

MAR 13 1997

Place On Calendar

3/26/97 in session  
4/1/97 Do Pass  
5-4/10/97 Unfinished Business Calendar

HOUSE FILE 615

BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO HSB 172)

Passed House, Date 3/26/97 (p.829) Passed Senate, Date 4-16-97 (p.1207)

Vote: Ayes 95 Nays 0 Vote: Ayes 48 Nays 0

Approved May 2, 1997

**A BILL FOR**

1 An Act relating to abandoned coal mines expenditures, including  
2 reclamation of land and drainage abatement.

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

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HF 615

1 Section 1. Section 207.21, subsection 2, Code 1997, is  
2 amended to read as follows:

3 2. a. Lands and water eligible for reclamation or  
4 drainage abatement expenditures under this section ~~are those~~  
5 include the following:

6 (1) Lands which were mined for coal or affected by such  
7 mining, waste banks, coal processing, or other coal mining  
8 processes, and abandoned or left in an inadequate reclamation  
9 status prior to August 3, 1977, and for which there is no  
10 continuing reclamation responsibility under state or federal  
11 laws.

12 (2) Coal lands and water damaged by coal mining processes  
13 and abandoned after August 3, 1977, if they were mined for  
14 coal or affected by coal mining processes and if either of the  
15 following occurred:

16 (a) The mining occurred and the site was left in either an  
17 unreclaimed or inadequately reclaimed condition between August  
18 4, 1977, and April 10, 1981, and any moneys for reclamation or  
19 abatement that are available pursuant to a bond or other form  
20 of financial guarantee or from any other source are not  
21 sufficient to provide for adequate reclamation or abatement at  
22 the site.

23 (b) The mining occurred and the site was left in either an  
24 unreclaimed or inadequately reclaimed condition between August  
25 4, 1977, and November 5, 1990, and the surety of the mining  
26 operator became insolvent during that period and, as of  
27 November 5, 1990, moneys immediately available from  
28 proceedings relating to the insolvency or from any financial  
29 guarantee or other source are not sufficient to provide for  
30 adequate reclamation or abatement at the site.

31 b. If requested by the governor, the division may fill  
32 voids and seal tunnels, shafts, and entryways resulting from  
33 any previous noncoal mining operation, and may reclaim surface  
34 impacts of any such noncoal underground or surface mines that  
35 were mined prior to August 3, 1977, and which constitute an

1 extreme danger to the public health, safety, general welfare,  
2 or property. Sites and areas designated for remedial action  
3 pursuant to the federal Uranium Mill Tailings Radiation  
4 Control Act of 1978, 42 U.S.C. § 7901 et seq., or which have  
5 been listed for remedial action pursuant to the federal  
6 Comprehensive Environmental Response Compensation and  
7 Liability Act of 1980, 42 U.S.C. § 9601 et seq., are not  
8 eligible for expenditures under this section.

9 Sec. 2. Section 207.21, subsection 3, paragraph d, Code  
10 1997, is amended by striking the paragraph.

11 Sec. 3. Section 207.23, subsection 1, Code 1997, is  
12 amended to read as follows:

13 1. ~~Before-initiating-a-reclamation-project, the division~~  
14 ~~shall-obtain-a-notarized-appraisal-by-an-independent-appraiser~~  
15 ~~of-the-value-of-the-land-before-the-project.~~ Within six  
16 months after the completion of a project to restore, reclaim,  
17 abate, control, or prevent adverse effects of past coal mining  
18 practices on privately owned land, the division shall itemize  
19 the money expended on the project, ~~obtain-another-appraisal~~  
20 and ~~shall~~ may file a lien statement in the manner provided in  
21 section 572.8, ~~together-with-the-notarized-appraisals,~~ in the  
22 office of the district court clerk of each county in which a  
23 portion of the property affected by the project is located,  
24 together with a notarized appraisal by an independent  
25 appraiser of the value of the land before the restoration,  
26 reclamation, abatement, control, or prevention of adverse  
27 effects of past mining practices if the money so expended  
28 results in a significant increase in property value. A copy  
29 of the lien statement and the appraisal, if required, shall be  
30 served upon affected property owners in the manner provided  
31 for service of an original notice. The lien shall not exceed  
32 the amount determined by the appraiser to be the increase in  
33 the market value of the land as a result of the restoration,  
34 reclamation, abatement, control, or prevention of adverse  
35 effects of past coal mining practices. A lien shall not be

1 filed in accordance with this subsection against the property  
2 of a person, who owned the surface prior to May 2, 1977, and  
3 who neither consented to, participated in nor exercised  
4 control over the mining operation which necessitated the  
5 reclamation performed.

