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WEST VIRGINIA LEGISLATURE

SEVENTY-EIGHTH LEGISLATURE **REGULAR SESSION, 2008**

COMMITTEE SUBSTITUTE

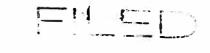
FOR

ENROLLED

Senate Bill No. 712

(Senators Fanning and Foster, original sponsors)

[Passed March 7, 2008; in effect ninety days from passage.]



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SECREMENT OF STREET

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 712

(SENATORS FANNING AND FOSTER, original sponsors)

[Passed March 7, 2008; in effect ninety days from passage.]

AN ACT to amend and reenact §22-21-5 of the Code of West Virginia, 1931, as amended, relating to authorizing the Coalbed Methane Review Board to propose legislative rules.

Be it enacted by the Legislature of West Virginia:

That §22-21-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

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ARTICLE 21. COALBED METHANE WELLS AND UNITS.

§22-21-5. Duties of the Coalbed Methane Review Board; meetings; notice, powers and duties generally.

- (a) The board shall meet and hold conferences and 1 2 hearings at times and places designated by the 3 chairman. The chairman may call a meeting of the 4 board at any time. The chairman shall call a meeting of the board: (1) Upon receipt from the chief of a 5 6 completed application for a permit to establish one or 7 more coalbed methane gas drilling units pursuant to 8 this article; (2) upon receipt from the chief of a request pursuant to section seven of this article or comments or 9 10 objections pursuant to sections ten and eleven of this article; or (3) within twenty days upon the written 11 request by another member of the board. Notice of all 12 meetings shall be given to each member of the board by 13 the chairman at least ten days in advance thereof, 14 15 unless otherwise agreed by the members.
- 16 (b) At least ten days prior to every meeting of the 17 board called pursuant to the provisions of this section, the chairman shall also notify the applicant, all persons 18 19 to whom copies of the application were required to be mailed pursuant to the provisions of section nine of this 20 21 article and all persons who filed written protests or 22 objections with the board in accordance with the 23 provisions of section ten or eleven of this article.
- (c) A majority of the members of the board constitute a quorum for the transaction of any business. A majority of the members of the board is required to determine any issue brought before it.
- 28 (d) The board shall execute and carry out, administer

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- and enforce the provisions of this article in the manner
- 30 provided herein. Subject to the provisions of section
- 31 three of this article, the board has jurisdiction and
- 32 authority over all persons and property necessary
- 33 therefor: Provided, That the provisions of this article do
- 34 not grant to the board authority or power to fix prices
- 35 of coalbed methane gas.
- 36 (e) Within eighteen months of the effective date of this
- 37 article, the board shall initiate rule-making proceedings
- 38 to investigate the feasibility of establishing blanket
- 39 bonds for financial security in addition to the
- 40 provisions for bonds for financial security under section
- 41 thirteen of this article.
- 42 (f) The board may:
- 43 (1) Take evidence and issue orders concerning
- 44 applications for drilling permits and coalbed methane
- 45 gas drilling units in accordance with the provisions of
- 46 this article;
- 47 (2) Promulgate, pursuant to the provisions of chapter
- 48 twenty-nine-a of this code, and enforce reasonable
- 49 rules necessary to govern the practice and procedure
- 50 before the board;
- 51 (3) Propose legislative rules pursuant to the provisions
- of chapter twenty-nine-a of this code necessary to
- 53 implement the powers and duties provided the board
- under this article, notwithstanding the provisions of
- subsection (b), section four of this article;
- 56 (4) Make relevant investigations of records and
- 57 facilities it considers proper; and

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58 (5) Issue subpoenas for the attendance of and sworn 59 testimony by witnesses and subpoenas duces tecum for 60 the production of any books, records, maps, charts, 61 diagrams and other pertinent documents in its own 62 name or at the request of any party pursuant to article 63 five, chapter twenty-nine-a of this code.

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| The Joint Committee on Enrolled Bills hereby certifies that |
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| the foregoing bill is correctly enrolled. |
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| (MandelWate) |
| Chairman Senate Committee |
| Chairman Square Committee |
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| Chairman House Committee |
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| Originated in the Senate. |
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| 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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