WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1988

ENROLLED

Committee Substitute for
SENATE BILL NO. 326

(By Senator [Signature])

PASSED [March 12] 1988
In Effect from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 326
(SENATOR HARMAN, original sponsor)

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

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 contrary, the commissioner of the department of corrections is hereby authorized to enter into a contract or lease for the extraction; removal of coal, by stripping or auger methods; and reclamation of a certain parcel of land consisting of approximately twenty-four and sixteen one-hundredths acres situated west of U. S. Route 250, lying in and generally known as the southwestern corner of the Pruntytown correction center in the courthouse district of Taylor County: Provided, That before entering into any such contract or lease the commissioner of corrections shall
solicit competitive bids in the same manner as required and authorized for purchases under section twelve, article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended. The commissioner shall award such contract or lease to the highest bidder after such contract or lease has been reviewed and approved by the Attorney General as having complied with the requirements of this section. No bid shall be accepted from a vendor who has been found guilty of violating any environmental or coal mine health and safety laws or reclamation laws within two years prior to the date bids are solicited. The contract or lease shall provide, as a minimum, the following provisions:

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

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

(c) A detailed reclamation plan and schedule.

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

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

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

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

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within was approved this the 28th day of 1988.

Governor