

SB 712

FILED

2008 MAR 28 AM 10:18

**WEST VIRGINIA LEGISLATURE**

**SEVENTY-EIGHTH LEGISLATURE**

**REGULAR SESSION, 2008**

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COMMITTEE SUBSTITUTE

FOR

**ENROLLED**

**Senate Bill No. 712**

(SENATORS FANNING AND FOSTER, *original sponsors*)

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

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OFFICE OF THE  
SECRETARY OF STATE

**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:

**ARTICLE 21. COALBED METHANE WELLS AND UNITS.**

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

1       (a) The board shall meet and hold conferences and  
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  
5       the board: (1) Upon receipt from the chief of a  
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  
9       pursuant to section seven of this article or comments or  
10      objections pursuant to sections ten and eleven of this  
11      article; or (3) within twenty days upon the written  
12      request by another member of the board. Notice of all  
13      meetings shall be given to each member of the board by  
14      the chairman at least ten days in advance thereof,  
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,  
18      the chairman shall also notify the applicant, all persons  
19      to whom copies of the application were required to be  
20      mailed pursuant to the provisions of section nine of this  
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.

24      (c) A majority of the members of the board constitute  
25      a quorum for the transaction of any business. A  
26      majority of the members of the board is required to  
27      determine any issue brought before it.

28      (d) The board shall execute and carry out, administer

29 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  
52 of chapter twenty-nine-a of this code necessary to  
53 implement the powers and duties provided the board  
54 under this article, notwithstanding the provisions of  
55 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.

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

*Chandy White*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Darrell Holmes*  
.....  
Clerk of the Senate

*Gregory D. Snel*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

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

The within *is* approved ..... this  
the *27<sup>th</sup>* Day of *March* ....., 2008.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 21 2008

Time 9:45 AM