WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1935

ENROLLED

SENATE BILL No. 122

(By Mr. Beacom)

PASSED February 27, 1935

In Effect from Passage
ENROLLED
Senate Bill No. 122
(By Mr. Beacon)

[Passed February 27, 1935; in effect from passage.]

AN ACT requiring owners of coal mines that have been abandoned to give ten days' notice to the conservation commission to reopen such old or abandoned mine wherein water or mine seepage has collected, providing for the proper manner to prevent destruction of fish in any stream, and providing penalties therefor.

Be it enacted by the Legislature of West Virginia:

Section 1. Any person, without first giving to the director of conservation ten days' notice thereof in writing, shall not reopen for any purpose whatsoever, any old or abandoned mine wherein water or mine seepage has collected or become impounded or exists in such manner or quantity that upon the opening of such mine such water or seepage may drain into
any stream or water course. Such notice shall state clearly the name or names of the owner or owners of the mine proposed to be opened, its exact location, and the time of the proposed opening thereof.

Upon receipt of any such notice, the conservation commission shall send its representative or deputized agent to be present at the mine at the time designated in the notice for such opening, who shall have full supervision of the work of opening such mine with full authority to direct said work in such manner as to him seems proper and necessary to prevent the flow of mine water or seepage from such mine in such manner or quantity as will kill or be harmful to the fish in any stream or water course into which such mine water or seepage may flow directly or indirectly.

Any person failing to give notice as herein provided, or failing or refusing to submit to the supervision by the conservation commission of the work of any such opening, from which shall result harmful effects to or destruction of fish in any stream, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than five hundred dollars nor more than five thousand dollars.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 4th day of March, 1935.

Governor

Filed in the office of the Secretary of State of West Virginia MAR 6 1935

Wm. S. O'Brien, Secretary of State