6 Sec. 4. Section 207.23, subsections 4 and 5, Code 1997,  
7 are amended by striking the subsections.

8 Sec. 5. NEW SECTION. 207.29 POWERS AND AUTHORITY.

9 The division may engage in any work and do all things  
10 necessary or expedient, including adoption of rules, to  
11 implement and administer the provisions of an abandoned mine  
12 reclamation program.

13 EXPLANATION

14 This bill amends Code section 207.21 relating to the  
15 parameters for coal lands and water damaged by coal mining  
16 after August 3, 1977, to become eligible for reclamation or  
17 drainage abatement expenditures. The bill provides that  
18 reclamation or drainage abatement moneys are available to  
19 damaged lands or water left in either an unreclaimed or  
20 inadequately reclaimed condition between August 4, 1977, and  
21 April 10, 1981, where moneys available pursuant to a bond or  
22 other form of financial guarantee are not sufficient to  
23 provide adequate reclamation or abatement. The bill provides  
24 that reclamation or drainage abatement moneys are available to  
25 damaged lands or water left in either an unreclaimed or  
26 inadequately reclaimed condition between August 4, 1977, and  
27 November 5, 1990, where the surety of the mining operator  
28 became insolvent during that period and that, as of November  
29 5, 1990, moneys immediately available from proceedings  
30 relating to such insolvency or from any financial guarantee or  
31 other source are not sufficient to provide for adequate  
32 reclamation or abatement.

33 The bill provides that if requested by the governor, the  
34 division may fill voids and seal tunnels, shafts, and  
35 entryways resulting from any previous noncoal mining

1 operation, and may reclaim surface impacts of any such noncoal  
2 mining or surface mines that were mined prior to August 3,  
3 1977, and which constitute an extreme danger to the public  
4 health and safety. Reclamation and abatement moneys will not  
5 be available to sites designated for remedial action pursuant  
6 to 42 U.S.C. § 7901 et seq., or which have been listed for  
7 remedial action pursuant to 42 U.S.C. § 9601 et seq.

8 The bill removes research and demonstration projects  
9 relating to the development of surface mining reclamation and  
10 water quality control program methods and techniques from the  
11 list of priorities for which the abandoned mine reclamation  
12 moneys may be used.

13 The bill amends Code section 207.23 to provide that within  
14 six months after the completion of a project to restore,  
15 reclaim, abate, control, or prevent adverse effects of past  
16 coal mining practices on privately owned land, the division  
17 shall itemize the money expended and may file a lien statement  
18 together with a notarized appraisal by an independent  
19 appraiser of the value of the land prior to the project if the  
20 money so expended results in a significant increase in  
21 property value. The bill provides that the lien shall not  
22 exceed the amount determined by the appraiser to be the  
23 increase in the market value of the land as a result of the  
24 project.

25 The bill provides that the division no longer must report  
26 to the general assembly annually on the operations of this  
27 program should the division participate in the program. The  
28 bill also removes Code section 207.23, subsection 5, and  
29 places it in new Code section 207.29.

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*Klemme*  
*Husman*  
*O'Brien*

*HSB 172*

NATURAL RESOURCES

HOUSE FILE SEN 615  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES BILL  
BY CHAIRPERSON KLEMME)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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9 status prior to August 3, 1977, and for which there is no  
10 continuing reclamation responsibility under state or federal  
11 laws.

12 (2) Coal lands and water damaged by coal mining processes  
13 and abandoned after August 3, 1977, if they were mined for  
14 coal or affected by coal mining processes and if either of the  
15 following occurred:

16 (a) The mining occurred and the site was left in either an  
17 unreclaimed or inadequately reclaimed condition between August  
18 4, 1977, and April 10, 1981, and any moneys for reclamation or  
19 abatement that are available pursuant to a bond or other form  
20 of financial guarantee or from any other source are not  
21 sufficient to provide for adequate reclamation or abatement at  
22 the site.

23 (b) The mining occurred and the site was left in either an  
24 unreclaimed or inadequately reclaimed condition between August  
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26 operator became insolvent during that period and, as of  
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9 Sec. 2. Section 207.21, subsection 3, paragraph d, Code  
10 1997, is amended by striking the paragraph.

