WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED

SENATE BILL NO. 61

(By Mr. [Signature]
Mr. President and
Mr. [Signature] original sponsor)

PASSED [Signature] 1967

In Effect July 1, 1967

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-20-67
AN ACT to repeal article two-a, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to surface mining; and to repeal article six, chapter twenty of said code and to enact in lieu thereof a new article six, relating to surface mining and the reclamation of surface mined lands in West Virginia; providing for the regulation of surface mining; providing penalties; and authorizing under certain circumstances the recovery of treble damages for property damage resulting from surface mining.
Be it enacted by the Legislature of West Virginia:

That article two-a, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that article six, chapter twenty of said code, be repealed and a new article six enacted in lieu thereof to read as follows:

§20-6-1. Jurisdiction vested in department of natural resources; legislative purpose; apportionment of responsibility.

Except as otherwise provided in section twenty-one of this article, the department of natural resources is hereby vested with jurisdiction over all aspects of surface mining and with jurisdiction and control over land, water and soil aspects pertaining to surface-mining operations, and the restoration and reclamation of lands surface mined and areas affected thereby.

The Legislature finds that, although surface mining provides much needed employment and has produced good safety records, unregulated surface mining causes soil erosion, pyritic shales and materials, landslides, noxious materials, stream pollution and accumulation of stagnant water, increases the likelihood of floods and
slides, destroys the value of some lands for agricultural purposes and some lands for recreational purposes, destroys aesthetic values, counteracts efforts for the conservation of soil, water and other natural resources, and destroys or impairs the health, safety, welfare and property rights of the citizens of West Virginia, where proper reclamation is not practiced.

The Legislature also finds that there are wide variations regarding location and terrain conditions surrounding and arising out of the surface mining of minerals, primarily in topographical and geological conditions, and by reason thereof, it is necessary to provide the most effective, beneficial and equitable solution to the problems involved.

The Legislature further finds that authority should be vested in the director of the department of natural resources to administer and enforce the provisions of this article.

The director of the department of natural resources and the director of the department of mines shall cooperate with respect to departmental programs and rec-
ords so as to effect an orderly and harmonious administration of the provisions of this article. The director of natural resources may avail himself of any services which may be provided by other state agencies in this state and other states or by agencies of the federal government, and may reasonably compensate them for such services. He may also receive any federal funds, state funds or any other funds for the reclamation of land affected by surface mining. The department of mines and all departments, schools and colleges of West Virginia University shall cooperate fully with the division of reclamation of the department of natural resources in administering and enforcing the provisions of this article.

No public officer or employee in the department of natural resources, the department of mines, or the office of attorney general, having any responsibility or duty either directly or of a supervisory nature with respect to the administration or enforcement of this article shall (1) engage in surface mining as a sole proprietor or as a partner or (2) be an officer, director, stockholder, owner or part-owner of any corporation or other business entity en-
5 gaged in surface mining or (3) be employed as an at-
57 torney, agent or in any other capacity by any person, part-
58 nership, firm, association, trust, or corporation engaged in
59 surface mining. Any violation of this paragraph by any
60 such public officer or employee shall constitute grounds
61 for his removal from office or dismissal from his employ-
62 ment, as the case may be.

§20-6-2. Definitions.

Unless the context in which used clearly requires a
different meaning as used in this article:

(a) "Surface mining" shall mean all industrial ac-
tivity for the recovery of minerals, except those activ-
ities subject to the provisions of articles one, two, four,
five and seven, chapter twenty-two of the code of West
Virginia, one thousand nine hundred thirty-one, as
amended, and subject to such exception, shall include
plant and equipment used in processing said minerals;

(b) "Surface mine" shall mean all areas surface
mined or being surface mined, as well as adjacent areas
ancillary to the operation, together with preparation and
processing plants, storage areas and haulageways: Pro-
vided, That mines subject to the provisions of article one, two, four, five and seven, chapter twenty-two of said code, are not “surface mines” within this definition;

(c) “Disturbed land” or “land disturbed” shall mean

(1) the area from which the overburden has been removed in surface-mining operations, (2) the area covered by the spoil, and (3) any areas used in surface mining operations which by virtue of their use are susceptible to excessive erosion including all lands disturbed by the construction or improvement of haulageways;

(d) “Minerals” as used in this article shall mean coal, clay, manganese and iron ore;

(e) “Director” shall mean the director of natural resources or his authorized agents;

(f) “Operator” shall mean any individual, partnership, firm, association, trust, or corporation who or which is granted a permit to engage in any activity covered by this article; and

(g) “Person” shall mean any individual, partnership, firm, association, trust or corporation.
§20-6-3. Division of reclamation; duties and functions; selections, duties and compensation.

There is hereby created within the department of natural resources a division of reclamation, and the director of natural resources shall appoint and fix the compensation of the head of said division who shall be known as the chief of the division of reclamation. Said chief shall have graduated from an accredited four-year college or university with a degree in the field of engineering, agriculture, forestry or related resource field, and shall have four years of full-time paid employment in some phase of natural resources management, two years of which must have been in a supervisory or administrative capacity.

Except as otherwise provided in this article, the division shall administer all of the laws of this state relating to surface mining and subject to the approval of the director of natural resources shall exercise all of the powers and perform all of the duties by law vested in and imposed upon said director in relation to said operations. The division of reclamation shall have within its jurisdic-
tion and supervision all lands and areas of the state, mined or susceptible of being mined, for the removal of minerals and all other lands and areas of the state deforested, burned over, barren or otherwise denuded, unproductive and subject to soil erosion and waste. Included within such lands and areas shall be lands seared and denuded by chemical operations and processes, abandoned coal-mining areas, swamplands, lands and areas subject to flowage easements and backwaters from river locks and dams, and river, stream, lake and pond shore areas subject to soil erosion and waste. The jurisdiction and supervision exercised by the division shall be consistent with other provisions of this chapter, and the division shall cooperate with other offices and divisions of the department.

§20-6-4. Surface-mining reclamation supervisors and inspectors; appointment and qualifications.

The director shall determine the number of surface mining reclamation supervisors and inspectors needed to carry out the purposes of this article and appoint them as such. All such appointees shall be qualified civil service
employees, but no person shall be eligible for such appointment until he has served in a probationary status for a period of one year to the satisfaction of the director of natural resources: Provided, That the provisions of this section shall not affect the status of persons employed on the effective date of this article as reclamation inspectors under the former provisions of this article, if such persons are qualified civil service employees.

