WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978

ENROLLED Committee Substitute for SENATE BILL NO. 448

(By Mr. Brothuten, Mr. Prisichent,)e and Mr. Gainer, arginal sponsors)

haren 11, 1978 PASSED

In Effect Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 448

(MR. BROTHERTON, MR. PRESIDENT, and MR. GAINER, original sponsors)

[Passed March 11, 1978; in effect from passage.]

AN ACT to amend article six, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-three-a, relating to authorizing the reclamation commission and the director of the department of natural resources to implement the provisions of section 515 of the federal Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87); expanding the rulemaking authority of the director and reclamation commission of the department of natural resources with regard thereto; and providing for expiration of authority.

Be it enacted by the Legislature of West Virginia:

That article six, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twentythree-a, to read as follows:

ARTICLE 6. SURFACE MINING AND RECLAMATION.

§20-6-23a. Implementing federal surface mining and control standards under Public Law 95-87 and expanding rule-making authority of the director and reclamation commission; expiration of authority.

1 The Legislature finds that the Surface Mining Control 2 and Reclamation Act of 1977 (Public Law 95-87), here-3 inafter cited as P. L. 95-87, and specifically subsection 4 502 (c) therein may prohibit the state from issuing 5 surface-mining permits for coal after the third day of

February, one thousand nine hundred seventy-eight, 6 7 unless such permits contain conditions requiring com-8 pliance with the provisions of said federal law. Be-9 cause the inability of the state to issue permits after 10 that date would prevent the operation of surface mines which are needed to supply coal to meet energy needs 11 12 for the preservation of the public health, safety and 13 welfare and, since authority to regulate the surface 14 mining of coal in the state has already been vested in 15 the department of natural resources and the reclama-16 tion commission, the Legislature does hereby intend to expand the authority of the department and the com-17 18 mission to issue permits in compliance with the federal 19 law.

In addition to the other powers, duties, and authority
of the reclamation commission provided elsewhere in this
chapter and article two, chapter twenty-two of this code,
the commission may promulgate rules and regulations
necessary to require the surface mining of coal in this
state to be in compliance and conformity with section
515, Title V of P. L. 95-87.

27 In addition to the other powers, duties, and authority 28 of the director of the department of natural resources 29 provided elsewhere in this chapter, the director may 30 promulgate rules and regulations adequate to enforce 31 the rules and regulations promulgated by the reclama-32 tion commission in accordance with the preceding para-33 graph.

34 The expanded rule-making authority above mentioned 35 may include the promulgation and enforcement of rules 36 and regulations as prescribed by section 515, Title V of 37 P. L. 95-87 and such authority shall specifically include 38 the authority to regulate and enforce rules and regula-39 tions regulating the surface effect of deep mining in this 40 state in conformity with section 515, Title V of P. L. 41 95-87 and article two, chapter twenty-two of this code.

42 The director shall cause a copy of P. L. 95-87 to be 43 filed in the office of the secretary of state for public in-44 spection.

The expanded rule-making authority as expressed herein shall be of an interim and temporary effect in that such 47 expanded authority for both the director of natural
48 resources and the reclamation commission and all such
49 rules and regulations promulgated pursuant to the autho50 rity granted by this section shall expire and have no force
51 and effect after the thirtieth day of August, one thousand
52 nine hundred seventy-nine.

53 All rules and regulations promulgated pursuant to the 54 authority granted under this section shall be subject to 55 the provisions of chapter twenty-nine-a of the code: Provided, That this requirement shall in no way limit the 56 57 application of said chapter twenty-nine-a to any other 58 rules and regulations promulgated by the reclamation 59 commission or the director of the department of natural 60 resources.

Enr. Com. Sub. for S. B. No. 448] 4

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.

To take effect from passage.

Clerk of the Senate

ABlankens

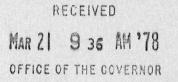
Clerk of the House of Delegates

President of the Senate

Speaker House of Delegate

The within _____ this the 30 day of March , 1978. Governor

APPROVED AND SIGNED BY THE GOVERNOR



Date Man. 30 1978 Time_ 8:45 A.M.

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