ENROLLED

House Bill No. 378

(By Mr. Speaker, Mr. Singleton, and Mr. Vickers)

(Passed March 6, 1963; in effect July 1, 1963.)

AN ACT to amend and reenact section twenty, article one; and sections five, seven, nine, fourteen, twenty-eight, twenty-nine, thirty-nine, forty-three, forty-six, fifty-seven, fifty-eight, sixty-two and seventy-eight, article two, all of chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to coal mines.

Be it enacted by the Legislature of West Virginia:

That section twenty, article one; and sections five, seven, nine, fourteen, twenty-eight, twenty-nine, thirty-nine, forty-three, forty-six, fifty-seven, fifty-eight, sixty-two and seventy-eight, article two, all of chapter twenty-two of the code of
West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Article 1. Administration; Enforcement.

Section 20. Mine Rescue Crews.—The director of the state department of mines is hereby authorized to have trained and employed at the rescue stations operated by that department within the state, such rescue crews as he may deem necessary. Each member of a rescue crew shall devote four hours each month for training purposes, and shall be available at all times to assist in rescue work at explosions and mine fires. Regular members shall receive for such services the sum of seven dollars per month and captains shall receive eight dollars per month, payable on requisition approved by the director of the department of mines. The director of the department of mines may remove any member of a rescue crew at any time.

To qualify for membership of a mine rescue crew an applicant shall: (a) be not less than twenty-three years of age; (b) submit evidence of good health satisfactory to the director of the department of mines; (c) satis-
factorily complete a course of training prescribed by the
director of the department of mines. Each person so
qualifying for mine rescue operations and passing a
physical examination by a licensed physician shall re-
ceive a certificate evidencing such qualification. Annually
thereafter such person shall submit evidence to the di-
rector that he has been examined by a licensed physician
and found physically fit for mine rescue operations.

When engaged in rescue work required by an explosion,
fire or other emergency at a mine, all members of mine
rescue teams assigned to rescue operations shall, during
the period of their rescue work, be employees of the
operator of the mine where the emergency exists; shall
be compensated by said operator at the rate established
in the area for such work. In no case shall this rate be
less than the prevailing wage rate in the industry for
the most skilled class of inside mine labor. During the
period of their emergency employment members of mine
rescue teams shall be protected by the workmen's com-
pensation subscription of such emergency employer.
Article 2. Coal Mines.

Section 5. Ventilation of Mines in General.—The operator or mine foreman of every coal mine, whether worked by shaft, slope or drift, shall provide and hereinafter maintain for every such mine adequate ventilation. In all mines the quantity of air passing through the last open crosscut between the intake and return in any set of entries shall be not less than six thousand cubic feet of air per minute, and as much more as is necessary to dilute and render harmless and carry away flammable and harmful gases: Provided, however, That the quantity of air reaching the last crosscut in pillar sections may be less than six thousand cubic feet per minute if at least six thousand cubic feet of air per minute is being delivered to the intake of the pillar line. The air current shall under any conditions have a sufficient volume and velocity to reduce and carry away smoke from blasting and any flammable or harmful gases. All active underground working places in a mine shall be ventilated by a current of air containing not less than nineteen and five-tenths per cent of oxygen, and not more than one per
cent of carbon dioxide, and no harmful quantities of
other noxious or poisonous gases.

As working places advance, crosscuts for air shall be
made not to exceed eighty feet apart. Where necessary
to render harmless and carry away noxious or flammable
gases, line brattice or other approved methods of ven-
tilation shall be used so as to properly ventilate the face.

All crosscuts between the main intake and return air-
ways not required for passage of air and equipment
shall be closed with stoppings substantially built with
incombustible or fire-resistive material so as to keep
working places well ventilated: Provided, however, That
in mines where it becomes necessary to provide larger
pillars for adequate roof support, working places shall
not be driven more than two hundred feet without pro-
viding a connection that will allow the free flow of air
currents. In such cases a minimum of twelve thousand
cubic feet of air a minute shall be delivered to the last
open crosscut and as much more as is necessary to dilute
and render harmless and carry away flammable and
noxious gases.
42 In special instances for the construction of side-tracks, haulageways, airways, or openings in shaft bottom or slope bottom layout where the size and strength of pillars is important, the director of the department of mines may issue a permit approving greater distances. The permit shall specify the conditions under which such places may be driven.

49 In gassy mines a system of bleeder openings of air courses designed to provide positive movement of air through and/or around abandoned or caved areas, sufficient to prevent dangerous accumulation of gas in such areas and to minimize the effect of variations in atmospheric pressure, shall be made a part of pillar recovery plans projected after the effective date of this article.

56 If a bleeder return is closed as a result of roof falls or water during pillar recovery operations, pillar operations may continue without reopening the bleeder return so long as a minimum of twelve thousand cubic feet of air per minute is delivered to the intake of the pillar line.

62 Not more than sixty persons shall be permitted to work in the same air current: Provided, That a larger
number, not exceeding eighty persons, may be allowed
by the director of the department of mines where it is
impracticable to comply with the foregoing require-
ments.

No operator or mine foreman shall permit any persons
to work where they are unable to maintain the quantity
and quality of the air current as heretofore required:
Provided, however, That such provision shall not pro-
hibit the employment of men to make places of employ-
ment safe.

The ventilation of any mine shall be so arranged by
means of airlocks, overcasts, or undercasts, that the use
of doors on passageways where men or equipment travel
may be kept to a minimum. Where doors are used in a
gassy mine they shall be erected in pairs so as to provide
a ventilated airlock, unless the doors are operated
mechanically: Provided, however, That such provision
shall not apply to doors in or between panel or room
entries. In mines not classified as gassy, single doors
may be used, provided such doors are closed promptly
after men or equipment have passed through them.
Overcasts or undercasts shall be constructed of incom-bustible material and maintained in good condition.

Where practicable, a crosscut shall be provided at or near the face of each entry or room before such places are abandoned.

Rooms, entries, airways, or other working places shall not be driven in advance of air currents. Such provisions shall not prohibit, as the room, entry or aircourse advances, the "necking" of any place for a distance which shall not exceed that actually required for the installation of mining equipment in use at this location: Provided, however, That such room necks or entries are kept free of accumulations of methane by use of line brattice or other adequate means.

Sec. 7. Gassy Mines; Nongassy Mines; Examination.—

In a gassy mine, within four hours immediately preceding the beginning of a coal-producing shift, and before any workman in such shift, other than those who may be designated to make the examinations, enters the undergound areas of such mine, a certified foreman or fireboss, designated by the operator of such mine to do so, shall make an examination of such areas.
In a gassy mine, on a non-coal-producing shift, within four hours of the time when non-certified men enter the mine, the areas where they are assigned to work, and the entrances to adjacent areas shall be examined by a certified foreman or fireboss for gas and other dangerous conditions; no uncertified man shall enter any area which has not been properly examined by a certified foreman or fireboss; all energized trolley lines and bare feeder lines along haulageways shall be examined at least once every eight hours by a certified foreman or fireboss. All areas not being so examined shall have an approved danger board posted at the entrance or entrances.

In non-gassy mines examinations, which shall include tests for explosive gas or oxygen deficiency made with an approved flame safety lamp, shall be made at the same times as are required for a gassy mine. The person delegated to make such examinations shall be certified. Record of such examination shall be made in a book prescribed for that purpose.

Sec. 9. Same; Duties; Ventilation; Loose Coal, Slate or Rock; Props; Drainage of Water.—The duties of mine fore-
man shall be to keep a careful watch over the ventilating apparatus, the airways, traveling ways, pumps and drainage. He shall see that as the miners advance their excavations proper breakthroughs are made so as to properly ventilate the mine; that all loose coal, slate and rock overhead in the working places and along the haul-ways are removed or carefully secured so as to prevent danger to persons employed in such mines, and that sufficient suitable props, caps, timbers, roof bolts, or other approved methods of roof supports are furnished for the places where they are to be used, and delivered at suitable points. The mine foreman shall have all water drained or hauled out of the working places where practicable, before the miners enter, and such working places shall be kept dry as far as practicable while the miners are at work. It shall be the duty of the mine foreman to see that proper crosscuts are made, and that the ventilation is conducted by means of such crosscuts through the rooms by means of checks or doors placed on the entries or other suitable places, and he shall not permit any room to be opened in advance of the ven-
tilating current. On and after July first, one thousand
nine hundred sixty-three the mine foreman, or other
certified persons designated by him, shall measure the
air current with an anemometer at least weekly at the
inlet and outlet at or near the faces of the advanced
headings, and shall keep a record of such measurements
in a book or upon a form prescribed by the director of
the department of mines. Signs directing the way to
outlets or escapeways shall be conspicuously placed
throughout the mine.

On and after July first, one thousand nine hundred sixty-
three man doors shall be installed between the intake and
the return at intervals of three hundred feet when the
height of the coal is below forty-eight inches and at inter-
vals of five hundred feet when the height of the coal is
above forty-eight inches; unless provision is made for
entrance into the main returns near the mouth of each
set of panel entries.

Sec. 14. Same; Daily Inspection of Working Places.—
The mine foreman or his assistants shall visit and care-
fully examine each working place in the mine at least
once each shift while the miners of such places are at work, and shall direct that each working place shall be secured by props, timbers, roof bolts, and/or other approved methods of roof support where necessary to the end that the working places shall be made safe. Should the mine foreman or his assistants find a place to be in a dangerous condition, they shall not leave the place until it is made safe, or shall remove the persons working therein until the place is made safe by some competent person designated for that purpose.

He shall place his initials and the date at or near each place he examines. He shall also record any dangerous conditions and practices found during his examination in a book provided for that purpose.

Sec. 28. Roof Support.—Minimum timbering or other roof support methods suitable to the roof conditions and mining system of each mine or part of a mine shall be adopted and complied with. A copy of the adopted roof support plan shall be posted at the mine and a copy furnished to the district mine inspector. Additional timbering or supporting shall be used when and where neces-
It shall be the duty of the mine foreman or his subordinate supervisors to instruct all workmen in proper methods of setting timbers or placing roof supports; and, it shall be the duty of the workmen to comply with the instruction in setting timbers and roof supports. The roof in all underground working places, unless self-supporting, shall be secured to protect employees from falls. Safety posts, jacks, or temporary crossbars shall be set close to the face when necessary for safety before other operations are begun and as needed thereafter. Where roof supports are required at the working faces, persons shall not advance beyond supported roof, except those who are assigned to install support. Timbering or roof support materials to be used as required in supporting the roof in underground workings shall be delivered at or near the working faces. In hand loading mines the miner shall order timbers and roof support materials at least one day in advance in order to have in his working place a sufficient supply for his needs. He shall place his order with his supervisor stating his requirements. Roof bolts shall not be used in lieu of conventional timbering unless
29 a permit has been issued by the state department of
30 mines. Roof bolts shall not be recovered where com-
31 plete extraction of pillars is attempted; nor shall bolts be
32 removed adjacent to clay veins; nor at the location of
33 other irregularities that introduce abnormal hazards.
34 Where roof bolt recovery is practiced, it shall be done
35 only by reasonable methods approved by the director of
36 the department of mines. Recovery of roof supports shall
37 not be done except by experienced persons and only
38 where adequate temporary support is provided.

Sec. 29. Authorized Explosives.—Permissible explo-
2 sives or permissible blasting devices only shall be used in
3 blasting coal or other material in underground coal mines.
4 It shall be unlawful to have, use or store any non-permis-
5 sible explosives or non-permissible blasting devices in
6 any coal mine or on the premises of the mine, without a
7 permit from the director.

Sec. 39. Electricity; General Provisions.—Operators of
2 coal mines in which electricity is used as a means of
3 power shall comply with the following provisions:
4 All surface transformers, unless of a construction which
will eliminate shock hazards, or unless installed at least
eight feet above ground, shall be enclosed in a house or
surrounded by a fence at least six feet high. If the en-
closure is of metal, it shall be grounded effectively. The
gate or door to the enclosure shall be kept locked at all
times, unless authorized persons are present.

Underground transformers purchased after the effective
date of this article, shall be air cooled or cooled with non-
flammable liquid or inert gas.

Underground stations containing transformers or circuit
breakers filled with inflammable oil shall be provided
with door sills or their equivalent, which will confine the
oil if leakage or explosion occurs, and shall be of fire-
proof construction.

Transformers shall be provided with adequate overload
protection.

Portable or semiportable battery charging units shall
be operated on a separate split of air: Provided, however,
That such units may be operated on intake air if a mini-
mum of fifteen thousand cubic feet per minute is cir-
culating for one tray of batteries and five thousand cubic
feet per minute additional for each tray added. The rate of charging by such units shall not be less than four hours to fully charge a tray of batteries.

Battery charging stations, motor generator sets, rotary converters and oil filled transformers and switches, used underground shall be housed in fireproof buildings ventilated by a separate split of air direct to the main return (rectifiers excepted).

All power wires and cables entering a mine shall be provided with lightning arrestors at points of entry. “Danger—high voltage” signs shall be posted conspicuously on all transformer enclosures, high-potential switchboards and other high-potential installations.

Circuit breakers or other overload devices shall be provided to protect power circuits.

Insulating platforms of wood, rubber, or other suitable nonconductive material shall be kept in place at each switchboard, and at stationary machinery where shock hazards exist.

All power wires and cables in hoisting shafts, slopes and power bore holes shall be properly insulated, pro-
vided with lightning arrestors, substantially installed and well maintained.

All power wires, except trailing cables, especially designed cable used as electrical conductors to underground-rectifier or transformer stations, portable power cables or bare or insulated ground and return wires, shall be supported on well-installed insulators and shall not contact combustible material, roof or ribs.

Trolley and feeder wires shall be installed as follows:

Where installed on permanent haulage, after the effective date of this article, they shall be: (1) at least six inches outside the track gauge line; (2) provided with cutout switches at intervals of not more than two thousand feet, and near the beginning of all branch lines; and (3) kept taut and not permitted to touch the roof, rib, or cross bars.

Particular care shall be taken where they pass through door openings to preclude bare wires from coming in contact with combustible material.

Trolley or bare feeder cables shall be guarded adequately where it is necessary for men to pass or work under them regularly unless the wires are more than six
and one-half feet above the top of the rail. They shall
also be guarded adequately on both sides of doors, and
at all stations designated for the loading and unloading
of man trips, and at sand boxes.

After the effective date of this article, in new under-
ground installations of electric face equipment in new
mines the difference in potential between any two points
in the electrical circuits, or between any point in the
electrical circuits and the ground, shall not exceed six
hundred and fifty volts. No provision of this section shall
prohibit the use of higher voltages of alternating current
on service lines to rectifiers, converters, transformers or
switches connected thereto located in areas out by the
immediate face regions.

In a gasy mine, trolley and feeder wires shall not ex-
tend beyond the last open crosscut and shall be kept at
least one hundred and fifty feet from open pillar work-
ings. Trolley wires and feeder wires shall be anchored
securely, insulated, and properly identified at the ends.

Metallic frames, casings, and other enclosures of station-
ary electric equipment that can become “alive” through
failure of insulation or by contact with energized parts shall be grounded effectively, or equivalent protection shall be provided.

Sec. 43. Electric Equipment in Gassy Mines.—After the effective date of this article all electric face equipment acquired for use in a mine classified as gassy shall be permissible: Provided, however, That nonpermissible electric equipment may be used in a mine classified as gassy if, before the effective date of this article or the date such mine became a mine classified as gassy, whichever is later, the operator of such mine, or his successor, owned or leased such equipment or had ordered such equipment.

Electric equipment shall not be taken into or operated in any place where methane can be detected with a flame safety lamp at any point not less than eight inches from the roof, face, or rib.

In a mine classified as gassy electric haulage locomotives operated from trolley wire and other electrical equipment or devices which may ignite gas shall not be used in return air. For the purpose of this provision, air
used to ventilate a section of a mine shall not be considered return air until such time as the air has ventilated all of the workings in the section.

