WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

E N R O L L E D

Com. Sub. for
HOUSE BILL No. 1126

(By Mr. Moore)

Passed April 11, 1981
In Effect from Passage

APPROVED AND SIGNED BY THE GOVERNOR

Date: 4-28-81
Time: 

No. 1126
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
authorized to have trained and employed at the rescue stations, 
operated by the department within the state, such rescue crews 
as he may deem necessary. Each member of a rescue crew 
shall devote four hours each month for training purposes and 
shall be available at all times to assist in rescue work at 
eexplosions and mine fires. Regular members shall receive for 
such services the sum of thirty-two dollars per month, and 
captains shall receive thirty-five dollars per month payable on 
requisition approved by the director of the department of 
mines. The director of the department of mines may remove 
any member of a rescue crew at any time.

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

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

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

During the recovery work and prior to entering any mine
at the start of each shift, all rescue or recovery teams shall be properly informed of existing conditions and work to be performed by the designated company official in charge.

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

Two-way communication and lifeline or its equivalent shall be provided at each fresh air base for all mine rescue or recovery teams, and no mine rescue team member shall advance more than one thousand feet inby the fresh air base:

Provided, That if a life may possibly be saved and existing conditions do not create an unreasonable hazard to mine rescue team members, such rescue team may advance a distance agreed upon by those persons directing the mine rescue or recovery operations: Provided, however, That lifeline or its equivalent shall be provided inby each fresh air base for all mine rescue or recovery teams.

Each rescue or recovery team performing work with breathing apparatus shall be provided with a backup team of equal strength, stationed at each fresh air base.

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

§22-1-34a. Mandatory safety programs; duties of director of department of mines; duties of coal operators; approval of program; provision of copies of program; penalties.

(a) Within six months of the effective date of this section, the director of the department of mines, in consultation with the state board of coal mine health and safety, shall promulgate rules and regulations in accordance with chapter twenty-nine-a of this code, detailing the requirements for mine safety programs to be established by coal operators, as provided in subsection (b) of this section. The regulations may require different types of safety programs to be developed, depending upon the output of the particular mine, the number of employees of the particular mine, the location of the par-
ticular mine, the physical features of the particular mine or any other factor deemed relevant by the director of the department of mines.

(b) Within six months of the date when the regulations required in subsection (a), above, become final, each operator shall develop and submit to the director of the department of mines a comprehensive mine safety program for each mine, in accordance with such regulations. Each employee of the mine shall be afforded an opportunity to review and submit comments to the director of the department of mines regarding the modification or revision of such program, prior to submission of such program to the director. Upon submission of such program the director shall have ninety days to approve, reject or modify such program. If the program is rejected, the director shall give the operator a reasonable time to correct and resubmit such program. Each program which is approved shall be reviewed, at least annually, by the director. An up-to-date copy of each program shall be placed on file in the department of mines and further copies shall be made available to the miners of each mine and their representatives. Each operator shall undertake all efforts necessary to assure total compliance with the appropriate safety program at each mine and shall fully implement all portions of such program.

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

I. C. Williams
Clerk of the Senate

C. H. Blankenship
Clerk of the House of Delegates

E. M. Lee, Jr.
President of the Senate

Speaker House of Delegates

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

John D. Bayne
Governor