WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED

SENATE BILL NO. 27

(By Mrs. Spears)

PASSED February 26, 1983

In Effect ninety days from Passage
AN ACT to amend and reenact section seven, article six, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the reclamation commission of the department of natural resources, generally; and providing for the continuation and reestablishment of the commission.

Be it enacted by the Legislature of West Virginia:

That section seven, article six, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 6. WEST VIRGINIA SURFACE COAL MINING AND RECLAMATION ACT.

§20-6-7. Reclamation commission; duties, functions and compensation; petition for issuance, amendment or repeal of a rule.

1 (a) There is hereby created and established in the department of natural resources a reclamation commission which shall be composed of the director of natural resources, serving as chairman, the chief of the division of reclamation, the chief of the water resources division, and the director of the department of mines. The members of the commission shall receive no compensation for their services on the commission, but shall be reimbursed for expenses necessarily incurred in performing their functions. The commission shall meet upon the call of any member. The
director shall 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 attorney 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 or by Public Laws 95-87 to the department of natural resources.

(b) The commission shall have authority to:

(1) Promulgate rules and regulations, in accordance with the provisions of chapter twenty-nine-a of this code, to implement the provisions of this article: Provided, That the commission shall give notice by publication of the public hearing required in article three of chapter twenty-nine-a of this code: Provided, however, That any forms, handbooks or similar materials having the effect of a rule or regulation as defined in article three of chapter twenty-nine-a of this code, or issued, developed or distributed by the director pursuant to or as a result of a rule or regulation, shall be subject to the provisions of article three of chapter twenty-nine-a of this code;

(2) Make investigations or inspections necessary to ensure complete compliance with the provisions of this article;

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

(4) Enforce, through the director, the provisions of this article as provided herein; and

(5) Appoint such advisory committees as may be of assistance to the commission in the development of programs and policies: Provided, That such advisory committees shall, in each instance, include members representative of the general public.
(1) After the commission has adopted the regulations required by this article, any person may petition the commission to initiate a proceeding for the issuance, amendment, or repeal of a rule under this article.

(2) Such petitions shall be filed in the office of the commission and shall set forth the facts which support the issuance, amendment, or repeal of a rule under this article.

(3) The commission may hold a public hearing or may conduct such investigation or proceeding as the commission deems appropriate in order to determine whether or not such petition should be granted.

(4) Within ninety days after filing of a petition described in subdivision (1) of this subsection, the commission shall either grant or deny the petition. If the commission grants the petition, the commission shall promptly commence an appropriate proceeding in accordance with the provisions of chapter twenty-nine-a of this code. If the commission denies such petition, the commission shall so notify the petitioner in writing setting forth the reasons for such denial.

After having conducted a performance and fiscal audit through its joint committee on government operations, pursuant to section nine, article ten, chapter four of this code, the Legislature hereby finds and declares that the reclamation commission should be continued and reestablished. Accordingly, notwithstanding the provisions of section four, article ten, chapter four of this code, the reclamation commission shall continue to exist until the first day of July, one thousand nine hundred eighty-nine.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Donald E. Goff  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Isaac C. Hull  
Clerk of the Senate

Donald L. Kopp  
Clerk of the House of Delegates

Warren R. McBroom  
President of the Senate

Chafin H. S. Lee, Jr.  
Speaker House of Delegates

The within bill is passed this the 25th day of . . . . . . . . . . . 1982.  

John Ramsey  
Governor