

*Law Energy 4/5 To Pass 4/7*

MAR 21 1978

Place On Calendar

HOUSE FILE 2354

BY COMMITTEE ON ENERGY  
(Formerly Study Bill 443)

Passed House, Date 3-28-78 (A. 1189) Passed Senate, Date 4-26-78 (S. 947)

Vote: Ayes 91 Nays 0 Vote: Ayes 46 Nays 0

Approved MAY 5 1978

*Motion to reconsider of 1224 S.B. 418 (1982)*

## A BILL FOR

1 An Act relating to the implementation in Iowa of the initial  
2 regulatory program developed under the federal Surface  
3 Mining Control and Reclamation Act of 1977.

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

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*Certification of Public Law 95-612 (p. 2825)*

2354

1 Section 1. Chapter eighty-three A (83A), Code 1977, is  
2 amended by adding the following new sections:

3 NEW SECTION. SUSPENSION OR REVOCATION OF LICENSE. Not-  
4 withstanding the provisions of section eighty-three A point  
5 eight (83A.8) of the Code, the department may, with approval  
6 of the committee, commence proceedings to suspend, revoke,  
7 or refuse to renew a license of any licensee for repeated  
8 or willful violation of any of the provisions of this chapter  
9 or of rules adopted pursuant to this chapter or of the federal  
10 Coal Mine Health and Safety Act of 1969 or the federal Metal  
11 and Nonmetallic Mine Safety Act or of the initial regulatory  
12 program developed pursuant to the federal Surface Mining  
13 Control and Reclamation Act of 1977 and contained in thirty  
14 (30), Code of Federal Regulations, sections seven hundred  
15 ten (710), seven hundred fifteen (715), seven hundred sixteen  
16 (716), seven hundred seventeen (717), seven hundred eighteen  
17 (718) and seven hundred twenty (720) as they existed on the  
18 effective date of this Act and as published in the Federal  
19 Register on December 13, 1977. The department shall by  
20 certified mail or personal service serve on the licensee  
21 notice in writing of the charges and grounds upon which the  
22 license is to be suspended, revoked, or will not be renewed.  
23 The notice shall include the time and the place at which a  
24 hearing shall be held before the committee to determine whether  
25 to suspend, revoke, or refuse to renew the license. The  
26 hearing shall be not less than twenty nor more than thirty  
27 days after the mailing or service of the notice. This section  
28 is repealed January 1, 1981.

29 NEW SECTION. INTERIM FEDERAL PROGRAM.

30 1. The general assembly declares that because the federal  
31 Surface Mining Control and Reclamation Act of 1977, (Public  
32 Law ninety-five dash eighty-seven (95-87)), provides for a  
33 permit system to regulate surface mining operations and the  
34 acquisition and reclamation of abandoned mines, and provides  
35 that permits may be issued by states which are authorized

1 to implement the provisions of that Act, it is in the interest  
2 of the people of Iowa to cooperate in implementing the  
3 provisions of the federal Surface Mining Control and  
4 Reclamation Act of 1977.

5 2. Where the provisions of the initial regulatory program  
6 developed pursuant to the federal Surface Mining Control and  
7 Reclamation Act of 1977, (Public Law ninety-five dash eighty-  
8 seven (95-87)) and contained in thirty (30), Code of Federal  
9 Regulations, sections seven hundred ten (710), seven hundred  
10 fifteen (715), seven hundred sixteen (716), seven hundred  
11 seventeen (717), seven hundred eighteen (718) and seven hundred  
12 twenty (720), exceed the requirements of chapter eighty-three  
13 A (83A) of the Code and are presently practicable, the  
14 department of soil conservation shall confer with and negotiate  
15 with the office of surface mining reclamation and enforcement  
16 of the United States department of the interior and may adopt  
17 rules necessary to continue the issuance of mining permits.  
18 This section is repealed January 1, 1981.