§20-6-5. Duties of surface mining reclamation inspectors.

The surface mining reclamation inspectors shall make all necessary surveys and inspections of surface-mining operations, shall administer and enforce all surface-mining laws, rules and regulations, and shall perform such other duties and services as may be prescribed by the director of the department of natural resources. Such inspectors shall give particular attention to the conditions of each permit to insure compliance therewith. The director shall cause inspections to be made of each surface mining operation in this state by a surface-mining reclamation inspector at least once every thirty days. Said inspector shall note all violations of law thereat and report
the same to the director in writing, furnishing a copy of
said report to the operator concerned.

§20-6-6. Reclamation commission; duties, functions and compensation.

There is hereby created and established in the depart-
ment of natural resources a reclamation commission
which shall be composed of the director of natural re-
sources, serving as chairman, the chief of the division of
reclamation, and the director of the department of mines.
The members of the commission shall receive no com-
pensation for their services on the commission, but shall
be reimbursed for their expenses incurred in performing
their functions. The commission shall meet upon the
call of any member. The director, if he deem such action
necessary, may request the attorney general to appoint
one or more assistant attorneys general who shall perform
such duties as may be required by the director. The at-
torney general, in pursuance of such request, may select
and appoint one or more assistant attorneys general, to
serve at the will and pleasure of the attorney general,
and such assistant or assistants, shall be paid out of any
funds made available for that purpose by the Legislature
to the department of natural resources.

The commission shall have authority to:

(a) Promulgate reasonable rules and regulations, in
accordance with the provisions of chapter twenty-nine-a
of this code, to implement the provisions of this article;

(b) Make investigations or inspections necessary to
insure compliance with the provisions of this article;

(c) Conduct hearings under provisions of this article
or rules and regulations adopted by the commission and
for the purpose of any investigation or hearing, here-
under, the commission or any member thereof may
administer oaths or affirmations, subpoena witnesses,
compel their attendance, take evidence and require pro-
duction of any books, papers, correspondence, memoranda,
agreements, or other documents or records relevant or
material to the inquiry;

(d) Order, through the director, the suspension of
any permit for failure to comply with any of the pro-
visions of this article or any rules and regulations adopted
pursuant thereto;
(e) Order, through the director, a cease and desist order of any operation that is started without a permit as required by law;

(f) Appoint such advisory committees as may be of assistance to the commission in the development of programs and policies; and

(g) Review orders and decisions of the director.

§20-6-7. Prospecting permit; bond.

It shall hereafter be unlawful for any person to use excavating equipment in an area not covered by a surface mine permit for the purpose of removing the overburden to determine the location, quantity or quality of a natural coal deposit, making feasibility studies or for any other purpose without having first obtained from the department of natural resources a permit therefor as provided in this section. Application for a prospecting permit shall be made in writing on forms prescribed by the director of natural resources and shall be signed and verified by the applicant. The application shall be accompanied by:

(1) a United States geological survey topographic map showing by proper markings the crop line and the name,
where known, of the seam or seams to be prospected;
(2) a reclamation plan for the proposed disturbed areas
as required for holders of surface mining permits in sec-
tion nine of this article; and (3) a bond, or cash or col-
lateral securities or certificates of the same type, form
and amount and in the same manner as provided in sec-
tion sixteen of this article in the amount of one hundred
fifty dollars per acre for the total estimated disturbed
acreage. If such bond is used it shall be payable to the
state of West Virginia and conditioned that the operator
shall faithfully perform the requirements of this article
as they relate to reclamation of the disturbed acreage.
The prospecting permit and the bond accompanying said
permit shall be released by the director in the same man-
ner as surface-mining permits and bonds are released.
In the event the holder of a prospecting permit desires to
mine the area covered by the prospecting permit, the di-
rector shall permit such holder to convert the prospecting
permit to a surface mining permit, provided the holder of
said permit shall comply with the provisions of this arti-
icle as they relate to surface mining permits.
§20-6-8. Permit required; applications; issuance and renewals; fees and use of proceeds.

It shall hereafter be unlawful for any person to engage in surface mining without having first obtained from the department of natural resources a permit therefor as provided in this section. Application for a surface-mining permit shall be made in writing on forms prescribed by the director of natural resources, and shall be signed and verified by the applicant. The application, in addition to such other information as may be reasonably required by the director, shall contain the following information:

1. The common name and geologic title, where applicable, of the mineral or minerals to be extracted;
2. Maps and plans as provided in section nine hereof;
3. The owner or owners of the surface of the land to be mined;
4. The owner or owners of the mineral to be mined;
5. The source of the operator's legal right to enter and conduct operations on the land to be covered by the permit;
6. A reasonable estimate of the number of acres of land that will be disturbed by mining on the area to be covered by the permit;
7. The permanent and
temporary post office addresses of the applicant and of the owners of the surface and the mineral; (8) whether any surface-mining permits are now held and the numbers thereof; (9) the names and post office addresses of every officer, partner, director (or person performing a similar function), applicant, together with all persons, if any, owning of record or beneficially (alone or with associates), if known, ten per cent or more of any class of stock of the applicant: Provided, That if such list be so large as to cause undue inconvenience, the director may waive the requirement that such list be made a part of such application; (10) if known, whether applicant, any subsidiary or affiliate or any person controlled by or under common control with applicant, or any person required to be identified by item (9) above, has ever had a surface or strip mining permit issued under the laws of this state revoked or has ever had a surface mining bond, or security deposited in lieu of bond, forfeited; and (11) the reputed owner or owners of all surface area within five hundred feet of any part of proposed disturbed land. There shall be attached to the application a certificate of insurance
certifying that the applicant has in force a public liability
insurance policy issued by an insurance company author-
ized to do business in this state covering all surface-
mining operations of the applicant in this state and afford-
ing personal injury and property damage protection in a
total amount of not less than fifty thousand dollars.

