

350.139 Deposit of funds to State Treasury -- Exceptions -- Amount to be transferred to fiscal courts -- Remainder for Division of Mine Permits.

- (1) All prior enactments of this General Assembly to the contrary notwithstanding, all funds received by the Energy and Environment Cabinet through the payment of fees and civil penalties shall be deposited in the State Treasury to the credit of the general fund, except those fees established in KRS 350.060(11) and (13), 350.070(2) and (4), 350.135(1), and as provided in KRS 350.990(1). All funds from the forfeiture of bonds shall be placed in the State Treasury in an interest-bearing account and credited to a special agency account. The interest shall become a supplemental fund and may be used to supplement forfeited bonds which are inadequate to complete the reclamation plan. Except as provided in KRS 350.131(1), forfeited bond funds shall be expended upon the lands for which the bond was given. The interest may be expended upon lands other than those for which the bond was given. No more than twenty-five percent (25%) of the supplemental fund may be expended upon any single site, unless a larger expenditure is necessary to abate an imminent danger to public health or safety.
- (2)
 - (a) Subject to the limitation in paragraph (b) of this subsection, the Department for Natural Resources shall, on or before August 1 of each year, transfer to the fiscal court of the county in which the permitted operation is located, an amount equal to thirty-three and one-third percent (33-1/3%) of all funds paid during the preceding fiscal year as fees for the issuance of any permit for surface coal mining operations for the general purposes of that fiscal court.
 - (b) The department shall calculate the amount to be transferred each year under this subsection as if the fee rates in effect pursuant to this chapter on October 1, 2009, were still in effect during the preceding fiscal year.
- (3) Except for the amount of fees paid to fiscal courts pursuant to subsection (2) of this section, all permit and acreage fees established in KRS 350.060(11) and (13), 350.070(2) and (4), and 350.135(1) shall be held specifically for the use of the Division of Mine Permits.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1879, effective July 15, 2010; and ch. 103, sec. 4, effective April 8, 2010. -- Amended 1998 Ky. Acts ch. 222, sec. 2, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 210, sec. 7, effective July 13, 1990. -- Amended 1982 Ky. Acts ch. 409, sec. 14, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 377, sec. 4. -- Amended 1974 Ky. Acts ch. 74, Art. III, sec. 13(2)(7); Created 1972 (1st Extra. Sess.) Ky. Acts ch. 3, sec. 81.

Legislative Research Commission Note (7/15/2010). This section was amended by 2010 Ky. Acts chs. 24 and 103, which do not appear to be in conflict and have been codified together.