

Reported Recommending
 Ind. Postponed
 Passed Senate
 Failed to Pass Senate.....
 Passed House
 Failed to Pass House.....

House File 154

January 30, 1947.
 Mines and Mining.

By MORRISSEY.

A BILL FOR

An Act amending chapter eighty-two (82), Code 1946, relating to open-cut or strip mines for the production of coal and providing that anyone so engaged shall post a surety bond with the county treasurer guaranteeing the replacement of surface soil and loss of tax revenue and for the enforcement thereof.

WHEREAS, the soil of the state is its principal natural resource and should be conserved and not destroyed, and

WHEREAS, in many instances, large areas of otherwise fertile land have been destroyed by the operations of parties who ruin the surface of such areas in removing the coal lying thereunder, and

WHEREAS, such operations leave the areas affected, worthless and incapable of returning, in the future, taxes to the state or the subdivisions thereof; therefore

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. Chapter eighty-two (82), Code 1946, be amended
- 2 by adding thereto the following:
- 3 "Anyone engaged in open-cut or strip mining of coal in which
- 4 the surface soil over any bed or strata of coal is removed shall
- 5 replace the surface soil as nearly as possible to its original
- 6 position. Upon abandonment of such mining operation all surface
- 7 soil shall be so replaced, and failure to commercially operate
- 8 for twelve successive months shall constitute an abandonment.
- 9 No one so engaged in open-cut or strip mining of coal shall have

10 more than five acres at any one time in any one such mining
11 operation over which the surface soil has not been replaced.”

1 Sec. 2. The state mine inspector for the district in which
2 the strip pit is located shall enforce the provisions of this
3 act. In the event anyone after demand and notice by the mine
4 inspector for a period of sixty (60) days refuses or fails to
5 replace the soil in the manner prescribed in this act, the
6 inspector shall order the board of supervisors of the county in
7 which the strip mine is located to replace such soil and such
8 board of supervisors shall replace such soil at the expense of
9 the county, and such expense shall be paid by the operator of
10 the mine involved or by his bondsman.

1 Sec. 3. As a condition precedent to the operation of an
2 open-cut or strip mine, the operator thereof shall file a bond
3 in the amount of ten thousand dollars (\$10,000) with the
4 treasurer of the county in which the mine is located, which bond
5 shall be conditioned upon the faithful observance of all
6 provisions of this act, including the restoration of all surface
7 soil removed in the operation of the mine as nearly as possible
8 to its original position. Said bond is to be in a form
9 prescribed and furnished by the state mine inspectors, executed
10 by the obligor as principal, and by a surety company or
11 individual surety, which shall be approved by the treasurer of
12 the county as to solvency and responsibility. If, in the opinion
13 of the treasurer, an existing bond becomes unsatisfactory, he
14 shall demand a new bond to be filed within ten (10) days.

15 Failure to file a new bond will constitute a legal abandonment
16 of such mine and will be grounds for enjoining the operation
17 of the mine.

1 Sec. 4. An action commenced upon the bond under the
2 provisions of this act shall be brought by the county attorney
3 of the county in which the bond is posted at the direction of
4 the treasurer of said county, and said action shall be brought
5 in the name of said county.

1 Sec. 5. Upon abandonment of any open-cut or strip coal
2 mine, and upon compliance with all of the provisions of this act
3 and on presentation to the county treasurer of a certificate
4 from the mine inspector for the district in which the strip mine
5 is located to the effect, the treasurer shall return the bond
6 as required by this act to the operator."

EXPLANATION OF H. F. 154

The purpose of this bill is to require operators engaged in mining of coal to replace surface soil over open-cut or strip mines upon abandonment of same, in order that large areas of otherwise fertile land might be later used as a source of tax revenue. It further requires the operator of any open-cut or strip mine to file a ten thousand dollar (\$10,000) bond, such bond prescribed and furnished by the state mine inspectors, in order that the provisions of this act may be enforced.