

JUN 1 1973

HOUSE FILE 779

Appropriations *Calendar*
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BY COMMITTEE ON APPROPRIATIONS

House File 779
Appropriations—
Natural resources

Passed House, Date 6-4-73 (1676) Passed Senate, Date 6-19-73 (1879)

Vote: Ayes 85 Nays 0 Vote: Ayes 42 Nays 3

Approved 7-12-73
Passed House as amended by Senate
6-20-73 (2113)
90-0

A BILL FOR

1 An Act relating to the inspection and regulation of mines,
2 to abolish the department of mines and minerals, and to
3 transfer certain administrative powers and duties to
4 other state agencies and making an appropriation.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section sixty-eight B point two (68B.2), sub-
2 section four (4), Code 1973, is amended to read as follows:

3 4. "Regulatory agency" means department of agriculture,
4 industrial commissioner, bureau of labor, employment security
5 commission, department of banking, insurance department,
6 department of health, department of public safety, department
7 of public instruction, board of regents, department of social
8 services, state department of revenue, ~~department-of-mines~~
9 ~~and-minerals~~, commerce commission, liquor control commission,
10 board of pharmacy examiners, state conservation commission,
11 aeronautics commission, state highway commission, civil rights
12 commission, ~~soil-conservation-committee~~ department of soil
13 conservation, public defense, and natural resources council.

14 Sec. 2. Section seventy-three point eight (73.8), Code
15 1973, is amended to read as follows:

16 73.8 CERTIFICATE. No bid for coal produced in Iowa which
17 comes under the provisions of section 73.7, shall be considered
18 unless it states the name of the producer and gives the
19 location of the mine from which the coal is to be produced,
20 ~~and-unless-there-is-attached-thereto-a-certificate-of-the~~
21 ~~secretary-of-the-state-mine-inspectors-that-the-producer~~
22 ~~designated-in-such-bid-is-now-complying-with-all-the-workmen's~~
23 ~~compensation-and-mining-laws-of-the-state.~~

24 Sec. 3. Section eighty-three A point two (83A.2), subsec-
25 tions three (3), eleven (11), twelve (12), thirteen (13),
26 fourteen (14), and fifteen (15), Code 1973, are amended to
27 read as follows:

28 3. "Operator" means any person, firm, partnership, or
29 corporation engaged in and controlling a surface mining oper-
30 ation but shall not include a political subdivision of the
31 state of Iowa.

32 ~~41. "Irregular spoil bank" means a spoil bank character-~~
33 ~~ized by ridges, peaks, or both, rather than by a continuous~~
34 ~~slope, when viewed horizontally.~~

35 ~~42~~ 11. "Department" means the department of mines and

1 ~~minerals~~ soil conservation.

2 43 12. "Board Committee" means the state ~~mining-board~~
3 soil conservation committee.

4 44 13. "Advisory board" means the "land rehabilitation
5 advisory board" in the department ~~of-mines-and-minerals.~~

6 45 14. "Inspector Administrator" means the ~~state-mine~~
7 ~~inspector-and-any-other-employee~~ administrative officer of
8 the department ~~of-mines-and-minerals~~ responsible for
9 administration or enforcement of this chapter or his designee.

10 Sec. 4. Section eighty-three A point two (83A.2), Code
11 1973, is amended by adding the following new subsection:

12 NEW SUBSECTION. "Mine" means any underground or surface
13 mine developed and operated for the purpose of extracting
14 any ores or mineral solids.

15 Sec. 5. Section eighty-three A point three (83A.3),
16 unnumbered paragraph one (1), Code 1973, is amended to read
17 as follows:

18 There is hereby established within the department of ~~mines~~
19 ~~and-minerals~~ soil conservation a land rehabilitation advisory
20 board which shall consist of ~~eight~~ seven members appointed
21 by the governor, as follows:

22 Sec. 6. Section eighty-three A point three (83A.3), Code
23 1973, is amended by striking subsection six (6).

24 Sec. 7. Section eighty-three A point four (83A.4), unnum-
25 bered paragraph two (2), Code 1973, is amended to read as
26 follows:

27 Vacancies on the advisory board shall be filled for the
28 unexpired term of the vacancy in the same manner as the origi-
29 nal appointment. Members of the advisory board shall serve
30 without compensation but shall be allowed actual and necessary
31 expenses while engaged in official duties upon certification
32 of the chairman of the advisory board to the ~~state-mining~~
33 board department.

