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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



# ENROLLED

SENATE BILL NO. 469

(By Senator CHAFFIN)



PASSED MARCH 9, 1996  
In Effect NINETY DAYS FROM Passage

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STATE HOUSE

**ENROLLED**  
**Senate Bill No. 469**

(BY SENATOR CHAFIN)

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[Passed March 9, 1996; in effect ninety days from passage.]

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AN ACT to amend and reenact section two, article one, chapter twenty-two-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to miners' health, safety and training; and providing that persons qualified as mine electricians in any state that recognizes certified electricians licensed in West Virginia are to be recognized in this state.

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

That section two, article one, chapter twenty-two-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 1. OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING;  
ADMINISTRATION; ENFORCEMENT.**

**§22A-1-2. Definitions.**

- 1 Unless the context in which used clearly requires a
- 2 different meaning, the following definitions apply to this
- 3 chapter:
- 4 (a) *General.*

5 (1) Accident: The term "accident" means any mine  
6 explosion, mine ignition, mine fire, or mine inundation,  
7 or injury to, or death of any person.

8 (2) Agent: The term "agent" means any person charged  
9 with responsibility for the operation of all or a part of a  
10 mine or the supervision of the miners in a mine.

11 (3) Approved: The term "approved" means in strict  
12 compliance with mining law, or, in the absence of law,  
13 accepted by a recognized standardizing body or  
14 organization whose approval is generally recognized as  
15 authoritative on the subject.

16 (4) Face equipment: The term "face equipment" means  
17 mobile or portable mining machinery having electric  
18 motors or accessory equipment normally installed or  
19 operated in by the last open crosscut in an entry or room.

20 (5) Imminent danger: The term "imminent danger"  
21 means the existence of any condition or practice in a coal  
22 mine which could reasonably be expected to cause death  
23 or serious physical harm before such condition or  
24 practice can be abated.

25 (6) Mine: The term "mine" includes the shafts, slopes,  
26 drifts or inclines connected with, or intended in the  
27 future to be connected with, excavations penetrating  
28 coal seams or strata, which excavations are ventilated by  
29 one general air current or divisions thereof, and  
30 connected by one general system of mine haulage over  
31 which coal may be delivered to one or more points  
32 outside the mine, and the surface structures or  
33 equipment connected or associated therewith which  
34 contribute directly or indirectly to the mining,  
35 preparation or handling of coal, or construction thereof.

36 (7) Miner: The term "miner" means any individual  
37 working in a coal mine.

38 (8) Operator: The term "operator" means any firm,  
39 corporation, partnership or individual operating any coal  
40 mine, or part thereof, or engaged in the construction of

41 any facility associated with a coal mine.

42 (9) Permissible: The term “permissible” means any  
43 equipment, device or explosive that has been approved  
44 as permissible by the federal mine safety and health  
45 administration and/or the United States bureau of mines  
46 and meets all requirements, restrictions, exceptions,  
47 limitations and conditions attached to such classification  
48 by that agency or the bureau.

49 (10) Person: The term “person” means any individual,  
50 partnership, association, corporation, firm, subsidiary of  
51 a corporation or other organization.

52 (11) Work of preparing the coal: The term “work of  
53 preparing the coal” means the breaking, crushing, sizing,  
54 cleaning, washing, drying, mixing, storing and loading of  
55 bituminous coal or lignite and such other work of  
56 preparing such coal as is usually done by the operator of  
57 the coal mine.

58 (b) *Office of miners’ health, safety and training.*

59 (1) Board of appeals: The term “board of appeals”  
60 means as provided for in article five of this chapter.

61 (2) Director: The term “director” means the director of  
62 the office of miners’ health, safety and training provided  
63 for in section three of this article.

64 (3) Mine inspector: The term “mine inspector” means  
65 a state mine inspector provided for in section eight of  
66 this article.

67 (4) Mine inspectors’ examining board: The term “mine  
68 inspectors’ examining board” shall mean the mine  
69 inspectors’ examining board provided for in article nine  
70 of this chapter.

71 (5) Office: The term “office” means, when referring to  
72 a specific office, the office of miners’ health, safety and  
73 training provided for in this article. The term “office”,  
74 when used generically, includes any office, board,  
75 agency, unit, organizational entity or component thereof.

76 (c) *Mine areas.*

77 (1) Abandoned workings: The term "abandoned  
78 workings" means excavation, either caved or sealed, that  
79 is deserted and in which further mining is not intended,  
80 or open workings which are ventilated and not inspected  
81 regularly.

82 (2) Active workings: The term "active workings"  
83 means all places in a mine that are ventilated and  
84 inspected regularly.

85 (3) Drift: The term "drift" means a horizontal or  
86 approximately horizontal opening through the strata or  
87 in a coal seam and used for the same purposes as a shaft.

88 (4) Excavations and workings: The term "excavations  
89 and workings" means any or all parts of a mine  
90 excavated or being excavated, including shafts, slopes,  
91 drifts, tunnels, entries, rooms and working places,  
92 whether abandoned or in use.

