

H. B. 3141

(By Delegates Fleischauer, Martin, Miley,  
M. Poling, T. Campbell, Barill, Manypenny,  
Caputo, Manchin, Michael and Wells)

[Introduced February 15, 2011; referred to the  
Committee on Roads and Transportation then Finance.]

**FISCAL  
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §17-2A-8a, relating  
to requiring the Commissioner of Highways to require bonds be  
posted in connection with major construction, mineral  
extraction and industrial projects that impact the roads in  
the state; and granting rule-making authority.

*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 §17-2A-8a, to read as  
follows:

**ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.**

**§17-2A-8a. Major construction, industrial projects and mineral  
extraction.**

(a) In addition to all other duties, powers and  
responsibilities given and assigned to the commissioner in this  
chapter, the commissioner may require bonds be posted, or other  
financial security obtained, in connection with major construction  
or industrial projects, including, but not limited to, major  
mineral extraction, drilling, logging projects and associated

1 activities that impact the roads in this state above and beyond  
2 normal wear and tear.

3 (b) The commissioner shall, by July 1, 2011, promulgate  
4 emergency rules pursuant to section fifteen, article three, chapter  
5 twenty-nine-a of this code, and by December 1, 2011, promulgate  
6 permanent rules pursuant to article three of that chapter to  
7 implement this section.

8 (c) In promulgating the rules required by subsection (b) of  
9 this section, the commissioner shall, at a minimum, consider the  
10 following:

11 (1) The types of major construction activities, industrial  
12 activities, mineral extraction projects, oil and gas drilling  
13 projects, logging projects and similar activities that pose a  
14 potential harm to or could potentially damage the roads in this  
15 state;

16 (2) What constitutes "potential harm to or could potentially  
17 damage" the roads in this state;

18 (3) The amount of bond or other financial security to be  
19 required; and

20 (4) Requiring those engaged in the projects and activities  
21 covered by this section give notice of their proposed activities,  
22 the amount of time between when the project or activities are to  
23 begin and when the notice is required, the materials required to be  
24 included in the notice and any other information the commissioner  
25 determines is necessary to be submitted before an informed decision  
26 may be made on the type and amount of financial security to be  
27 required.

NOTE: The purpose of this bill is to permit the Commissioner of Highways to require bonds be posted in connection with major construction, mineral extraction and industrial projects that impact the roads in this state. The bill also grants rule-making authority.

This section is new; therefore, it has been completely underscored.