34 Sec. 8. Section eighty-three A point five (83A.5), Code
35 1973, is amended to read as follows:

1 83A.5 MEETINGS OF BOARD. Prior to August 1 of each year,
2 the advisory board shall meet and organize and shall elect
3 a chairman and such other officers as advisory board members
4 shall deem necessary. The chairman shall be responsible for
5 calling meetings of the advisory board. Advisory board meet-
6 ings shall be held at least quarterly and at such other times
7 as the chairman of the advisory board or the chairman of the
8 state-mining-board committee deems necessary or upon the
9 request of four or more advisory board members.

10 Sec. 9. Section eighty-three A point six (83A.6), subsec-
11 tions one (1), two (2), and three (3), Code 1973, are amended
12 to read as follows:

13 1. Advise the state-mining-board department on any matter
14 relating to administration and enforcement of this chapter.

15 2. Advise the state-mining-board department with respect
16 to surface mined land rehabilitation demonstration projects.

17 3. Advise the state-mining-board department on the
18 gathering, preparation, and dissemination of information on
19 methods of rehabilitating land which has been surface mined
20 and on any state, federal, or other financial assistance which
21 may be available to assist in paying the cost of rehabilitation
22 of the land.

23 Sec. 10. Section eighty-three A point seven (83A.7), Code
24 1973, is amended to read as follows:

25 83A.7 SURFACE MINING LICENSE. No person, firm, partner-
26 ship, or corporation shall engage in surface mining or
27 operation of an underground mine or mines, as defined by
28 section 83A.2 ~~and-by-section-82-27~~, without first obtaining
29 a license from the department. Licenses shall be issued upon
30 application submitted on a form provided by the department
31 and shall be accompanied by a fee of fifty dollars. Each
32 applicant shall be required to furnish on the form information
33 necessary to identify the applicant. Licenses shall expire
34 one year from date of issuance and shall be renewed by the
35 department upon application submitted within thirty days prior

1 to the expiration date and accompanied by a fee of ten dollars.

2 Sec. 11. Section eighty-three A point eight (83A.8), Code
3 1973, is amended to read as follows:

4 83A.8 SUSPENSION OR REVOCATION OF LICENSE. The department
5 may, with approval of the board committee, commence proceedings
6 to suspend, revoke, or refuse to renew a license of any
7 licensee for repeated or willful violation of any of the
8 provisions of this chapter or of ~~chapters-82-or-83~~ the Federal
9 Coal Mine Health and Safety Act of 1969 or the Federal Metal
10 and Non-Metallic Mine Safety Act. The department shall by
11 certified mail or personal service serve on the licensee
12 notice in writing of the charges and grounds upon which the
13 license is to be suspended, revoked, or will not be renewed.
14 The notice shall include the time and the place at which a
15 hearing shall be held before the board committee to determine
16 whether to suspend, revoke, or refuse to renew the license.
17 The hearing shall be not less than fifteen nor more than
18 thirty days after the mailing or service of the notice.

19 Sec. 12. Section eighty-three A point nine (83A.9), Code
20 1973, is amended to read as follows:

21 83A.9 HEARING--COUNSEL. Any licensee whose license the
22 department proposes to suspend, revoke, or refuse to renew
23 shall have the right to counsel and may produce witnesses
24 and present statements, documents, and other information in
25 his behalf at the hearing. If after full investigation and
26 hearing the licensee is found to have willfully or repeatedly
27 violated any of the provisions of this chapter or of ~~chapters~~
28 ~~82-or-83~~ the Federal Coal Mine Health and Safety Act of 1969
29 or the Federal Metal and Non-Metallic Mine Safety Act, the
30 board committee may affirm or modify the proposed suspension,
31 revocation, or refusal to renew the license. When the board
32 committee finds that a license should be suspended or revoked
33 or should not be renewed, the department shall so notify the
34 licensee in writing by certified mail or by personal service.

