

No: 326

**WEST VIRGINIA LEGISLATURE**

REGULAR SESSION, 1988



**ENROLLED**

*COMMITTEE SUBSTITUTE FOR*  
**SENATE BILL NO. 326**

(By Senator *HAEMAN*)



**PASSED** *MARCH 12,* 1988

In Effect *from* Passage



**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 326**

(SENATOR HARMAN, *original sponsor*)

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[Passed March 12, 1988; in effect from passage.]

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AN ACT authorizing the department of corrections to enter into a lease for the surface mining of coal on a certain parcel of land at Pruntytown correction center.

*Be it enacted by the Legislature of West Virginia:*

**AUTHORIZATION FOR SURFACE MINING AT PRUNTYTOWN  
CORRECTION CENTER.**

**§1. Authorization for surface mining at Pruntytown Correction  
Center.**

1 Notwithstanding any other provision of law to the  
2 contrary, the commissioner of the department of  
3 corrections is hereby authorized to enter into a contract or  
4 lease for the extraction; removal of coal, by stripping or  
5 auger methods; and reclamation of a certain parcel of land  
6 consisting of approximately twenty-four and sixteen one-  
7 hundredths acres situated west of U. S. Route 250, lying in  
8 and generally known as the southwestern corner of the  
9 Pruntytown correction center in the courthouse district of  
10 Taylor County: *Provided*, That before entering into any  
11 such contract or lease the commissioner of corrections shall

12 solicit competitive bids in the same manner as required and  
13 authorized for purchases under section twelve, article  
14 three, chapter five-a of the code of West Virginia, one  
15 thousand nine hundred thirty-one, as amended.

16 The commissioner shall award such contract or lease to  
17 the highest bidder after such contract or lease has been  
18 reviewed and approved by the Attorney General as having  
19 complied with the requirements of this section.

20 No bid shall be accepted from a vendor who has been  
21 found guilty of violating any environmental or coal mine  
22 health and safety laws or reclamation laws within two years  
23 prior to the date bids are solicited.

24 The contract or lease shall provide, as a minimum, the  
25 following provisions:

26 (a) Compliance with all existing requirements to obtain  
27 a valid surface mining permit.

28 (b) Compliance with all applicable state and federal  
29 statutes and rules relating to coal mine health and safety  
30 and reclamation.

31 (c) A detailed reclamation plan and schedule.

32 (d) Payment monthly to the state of no less than one  
33 dollar per ton of coal extracted.

34 (e) Establishment of a performance bond in an amount  
35 sufficient to cover operations and reclamation.

36 Upon completion of the contract, the department of  
37 energy shall submit a report on all requirements of the  
38 contract or lease to the Legislature.

39 All proceeds accruing to the state under such contract or  
40 lease are hereby dedicated to the repair and alteration of the  
41 buildings and grounds at Pruntytown correction center and  
42 may be expended for these provisions upon compliance  
43 with article two, chapter five-a of the code of West Virginia,  
44 one thousand nine hundred thirty-one, as amended.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Bruce O. Williams*  
.....  
Chairman Senate Committee

*Bernard V. Kelly*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Jedd C. Willis*  
.....  
Clerk of the Senate

*Donald L. Koop*  
.....  
Clerk of the House of Delegates

*Dan Tomblin*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *approved* this the *28th*  
*March*  
day of ..... 1988.

*Hubert H. Brown*  
.....  
Governor



PRESENTED TO THE

GOVERNOR

Date 3/18/88

Time 4:35 p.m.

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE