AN ACT to amend and reenact sections one, three, ten and eleven, article two-a, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the jurisdiction and control of the state department of mines over surface mining operations.

Be it enacted by the Legislature of West Virginia:

That sections one, three, ten and eleven, article two-a, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1. Legislative Purpose; Apportionment of Responsibility.—Since practices and procedures in the surface mining of coal may and commonly do cause soil
erosion, stream pollution and the accumulation of stagnant waters, increase the likelihood of floods, destroy the value of lands for agricultural purposes, counteract efforts for the conservation of soil, water and other natural resources of the state, the legislature finds and declares that the department of natural resources shall have jurisdiction and control over land and soil aspects of surface mining operations, and the restoration and reclamation of lands surface mined and areas affected thereby, but that surface mining as an industrial enterprise and occupation shall be under the jurisdiction and control and subject to the regulations of the state department of mines.

Sec. 3. Permit Required; Fees and Use of Proceeds.—It shall hereafter be unlawful for any person, firm or corporation to engage in the surface mining of coal without having first obtained from the director 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) A description of the location and area of the land to be covered by the permit together with a map or plat of the portion to be surface
mined; (2) the owner or owners of the surface of the land; (3) the owner or owners of the coal to be mined; (4) the surface 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 addresses 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 registration fee of one hundred dollars and the certification from the director of the department of natural resources that a bond as required by section three, article six, chapter twenty of the code has been posted, the director of the department of mines shall upon proper application, issue the requested permit. The permit shall be for a period of one year from the date of issuance and shall be extended upon written request and by the payment of fifty dollars for each succeeding year. Permits issued prior to the effective date of this article shall be renewable on the anniversary date of their issuance.

The registration and renewal fees heretofore or hereafter collected as provided in this article shall be deposited
with the state treasurer to the credit of the general revenue fund.

Sec. 10. Surface Mining Supervisor and Inspectors; Compensation and Expenses.—Five surface mining inspectors and a state surface mining surveyor shall be appointed by the director of the department of mines. All such appointees shall be citizens of West Virginia, in good health, not less than thirty nor more than fifty-five years of age, of good character and reputation, and temperate in habits. Each of them shall have had at least five years' practical experience in strip and surface mining in West Virginia. The surface mining supervisor shall be paid not less than six thousand six hundred dollars and not more than seven thousand five hundred dollars per annum and the surface mining inspectors shall be paid not less than six thousand dollars and not more than six thousand four hundred dollars per annum. Each shall be allowed reasonable traveling expenses when itemized by the claimant who shall verify, upon oath, that such expenses were actually incurred in the discharge of his official duties for the department of mines. Within the limits provided in
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20 this section, the salary of the supervisor and of each in-
21 spector shall be fixed by the director of the department
22 of mines and in fixing such salaries the director shall
23 consider ability, performance of duty, responsibility and
24 experience of each. All such salaries and expenses shall
25 be paid from department of mines fund.

Sec. 11. Duties of Surface Mining Supervisor and In-
2 spectors; Tenure; Oath and Bond.—The surface mining
3 supervisor and surface mining inspectors shall make such
4 surveys and inspections of surface mining operations, shall
5 effect practical and effective administration and enforce-
6 ment of all mining laws of the state applicable to surface
7 mining, and shall perform such other duties and services
8 as may be prescribed by the director of the department
9 of mines.

10 No person shall be eligible for permanent appointment
11 as surface mining supervisor or surface mining inspector
12 until he has served in a probationary status, to the satis-
13 faction of the director of the department of mines, for a
14 period of one year, but the surface mining supervisor and
15 the surface mining inspectors serving as such on the effec-
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16 tive date of this section shall receive permanent appoint-
17 ment after they shall have served in such capacity for a
18 period of one year to the satisfaction of the director. Any
19 person receiving permanent appointment as surface min-
20 ing supervisor or surface mining inspector shall have per-
21 manent tenure until he becomes sixty-five years of age,
22 subject to removal only for physical or mental impair-
23 ment, neglect of duty, drunkenness, malfeasance in office,
24 or official misconduct. No person serving as surface min-
25 ing inspector shall be interested, directly or indirectly, as
26 owner, operator, or stockholder of any coal mining opera-
27 tion in the state of West Virginia and the existence or
28 acquisition of such interest on the part of any such inspec-
29 tor shall immediately vacate his position.
30 Before any such supervisor or inspector shall enter upon
31 the discharge of his duties, he shall take and subscribe
32 to the public official's oath as prescribed by the constitu-
33 tion of West Virginia and shall execute a bond in the
34 penal sum of two thousand dollars, with surety approved
35 by the director of the department of mines, and condi-
36 tioned upon faithful discharge of his duties. Premiums
on such bonds shall be paid from department of mines
funds and all such executed bonds and oaths shall be filed
in the office of the secretary of state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

[Signature]

Chairman House Committee

[Signature]

Originated in the Senate.


[Signature]

Clerk of the Senate

[Signature]

Clerk of the House of Delegates

[Signature]

President of the Senate

[Signature]

Speaker House of Delegates

The within [APPROVED] this the 17th day of [MARCH], 1961.

[Signature]

Governor

Filed in Office of the Secretary of State of West Virginia [MAR 17, 1961]

JOE F. BURDETT
SECRETARY OF STATE