

(b) This subtitle is an exercise of the police powers of the State for the general welfare of the people of the State, by providing for the protection and conservation of the natural resources of the State and the reclamation of areas of land affected in the surface mining of metallic and nonmetallic minerals other than coal, to aid in the protection of birds and wildlife, to decrease soil erosion, to prevent pollution of rivers, streams, and lakes, to prevent loss or waste of valuable mineral resources, to prevent and eliminate hazards to health and safety, to provide for reclamation of mined areas so as to assure the use of these lands for productive purposes, and generally to provide for the continued use and enjoyment of these lands.

7-6A-03.

The Department may adopt rules and regulations reasonably necessary for the administration of this subtitle. Rules and regulations shall be adopted in accordance with the provisions of the Administrative [Procedures] PROCEDURE Act.

7-6A-04.

(a) All funds received by the Department from license fees, permit fees, special reclamation fees, the forfeiture of bonds and of cash deposits and securities, and fines collected upon conviction of [an operator] A PERMITTEE OR A LICENSEE under §§ 7-6A-06[(e)] (F) and 7-6A-07[(h)] (K) OF THIS SUBTITLE shall be deposited to the credit of the State Treasurer in a bank he designates, and shall be maintained as a special fund on the books of the Comptroller of the Treasury in an account, to be known as the "Surface Mined Land Reclamation Fund." This Fund shall be used by the Department for the administration and implementation of this subtitle, including rehabilitating the area of land affected by the operation upon which liability was charged on the bond.

(b) For the reclamation of pre-law surface mines, the Department may use funds received from the following sources:

(1) A forfeiture in excess of the amount required for reclaiming the area of land affected by the operation on which the liability was charged;

(2) A forfeiture relating to land which the Department determines to be physically impossible to reclaim; and

(3) Licensing fees, permitting fees, fines, funds received from the special reclamation fees established by § 7-6A-07[(f)], (I) OF THIS SUBTITLE or any other source.

(C) THE SPECIAL RECLAMATION FEES AND THE STATE MATCH ESTABLISHED BY § 7-6A-07(I) AND (J) OF THIS SUBTITLE SHALL ONLY BE USED FOR THE RECLAMATION OF PRE-LAW SURFACE MINES.