93 (5) Inactive workings: The term "inactive workings"  
94 includes all portions of a mine in which operations have  
95 been suspended for an indefinite period, but have not  
96 been abandoned.

97 (6) Mechanical working section: The term "mechanical  
98 working section" means an area of a mine: (A) In which  
99 coal is loaded mechanically; (B) which is comprised of a  
100 number of working places that are generally contiguous;  
101 and (C) which is of such size to permit necessary  
102 supervision during shift operation, including pre-shift  
103 and on-shift examinations and tests required by law.

104 (7) Panel: The term "panel" means workings that are  
105 or have been developed off of submain entries which do  
106 not exceed three thousand feet in length.

107 (8) Return air: The term "return air" means a volume  
108 of air that has passed through and ventilated all the  
109 working places in a mine section.

110 (9) Shaft: The term "shaft" means a vertical opening

111 through the strata that is or may be used for the purpose  
112 of ventilation, drainage, and the hoisting and  
113 transportation of individuals and material, in connection  
114 with the mining of coal.

115 (10) Slope: The term "slope" means a plane or incline  
116 roadway, usually driven to a coal seam from the surface  
117 and used for the same purposes as a shaft.

118 (11) Working face: The term "working face" means  
119 any place in a coal mine in which work of extracting coal  
120 from its natural deposit in the earth is performed during  
121 the mining cycle.

122 (12) Working place: The term "working place" means  
123 the area of a coal mine in by the last open crosscut.

124 (13) Working section: The term "working section"  
125 means all areas of the coal mine from the loading point  
126 of the section to and including the working faces.

127 (14) Working unit: The term "working unit" means an  
128 area of a mine in which coal is mined with a set of  
129 production equipment; a conventional mining unit by a  
130 single loading machine; a continuous mining unit by a  
131 single continuous mining machine, which is comprised of  
132 a number of working places.

133 (d) *Mine personnel.*

134 (1) Assistant mine foreman: The term "assistant mine  
135 foreman" means a certified person designated to assist  
136 the mine foreman in the supervision of a portion or the  
137 whole of a mine or of the persons employed therein.

138 (2) Certified electrician: The term "certified  
139 electrician" means any person who is qualified as a mine  
140 electrician and who has passed an examination given by  
141 the office, or has at least three years of experience in  
142 performing electrical work underground in a coal mine,  
143 in the surface work areas of an underground coal mine,  
144 in a surface coal mine, in a noncoal mine, in the mine  
145 equipment manufacturing industry or in any other  
146 industry using or manufacturing similar equipment, and

147 has satisfactorily completed a coal mine electrical  
148 training program approved by the office or any person  
149 who is qualified as a mine electrician in any state that  
150 recognizes certified electricians licensed in West  
151 Virginia.

152 (3) Certified person: The term "certified person", when  
153 used to designate the kind of person to whom the  
154 performance of a duty in connection with the operation  
155 of a mine shall be assigned, means a person who is  
156 qualified under the provisions of this law to perform  
157 such duty.

158 (4) Interested persons: The term "interested persons"  
159 includes the operator, members of any mine safety  
160 committee at the mine affected and other duly  
161 authorized representatives of the mine workers and the  
162 office.

163 (5) Mine foreman: The term "mine foreman" means the  
164 certified person whom the operator or superintendent  
165 shall place in charge of the inside workings of the mine  
166 and of the persons employed therein.

167 (6) Qualified person: The term "qualified person"  
168 means a person who has completed an examination and  
169 is considered qualified on record by the office.

170 (7) Shot firer: The term "shot firer" means any person  
171 having had at least two years of practical experience in  
172 coal mines, who has a knowledge of ventilation, mine  
173 roof and timbering, and who has demonstrated his or her  
174 knowledge of mine gases, the use of a flame safety lamp,  
175 and other approved detecting devices by examination  
176 and certification given him or her by the office.

177 (8) Superintendent: The term "superintendent" means  
178 the person who has, on behalf of the operator, immediate  
179 supervision of one or more mines.

180 (9) Supervisor: The term "supervisor" means a  
181 superintendent, mine foreman, assistant mine foreman or  
182 any person specifically designated by the superintendent

183 or mine foreman to supervise work or employees and  
184 who is acting pursuant to such specific designation and  
185 instructions.

186 (e) *Electrical.*

187 (1) Armored cable: The term "armored cable" means  
188 a cable provided with a wrapping of metal, usually steel  
189 wires or tapes, primarily for the purpose of mechanical  
190 protection.

191 (2) Borehole cable: The term "borehole cable" means  
192 a cable designed for vertical suspension in a borehole or  
193 shaft and used for power circuits in the mine.

194 (3) Branch circuit: The term "branch circuit" means  
195 any circuit, alternating current or direct current,  
196 connected to and leading from the main power lines.

197 (4) Cable: The term "cable" means a standard  
198 conductor (single conductor cable) or a combination of  
199 conductors insulated from one another (multiple  
200 conductor cable).

201 (5) Circuit breaker: The term "circuit breaker" means  
202 a device for interrupting a circuit between separable  
203 contacts under normal or abnormal conditions.