Upon the filing of an application in proper form, ac-
compained by the fees and bond required by this article
and said certificate of insurance, the director of natural
resources may issue the permit applied for if the applicant
has complied with all of the provisions of this article. If
the director finds that the applicant is or has been affili-
ated with or managed or controlled by, or is or has been
under the common control of, other than as an employee,
a person who or which has had a surface or strip mining
permit revoked or bond or other security forfeited for
failure to reclaim lands as required by the laws of this
state, he shall not issue a permit to the applicant: Pro-
vided, however, That no surface mining permit shall be
refused because of any past revocation of a permit and
forfeiture of a bond or other security if, after such revo-
cation and forfeiture, the operator whose permit has been revoked and bond forfeited shall have paid into the surface-mining reclamation fund the full amount of the bond so forfeited, and any additional sum of money determined by the director of the department of natural resources to be adequate to reclaim the land covered by such forfeited bond.

The permit shall be valid for one year from its date of issue. Upon verified application, containing such information as the director may reasonably require, accompanied by such fees and bond as are required by this article, and a certificate of insurance as aforesaid, the director shall from year to year renew the permit, if the operation is in compliance with the provisions of this article.

The registration fee for permits for surface mining, whether by open cut, auger method or by highwall mechanical mining or modification thereof, shall be one hundred dollars. The annual renewal fee for permits for surface mining shall be fifty dollars payable on the anniversary date of said permit upon renewal.
The permit of any operator who fails to pay any fees provided for in this article shall be either suspended or revoked.

An operator who has been issued a surface mining permit may use any of the usual methods of mining, including the auger method or highwall mechanical mining or any combination of mining methods defined as "surface mining" in section two of this article, unless otherwise provided by law. Any modifications of these methods shall also be under the director's jurisdiction.

All registration and renewal fees for surface mining shall be collected by the director and shall be deposited with the treasurer of the state of West Virginia to the credit of the surface reclamation fund.

§20-6-9. Preplanning plans.

Under the provisions of this article, and rules and regulations adopted by the commission, the operator shall prepare a complete reclamation plan for the area of land to be disturbed. Said reclamation plan shall include, but not necessarily be limited to, a proposed method of operation, grading, backfilling, soil preparation and planting...
and such other proposals as may be necessary to develop the complete reclamation plan contemplated by this article. In developing this complete reclamation plan all reasonable measures shall be taken to eliminate damages to members of the public, their real and personal property, public roads, streams and all other public property from soil erosion, rolling stones and overburden, water pollution and hazards dangerous to life and property. The plan shall be submitted to the director and the director shall notify the applicant by certified mail within thirty days after receipt of the plan and complete application if it is or is not acceptable. If the plan is not acceptable, the director shall set forth the reasons why the plan is not acceptable and he may propose modifications, delete areas or reject the entire plan. Should the applicant disagree with the decision of the director, he may, by written notice, request a hearing before the commission. The commission shall hold such hearing within thirty days after receipt of this notice. When a hearing is held by the commission, it shall notify the applicant of its decision by certified mail within twenty days after the hearing.
Any person aggrieved by a final order of the commission made after the hearing or without a hearing may appeal to the reclamation board of review.

The application for a permit shall be accompanied by two copies of an enlarged United States geological survey topographic map meeting the requirements of the sub-paragraphs below. Aerial photographs of the area shall be acceptable if the plan for reclamation can be so shown to the satisfaction of the director. The maps shall:

(a) Be prepared and certified by or under the supervision of a registered professional civil engineer or registered professional mining engineer, or by a land surveyor approved by the director;

(b) Identify the area to correspond with the application;

(c) Show probable limits of adjacent deep mining operations, probable limits of adjacent inactive or mined out deep mined areas and the boundaries of surface properties and names of surface and mineral owners of the proposed disturbed area and the reputed owner or owners of the surface area within five hundred feet of any part of the proposed disturbed area;
(d) Be of such scale as may be prescribed by the director;

(e) Show the names and locations of all streams, creeks, or other bodies of public water, roads, buildings, cemeteries, oil and gas wells, and utility lines on the area of land to be disturbed and within five hundred feet of such area;

(f) Show by appropriate markings the boundaries of the area of land to be disturbed, the crop line of the seam or deposit of coal to be mined, and the total number of acres involved in the area of land to be disturbed;

(g) Show the date on which the map was prepared, the north point and the quadrangle sketch and exact location of the operation; and

(h) Show the drainage plan on and away from the area of land to be disturbed. Such plan shall indicate the directional flow of water, constructed drainways, natural waterways used for drainage, and the stream or tributaries receiving or to receive this discharge.

The director may, in the exercise of his sound discretion, permit deviation from the map requirements provided for in this section.
The certification of the maps shall read as follows: "I, the undersigned, hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the surface mining laws of this state". The certification shall be signed and notarized. The director may reject any map as incomplete if its accuracy is not so attested.

In addition to the information and maps required above, each application for a permit shall be accompanied by a detailed reclamation plan as required by this article.

A monument as prescribed by the department of natural resources shall be placed in an approved location near the operation. If operations under a single permit are not geographically continuous, the operator shall locate additional monuments and submit additional maps before mining other areas.

Upon an order of the director, the operator shall, within thirty days after service of a copy of said order upon said operator by certified United States mail, furnish to the department of natural resources three copies of a progress map prepared by or under the supervision of a registered

92 professional civil engineer or registered professional min-
93 ing engineer, or by a land surveyor approved by the di-
94 rector, showing the area disturbed by operations to the
date of such map. Such progress map shall contain infor-
mation identical to that required for both the proposed
and final maps, required by this article, and shall show
in detail completed reclamation work, as required by the
director. Such progress map shall include a geologic sur-
vey sketch showing the location of the operation, shall be
properly referenced to a permanent landmark, and shall
be within such reasonable degree of accuracy as may be
prescribed by the director. If no land has been disturbed
by operations during the preceding year, the operator
shall notify the director of this fact. A final map shall be
submitted within sixty days after completion of mining
operations. Failure to submit maps or aerial photographs
or notices at specified times shall cause the permit in
question to be suspended.

§20-6-10. Alternative plans; time.

An operator may propose alternative plans not calling
for backfilling where a water impoundment is desired, if
such restoration will be consistent with the purpose of this article. Such plans shall be submitted to the director, and if such plans are approved by the director and complied with within such time limits as may be determined by him as being reasonable for carrying out such plans, the backfilling requirements of this article may be modified.

By regulations of the commission, time limits shall be established requiring backfilling, grading and planting to be kept current. All backfilling and grading shall be completed before equipment necessary for such backfilling and grading is moved from the operation: Provided, That the director may allow said equipment to be moved before said backfilling and grading is completed in order to prevent unreasonable hardship on the operator involved.

