

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 808

(By Mr. Speake, Mr. McManus
and Mr. Christian)

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

MAR 29 11 32 PM '72

PASSED March 11 1972

In Effect from Passage



FILED IN THE OFFICE
JOHN D. CORNFELLER, IV
SECRETARY OF STATE
THIS DATE 3-29-72

Veto-808-043V

ENROLLED

House Bill No. 808

(By MR. SPEAKER, MR. McMANUS, and MR. CHRISTIAN)

[Passed March 11, 1972; in effect from passage.]

AN ACT to amend and reenact section one, article one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to definitions used in the mine safety law; mine electricians and mechanics with prior experience exempt from examination.

Be it enacted by the Legislature of West Virginia:

That section one, article one, 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.

§22-1-1. Definitions.

1 Unless the context in which used clearly requires a
2 different meaning, the following definitions shall apply
3 to articles one and two of this chapter:
4 Mine: The term "mine" includes the shafts, slopes,
5 drifts or inclines connected with excavations penetrating
6 coal seams or strata, which excavations are ventilated
7 by one general air current or divisions thereof, and
8 connected by one general system of mine haulage over
9 which coal may be delivered to one or more points out-
10 side the mine, and the surface structures or equipment
11 connected therewith which contribute directly or in-
12 directly to the mining, preparation or handling of
13 coal.

14 Agent: The term "agent" means any person charged
15 with responsibility for the operation of all or a part of a
16 mine or the supervision of the miners in a mine.

17 Imminent danger: The term "imminent danger"
18 means the existence of any condition or practice in a coal
19 mine which could reasonably be expected to cause death
20 or serious physical harm before such condition or prac-
21 tice can be abated.

22 Department: The term "department" shall mean the
23 state department of mines provided for in section two of
24 this article.

25 Director of the department of mines: The term "direc-
26 tor of the department of mines" shall mean the director
27 of the department of mines provided for in section three
28 of this article, and is synonymous with the term "chief
29 of the department of mines."

30 Mine inspector: The term "mine inspector" shall
31 mean a state mine inspector provided for in section seven
32 of this article.

33 Mine inspectors' examining board: The term "mine
34 inspectors' examining board" shall mean the mine inspec-
35 tors' examining board provided for in section twelve of
36 this article.

37 Operator: The term "operator" shall mean any firm,
38 corporation, partnership, or individual operating any coal
39 mine or part thereof.

40 Person: The term "person" shall mean any individ-
41 ual, partnership, association, corporation, firm, subsidiary
42 of a corporation, or other organization.

43 Miner: The term "miner" shall mean any individual
44 working in a coal mine.

45 Work of preparing the coal: The term "work of pre-
46 paring the coal" shall mean the breaking, crushing, sizing,
47 cleaning, washing, drying, mixing, storing and loading
48 of bituminous coal or lignite, and such other work of
49 preparing such coal as is usually done by the operator of
50 the coal mine.

51 Accident: The term "accident" shall mean any mine
52 explosion, mine ignition, mine fire, or mine inundation,
53 or injury to, or death of any person.

54 Abandoned workings: The term "abandoned work-
55 ings" shall mean excavation, either caved or sealed, that
56 is deserted and in which further mining is not intended,
57 or open workings which are ventilated and not inspected
58 regularly.

59 Excavations and workings: The term "excavations
60 and workings" shall mean any or all parts of a mine ex-
61 cavated or being excavated, including shafts, slopes,
62 drifts, tunnels, entries, rooms and working places, whether
63 abandoned or in use.

64 Shaft: The term "shaft" shall mean a vertical opening
65 through the strata that is or may be used for the purpose
66 of ventilation, drainage, and the hoisting and transpor-
67 tation of men and material, in connection with the mining
68 of coal.

69 Slope: The term "slope" shall mean a plane or incline
70 roadway, usually driven to a coal seam from the surface
71 and used for the same purposes as a shaft.

72 Drift: The term "drift" shall mean a horizontal or
73 approximately horizontal opening through the strata or
74 in a coal seam and used for the same purposes as a
75 shaft.

76 Panel: The term "panel" shall mean workings that
77 are or have been developed off of submain entries which
78 do not exceed three thousand feet in length.

79 Active workings: The term "active workings" shall
80 mean all places in a mine that are ventilated and in-
81 spected regularly.

