WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 139

(By Mr. Hayden and Mr. Hedrick)

PASSED March 1, 1969

In Effect thirty days from Passage

# 139

FILLED IN THE OFFICE
JOHN G. TOHER
SECRETARY OF STATE
TWO DAYS 3-14-69
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
of mines shall have jurisdiction and control over all aspects of surface mining safety.

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

All provisions of the mining laws of this state intended to safeguard life and property shall extend to all surface mining operations insofar as such laws are applicable thereto. The director of the department of mines shall promulgate reasonable rules and regulations, in accordance with the provisions of chapter twenty-nine-a of said code, to protect the safety of those employed in and around surface mines, and the enforcement of all laws and rules and regulations relating to the safety of those employed in and around surface mines is hereby vested in the department of mines.


The operator of every surface mine shall, on or before the end of each calendar month, file with the director of mines a report covering the preceding calendar month on forms furnished by the director. Such reports shall state the number of persons employed, the days 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 surface mining supervisor shall be appointed by the director of the department of mines. All such appointees shall be citizens of West Virginia, in good health, not less than thirty nor more than sixty years of age, of good character and reputation, and temperate in habits. Each of them shall have at least five years' practical experience in surface mining in West Virginia. The surface mining supervisor shall be paid not less than ten thousand dollars and not more than twelve thousand dollars per annum, and the surface mining inspectors shall be paid not less than seven thousand seven hundred dollars and not more than nine thousand dollars per annum. Each shall be allowed reasonable traveling expenses when itemized by claimant who shall verify upon oath that such expenses were actually incurred in the discharge of his official duties for the department of mines. Within the limits provided in this section, the salary of the supervisor...
and of each inspector shall be fixed by the director of the department of mines, and in fixing such salaries the director shall consider ability, performance of duty, responsibility and experience of each. All such salaries and expenses shall be paid from the department of mines' funds.

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

The surface mining supervisor and surface mining inspectors shall make all necessary surveys and safety inspections of surface mining operations, shall effect practical and effective administration and enforcement of all mining laws and rules of the state applicable to surface mining safety and tonnage and shall perform such other duties and services as may be prescribed by the director of the department of mines.

No person shall be eligible for permanent appointment as a surface mining supervisor or surface mining inspector until he has served in a probationary status for
a period of one year to the satisfaction of the director of
the department of mines. The surface mining supervisor
and the surface mining inspectors serving as such on the
effective date of this section shall be reappointed by the
director. Any person receiving permanent appointment
as surface mining supervisor or surface mining inspector
shall have permanent tenure until he becomes sixty-
five years of age. Any surface mining supervisor and
surface mining inspectors who were on permanent tenure
June thirty, one thousand nine hundred sixty-seven, shall
be reinstated under such tenure without being required
to take an examination. The surface mining supervisor
and the surface mining inspectors are subject to removal
only for physical or mental impairment, neglect of duty,
drunkenness, malfeasance in office, or official miscon-
duct. No person serving as surface mining supervisor
or surface mining inspector shall be interested directly
or indirectly, as owner, operator, or stockholder of any
mining operation in the state of West Virginia, and in
the existence or acquisition of such interest on the part
of any such inspector shall immediately vacate his
position.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompkin
Chairman Senate Committee

Phillie J. Rutledge
Vice Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

J. Howard Negus
Clerk of the Senate

E. A. Blankenship
Clerk of the House of Delegates

James B. McCall
President of the Senate

A. F. Barfield
Speaker House of Delegates

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

[Signature]
Governor
PRESENTED TO THE
GOVERNOR.

Date 3/7/69
Time 2:30 p.m.