

provisions in all situations when any person mines coal by open-pit or strip method without a permit and not just the situation referred to in paragraph (1), that is, mining coal by open-pit or strip method on any State owned land (See section 7-505(b)). Consequently, paragraph (2), as enacted, is inconsistent with and impliedly repeals at least the first clause of the penalty provisions of Article 66C, section 671 dealing generally with mining without a permit.

Paragraph (2) is not interpreted to have the overall application it appears to state. The title to chapter 355 states it is an act "to ban strip mining on land owned by the State in certain instances, to provide that certain funds may be used for the purchase of property rights and providing penalty for the violation thereof". The word "thereof" in the title restricts the scope of the penalty provisions to mining on State owned property. To construe this statute otherwise would mean the title is constitutionally defective in violation of Article III section 29 and that therefore the validity of paragraph (2) must fail.

Accordingly, new language is added to clarify the intended restrictive scope of the penalty provisions of paragraph (2) which are intended to provide the penalty for mining on State owned land without a permit. This does not revive the validity of paragraph (2) but only conforms its scope to the situation the act's title describes. Also, this clarifies the apparent inconsistency of paragraph (2) and the first clause of present section 671.

The only other changes made are in style.

(D) VIOLATION OF PROVISIONS OF §7-503.—ANY PERSON WHO VIOLATES ANY RULE OR REGULATION PROMULGATED UNDER §7-503 IS GUILTY OF MISDEMEANOR, AND UPON CONVICTION, IS SUBJECT TO THE PENALTY PROVISIONS IN SUBSECTION (A) OF THIS SECTION.

REVISOR'S NOTE: This subsection is new language