

**House File 2765 - Introduced**

HOUSE FILE 2765

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2595)

(SUCCESSOR TO HSB 731)

**A BILL FOR**

1 An Act providing for the regulation of mining, and making  
2 penalties applicable.

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

1 Section 1. Section 208.2, subsection 2, Code 2026, is  
2 amended to read as follows:

3 2. "*Affected land*" means the area of land from which  
4 overburden has been removed or upon which overburden has been  
5 deposited or land ~~which~~ that has otherwise been disturbed,  
6 changed, influenced, or altered in any way in the course  
7 of mining, including a known or reported subsidence, and  
8 processing and stockpile areas, but not including roads.

9 Sec. 2. Section 208.2, Code 2026, is amended by adding the  
10 following new subsection:

11 NEW SUBSECTION. 14A. a. "*Subsidence*" means the collapse,  
12 settling, or sinking of land that occurs at or above an  
13 underground mine located on public land or land located within  
14 a public right-of-way and is caused by mining activity.

15 b. "*Subsidence*" does not include any collapse, settling,  
16 or sinking of land that is naturally occurring or that results  
17 from geological, hydrological, seismic, environmental, or other  
18 causes not related to a mining activity.

19 Sec. 3. NEW SECTION. 208.9A **Subsidence.**

20 1. The operator of a mine site registered pursuant to  
21 section 208.9 shall notify the division within forty-eight  
22 hours of the discovery of the subsidence.

23 2. a. The operator shall submit an initial assessment of  
24 the subsidence described in subsection 1 to the division within  
25 fourteen days of the discovery.

26 b. The operator shall submit a subsidence repair plan to  
27 the division within a reasonable time period after the initial  
28 assessment has been received by the division. In consultation  
29 with the division the plan shall include, to the extent  
30 necessary, all of the following:

31 (1) A detailed description of the proposed methods and steps  
32 to address and repair the damage caused by the subsidence.

33 (2) A scaled and georeferenced map indicating the location  
34 of the subsidence.

35 (3) A proposed timeline outlining the expected key phases

1 of the repair.

2 (4) A written approval by a licensed professional engineer  
3 of the plan and observations, and the completion of the repair.

4 Sec. 4. NEW SECTION. 208.24A Use of multiple or single  
5 bonds.

6 Regardless of whether an operator posts a number of multiple  
7 bonds each for a single mine site or a single bond for multiple  
8 mine sites, the total amount of the multiple bonds combined or  
9 the single bond shall be applied only to cover the costs of  
10 completing the reclamation of land identified on the applicable  
11 bond forms or form for mine sites required to be registered  
12 pursuant to section 208.9.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with  
15 the explanation's substance by the members of the general assembly.

16 GENERAL — REGULATIONS. This bill amends provisions in  
17 Code chapter 208 regulating the mining of minerals, including  
18 surface mining and underground mining, other than for coal,  
19 and provides requirements for the reclamation of lands at the  
20 mine site. The provisions are administered and enforced by the  
21 division of soil conservation and water quality (division),  
22 an administrative unit of the department of agriculture and  
23 land stewardship (Code chapter 159 and Code section 161A.4).  
24 Code chapter 208 regulates a person engaged in and controlling  
25 the mining operation (operator). This includes a requirement  
26 that the operator be issued a license (Code sections 208.7 and  
27 208.8) and register the mine site being operated (Code sections  
28 208.9 and 208.15). The registration must be accompanied by a  
29 bond or other security (Code sections 208.23, 208.24, 208.25,  
30 and 208.28). The bonding provisions include requirements  
31 for the posting of one bond covering multiple mine sites,  
32 and the cancellation or forfeiture of the bond. After the  
33 completion of mining operations, the operator must engage in  
34 the reclamation of the land disturbed by the mining operations,  
35 which may include grading, stabilizing, and revegetating the

1 disturbed lands (Code section 208.17).

2       GENERAL — ENFORCEMENT AND PENALTIES. The division may  
3 enter onto a mine site to conduct an inspection at any time  
4 (Code section 208.26). The division may issue an order  
5 directing an operator to desist in an activity that constitutes  
6 a violation of Code chapter 208. An operator who violates  
7 such an order is subject to an administratively assessed civil  
8 penalty of up to \$5,000 per violation (Code section 208.10A).  
9 Alternatively, the division may notify the attorney general  
10 to institute a civil action in district court for injunctive  
11 relief and for the assessment of a civil penalty not to exceed  
12 \$10,000 per violation (Code section 208.10A).

13       BILL'S PROVISIONS — SUBSIDENCE. The bill provides for a  
14 condition that may result from a mining activity referred to  
15 as "subsidence", which is defined as the collapse, settling,  
16 or sinking of land that occurs at or above an underground  
17 mine located on public land or land located within a public  
18 right-of-way and is caused by a mining activity (amended Code  
19 section 208.2). The bill requires the operator to notify the  
20 division within 48 hours of the discovery of a subsidence. The  
21 operator must submit an initial assessment of the subsidence  
22 and a subsidence repair plan to the division, including a  
23 detailed description of the proposed methods and steps to  
24 address and repair the damage caused by the subsidence as  
25 approved by a licensed professional engineer.

26       BILL'S PROVISIONS — BONDING. The bill provides that  
27 regardless of whether an operator posts a number of multiple  
28 bonds each for a single mine site or a single bond for multiple  
29 mine sites, the total amount of the multiple bonds combined or  
30 the single bond shall be applied only to cover the costs of  
31 completing the reclamation of land identified on the applicable  
32 bond forms or form.