Public Law 100-34 100th Congress

An Act

May 7, 1987 TH.R. 19631

To amend the Surface Mining Control and Reclamation Act of 1977 to permit States to set aside in a special trust fund up to 10 per centum of the annual State funds from the Abandoned Mine Land Reclamation Fund for expenditure in the future for purposes of abandoned mine reclamation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SPECIAL STATE SET-ASIDE

SEC. 101. AMENDMENT OF SURFACE MINING CONTROL AND RECLAMATION ACT.

30 USC 1232.

Section 402(g) of the Surface Mining Control and Reclamation Act of 1977 is amended by redesignating paragraph (3) as paragraph (4) and by adding the following new paragraph after paragraph (2):

"(3) Special State Set-Aside for Future Expenditure.—Not-

withstanding the proviso contained in paragraph (2), any State may receive and retain, without regard to the three-year limitation referred to in such proviso, up to ten per centum of the appropriated funds granted annually by the Secretary to that State under paragraph (2) if such moneys are deposited in a special trust fund established under State law and such moneys (together with all interest earned on such moneys) may be expended by the State solely to accomplish the purposes of this title after August 3, 1992. All moneys so deposited in special State trust accounts, as well as all interest earned, shall be considered State moneys. This paragraph shall cease to apply to any State for fiscal years after any fiscal year in which approval of the State regulatory program under section 503 is terminated or withdrawn by the Secretary until the first subsequent fiscal year after the fiscal year in which the Secretary reapproves the State program.".

30 USC 1253.

TITLE II—TWO-ACRE EXEMPTION

SEC. 201. REPEAL OF EXEMPTION.

(a) Repeal.—Section 528 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1278) is amended as follows:

(1) In paragraph (1), insert "and" immediately after "him;".

(2) Strike out paragraph (2).

(3) Redesignate paragraph (3) as (2).
(b) EFFECTIVE DATE FOR NEW OPERATIONS.—The amendments made by this section shall take effect on the date 30 days after the enactment of this Act with respect to each operator commencing

surface coal mining operations on or after such date.

(c) Effective Date for Existing Operations.—The amendments made by this section shall take effect on the date 6 months after the enactment of this Act with respect to each operator commencing surface coal mining operations pursuant to an authorization under

30 USC 1278 note. Coal.

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State law before the date 30 days after the enactment of this Act. Nothing in this Act shall preclude reclamation activities pursuant to State law or regulations at the site of any surface coal mine which was exempt from the Surface Mining Control and Reclamation Act of 1977 under section 528(2) of that Act, as in effect before the enactment of this Act.

30 USC 1278.

(d) Effect on State Law.—To the extent that any provision of a State law, or of a State regulation, adopted pursuant to the exception under section 528(2) of the Surface Mining Control and Reclamation Act of 1977 as in effect before the enactment of this Act, is inconsistent with the amendments made by this section, such provision shall be of no further force and effect after the effective date of such amendments.

30 USC 1278 note.

(e) Definition.—For purposes of this section, the term "surface coal mining operations" has the meaning provided by section 701(28) of the Surface Mining Control and Reclamation Act of 1977.

the National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior Nio lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Sunta Fe Trail except with the consent of the owner thereof.

30 USC 1278 note. 30 USC 1291.

Approved May 7, 1987. and beginning on the control of the energy and the process local and an energy local

defore acquiring any essement or entering into any cooperative agreement with a private landowner with respect to the trail, the Secretary shall notify the landowner of the potential liability, if any, for injury to the public resulting from physical conditions which may be on the landowner's land. The United States shall not be held liable by reason of such notice or failure to provide such notice to the landowner. So that significant routs segments and sites recognized as associated with the Senta Fe Trail may be distinguished by switchise markers, the Secretary of the Interior is authorized to switchise markers for placement at appropriate locations. The donation of suitable numbers for placement at appropriate locations."

(b) Authorization of Appropriations.—Section 16(eX2) of such the U.S.C. 1238(cX2) is amended by inserting "and (15)" after "(18)".

Appro-ed May S. 1987.

LEGISLATIVE HISTORY—H.R. 1963 (S. 643):

HOUSE REPORTS: No. 100-59 (Comm. on Interior and Insular Affairs). SENATE REPORTS: No. 100-37 accompanying S. 643 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 133 (1987):

Apr. 21, considered and passed House,

Apr. 23, considered and passed Senate.