35 Sec. 13. Section eighty-three A point ten (83A.10), Code

1 1973, is amended to read as follows:

2 83A.10 NOTICE--EFFECTIVE DATE OF SUSPENSION. Suspension
3 or revocation of a license shall become effective thirty days
4 after the mailing or service of notice to the licensee. When
5 the department proposes to deny an application for renewal
6 of a license and administrative proceedings relevant to the
7 renewal application are pending or in progress on the date
8 the license is to expire, the license shall remain in force
9 until the proceedings have been completed if the licensee
10 has paid the renewal fee. If the ~~board~~ committee finds the
11 license should not be renewed, the renewal fee shall be
12 refunded and the license shall expire on the expiration date
13 or thirty days after mailing or service of notice to the
14 licensee, whichever is later.

15 Sec. 14. Section eighty-three A point thirteen (83A.13),
16 Code 1973, is amended to read as follows:

17 83A.13 REGISTERING SITE OF MINE. Within fifteen days
18 after beginning ~~surface~~ mining or removal of overburden at
19 any surface mining site not previously registered, an operator
20 engaging in ~~surface~~ mining in this state shall register the
21 site with the department. Application for registration shall
22 be made upon a form provided by the department. The
23 registration fee shall be established by the department in
24 an amount equal to the cost of administering the registration
25 provisions of this chapter, as estimated by the department.
26 The application shall include a description of the tract or
27 tracts of land where the site is located and the estimated
28 number of acres at the site to be affected by ~~surface-mining~~
29 the mine. The description shall include the section, township,
30 range, and county in which the land is located and shall
31 otherwise describe the land with sufficient certainty to
32 determine the location and to distinguish the land to be
33 registered from other lands. The application shall include
34 a statement explaining the ~~source~~ authority of the applicant's
35 legal right to ~~conduct-surface-mining~~ operate a mine on the

1 land.

2 Sec. 15. Section eighty-three A point seventeen (83A.17),
3 subsections one (1), two (2), and three (3), Code 1973, are
4 amended to read as follows:

5 ~~4. --Grade-irregular-spoil-banks-to-reduce-peaks-and-ridges~~
6 ~~to-a-rolling-topography-suitable-for-establishment-of-desir-~~
7 ~~able-vegetation-by-striking-off-ridges-and-peaks-to-a-width~~
8 ~~of-at-least-twenty-four-feet-at-the-top.~~

9 2 1. Grade spoil banks other than irregular spoil banks
10 to slopes having a maximum of one foot of vertical rise for
11 each ~~three~~ four feet of horizontal distance except that where
12 the original topography of the affected land was steeper than
13 one foot of vertical rise for each ~~three~~ four feet of hori-
14 zontal distance, the spoil bank shall be graded to blend with
15 the surrounding terrain.

16 3 2. Construct an earth dam ~~in-the-final-cut~~ at any site
17 where a lake or pond may be formed ~~if-necessary~~ to properly
18 control the drainage of acidic water from the site ~~and-if~~
19 ~~formation-of-a-lake-will-not-interfere-with-underground-or~~
20 ~~other-mining-operations-or-damage-adjoining-property.~~

21 Sec. 16. Section eighty-three A point seventeen (83A.17),
22 Code 1973, is amended by adding the following new subsection:

23 NEW SUBSECTION. Provide for the vegetation of the spoil
24 banks created by removal of overburden as prescribed by the
25 department before release of the bond as provided in section
26 eighty-three A point nineteen (83A.19) of the Code.

