

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1961

24  
**ENROLLED**

SENATE BILL NO. 24

(By Mr. McCourt & McCarrigan)

PASSED March 8th 1961

In Effect July 1st. 1961

Passage

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

JOE R. BURDETT  
SECRETARY OF STATE

ENROLLED

Senate Bill No. 24

(By MR. McCOURT AND MR. CARRIGAN)

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[Passed March 8, 1961; in effect July 1, 1961.]

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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

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4 erosion, stream pollution and the accumulation of stag-  
5 ~~mate~~ waters, increase the likelihood of floods, destroy the  
6 value of lands for agricultural purposes, counteract efforts  
7 for the conservation of soil, water and other natural re-  
8 sources of the state, the legislature finds and declares that  
9 the department of natural resources shall have jurisdic-  
10 tion and control over land and soil aspects of surface min-  
11 ing operations, and the restoration and reclamation of  
12 lands surface mined and areas affected thereby, but that  
13 surface mining as an industrial enterprise and occupation  
14 shall be under the jurisdiction and control and subject to  
15 the regulations of the state department of mines.

*Sec. 3. Permit Required; Fees and Use of Proceeds.—*

2 It shall hereafter be unlawful for any person, firm or  
3 corporation to engage in the surface mining of coal with-  
4 out having first obtained from the director of the depart-  
5 ment of mines a permit therefor as provided in this sec-  
6 tion. The following information must be stated in the  
7 application for such a permit: (1) A description of the  
8 location and area of the land to be covered by the permit  
9 together with a map or plat of the portion to be surface

10 mined; (2) the owner or owners of the surface of the  
11 land; (3) the owner or owners of the coal to be mined;  
12 (4) the ~~surface~~ of the operator's legal right to enter and  
13 mine the coal on the land covered by the permit; (5) the  
14 permanent and temporary post office addresses of the  
15 operator; (6) whether any permits are now held, and if  
16 so, how many such permits and the numbers thereof.

17 Upon payment to the department of mines of (registra-  
18 tion fee of one hundred dollars and the certification from  
19 the director of the department of natural resources that  
20 a bond as required by section three, article six, chapter  
21 twenty of the code has been posted, the director of the de-  
22 partment of mines shall upon proper application, issue  
23 the requested permit. The permit shall be for a period  
24 of one year from the date of issuance and shall be ex-  
25 tended upon written request and by the payment of fifty  
26 dollars for each succeeding year. Permits issued prior to  
27 the effective date of this article shall be renewable on the  
28 anniversary date of their issuance.

29 The registration and renewal fees heretofore or here-  
30 after collected as provided in this article shall be deposited

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31 with the state treasurer to the credit of the general reve-  
32 nue fund.

Sec. 10. *Surface Mining Supervisor and Inspectors;*  
2 *Compensation and Expenses.*—Five surface mining in-  
3 spectors and a state surface mining surveyor shall be  
4 appointed by the director of the department of mines. All  
5 such appointees shall be citizens of West Virginia, in good  
6 health, not less than thirty nor more than fifty-five years  
7 of age, of good character and reputation, and temperate  
8 in habits. Each of them shall have had at least five years'  
9 practical experience in strip and surface mining in West  
10 Virginia. The surface mining supervisor shall be paid not  
11 less than six thousand six hundred dollars and not more  
12 than seven thousand five hundred dollars per annum and  
13 the surface mining inspectors shall be paid not less than  
14 six thousand dollars and not more than six thousand four  
15 hundred dollars per annum. Each shall be allowed rea-  
16 sonable traveling expenses when itemized by the claimant  
17 who shall verify, upon oath, that such expenses were  
18 actually incurred in the discharge of his official duties for  
19 the department of mines. Within the limits provided in

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.

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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-

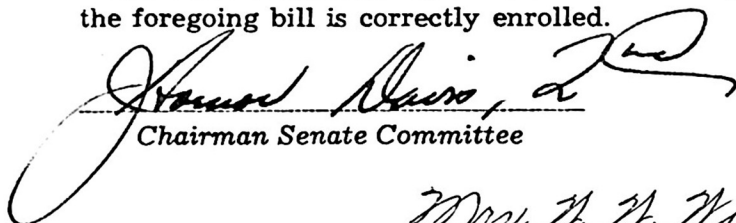
16 tive date of this section shall receive permanent appoint-  
17 ment after they shall have served in such capacity for a  
18 period of one year to the satisfaction of the director. Any  
19 person receiving permanent appointment as surface min-  
20 ing supervisor or surface mining inspector shall 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

37 on such bonds shall be paid from department of mines  
38 funds and all such executed bonds and oaths shall be filed  
39 in the office of the secretary of state.



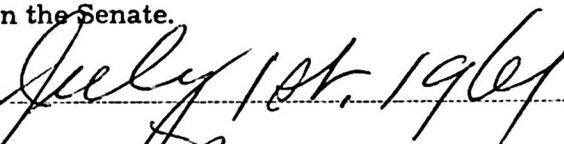
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman Senate Committee

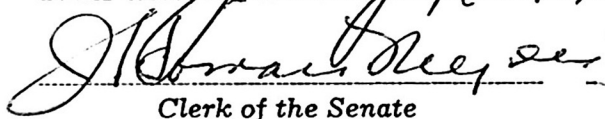
  
Chairman House Committee


Originated in the Senate.

Takes effect

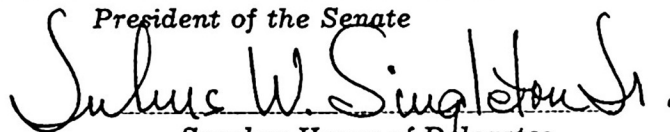
  
July 1st, 1961

passage.

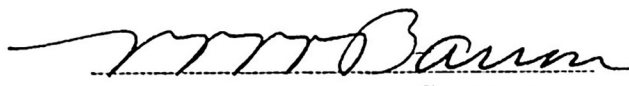
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

The within approved this the 17<sup>th</sup>  
day of March, 1961.

  
Governor



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of West Virginia MAR 17 1961  
JOE F. BURDETT  
SECRETARY OF STATE