

February 23, 1953.

Passed on File. *Mining 2/23*

Ret. without rec. 2/25

Senate File 282

By FISHBAUGH and MILLER.

Passed Senate, Date.....

Vote: Ayes..... Nays.....

Passed House, Date.....

Vote: Ayes..... Nays.....

Approved

A BILL FOR

An Act to regulate the strip mining of coal.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Permit required—fees and use of proceeds. It
 2 shall be unlawful for any person, firm or corporation to engage
 3 in the strip mining of coal without having first obtained from
 4 the state mine inspector a permit therefor as provided in this
 5 section. The following information must be stated in the ap-
 6 plication for such a permit: (1) The location and area of the
 7 land to be covered by the permit and shown on a map or plat of
 8 portion to be stripped; (2) the owner or owners of the surface
 9 of the land; (3) the owner or owners of the coal to be mined;
 10 (4) the source of the operator's legal right to enter and
 11 mine the coal on the land covered by the permit; (5) the perma-
 12 nent and temporary post-office address of the operator.

13 Upon payment to the state mine inspector of a registration
 14 fee of fifty dollars, and the posting with the department of
 15 the bond required by the following section, the inspector shall
 16 upon proper application issue the requested permit.

17 The registration fees collected as provided in this section

18 shall be deposited with the state treasurer to the credit of the
19 special fund created by section four of this Act.

1 Sec. 2. Performance bond. Each operator shall give a
2 bond with satisfactory corporate surety, in a penalty of five
3 hundred dollars for each acre or fraction thereof covered by
4 said permit, with a minimum of one thousand dollars, conditioned
5 for the faithful performance of the requirements contained in
6 section three hereof.

1 Sec. 3. Duties of operator. It shall be the duty of each
2 operator to: (1) Cover the face of the coal and so far as
3 practicable, bury all roof coal and pyritic shales; (2) seal
4 off with an earth fill any break-through to underground working
5 in the coal; (3) drain all the surface involved in the strip
6 mining operation, and provide such outlets as may be necessary
7 to conduct storm and seepage waters from such surface to a
8 permanent stream or stream bed with as little erosion as possible;
9 (4) remove all metal, lumber and other refuse resulting from the
10 operation; (5) regrade, in a manner approved by the state mine
11 inspector, the overburden or other strata removed from the coal
12 so as to refill any ditches, trenches or excavations made in
13 the stripping operation, in order to minimize the hazards of
14 floods, pollution of streams and water, accumulation of stagnant
15 water, and the loss of soil for agricultural or grazing purposes,
16 replacing the surface soil as nearly as possible to its original
17 position.

18 For failure to do all the things required by this section

19 within one year after the completion of the mining operation
20 on the land covered by the permit, and after receipt of a
21 thirty-day notice in writing from the state mine inspector,
22 which notice may be sent by registered mail, that any one or more
23 of such things had not been done, the permit covering the
24 particular operation and any other strip mining permits that
25 may have been issued to the operator involved shall be revoked
26 by the inspector, and the performance bond shall be forfeited,
27 unless such operator shall comply with the provisions of this
28 section within said thirty-day period.

29 Any operator whose strip mining permit has been revoked
30 shall not be eligible to receive another such permit until he
31 shall have complied with the requirements of all the laws in
32 respect to former permits issued him.

1 Sec. 4. Bond forfeitures—strip mining fund and use of
2 proceeds. Upon default in the performance of the conditions
3 of the performance bond, the state mine inspector shall give
4 notice to the attorney general and it shall be his duty to col-
5 lect the forfeiture without delay.

6 All such forfeitures and all registration fees collected
7 as provided in this Act shall be deposited with the state
8 treasurer in a special fund to be designated "Strip Mining
9 Fund" to the credit of the state and shall be expended to
10 reclaim and rehabilitate the lands affected in accordance with
11 the provisions of this Act.

12 It shall be the duty of the state mine inspector to reclaim

13 and rehabilitate the lands affected in accordance with the
14 provisions of section three of this Act. In so far as is reason-
15 ably practicable, the moneys in the fund shall be expended upon
16 the lands upon which the permit was issued for which the bond
17 was given. The state mine inspector may avail himself of any
18 services that may be provided by the federal government for
19 reclaiming lands.

20 The state comptroller shall issue his warrant for all money
21 in the special fund created by this section upon the request of
22 the state mine inspector.

1 Sec. 5. Certificate of release. If and when each operator
2 has completed his strip mining operations under the permit
3 granted him by the state mine inspector in accordance and in
4 full compliance with the provisions of this Act, thereupon the
5 state mine inspector shall issue to such operator a certificate,
6 wherein and whereby the bond given by the operator shall be
7 discharged and the surety thereon released.

1 Sec. 6. Offenses—penalty. Any operator who shall conduct
2 any strip mining operation without a permit, or who shall carry
3 on such operation on land not covered by a permit, shall be
4 guilty of a misdemeanor, and upon conviction thereof shall be
5 punished by a fine of one thousand dollars, or by imprisonment
6 in the county jail for not more than one year, or by both such
7 fine and imprisonment, in the discretion of the court. It shall
8 be the duty of the state mine inspector to see that prosecutions
9 are instituted for any violation of the provisions of this Act.