WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED
Com. Sub. For
HOUSE BILL No. 224

(By Mr. on Finance)

PASSED March 12, 1949

In Effect July 1, 1949
ENROLLED

COMMITTEE SUBSTITUTE FOR

House Bill No. 224

(Originating in the Committee on Finance.)

[Passed March 12, 1949; in effect July 1, 1949.]

AN ACT to amend and reenact sections two, three, seven, eight and nine, article one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to add to said article five new sections, to be designated sections eight-a, twelve-a, twelve-b, twelve-c, and fourteen, and to amend and reenact section two, article six of said chapter, and to add to article six a new section, to be designated section nine, relating to employment, duties, term of office, qualifications, salary and expenses of the chief of the department of mines and the designation of mining districts and divisions, and the appointment, examination, tenure, of inspectors, inspectors-at-large, administrative assist-salary and expenses, qualifications, duties, and removal
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ants, first aid instructors, mine rescue instructors and examiners; relating also to the appointment, qualifications, tenure, salary and expenses of the miner's examining board, and relating to the repeal of conflicting laws and separability of provisions.

Be it enacted by the Legislature of West Virginia:

That sections two, three, seven, eight and nine, of article one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-seventy-one, as amended, be amended and reenacted, and that five new sections be added thereto to be designated as sections eight-a, twelve-a, twelve-b, twelve-c, and fourteen, that section two, article six of said chapter, as amended, be amended and reenacted, and that a new section be added to article six, to be designated section nine, all to read as follows:

**Article 1. Department of Mines.**

Section 2. Chief of Department of Mines; Duties; Term of Office.—The department of mines shall be in charge of an official to be known as the chief of the department of mines, who shall be appointed by the governor, by and with the advice and consent of the senate. He
shall have full charge of the department and shall su-
permise and direct the inspection of mines as provided
by law. The chief of the department of mines in office
on the date this act takes effect shall, unless sooner
removed, continue to serve until March first, one thou-
sand nine hundred forty-nine, and his successor has
been appointed and qualified. On or before the first
day of March, one thousand nine hundred forty-nine,
and on and before the first day of March of each fourth
year thereafter, the governor shall appoint a chief of
the department of mines to serve for a term of four
years, commencing on said first day of March.

Sec. 3. Qualifications; Salary; Expenses; Chief of De-
partment of Mines.—The chief of the department of
mines shall be a male citizen of West Virginia and
shall be a competent person with at least ten years
experience in the workings, ventilation and drainage
of coal mines, five years of which has been spent in
this state, and have a practical and scientific knowledge
of all noxious and dangerous gases found in such mines.
A diploma from any accredited engineering school shall
qualify as three years experience. He shall devote all
of his time to the duties of his office and shall not be
directly or indirectly interested in a financial way in
any coal mines in this state. The salary of the chief of
the department of mines shall be in an amount not to
exceed six thousand dollars per annum, at the discre-
tion of the governor, and traveling expenses, which
shall be paid monthly out of the funds of the state
treasury upon a requisition upon the auditor, properly
certified by the chief of the department of mines.

Sec. 7. Mining Districts and Divisions; Mine Inspectors;
Inspectors-at-Large; Tenure; Duties.—The chief of the
department of mines shall divide the state into not less
than twenty-five mining districts and not less than three
mining divisions. The present term of all mine inspec-
tors, inspectors-at-large, and other officers and employees
of the department engaged in inspecting mines shall
expire as of July first, one thousand nine hundred forty-
nine, but they shall continue in office until their suc-
cessor is appointed and qualifies unless, within the dis-
cretion of the chief of the department of mines, such
person is retained and appointed inspector-at-large as hereinafter provided. On or before the first day of July, one thousand nine hundred forty-nine, the chief of the department of mines shall appoint mine inspectors necessary to fully safeguard the interest of the mines or of the public, subject to qualifications and provisions of section eight of this article, whose appointment shall commence as of the first day of July, one thousand nine hundred forty-nine, for a term of four years. The duties of the inspectors shall be assigned by the chief of the department of mines as to service in coal mines, coal stripping operations, oil and gas operations, quarry and electrical inspections. On or before July first, one thousand nine hundred forty-nine, the chief of the department of mines shall appoint inspectors-at-large for each mining division of the state, subject to the provisions of section eight of this article and subject also to removal of inspectors-at-large in same manner as provided for inspectors.

