

BY ANY OWNER OF ANY INTEREST IN SUCH PREMISES FOR ANY ALLEGED DAMAGES BY VIRTUE OF SUCH ENTRY. THIS PROVISION IS NOT INTENDED TO CREATE NEW RIGHTS OF ACTION OR ELIMINATE EXISTING IMMUNITIES.

(B) WITHIN 6 MONTHS AFTER COMPLETION OF A PROJECT PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL ITEMIZE THE MONEYS EXPENDED BY THE DEPARTMENT AND FILE A NOTARIZED STATEMENT PREPARED BY AN INDEPENDENT APPRAISER AS TO THE INCREASE IN VALUE OF THE LAND ATTRIBUTABLE TO THE RECLAMATION PROJECT WITH THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE AFFECTED LAND LIES. THE STATEMENT SHALL CONSTITUTE A LIEN UPON THE LAND FOR AN AMOUNT EQUAL TO THE INCREASE IN THE VALUE ATTRIBUTABLE TO THE PROJECT; PROVIDED THAT, NO LIEN SHALL BE FILED:

(1) IF THE OWNER OF THE SURFACE RIGHTS ACQUIRED THE PROPERTY PRIOR TO MAY 2, 1977, AND NEITHER CONSENTED TO NOR PARTICIPATED IN NOR EXERCISED CONTROL OVER THE MINING OPERATION WHICH NECESSITATED THE RECLAMATION PROJECT;

(2) IF THE PRIMARY PURPOSE OF THE RECLAMATION PROJECT IS TO BENEFIT THE HEALTH, SAFETY, AND ENVIRONMENTAL VALUES OF THE GENERAL PUBLIC;

(3) IF THE COST OF FILING THE LIEN EXCEEDS THE INCREASE IN THE FAIR MARKET VALUE OF THE PROPERTY AS A RESULT OF THE RECLAMATION PROJECT; OR

(4) IF THE RECLAMATION PROJECT IS NECESSITATED BY AN UNFORESEEN OCCURRENCE AND THE PROJECT DOES NOT SIGNIFICANTLY INCREASE THE FAIR MARKET VALUE OF THE PROPERTY.

(C) THE LANDOWNER MAY, WITHIN 60 DAYS OF THE FILING OF THE LIEN, PETITION THE CIRCUIT COURT TO DETERMINE THE INCREASE IN THE MARKET VALUE OF THE LAND AS A RESULT OF THE RECLAMATION PROJECT.

(D) THE LIEN PROVIDED IN THIS SECTION SHALL CONSTITUTE A LIEN UPON THE SAID LAND AS OF THE DATE OF THE EXPENDITURE OF THE MONEYS AND SHALL HAVE PRIORITY AS A LIEN SECOND ONLY TO THE LIEN OF REAL ESTATE TAXES IMPOSED UPON SAID LAND. ALL FUNDS RECEIVED BY THE STATE PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE FEDERAL-STATE RECLAMATION FUND.

7-908.

(A) THE DEPARTMENT IS AUTHORIZED TO ACQUIRE ANY LAND, BY PURCHASE, DONATION, OR CONDEMNATION, WHICH IS ADVERSELY AFFECTED BY PAST COAL MINING PRACTICES IF IT IS DETERMINED THAT ACQUISITION OF SUCH LAND IS NECESSARY TO SUCCESSFUL RECLAMATION AND THAT:

(1) THE ACQUIRED LAND, AFTER RESTORATION, RECLAMATION, ABATEMENT, CONTROL, OR PREVENTION OF THE