

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974

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ENROLLED

Committee Substitute for
HOUSE BILL No. 795

(By Mr. *Shaffer* *4/4m Moore*)

— ● —

PASSED March 8 1974

In Effect 90 days Passage



C 641

FILED IN THE OFFICE
EDGAR L. WIGGALL III
CLERK, DEPT. OF STATE
THIS DATE 3-20-74

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 795
(By MR. SHAFFER and MR. MOORE)

[Passed March 8, 1974; in effect ninety days from passage.]

AN ACT to amend and reenact section sixty-three, article two, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring surface-mine permits when opening or reopening of deep mines requires extensive surface disturbance where coal is removed commercially and not incidentally.

Be it enacted by the Legislature of West Virginia:

That section sixty-three, article two, 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:

ARTICLE 2. COAL MINES.

§22-2-63. No mine to be opened or reopened without prior approval of director of department of mines; approval fee; extension of certificate of approval; certificates not transferable; section to be printed on certificates.

- 1 (a) After the effective date of this section, no mine shall
- 2 be opened or reopened unless prior approval has been obtained
- 3 from the director of the department of mines, which approval

4 shall not be unreasonably withheld. The operator shall pay
5 for such approval a fee of ten dollars, which payment shall
6 be tendered with the operator's application for such approval:
7 *Provided*, That mines producing coal solely for the operator's
8 use shall be issued a permit without charge if coal production
9 will be less than fifty tons a year.

10 (b) Within thirty days after January first of each year,
11 the operator of each mine holding a certificate evidencing
12 approval of the director to open a mine, shall apply for the
13 extension of such certificate of approval for an additional
14 year. Such approval, evidenced by a certificate of the director,
15 shall be granted as a matter of right and without charge if,
16 at the time such application is made, the operator is in
17 compliance with the provisions of section seventy-two of
18 this article. Applications for extension of such certificates
19 of approval not submitted within the time required shall be
20 processed as an application to open or reopen a mine and
21 shall be accompanied by a fee of ten dollars.

22 (c) Certificates of approval issued pursuant to this section
23 shall not be transferable.

24 (d) The provisions of this section shall be printed on the
25 reverse side of every certificate issued hereunder.

26 (e) On or after the first day of July, one thousand nine
27 hundred seventy-one, no mine shall be opened or reopened
28 unless a surface disturbed reclamation bond in the amount
29 of five hundred dollars per acre is submitted to the department
30 of mines for the removal of unused surface structures and
31 the sealing of abandoned mine openings. The district mine
32 inspector shall be contacted for a preinspection of the area
33 proposed for underground mining prior to the issuance of
34 any new opening approval. The above-mentioned bond shall
35 go into a separate fund and must be submitted separate,
36 when application is made for the issuance of a deep-mine
37 permit.

38 (f) On or after the first day of July, one thousand nine
39 hundred seventy-four, no mine shall be opened or reopened
40 where the total area of surface disturbance at the outcrop
41 of the coal seam is greater than four hundred lineal feet

42 and where coal is removed or to be removed commercially
43 or for commercial purposes from this area unless a surface-
44 mine reclamation bond as required in articles six and six-a,
45 chapter twenty of the code be first obtained covering the
46 area to be disturbed.

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

H. Daniel Darby
Chairman Senate Committee

Clarence L. Chestnut, Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Harold W. Carson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. P. Brotherton, Jr.
President of the Senate

Louis F. W. Moore
Speaker House of Delegates

The within approved this the 19th
day of March, 1974.

Arch A. Shivers, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/15/74

Time 2:50 p.m.