WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED
SENATE BILL NO. 301

(By Mr. Jackson, Mr. President,
and Mr. Hedrick)

PASSED March 8, 1969

In Effect July 1, 1969, Passage

# 301

FILED IN THE OFFICE
JOHN D. ROCKERFELLER, IV
SECRETARY OF STATE
THIS DATE 3-12-69
ENROLLED

Senate Bill No. 301

(By Mr. Jackson, Mr. President, and Mr. Hedrick)

[Passed March 8, 1969; in effect July 1, 1969.]

AN ACT to amend and reenact sections seven-a, seven-b, eight and twenty, article one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said article one by adding thereto two new sections, designated sections seven-c and eleven-a; to amend and reenact sections one, two, five, seven, seven-a, eight, eleven, thirteen, twenty-one, twenty-eight, thirty-nine and sixty-one, article two of said chapter; and to further amend said chapter by adding thereto a new article, designated article three, all relating to mine safety instructors; mine inspectors; electrical inspectors, their duties, qualifications and salaries; mine rescue crews; engineers' reports and their contents; coal mine ventila-
tion; mine inspection, movement of mining equipment; mine foremen; signals on haulways; fire bosses; inspection of escapeways; open pit mines, and underground limestone and sandstone mines.

Be it enacted by the Legislature of West Virginia:

That sections seven-a, seven-b, eight and twenty, article one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that said article one be further amended by adding thereto two new sections, designated sections seven-c and eleven-a; that sections one, two, five, seven, seven-a, eight, eleven, thirteen, twenty-one, twenty-eight, thirty-nine and sixty-one, article two of said chapter be amended and reenacted; and that said chapter be further amended by adding thereto a new article, designated article three, all to read as follows:

ARTICLE 1. ADMINISTRATION; ENFORCEMENT.

§22-1-7a. Mine safety instructors; qualifications; employment; compensation; tenure; oath; bond.

1 The department shall employ five or more mine safety instructors. To be eligible for employment as a mine
safety instructor the applicant shall be: (1) A citizen of West Virginia, in good health, not less than twenty-five nor more than sixty years of age, and of good character, reputation and temperate habits; and (2) a person who has had at least five years' experience in first aid and mine rescue work and who has had practical experience with dangerous gases found in coal mines, and who has a practical knowledge of mines, mining methods, mine ventilation, sound safety practices and applicable mining laws.

In order to qualify for appointment as a mine safety instructor an eligible applicant shall submit to a written and oral examination given by the mine inspectors' examining board. The examination shall relate to the duties to be performed by a safety instructor and may, subject to the approval of the mine inspectors' examining board, be prepared by the director of West Virginia department of mines.

If the board finds after investigation and examination that the applicant (1) is eligible for appointment and (2) has passed all oral and written examinations with a
grade of at least eighty percent, the board shall add such applicant's name and grade to a register of qualified eligible candidates and certify its action to the director of the department of mines. The director may then appoint one of the candidates from the three having the highest grade.

The salary for a mine safety instructor shall be not less than seventy-two hundred dollars per year and shall be fixed by the director of the department of mines, who shall take into consideration ability, performance of duty, and experience. Such instructor shall devote all of his time to the duties of his office. No reimbursement for traveling expenses shall be made except on an itemized accounting for such expenses submitted by the instructor, who shall verify upon oath that such expenses were actually incurred in the discharge of his official duties.

Mine safety instructors serving as such on the effective date of this section may continue to serve for a probationary period not exceeding one year and, if eligible, may qualify for permanent appointment during such probationary period in accordance with the provisions of
this section. Mine safety instructors, before entering upon
the discharge of their duties, shall take and subscribe
to the oath and shall execute a bond in the same penal
sum, with surety approved by the director of the depart-
ment of mines, all as is required by this article in the
case of mine inspectors.

Except as expressly provided in this section to the con-
trary, all provisions of this article relating to the eligi-
bility, qualification, appointment, tenure and removal of
mine inspectors shall be applicable to mine safety in-
structors.

§22-1-7b. Mine inspectors—may be appointed to fill vacancy
in department; permanent tenure benefits not
affected.

Notwithstanding any other provisions of law, if a va-
cancy occurs in any appointive position within the de-
partment of mines any mine inspector having permanent
tenure, if qualified, may be appointed to such appointive
position without forfeiting any of the benefits which have
accrued to him because of his permanent tenure as a mine
inspector.
§22-1-7c. Electrical inspectors; employment; tenure; oath; bond.

1 The department shall employ five or more electrical inspectors. To be eligible for employment as an electrical inspector the applicant shall be: (1) A citizen and resident of West Virginia, in good health, not less than twenty-five nor more than fifty-five years of age, and of good character, reputation and of temperate habits; and (2) a person who has had ten years' practical electrical experience in coal mines or a degree from West Virginia University or other accredited electrical engineering school.

10 In order to qualify for appointment as a mine electrical inspector, an eligible applicant shall submit to written and oral examination given by the mine inspectors' examining board. The examination shall relate to the duties to be performed by an electrical inspector. If the board finds after investigation and examination that the applicant (1) is eligible for appointment and (2) has passed all oral and written examinations with a grade of at least ninety percent, the board shall add such applicant's name and grade to a register of qualified eligible candidates
and certify its action to the director of the department of mines. The director may then appoint one of the candidates from the three having the highest grade.

The salary of a mine electrical inspector shall be not less than eleven thousand four hundred dollars per year and shall be fixed by the director of the department of mines, who shall take into consideration ability, performance of duty and experience. No reimbursement for traveling expenses shall be made except on an itemized accounting for such expense submitted by the electrical inspector, who shall verify upon oath that such expenses were actually incurred in the discharge of his official duties.