No person shall be placed in charge of a coal cutting machine in any mine classified as gassy, who is not a competent person, capable of determining the safety of the roof and sides of the working places and detecting the presence of explosive gas. Machine runners in mines classified as gassy shall be required to undergo examination by a mine foreman to determine their fitness to detect explosive gas before they are permitted to have charge of machines in such mines, unless they are accompanied by a certified or competent person who has passed such an examination.

In any mine classified as gassy, a coal cutting machine shall not be brought in by the last breakthrough next to the working face until the machine man shall have made an inspection for gas in the place where the machine is to work, unless such examination is made by some other competent person authorized and designated for that purpose by the mine foreman. If explosive gas in excess of
one per cent is found in the place, the machine shall not be taken in until the danger is removed.

In working places where explosive gas is likely to be encountered, a safety lamp, or other suitable approved apparatus for the detection of explosive gas, shall be provided for use with each mining machine when working, and should any indication of explosive gas in excess of one per cent appear on the flame of the safety lamp, or on other apparatus used for the detection of explosive gas, the person in charge shall immediately stop the machine, cut off the current at the nearest switch and report the condition to the mine foreman or supervisor. The machine shall not again be started in such place until the mine foreman, supervisor, or a person authorized by one of them has examined it and pronounced it safe.

No coal cutting machine, loading machine or electric drills shall be operated in a mine classified as gassy for a longer period than thirty minutes, and no continuous miner for a longer period than twenty minutes, without an examination as above described being made for gas, and if gas is found in excess of one per cent the current
61 shall at once be switched off the machine, and the trailing cable shall forthwith be disconnected from the power supply until the place is pronounced safe.

62 Machine runners and helpers shall use care while operating mining machines. They shall not permit any person to remain near the machine while it is in operation.

64 They shall examine the roof of the working place and see that it is safe before starting to operate the machine.

65 They shall not move the machine while the cutter chain is in motion.

Sec. 46. Welding and Cutting; Blowtorches; Fuel.—

2 Blowtorches may be used by competent persons in mines, provided (1) suitable precautions are taken against ignition of methane, coal dust, or combustible materials, (2) means are provided for prompt extinguishment of fires accidentally started, and (3) fuel is properly controlled. Blowtorches must be maintained at all times in good operating condition and leakproof.

9 Fuel for blowtorches, in quantities not exceeding one day's supply, shall be transported from the surface in approved safety cans, leakproof and sturdy. In transferr-
ing fuel to the torch, a funnel or flexible nozzle shall be used to avoid spillage, and neither the supply can nor the torch shall be opened within twenty-five feet of any open light or other thing containing or apt to contain fire, arcs, or sparks.

Welding and cutting may be done in mine: Provided, that all equipment and gauges are maintained in good order and not abused, that suitable precautions are taken against ignition of methane, coal dust, or combustible materials, that means are provided for prompt extinguishment of fires accidentally started, and that only persons who have demonstrated competency in welding and cutting are entrusted to do this work. Adequate eye protection shall be used by all persons doing welding or cutting, and precautions shall be taken to prevent other persons from exposure that might be harmful to their eyes.

Transportation of oxygen and gas tanks or cylinders shall be permitted on self-propelled machinery or belt conveyors specially equipped for safe holding of the containers in transportation. In no instance shall such
transportation be permitted in conjunction with any man
trip.

Empty oxygen and gas tanks or cylinders shall be
marked "empty" and shall be removed from the mine
promptly in safe containers provided for transportation
of the same.

The valve protection caps shall be placed on all tanks
or cylinders for which caps are provided when not in
use and when being transported. No oxygen or gas tanks
or cylinders shall be transported with the hoses and
gauges attached thereto.

In mines classed as gassy, a certified person shall ex-
amine for gas with permissible flame safety lamps before
and during welding or cutting in, at or near working
faces. The safety of the equipment and methods used in
such cases shall be subject to approval of the director of
the department of mines.

