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**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1935**



**ENROLLED**

**SENATE BILL No.** 122

(By Mr. Beacom)



**PASSED** February 27, 1935

**In Effect** from **Passage**

122

**ENROLLED**

**Senate Bill No. 122**

(BY MR. BEACOM)

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

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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  
2 conservation ten days' notice thereof in writing, shall not re-  
3 open for any purpose whatsoever, any old or abandoned mine  
4 wherein water or mine seepage has collected or become im-  
5 pounded or exists in such manner or quantity that upon the  
6 opening of such mine such water or seepage may drain into

7 any stream or water course. Such notice shall state clearly  
8 the name or names of the owner or owners of the mine pro-  
9 posed to be opened, its exact location, and the time of the pro-  
10 posed opening thereof.

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

21 Any person failing to give notice as herein provided, or fail-  
22 ing or refusing to submit to the supervision by the conservation  
23 commission of the work of any such opening, from which shall  
24 result harmful effects to or destruction of fish in any stream,  
25 shall be guilty of a misdemeanor and upon conviction thereof  
26 shall be fined not less than five hundred dollars nor more than  
27 five thousand dollars.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Clinton Howard  
Chairman Senate Committee

Arnold M. Pickers  
Chairman House Committee

Originated in the Senate  
Takes effect from passage.

Frank Miller  
Clerk of the Senate

Prosser  
Clerk of the House of Delegates

Chas. F. Hodge  
President of the Senate

John H. Belter  
Speaker House of Delegates

The within is approved this the 14<sup>th</sup>  
day of March, 1935.

H. S. Kump  
Governor

Filed in the office of the Secretary of State  
of West Virginia. **MAR 6 1935**  
Wm. S. O'BRIEN,  
Secretary of State