27 Sec. 17. Section eighty-three A point twenty-one (83A.21),
28 Code 1973, is amended to read as follows:

29 83A.21 POLITICAL SUBDIVISION ENGAGED IN MINING. Any
30 political subdivision of the state of Iowa which engages or
31 intends to engage in surface mining shall meet all require-
32 ments of sections 83A.13 through 83A.20 except the subdivision
33 shall not be required to post bond or security on registered
34 land. When a political subdivision engaging in surface mining
35 violates any provision of this chapter or any rule or regula-

1 tion adopted by the department pursuant to this chapter, the
2 department shall notify the chief administrative officer or
3 governing body of the subdivision. If after a reasonable
4 time determined by the department, the subdivision has not
5 commenced corrective measures approved by the department,
6 the violation shall be referred to the board committee. The
7 chief administrative officer or governing body of the
8 subdivision shall be notified in writing of the referral.

9 Sec. 18. Section eighty-three A point twenty-two (83A.22),
10 Code 1973, is amended to read as follows:

11 83A.22 HEARING ON VIOLATION. Upon receipt of the referral,
12 the board committee shall schedule a hearing on the violation
13 by the political subdivision within thirty days after the
14 date of receipt. The board committee shall upon written
15 request from the chief administrative officer or governing
16 board afford representatives of the subdivision the right
17 to appear before the board committee at the hearing.
18 Representatives of the subdivision shall have the right to
19 counsel, and may produce witnesses and present statements,
20 documents, and other information with respect to the alleged
21 violation for consideration of the board committee at the
22 hearing. If the board committee determines the subdivision
23 is in violation of any of the provisions of this chapter or
24 of any rule or regulation adopted by the department pursuant
25 to this chapter, the board committee shall request the attorney
26 general to institute proceedings to enjoin the subdivision
27 from conducting further surface mining operations until the
28 subdivision has completed corrective measures to the
29 satisfaction of the department.

30 Sec. 19. Section eighty-three A point twenty-six (83A.26),
31 Code 1973, is amended to read as follows:

32 83A.26 INSPECTION OF SITE. ~~An-inspector~~ The adminis-
33 trator of the department or his designee may enter at all
34 times upon any lands on which any operator is authorized to
35 ~~conduct-surface-mining~~ operate a mine for the purpose of

1 determining whether the operator is or has been complying
2 with the provisions of this chapter. The department shall
3 give written notice to any operator who violates any of the
4 provisions of this chapter or any rules and regulations adopted
5 by the department pursuant to this chapter. If corrective
6 measures approved by the department are not commenced within
7 ninety days, the violation shall be referred to the board
8 committee. The operator shall be notified in writing of the
9 referral.

10 Sec. 20. Section eighty-three A point twenty-seven
11 (83A.27), Code 1973, is amended to read as follows:

12 83A.27 HEARING ON VIOLATIONS. Upon receipt of the refer-
13 ral, the board committee shall schedule a hearing on the
14 violation by the operator within thirty days after the date
15 of receipt. The board committee shall upon written request
16 afford the operator the right to appear before the board
17 committee at the hearing. The operator shall have the right
18 to counsel, and may produce witnesses and present statements,
19 documents, and other information with respect to the alleged
20 violation. If the board committee determines that the operator
21 is in violation of this chapter or of any rule or regulation
22 adopted by the department pursuant to this chapter, the board
23 committee shall request the attorney general to institute
24 bond forfeiture proceedings.

25 Sec. 21. Section eighty-three A point twenty-eight
26 (83A.28), Code 1973, is amended to read as follows:

27 83A.28 FORFEITURE OF BOND. The attorney general, upon
28 request of the board committee, shall institute proceedings
29 for forfeiture of the bond posted by an operator to guarantee
30 rehabilitation of a site where the operator is in violation
31 of any of the provisions of this chapter or any rule or
32 regulation adopted by the department pursuant to this chapter.
33 Forfeiture of the operator's bond shall fully satisfy all
34 obligations of the operator to rehabilitate affected land
35 covered by the bond. The department shall have the power

1 to rehabilitate as required by section 83A.17 any surface
2 mined land with respect to which a bond has been forfeited,
3 using the proceeds of the forfeiture to pay for the necessary
4 rehabilitation work.

