

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973



ENROLLED

HOUSE BILL No. 1197

(By Mr. McMann)

Mr. Christian



PASSED April 14, 1973

In Effect Ninety days from Passage



C 641

1197

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5/3/73

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House Bill No. 1197

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

[Passed April 14, 1973; in effect ninety days 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; certified mine electricians 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 different
2 meaning, the following definitions shall apply to articles one
3 and two of this chapter:

4 Mine: The term "mine" includes the shafts, slopes, drifts or
5 inclines connected with excavations penetrating coal seams or
6 strata, which excavations are ventilated by one general air cur-
7 rent or divisions thereof, and connected by one general sy-
8 stem of mine haulage over which coal may be delivered to one
9 or more points outside the mine, and the surface structures or
10 equipment connected therewith which contribute directly or
11 indirectly to the mining, preparation or handling of coal.

12 Agent: The term "agent" means any person charged with

13 responsibility for the operation of all or a part of a mine or
14 the supervision of the miners in a mine.

15 Imminent danger: The term "imminent danger" means the
16 existence of any condition or practice in a coal mine which
17 could reasonably be expected to cause death or serious physi-
18 cal harm before such condition or practice can be abated.

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

21 Director of the department of mines: The term "director of
22 the department of mines" shall mean the director of the de-
23 partment of mines provided for in section three of this article,
24 and is synonymous with the term "chief of the department of
25 mines."

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

28 Mine inspectors' examining board: The term "mine inspec-
29 tors' examining board" shall mean the mine inspectors' exam-
30 ining board provided for in section twelve of this article.

31 Operator: The term "operator" shall mean any firm, cor-
32 poration, partnership or individual operating any coal mine or
33 part thereof.

34 Person: The term "person" shall mean any individual,
35 partnership, association, corporation, firm, subsidiary of a
36 corporation or other organization.

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

39 Work of preparing the coal: The term "work of preparing
40 the coal" shall mean the breaking, crushing, sizing, cleaning,
41 washing, drying, mixing, storing and loading of bituminous
42 coal or lignite, and such other work of preparing such coal
43 as is usually done by the operator of the coal mine.

44 Accident: The term "accident" shall mean any mine ex-
45 plosion, mine ignition, mine fire, or mine inundation, or injury
46 to, or death of any person.

47 Abandoned workings: The term "abandoned workings"
48 shall mean excavation, either caved or sealed, that is deserted
49 and in which further mining is not intended, or open workings
50 which are ventilated and not inspected regularly.

51 Excavations and workings: The term "excavations and
52 workings" shall mean any or all parts of a mine excavated or

53 being excavated, including shafts, slopes, drifts, tunnels,
54 entries, rooms and working places, whether abandoned or
55 in use.

56 Shaft: The term "shaft" shall mean a vertical opening
57 through the strata that is or may be used for the purpose of
58 ventilation, drainage, and the hoisting and transportation of
59 men and material, in connection with the mining of coal.

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

63 Drift: The term "drift" shall mean a horizontal or ap-
64 proximately horizontal opening through the strata or in a coal
65 seam and used for the same purposes as a shaft.

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

69 Active workings: The term "active workings" shall mean all
70 places in a mine that are ventilated and inspected regularly.

71 Inactive workings: The term "inactive workings" shall in-
72 clude all portions of a mine in which operations have been
73 suspended for an indefinite period, but have not been aban-
74 doned.

75 Superintendent: The term "superintendent" shall mean the
76 person who shall have, on behalf of the operator, immediate
77 supervision of one or more mines.

78 Mine foreman: The term "mine foreman" shall mean the
79 certified person whom the operator or superintendent shall
80 place in charge of the inside workings of the mine and of the
81 persons employed therein.

82 Supervisor: The term "supervisor" shall mean a superin-
83 tendent, mine foreman, assistant mine foreman, or any person
84 specifically designated by the superintendent or mine foreman
85 to supervise work or employees and who is acting pursuant to
86 such specific designation and instructions.

87 Assistant mine foreman: The term "assistant mine foreman"
88 shall mean a certified person designated to assist the mine fore-
89 man in the supervision of a portion or the whole of a mine or
90 of the persons employed therein.

91 Shot firer: The term "shot firer" shall mean any person hav-
92 ing had at least two years of practical experience in coal mines,

93 who has a knowledge of ventilation, mine roof and timbering,
94 and who has demonstrated his knowledge of mine gases, the
95 use of a flame safety lamp, and other approved detecting de-
96 vices by examination and certification given him by the depart-
97 ment of mines.

98 Qualified person: The term "qualified person" shall mean a
99 person who has completed an examination and is considered
100 qualified on record by the department of mines.

101 Interested persons: The term "interested persons" shall in-
102 clude the operator, members of any mine safety committee at
103 the mine affected and other duly authorized representative of
104 the mine workers and department of mines.

105 Return air: The term "return air" shall mean a volume of
106 air that has passed through and ventilated all the working places
107 in a mine section.

108 Mechanical working section: The term "mechanical working
109 section" shall mean an area of a mine (1) in which coal is
110 loaded mechanically, (2) which is comprised of a number of
111 working places that are generally contiguous, and (3) which is
112 of such size to permit necessary supervision during shift opera-
113 tion, including preshift and on-shift examinations and tests
114 required by law.

115 Working section: The term "working section" shall mean all
116 areas of the coal mine from the loading point of the section to
117 and including the working faces.

118 Working face: The term "working face" shall mean any
119 place in a coal mine in which work of extracting coal from its
120 natural deposit in the earth is performed during the mining
121 cycle.

