

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 139

(By Mr. Holden and Mr. Hedrick)

PASSED March 1, 1969

In Effect thirty days from Passage

FILED IN THE OFFICE
JOHN D. TORRES, CLERK
CLERK OF SENATE

THIS DATE 3-14-69

#139

ENROLLED
Senate Bill No. 139

(By MR. HOLDEN and MR. HEDRICK)

[Passed March 1, 1969; in effect ninety days from passage.]

AN ACT to amend chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article two-a, relating to surface mine safety inspections; qualifications; duties and jurisdiction of department of mines.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article two-a, to read as follows:

ARTICLE 2A. SURFACE MINING.

§22-2A-1. Legislative purpose.

1 The Legislature finds and declares that the department

2 of mines shall have jurisdiction and control over all as-
3 pects of surface mining safety.

**§22-2A-2. Applicability of laws safeguarding life and property;
rules and regulations; supervision of operations.**

1 All provisions of the mining laws of this state intended
2 to safeguard life and property shall extend to all sur-
3 face mining operations insofar as such laws are appli-
4 cable thereto. The director of the department of mines
5 shall promulgate reasonable rules and regulations, in ac-
6 cordance with the provisions of chapter twenty-nine-a
7 of said code, to protect the safety of those employed in
8 and around surface mines, and the enforcement of all
9 laws and rules and regulations relating to the safety of
10 those employed in and around surface mines is hereby
11 vested in the department of mines.

§22-2A-3. Monthly report by the operator.

1 The operator of every surface mine shall, on or be-
2 fore the end of each calendar month, file with the
3 director of mines a report covering the preceding calendar
4 month on forms furnished by the director. Such reports
5 shall state the number of persons employed, the days
6 worked and the actual tonnage mined.

§22-2A-4. Surface mining supervisor and inspectors; appointment and qualifications; compensation and expenses.

1 Not more than six surface mining inspectors and a state
2 surface mining supervisor shall be appointed by the
3 director of the department of mines. All such appointees
4 shall be citizens of West Virginia, in good health, not less
5 than thirty nor more than sixty years of age, of good
6 character and reputation, and temperate in habits. Each
7 of them shall have at least five years' practical experience
8 in surface mining in West Virginia. The surface mining
9 supervisor shall be paid not less than ten thousand dollars
10 and not more than twelve thousand dollars per annum,
11 and the surface mining inspectors shall be paid not less
12 than seven thousand seven hundred dollars and not more
13 than nine thousand dollars per annum. Each shall be
14 allowed reasonable traveling expenses when itemized by
15 claimant who shall verify upon oath that such expenses
16 were actually incurred in the discharge of his official
17 duties for the department of mines. Within the limits
18 provided in this section, the salary of the supervisor

19 and of each inspector shall be fixed by the director of
20 the department of mines, and in fixing such salaries the
21 director shall consider ability, performance of duty, re-
22 sponsibility and experience of each. All such salaries and
23 expenses shall be paid from the department of mines'
24 funds.

**§22-2A-5. Duties of surface mining supervisor and inspectors
generally; eligibility for permanent appointment;
tenure; interest in mining operation; oath and
bond.**

1 The surface mining supervisor and surface mining in-
2 spectors shall make all necessary surveys and safety in-
3 spections of surface mining operations, shall effect practi-
4 cal and effective administration and enforcement of all
5 mining laws and rules of the state applicable to surface
6 mining safety and tonnage and shall perform such
7 other duties and services as may be prescribed by the
8 director of the department of mines.

9 No person shall be eligible for permanent appointment
10 as a surface mining supervisor or surface mining in-
11 spector until he has served in a probationary status for

12 a period of one year to the satisfaction of the director of
13 the department of mines. The surface mining supervisor
14 and the surface mining inspectors serving as such on the
15 effective date of this section shall be reappointed by the
16 director. Any person receiving permanent appointment
17 as surface mining supervisor or surface mining inspector
18 shall have permanent tenure until he becomes sixty-
19 five years of age. Any surface mining supervisor and
20 surface mining inspectors who were on permanent tenure
21 June thirty, one thousand nine hundred sixty-seven, shall
22 be reinstated under such tenure without being required
23 to take an examination. The surface mining supervisor
24 and the surface mining inspectors are subject to removal
25 only for physical or mental impairment, neglect of duty,
26 drunkenness, malfeasance in office, or official miscon-
27 duct. No person serving as surface mining supervisor
28 or surface mining inspector shall be interested directly
29 or indirectly, as owner, operator, or stockholder of any
30 mining operation in the state of West Virginia, and in
31 the existence or acquisition of such interest on the part
32 of any such inspector shall immediately vacate his
33 position.

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

William Tompa
Chairman Senate Committee

Phyllis J. Rutledge
Vice Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Thygesen
President of the Senate

Sam F. Casady
Speaker House of Delegates

The within disapproved this the 12th
day of March, 1969.

Arch L. Shawe Jr.
Governor



PRESENTED TO THE
GOVL NOR.

Date 3/7/69

Time 2:30 p.m.

RECEIVED

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA