

1. Three members shall each be appointed to a one-year term.
2. Three members shall each be appointed to a two-year term.
3. Three members shall each be appointed to a three-year term.
4. Three members shall each be appointed to a four-year term.

Successors of the initial appointees shall be appointed to four-year terms as provided in section one (1) of this Act.

Approved June 2, 1978

CHAPTER 1051

SURFACE MINING VIOLATIONS

H. F. 2354

AN ACT relating to the implementation in Iowa of the initial regulatory program developed under the federal Surface Mining 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 This section is repealed January 1, 1981.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 publication in The Record, a newspaper published in Cedar Falls, Iowa, and in The Sioux City Journal, a newspaper published in Sioux City, Iowa.

Approved May 5, 1978

I hereby certify that the foregoing Act, House File 2354, was published in The Record, Cedar Falls, Iowa on May 13, 1978, and in The Sioux City Journal, Sioux City, Iowa on June 8, 1978.

MELVIN D. SYNHORST, *Secretary of State*