

WORKING DRAFT

SENATE FILE NO. _____

Abandoned mine reclamation program.

Sponsored by: Joint Minerals, Business and Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to environmental quality; amending the lien
2 amount for abandoned mine reclamation on private property
3 for coal and noncoal reclamation projects; prohibiting the
4 issuance of contracts as specified; and providing for an
5 effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 35-11-1206(a) and (b), 35-11-1209(a)

10 and by creating a new paragraph (vii) are amended to read:

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12 **35-11-1206. Liens for reclamation on private lands.**

13

14 (a) Within six (6) months after the completion of

15 projects to restore, reclaim, abate, control or prevent

1 adverse effects of past coal or mineral mining practices on
2 privately owned land, the director shall itemize the monies
3 expended and may file a lien against the property with the
4 appropriate county clerk. If the monies expended result in
5 a significant increase in property value, a notarized
6 appraisal by an independent appraiser shall be filed with
7 the lien. The lien shall ~~not exceed the cost of the~~
8 ~~reclamation work or~~ be the amount determined by the
9 appraisal to be the increase in the fair market value of
10 the land as a result of the restoration, reclamation,
11 abatement, control or prevention of the adverse effects of
12 past coal or mineral mining practices, ~~whichever is less.~~
13 No lien shall be filed under this section against the
14 property of any person who owned the surface prior to May
15 2, 1977, and who neither consented to, participated in, nor
16 exercised control over the mining operation which
17 necessitated the reclamation project.

18

19 (b) The landowner may petition the district court for
20 the district in which the majority of the land is located
21 within sixty (60) days of the filing of the lien to
22 determine the increase in the fair market value of the
23 land. The amount reported to be the increase in value of
24 the premises, ~~but not exceeding the cost of the reclamation~~

1 ~~work,~~ shall constitute the amount of the lien and shall be
2 recorded with the lien.

3

4 **35-11-1209. Contract eligibility.**

5

6 (a) The abandoned mine land division shall not issue
7 a contract to any ~~construction~~ contractor ~~or professional~~
8 ~~services~~ ~~contractor~~ if any surface coal mining and
9 reclamation operation owned or controlled by the
10 contractor, or by any person who owns or controls the
11 contractor has any:

12

13 (vii) Notice of violation under the Surface
14 Mining Control and Reclamation Act in connection with any
15 surface coal mining operation as identified by the United
16 States department of interior, office of surface mining
17 applicant violator system.

18

19 **Section 2.** This act is effective July 1, 2005.

20

21

(END)