204 (6) Delta connected: The term "delta connected"  
205 means a power system in which the windings or  
206 transformers or a.c. generators are connected to form a  
207 triangular phase relationship, and with phase conductors  
208 connected to each point of the triangle.

209 (7) Effectively grounded: The term "effectively  
210 grounded" is an expression which means grounded  
211 through a grounding connection of sufficiently low  
212 impedance (inherent or intentionally added or both) so  
213 that fault grounds which may occur cannot build up  
214 voltages in excess of limits established for apparatus,  
215 circuits or systems so grounded.

216 (8) Flame-resistant cable, portable: The term "flame-  
217 resistant cable, portable" means a portable flame-



218 resistant cable that has passed the flame tests of the  
219 federal mine safety and health administration.

220 (9) Ground or grounding conductor (mining): The term  
221 "ground or grounding conductor (mining)", also referred  
222 to as a safety ground conductor, safety ground and frame  
223 ground, means a metallic conductor used to connect the  
224 metal frame or enclosure of any equipment, device or  
225 wiring system with a mine track or other effective  
226 grounding medium.

227 (10) Grounded (earthed): The term "grounded  
228 (earthed)" means that the system, circuit or apparatus  
229 referred to is provided with a ground.

230 (11) High voltage: The term "high voltage" means  
231 voltages of more than one thousand volts.

232 (12) Lightning arrester: The term "lightning arrester"  
233 means a protective device for limiting surge voltage on  
234 equipment by discharging or by passing surge current; it  
235 prevents continued flow of follow current to ground and  
236 is capable of repeating these functions as specified.

237 (13) Low voltage: The term "low voltage" means up to  
238 and including six hundred sixty volts.

239 (14) Medium voltage: The term "medium voltage"  
240 means voltages from six hundred sixty-one to one  
241 thousand volts.

242 (15) Mine power center or distribution center: The  
243 term "mine power center or distribution center" means  
244 a combined transformer or distribution unit, complete  
245 within a metal enclosure from which one or more low-  
246 voltage power circuits are taken.

247 (16) Neutral (derived): The term "neutral (derived)"  
248 means a neutral point or connection established by the  
249 addition of a "zig-zag" or grounding transformer to a  
250 normally underground power system.

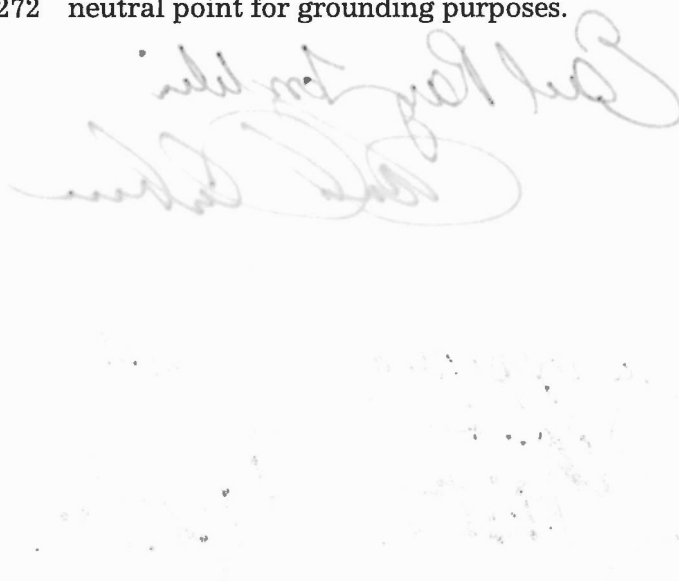
251 (17) Neutral point: The term "neutral point" means the  
252 connection point of transformer or generator windings

253 from which the voltage to ground is nominally zero, and  
254 is the point generally used for system groundings in wye-  
255 connected a.c. power system.

256 (18) Portable (trailing) cable: The term "portable  
257 (trailing) cable" means a flexible cable or cord used for  
258 connecting mobile, portable or stationary equipment in  
259 mines to a trolley system or other external source of  
260 electric energy where permanent mine wiring is  
261 prohibited or is impracticable.

262 (19) Wye-connected: The term "wye-connected" means  
263 a power system connection in which one end of each  
264 phase windings or transformers or a.c. generators are  
265 connected together to form a neutral point, and a neutral  
266 conductor may or may not be connected to the neutral  
267 point, and the neutral point may or may not be  
268 grounded.

269 (20) Zig-zag transformer (grounding transformer): The  
270 term "zig-zag transformer (grounding transformer)"  
271 means a transformer intended primarily to provide a  
272 neutral point for grounding purposes.



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

*Randy Schoonover*

Chairman Senate Committee

*Rudy Seavert*  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Dorell Holmes*

Clerk of the Senate

*Bryson M. King*

Clerk of the House of Delegates

*Carl Ray Tomblin*

President of the Senate

*Carl Casper*

Speaker House of Delegates

The within *is approved* this the *21st* day of *March*, 1996.

*Gaston Caperton*  
Governor

PRESENTED TO THE

GOVERNOR,

Date 3/15/96

Time 3:23

