

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939



ENROLLED

HOUSE BILL No. 390

(By Mr. Clark)



PASSED March 11 1939

In Effect ninety days from Passage

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House Bill No. 390

(BY MR. CLARK)

[Passed March 11, 1939; in effect ninety days from passage.]

AN ACT to promote and preserve the public health and welfare
by regulating the mining of coal by uncovering therefrom the
surface soil, which practice is commonly called "strip min-
ing".

Be it enacted by the Legislature of West Virginia:

Section 1. *Unlawful to Mine for Coal by Uncovering Sur-*
2 *face Soil.* WHEREAS, the Legislature finds it to be a fact
3 that the mining of coal by uncovering therefrom the surface
4 soil, commonly called "strip mining", causes soil erosion,
5 increases the hazards of floods, causes the pollution of streams
6 of water, causes the accumulation of stagnated waters, de-
7 stroys the utilization of surface lands for agricultural pur-
8 poses, creates dangerous hazards in life and property, counter-
9 acts efforts for the conservation of soil and the preservation

10 of natural resources of the state, and is generally injurious to
11 public health and general welfare; therefore, it shall be un-
12 lawful for any person, firm or corporation to engage in the
13 practice of mining for coal by uncovering therefrom the
14 surface soil, unless such person or persons, firm or corporation
15 shall first obtain a permit from the chief of the department
16 of mines to conduct the operation of "strip mining", and
17 enter into a cash bond or a bond with a corporate surety au-
18 thorized to do business in this state, and conditioned that any
19 such person carrying on the business of mining coal by un-
20 covering from the surface soil therefrom, (commonly called
21 "strip mining") shall, after the excavation thereof and
22 within a reasonable time to be determined by the department
23 of mines, replace said soil, subsoil or other strata removed
24 from said coal and refill any ditches, trenches or excavation
25 made in stripping said coal, so as to minimize the hazards of
26 floods, pollution of streams and water, accumulation of stag-
27 nant water, and the destruction of said soil for agricultural
28 purposes. The bond herein required shall be in an amount of
29 not less than one hundred fifty dollars per acre for each acre
30 of surface involved in said strip mining and shall be payable

31 to the state of West Virginia. Said bond shall be approved
32 by the chief of the department of mines and it shall be his
33 duty to enforce the same in the event of any default thereon.

Sec. 2. Any person, firm or corporation violating the pro-
2 visions of this act shall be guilty of a misdemeanor and upon
3 conviction thereof shall be punished by confinement in jail
4 not more than one year or fined not less than fifty dollars or
5 more than five hundred dollars, or by both such fine and
6 imprisonment. Each day's failure to comply with the pro-
7 visions of this act shall constitute a separate and distinct
8 offense, punishable as herein provided.

Sec. 3. With respect to property or properties purchased
2 or under option to purchase, or under lease or contract, for
3 the purpose of strip mining, at the effective date of this act,
4 this act shall be in force and effect on and after the first day
5 of January, one thousand nine hundred forty-one.

6 All acts or parts of acts inconsistent with this act are
7 hereby repealed.

THIS THE DAY OF

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

E. O. Wiseman

Chairman Senate Committee

Will W. Walker

Chairman House Committee

Originated in the *House of Delegates*

Takes effect *ninety day from* passage.

Samuel

Clerk of the Senate

Wm. S. Hall

Clerk of the House of Delegates


Wm. McKee

President of the Senate

James L. Thomas

Speaker House of Delegates

I certify that the foregoing act, ^{The within} saving been presented to the Governor for his approval, and not having been returned by him to the House of the Legislature in ^{day of} which it originated within the time prescribed by the constitution of the state, has become a law without his approval. this the _____, 1939.

This the  17 day of *March*,

Governor.

1939

Wm. S. Hall

SECRETARY OF STATE