

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 226

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO MINES AND MINING; AMENDING SECTION 47-1206, IDAHO CODE, TO
2 REVISE PROVISIONS REGARDING THE MINE LICENSE TAX; AMENDING SECTION
3 47-1703, IDAHO CODE, TO PROVIDE FOR VOLUNTARY CONTRIBUTIONS AND THE USE
4 OF ABANDONED MINE RECLAMATION FUND MONEYS AND TO MAKE TECHNICAL CORREC-
5 TIONS; AMENDING SECTION 47-1704, IDAHO CODE, TO DEFINE TERMS; AMENDING
6 SECTION 47-1706, IDAHO CODE, TO PROVIDE FOR AN ADVISORY COMMITTEE;
7 AMENDING CHAPTER 17, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
8 TION 47-1707, IDAHO CODE, TO PROVIDE FOR CERTAIN RESPONSIBILITIES OF
9 THE IDAHO DEPARTMENT OF LANDS; AMENDING SECTION 47-1707, IDAHO CODE, TO
10 REDESIGNATE THE SECTION AND TO REVISE PROVISIONS REGARDING PRIORITIES;
11 AMENDING SECTION 47-1708, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO
12 MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING
13 AN EFFECTIVE DATE.
14

15 Be It Enacted by the Legislature of the State of Idaho:

16 SECTION 1. That Section 47-1206, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 47-1206. PAYMENT OF MINE LICENSE TAX. (1) Except as provided in sub-
19 section (2), the license tax imposed by this chapter shall be paid to the
20 state tax commission on or before the due date of the return and the com-
21 mission shall remit the sums to the state treasurer, who shall place ~~sixty-~~
22 ~~six percent (66%)~~ fifty percent (50%) to the credit of the general fund of
23 the state and ~~thirty-four percent (34%)~~ fifty percent (50%) to the credit
24 of the abandoned mine reclamation fund created by the provisions of section
25 47-1703, Idaho Code.

26 (2) The license tax imposed by this chapter only on mining operations
27 that include a cyanidation facility, as defined by section 47-1503, Idaho
28 Code, shall be paid to the state tax commission on or before the due date of
29 the return and the commission shall remit the sums to the state treasurer,
30 who shall place thirty-three percent (33%) to the credit of the general fund
31 of the state, thirty-three percent (33%) to the credit of the cyanidation
32 facility closure fund created by the provisions of section 47-1513, Idaho
33 Code, and thirty-four percent (34%) to the credit of the abandoned mine
34 reclamation fund created by the provisions of section 47-1703, Idaho Code.

35 SECTION 2. That Section 47-1703, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 47-1703. FUNDING. (1) This chapter shall govern the use of state and
38 federal moneys specifically appropriated for abandoned mine reclamation.
39 This chapter shall not require the state to expend or appropriate state mon-
40 eys. The board may receive federal funds, state funds, and any other funds,

1 including voluntary contributions, and, within the limits imposed by a spe-
 2 cific grant, expend them as directed by this chapter. All grants, funds,
 3 fees, fines, penalties, and other uncleared money which that has been or will
 4 be paid to the state for abandoned mine reclamation shall be placed in the
 5 state treasury and credited to the abandoned mine reclamation fund, which is
 6 hereby created. This fund shall be available to the board, by legislative
 7 appropriation, and shall be expended for the reclamation of lands affected
 8 by eligible mining operations.

9 (2) At least ninety percent (90%) of all reclamation funds expended an-
 10 nually shall be spent on expenses directly incurred for eligible mine site
 11 engineering and on-site restoration plan implementation and on compensation
 12 for services paid pursuant to section 47-1709, Idaho Code.

13 (3) Voluntary contributions shall be designated for eligible mine
 14 restoration and:

15 (a) Shall be considered as mitigation to meet or partially meet envi-
 16 ronmental mitigation requirements set by state agencies for construct-
 17 ing, expanding, or operating a mine; and

18 (b) May be considered as mitigation to meet or partially meet environ-
 19 mental mitigation requirements set by federal agencies for construct-
 20 ing, expanding, or operating a mine.

21 SECTION 3. That Section 47-1704, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 47-1704. DEFINITIONS. (1) "Abandoned mine" means a mine deserted by
 24 the operator, having no regular maintenance, and not covered by a valid min-
 25 ing claim.

26 (2) "Affected land" means the land adjacent to an eligible mine that is,
 27 or may be, adversely affected by past mining operations.

28 (3) "Board" means the state board of land commissioners or such depart-
 29 ment, commission, or agency as may lawfully succeed to the powers and duties
 30 of such board.

31 (4) "Department" means the Idaho department of lands.

32 ~~(4)~~ (5) "Director" means the head of the department of lands or such of-
 33 ficer as may lawfully succeed to the powers and duties of said director.

34 ~~(5)~~ (6) "Eligible mine" means an abandoned mine located on land owned by
 35 the state or federal government or an abandoned mine located on private land
 36 when the owner of the private land has requested, and the board has granted,
 37 designation as an eligible mine.

38 ~~(6)~~ (7) "Mine" means an area where valuable minerals were extracted
 39 from the earth and includes all associated development areas including, but
 40 not limited to, milling and processing areas, overburden disposal areas,
 41 stockpiles, roads, tailings ponds, and other areas disturbed at the mining
 42 operation site.

