WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED
SENATE BILL NO. 51
(By Mr. Herman)

PASSED March 8, 1976
In Effect July 1, 1976

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/7/76
ENROLLED
Senate Bill No. 41
(By MR. HINKLE and MR. HARMAN)

[Passed March 8, 1976; in effect July 1, 1976.]

AN ACT to amend and reenact section seven, article two, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to qualifications of an underground mine foreman—fire boss or an assistant underground mine foreman—fire boss.

Be it enacted by the Legislature of West Virginia:

That section seven, article two, 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 2. COAL MINES.

§22-2-7. When underground mine foreman—fire boss required; assistants; certification.

1 (a) In every underground mine where five or more persons are employed in a period of twenty-four hours, the operator shall employ at least one person certified in accordance with the provisions of article six-a of this chapter as a mine foreman—fire boss. Each applicant for certification as a mine foreman—fire boss shall, at the time he is issued a certificate of competency: (1) Be a resident or employed in a mine in this state; (2) have had at least five years’ experience in the underground working, ventilation, and drainage of a coal mine, which shall include at least eighteen months’ experience on or at a working section of an underground mine or be a graduate of the School of Mines at West Virginia University or of another accredited mining engineering school or be a graduate of an accredited engineering school with a
bachelor's degree in mining engineering technology, electrical or mechanical engineering; and have had at least two years' practical experience in an underground mine, which shall include at least eighteen months' experience on or at a working section of an underground mine; or be a graduate of an accredited college or university with an associate degree in mining, electrical, mining engineering technology or mechanical engineering and have had at least four years' practical experience in an underground mine, which shall include at least eighteen months' experience on or at a working section of an underground mine; and (3) have demonstrated his knowledge of dangerous mine gases and their detection, mine safety, first aid, safety appliances, state and federal mining laws and regulations and other subjects by completing such training, education and examinations as may be required of him under article six-a of this chapter.

(b) In mines in which the operations are so extensive that the duties devolving upon the mine foreman—fire boss cannot be discharged by one man, one or more assistant mine foreman—fire bosses may be designated. Such persons shall act under the instruction of the mine foreman—fire boss, who shall be responsible for their conduct in the discharge of their duties. Each assistant so designated shall be certified under the provisions of article six-a of this chapter. Each applicant for certification as assistant mine foreman—fire boss shall, at the time he is issued a certificate of competency, possess all of the qualifications required of a mine foreman—fire boss: Provided, That he shall at the time he is certified be required to have at least three years' experience in the underground working, ventilation and drainage of coal mines, which shall include eighteen months on or at a working section of an underground mine or be a graduate of the School of Mines at West Virginia University or of another accredited mining engineering school or be a graduate of an accredited engineering school with a bachelor's degree in mining engineering technology, electrical or mechanical engineering; and have had twelve months' practical experience in
an underground mine, all of which shall have been
on or at a working section or be a graduate of an ac-
credited college or university with an associate degree
in mining, electrical, mining engineering technology or
mechanical engineering and have had at least two years'
practical experience in an underground mine, which
shall include at least eighteen months' experience
on or at a working section of an underground mine.

(c) Until the first day of January, one thousand nine
hundred seventy-seven, in mines in which the operations
are so extensive that all the duties devolving upon the
mine foreman—fire boss 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—fire boss' instruc-
tions and the mine foreman—fire boss shall be responsible
for their conduct in the discharge of their duties under
such designation.

(d) Any person holding a mine foreman's certificate
issued by any other state may act in the capacity of mine
foreman—fire boss in any mine in this state until the next
regular mine foreman—fire boss examination held by
the department, but not to exceed a maximum of ninety
days.

(e) After the effective date of this act, all duties
heretofore performed by persons certified as mine fore-
man, assistant mine foreman or fire boss shall be per-
formed by persons certified as underground mine fore-
man—fire boss or an assistant underground mine foreman
—fire boss.

After the effective date of this act, every certificate
heretofore issued to an assistant mine foreman or fire boss
shall be deemed to be of equal value to a certificate issued
hereafter to an assistant mine foreman—fire boss, and
every certificate heretofore issued to a mine foreman shall
be deemed to be of equal value to a certificate issued
hereafter to a mine foreman—fire boss.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Florence E. Chapman
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1976.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within Approved this the 16th day of__________________, 1976

Governor
PRESENTED TO THE GOVERNOR
Date 3/11/76
Time 4:25 p.m.