinskey, Laursen, Mckeown, Salazar

Excused: Senator Ellis

Ayes 21 **Nays** 9 **Excused** 1 **Absent** 0 **Conflicts** 0

3/7/2024 H Adopted SF0044JC001: 47-14-1-0-0

SF0044JC001/SADOPTEDHADOPTED (TO ENGROSSED COPY)

Adopt the following House amendments:

SF0044HW001/ACE

Delete the following House amendments:

SF0044HS001/AE

SF0044H3001/ACE

Further amend the ENGROSSED COPY as follows:

Page 1-line 6 After "operations;" insert "requiring approval of limited mining operations on state or school lands by the county and the state board of land commissioners as specified;".

Page 1-line 13 Delete "(B)" and insert "(A)".

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(I) Three hundred (300) feet of any existing occupied dwelling, home, public building, school, church, community or institutional building, park or cemetery unless the landowner's consent has been obtained;

(II) Five hundred (500) feet of any existing occupied dwelling, home, public building, school, church, community or institutional building, park or cemetery if the affected lands are state or school lands, unless the surface owner's consent has been obtained and the operator has obtained a conditional use permit from the county where the limited mining operation will occur and additional approval from the state board of land commissioners pursuant to subparagraph (H) of this paragraph."

"(G) No operator shall:

(I) Conduct more than one (1) limited mining operation within adjacent areas when the limited mining operations are to mine the same mineral; or

(II) Conduct more than one (1) limited mining operation within any six (6) mile radius when the limited mining operations are to mine the same mineral. The administrator may allow two (2) limited mining operations for the same mineral within the six (6) mile radius if one (1) of the limited mining operations has completed all required reclamation work, the bond has been released and the operator has obtained an additional conditional use permit from the county where the limited mining operation will occur to conduct the second limited mining operation.

(H) If the affected lands are state or school lands, before commencing any limited mining operation, the operator shall obtain a conditional use permit from the county where the limited mining operation will occur if a conditional use permit is required in the affected county." COOPER, ELLIS, JONES, BURKHART, HARSHMAN, LARSON, JT

ROLL CALL

Ayes: (s) Allred, Andrew, Angelos, Banks, Berger, Brown, Burkhart, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Harshman, Heiner, Henderson, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Newsome, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Penn, Provenza, Sherwood, Slagle, Speaker Sommers, Stith, Storer, Tarver, Trujillo, Walters, Washut, Western, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Nays: (s) Allemand, Bear, Haroldson, Hornok, Jennings, Neiman, Pendergraft, Rodriguez-Williams, Singh, Smith, Strock, Styvar, Ward, Winter

Excused: Nicholas

Ayes 47 **Nays** 14 **Excused** 1 **Absent** 0 **Conflicts** 0

3/7/2024 Assigned Number SEA No. 0062
3/8/2024 S President Signed SEA No. 0062
3/8/2024 H Speaker Signed SEA No. 0062
3/19/2024 Governor Vetoed SEA No. 0062