WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1977

ENROLLED
Committee Substitute for
SENATE BILL NO. 112

(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 inspector, an eligible applicant shall have had at least five years' practical experience in surface mines, at least one year of which, immediately preceding his original appointment, shall have been in surface mines in this state, and submit to a written and oral examination given
by the mine inspectors’ examining board. The examination shall relate to the duties to be performed by a surface mine inspector and may, subject to the approval of the mine inspectors’ examining board, be prepared by the director of the West Virginia department of mines.

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

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

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

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

The salary of the surface mine inspector supervisor shall be not less than seventeen thousand dollars per year. Salaries of surface mine inspectors shall be not less than twelve thousand nine hundred dollars per year.
during the first year of probationary services. After serving for a probationary period of one year, the salary of a surface mine inspector shall be not less than fifteen thousand dollars per year. In the discharge of their official duties in privately owned vehicles, surface mine inspectors and the surface mine inspector supervisor shall receive mileage at the rate of not less than fifteen cents per mile.

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

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

§22-3-5. Inspectors.

The director of the department of mines shall divide the state into not more than two mining districts and assign one inspector to each district. Such inspector shall be a citizen of West Virginia, in good health, of good character and reputation, temperate in habits, having a minimum of five years of practical experience in such mining operations and at the time of his appointment is not more than fifty-five years of age. To qualify for appointment as such an inspector, an eligible applicant shall submit to a written and oral examination by the mine inspectors' examining board and furnish such evidence of good health, character and other facts establishing eligibility as the board may require. If the board finds after investigation and examination that an applicant: (1) Is eligible for appointment and (2) has passed all written and oral examinations, with a grade of at least ninety percent, the board shall add such applicant's name and grade to the register of qualified eligible candidates and certify its action to the director of the department of mines. No candidate's name shall remain in the register for more than three years without requalifying.

Such inspector shall have the same tenure accorded a mine inspector, as provided in subsection (d), section
eight, article one of this chapter and shall be paid not less than fifteen thousand dollars per year. Such inspector shall also receive reimbursement for traveling expenses at the rate of not less than fifteen cents for each mile actually traveled in the discharge of their duties in a privately owned vehicle. Such inspector shall also be reimbursed for any expense incurred in maintaining an office in his or her home, which office is used in the discharge of official duties: Provided, That such reimbursement shall 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

Warner L. Chafin  
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. D. Bruton  
President of the Senate

Donald L. Kopp  
Speaker House of Delegates

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

John Ruby  
Governor