If the operator or other person desires to conduct deep mining upon the premises or use a deep-mine opening for haulageways or other lawful purposes, the operator may designate locations to be used for such purposes at which places it will not be necessary to backfill as herein provided for until such deep mining or other use is com-
pled, during which time the bond on file for that portion of the operation shall not be released. Such locations shall be described and designated on the map required by the provisions of section nine of this article.

When the backfilling and grading have been completed and approved by the director, the director shall release that portion of the bond which was filed and designated to cover the backfilling and grading requirements of this article, the remaining portion of the bond in an amount equal to one hundred dollars per acre, but not less than a total amount of one thousand dollars being retained by the treasurer until such time as the planting and revegetation is done according to law and is approved by the director, at which time the director shall release the remainder of the bond.

After the operation has been backfilled, graded and approved by the director, the operator shall prepare or cause to be prepared a planting plan for the planting of trees, shrubs, vines, grasses or legumes upon the area of the land affected in order to provide a suitable vegetative cover. The seed or plant mixtures, quantities, method of
planting, type and amount of lime or fertilizer, and any
other measures necessary to provide a suitable vegetative
cover shall be defined by the rules and regulations of the
commission. Such rules and regulations shall be promul-
gated, under the provisions of article three, chapter
twenty-nine-a of this code.

After the regrading has been approved by the director,
the planting called for by the pre-plan shall be carried out
in a manner so as to establish a satisfactory cover of trees,
shrubs, grasses, legumes or vines upon the disturbed area
covered by the planting plan within a reasonable period
of time. Such planting shall be done by the operator or
such operator may contract in writing with the soil con-
servation district for the district in which the operation
covered by such permit is located or with a private con-
tractor approved by the director to have such planting
done by such district or private contractor. When the
planting and revegetation is done by the operator accord-
ing to law and is approved by the director, that portion
of the bond then in effect shall be released. If any such
contract is entered into and such operator deposits with
such district or private contractor, as the case may be, a
sufficient amount of money for such planting, and re-
ponsibility for the planting is assumed by such soil con-
servation district or private contractor, that portion of the
bond then in effect shall be released.

The purpose of this section is to require restoration of
land disturbed by surface mining to a desirable purpose
and use. The director may, in the exercise of his sound
discretion when not in conflict with such purpose, modify
such requirements to bring about a more desirable land
use, including but not limited to, industrial sites, sanitary
landfills, recreational areas, building sites, etc.: Provided,
That the person or agency making such modifications will
execute contracts, post bond or otherwise insure full com-
pliance with the provisions of this section in the event
such modified program is not carried to completion within
a reasonable length of time.

§20-6-11. Limitations.

The Legislature finds that there are certain areas in the
state of West Virginia which are impossible to reclaim
either by natural growth or by technological activity and
that if surface mining is conducted in these certain areas such operations may naturally cause stream pollution, landslides, the accumulation of stagnant water, flooding, the destruction of land for agricultural purposes, the destruction of aesthetic values, the destruction of recreational areas and the future use of the area and surrounding areas, thereby destroying or impairing the health and property rights of others, and in general creating hazards dangerous to life and property so as to constitute an imminent and inordinate peril to the welfare of the state, and that such areas shall not be mined by the surface-mining process.

Therefore, authority is hereby vested in the director to delete certain areas from all surface mining operations.

No application for a permit shall be approved by the director if there is found on the basis of the information set forth in the application or from information available to the director and made available to the applicant that the requirements of this article or rules and regulations hereafter adopted will not be observed or that there is not probable cause to believe that the proposed method of
If the director finds that the overburden on any part of the area of land described in the application for a permit is such that experience in the state of West Virginia with a similar type of operation upon land with similar overburden shows that substantial deposition of sediment in stream beds, landslides or acid water pollution cannot feasibly be prevented, the director may delete such part of the land described in the application upon which such overburden exists.

If the director finds that the operation will constitute a hazard to a dwelling house, public building, school, church, cemetery, commercial or institutional building, public road, stream, lake or other public property, then he shall delete such areas from the permit application before it can be approved.

The director shall not give approval to surface mine any area which is within one hundred feet of any public road, stream, lake or other public property and shall not
approve the application for a permit where the surface mining operation will adversely affect a state, national or interstate park unless adequate screening and other measures approved by the commission are to be utilized and the permit application so provides: Provided, That the one hundred-foot restriction aforesaid shall not include ways used for ingress and egress to and from the minerals as herein defined and the transportation of the removed minerals, nor shall it apply to the dredging and removal of minerals from the streams or watercourses of this state.

Whenever the director finds that ongoing surface mining operations are causing or are likely to cause any of the conditions set forth in the first paragraph of this section, he may order immediate cessation of such operations and he shall take such other action or make such changes in the permit as he may deem necessary to avoid said described conditions.

§20-6-12. Time in which reclamation shall be done.

It shall be the duty of an operator to commence the reclamation of the area of land disturbed by his operation after the beginning of surface mining of that area in ac-
cordance with plans previously approved by the director and to complete such reclamation within twelve months after the permit has expired, except that such grading, backfilling and water management practices as are approved in the plans shall be kept current with the operation as defined by rules and regulations of the commission and no permit or supplement to a permit shall be issued or renewed, if in the discretion of the director, these practices are not current.

§20-6-13. Method of regrading surface mined areas.

On lands where the method of operation produces a bench, backfilling shall be required and performed as follows: All highwalls must be reduced or backfilled. Subject to the discretion of the director, the steepest slope of the reduced or backfilled highwall shall be no greater than forty-five degrees from the horizontal: Provided, That if the highwall is composed of materials of sufficient hardness as to ordinarily require blasting to displace, the commission, by rules and regulations, may modify the requirements of this section; the table portion of the restored area shall be a terrace with a slope toward the re-
duced highwall that will direct surface water toward the
highwall in such a manner as to prevent water from flowing over the outer slope of the disturbed area; The restored
area shall have a minimum depth of fill over the floor of
the pit from which the coal has been removed sufficient to
cover all materials determined by the director to be acid-
producing, toxic or created a fire hazard and to support
vegetation, as may be prescribed by the director; There
shall be no depressions to accumulate water, but lateral
drainage ditches connecting to natural or constructed wa-
terways shall be constructed whenever directed by the
director; Additional restoration work may be required by
the director according to rules and regulations promul-
gated by the commission; and in addition to the backfilling
and grading requirements above, the operator's method of
operation on steep slopes may be regulated and controlled
according to rules and regulations adopted by the com-
mission. Such rules and regulations may limit bench
widths, control the amount of overburden to be placed
beyond the solid bench, prohibit any overburden from
being placed beyond the solid bench on precipitous slopes
as defined by the commission, or require any measure to
accomplish the purpose of this article.