43 ~~(7)~~ (8) "Operator" means any person or persons, any partnership, lim-
 44 ited partnership, or corporation, or any association of persons, either nat-
 45 ural or artificial including, but not limited to, every public or govern-
 46 mental agency engaged in mining or mineral exploration operations, whether
 47 individually, jointly, or through subsidiaries, agents, employees, or con-
 48 tractors and shall mean every governmental agency owning or controlling the
 49 use of any mine when the mineral extracted is to be used by or for the benefit

1 of such agency. It shall not include any governmental agency with respect to
 2 those mining or mineral exploration operations as to which it grants mineral
 3 leases or prospecting permits or similar contracts, but nothing herein shall
 4 relieve the operator acting pursuant to a mineral lease, prospecting permit
 5 or similar contract from the terms of this chapter.

6 ~~(8)~~ (9) "Valuable mineral" shall have the same meaning as "valuable
 7 mineral" defined in section 47-1205, Idaho Code.

8 (10) "Voluntary contribution" means any moneys contributed by a non-
 9 governmental organization or a publicly or privately held company.

10 SECTION 4. That Section 47-1706, Idaho Code, be, and the same is hereby
 11 amended to read as follows:

12 47-1706. DUTIES AND POWERS OF BOARD. In addition to the other duties
 13 and powers of the board prescribed by law, the board is granted and shall be
 14 entitled to exercise the following authority and powers and perform the fol-
 15 lowing duties:

16 (1) To reclaim any eligible mine and affected lands. Reclamation on
 17 federal lands shall be completed only upon consent of the federal agency re-
 18 sponsible for the administration of those lands. Reclamation activities may
 19 include:

20 (a) The reclamation and restoration of abandoned surface mined areas;

21 (b) The reclamation of abandoned milling and processing areas;

22 (c) The sealing, filling, and grading of abandoned deep mine entries;

23 (d) The planting of land adversely affected by past mining to prevent
 24 erosion and sedimentation;

25 (e) The prevention, abatement, treatment, and control of water pollu-
 26 tion created by abandoned mine drainage;

27 (f) The control of surface subsidence due to abandoned deep mines; and

28 (g) Such other reclamation activities as may be necessary to accomplish
 29 the purposes of this act.

30 (2) To administer and enforce the provisions of this act and the rules
 31 and orders promulgated thereunder as provided in this act.

32 (3) To conduct and promote the coordination and acceleration of re-
 33 search, studies, surveys, experiments, demonstrations, and training in
 34 carrying out the provisions of this act. In carrying out the activities
 35 authorized in this section, the board may enter into contracts with and make
 36 grants to institutions, agencies, organizations, and individuals, and shall
 37 collect and make available any information obtained therefrom.

38 (4) To adopt and promulgate reasonable rules respecting the adminis-
 39 tration of this act and such rules as may be necessary to carry out the intent
 40 and purposes of this act. All such rules shall be adopted in accordance with
 41 and subject to the provisions of chapter 52, title 67, Idaho Code.

42 (5) To enter upon eligible mines and affected lands at reasonable
 43 times, for inspection purposes and to determine whether the provisions of
 44 this act are being complied with. Inspections on private lands shall be con-
 45 ducted in the presence of the landowner or his duly authorized employees or
 46 representatives, or with written permission of the landowner.

47 (6) To establish an advisory committee to assist the department in set-
 48 ting priorities and planning reclamation work. The committee members shall

1 be nominated by the governor and approved by the board. The committee shall
2 consist of:

- 3 (a) One (1) representative from the Idaho department of environmental
4 quality;
5 (b) One (1) representative from the governor's office of energy and
6 mineral resources;
7 (c) One (1) representative who is a county commissioner from a county
8 with active mines;
9 (d) One (1) representative representing conservation interests; and
10 (e) Three (3) representatives from mining organizations or companies
11 who are actively mining within the state of Idaho.

12 SECTION 5. That Chapter 17, Title 47, Idaho Code, be, and the same is
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
14 ignated as Section 47-1707, Idaho Code, and to read as follows:

15 47-1707. RESPONSIBILITIES OF THE DEPARTMENT OF LANDS. In addition to
16 the duties and responsibilities assigned by the board, the department shall:

- 17 (1) Maintain a list of the eligible mines, based on the priority crite-
18 ria pursuant to section 47-1708, Idaho Code. The list shall be updated annu-
19 ally and made publicly available;
20 (2) Annually publish a report that, by mine site, describes how funds
21 from the abandoned mine reclamation fund were used, the specific actions
22 taken, and the progress made to reclaim abandoned mines; and
23 (3) Consult with the advisory committee created pursuant to section
24 47-1706, Idaho Code, in setting priorities and planning reclamation work.

25 SECTION 6. That Section 47-1707, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 ~~47-1707~~ 47-1708. PRIORITIES. Expenditure of funds from the abandoned
28 mine reclamation ~~account~~ fund shall reflect the following priorities in the
29 order stated:

- 30 (1) The protection of public health, safety, and general welfare from
31 the adverse effects of past mining practices.
32 (2) The restoration of ~~land and water resources~~ water quality that was
33 previously degraded by the adverse effects of past mining practices, espe-
34 cially in areas where water quality standards are not met.
35 (3) The restoration of land resources that were previously degraded by
36 the adverse effects of past mining practices.

37 SECTION 7. That Section 47-1708, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 ~~47-1708~~ 47-1709. INTERAGENCY COORDINATION. The board shall recognize
40 other governmental, educational, and private organizations or agencies
41 which have expertise and information regarding abandoned mines and affected
42 lands. The board shall characterize, prioritize, and complete reclamation
43 of eligible mines and affected lands in coordination with these agencies. In
44 addition, the board may reasonably compensate them from the abandoned mine
45 reclamation ~~account~~ fund for services that the board requests they provide.

1 SECTION 8. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2025.