Mine electrical inspectors serving as such on the effective date of this section may continue to serve for a probation period not exceeding one year and, if eligible, may qualify for permanent appointment during such probationary period in accordance with the provisions of this section. Mine electrical inspectors, before entering upon the discharge of their duties, shall take and subscribe to the oath and shall execute a bond in the same penal sum,
with surety approved by the director of the department of mines, all as is required by this article in the case of mine inspectors.

Except as expressly provided in this section to the contrary, all provisions of this article relating to the eligibility, qualifications, appointment, tenure and removal of mine inspectors shall be applicable to mine electrical inspectors.

§22-1-8. Mine inspectors—eligibility for appointment; qualifications; salary and expenses; removal.

(a) No person shall be eligible for appointment as a mine inspector after the effective date of this article (July 1, 1958) unless, at the time of his probationary appointment he: (1) Is a citizen of West Virginia, in good health, not less than thirty nor more than fifty-five years of age, and of good character, reputation and temperate habits; (2) has had at least ten years’ practical experience in coal mines, at least five years of which, immediately preceding his original appointment, shall have been in mines in this state: Provided, That graduation from the school of mines of West Virginia University or any other
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(3) has had practical experience with dangerous gases found in coal mines; and (4) has a good theoretical and practical knowledge of mines, mining methods, mine ventilation, sound safety practices and applicable mining laws.

(b) In order to qualify for appointment as a mine inspector an eligible applicant shall submit to a written and oral examination by the mine inspectors' examining board and furnish such evidence of good health, character and other facts establishing eligibility as the board may require. If the board finds after investigation and examination that an applicant: (1) Is eligible for appointment and (2) has passed all written and oral examinations, with a grade of at least ninety percent, the board shall add such applicant's name and grade to the register of qualified eligible candidates and certify its action to the director of the department of mines. No candidate's name shall remain in the register for more than three years without requalifying.
32 (c) Salaries of district inspectors shall not be less than ten thousand four hundred dollars per annum; assistant inspectors-at-large not less than eleven thousand dollars per annum; inspectors-at-large not less than twelve thousand dollars per annum, and shall receive mileage at the rate of not less than ten cents for each mile actually traveled in the discharge of his official duties in a privately-owned vehicle. Within the limits provided by law, the salary of each inspector shall be fixed by the director of the department of mines, subject to the approval of the mine inspectors' examining board. In fixing salaries of mine inspectors, the director of the department of mines shall consider ability, performance of duty and experience. No reimbursement for traveling expenses shall be made except upon an itemized account of such expenses submitted by the inspector, who shall verify, upon oath, that such expenses were actually incurred in the discharge of his official duties.

30 (d) A mine inspector, after having received a permanent appointment shall be removed from office only for physical
or mental impairment, incompetency, neglect of duty,  
drunkenness, malfeasance in office, or other good cause.

Proceedings for the removal of a mine inspector may be
initiated by the director of the department of mines
whenever he has reasonable cause to believe and does
believe that adequate cause exists, warranting removal.

Such a proceeding shall be initiated by a verified petition,
filed with the board by the director of the department
of mines, setting forth with particularity the facts alleged.

Not less than twenty reputable citizens, who are operators
or employees in mines in the state, may petition the direc-
tor of the department of mines for the removal of a mine
inspector. If such petition is verified by at least one of
the petitioners, based on actual knowledge of the affiant,
and alleges facts, which, if true, warrant the removal of
the inspector, the director of the department of mines
shall cause an investigation of the facts to be made. If,
after such investigation, the director finds that there is
substantial evidence which, if true, warrants removal of
the inspector, he shall file a petition with the board re-
questing removal of the inspector.
On receipt of a petition by the director of the department of mines seeking removal of a mine inspector the board shall promptly notify the inspector to appear before it at a time and place designated in said notice, which time shall be not less than fifteen days thereafter. There shall be attached to the copy of the notice served upon the inspector a copy of the petition filed with the board.

At the time and place designated in said notice, the board shall hear all evidence offered in support of the petition and on behalf of the inspector. Each witness shall be sworn and a transcript shall be made of all evidence taken and proceedings had at any such hearing. No continuance shall be granted except for good cause shown.

The chairman of the board and the director of the department of mines shall have power to administer oaths and subpoena witnesses.

Any mine inspector who shall wilfully refuse or fail to appear before the board, or having appeared, shall refuse to answer under oath any relevant question on the ground that his testimony or answer might incriminate
him, or shall refuse to waive immunity from prosecution on account of any relevant matter about which he may be asked to testify at any such hearing before the board, shall forfeit his position.

If, after hearing, the board finds that the inspector should be removed, it shall enter an order to that effect. The decision of the board shall be final and shall not be subject to judicial review.

§22-1-11a. Duties, findings and orders of mine electrical inspectors; special inspections; notice.

In order that the electrical inspector may properly perform the duties required of him, he shall devote his whole time and attention to the duties of his office, and he shall have the right to enter any coal mine for the purpose of inspecting electrical equipment, and if he finds during his inspection any defects in the electrical equipment which are covered by law and may be detrimental to the lives or health of the workmen, he shall have the authority to order the operator, in writing, to remedy such defects within a prescribed time, and to prohibit the continued operation of such electrical equipment after such time, unless such defects have been corrected.
The electrical inspector shall examine each mine in his division at least once each year or as often as the director may deem necessary.

It shall be the duty of the electrical inspector after completing his examination of a mine to prepare a report describing his findings in said mine in a manner and form designated by the director. The original report shall be forwarded to the operator or his representative whose duty it shall be to post it in some conspicuous place open to examination by any interested person or persons. The report shall show the date of inspection, a list of equipment, and any other information that the director may deem necessary.

§22-1-20. 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 sixteen dollars per month and captains shall receive
twenty dollars per month, payable on requisition ap-
proved 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 more than fifty years of age;
(b) submit evidence of good health satisfactory to the
director of the department of mines; (c) satisfactorily
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 examina-
tion by a licensed physician shall receive a certificate
evidencing such qualification. Annually thereafter such
person shall submit evidence to the director that he has
been examined by a licensed physician and found phys-
ically fit for mine rescue operations.

