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H. B. 4359

(By Delegates Manypenny, Doyle, Walker, Shaver,
Rowan and Fleischauer)

[Introduced January 31, 2012; referred to the
Committee on the Judiciary then Finance.]

10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §36-3-8a, relating to
12 requiring mineral lessors to disclose to surface owners and
13 persons financing the purchase of the surface regarding the
14 impact the mineral extraction will have on the surface owner
15 and the value of the surface property.

16 *Be it enacted by the Legislature of West Virginia:*

17 That the Code of West Virginia, 1931, as amended, be amended
18 by adding thereto a new section, designated §36-3-8a, to read as
19 follows:

20 **ARTICLE 3. FORM AND EFFECT OF DEEDS AND CONTRACTS.**

21 **§36-3-8a. Mineral leases; disclosure to homeowners and lenders.**

22 Prior to leasing mineral rights on or beneath real property,
23 the lessee shall disclose to homeowners and persons who are
24 financing or may finance a home on the surface the impact, existing
25 or potential, that extraction of those minerals has, or may have,

1 on the homeowner's property, the mortgage or the property's value.
2 This impact includes, but is not limited to, the amount of the
3 surface to be affected, the proximity of the operations to a home,
4 the amount of noise to be expected, the size, including height and
5 area, of both temporary and permanent physical structures to be
6 placed or erected on the property, the use or storage of hazardous
7 materials or chemicals and the production or storage of waste
8 products.

NOTE: The purpose of this bill is to require mineral lessors to disclose to surface owners and persons financing the purchase of the surface of the impact the mineral extraction will have on the surface owner and the value of the surface property.

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