Sec. 57. No Act Permitted Endangering Security of
Mine; Search for Intoxicants, Matches, etc.—No miner,
workman or other person shall knowingly injure any
shaft, lamp, instrument, air course, or brattice, or ob-
struct or throw open airways, or carry matches or open
lights in the places worked by safety lights, or disturb
any part of the machinery or appliances, open a door
closed for directing ventilation and not close it again, or
carry matches or open lights in the places worked by safety lights, or disturb
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closed for directing ventilation and not close it again, or
carry matches or open lights in the places worked by safety lights, or disturb
any part of the machinery or appliances, open a door
closed for directing ventilation and not close it again, or
enter any part of a mine against caution, or disobey any
order of any mine foreman or assistant mine foreman
given in carrying out any of the provisions of this sec-
tion.

Open lights, smoking, and smokers' articles including
matches, are prohibited in all mines. No person shall at
any time enter mines with or carry therein any
matches, pipes, cigars, cigarettes, or any device for mak-
ing lights or fire not authorized or approved. The oper-
ator shall at frequent intervals, search, or cause to be
searched, any person, including his clothing and material
belongings, entering or about to enter the mine, or inside
the mine to prevent such person from taking or carrying
therein any of the above mentioned articles.

No person shall at any time carry into any mine any
intoxicants or enter any mine while under the influence
of intoxicants.
Sec. 58. Fire Protection.—Suitable fire protection shall be provided at surface installations of fans, shops, tipples and preparation plants, substations, hoist rooms and compressor stations.

Underground storage places for lubricating oil and grease in excess of two days’ supply shall be of fireproof construction.

Lubricating oil and grease kept in face regions or other underground working places in a mine shall be in portable, closed approved containers.

At underground shops and oil storage stations oil rags, oily waste and waste paper shall be kept in closed metal containers until removed for disposal.

Suitable underground fire protection shall be provided at stationary substations and compressor stations, shops, pumps, doors, transformer stations, battery charging stations, where oil and grease is stored, at conveyor loading or discharge points and strategic points along rubber belt lines, stables, and on active working sections.

Rock dust in quantities of five hundred pounds or more shall be considered suitable for fire protection at the
above mentioned underground locations, except that a fire extinguisher suitable for the hazards present shall be provided as an additional protection at underground shops, permanent substations, compressor stations, battery charging stations and transformer stations.

Mine openings, where there is danger of fire entering the mine, shall have adequate protection against surface fires or dangerous volumes of smoke entering the mine.

Sec. 62. No Mine to be Opened or Reopened without Prior Approval of Director of Department of Mines; Approval Fee.—After the effective date of this section, no mine shall be opened or reopened unless prior approval has been obtained from the director of the department of mines, which approval shall not be unreasonably withheld. The operator shall pay for such approval a fee of ten dollars, which payment shall be tendered with the operator's application for such approval: Provided, however, That mines producing coal solely for the operator's use shall be issued a permit without charge if coal production will be less than fifty tons a year.
Within forty-five days after January first of each year the operator of each mine holding a certificate evidencing approval of the director to open a mine, shall apply for the extension of such certificate of approval for an additional year. Such approval, evidenced by a certificate of the director, shall be granted as a matter of right and without charge if at the time such application is made the operator is in compliance with the provisions of section seventy-four of this article. Applications for extension of such certificates of approval not submitted within the time required shall be processed as an application to open or reopen a mine and shall be accompanied by a fee of ten dollars.

Certificates of approval issued pursuant to this section shall not be transferable.

The provisions of this section shall be printed on the reverse side of every certificate issued hereunder.

Sec. 78. Penalties.—Any person who shall wilfully violate sections two, seven, twelve, nineteen, twenty-two, twenty-three, twenty-four, twenty-seven, twenty-nine, thirty-three, fifty-seven, fifty-eight, sixty, sixty-two, sev—
enty, seventy-one, seventy-four, seventy-five or seventy-seven of this article shall be fined not less than ten nor more than five hundred dollars.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O. Ray Parker
Chairman Senate Committee

Ethel L. Bandlee
Chairman House Committee

Originated in the House.

Takes effect: July 13, 1963

Howard Moyer
Clerk of the Senate

O. O. Blankenship
Clerk of the House of Delegates

Howard E. Stevenson
President of the Senate

Julius W. Bingle
Speaker House of Delegates

The within is approved this the 14th day of March, 1963.

Governor