

February 25, 1965.

Passed on File.

Commerce 2/8

Senate File 372

By RENO, BRILES, VAN GILST, MAIN,  
McGILL, HEABERLIN and MINCKS.

Passed Senate, Date..... Passed House, Date.....

Vote: Ayes..... Nays..... 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  
 6 application 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 mine  
 11 the coal on the land covered by the permit; (5) the permanent  
 12 and temporary post-office address of the operator.

13 Upon payment to the state mine inspector of a registration  
 14 fee of fifty (50) 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 (4) of this Act.

1 Sec. 2. Performance bond. Each operator shall give a bond

2 with satisfactory corporate surety, in a penalty of five hundred  
3 (500) dollars for each acre or fraction thereof covered by said  
4 permit, with a minimum of one thousand (1,000) dollars,  
5 conditioned for the faithful performance of the requirements  
6 contained in section three (3) 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 or 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 (1) year after the completion of the mining operation  
20 on the land covered by the permit, and after receipt of a thirty  
21 (30) day notice in writing from the state mine inspector, which  
22 notice may be sent by registered mail, that any one (1) or more  
23 of such things had not been done, the permit covering the

24 particular operation to 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 (30) 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 the 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  
5 collect 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 Fund"  
9 to the credit of the state and shall be expended to reclaim and  
10 rehabilitate the lands affected in accordance with the provisions  
11 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 (3) of this Act. Insofar as is  
15 reasonably practicable, the moneys in the fund shall be expended  
16 upon the lands upon which the permit was issued for which the  
17 bond was given. The state mine inspector may avail himself of  
18 any 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 (1,000) dollars, or by  
6 imprisonment in the county jail for not more than one (1) year,  
7 or by both such fine and imprisonment, in the discretion of the  
8 court. It shall be the duty of the state mine inspector to see  
9 that prosecutions are instituted for any violation of the  
10 provisions of this Act.

## SENATE FILE 372

1 Amend Senate File 372 as follows:

- 2 1. By inserting after the comma (,) following the word "dol-
- 3 lars" in line 4 section 2 the following: "or, in
- 4 lieu thereof, deposit with the state mine inspector cash or other
- 5 security acceptable to the state mine inspector in said amounts,"
- 6 2. By inserting after the word "forfeited" in line
- 7 26 section 3 the following: "to the extent necessary
- 8 to effect such things as are required to be done by such notice"

Filed  
April 7, 1965.

By RENO.