

IS ELIGIBLE TO RECEIVE AN INTEREST-FREE LOAN COVERING 100 PERCENT OF THE FIRST \$20,000 OF PROJECT CONSTRUCTION COST, 50 PERCENT OF THE NEXT \$10,000 OF PROJECT CONSTRUCTION COST, 25 PERCENT OF THE NEXT \$10,000 OF PROJECT CONSTRUCTION COST, AND 10 PERCENT OF THE PART OF CONSTRUCTION COST EXCEEDING \$40,000. HOWEVER, IF TWO OR MORE PROPERTY OWNERS ARE INCLUDED WITHIN A PROJECT AND PROJECT CONSTRUCTION COSTS EXCEED \$40,000, THE LAND OF EACH PROPERTY OWNER IS CONSIDERED A SEPARATE PROJECT FOR THE PURPOSE OF COMPUTING NET PROJECT CONSTRUCTION COST UNDER THIS FORMULA.

(B) EACH LOAN SHALL CONSTITUTE A [[FIRST]] LIEN ON THE BENEFITED PROPERTY FOR REPAYMENT TO THE STATE OF NET PROJECT CONSTRUCTION COST.

7-514.3.

(A) THE OWNER OF ANY ORPHANED LANDS MAY FILE WITH THE DEPARTMENT A WRITTEN APPLICATION REQUESTING ASSISTANCE IN DESIGN AND CONSTRUCTION OF AN ORPHANED LAND RECLAMATION PROJECT. THE APPLICATION SHALL BE IN A FORM AND CONTAIN THE INFORMATION THAT THE DEPARTMENT SPECIFIES. EACH APPLICATION FORM SHALL CONTAIN A NOTICE WARNING THAT THE APPLICANT IS RESPONSIBLE FOR MAINTENANCE OF ANY PROJECT AFTER IT IS CONSTRUCTED.

[[(B) THE DEPARTMENT MAY NOT APPROVE A PROJECT APPLICATION UNLESS ALL ENCUMBRANCES, OTHER THAN TAXES, THAT EXIST ON THE BENEFITED PROPERTY AND REQUIRE PAYMENT OF MONEY, ARE SUBORDINATED TO THE RIGHT OF THE STATE TO REPAYMENT OF THE LOAN.]]

[[(C)]] (B) (1) ON APPROVAL OF AN APPLICATION, THE DEPARTMENT SHALL ENTER INTO AN AGREEMENT WITH THE OWNER OF THE BENEFITED PROPERTY FOR CONSTRUCTION OF THE PROJECT. EACH AGREEMENT SHALL SPECIFY THAT THE NET PROJECT CONSTRUCTION COST IS TO BE REPAID IN FULL OVER A PERIOD NOT EXCEEDING 25 YEARS.

(2) EACH AGREEMENT SHALL BE PLACED IN THE LAND RECORDS OF THE POLITICAL SUBDIVISION WITHIN WHICH THE BENEFITED PROPERTY IS LOCATED AND SHALL CONSTITUTE NOTICE OF THE LIEN ON THE PROPERTY.

[[(D)]] (C) COSTS TO MAINTAIN ORPHANED LAND RECLAMATION PROJECTS ARE THE SOLE RESPONSIBILITY OF THE BENEFITED PROPERTY OWNER. THE DEPARTMENT SHALL PERIODICALLY INSPECT THESE PROJECTS AND RECOMMEND TO THE PROPERTY OWNER ANY MEASURES REQUIRED TO MAINTAIN THE PROJECT.

7-514.4.

(A) THE DEPARTMENT SHALL ESTABLISH A SCHEDULE OF PRIORITIES FOR RECLAMATION PROJECTS BASED ON THE RATE OF EROSION, THE NATURE AND AMOUNT OF PUBLIC BENEFITS PROVIDED BY THE PROJECT, AND ANY OTHER FACTORS SET FORTH