

HOUSE BILL 123

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 59,
Chapter 8, Part 3, relative to abandoned mine
lands.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 59-8-302(b)(1), is amended by deleting "under § 59-8-301(f)" and deleting the final sentence in the subdivision.

SECTION 2. Tennessee Code Annotated, Section 59-8-302(b), is amended by adding the following as new subdivisions and redesignating the existing subdivision (b)(2) accordingly:

(2) Prior to filing a statement pursuant to subdivision (b)(1), the commissioner shall notify a property owner of the proposed creation of a lien under this subsection (b), the amount of the proposed lien, and the ability of the property owner to avoid the lien under subdivision (b)(3).

(3) A lien must not be filed under this section against a property owner who:

(A) Did not consent to, participate in, or exercise control over the mining operation which necessitated the reclamation performed hereunder; or

(B) Pays the department the amount of the proposed lien specified in the notice provided pursuant to subdivision (b)(2) prior to the filing of a statement by the commissioner pursuant to subdivision (b)(1).

SECTION 3. This act takes effect upon becoming law, the public welfare requiring it.