

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-10-80

Time 3:30 p.m.

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1980

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ENROLLED

SENATE BILL NO. 187

(By Mr. Susman)

—•—
PASSED February 29, 1980

In Effect ninety days from Passage

No: 187

ENROLLED

Senate Bill No. 187

(By MR. SUSMAN)

[Passed February 29, 1980; in effect ninety days from passage.]

AN ACT to amend and reenact section seventy-b, article two, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to extending the deadline in the promulgation of rules and regulations governing long wall and short wall mining.

Be it enacted by the Legislature of West Virginia:

That section seventy-b, 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.

§22-2-70b. Long wall and short wall mining.

1 (a) The Legislature finds that new methods of ex-
2 tracting coal known as long wall or short wall mining
3 is being used in this state. The board of coal mine health
4 and safety shall investigate or cause to be investigated
5 the technology, procedures and techniques used in such
6 mining methods and shall promulgate by the first day
7 of January, one thousand nine hundred eighty-one, and
8 continuously update the same, rules and regulations
9 governing long wall and short wall mining, which rules
10 and regulations shall have as their paramount objective,
11 the health and safety of the persons involved in such
12 operations, and which said regulations shall include, but
13 not be limited to, the certification of personnel involved
14 in such operation.

15 (b) The director may modify the application of any
16 provision of this section to a mine if the director
17 determines that an alternative method of achieving the
18 result of such provision exists which will at all times
19 guarantee no less than the same measure of protection
20 afforded the miners of such mine by such provision, or
21 that the application of such provision to such mine will
22 result in a diminution of the health of, or safety to, the
23 miners in such mine. The director shall give notice
24 to the operator and the representative of miners in the
25 affected mine, as appropriate, and shall cause such in-
26 vestigation to be made as he deems appropriate. Such
27 investigation shall provide an opportunity for a hearing,
28 at the request of such operator or representative or other
29 interested party, to enable the operator and the repre-
30 sentative of miners in such mine or other interested
31 party to present information relating to the modification
32 of such provision. The director shall issue a decision
33 incorporating his findings of fact therein, and send a
34 copy thereof to the operator and the representative
35 of the miners, as appropriate. Any such hearing shall
36 be of record.

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

James L. Davis
Chairman Senate Committee

Dorence C. Johnston
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Isaac C. Miller
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

H. C. Burton
President of the Senate

Clayton H. DeLoach
Speaker House of Delegates

The within *is approved* this the *10*
day of *March*, 1980.

Paul R. Bryant
Governor

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OFFICE OF THE GOVERNOR

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GOV. OF STATE