On lands where the method of operation does not pro-
duce a bench, complete backfilling shall be required, not
to exceed the approximate original contour of the land.
Such backfilling shall eliminate all highwalls and spoil
peaks. Whenever directed by the director, the operator
shall construct, in the final grading, such diversion ditches
or terraces as will control the water runoff on long unin-
terrupted slopes. Additional restoration work may be
required by the director, according to rules and regula-
tions adopted by the commission.

§20-6-14. Obligations of the operator.

In addition to the method of operation, grading, back-
filling and reclamation requirements of this article and
rules and regulations adopted pursuant thereto, the oper-
ator shall be required to perform the following: (1) Cover
the face of the coal and the disturbed area with material
suitable to support vegetative cover of such thickness as
may be prescribed by the director or with a permanent
water impoundment; (2) Bury under adequate fill all
9 toxic materials, roof coal, pyritic shale or materials determined by the director to be acid-producing, toxic or creating a fire hazard; (3) Seal off, as directed by rules and regulations, any breakthrough of acid water caused by the operator; (4) Impound, drain or treat all runoff water so as to reduce soil erosion, damage to agricultural lands and pollution of streams and other waters; and (5) Remove or bury all metal, lumber, equipment and other refuse resulting from the operation.

No operator shall throw, dump or pile or permit the dumping, piling or throwing or otherwise placing of any overburden, stones, rocks, coal, particles of coal, earth, soil, dirt, debris, trees, wood, logs or any other materials or substances of any kind or nature beyond or outside of the area of land which is under permit and for which bond has been posted or place any of the foregoing in such a way that normal erosion or slides brought about by natural physical causes will permit the same to go beyond or outside of the area of land which is under permit and for which bond has been posted.
§20-6-15. Completion of planting; inspection and evaluation.

When the planting of an area is completed, the operator shall file or cause to be filed a planting report with the director on a form to be prescribed and furnished by the director, giving the following information: (1) Identification of the operation; (2) The type of planting or seeding, including mixtures and amounts; (3) The date of planting or seeding; (4) The area of land planted; and (5) Such other relevant information as the director may require. All planting reports shall be certified by the operator, or by the party with which the operator contracted for such planting, as aforesaid.

If the director authorizes an operator to defer planting to provide vegetative cover for an area of land, he shall set the time within which such planting shall be carried out. If the operator has carried out on that area of land the method of operation, backfilling, and grading and the reclamation plans approved by the director other than the planting, the director shall release that portion of the bond filed by the operator and designated to cover the backfilling and grading requirements of this article,
the remaining portion of the bond in an amount equal to one hundred dollars per acre, to be retained until a satisfactory planting plan has been carried out, or until the remainder of such bond has been forfeited by the operator: Provided, That the bond shall not be reduced, because of the completion of the backfilling and grading requirements, below one thousand dollars. If the remainder of the bond is forfeited, it shall be expended by the director in a planting program for the area of land for which it was posted. If the operator does not meet the planting requirements but does not want his bond forfeited, he may pay to the director for deposit in the reclamation fund a sufficient sum to cover the remaining reclamation costs for the area covered by the bond filed by him and such bond may then be released by the director.

§20-6-16. Performance bonds.

Each operator who shall make application for a permit under section eight of this article shall, at the time such permit is requested, furnish bond, on a form to be prescribed and furnished by the director, payable to the state
of West Virginia and conditioned that the operator shall faithfully perform all of the requirements of this article. The amount of the bond shall be not less than one hundred dollars for each acre or fraction thereof of the land to be disturbed: Provided, That the director shall have the discretion to determine the amount per acre of the bond that shall be required before a permit is issued, such amount to be based upon the estimated reclamation costs per acre, not to exceed a maximum of five hundred dollars per acre or fraction thereof. The minimum amount of bond furnished shall be three thousand dollars. Such bond shall be executed by the operator and a corporate surety licensed to do business in the state of West Virginia: Provided, however, That in lieu of corporate surety, the operator may elect to deposit with the director cash, or collateral securities or certificates as follows: Bonds of the United States or its possessions, of the federal land banks, or of the home owners’ loan corporation; full faith and credit general obligation bonds of the state of West Virginia, or other states, and of any county, district or municipality of the state of West Vir-
ginia or other states; or certificates of deposit in a bank in this state, which certificates shall be in favor of the commission. The cash deposit or market value of such securities or certificates shall be equal to or greater than the sum of the bond. The director shall, upon receipt of any such deposit of cash, securities or certificates, immediately place the same with the treasurer of the state of West Virginia whose duty it shall be to receive and hold the same in the name of the state in trust for the purposes for which such deposit is made. The operator making the deposit shall be entitled from time to time to receive from the state treasurer, upon the written order of the director, the whole or any portion of any cash, securities or certificates so deposited, upon depositing with him in lieu thereof, cash or other securities or certificates of the classes herein specified having value equal to or greater than the sum of the bond.

It shall be unlawful for the owner or owners of surface rights or the owner or owners of mineral rights to interfere with the operator in the discharge of his obligations to the state for the reclamation of lands disturbed by him.
If the owner or owners of the surface rights or the owner or owners of the mineral rights desire another operator or other operators to conduct mining operations on lands disturbed by the operator furnishing bond hereunder, it shall be the duty of said owner or owners to require the other operator or operators to secure the necessary mining permit and furnish suitable bond as herein provided. The director may then release an equivalent amount of the bond of the operator originally furnishing bond on the disturbed area. The director shall determine the amount of bond per acre required for other mining operations within the limitations of this section: Provided, further, That the minimum bond for this type of operation shall be five hundred dollars. The director shall take into consideration the character and nature of the overburden, the future use of the land and all costs of backfilling, grading and adequate reclamation, including planting, and shall determine the total bond required for other mining operations.

§20-6-17. Special reclamation fee.

In addition to the fees required by the provisions of section eight of this article, every applicant for a permit to
surface mine coal shall, before said permit be issued, pay to the director a special reclamation fee of thirty dollars for each acre of land to be disturbed in the mining operation, with the exception of exempted roadways, storage areas and processing plants. The director shall in due course determine if the special reclamation fee for each acre of land disturbed has been paid by such operator. In the event that all said fees have not been paid, said operator shall pay said fee or fees, as above set forth. In the event that said operator shall have paid a fee or fees for more acres than actually disturbed, the director shall certify said overpayment to the treasurer who shall refund out of the special reclamation fund such overpayment.

The director shall deposit with the treasurer of the state of West Virginia, to the credit of the special reclamation fund, all special reclamation fees collected.

The special reclamation fund shall be administered by the director of the department of natural resources. The director shall cause to be prepared plans for the reclamation and rehabilitation of lands which are unreclaimed
and for which bond is either not posted or is uncollectable and shall prepare specifications for reclamation of said lands, and said director, as funds become available in the special reclamation fund, shall reclaim and rehabilitate said lands in accordance with said plans and specifications, and in so doing the director shall comply with the provisions of article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, in obtaining supplies, materials, equipment and contractual services deemed necessary by the director for the purposes of reclamation and rehabilitation of said lands.

Some of the special reclamation fees collected may be made available for the purchase of orphaned surface-mined lands, for the reclamation thereof, and for the engineering, administrative and research costs necessary to said reclamation, providing federal funds on a matching basis are made available for the purpose of reclaiming said orphaned surface-mined lands.

The director shall make an annual report to the governor and to the Legislature setting forth the number of
45 acres reclaimed and rehabilitated through the use, in whole or in part, of the special reclamation fund provided for herein. Such report shall identify each such reclamation project, state the number of acres reclaimed thereby, and show the county wherein located, and shall make a detailed accounting of expenditures from the special reclamation fund.

§20-6-18. Exception as to highway construction projects from reclamation requirements.

Any provision of this article to the contrary notwithstanding, a person or operator shall not be subject to any duty or requirement whatever with respect to reclamation requirements when engaged in the removal for borrow and fill material for grading in federal and state highway construction projects: Provided, That the provisions of the highway construction contract requires the furnishing of a suitable bond which provides for reclamation wherever practicable of the area affected by such recovery activity.

§20-6-19. Existing permits and performance bonds.

Any operator holding a valid surface mining permit under which tonnage has been produced within one year
preceding the effective date of this article or any operator holding a valid surface mining permit under which mining operations have not been commenced prior to the effective date of this article shall within one hundred twenty days after the effective date hereof convert such permit, and the bond or bonds posted therefor, to comply with the provisions of this article, as to all mining operations conducted and to be conducted after said effective date. The provisions of this section shall not be construed to require the regrading or replanting of any area on which such work was satisfactorily performed prior to the effective date of this article.

§20-6-20. Applicability of laws safeguarding life and property; rules and regulations; supervision of operations.

All provisions of the mining laws of this state intended to safeguard life and property shall extend to all surface-mining operations insofar as such laws are applicable thereto. The director of the department of mines shall promulgate reasonable rules and regulations, in accordance with the provisions of chapter twenty-nine-a of said code, to protect the safety of those employed in and
around surface mines, and the enforcement of all laws, and rules and regulations relating to the safety of those employed in and around surface mines is hereby vested in the department of mines.

§20-6-21. Monthly report by the operator.

The operator of every surface mine shall, on or before the end of each calendar month, file with the director of mines a report covering the preceding calendar month on forms furnished by the director. Such reports shall state the number of accidents which have occurred, the number of persons employed, the days worked and the actual tonnage mined.

§20-6-22. Leasing of lands owned by the state for the surface mining of coal therefrom.

No land or interest in land owned by the state shall be leased, and no present lease shall be renewed by the state, nor any agency of the state, for the purpose of conducting surface mining operations thereon, unless said lease or renewal shall have been first authorized by an act of the Legislature.
§20-6-23. Participation with federal government and other governmental agencies.

In the reclamation of land disturbed by surface mining for which the department of natural resources has funds available, the director may avail himself of any services which may be provided by other state agencies or by agencies of the federal government, and may compensate them for such services. The director may also receive any federal funds, state funds or any other funds for the reclamation of land disturbed by surface mining. The director may cause the reclamation work to be done by his own employees or employees of other governmental agencies or soil conservation districts, or through contracts with qualified vendors. Such contracts shall be awarded to the lowest responsible bidder upon competitive bids after reasonable advertisement. The director and any other agency and any contractor under a contract with the department of natural resources shall have the right of access to the land affected to carry out such reclamation.

Any funds legally available to the director and any
20 public works program legally available (both funds and
21 services) may be expended and used to reclaim and re-
22 habilitate any lands that have been subjected to surface
23 mining that have not been reclaimed and rehabilitated
24 in accordance with standards set by the director and
25 which are not covered by bond to guarantee such recla-
26 mation.


The commission shall promulgate rules and regula-
2 tions, in accordance with the provisions of chapter twenty-
3 nine-a of said code, for the effective administration of this
4 article.

§20-6-25. Non-compliance.

If any of the requirements of this article or rules and
2 regulations promulgated pursuant thereto or the orders
3 of the director and the commission have not been com-
4 plied with within the time limits set by the director or
5 the commission or by this article, the director shall cause
6 a notice of non-compliance to be served upon the opera-
7 tor, which notice shall order the operation to cease, or
8 where found necessary, the director shall order the
suspension of a permit. A copy of such notice or order shall be handed to the operator in person or served by certified mail addressed to the operator at the permanent address shown on the application for a permit. The notice of non-compliance or order of suspension shall specify in what respects the operator has failed to comply with this article or the rules and regulations of the commission or orders of the director and the commission. If the operator has not reached an agreement with the director or has not complied with the requirements set forth in the notice of non-compliance or order of suspension within the time limits set therein, the permit may be revoked by order of the director and the performance bond shall then be forfeited. If an agreement satisfactory to the director has not been reached within thirty days after suspension of any permit, any and all suspended permits shall then be declared revoked and the performance bonds with respect thereto forfeited.

When any bond is forfeited pursuant to the provisions of this article, the director shall give notice to the attorney general who shall collect the forfeiture without delay.
§20-6-26. Adjudications, findings, etc., to be by written order; contents; notice.

Every adjudication, determination or finding by the commission or director affecting the rights, duties or privileges of any person subject to this article shall be made by written order and shall contain a written finding by the commission or director of the facts upon which the adjudication, determination or finding is based. Notice of the making of such order shall be given to the person whose rights, duties or privileges are affected thereby by mailing a true copy thereof to such person by certified mail.

§20-6-27. Reclamation board of review.

There is hereby created a reclamation board of review consisting of five members to be appointed by the governor with the advice and consent of the Senate for terms of five years, except that the terms of the first five members of said board shall be for one, two, three, four and five years, respectively, as designated by the governor at the time of the appointment and except that any vacancy in the office of member of said board shall be filled by
appointment by the governor for the unexpired term of
the member whose office shall be vacant. Each vacancy
occurring on said board shall be filled by appointment
within sixty days after such vacancy occurs. One of the
appointees to such board shall be a person who, by reason
of his previous vocation, employment, or affiliations, can
be classed as a representative of coal surface mine oper-
ators. One of the appointees to such board shall be a per-
son, who, by reason of his previous training and experi-
ence, can be classed as one learned and experienced in
modern forestry practices. One of the appointees to such
board shall be a person who, by reason of his previous
training and experience, can be classed as one capable
and experienced in the practice of agriculture. One of the
appointees to such board shall be a person who, by reason
of his previous training and experience, can be classed
as one capable and experienced in engineering. One of
the appointees to such board shall be a person who, by
reason of his previous training and experience, can be
classed as one capable and experienced in water conserva-
tion problems. Not more than three members shall be
members of the same political party.
The board may designate an employee of the reclamation division to act as its secretary. Such secretary shall perform such duties as the board prescribes.

Three members shall constitute a quorum and no action of the board shall be valid unless it has the concurrence of at least three members. The board shall keep a record of its proceedings.

Each member shall be paid as compensation for his work as such member, from funds appropriated for such purposes, twenty-five dollars per day when actually engaged in the performance of his work as a member and when engaged in travel necessary in connection with such work. In addition to such compensation each member shall be reimbursed for all traveling, hotel and other expenses necessarily incurred in the performance of his work as a member.

Annually, one member shall be elected as chairman and another member shall be elected as vice chairman. Such officers shall serve for terms of one year.

The governor may remove any member of the board from office for inefficiency, neglect of duty, malfeasance,
misfeasance or nonfeasance, after delivering to such
member the charges against him in writing, together with
at least ten days' written notice of the time and place at
which the governor will publicly hear such member,
either in person or by counsel, in defense of the charges
against him, and affording such member such hearing.
If such member is removed from office, the governor shall
file in the office of the secretary of state a complete state-
ment of the charges made against such member and a
complete report of the proceedings thereon. In such case
the action of the governor removing such member from
office shall be final.
§20-6-28. Appeals to board; hearing; record; findings and
orders of board.
Any person claiming to be aggrieved or adversely
affected by any rule and regulation or order of the recla-
mation commission or order of the director or by their
or his failure to enter an order may appeal to the recla-
mation board of review for an order vacating or modify-
ing such rule and regulation or order, or for such order
as the commission or director should have entered.
The person so appealing to the board shall be known as the appellant and the commission and/or director shall be known as the appellee or appellees. The appellant and appellee or appellees shall be deemed to be parties to the appeal.

Such appeal shall be in writing and shall set forth the rule and regulation, order or omission complained of and the grounds upon which the appeal is based. Where the appellant claims to be aggrieved or adversely affected by an order, such appeal shall be filed with the board within thirty days after the date upon which the appellant received notice by certified mail of the making of the order complained of. Where the appellant claims to be aggrieved or adversely affected by any rule and regulation or omission, such appeal may be filed with the board at any time. A notice of the filing of such appeal shall be filed with the commission and director within three days after the appeal is filed with the board.

Within seven days after receipt of such notice of appeal, the commission or director shall prepare and certify to the board a complete record of the proceedings of the reclama-
tion commission or director out of which the appeal arises, including all documents and correspondence relating to the matter. The expense of preparing the record shall be taxed as a part of the costs of the appeal.

Upon the filing of such appeal, the board shall fix the time and place at which the hearing on the appeal will be held, which hearing shall be held within twenty days after the notice of appeal is filed, and shall give the appellant and the commission and director at least ten day's written notice thereof by certified mail. The board may postpone or continue any hearing upon its own motion or upon application of the appellant or of the commission or director.

The filing of an appeal provided for in this section shall not stay execution of the order appealed from.

The board shall hear the appeal de novo, and any party to the appeal may submit evidence.

For the purpose of conducting a hearing on an appeal, the board may require the attendance of witnesses and the production of books, records and papers, and it may,
and at the request of any party it shall, issue subpoenas for witnesses or subpoenas duces tecum to compel the production of any books, records or papers, directed to the sheriff of the county where such witnesses, books, records or papers are found, which subpoenas and subpoenas duces tecum shall be served and returned in the same manner as subpoenas and subpoenas duces tecum in civil litigation are served and returned. The fees and allowances for mileage of sheriffs and witnesses shall be the same as those permitted in civil litigation in trial courts. Such fees and mileage expenses incurred at the request of the appellant shall be paid in advance by the appellant, and the remainder of such fees and expenses shall be paid out of funds appropriated for the expenses of the division of reclamation.

In case of disobedience or neglect of any subpoena or subpoena duces tecum served on any person, or the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, the circuit court of the county in which such disobedience, neglect or refusal occurs, or any judge thereof in vacation, on appli-
cution of the board or any member thereof, shall compel
obedience by attachment proceedings for contempt as
in the case of disobedience of the requirements of a sub-
poena or subpoena duces tecum issued from such court
or a refusal to testify therein. Witnesses at such hearings
shall testify under oath, and any member of the board
may administer oaths or affirmations to persons who so
testify.

At the request of any party to the appeal, a stenographic
record of the testimony and other evidence submitted
shall be taken by an official court shorthand reporter at
the expense of the party making the request therefor.
Such record shall include all of the testimony and other
evidence and the rulings on the admissibility of evidence,
but any party may at the time object to the admission
of any evidence and except to the rulings of the board
thereon, and if the board refuses to admit evidence the
party offering same may make a proffer thereof, and
such proffer shall be made a part of the record of such
hearing.

If upon completion of the hearing the board finds that
the rule and regulation or order appealed from was law-
ful and reasonable, it shall make a written order affirming
the rule and regulation or order appealed from; if the
board finds that such rule and regulation or order was
unreasonable or unlawful, it shall make a written order
vacating or modifying the rule and regulation or order
appealed from; and if the board finds that the commission
or director has unreasonably or unlawfully failed to
enter an order, it shall enter such order as it finds the
commission or director should have made. Every order
made by the board shall contain a written finding by the
board of the facts upon which the order is based. Notice
of the making of such order shall be given forthwith to
each party to the appeal by mailing a certified copy there-
of to each such party by certified mail.

The order of the board shall be final unless vacated
upon judicial review thereof.

§20-6-29. Appeal from order of board.

Any party adversely affected by an order of the re-
clamation board of review, other than an order affirming,
modifying, or vacating a rule and regulation of the com-
mission, may obtain judicial review thereof by appealing therefrom either to the circuit court of Kanawha county or the circuit court of the county in which the surface mining operation to which the order relates is or was conducted or is or was proposed to be conducted. Any party adversely affected by an order of the reclamation board of review, which order affirms, modifies or vacates a rule and regulation of the commission, may obtain judicial review thereof by appealing therefrom either to the circuit court of Kanawha county or the circuit court of the county in which the surface mining operation to which the rule and regulation in question relates is or was conducted or is or was proposed to be conducted. Any party desiring to so appeal shall file with the board a notice of appeal designating the order appealed from and stating whether the appeal is taken on questions of law, questions of fact or questions of law and fact. A copy of such notice shall also be filed by the appellant with the court and shall be mailed or otherwise delivered to the appellee or appellees. Such notice and copies thereof shall be filed and mailed or otherwise delivered with-
in thirty days after the date upon which the appellant received notice from the board by certified mail of the making of the order appealed from. No appeal bond shall be required to make an appeal on questions of law, questions of fact or questions of law and fact effective.

The filing of a notice of appeal shall not automatically operate as a suspension of the order of the board. If it appears to the court that an unjust hardship to the appellant will result from the execution of the board’s order pending determination of the appeal, the court may grant a suspension of such order and fix its terms.

Within fifteen days after receipt of the notice of appeal, the board shall prepare and file in the court the complete record of the proceedings out of which the appeal arises, including a transcript of the testimony and other evidence which was submitted before the board. The expense of preparing and transcribing such record shall be taxed as a part of the costs of the appeal. The appellant shall provide security for costs satisfactory to the court. Upon demand by a party, the board shall furnish, at the cost of the party requesting the same, a copy of such record. In the event
such complete record is not filed in the court within the
time provided for in this section, either party may apply
to the court to have the case docketed, and the court shall
order such record filed.

Appeals taken on questions of law, fact or both, shall
be heard upon assignment of error filed in the case or set
out in the briefs of the appellant. Errors not argued by
brief may be disregarded, but the court may consider
and decide errors which are not assigned or argued.

The hearing before the court shall be upon the record
made before the reclamation board of review. The court
may set aside any order of the reclamation board of
review which is clearly erroneous in view of the reliable,
probative and substantial evidence on the whole record,
or which is determined by the court to involve a clearly
unwarranted exercise of discretion. The judgment of the
court shall be final unless reversed, vacated or modified on
appeal to the supreme court of appeals of West Virginia,
and jurisdiction is hereby conferred upon such court to
hear and entertain such appeals upon application made
therefor in the manner and within the time provided for
civil appeals generally.
§20-6-30. Offenses; penalties; prosecutions; treble damages.

(a) Any person who shall conduct any surface-mining operation, or any part thereof, without a permit or without having furnished the required bond, or who shall carry on such operation or be a party thereto on land not covered by a permit, or who shall falsely represent any material fact in an application for a permit or in an application for the renewal of a permit, or who willfully violates any provision of this article, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred nor more than one thousand dollars or by imprisonment not exceeding six months, or by both. Any person who deliberately violates any provision of this article or conducts surface-mining operations without a permit shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one thousand nor more than ten thousand dollars or by imprisonment not exceeding six months, or by both. Each day of violation constitutes a separate offense. It shall be the duty of the director to institute prosecutions for violations
of the provisions hereof. Any person convicted under the provisions of this section shall, in addition to any fine imposed, pay to the director for deposit in the surface mining reclamation fund an amount sufficient to reclaim the area with respect to which such conviction relates. The director shall institute any suit or other legal action necessary for the effective administration of the provisions of this article.

(b) In addition to and notwithstanding any penalties provided by law, any operator who directly causes damage to the property of others as a result of surface mining shall be liable to them, in an amount not in excess of three times the provable amount of such damage, if and only if such damage occurs before or within one year after such operator has completed all reclamation work with respect to the land on which such surface mining was carried out and all bonds of such operator with respect to such reclamation work are released. Such damages shall be recoverable in an action at law in any court of competent jurisdiction. The director shall require, in addition to any other bonds and insurance required by other provisions of
42 this article, that any person engaged in the business of
43 surface mining shall file with the director a certificate of
44 insurance, or other security, in an amount of not less than
45 ten thousand dollars, to cover possible damage to property
46 for which a recovery may be sought under the provisions
47 of this subsection.

§20-6-31. Effective date of article.

This article shall become effective on July first, one
2 thousand nine hundred sixty-seven. Irrespective of the
3 date of issuance of a permit, all operators shall immedi-
4 ately conform to any statutes enacted or rules and regula-
5 tions adopted on the effective date of such statute or rule
6 and regulation. The provisions of this section shall not
7 be construed to require the regrading or replanting of any
8 area on which such work was satisfactorily performed
9 prior to the effective date of the statute or rule and regu-
10 lation.

§20-6-32. Severability of provisions.

If any of the provisions of this article shall be held to
2 be invalid or unconstitutional, such invalidity or uncon-
3 stitutionality shall not affect other provisions of the
article, and to this end, the provisions of this article are declared to be severable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tempas  
Chairman Senate Committee

Clayton C. Davidson  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1967.

Roman Haynes  
Clerk of the Senate

L. Blakenship  
Clerk of the House of Delegates

Howard S. Carson  
President of the Senate

N. Jeban White  
Speaker House of Delegates

The within approved this the 17 day of March, 1967.

Hulet C. Smith  
Governor