WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

SENATE BILL No. 255

(By Mr. )

PASSED March 8, 1947

In Effect from Passage
AN ACT to amend and reenact sections two and five, article two-a, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter eighty-five, acts of the Legislature of West Virginia, regular session, one thousand nine hundred forty-five, relating to strip mining registration permits, the collection of registration fees and bond forfeitures and disposition thereof for strip mining and land rehabilitation purposes.

Be it enacted by the Legislature of West Virginia:

That sections two and five, article two-a, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter eighty-five, acts of the Legislature, regular session, one thousand nine hundred forty-five, be amended and reenacted to read as follows:

Section 2. Permit Required; Fees and Use of Proceeds.
It shall hereafter be unlawful for any person, firm or corporation to engage in the strip mining of coal without having first obtained from the chief of the department of mines a permit therefor as provided in this section. The following information must be stated in the application for such a permit: (1) The location and area of the land to be covered by the permit and shown on a map or plat of portion to be stripped; (2) the owner or owners of the surface of the land; (3) the owner or owners of the coal to be mined; (4) the source of the operator's legal right to enter and mine the coal on the land covered by the permit; (5) the permanent and temporary post office address of the operator; (6) whether any permits are now held, and, if so, how many such permits and the numbers thereof.

Upon payment to the department of mines of a registration fee of fifty dollars, and the posting with the department of the bond required by the following section, the chief of the department shall upon proper application issue the requested permit.

The registration fees heretofore or hereafter collected
as provided in this article shall be deposited with the state treasurer to the credit of the special fund created by section five of this article.

Sec. 5. Bond Forfeitures; Strip Mining Fund and Use of Proceeds.—Upon default in the performance of the conditions of the performance bond, the chief of the state department of mines shall give notice to the attorney general and it shall be his duty to collect the forfeiture without delay.

All such forfeitures and all registration fees heretofore or hereafter collected as provided in this article shall be deposited with the state treasurer in a special fund to be designated “Strip Mining Fund” to the credit of the state department of mines, and shall be expended in the enforcement and administration of the provisions of this article and to reclaim and rehabilitate the lands affected in accordance with the provisions of this article.

It shall be the duty of the state department of mines and the agricultural experiment station of West Virginia university to reclaim and rehabilitate the lands affected in accordance with the provisions of section four of this
article. In so far as is reasonably practicable, the monies in the fund after paying expenses of enforcement and administration of this article shall be expended upon the lands upon which the permit was issued for which the bond was given. The state department of mines may avail itself of any services that may be provided by the federal government for reclaiming lands.

The auditor shall issue his warrant for all money in the special fund created by this section upon the request of the chief of the state department of mines.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Forest L. McTurn
Chairman Senate Committee

R. C. Matthews
Chairman House Committee

Originated in the Senate
Takes effect from passage.

Howard H. Meyers
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

Arnaud M. Vickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within approvethis the 13
day of March, 1947.

Governor.

Filed in the Office of the Secretary of State of West Virginia, MAR. 13, 1947.