

## Department of Planning and Budget 2012 Fiscal Impact Statement

**1. Bill Number:** HB710

**House of Origin**    ☐ Introduced    ☐ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☒ Substitute    ☐ Enrolled

**2. Patron:** Kilgore

**3. Committee:** Agriculture, Conservation and Natural Resources

**4. Title:** Use of mine voids.

**5. Summary:** This bill removes the requirement that applications for a mining permit include the name and address of the owner(s) of the shell, container chamber, passage or open spaces ("open space") created by the removal of coal. The bill broadens the existing statutory provision for the owner(s) or lessee of a coal mineral estate or its successor, assign, sublessee, or affiliate so that he/they retain the rights to any coal remaining in place after the removal of surrounding coal, as well as the right to use an open space that was created by the removal of the coal. The bill permits the use of any such open space that is within the boundaries of a mine permit issued under Title 45.1 for any activity related to removal of coal from any lands for which a permit to mine coal has been approved. Furthermore, the bill permits the use of any such open space that is located in a sealed mine for which a mining permit no longer exists as long as the owner of the open space consents to its use for any activity related to removal of coal from any lands for which a permit to mine coal has been approved. The bill provides that such consent shall not be unreasonably withheld if the owner has been offered reasonable compensation, to be determined by a court according to compensation set forth in other leases for the use of mine voids in the area. The provisions of this bill do not affect (i) contractual obligations entered into prior to July 1, 2012, that expressly prohibit the use of, or provide for the payment of compensation regarding, the use of any open space that was created by the removal of coal; or (ii) application for determination of ownership rights in natural gas or coalbed methane. Finally, the bill contains an enactment clause that states that the provisions of the bill are not to be construed to affect any litigation pending in a court of competent jurisdiction on or before January 1, 2012.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary.

**8. Fiscal Implications:** This bill is not anticipated to have a fiscal impact on the state.

**9. Specific Agency or Political Subdivisions Affected:** Department of Mines, Minerals and Energy

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

**Date:** 3/7/2012