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OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976



# ENROLLED

SENATE BILL NO. 41

(By Mr. Harce & Mr. Harman)



PASSED March 8, 1976

In Effect July 1, 1976 ~~Passage~~

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 3/17/76

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**ENROLLED**  
**Senate Bill No. 41**

(By MR. HINKLE and MR. HARMAN)

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

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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  
2 persons are employed in a period of twenty-four hours,  
3 the operator shall employ at least one person certified in  
4 accordance with the provisions of article six-a of this  
5 chapter as a mine foreman—fire boss. Each applicant for  
6 certification as a mine foreman—fire boss shall, at the  
7 time he is issued a certificate of competency: (1) Be a  
8 resident or employed in a mine in this state; (2) have had  
9 at least five years' experience in the underground work-  
10 ing, ventilation, and drainage of a coal mine, which shall  
11 include at least eighteen months' experience on or at a  
12 working section of an underground mine or be a graduate  
13 of the School of Mines at West Virginia University or of  
14 another accredited mining engineering school or be a  
15 graduate of an accredited engineering school with a

16 bachelor's degree in mining engineering technology, elec-  
17 trical or mechanical engineering; and have had at least  
18 two years' practical experience in an underground  
19 mine, which shall include at least eighteen months'  
20 experience on or at a working section of an underground  
21 mine; or be a graduate of an accredited college or uni-  
22 versity with an associate degree in mining, electrical,  
23 mining engineering technology or mechanical engineer-  
24 ing and have had at least four years' practical exper-  
25 ience in an underground mine, which shall include at  
26 least eighteen months' experience on or at a work-  
27 ing section of an underground mine; and (3) have  
28 demonstrated his knowledge of dangerous mine gases  
29 and their detection, mine safety, first aid, safety appli-  
30 ances, state and federal mining laws and regulations  
31 and other subjects by completing such training, edu-  
32 cation and examinations as may be required of him  
33 under article six-a of this chapter.

34 (b) In mines in which the operations are so extensive  
35 that the duties devolving upon the mine foreman—fire  
36 boss cannot be discharged by one man, one or more  
37 assistant mine foreman—fire bosses may be designated.  
38 Such persons shall act under the instruction of the mine  
39 foreman—fire boss, who shall be responsible for their  
40 conduct in the discharge of their duties. Each assistant  
41 so designated shall be certified under the provisions of  
42 article six-a of this chapter. Each applicant for certifi-  
43 cation as assistant mine foreman—fire boss shall, at the  
44 time he is issued a certificate of competency, possess all  
45 of the qualifications required of a mine foreman—fire  
46 boss: *Provided*, That he shall at the time he is certified  
47 be required to have at least three years' experience  
48 in the underground working, ventilation and drainage  
49 of coal mines, which shall include eighteen months on  
50 or at a working section of an underground mine or be  
51 a graduate of the School of Mines at West Virginia Uni-  
52 versity or of another accredited mining engineering  
53 school or be a graduate of an accredited engineering  
54 school with a bachelor's degree in mining engineering  
55 technology, electrical or mechanical engineering; and  
56 have had twelve months' practical experience in



57 an underground mine, all of which shall have been  
58 on or at a working section or be a graduate of an ac-  
59 credited college or university with an associate degree  
60 in mining, electrical, mining engineering technology or  
61 mechanical engineering and have had at least two years'  
62 practical experience in an underground mine, which  
63 shall include at least eighteen months' experience  
64 on or at a working section of an underground mine.

65 (c) Until the first day of January, one thousand nine  
66 hundred seventy-seven, in mines in which the operations  
67 are so extensive that all the duties devolving upon the  
68 mine foreman—fire boss cannot be discharged by one  
69 man, competent persons having had at least three years'  
70 experience in coal mines may be designated as assistants,  
71 who shall act under the mine foreman—fire boss' instruc-  
72 tions and the mine foreman—fire boss shall be responsible  
73 for their conduct in the discharge of their duties under  
74 such designation.

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

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

87 After the effective date of this act, every certificate  
88 heretofore issued to an assistant mine foreman or fire boss  
89 shall be deemed to be of equal value to a certificate issued  
90 hereafter to an assistant mine foreman—fire boss, and  
91 every certificate heretofore issued to a mine foreman shall  
92 be deemed to be of equal value to a certificate issued  
93 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

Dorance S. Christian  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1976.

J. S. Sillou  
Clerk of the Senate

C. A. Blackship  
Clerk of the House of Delegates

W. T. Brattley Jr.  
President of the Senate

Levin R. McManis  
Speaker House of Delegates

The within Approved this the 16th  
day of March, 1976

Arva Shaugh  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/11/76

Time 4:25 p.m.