122 Working place: The term "working place" shall mean the
123 area of a coal mine in by the last open crosscut.

124 Working unit: The term "working unit" shall mean an area
125 of a mine in which coal is mined with a set of production
126 equipment; a conventional mining unit by a single loading
127 machine; a continuous mining unit by a single continuous min-
128 ing machine, which is comprised of a number of working
129 places.

130 Face equipment: The term "face equipment" shall mean mo-
131 bile or portable mining machinery having electric motors or
132 accessory equipment normally installed or operated in by the

133 last open crosscut in an entry or room.

134 Approved: The term "approved" shall mean in strict com-
135 pliance with mining law, or, in the absence of law, accepted by
136 a recognized standardizing body or organization whose ap-
137 proval is generally recognized as authoritative on the subject.

138 Permissible: The term "permissible" shall mean any equip-
139 ment, device or explosive that has been approved as permissible
140 by the United States bureau of mines and meets all require-
141 ments, restrictions, exceptions, limitations and conditions at-
142 tached to such classification by the bureau.

143 Certified electrician: The term "certified electrician" shall
144 mean any person who is qualified as a mine electrician
145 and who has passed an examination given by the de-
146 partment of mines, or has at least three years of experience
147 in performing electrical work underground in a coal mine,
148 in the surface work areas of an underground coal mine,
149 in a surface coal mine, in a non-coal mine, in the mine
150 equipment manufacturing industry, or in any other industry
151 using or manufacturing similar equipment, and has satis-
152 factorily completed a coal mine electrical training program
153 approved by the department of mines.

154 Armored cable: The term "armored cable" shall mean
155 a cable provided with a wrapping of metal, usually steel
156 wires or tapes, primarily for the purpose of mechanical
157 protection.

158 Borehold cable: The term "borehole cable" shall mean
159 a cable designed for vertical suspension in a borehole or
160 shaft and used for power circuits in the mine.

161 Cable: The term "cable" shall mean a standard
162 conductor (single conductor cable) or a combination of
163 conductors insulated from one another (multiple conductor
164 cable).

165 Flame-resistant cable, portable: The term "flame-resistant
166 cable, portable" shall mean a portable flame-resistant
167 cable that has passed the flame tests of the federal bureau of
168 mines.

169 Portable (trailing) cable: The term "portable (trailing) cab-
170 le" shall mean a flexible cable or cord used for connecting
171 mobile, portable or stationary equipment in mines to a trolley
172 system or other external source of electric energy where per-

173 manent mine wiring is prohibited or is impracticable.

174 Branch circuit: The term "branch circuit" shall mean any
175 circuit, alternating current or direct current, connected to and
176 leading from the main power lines.

177 Circuit breaker: The term "circuit breaker" shall mean a
178 device for interrupting a circuit between separable contacts
179 under normal or abnormal conditions.

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

182 Medium voltage: The term "medium voltage" shall mean
183 voltages from six hundred sixty-one to one thousand volts.

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

186 Lightning arrester: The term "lightning arrester" shall mean
187 a protective device from limiting surge voltage on equipment by
188 discharging or by passing surge current; it prevents continued
189 flow of follow current to ground and is capable of repeating
190 these functions as specified.

191 Mine power center or distribution center: The term "mine
192 power center or distribution center" shall mean a combined
193 transformer or distribution unit, complete within a metal en-
194 closure from which one or more low-voltage power circuits
195 are taken.

196 Delta connected: The term "delta connected" shall mean a
197 power system in which the windings or transformers or a. c.
198 generators are connected to form a triangular phase relation-
199 ship, and with phase conductors connected to each point of
200 the triangle.

201 Wye-connected: The term "wye-connected" shall mean a
202 power system connection in which one end of each phase
203 windings or transformers or a.c. generators are connected to-
204 gether to form a neutral point, and a neutral conductor may
205 or may not be connected to the neutral point, and the neutral
206 point may or may not be grounded.

207 Zig-zag transformer (grounding transformer): The term "zig-
208 zag transformer (grounding transformer)" shall mean a trans-
209 former intended primarily to provide a neutral point for
210 grounding purposes.

211 Neutral point: The term "neutral point" shall mean the con-
212 nection point of transformer or generator windings from which

213 the voltage to ground is nominally zero, and is the point gen-
214 erally used for system groundings in wye-connected a.c. power
215 system.

216 Neutral (derived): The term "neutral (derived)" shall mean
217 a neutral point or connection established by the addition of a
218 "zig-zag" or grounding transformer to a normally ungrounded
219 power system.

220 Effectively grounded: The term "effectively grounded" is an
221 expression which means grounded through a grounding con-
222 nection of sufficiently low impedance (inherent or intention-
223 ally added or both) so that fault grounds which may occur
224 cannot build up voltages in excess of limits established for ap-
225 paratus, circuits or systems so grounded.

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

229 Ground or grounding conductor (mining): The term "ground
230 or grounding conductor (mining)," also referred to as a safety
231 ground conductor, safety ground, and frame ground, shall
232 mean a metallic conductor used to connect the metal frame or
233 enclosure of any equipment, device or wiring system with a
234 mine track or other effective grounding medium.

235 Board of appeals: The term "board of appeals" shall mean
236 as provided for in section thirty-one of this article.

237 Certified person: The term "certified person," when used to
238 designate the kind of person to whom the performance of a
239 duty in connection with the operation of a mine shall be as-
240 signed, shall mean a person who is qualified under the pro-
241 visions of this law to perform such duty.

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

H. Darrel Darby
Chairman Senate Committee

Clarence C. Christian Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Wearson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

W. T. Brotherton Jr.
President of the Senate

Lewis J. McNamee
Speaker House of Delegates

The within approved this the 25th
day of April, 1973.

Arch A. Moore Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 4/25/73

Time 3:35 p.m.

RECEIVED

MAY 3 2 17 PM '73

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA