

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1977



ENROLLED

Committee Substitute for

SENATE BILL NO. 113

(By Mr. *Loans*)



PASSED *April 9* 1977

In Effect *July 1, 1977* ~~Passage~~

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 113
(By MR. ROGERS)

[Passed April 9, 1977; in effect July 1, 1977.]

AN ACT to amend article one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eleven-a; and to amend and reenact section five, article three of said chapter, all relating to the eligibility for appointment as surface mine inspector; qualifications; salary and expenses of surface mine inspectors and the surface mine inspector supervisor; removal; and salary of open-pit inspectors.

Be it enacted by the Legislature of West Virginia:

That article one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eleven-a, and that section five, article three of said chapter be amended and reenacted, all to read as follows:

ARTICLE 1. ADMINISTRATION; ENFORCEMENT.

§22-1-11a. Eligibility for appointment as surface mine inspector; qualifications; salary and expenses; removal.

1 In order to qualify for an appointment as a surface mine
2 inspector, an eligible applicant shall have had at least
3 five years' practical experience in surface mines, at least
4 one year of which, immediately preceding his original
5 appointment, shall have been in surface mines in this
6 state, and submit to a written and oral examination given

7 by the mine inspectors' examining board. The examination
8 shall relate to the duties to be performed by a surface
9 mine inspector and may, subject to the approval of the
10 mine inspectors' examining board, be prepared by the
11 director of the West Virginia department of mines.

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

21 All such appointees shall be citizens of West Virginia,
22 in good health, not less than twenty-five years of age, of
23 good character and reputation, and temperate in habits.
24 No person shall be eligible for permanent appointment as
25 a surface mine inspector until he has served in a proba-
26 tionary status for a period of one year to the satisfaction
27 of the director of the department of mines.

28 Surface mine inspectors serving as such on the effective
29 date of this article may continue to serve for a proba-
30 tionary period not exceeding one year and if eligible as
31 prescribed by this section, may qualify for appointment
32 during such probationary period in accordance with the
33 provisions of this section.

34 However, surface mine inspectors employed on the
35 effective date of this article and who have served to the
36 satisfaction of the director of the department of mines for
37 a period of two years or more may continue to serve on a
38 permanent tenure basis. In the performance of duties
39 devolving upon surface mine inspectors, they shall be
40 responsible to the inspector-at-large of the department of
41 mines of their respective division.

42 The salary of the surface mine inspector supervisor
43 shall be not less than seventeen thousand dollars per
44 year. Salaries of surface mine inspectors shall be not less
45 than twelve thousand nine hundred dollars per year

46 during the first year of probationary services. After serv-
47 ing for a probationary period of one year, the salary of a
48 surface mine inspector shall be not less than fifteen
49 thousand dollars per year. In the discharge of their
50 official duties in privately owned vehicles, surface mine
51 inspectors and the surface mine inspector supervisor
52 shall receive mileage at the rate of not less than fifteen
53 cents per mile.

54 A surface mine inspector, after having received a
55 permanent appointment, shall be removed from office
56 only for physical or mental impairment, incompetency,
57 neglect of duty, drunkenness, malfeasance in office, or
58 other good cause.

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

§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, having 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
9 appointment 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 finds
14 after investigation and examination that an applicant:
15 (1) Is eligible for appointment and (2) has passed all
16 written and oral examinations, with a grade of at least
17 ninety percent, the board shall add such applicant's name
18 and grade to the register of qualified eligible candidates
19 and certify its action to the director of the department of
20 mines. No candidate's name shall remain in the register
21 for more than three years without requalifying.

22 Such inspector shall have the same tenure accorded a
23 mine inspector, as provided in subsection (d), section

24 eight, article one of this chapter and shall be paid not less
25 than fifteen thousand dollars per year. Such inspector
26 shall also receive reimbursement for traveling expenses at
27 the rate of not less than fifteen cents for each mile actu-
28 ally traveled in the discharge of their duties in a privately
29 owned vehicle. Such inspector shall also be reimbursed
30 for any expense incurred in maintaining an office in his
31 or her home, which office is used in the discharge of
32 official duties: *Provided*, That such reimbursement shall
33 not exceed two hundred forty dollars per annum.

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

James L. Davis
Chairman, Senate Committee

Clarence C. Chestnut, Jr.
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1977.

J. C. Dillon, Jr.
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

W. C. Bristow, Jr.
President of the Senate

Donald L. Kopp
Speaker House of Delegates

The within is approved this the 26
day of April, 1977.

(John) Ralph W.
Governor



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APR 18 4 02 PM '77
OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date April 26, 1977

Time 3:00 p.m.

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OFFICE
SECY. OF STATE