5 Sec. 22. Section eighty-three A point twenty-nine (83A.29),
6 Code 1973, is amended to read as follows:

7 83A.29 PENALTY FOR FAILURE TO REGISTER. Any operator
8 who fails to make timely application for registration of each
9 site where surface mining is being conducted is guilty of
10 a misdemeanor and on conviction shall be punished by a fine
11 of not less than fifty dollars nor more than five hundred
12 dollars or by imprisonment not to exceed thirty days, or both
13 such fine and imprisonment. Each day surface mining activities
14 are conducted at a site for which no application for
15 registration has been made as required under section 83A.13
16 shall constitute a separate violation.

17 Sec. 23. Section eighty-seven point nineteen (87.19),
18 unnumbered paragraph one (1), Code 1973, is amended to read
19 as follows:

20 Upon the receipt of information by the industrial commis-
21 sioner of any employer failing to comply with sections 87.16
22 ~~to-87-+87-inclusive~~ and eighty-seven point seventeen (87.17)
23 of the Code, he shall at once notify such employer by certified
24 mail; that unless such employer comply complies with the
25 requirements of law, legal proceedings will be instituted
26 to enforce such compliance.

27 Sec. 24. Chapter eighty-three A (83A), Code 1973, is
28 amended by adding the following new section:

29 NEW SECTION. PRIOR RULES AND ORDERS CONTINUED. Any rule
30 adopted or order issued under chapter eighty-three A (83A)
31 of the Code before the effective date of this Act by the state
32 mine inspector or the state mining board shall remain effective
33 until modified or rescinded by action of the state soil
34 conservation committee or the administrative officer of the
35 department of soil conservation unless such rule or order

1 is inconsistent or contrary to the provisions of this Act.

2 Sec. 25. Section one hundred four point one (104.1), Code
3 1973, is amended to read as follows:

4 104.1 GENERAL EQUIPMENT. Every elevator and elevator
5 opening and machinery connected therewith in every elevator,
6 hoistway, hatchway, and wellhole shall be so constructed,
7 guarded, equipped, maintained, and operated as to render it
8 safe for the purposes for which it is used. ~~Nothing herein~~
9 ~~contained shall be construed to apply to any elevator hoisting~~
10 ~~device and anything connected therewith coming under the~~
11 ~~jurisdiction of the state mine inspector.~~

12 Sec. 26. Chapter three hundred five (305), Code 1973,
13 is amended by adding the following new section:

14 NEW SECTION. MAPS--SURVEYS. The operator of any
15 underground mine shall comply with the following provisions
16 relative to maps and surveys:

17 1. SCALE. Each mine map shall be drawn to a scale of
18 not more than two hundred feet to the inch.

19 2. GENERAL SPECIFICATIONS. Each map shall show the name
20 of the state, county, and township in which the mine is
21 located, the designation of the mine, the name of the company
22 or operator, the certificate of the mining engineer or surveyor
23 as to the accuracy and date of the survey, the north point,
24 and the scale to which the map is drawn.

25 3. BOUNDARIES AND SURFACE LINES. Every map shall cor-
26 rectly show the surface boundary lines of the mineral rights
27 pertaining to each mine and all section or quarter section
28 lines or corners within the same, the lines of town lots and
29 streets, the tracks and sidetracks of all railroads, the loca-
30 tion of all wagon roads, rivers, streams, and ponds, and
31 reservations made of the mineral.

32 4. UNDERGROUND CONDITIONS. For the underground workings,
33 the map shall show all shafts, slopes, tunnels, or other
34 openings to the surface or to the workings of a contiguous
35 mine; all excavations, entries, rooms, and crosscuts; the

1 location of the escape ways, and of the fan or furnace or
2 other means of ventilation and the direction of air currents,
3 and the location of permanent pumps, hauling engines, engine
4 planes, abandoned works, fire walls, and standing water.

5 5. SEPARATE MAPS. A separate and similar map drawn to
6 the same scale in all cases shall be made of each layer of
7 minerals mined in any mine in this state. A separate map
8 shall also be made of the surface whenever the surface
9 buildings, lines, or objects are so numerous as to obscure
10 the details of the mine workings if drawn upon the same sheet
11 with them, and in such case the surface map shall be drawn
12 upon transparent cloth or paper so that it can be laid upon
13 the map of the underground workings and thus truly indicate
14 the local relation of lines and objects on the surface to
15 the excavations of the mine and any other principal workings
16 of the mine.

17 6. RISE AND DIP OF MINERALS. Each map of underground
18 workings shall also show by profile drawing and measurement,
19 the last one hundred fifty feet approaching the boundary
20 lines, showing the rise and dip of the minerals.

21 7. COPIES. The original or true copies of the maps shall
22 be kept at the office of the mine, and true copies thereof
23 shall also be furnished the state geologist within thirty
24 days after the completion of the same.

25 8. EXTENSIONS. An accurate extension of the last preceding
26 survey of every mine in active operation shall be made once
27 in every twelve months prior to July 1 of every year and the
28 result of such survey, with the date thereof, shall be promptly
29 and accurately entered upon the original map, and a true,
30 correct, and accurate copy of the extended map shall be for-
31 warded to the state geologist so as to show all changes in
32 plan of new work in the mine, and all extensions of the old
33 workings to the most advanced face or boundary of the workings
34 which have been made since the last preceding survey, and
35 the parts of the mine abandoned or worked out after the last

1 preceding survey shall be clearly indicated and shown by
2 colorings, which copy must be delivered to the state geologist
3 within thirty days after the last survey is made.

4 9. ABANDONED MINE. When any underground mine is worked
5 out or is about to be abandoned or indefinitely closed, the
6 operator of the same shall make or cause to be made a completed
7 and extended map of the mine and the result of the same shall
8 be duly extended on all maps of the mine and copies thereof
9 so as to show all excavations and the most advanced workings
10 of the mine, and their exact relation to the boundary or
11 section lines on the surface, and deliver to the state
12 geologist a copy of the completed map.

13 10. COPIES FURNISHED. The state geologist shall provide
14 the department of soil conservation a copy of each map and
15 map extension received by him under this section.

16 Sec. 27. Chapter three hundred five (305), Code 1973,
17 is amended by adding the following new section:

18 NEW SECTION. FAILURE TO FURNISH MAP. When the operator
19 of any mine neglects or refuses for a period of ninety days
20 to furnish to the state geologist the map or plan, or a copy
21 thereof, of such mine or any extension thereof, as provided
22 in this chapter, the state geologist shall cause to be made
23 an accurate map or plan of such mine or extension as the case
24 may be, at the expense of the operator. The cost shall be
25 paid by the state and recovered from such operator. It shall
26 be the duty of the county attorney of the county in which
27 such mine is located, at the request of the state geologist,
28 to bring action in the name of the state for such recovery.

29 Sec. 28. Chapter three hundred five (305), Code 1973,
30 is amended by adding the following new section:

31 NEW SECTION. MAPS PROPERTY OF STATE--CUSTODY--COPIES.
32 The maps so delivered to the state geologist shall be the
33 property of the state and shall remain in the custody of the
34 state geologist. They shall be kept at the office of the
35 geological survey and be open to examination by all persons

1 interested in the same; but such examination shall only be
2 made in the presence of the state geologist or his designee,
3 and he shall not permit any copies of the same to be made
4 without the written consent of the operator or the owner of
5 the property, except as provided in section twenty-six (26)
6 of this Act.

