

ENROLLED ACT NO. 67, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

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

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

Section 1. W.S. 35-11-1206(a) and (b) and 35-11-1209(a) (intro) and by creating a new paragraph (vii) are amended to read:

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

(a) Within six (6) months after the completion of projects to restore, reclaim, abate, control or prevent adverse effects of past coal or mineral mining practices on privately owned land, the director shall itemize the monies expended and may file a lien against the property with the appropriate county clerk. If the monies expended result in a significant increase in property value, a notarized appraisal by an independent appraiser shall be filed with the lien. The lien shall ~~not exceed the cost of the reclamation work or be~~ the amount determined by the appraisal to be the increase in the fair market value of the land as a result of the restoration, reclamation, abatement, control or prevention of the adverse effects of past coal or mineral mining practices ~~., whichever is less.~~ No lien shall be filed under this section against the property of any 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 project.

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(b) The landowner may petition the district court for the district in which the majority of the land is located within sixty (60) days of the filing of the lien to determine the increase in the fair market value of the land. The amount reported to be the increase in value of the premises, ~~but not exceeding the cost of the reclamation work,~~ shall constitute the amount of the lien and shall be recorded with the lien.

35-11-1209. Contract eligibility.

(a) The abandoned mine land division shall not issue a contract to any ~~construction~~ contractor ~~or professional services contractor~~ ~~if any surface coal mining and reclamation operation owned or controlled by the contractor, or by any person who owns or controls the contractor~~ if the United States department of interior, office of surface mining applicant violator system shows the contractor has any:

(vii) Unresolved notice of violation.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk