

APPROVED AND SIGNED BY THE GOVERNOR

No: 27
Date 2-28-83

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

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ENROLLED

SENATE BILL NO. 27

(By Mrs. Spears)

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PASSED February 16, 1983

In Effect ninety days from Passage



ENROLLED
Senate Bill No. 27
(BY MRS. SPEARS)

[Passed February 16, 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
2 department of natural resources a reclamation commission
3 which shall be composed of the director of natural
4 resources, serving as chairman, the chief of the division of
5 reclamation, the chief of the water resources division, and
6 the director of the department of mines. The members of the
7 commission shall receive no compensation for their services
8 on the commission, but shall be reimbursed for expenses
9 necessarily incurred in performing their functions. The
10 commission shall meet upon the call of any member. The

11 director shall request the attorney general to appoint one or
12 more assistant attorneys general who shall perform such
13 duties as may be required by the director. The attorney
14 general, in pursuance of such request, may select and
15 appoint one or more assistant attorneys general, to serve at
16 the will and pleasure of the attorney general, and such
17 assistant or assistants, shall be paid out of any funds made
18 available for that purpose by the Legislature or by Public
19 Laws 95-87 to the department of natural resources.

20 (b) The commission shall have authority to:

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

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

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

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

48 (5) Appoint such advisory committees as may be of
49 assistance to the commission in the development of
50 programs and policies: *Provided*, That such advisory
51 committees shall, in each instance, include members
52 representative of the general public.

53 (c) (1) After the commission has adopted the
54 regulations required by this article, any person may
55 petition the commission to initiate a proceeding for the
56 issuance, amendment, or repeal of a rule under this article.

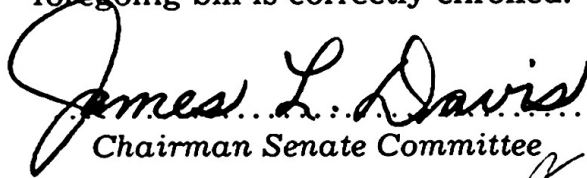
57 (2) Such petitions shall be filed in the office of the
58 commission and shall set forth the facts which support the
59 issuance, amendment, or repeal of a rule under this article.

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

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

73 After having conducted a performance and fiscal audit
74 through its joint committee on government operations,
75 pursuant to section nine, article ten, chapter four of this
76 code, the Legislature hereby finds and declares that the
77 reclamation commission should be continued and
78 reestablished. Accordingly, notwithstanding the provisions
79 of section four, article ten, chapter four of this code, the
80 reclamation commission shall continue to exist until the
81 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.

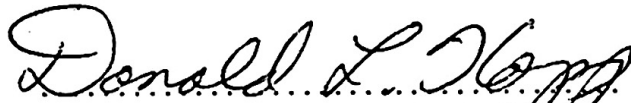

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Chairman Senate Committee



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Chairman House Committee

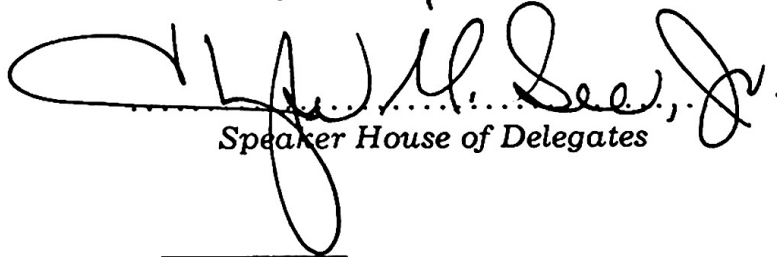
Originated in the Senate.



In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within.....  this the.....
day of.....  1982

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Governor

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