

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

Time _____

No: 1126

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981

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ENROLLED

Com. Sub. for
HOUSE BILL No. 1126

(By Mr. Moore)

— ● —

Passed April 11, 1981

In Effect From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1126

(By MR. MOORE)

[Passed April 11, 1981; in effect from passage.]

AN ACT to amend and reenact section thirty-three, article one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and that said article be further amended by adding thereto a new section, designated section thirty-four-a, all relating to coal mine health and safety; mine rescue teams; requiring communication and lifeline at each fresh air base; and allowing rescue teams to advance beyond fresh air base under certain circumstances; mandatory safety programs; duties of director of department of mines; duties of coal operators; approval of program; provision of copies of programs; penalties.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. ADMINISTRATION; ENFORCEMENT.

§22-1-33. Mine rescue crews.

1 The director of the state department of mines is hereby

2 authorized to have trained and employed at the rescue stations,
3 operated by the department within the state, such rescue crews
4 as he may deem necessary. Each member of a rescue crew
5 shall devote four hours each month for training purposes and
6 shall be available at all times to assist in rescue work at
7 explosions and mine fires. Regular members shall receive for
8 such services the sum of thirty-two dollars per month, and
9 captains shall receive thirty-five dollars per month payable on
10 requisition approved by the director of the department of
11 mines. The director of the department of mines may remove
12 any member of a rescue crew at any time.

13 After the effective date of this article, it shall be the duty
14 and responsibility of the department of mines to see that all
15 rescue teams be properly trained by a qualified instructor
16 of the department of mines or such persons who have a certifi-
17 cate of training from the United States bureau of mines.

18 To qualify for membership of a mine rescue crew, an appli-
19 cant shall be not more than fifty years of age and shall pass
20 on at least an annual basis a physical examination by a licensed
21 physician. A record that such examination was taken, together
22 with pertinent data relating thereto, shall be kept on file by
23 the operator, and a copy shall be furnished to the director of
24 the department of mines. All rescue or recovery teams per-
25 forming recovery work shall be under the jurisdiction of the de-
26 partment of mines guided by the mine rescue apparatus and
27 auxiliary equipment manual.

28 When engaged in rescue work required by an explosion, fire
29 or other emergency at a mine, all members of mine rescue
30 teams assigned to rescue operations shall during the period
31 of their rescue work, be employees of the operator of the mine
32 where the emergency exists, and shall be compensated by the
33 operator at the rate established in the area for such work. In
34 no case shall this rate be less than the prevailing wage rate
35 in the industry for the most skilled class of inside mine labor.
36 During the period of their emergency employment, members
37 of mine rescue teams shall be protected by the workmen's
38 compensation subscription of such emergency employer.

39 During the recovery work and prior to entering any mine

40 at the start of each shift, all rescue or recovery teams shall
41 be properly informed of existing conditions and work to be
42 performed by the designated company official in charge.

43 For every two teams performing rescue or recovery work
44 underground, one six-member team shall be stationed at the
45 mine portal.

46 Two-way communication and lifeline or its equivalent shall
47 be provided at each fresh air base for all mine rescue or
48 recovery teams, and no mine rescue team member shall ad-
49 vance more than one thousand feet inby the fresh air base:
50 *Provided*, That if a life may possibly be saved and existing
51 conditions do not create an unreasonable hazard to mine
52 rescue team members, such rescue team may advance a dis-
53 tance agreed upon by those persons directing the mine rescue
54 or recovery operations: *Provided, however*, That lifeline or its
55 equivalent shall be provided inby each fresh air base for all
56 mine rescue or recovery teams.

57 Each rescue or recovery team performing work with breath-
58 ing apparatus shall be provided with a backup team of equal
59 strength, stationed at each fresh air base.

60 A rescue or recovery team shall immediately return to the
61 fresh air base when any team member's atmospheric pressure
62 depletes to sixty atmospheres.

**§22-1-34a. Mandatory safety programs; duties of director of de-
partment of mines; duties of coal operators; ap-
proval of program; provision of copies of program;
penalties.**

1 (a) Within six months of the effective date of this section,
2 the director of the department of mines, in consultation with
3 the state board of coal mine health and safety, shall pro-
4 mulgate rules and regulations in accordance with chapter
5 twenty-nine-a of this code, detailing the requirements for
6 mine safety programs to be established by coal operators,
7 as provided in subsection (b) of this section. The regulations
8 may require different types of safety programs to be developed,
9 depending upon the output of the particular mine, the number
10 of employees of the particular mine, the location of the par-

11 ticular mine, the physical features of the particular mine or
12 any other factor deemed relevant by the director of the
13 department of mines.

14 (b) Within six months of the date when the regulations
15 required in subsection (a), above, become final, each operator
16 shall develop and submit to the director of the department
17 of mines a comprehensive mine safety program for each mine,
18 in accordance with such regulations. Each employee of the
19 mine shall be afforded an opportunity to review and submit
20 comments to the director of the department of mines re-
21 garding the modification or revision of such program, prior
22 to submission of such program to the director. Upon sub-
23 mission of such program the director shall have ninety days
24 to approve, reject or modify such program. If the program
25 is rejected, the director shall give the operator a reasonable
26 time to correct and resubmit such program. Each program
27 which is approved shall be reviewed, at least annually, by the
28 director. An up-to-date copy of each program shall be placed
29 on file in the department of mines and further copies shall
30 be made available to the miners of each mine and their
31 representatives. Each operator shall undertake all efforts
32 necessary to assure total compliance with the appropriate
33 safety program at each mine and shall fully implement all
34 portions of such program.

35 (c) Any person violating any provision of this section
36 is guilty of a misdemeanor, and, upon conviction thereof,
37 shall be fined not less than one hundred nor more than one
38 thousand dollars, or imprisoned in the county jail for not
39 more than six months, or both fined and imprisoned.

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

R. P. Baya
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the House.

Takes effect from passage.

Todd C. Wiles
Clerk of the Senate

CA Blankenship
Clerk of the House of Delegates
Robert R. Brown
President of the Senate

Harold H. Lee, Jr.
Speaker House of Delegates

The within is approved this the 20
day of April, 1981.

John R. Bell
Governor

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SECY. OF STATE

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