When engaged in rescue work required by an explo-
sion, 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 estab-
lished 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
compensation subscription of such emergency employer.

ARTICLE 2. COAL MINES.

§22-2-1. Definitions.

1 For the purpose of this article:
2 (1) The term “abandoned workings” shall mean exca-
vation, either caved or sealed, that are deserted and in
which further mining is not intended, and open workings
which are ventilated and not inspected regularly.
2 (2) The term “approved” shall mean in strict com-
pliance with mining law or, in the absence of law, ac-
cepted by a recognized standardizing body or organization
whose approval is generally recognized as authoritative
on the subject.
(3) The term “armored cable” shall mean a cable provided with a wrapping of metal, usually steel wires or tapes, primarily for the purpose of mechanical protection.

(4) The term “assistant mine foreman” shall mean a person designated to assist the mine foreman in the supervision of a portion or the whole of a mine or of the persons employed therein.

(5) The term “borehole cable” shall mean a cable designed for vertical suspension in a borehole or shaft and used for power circuits in the mines.

(6) The term “branch circuit” shall mean any circuit, alternating current or direct current, connected to and leading from the main power line.

(7) The term “cable” shall mean a stranded conductor (single conductor cable) or a combination of conductors insulated from one another (multiple-conductor cable).

(8) The term “circuit breaker” shall mean a device for interrupting a circuit between separable contacts under normal or abnormal conditions.

(9) The term “delta connected” shall mean a power system in which the windings of transformers or a.c.
generators are connected to form a triangular phase re-
lationshiop, and with the phase conductors connected to
each point of the triangle.

(10) The term “drift” shall mean a horizontal or ap-
proximately horizontal opening through strata or in a
coal seam and used for the same purposes as a shaft.

(11) The term “excavations and workings” shall mean
any or all parts of a mine excavated or being excavated,
including shafts, slopes, drifts, tunnels, entries, rooms
and working places, whether abandoned or in use.

(12) The term “effectively grounded” is an expres-
sion which means grounded through a grounding con-
nection of sufficiently low impedance (inherent or in-
tentionally added or both) so that fault grounds which
may occur cannot build up voltages in excess of
limits established for apparatus, circuits, or systems so
grounded.

(13) The term “face equipment” shall mean mobile
or portable mining machinery having electric motors or
accessory equipment normally installed or operated in-
by the last open crosscut in an entry or room.
(14) The term "fire boss" shall mean any person designated to examine a mine for gas and other dangers. Such person shall have the qualifications required by this article.

(15) The term "flame-resistant cable, portable" shall mean a portable flame-resistant cable that has passed the flame tests of the federal bureau of mines.

(16) The term "gassy mine" shall mean any mine in which methane has been ignited, or has been detected with a permissible flame safety lamp, or by laboratory analysis of an air sample collected in active workings, in a perceptible air current, taken not less than twelve inches from the roof, face and rib, in an amount of twenty-five hundredths percent or more.

(17) The term "grounded (earthed)" shall mean that the system, circuit, or apparatus referred to is provided with a ground.

(18) The term "ground or grounding conductor (mining)" (also referred to as a safety ground conductor, safety ground, and frame ground) shall mean a metallic conductor used to connect the metal frame or enclosure
74 of an equipment, device or wiring system, with a mine
75 track or other effective grounding medium.
76 (19) The term "high voltage" shall mean voltage hav-
77 ing a nominal value greater than six hundred fifty volts
78 between any two ungrounded conductors of the power
79 system.
80 (20) The term "interested persons" shall include the
81 operator, members of any mine safety committee at the
82 mine affected and other duly authorized representatives
83 of the mine workers, and state mine inspectors.
84 (21) The term "lightning arrestor" shall mean a pro-
85 tective device for limiting surge voltages on equipment
86 by discharging or bypassing surge current; it prevents
87 continued flow of follow current to ground and is capable
88 of repeating these functions as specified.
89 (22) The term "mechanical working section" shall
90 mean an area of a mine (1) in which coal is loaded
91 mechanically, (2) which is comprised of a number of
92 working places that are generally contiguous and (3)
93 which is of such size to permit necessary supervision dur-
ing the shift operation, including pre-shift and on-shift
examinations and tests required by law.

(23) The term “mine” shall include the shafts, slopes,
drifts or inclines connected with excavations penetrating
coal seams or strata, which excavations are ventilated by
one general air current or divisions thereof, and con-
ected by one general system of mine haulage over
which coal may be delivered to one or more points out-
side the mine and the surface structures or equipment
connected therewith which contribute directly or in-
directly to the mining, preparation or handling of coal.

(24) The term “mine foreman” shall mean the person
charged with the responsibility of the general supervision
of the underground workings of a mine and the persons
employed therein. He shall hold a certificate of com-
petency for such position issued to him by the department
of mines after taking an examination held by the de-
partment of mines.

(25) The term “mine power center or distribution
center” shall mean a combined transformer and distribu-
tion unit complete within a metal enclosure from which
one or more low-voltage power circuits are taken.
(26) The term "neutral point" shall mean the connection point of transformer or generator windings from which the voltage to ground is nominally zero, and is the point generally used for system groundings in a wye-connected a.c. power system.

(27) The term "neutral (derived)" shall mean a neutral point or connection established by the addition of a "zig-zag" or grounding transformer to a normally ungrounded delta power system.

(28) The term "nongassy mine" shall mean any coal mine which is not classified as gassy.

(29) The term "operator" shall mean any firm, corporation, partnership, or individual operating any coal mine or part thereof.

(30) The term "permissible" shall mean any equipment, device, or explosive, that has been approved as permissible by the United States bureau of mines, and meets all requirements, restrictions, exceptions, limitations and conditions attached to such classification by said bureau.

