

**40-10-25.1 Abandoned Mine Reclamation Fund created -- Contents -- Use of money.**

- (1)
  - (a) There is created an expendable special revenue fund known as the "Abandoned Mine Reclamation Fund."
  - (b)
    - (i) The fund shall consist of the money specified in Subsections (2) and (3).
    - (ii) The money of Subsection (2) shall be segregated from the money of Subsection (3).
- (2)
  - (a) Money received by the state from the following sources shall be deposited into the Abandoned Mine Reclamation Fund:
    - (i) recovered liens filed against privately owned land as provided by Section 40-10-28;
    - (ii) fees for the use of reclaimed lands as provided by Section 40-10-28;
    - (iii) fines collected for violations of this chapter or any rule or order issued under this chapter;
    - (iv) donations designated for reclamation of abandoned mines; and
    - (v) interest credited to the fund pursuant to Subsection (2)(b).
  - (b) Money received under Subsection (2)(a) shall be invested by the state treasurer and the income earned shall be credited to the Abandoned Mine Reclamation Fund, except interest income earned over \$19,000 per year shall be credited to the General Fund.
  - (c) The division may at any time expend money deposited into the fund under Subsection (2)(a) to accomplish the purposes of the abandoned mine reclamation program.
- (3)
  - (a)
    - (i) Money received by the state from the secretary of the United States Department of Interior, which is granted as special state set-aside money in accordance with 30 U.S.C. Sec. 1232 et seq. shall be deposited in the Abandoned Mine Reclamation Fund.
    - (ii) Money deposited into the fund under Subsection (3)(a)(i) shall be invested by the state treasurer and the income earned shall be credited to the Abandoned Mine Reclamation Fund.
  - (b) After August 3, 1992, the division shall use the money deposited into the Abandoned Mine Reclamation Fund under this Subsection (3) to accomplish the purposes set forth in Sections 40-10-25 through 40-10-28.1.
  - (c) Except as provided in Subsection (3)(d), the money deposited into the Abandoned Mine Reclamation Fund under this Subsection (3) shall be made available to the division through legislative appropriations.
  - (d) The director of the division with the concurrence of the board may at any time expend money deposited into the Abandoned Mine Reclamation Fund under Subsection (3)(a) for any emergency requiring immediate reclamation.

Amended by Chapter 400, 2013 General Session