82 Inactive workings: The term "inactive workings"
83 shall include all portions of a mine in which operations
84 have been suspended for an indefinite period, but have
85 not been abandoned.

86 Superintendent: The term "superintendent" shall
87 mean the person who shall have, on behalf of the oper-
88 ator, immediate supervision of one or more mines.

89 Mine foreman: The term "mine foreman" shall mean
90 the certified person whom the operator or superintendent
91 shall place in charge of the inside workings of the mine
92 and of the persons employed therein.

93 Supervisor: The term "supervisor" shall mean a su-
94 perintendent, mine foreman, assistant mine foreman, or

95 any person specifically designated by the superintendent
96 or mine foreman to supervise work or employees and
97 who is acting pursuant to such specific designation and
98 instructions.

99 Assistant mine foreman: The term "assistant mine
100 foreman" shall mean a certified person designated to
101 assist the mine foreman in the supervision of a por-
102 tion or the whole of a mine or of the persons employed
103 therein.

104 Shot firer: The term "shot firer" shall mean any per-
105 son having had at least two years of practical experience
106 in coal mines, who has a knowledge of ventilation, mine
107 roof and timbering, and who has demonstrated his knowl-
108 edge of mine gases, the use of a flame safety lamp, and
109 other approved detecting devices by examination and
110 certification given him by the department of mines.

111 Qualified person: The term "qualified person" shall
112 mean a person who has completed an examination and
113 is considered qualified on record by the department of
114 mines.

115 Interested persons: The term "interested persons"
116 shall include the operator, members of any mine safety
117 committee at the mine affected and other duly autho-
118 rized representative of the mine workers and depart-
119 ment of mines.

120 Return air: The term "return air" shall mean a vol-
121 ume of air that has passed through and ventilated all the
122 working places in a mine section.

123 Mechanical working section: The term "mechanical
124 working section" shall mean an area of a mine (1) in
125 which coal is loaded mechanically, (2) which is com-
126 prised of a number of working places that are generally
127 contiguous, and (3) which is of such size to permit nec-
128 essary supervision during shift operation, including
129 preshift and on-shift examinations and tests required by
130 law.

131 Working section: The term "working section" shall
132 mean all areas of the coal mine from the loading point
133 of the section to and including the working faces.

134 Working face: The term "working face" shall mean
135 any place in a coal mine in which work of extracting coal

136 from its natural deposit in the earth is performed during
137 the mining cycle.

138 Working place: The term "working place" shall mean
139 the area of a coal mine inby the last open crosscut.

140 Working unit: The term "working unit" shall mean
141 an area of a mine in which coal is mined with a set of
142 production equipment; a conventional mining unit by a
143 single loading machine; a continuous mining unit by a
144 single continuous mining machine, which is comprised of
145 a number of working places.

146 Face equipment: The term "face equipment" shall
147 mean mobile or portable mining machinery having elec-
148 tric motors or accessory equipment normally installed
149 or operated inby the last open crosscut in an entry
150 or room.

151 Approved: The term "approved" shall mean in strict
152 compliance with mining law, or, in the absence of law,
153 accepted by a recognized standardizing body or organ-
154 ization whose approval is generally recognized as au-
155 thoritative on the subject.

156 Permissible: The term "permissible" shall mean any
157 equipment, device, or explosive that has been approved
158 as permissible by the United States bureau of mines and
159 meets all requirements, restrictions, exceptions, limita-
160 tions and conditions attached to such classification by the
161 bureau.

162 Certified electrician: The term "certified electrician"
163 shall mean any person who is qualified as a mine elec-
164 trician and who has passed an examination given by the
165 department of mines, or in lieu of such examination, had
166 no less than three years experience as a mine electrician
167 prior to the first day of July, one thousand nine hundred
168 seventy-one, if verified by employment records.

169 Certified mechanic: The term "certified mechanic"
170 shall mean any person who is qualified as a mine me-
171 chanic and who has passed an examination given by the
172 department of mines, or in lieu of such examination,
173 had no less than three years' experience as a mine me-
174 chanic prior to the first day of July, one thousand nine
175 hundred seventy-one, if verified by employment records.

176 Armored cable: The term "armored cable" shall mean
177 a cable provided with a wrapping of metal, usually steel
178 wires or tapes, primarily for the purpose of mechanical
179 protection.

180 Borehole cable: The term "borehole cable" shall
181 mean a cable designed for vertical suspension in a bore-
182 hole or shaft and used for power circuits in the mine.