(31) The term "portable (trailing) cable" shall mean
a flexible cable or cord used for connecting mobile, portable or stationary equipment in mines to a trolley system or other external source of electric energy where permanent mine wiring is prohibited or is imprac-
cable.

(32) The term "shaft" shall mean a vertical opening through the strata that is or may be used for purposes of ventilation, drainage and the hoisting and transportation of men and material, in connection with the mining of coal.

(33) The term "shot firer" shall mean any competent person having had at least three years' practical experience in coal mines; who has a knowledge of ventilation, mine roof and timbering; and who has demonstrated knowledge of mine gases and the use of a flame safety lamp, by examination given him by the mine foreman.

(34) The term "slope" shall mean a plane or incline roadway, usually driven to a coal seam from the surface and used for the same purposes as a shaft.

(35) The term "superintendent" shall mean the person
who shall have, on behalf of the operator, immediate
supervision of one or more mines.

(36) The term "supervisor" shall mean a superin-
tendent, mine foreman, assistant mine foreman, or any
person specifically designated by the superintendent or
mine foreman to supervise work or employees and who
is acting pursuant to such specific designation and in-
structions.

(37) The term "wye-connected" shall mean a power
system connection in which one end of each phase winding
of transformers or a.c. generators are connected together
to form a neutral point, and the other ends of the wind-
ings are connected to the phase conductors. A neutral
conductor may or may not be connected to the neutral
point, and the neutral may or may not be grounded.

(38) The term "zig-zag transformer (grounding trans-
former)" shall mean a transformer intended primarily
to provide a neutral point for grounding purposes.

(39) The term "return air" shall mean a volume of
air that has passed through and ventilated all the work-
ing places in a mine section.
MINE MAPS

§22-2-2. Professional engineer; licensed land surveyor; contents; extensions; availability; traversing; copies; archive; penalties.

1 The mapping of all coal mines shall be supervised by
2 a competent engineer or land surveyor. The work of such
3 engineer or land surveyor shall be supervised by either
4 a civil engineer or a mining engineer certified by the
5 board of engineers, which exists by authority of section
6 three, article thirteen, chapter thirty of this code, or a
7 licensed land surveyor approved by the board of exam-
8 iners of land surveyors as provided by section three,
9 article thirteen-a, chapter thirty of this code. To each
10 map supervised by the said engineer or land surveyor
11 there shall be affixed thereto the seal of a certified or pro-
12 fessional engineer or licensed land surveyor, which shall
13 be identical to the design authorized by the board of
14 engineers, as provided in section nine, article thirteen of
15 the aforesaid chapter thirty of this code or board of ex-
16aminers of land surveyors as provided by section eleven,
17 article thirteen-a, chapter thirty of this code. Further,
every map certified shall have the professional engineer’s
or land surveyor’s signature and certificate, in addition
to his seal, in the following form:

“I, the undersigned, hereby certify that this map is cor-
rect and shows all the information, to the best of my
knowledge and belief, required by the laws of this state,
and covers the period ending _______________________
_________________________ P. E.
(Either Civil or Mining).

Engineer or Land Surveyor.”

The operator of every underground coal mine, shall
make, or cause to be made, an accurate map of such mine,
on a scale of not less than one hundred, and not more than
five hundred feet to the inch. The map of such mine shall
show:

(1) The shafts, slopes, drifts, tunnels, entries, rooms,
crosscuts and all other excavations;
(2) As far as practicable the outline of existing and
extracted pillars shall be designated;
(3) The direction of all air currents, using arrows;
(4) The abandoned portion or portions of the mine;
(5) The outcrop of the coal bed within the bounds of the property assigned to the mine;

(6) The boundary lines of the coal rights assigned to the mine;

(7) The known underground workings in the same coal bed on the adjoining properties within one thousand feet of such mine workings and projections;

(8) The elevation of the top and bottom of each shaft and slope, all drifts and the bottom of the coal along the haulage entries in each set of main and panel entries at horizontal intervals not exceeding two hundred feet, with contour lines at not more than twenty feet vertical intervals;

(9) The location of the principle streams and bodies of water on the surface;

(10) The location of any impounded bodies of water inside the mine;

(11) The location of all boreholes penetrating the coal bed mined;

(12) The location of all oil and gas wells, high pressure pipe lines, high voltage power lines and principal roads; and
(13) Where the overburden is less than one hundred feet, occupied dwellings shall be designated.

The operator of every underground coal mine shall extend, or cause to be extended and filed, on or before the first day of March and on or before the first day of September of each year, such mine map thereof to accurately show the progress of the workings as of the first day of July and the first day of January of each year.

A copy of the most recent revision of the map of such mine shall be available in the mine office for the use of the state mine inspectors and mine officials. Any employee in such mine may, in the presence of the mine foreman or an assistant, examine such map if he has reason to believe that a working place is in the proximity to other workings that may contain impounded water or noxious gases.

Surveying calculations and mapping of underground coal mines which are opened or reopened after the effective date of this section, shall be done by the rectangular coordinate traversing method and meridians carried through and tied between at least two parallel entries of each development panel and panels or workings adja-
cent to mine boundaries or abandoned workings. These surveys shall originate from at least three permanent survey monuments on the surface of the mine property. The monuments shall be clearly referenced and described in the coal mine operator's records. Elevations shall be tied to either the United States geological survey or the United States coast and geodetic survey bench mark system, be clearly referenced and described on such map. Underground coal mines operating on the effective date of this section, and not using the rectangular coordinate traversing method shall, within two years of the effective date of this section, convert to this procedure for surveying calculations and mapping. Meridians shall be carried through and tied between at least two parallel entries of each development panel and panels or workings adjacent to mine boundaries or abandoned workings. These surveys shall originate from at least three permanent survey monuments on the surface of the mine property. The monuments shall be clearly referenced and described in the coal mine operator's records. Elevations shall be tied to either the United States geological survey or the
United States coast and geodetic survey bench mark system, be clearly referenced and described on such map.

