

7-514.

(a) Any funds THAT the [director of the bureau] DEPARTMENT receives from license AND SPECIAL RECLAMATION fees, MINE RECLAMATION SURCHARGE, forfeiture of bonds, cash deposits, or securities shall be deposited to the credit of the State Treasurer in a bank he designates. The funds shall be maintained as a special fund on the books of the Comptroller of the treasury in an account known as the "Bituminous Coal Open-Pit Mining Reclamation Fund"[, for the director to]. THE SECRETARY SHALL use THE FUNDS TO IMPLEMENT THIS SUBTITLE AND to backfill, grade, and plant [the area of land] AREAS affected by [the operation on which liability was charged on the bond. The Director may use any funds received from a forfeiture in excess of the amount required for backfilling, grading, and planting, any funds received from any forfeiture relating to land he determines to be physically impossible to backfill, grade, and plant, and any funds received from any special reclamation fee established by § 7-505 (d), or from any other source, in order to forest or] OPEN-PIT MINING. HOWEVER, FUNDS RECEIVED FROM THE RECLAMATION SURCHARGE UNDER SECTION 7-507.1 OF THIS ARTICLE SHALL ONLY BE USED BY THE SECRETARY FOR RECLAMATION OF LAND AFFECTED BY OPEN-PIT OR STRIP METHOD MINING IN THE COUNTY IN WHICH THE SURCHARGE IS ASSESSED AND COLLECTED. HOWEVER, FUNDS RECEIVED FROM FORFEITURE ON BONDS, CASH, OR SECURITIES SHALL BE USED TO BACKFILL, GRADE, AND PLANT THE AREA OF LAND AFFECTED BY THE OPERATION ON WHICH THE LIABILITY WAS CHARGED ON THE BOND. FUNDS RECEIVED ON A FORFEITURE IN EXCESS OF THE AMOUNT REQUIRED FOR RECLAMATION MAY BE USED TO RECLAIM any other land affected by open-pit mining of bituminous coal. THE SECRETARY SHALL USE THE FUND TO REIMBURSE COUNTIES FROM WHICH COAL IS REMOVED BY STRIP OR OPEN-PIT MINING FOR THE ADDITIONAL COST OF ROAD MAINTENANCE ATTRIBUTABLE TO THE COAL MINING INDUSTRY. ALL PAYMENTS TO COUNTIES SHALL BE SUBJECT TO APPROVAL BY THE GENERAL ASSEMBLY.

(B) THE SECRETARY SHALL ADMINISTER THE FUND SUBJECT TO THE PROVISIONS FOR FINANCIAL MANAGEMENT AND BUDGETING ESTABLISHED BY THE DEPARTMENT OF BUDGET AND FISCAL PLANNING. THE SECRETARY ANNUALLY SHALL COORDINATE THE PREPARATION OF A BUDGET REQUIRED TO IMPLEMENT THIS SUBTITLE, INCLUDING RECLAMATION OF LANDS AFFECTED BY BITUMINOUS COAL OPEN-PIT MINING.

[(b)] (C) If one operator succeeds another at any uncompleted operation, either by sale, assignment, lease, or otherwise, the [director of the bureau] SECRETARY may release the first operator from all liability under this subtitle as to that particular operation if both operators have registered and otherwise complied with the requirements of this subtitle, and the successor operator assumes as part of this obligation all liability for backfilling, grading, planting, and reclamation on the land affected by the former operator.