

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947

ENROLLED

SENATE BILL No. 255

(By Mr. M^r Kown)

PASSED March 8, 1947

In Effect from Passage



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ENROLLED

Senate Bill No. 255

(By MR. MCKOWN)

[Passed March 3, 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.*

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

17 Upon payment to the department of mines of a regis-
18 tration fee of fifty dollars, and the posting with the de-
19 partment of the bond required by the following section,
20 the chief of the department shall upon proper applica-
21 tion issue the requested permit.

22 The registration fees heretofore or hereafter collected

23 as provided in this article shall be deposited with the
24 state treasurer to the credit of the special fund created
25 by section five of this article.

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

7 All such forfeitures and all registration fees heretofore
8 or hereafter collected as provided in this article shall be
9 deposited with the state treasurer in a special fund to be
10 designated "Strip Mining Fund" to the credit of the state
11 department of mines, and shall be expended in the en-
12 forcement and administration of the provisions of this
13 article and to reclaim and rehabilitate the lands affected
14 in accordance with the provisions of this article.

15 It shall be the duty of the state department of mines
16 and the agricultural experiment station of West Virginia
17 university to reclaim and rehabilitate the lands affected
18 in accordance with the provisions of section four of this

19 article. In so far as is reasonably practicable, the monies
20 in the fund after paying expenses of enforcement and
21 administration of this article shall be expended upon the
22 lands upon which the permit was issued for which the
23 bond was given. The state department of mines may
24 avail itself of any services that may be provided by the
25 federal government for reclaiming lands.

26 The auditor shall issue his warrant for all money in the
27 special fund created by this section upon the request of
28 the chief of the state department of mines.

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

Joseph L. McQueen
Chairman Senate Committee

R. S. Matthews
Chairman House Committee

Originated in the Senate

Takes effect from passage.

Howard Myers
Clerk of the Senate

Steele
Clerk of the House of Delegates

Arnold M. Vickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within Approved this the 12
day of March, 1947.

Clarence Meadows
Governor.



Filed in the Office of the Secretary of State
of West Virginia **MAR 13 1947**
WM. S. O'BRIEN,
SECRETARY OF STATE