The operator of such underground coal mine shall, by reasonable proof, demonstrate to the director of the department of mines or his authorized agent, at anytime, that a diligent search was made for all existing and available maps and survey data for the workings on the adjoining properties. The operator shall further be able to show proof to the director of the department of mines or his authorized agent that a suitable method was used to insure accuracy in the methods used in transposing other workings to the map of such mine.

The operator of every underground coal mine shall, after the completion of each extension required by this section, submit by certified mail, a true copy of such coal mine map to the mine inspector for the district in which such mine is located. The mine inspector shall not copy, consent to have copied, nor use the map of any coal mine for any purpose other than that for which intended by this article.
There shall be an archive of underground coal mine maps maintained at the office of the director of the department of mines. The archive shall:

1. Be secured in a fireproof and burglarproof vault;
2. Have an appropriate map identification system;
3. Have adequate map microfilming facilities;
4. Be open to any person having a valid interest in information that mine maps may provide; and
5. At the discretion of the director, provide, at cost, a copy of any map for which a person may have a sound reason to possess.

When any underground coal mine is worked out, abandoned or closed indefinitely the operator of such mine shall, within fifteen days after the cessation of the production of coal, have completed, or cause to have completed, a final survey of such mine. Not longer than thirty days after coal production ceased, the operator shall have extended, or caused to have extended, the map of such mine to accurately show all excavations in such mine and a true copy of such mine map sent, by certified mail, to the archive of underground coal mine maps, office of the
director of the department of mines, state capitol, Charleston. Final coal mine maps shall have thereon descriptions of all survey monuments.

Any person having a map or surveying data of any worked out or abandoned underground coal mine shall make such map or data available to the department of mines to copy or reproduce such material.

Any person who fails or refuses to discharge any duty imposed upon him by this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars.

VENTILATION

§22-2-5. Ventilation of mines in general.

1 The operator or mine foreman of every coal mine, whether worked by shaft, slope or drift, shall provide and hereafter 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, That the
quantity of air reaching the last crosscut in pillar sec-
tions may be less than six thousand cubic feet per min-
ute 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 percent of oxygen, not more than
one percent of carbon dioxide, and no harmful quantities
of other noxious or poisonous gases.

Each working section newly developed in virgin coal
hereafter shall be ventilated by a separate split of air:
Provided, That areas already under development and in
areas where physical conditions prevent compliance with
this provision the director of the department of mines
may grant temporary relief from compliance until such
time as physical conditions make compliance possible.
The quantity of air reaching the last crosscut shall not be less than six thousand cubic feet of air per minute and shall under any conditions have a sufficient volume and velocity to reduce and carry away smoke and flammable or harmful gases from each working face in the section.

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

All crosscuts between the main intake and return airways 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 vented: Provided, 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 providing 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 harm-
less and carry away flammable and noxious gases.
In special instances for the construction of sidetracks,
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.
In gassy mines a system of bleeder openings or air
courses designed to provide positive movement of air
through and/or around abandoned or caved areas, suffi-
cient to prevent dangerous accumulation of gas in such
areas and to minimize the effect of variations in atmos-
pheric pressure shall be made a part of pillar recovery
plans projected after the effective date of this article.
If a bleeder return is closed as a result of roof falls
or water during pillar recovery operations, pillar oper-
atations may continue without reopening the bleeder re-
turn so long as a minimum of twelve thousand cubic
feet of air per minute is delivered to the intake of the
pillar line.

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 impracti-
cable to comply with the foregoing requirements.

No operator or mine foreman shall permit any person
to work where he is unable to maintain the quantity and
quality of the air current as heretofore required: Pro-
vided, That such provisions shall not prohibit the em-
ployment of men to make places of employment 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 me-
chanically: Provided, That such provisions shall not ap-
ply 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 incombustible 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 not exceeding that actually required for the installation of mining equipment in use at this location: Provided, That such room necks or entries are kept free of accumulations of methane by use of line brattice or other adequate means.

CLASSIFICATION OF MINES AND EXAMINATIONS

§22-2-7. Examination of gassy and nongassy mines.

1 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
der underground areas of such mine, a certified foreman or
fire boss, designated by the operator of such mine to do
so, shall make an examination of such areas.

In a gassy mine, on a noncoal-producing shift, within
four hours of the time when noncertified 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 fire boss for gas and other dangerous
conditions; no uncertified man shall enter any area which
has not been properly examined by a certified foreman
or fire boss; all energized trolley lines and bare feeder
lines along haulageways shall be examined at least once
every eight hours by a certified foreman or fire boss. All
areas not being so examined shall have an approved
danger board posted at the entrance or entrances.

In nongassy 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
making such examinations unless he be a certified foreman
or fire boss shall be competent and certified in the same
manner as is prescribed by the director for certifying mine
foremen and fire bosses.

**MOVEMENT OF EQUIPMENT**

§22-2-7a. Movement of mining equipment.

1 Mining equipment being transported or trammed un-
derground, other than ordinary sectional movements,
shall be transported or trammed by qualified personnel
under the supervision of a certified foreman. To avoid
accidental contact with power lines, face equipment shall
be insulated and assemblies removed, if necessary, so as
to provide clearance.

**MINING FOREMEN**

§22-2-8. When mine foreman to be employed; qualifications;
assistants.