Sec. 8. Inspectors and Inspectors-At-Large; Qualifications; Oath; Bond; Removal; Salary and Expenses—
Every person appointed to the office of inspector shall be a citizen of West Virginia, of good moral character and temperate habits, and shall have a practical knowledge of mining and the proper ventilation and drainage of mines, a knowledge of the gases met with in coal mines and shall be a miner of at least ten years experience in coal mines, four years of which shall have been in West Virginia mines. A diploma from any accredited school of mining engineering shall be the equivalent of five years experience. To be eligible for appointment as an inspector, his minimum age must be twenty-five years and his maximum age shall be fifty years.

The applicant for inspectorship shall undergo a physical and written examination satisfactory to the chief of the department of mines. To be put on the eligible list, he must pass every subject of the written examination with a grade of not less than eighty-five per cent. Examinations shall be held at such times and such places as designated by the chief of the department of mines. If a man has not been appointed within two
years after passing the examination, he must be re-
examined before he is eligible for appointment.

An inspector shall not, while in office, be interested as
owner, operator, stockholder, superintendent, or engineer
of any coal mine, or hold similar position, and such inspec-
tor shall not hold public office either elective or appointive.

Before entering upon discharge of his duties he shall take
oath of office prescribed by the constitution and shall exe-
cute bond in the penalty of two thousand dollars with the
security to be approved by the governor, conditioned upon
the faithful discharge of his duties. A certificate of this
oath and this bond shall be filed in the office of the secre-
tary of state.

An appointee of the chief of the department of mines
shall be removed from office for incompetency, neglect
of duty, drunkenness, malfeasance or for other good
cause. The salary of inspectors shall be not less than
three thousand six hundred dollars nor more than five
thousand four hundred dollars per annum, and actual
traveling expenses, providing that before the payment
of such expenses shall be made to the inspector, he shall
file an account of such expenses verified by his affidavit showing that they were accrued in discharge of official duties.

Each division designated by the chief of the department of mines shall be headed by an inspector-at-large, who shall have the same authority as any district inspector and such additional authority as may be delegated by the chief of the department of mines. The inspector-at-large shall have been a district inspector for a period of not less than five years.

The inspector-at-large shall maintain an office within his division, at a place designated by the chief of the department of mines where all records, maps, surplus equipment, repairs for equipment, and such things as he may need in the execution of his duties may be maintained. Such office shall be a filing place for the records and maps of the district inspectors in each division.

The salaries of the inspectors-at-large shall range from four thousand five hundred dollars per annum to a maximum of five thousand seven hundred dollars per annum, based upon ability and experience, and actual traveling
expenses, Provided, That before payment of such expenses shall be made to the inspector-at-large, he shall file an account of such expenses verified by his affidavit showing that they were accrued in discharge of his official duties.

Sec. 8-a. Mine Examinations; Payment of Expenses thereof; Appointment of Examiners; Qualifications; Remuneration and Expenses.—The chief of the department of mines is hereby authorized to conduct all physical, oral and written examinations for applicants for the positions of mine inspectors, inspectors of oil and gas operations, quarry operations, first aid instructors and mine rescue instructors. The dates and places of examination shall be fixed by the chief of the department of mines and the rules therefor shall be formulated by the chief of the department of mines.

The remuneration of the examiners of the department of mines, with the status of inspector, shall be the same as that of a district mine inspector and they shall be designated or appointed in the same manner as applied to inspectors. All traveling expenses for examiners
shall be paid out of the department of mines funds upon proper requisition to the state auditor and certification by the chief of the department of mines.

Sec. 9. Mine Inspectors; Inspections Reports.—Each of the mine inspectors shall report in writing, weekly, to the chief of the department of mines, the number and condition of all mines inspected by him during each week, and shall deliver to the operator or operators of each mine inspected a certificate of inspection, and shall post a duplicate certificate at a prominent place of the operating company where it may conveniently be read by any of the mine employees. The duplicate shall remain posted until a subsequent certificate is issued by the mine inspector. A mine inspector appointed for a particular district shall visit each mine in his district at least once in every three months unless prevented by unavoidable circumstances or oftener if called upon in writing by ten men engaged in any one mine, or the owner, operator or superintendent of such mine, and make a personal examination of each working place, and also entrances to abandoned parts of the mine
and outside of the mine where any danger may exist
to the workmen in their respective districts, and shall
particularly examine into the condition of the mine as
to ventilation, drainage and general safety, and shall
make a report of such examination, and he shall see
that all provisions of the mining statutes, requirements
of the department of mines and written instructions of
the mine inspectors, are strictly carried out.

