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SB 460

FILED

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OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

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ENROLLED

COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 460

(Senators Foster, McCabe, Sprouse, Wells
and Stollings, *original sponsors*)

—

[Passed March 8, 2007; in effect ninety days from passage.]

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[Passed March 8, 2007; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-22, relating to providing notice of new road construction and road maintenance for access to gas and oil wells in state forests; requiring a public comment period; establishing notice criteria; and requiring the Director of the Division of Natural Resources to propose legislative and emergency rules.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §20-5-22, to read as follows:

ARTICLE 5. PARKS AND RECREATION.

§20-5-22. Powers and duties of the director relating to oil and gas access roads on state forests.

1 (a) In addition to the requirements of article six,
2 chapter twenty-two of this code, a party applying for
3 the well work permit within a state forest shall publish
4 a Class I-O legal advertisement in compliance with the
5 provisions of article three, chapter fifty-nine of this
6 code in a qualified newspaper at least sixty days prior
7 to submitting an application with the Department of
8 Environmental Protection. The notice shall state that
9 the Division of Natural Resources will accept public
10 comments prior to the party's application to the
11 Department of Environmental Protection and shall give
12 a postal address and an email address where the public
13 may file comments.

14 (b) For all new oil and gas road construction proposed
15 in subsection (a) of this section within state forests,
16 written notice shall be provided to the Director, the
17 Division of Forestry and the state forest superintendent
18 by the party applying for the well work permit forty-
19 five days before the application of the well work permit
20 is filed with the Department of Environmental
21 Protection.

22 (c) For routine maintenance of the access roads within
23 the state forest, notice shall be provided to the director,

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24 the Director of the Division of Forestry and the state
25 forest superintendent by the well operator for
26 maintenance of the well access road five days before the
27 motorized equipment is to enter the state forest except
28 in the event of an emergency.

29 (d) The Director of the Division of Natural Resources
30 shall propose emergency and legislative rules in
31 accordance with article three, chapter twenty-nine of
32 this code in consultation with the Department of
33 Environmental Protection and the Division of Forestry
34 that set forth the conditions upon which the permittee
35 may access the land for the purpose of well work in a
36 state forest as permitted by law.

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

Clancy White
Chairman Senate Committee

JL

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell Gibbs
Clerk of the Senate

S. R. S.
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

R. D.
Speaker House of Delegates

The within *is approved* this
the *27th* Day of *March*, 2007.

J. W. Johnson
Governor

PRESENTED
GOVERNOR

MAR 20 2007

Time _____

PRESENTED TO THE
GOVERNOR

MAR 20 2007

Time 1:50 pm