WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

ENROLLED
Committee Substitute for
HOUSE BILL No. 795

(By Mr. Shaffer and Mr. Moore)

PASSED March 8, 1974
In Effect 90 days after passage

C 641

FILED IN THE OFFICE
EDGAR W. MCCONNELL III
SECRETARY 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.

(a) After the effective date of this section, no mine shall be opened or reopened unless prior approval has been obtained from the director of the department of mines, which approval
shall not be unreasonably withheld. The operator shall pay
for such approval a fee of ten dollars, which payment shall
be tendered with the operator's application for such approval:
Provided, That mines producing coal solely for the operator's
use shall be issued a permit without charge if coal production
will be less than fifty tons a year.

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

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

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

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

(f) On or after the first day of July, one thousand nine
hundred seventy-four, no mine shall be opened or reopened
where the total area of surface disturbance at the outcrop
of the coal seam is greater than four hundred lineal feet
and where coal is removed or to be removed commercially or for commercial purposes from this area unless a surface-mine reclamation bond as required in articles six and six-a, chapter twenty of the code be first obtained covering the area to be disturbed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

H. Daniel Derby
Chairman Senate Committee

Clarence E. Chestnut, Jr.
Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

Howard W. Jensen
Clerk of the Senate

C. H. Lankenship
Clerk of the House of Delegates

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

Lewis F. Manne
Speaker House of Delegates

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

Arch A. Shaw, Jr.
Governor