WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1978

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ENROLLED
Committee Substitute for
SENATE BILL NO. 478

(By Mr. [Signature], President,
and Mr. [Signature], original sponsors)

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PASSED ________________________ 1978

In Effect ________________________ 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 rule-making 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 twenty-three-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 and Reclamation Act of 1977 (Public Law 95-87), hereinafter cited as P. L. 95-87, and specifically subsection 502 (c) therein may prohibit the state from issuing surface-mining permits for coal after the third day of
February, one thousand nine hundred seventy-eight, unless such permits contain conditions requiring compliance with the provisions of said federal law. Because the inability of the state to issue permits after that date would prevent the operation of surface mines which are needed to supply coal to meet energy needs for the preservation of the public health, safety and welfare and, since authority to regulate the surface mining of coal in the state has already been vested in the department of natural resources and the reclamation commission, the Legislature does hereby intend to expand the authority of the department and the commission to issue permits in compliance with the federal 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.

In addition to the other powers, duties, and authority of the director of the department of natural resources provided elsewhere in this chapter, the director may promulgate rules and regulations adequate to enforce the rules and regulations promulgated by the reclamation commission in accordance with the preceding paragraph.

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

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

The expanded rule-making authority as expressed herein shall be of an interim and temporary effect in that such
expanded authority for both the director of natural 
resources and the reclamation commission and all such 
rules and regulations promulgated pursuant to the autho-

rity granted by this section shall expire and have no force 
and effect after the thirtieth day of August, one thousand 
nine hundred seventy-nine.

All rules and regulations promulgated pursuant to the 
authority granted under this section shall be subject to 
the provisions of chapter twenty-nine-a of the code:

Provided, That this requirement shall in no way limit the 
application of said chapter twenty-nine-a to any other 
rules and regulations promulgated by the reclamation 
commission or the director of the department of natural 
resources.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect from passage.

James L. Davis  
Clerk of the Senate

W. J. Blankenship  
Clerk of the House of Delegates

W. J. Guthrie  
President of the Senate

Donald L. Voss  
Speaker House of Delegates

The within ___ approved ___ this ___ 30 ___

day of March, 1978.

John Brown  
Governor