11 Sec. 3. Section 207.23, subsection 1, Code 1997, is  
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13 1. ~~Before initiating a reclamation project, the division~~  
14 ~~shall obtain a notarized appraisal by an independent appraiser~~  
15 ~~of the value of the land before the project.~~ Within six  
16 months after the completion of a project to restore, reclaim,  
17 abate, control, or prevent adverse effects of past coal mining  
18 practices on privately owned land, the division shall itemize  
19 the money expended on the project, ~~obtain another appraisal~~  
20 and shall may file a lien statement in the manner provided in  
21 section 572.8, ~~together with the notarized appraisals,~~ in the  
22 office of the district court clerk of each county in which a  
23 portion of the property affected by the project is located,  
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6 Sec. 4. Section 207.23, subsections 4 and 5, Code 1997,  
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8 Sec. 5. NEW SECTION. 207.9 POWERS AND AUTHORITY. The  
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HOUSE FILE 615

AN ACT

RELATING TO ABANDONED COAL MINES EXPENDITURES, INCLUDING  
RECLAMATION OF LAND AND DRAINAGE ABATEMENT.

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

Section 1. Section 207.21, subsection 2, Code 1997, is amended to read as follows:

2. a. Lands and water eligible for reclamation or drainage abatement expenditures under this section ~~are these~~ include the following:

(1) Lands which were mined for coal or affected by such mining, waste banks, coal processing, or other coal mining processes, and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under state or federal laws.

(2) Coal lands and water damaged by coal mining processes and abandoned after August 3, 1977, if they were mined for coal or affected by coal mining processes and if either of the following occurred:

(a) The mining occurred and the site was left in either an unreclaimed or inadequately reclaimed condition between August 4, 1977, and April 10, 1981, and any moneys for reclamation or abatement that are available pursuant to a bond or other form of financial guarantee or from any other source are not sufficient to provide for adequate reclamation or abatement at the site.

(b) The mining occurred and the site was left in either an unreclaimed or inadequately reclaimed condition between August 4, 1977, and November 5, 1990, and the surety of the mining operator became insolvent during that period and, as of November 5, 1990, moneys immediately available from proceedings relating to the insolvency or from any financial guarantee or other source are not sufficient to provide for adequate reclamation or abatement at the site.

b. If requested by the governor, the division may fill voids and seal tunnels, shafts, and entryways resulting from any previous noncoal mining operation, and may reclaim surface impacts of any such noncoal underground or surface mines that were mined prior to August 3, 1977, and which constitute an extreme danger to the public health, safety, general welfare, or property. Sites and areas designated for remedial action pursuant to the federal Uranium Mill Tailings Radiation Control Act of 1978, 42 U.S.C. § 7901 et seq., or which have been listed for remedial action pursuant to the federal Comprehensive Environmental Response Compensation and Liability Act of 1980, 42 U.S.C. § 9601 et seq., are not eligible for expenditures under this section.

Sec. 2. Section 207.21, subsection 3, paragraph d, Code 1997, is amended by striking the paragraph.

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1. ~~Before initiating a reclamation project, the division shall obtain a notarized appraisal by an independent appraiser of the value of the land before the project.~~ Within six months after the completion of a project to restore, reclaim, abate, control, or prevent adverse effects of past coal mining practices on privately owned land, the division shall itemize the money expended on the project, ~~obtain another appraisal and shall~~ may file a lien statement in the manner provided in section 572.8, ~~together with the notarized appraisals,~~ in the office of the district court clerk of each county in which a portion of the property affected by the project is located, together with a notarized appraisal by an independent appraiser of the value of the land before the restoration, reclamation, abatement, control, or prevention of adverse effects of past mining practices if the money so expended results in a significant increase in property value. A copy of the lien statement and the appraisal, if required, shall be served upon affected property owners in the manner provided for service of an original notice. The lien shall not exceed the amount determined by the appraiser to be the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of adverse effects of past coal mining practices. A lien shall not be filed in accordance with this subsection against the property of a person, who owned the surface prior to May 2, 1977, and who neither consented to, participated in nor exercised control over the mining operation which necessitated the reclamation performed.

Sec. 4. Section 207.23, subsections 4 and 5, Code 1997, are amended by striking the subsections.

Sec. 5. NEW SECTION. 207.29 POWERS AND AUTHORITY.

The division may engage in any work and do all things necessary or expedient, including adoption of rules, to

implement and administer the provisions of an abandoned mine reclamation program.

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RON J. CORBETT  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 615, Seventy-seventh General Assembly.

Approved May 2, 1997

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ELIZABETH ISAACSON  
Chief Clerk of the House

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TERRY E. BRANSTAD  
Governor