7 Sec. 29. Section four hundred sixty-seven A point four
8 (467A.4), subsections one (1) and three (3), Code 1973, are
9 amended to read as follows:

10 1. There is hereby established, to serve as an agency
11 of the state and to perform the functions conferred upon it
12 in this chapter, the department of soil conservation. The
13 department shall be administered in accordance with the
14 policies of the state soil conservation committee, which shall
15 consist of a chairman and ~~ten~~ twelve members. The following
16 shall serve as ex officio nonvoting members of the committee:
17 The director of the state agricultural extension service,
18 or his designee, the secretary of agriculture, or his designee,
19 the director of the state conservation commission or his
20 designee, and the director of the Iowa natural resources
21 council or his designee. ~~Seven~~ Eight voting members shall
22 be appointed by the governor and confirmed by the senate.
23 Six of the appointive members shall be persons engaged in
24 actual farming operations, one of whom shall be a resident
25 of each of the six conservancy districts established by section
26 467D.3, and no more than one of whom shall be a resident of
27 any one county. The ~~seventh~~ and eighth appointive ~~member~~
28 members shall be chosen by the governor from the state at
29 large ~~and shall~~ with one appointed to be a representative
30 of cities and towns and one appointed to be a representative
31 of the mining industry. The committee may invite the secretary
32 of agriculture of the United States to appoint one person
33 to serve with the abovementioned members, and the president
34 of the Iowa county engineers association may designate a
35 member of the association to serve in the same manner, but

1 these persons shall have no vote and shall serve in an advisory
2 capacity only. The director of the department of environmental
3 quality shall be an ex officio nonvoting member. The committee
4 shall adopt a seal, which seal shall be judicially noticed,
5 and may perform such acts, hold such public hearings, and
6 promulgate such rules as provided in chapter seventeen A (17A)
7 of the Code as may be necessary for the execution of its
8 functions under this chapter.

9 3. The committee shall designate its chairman, and may,
10 from time to time, change such designation. The director
11 of the state agricultural extension service shall hold office
12 so long as he shall retain the office by virtue of which he
13 shall be serving on the committee. The members appointed
14 by the governor shall serve for a period of six years. Members
15 shall be appointed in each odd-numbered year to succeed members
16 whose terms expire on June 30 of that year. Appointments
17 may be made at such other times and for such other periods
18 as are necessary to fill vacancies on the committee, and any
19 appointment so made while the general assembly is not in
20 session shall be subject to confirmation by the senate at
21 the next session of the general assembly thereafter. No
22 members shall be appointed to serve more than two complete
23 six-year terms. Members designated to represent the secretary
24 of agriculture, director of the state conservation commission,
25 or the director of the Iowa natural resources council shall
26 serve at the pleasure of the officer making such designation.
27 A majority of the voting members of the committee shall
28 constitute a quorum, and the concurrence of a majority of
29 the voting members of the committee in any matter within their
30 duties shall be required for its determination. The chairman
31 and members of the committee, not otherwise in the employ
32 of the state, or any political subdivision, shall receive
33 thirty dollars per diem as compensation for their services
34 in the discharge of their duties as members of the committee.
35 The committee shall determine the number of days for which

1 any committee member may draw per diem compensation, but the
2 total number of days for which per diem compensation is allowed
3 for the entire committee shall not exceed ~~three~~ four hundred
4 ~~fifty~~ days per year. They shall also be entitled to expenses,
5 including traveling expenses, necessarily incurred in the
6 discharge of their duties as members of such committee. The
7 committee shall provide for the execution of surety bonds
8 for all employees and officers who shall be entrusted with
9 funds or property, shall provide for the keeping of a full
10 and accurate record of all proceedings and of all resolutions,
11 regulations, and orders issued or adopted, and shall provide
12 for an annual audit of the accounts of receipts and
13 disbursements.

14 Sec. 30. Sections seventeen point eleven (17.11), sixty-
15 four point six (64.6), subsection eleven (11), and eighty-
16 seven point eighteen (87.18), and chapters eighty-two (82)
17 and eighty-three (83), Code 1973, are repealed.

18 Sec. 31. There is appropriated from the general fund of
19 the state to the department of soil conservation for each
20 year of the fiscal biennium beginning July 1, 1973 and ending
21 June 30, 1975 the following amounts, or so much thereof as
22 may be necessary, to be used for the purposes designated:

23		1973-74	1974-75
24		<u>Fiscal Year</u>	<u>Fiscal Year</u>
25	For salaries, support, main-		
26	tenance and miscellaneous pur-		
27	poses incurred in administering		
28	the provisions of this Act:	\$ 23,500	\$ 23,500

29 Sec. 32. All federal grants to and the federal receipts
30 of the Iowa state commerce commission and its divisions are
31 appropriated for the purpose set forth in the federal grants
32 or receipts.

33 Sec. 33. No funds appropriated by this Act shall be used
34 for capital improvements.

35 Sec. 34. Notwithstanding the provisions of section eight

1 point thirty-three (8.33) of the Code, all unencumbered or
 2 unobligated balances of appropriations made by this Act for
 3 the first fiscal year of the biennium commencing July 1, 1973
 4 shall, on August 31, 1974, revert to the state treasury and
 5 to the credit of the fund from which appropriated. In all
 6 other respects the provisions of section eight point thirty-
 7 three (8.33) of the Code shall apply to appropriations made
 8 for the first fiscal year of such biennium. Unencumbered
 9 or unobligated balances of appropriations made for the second
 10 fiscal year of such biennium shall be subject to section eight
 11 point thirty-three (8.33) of the Code.

12

EXPLANATION

13 Chapters 82 and 83 of the Code include the present mining
 14 laws of the state for the purpose of enforcing health and
 15 safety standards in underground coal and gypsum mines; however,
 16 at the present time, only two underground coal mines and one
 17 underground gypsum mine are operating in this state. The
 18 Bureau of Mines of the United States Department of Interior
 19 also administers and enforces health and safety standards
 20 relating to the mining industry and, therefore, to avoid
 21 further duplication the department of mines and minerals is
 22 abolished by this bill.

23 The responsibilities of the department of mines and min-
 24 erals relating to the rehabilitation of land disturbed by
 25 surface-mining is transferred to the department of soil
 26 conservation.

27

H-676

1 Amend House File 779, page 16, by striking from
 2 line 30 the words "Iowa state commerce commission
 3 and its divisions" and inserting in lieu thereof
 4 the words "department of soil conservation".

H-676 Filed and adopted
 June 4, 1973

By WELDEN of Hardin

34

35

LSB 1805
 tj/cw/1

SENATE AMENDMENT TO HOUSE FILE 779

- 1 Amend House File 779 as follows:
2 1. Page 4, by adding after line 22 the following section:
3 Sec. _____. Section eighty-three A point six (83A.6),
4 Code 1973, is amended by adding the following new paragraph:
5 NEW PARAGRAPH. The department shall inform the advisory
6 board of all complaints received relating to mining and mining
7 operations.
8 2. Page 9, line 9, by adding after the period the words:
9 "All operators shall cooperate with the department in seeking
10 methods of operation which will cause minimum disruption to
11 the land and property adjoining a mining operation."
12 3. By renumbering the sections to conform with this amendment.

Received from the Senate
June 19, 1973

Amended 6/20

Senate

S-951

- 1 Amend House File 779 as follows:
2 1. Page 4, by adding after line 22 the following section:
3 Sec. _____. Section eighty-three A point six (83A.6),
4 Code 1973, is amended by adding the following new para-
5 graph:
6 NEW PARAGRAPH. The department shall inform the
7 advisory board of all complaints received relating to
8 mining and mining operations.
9 2. Page 9, line 9, by adding after the period the words
10 "All operators shall cooperate with the department in
11 seeking methods of operation which will cause minimum
12 disruption to the land and property adjoining a mining
13 operation."
14 3. By renumbering the remaining sections to conform
15 with this amendment.

S-951 Filed and adopted
June 19, 1973

By GALLAGHER, NOLIN, RODGERS
and HULTMAN