19 Sec. 2. This Act, being deemed of immediate importance,  
20 shall take effect and be in force from and after its publica-  
21 tion in The Record, a newspaper published in Cedar Falls,  
22 Iowa, and in The Sioux City Journal, a newspaper published  
23 in Sioux City, Iowa.

24 EXPLANATION

25 This bill allows the department of soil conservation to  
26 revoke, suspend or refuse to renew a mining permit for willful  
27 violation of the provisions of the initial regulatory program  
28 under the federal Surface Mining Control and Reclamation  
29 Act of 1977. It also provides that where the provisions of  
30 the initial program exceed current Code requirements and are  
31 practicable, the department shall confer and negotiate with  
32 the federal government to continue the issuance of mining  
33 permits.

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LSB 4040H

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HOUSE FILE 2354

AN ACT

RELATING TO THE IMPLEMENTATION IN IOWA OF THE INITIAL REGULATORY PROGRAM DEVELOPED UNDER THE FEDERAL SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977.

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

Section 1. Chapter eighty-three A (83A), Code 1977, is amended by adding the following new sections:

NEW SECTION. SUSPENSION OR REVOCATION OF LICENSE. Notwithstanding the provisions of section eighty-three A point eight (83A.8) of the Code, the department may, with approval of the committee, commence proceedings to suspend, revoke, or refuse to renew a license of any licensee for repeated or willful violation of any of the provisions of this chapter or of rules adopted pursuant to this chapter or of the federal Coal Mine Health and Safety Act of 1969 or the federal Metal and Nonmetallic Mine Safety Act or of the initial regulatory program developed pursuant to the federal Surface Mining Control and Reclamation Act of 1977 and contained in thirty (30), Code of Federal Regulations, sections seven hundred ten (710), seven hundred fifteen (715), seven hundred sixteen (716), seven hundred seventeen (717), seven hundred eighteen (718) and seven hundred twenty (720) as they existed on the effective date of this Act and as published in the Federal Register on December 13, 1977. The department shall by certified mail or personal service serve on the licensee notice in writing of the charges and grounds upon which the license is to be suspended, revoked, or will not be renewed. The notice shall include the time and the place at which a

hearing shall be held before the committee to determine whether to suspend, revoke, or refuse to renew the license. The hearing shall be not less than twenty nor more than thirty days after the mailing or service of the notice. This section is repealed January 1, 1981.

NEW SECTION. INTERIM FEDERAL PROGRAM.

1. The general assembly declares that because the federal Surface Mining Control and Reclamation Act of 1977, (Public Law ninety-five dash eighty-seven (95-87)), provides for a permit system to regulate surface mining operations and the acquisition and reclamation of abandoned mines, and provides that permits may be issued by states which are authorized to implement the provisions of that Act, it is in the interest of the people of Iowa to cooperate in implementing the provisions of the federal Surface Mining Control and Reclamation Act of 1977.

2. Where the provisions of the initial regulatory program developed pursuant to the federal Surface Mining Control and Reclamation Act of 1977, (Public Law ninety-five dash eighty-seven (95-87)) and contained in thirty (30), Code of Federal Regulations, sections seven hundred ten (710), seven hundred fifteen (715), seven hundred sixteen (716), seven hundred seventeen (717), seven hundred eighteen (718) and seven hundred twenty (720), exceed the requirements of chapter eighty-three A (83A) of the Code and are presently practicable, the department of soil conservation shall confer with and negotiate with the office of surface mining reclamation and enforcement of the United States department of the interior and may adopt rules necessary to continue the issuance of mining permits. This section is repealed January 1, 1981.

Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publica-

tion in The Record, a newspaper published in Cedar Falls, Iowa, and in The Sioux City Journal, a newspaper published in Sioux City, Iowa.

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DALE M. COCHRAN  
Speaker of the House

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ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2354, Sixty-seventh General Assembly.

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DAVID L. WRAY  
Chief Clerk of the House

Approved May 5, 1978

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ROBERT D. RAY  
Governor