1 In every coal mine where five or more persons are em-
ployed in a period of twenty-four hours, the operator
shall employ a mine foreman who shall be a competent
and practical person, holding a certificate of competency
for such position issued to him by the department of
mines after an examination by such department. In order
7 to receive a certificate of competency to qualify as mine
8 foreman, he shall at the time he takes the examination,
9 be a citizen, resident or employed in a mine in this state,
10 of good moral character and temperate habits, having
11 had at least three years' experience in the underground
12 working, ventilation and drainage of coal mines, or be
13 a graduate of the school of mines of West Virginia Uni-
14 versity or of another accredited mining engineering
15 school and have had one years' practical experience in
16 coal mines: Provided, however, That in order to serve
17 as a mine foreman he shall have had at least five years'
18 practical experience, and if such service be at a gassy
19 mine then at least two years of such experience shall
20 have been in a gassy mine. Provided further, That any
21 person holding a mine foreman's! certificate issued by
22 any other state may act in the capacity of mine foreman
23 in any mine in this state until the next regular mine
24 foreman's examination held by the department, but not
25 to exceed a maximum of ninety days.
26 In mines in which the operations are so extensive that
27 all the duties devolving upon the mine foreman cannot
be discharged by one man, competent persons having had at least three years' experience in coal mines may be designated as assistants, who shall act under the mine foreman's instructions and the mine foreman shall be responsible for their conduct in the discharge of their duties under such designation.

§22-2-11. Signals on haulways; lights at mouth and bottom of shaft; operation of cages.

1 On all haulways, where hauling is done by machinery of any kind, the mine foreman shall provide for a proper system of signals, and a conspicuous light or approved trip reflector on the rear of every trip or train of cars when in motion in a mine. When hoisting or lowering of men occurs in the morning before daylight, or in the evening after darkness, at any mine operated by shaft, the mine foreman shall provide and maintain at the shaft mouth a light of stationary character sufficient to show the landing and all surrounding objects distinctly and sufficient light of a stationary character shall be located at the bottom of the shaft so that persons coming to the bottom may clearly discern the cages and
14 other objects contiguous thereto. The mine foreman shall
15 require that no cages on which men are riding shall be
16 lifted or lowered at a rate of speed greater than one
17 thousand feet per minute, and that no mine cars, either
18 empty or loaded, shall be hoisted while men are being
19 lowered or hoisted, and no cage having an unstable self-
20 dump platform shall be used for the carrying of work-
21 men unless the same is provided with some device by
22 which it may be securely locked when men are being
23 hoisted or lowered into the mine: Provided, however,
24 That during the initial development of a new mine per-
25 sons may be permitted to ride upon cages carrying empty
26 cars.

§22-2-13. Instruction of employees; annual examination of
 persons using flame safety lamps; records of examination.

1 The department of mines shall prescribe and establish
2 a course of instruction in mine safety and particularly in
3 dangers incident to such employment in mines and in
4 mining laws and rules, which course of instruction shall
5 be successfully completed within twelve weeks after any
person shall be first employed as a miner. It shall further be the duty and responsibility of the department of mines to see that such course shall be given to all persons as above provided after their first being employed in any mine in this state.

It shall be the duty of the mine foreman, or the assistant mine foreman, of every coal mine in this state, to see that every person employed to work in such mine shall, before beginning work therein, be instructed in the particular danger incident to his work in such mine, and be furnished a copy of the mining laws and rules of such mine. Every inexperienced person so employed shall work under the direction of the mine foreman, his assistant, or such other experienced worker as may be designated by the mine foreman or assistant, until he is familiar with the danger incident to his work.

Persons whose duties require them to use a flame safety lamp and other approved methane detectors shall be examined at least annually as to their competence by a certified man and a record that such examination was given, together with pertinent data relating thereto, shall
be kept on file by the operator and a copy shall be furnished to the department of mines.

Fire Boss

§22-2-21. When fire boss to be employed; qualifications.

Every operator whose mines are classified as grassy, shall employ a fire boss, who shall hold a certificate of competency for such position issued to him by the department of mines after taking an examination held by the department of mines. In order to receive a certificate of competency to qualify as a fire boss, he shall at the time he takes the examination, be a citizen, resident or employed in a mine in this state, having had at least three years' experience in the underground working, ventilation and drainage of coal mines, and shall have had at least two years' experience in mines liberating explosive gas; he shall have such knowledge of methane and other dangerous gas or gases as to be able to detect the same with a permissible flame safety lamp; he shall have a practical knowledge of the subject of ventilation of mines and the machinery and appliances used for that purpose; and he shall also be a person of good moral character and temperate habits.
§22-2-28. Roof support; use and recovery of roof bolts.

1 Minimum timbering or other roof support methods
2 suitable to the roof conditions and mining system of each
3 mine or part of a mine shall be adopted and complied
4 with. A copy of the adopted roof support plan shall be
5 posted at the mine and a copy furnished to the district
6 mine inspector. Additional timbering or supporting shall
7 be used when and where necessary. It shall be the duty
8 of the mine foreman or his subordinate supervisors to
9 instruct all workmen in proper methods of setting tim-
10 bers or placing roof supports; and, it shall be the duty
11 of the workmen to comply with the instruction in setting
12 timbers and roof supports. The roof in all underground
13 working places, unless self-supporting, shall be secured
14 to protect employees from falls. Safety posts, jacks, or
15 temporary crossbars shall be set close to the face when
16 necessary for safety before other operations are begun
17 and as needed thereafter. Where roof supports are re-
18 quired at the working faces, persons shall not advance
19 beyond supported roof, except those who are assigned
to install supports. Timbering or roof support materials
to be used as required in supporting the roof in under-
ground workings shall be delivered at or near the work-
ing 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 a per-
mit has been issued by the state department of mines.
Roof bolts shall not be recovered where complete ex-
traction of pillars is attempted; nor shall bolts be re-
moved adjacent to clay veins; nor at the location of other
irregularities that introduce abnormal hazards. Where
roof bolt recovery is practiced, it shall be done only by
reasonable methods approved by the director of the de-
partment of mines. Recovery of roof supports shall not
be done except by experienced persons and only where
adequate temporary support is provided.