183 Cable: The term "cable" shall mean a stranded con-
184 ductor (single conductor cable) or a combination of con-
185 ductors insulated from one another (multiple conductor
186 cable).

187 Flame-resistant cable, portable: The term "flame-
188 resistant cable, portable" shall mean a portable flame-
189 resistant cable that has passed the flame tests of the fed-
190 eral bureau of mines.

191 Portable (trailing) cable: The term "portable (trail-
192 ing) cable" shall mean a flexible cable or cord used for
193 connecting mobile, portable or stationary equipment in
194 mines to a trolley system or other external source of
195 electric energy where permanent mine wiring is prohib-
196 ited or is impracticable.

197 Branch circuit: The term "branch circuit" shall mean
198 any circuit, alternating current or direct current, con-
199 nected to and leading from the main power lines.

200 Circuit breaker: The term "circuit breaker" shall
201 mean a device for interrupting a circuit between separable
202 contacts under normal or abnormal conditions.

203 High voltage: The term "high voltage" shall mean
204 voltages of more than one thousand volts.

205 Medium voltage: The term "medium voltage" shall
206 mean voltages from six hundred sixty-one to one thou-
207 sand volts.

208 Low voltage: The term "low voltage" shall mean up
209 to and including six hundred sixty volts.

210 Lightning arrester: The term "lightning arrester"
211 shall mean a protective device for limiting surge voltage
212 on equipment by discharging or by passing surge cur-
213 rent; it prevents continued flow of follow current to
214 ground and is capable of repeating these functions as
215 specified.

216 Mine power center or distribution center: The term
217 "mine power center or distribution center" shall mean a
218 combined transformer or distribution unit, complete
219 within a metal enclosure from which one or more low-
220 voltage power circuits are taken.

221 Delta connected: The term "delta connected" shall
222 mean a power system in which the windings or trans-
223 formers or a.c. generators are connected to form a tri-
224 angular phase relationship, and with phase conductors
225 connected to each point of the triangle.

226 Wye-connected: The term "wye-connected" shall
227 mean a power system connection in which one end of
228 each phase windings or transformers or a.c. generators
229 are connected together to form a neutral point, and a neu-
230 tral conductor may or may not be connected to the
231 neutral point, and the neutral point may or may not
232 be grounded.

233 Zig-zag transformer (grounding transformer): The
234 term "zig-zag transformer (grounding transformer)"
235 shall mean a transformer intended primarily to provide
236 a neutral point for grounding purposes.

237 Neutral point: The term "neutral point" shall mean
238 the connection point of transformer or generator wind-
239 ings from which the voltage to ground is nominally zero,
240 and is the point generally used for system groundings
241 in wye-connected a.c. power system.

242 Neutral (derived): The term "neutral (derived)"
243 shall mean a neutral point or connection established by
244 the addition of a "zig-zag" or grounding transformer to
245 a normally ungrounded power system.

246 Effectively grounded: The term "effectively grounded"
247 is an expression which means grounded through a
248 grounding connection of sufficiently low impedance (in-
249 herent or intentionally added or both) so that fault
250 grounds which may occur cannot build up voltages in
251 excess of limits established for apparatus, circuits, or sys-
252 tems so grounded.

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

256 Ground or grounding conductor (mining): The term
257 "ground or grounding conductor (mining)," also referred
258 to as a safety ground conductor, safety ground, and frame
259 ground, shall mean a metallic conductor used to connect
260 the metal frame or enclosure of any equipment, device
261 or wiring system with a mine track or other effective
262 grounding medium.

263 Board of appeals: The term "board of appeals" shall
264 mean as provided for in section thirty-one of this arti-
265 cle.

266 Certified person: The term "certified person," when
267 used to designate the kind of person to whom the per-
268 formance of a duty in connection with the operation of a
269 mine shall be assigned, shall mean a person who is quali-
270 fied under the provisions of this law to perform such duty.

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

James H. Bass
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard W. Carson
Clerk of the Senate

Ch. Blankenship
Clerk of the House of Delegates

E. H. McCourt
President of the Senate

Lewis N. M. Morris
Speaker House of Delegates

The within disapproved this the 27th
March, 1972.
day of _____

Arch A. Shreve Jr.
Governor

PRESENTED TO THE
COMMISSION

Date 3/20/72

Time 10:17 a.m.