Sec. 12-a. Administrative Assistants; Appointment; Ex-
aminations; Qualifications; Salary and Expenses; Ten-
ure; Removal.—The chief of the department of mines
shall appoint not more than five administrative assist-
ants, of whom one shall be in charge of the oil and
gas division and one in charge of mine rescue and safety.
The appointment and qualifications of such adminis-
trative assistants shall be the same as inspector-at-large,
as provided in sections seven and eight of this article.
The salaries of administrative assistants shall range
from a minimum of four thousand five hundred dollars
per annum to a maximum of five thousand seven hun-
dred dollars per annum, to be fixed in the discretion
of the chief of the department of mines. The salaries
shall be paid out of mines department funds by the state
treasurer upon requisition upon the state auditor, duly
certified by the chief of the department of mines. Travel-
ing expenses shall be paid in the same manner. Such
assistants may be removed from office in the same man-
ner provided in section eight of this article concern-
ing inspectors.

Sec. 12-b. First Aid Instructor; Appointment; Tenure;
Examinations; Qualifications; Salary and Expenses; Re-
moval.—The chief of the department of mines is hereby
empowered, within his discretion, to appoint a first aid
instructor, to be appointed in the same manner as pro-
vided for mine inspectors in section seven of this article,
subject to same qualifications and examinations as pro-
vided for in section eight and section eight-a concern-
ing mine inspectors, for each mining division of the state,
who shall have the same status as to salary and author-
ity as do inspectors defined in section eight. First aid
instructors shall be paid not less than three thousand
six hundred dollars nor more than five thousand four
hundred dollars per annum. An appointee under this
section may be removed from office in the same man-
ner as provided in section eight of this article concern-
ing inspectors. Traveling expenses for first aid in-
structors shall be paid out of the funds of the depart-
ment of mines upon requisition upon the state auditor,
certified by the chief of the department of mines.

Sec. 12-c. Mine Rescue Instructors; Appointments; Ex-
amination; Qualifications; Salary and Expenses; Re-
moval.—The chief of the department of mines is hereby
empowered, within his discretion, to appoint and direct
the activities of not less than three mine rescue instruc-
tors to be appointed in the same manner provided for
mine inspectors in section seven, who shall have the
status of inspector, such instructors to be also subject
before appointment to the provisions of section eight
and section eight-a. The salary of mine rescue instruc-
tors shall be four thousand two hundred dollars per an-
um with a maximum of five thousand four hundred
dollars, based upon ability and number of years of serv-
ice. They shall be paid actual traveling expenses: Pro-
vided, That before the payment of such expenses, they shall file an account of such expenses verified by affidavit showing that they were accrued in discharge of official duty. An appointee under this section may be removed from office in the same manner as provided in section eight of this article concerning inspectors.

Sec. 14. Repeal of Conflicting Acts; Separability.—All acts or parts of acts in conflict with article one are hereby repealed.

The provisions of this article shall be construed to be severable and if any is held unconstitutional and otherwise invalid, such invalidity or unconstitutionality shall not affect the operation of the remaining provisions.

Article 6. Coal Miner’s Examining Boards.

Section 2. Miner’s Examining Boards.—The chief of the department of mines, with the approval of the governor, shall appoint a board of three members to be known as the miner’s examining board, which shall be composed of two practical and experienced miners, one of whom shall be a negro, and one coal mine operator’s representative; not more than two members of the board
shall belong to the same political party; they shall serve for a term of four years, unless sooner removed from office by the chief of the department of mines for incompetency, neglect of duty, drunkenness, malfeasance or other good cause.

The chief of the department of mines shall designate one member of the board as chairman, and shall furnish said board with a seal of the department of mines. All records, reports, books and papers of the board shall be kept in the department of mines.

The salary of the chairman of the board shall be four thousand five hundred dollars per annum and the salaries of the other members of the board shall be four thousand two hundred dollars per annum, and they shall receive their actual traveling expenses, to be paid out of the state treasury; such salary shall be fixed by the chief of the department of mines, and shall be uniform; said chief of the department of mines shall provide for the maintenance of said miner's examining board in the same manner as is provided all other branches of the department of mines.
Sec. 9. Repeal of Conflicting Acts; Separability.—All acts or parts of acts in conflict with article six are hereby repealed. The provisions of this article shall be construed to be severable and if any is held unconstitutional and otherwise invalid, such invalidity or unconstitutionality shall not affect the operation of the remaining provisions.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect July 1, 1949. 

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within disapproved this the 18th day of March, 1949.

[Signature]
Governor

Filed in the Office of the Secretary of State of West Virginia MAR 18 1949

D. Pitt O'Brien, Secretary of State

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