All unattended underground permanent belt conveyor
drives shall be provided with an automatic spray system
or its equivalent for fire protection. Any equipment that
has been installed for a period of one year shall be con-
sidered a permanent installation.

ELECTRICITY


1 Operators of coal mines in which electricity is used as
2 a means of power shall comply with the following pro-
3 visions:
4 All surface transformers, unless of a construction which
5 will eliminate shock hazards, or unless installed at least
6 eight feet above ground, shall be enclosed in a house or
7 surrounded by a fence at least six feet high. If the enclo-
8 sure is of metal, it shall be grounded effectively. The gate
9 or door to the enclosure shall be kept locked at all
10 times, unless authorized persons are present.
11 Underground transformers purchased after the effective
12 date of this article, shall be air cooled or cooled with
13 noninflammable liquid or inert gas.
14 Underground stations containing transformers or cir-
15 euit breakers filled with inflammable oil shall be provided
16 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, That such units may be operated on intake air if a minimum of fifteen thousand cubic feet per minute is circulating 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 boreholes shall be properly insulated, provided with lightning arrestors, substantially installed and well maintained.

All power wires, except training 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 guage 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 crossbars.
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, at all
stations designated for the loading and unloading of man
trips, and at sandboxes.
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: Provided, That electrically face-
operated equipment used in underground mines may be 
operated at higher voltages if the conductor in the trailing
cable is surrounded by a flexible grounded metallic sheath,
ground current is limited by acceptable methods, and the 
ground circuit is continuously monitored in a method
approved by the director of the department of mines.

In a gassy mine, trolley, feeder wires, mine power cen-
ters, rectifiers and distribution centers shall not extend
beyond the last open crosscut and shall be kept at least
one hundred and fifty feet from open pillar workings.

Trolley wires and feeder wires shall be anchored securely,
insulated, and properly identified at their ends. Metallic
frames, casings, and other enclosures of stationary electric
equipment that can become "alive" through failure of
insulation or by contact with energized parts shall be
grounded effectively.

Metal frames, supporting structures and enclosers of
substations or switching station apparatus shall be
grounded effectively.
Lightning arrestors suitable for the voltage of the system shall be installed on each ungrounded conductor for each exposed feeder circuit entering the mine.

Capacitors used for power factor correction shall be nonflammable liquid filled. Suitable drain-off resistors or other means to protect workmen against electric shock following removal of power shall be provided.

Where a.c. to d.c. conversion equipment is used to supply direct current for shuttle cars or other face-equipment, adequate electrical protection shall be provided on either the alternating current side and/or the direct current side of the conversion equipment.

Where both a.c. and d.c. equipment is operating in the same mine the grounding systems shall not be interconnected.

The use of "jumpers," as a supplement for feeder or trolley lines, are permitted if they are installed in the same manner as the feeder or trolley line and are of adequate capacity.

All cables shall be of the approved type and trailing cables shall be flame resistant.
Power circuits servicing alternating current face equipment shall include a neutral grounding circuit, either direct or derived, the inby end of which shall be connected only to the equipment machine frame.

Each individual alternating current power circuit (trailing cable) furnishing power to mining equipment shall be protected from short circuits by means of a circuit breaker which will open all three phases of the circuit simultaneously.

Where electric motors are operating inside of any coal mine they shall be provided with correct overload protection.

All unattended underground loading points where electric driven hydraulic systems are used shall utilize a fireproof oil or emulsion, unless the electrical wiring and hydraulic systems are separated.

When direct current power cables enter a mine by way of a borehole, the bottom or area around the borehole shall be adequately fireproofed.

Before major electrical changes are made to permissible equipment for use in a gassy mine, they shall be approved by the director of the department of mines.
Where installed after the effective date of this section, high-voltage lines or cables entering a mine shall have circuit breakers or a similar approved protective device. Diodes or similar devices may be used as an equivalent frame grounding device.

When two or more trailing cables junction to the same power car or transformer, means shall be provided to eliminate the possibility of cross-connecting or connecting to the wrong size breaker.

All power transformers shall be provided with adequate overload protection. A visual and suitable means of disconnecting the primary line of the transformers shall be provided.

In new installations made after the effective date of this section, lightning arrestors shall be connected to a low resistance grounding medium on the surface which shall be separated from system and equipment grounds by a distance of not less than fifty feet.

At locations where cables cross regular haulage or travelways, or where equipment must pass, unless protected by sufficient height, the cables shall be installed
in a trench in the roof, protected by some mechanical
means, or buried at least twelve inches below combustible
material and adequately protected from crushing by the
weight of equipment passing over it.

Underground high-voltage main feeder cables shall
extend to high-voltage distribution centers with breakers
or disconnect switches supplying the branch circuits. Dis-
connecting devices shall be incorporated to provide visual
evidence that the circuit is deenergized when the switches
are opened.

Permanent high-voltage cables shall be installed only
in well maintained and accessible passageways of the
mine and when installed in haulageways shall be support-
ed on hangers and/or messenger wire supported from
the roof and/or buried. Extra lengths may be stored in
a workmanlike manner, vertically on suitable supports,
or horizontally in a protected location.

Circuit breakers and disconnecting switches on high-
voltage circuits underground shall be adequately marked
for identification and location. Where work is to be done
on these circuits or equipment, a positive method shall
be provided for removing the power in a manner to prevent it from returning while the men are working.

Reverse current protection shall be provided at storage battery charging stations to prevent the storage batteries from energizing the power circuits in the event of power failure.

MICHELLENOUS SAFETY PROVISIONS AND REQUIREMENTS

§22-2-61. Communication with outlets; safe roadways for emergencies; hoisting equipment at shaft outlets; escapeways; limitation of section.

No operator or mine foreman of any coal mine shall employ any person to work in such mine, or permit any persons to be in the mine for the purpose of working therein, unless they are in communication with at least two openings, or outlets, to each seam, separated by natural strata, such openings to be not less than three hundred feet apart, if the mine be worked by shaft; if the mine be worked by shaft and slope, such openings shall be separated by one hundred feet of natural strata; and not less than fifty feet apart at the outlets, if worked by slope or drift; but this requirement of a distance of
three hundred feet between openings or outlets to shaft
mines shall not apply where such openings or outlets
have been made prior to the effective date of this article.
To each of the outlets there shall be provided from the
interior of the mine a safe and available roadway, prop-
erly drained, which shall at all times, while the mine is
in operation, be kept free from all obstructions that might
prevent travel thereon in case of an emergency. If either
of the outlets be by shaft, it shall be fitted with safe
and available appliances, such as stairs or hoisting ma-
achinery, which shall at all times when men are under-
ground be kept in order and ready for immediate use,
whereby persons employed in the mine may readily
escape in case of accident.

There shall be at least two separate and distinct travel-
able passageways, one of which may be the haulageway,
to be designated as escapeways from each working sec-
tion to the surface of every mine. Adequate direction
signs shall be posted, escapeways shall be inspected and
traveled at least once each week by a certified foreman,
fire boss or other competent person, and a written re-
port thereon shall be kept on the surface.
This section shall not apply to any mine work while work is being prosecuted with reasonable diligence in making communications between outlets, necessary repairs, or removing obstructions, so long as not more than twenty persons are employed at any one time in the mine; neither shall it apply to any mine, or part of a mine, in which a second outlet has been rendered unavailable by reason of the final robbing of pillars, preparatory to abandonment, so long as not more than twenty persons are employed therein at any one time; but before a limited number of men are so permitted to work, approval of the necessity therefor shall be obtained from the department of mines.

ARTICLE 3. OPEN-PIT MINES, CEMENT MANUFACTURING PLANTS AND UNDERGROUND LIMESTONE AND SANDSTONE MINES.

§22-3-1. Definitions.

1 Unless the context in which used clearly requires a different meaning as used in this article:

3 (a) "Open-pit mine" means an excavation worked from the surface and open to daylight.
"Underground mine” means subterranean workings for the purpose of obtaining a desired material or materials.

"Sand” means waterworn sandstone fragments transported and deposited by water.

"Gravel” means an occurrence of waterworn pebbles.

"Sandstone” means a compacted or cemented sediment composed chiefly of quartz grains.

"Limestone” means a sedimentary rock composed mostly of calcium carbonate.

"Clay” means a natural material of mostly small fragments of hydrous aluminum silicates and possessing plastic properties.

"Shale” means a laminated sedimentary rock composed chiefly of small particles of a clay grade.

"Iron ore” means a mineral or minerals, and gangue when treated will yield iron at a profit.

"Manganese ore” means a metalliferous mineral when treated will yield manganese at a profit.
§22-3-2. Applicability of mining laws.

1 All provisions of the mining laws of this state intended
2 for the protection of the health and safety of persons
3 employed within or at any coal mine and for the protec-
4 tion of any coal mining property shall extend to all open-
5 pit mines and any property used in connection there-
6 with for the mining of underground limestone and sand-
7 stone mines, insofar as such laws are applicable thereto.

§22-3-3. Rules and regulations.

1 The director of the department of mines shall promul-
2 gate reasonable rules and regulations, in accordance with
3 and confined to the provisions of chapter twenty-nine-a
4 of this code, for the effective administration of this article.

§22-3-4. Monthly report by the operator.

1 The operator of such mine shall, on or before the end
2 of each calendar month, file with the director of the de-
3 partment of mines a report covering the preceding cal-
4endar month on forms furnished by the director. Such
5 reports shall state the number of accidents which have
6 occurred, the number of persons employed, the days
7 worked and the actual tonnage mined.
§22-3-5. Inspectors.

1 The director of the department of mines shall divide
2 the state into not more than two mining districts and
3 assign one inspector to each district. Such inspector shall
4 be a citizen of West Virginia, in good health, of good
5 character and reputation, temperate in habits, have a
6 minimum of five years of practical experience in such
7 mining operations and at the time of his appointment is
8 not more than fifty-five years of age. To qualify for ap-
9 pointment as such an inspector, an eligible applicant
10 shall submit to a written and oral examination by the
11 mine inspectors' examining board and furnish such evi-
12 dence of good health, character and other facts establish-
13 ing eligibility as the board may require. If the board
14 finds after investigation and examination that an appli-
15 cant: (1) Is eligible for appointment and (2) has passed
16 all written and oral examinations, with a grade of at
17 least ninety percent, the board shall add such applicant's
18 name and grade to the register of qualified eligible candi-
19 dates and certify its action to the director of the depart-
20 ment of mines. Inspectors serving as such on the effec-
tive date of this section may continue to serve for a prob-
oration period not exceeding one year and, if eligible,
may qualify for permanent appointment during such
oration period in accordance with the provisions of
this section. No candidate's name shall remain in the
register for more than three years without requalifying.
Such inspector shall have the same tenure accorded a
mine inspector, as provided in subsection (d), section
eight, article one of this chapter and shall be paid not
less than eight thousand four hundred dollars per annum.

§22-3-6. Penalties.

1 Any person who fails or refuses to discharge any pro-
vision of this article, rule and regulation promulgated or
order issued pursuant to the provisions of this article,
shall be guilty of a misdemeanor, and, upon conviction
thereof, shall be punished by a fine of not less than one
hundred nor more than one thousand dollars or by im-
prisonment not exceeding six months, or by both.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Torgerson
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1969.

Thom Rice
Clerk of the Senate

C.A. Blankenship
Clerk of the House of Delegates

Lloyd E. Jackson
President of the Senate

Joe M. Busby
Speaker House of Delegates

The within approved this the 17th day of March, 1969.

Arch A. Shane Jr.
Governor
PRESENTED TO THE
GOVERNOR

Date 3/14/69

Time 2:20 p.m.