

1995 SESSION

INTRODUCED

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HOUSE BILL NO. 1374

Offered January 25, 1994

A BILL to amend and reenact § 45.1-361.9 of the Code of Virginia, relating to appeals of decisions of the Gas and Oil Board.

Patrons—Stump and Phillips; Senator: Reasor

Referred to Committee on Mining and Mineral Resources

Be it enacted by the General Assembly of Virginia:

1. That § 45.1-361.9 of the Code of Virginia is amended and reenacted as follows:

§ 45.1-361.9. Appeals; venue; standing.

A. Any order or decision of the Board may be appealed to the appropriate circuit court. ~~Whenever a coal owner or coal operator is a party in such action, the court shall hear such appeal de novo. Court review of a decision of the Board shall be as provided in Article 4 (§ 9-6.14:15 et seq.) of the Administrative Process Act.~~ The court shall have the power to enter interlocutory orders as may be necessary to protect the rights of all interested parties pending a final decision.

B. Unless the parties otherwise agree, the venue for court review shall be the county or city wherein lies the gas, oil, or geophysical operation which is the subject of such order or decision.

C. The Director and all parties required to be given notice of hearings of the Board pursuant to the provisions of § 45.1-361.19 shall have standing to appeal any order or decision of the Board which directly affects them. The permittee or permit applicant, the Director, and those parties with standing to object, pursuant to the provisions of § 45.1-361.30, shall have standing to appeal any order or decision of the Board which directly affects them; provided, however, with the exception of an aggrieved permit applicant or the Director, no person shall have standing to appeal a decision of the Board concerning a permit application unless such person has previously filed an objection with the Director pursuant to the provisions of § 45.1-361.35. The filing of any petition for appeal concerning the issuance of a new permit which was objected to pursuant to the provisions of § 45.1-361.11 or § 45.1-361.12 shall automatically stay the permit until such stay is dissolved or the appeal is decided by the circuit court.

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HB1374