WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1982

ENROLLED

HOUSE BILL No. 1694

(By Mr. Bungarow & Mr. Moore)

Passed March 12, 1982

In Effect ninety days from Passage
AN ACT to amend and reenact section four, article one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to providing the director of the department of mines with the authority to subpoena witnesses and documents in any hearing, investigation or examination of any mine or well.

Be it enacted by the Legislature of West Virginia:

That section four, article one, 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 1. ADMINISTRATION; ENFORCEMENT.

§22-1-4. Director of the department of mines—Powers and duties.

1 The director of the department of mines shall have full charge of the department. He shall have the power and duty to:

4 (1) Supervise and direct the execution and enforcement of the provisions of this chapter.

6 (2) Appoint a deputy director of the department of mines, fix his compensation and prescribe his powers and duties.

8 (3) Employ such assistants, clerks, stenographers and other employees as may be necessary to fully and effectively
carry out the provisions of this law and fix their compensation, except as otherwise provided in this article.

(4) Employ mine inspectors, and assign them to divisions or districts in accordance with the provisions of section seven of this article as may be necessary to fully and effectively carry out the provisions of this law, including the hiring and training of inspectors for the specialized requirements of surface mining, shaft and slope sinking, and surface installations and to supervise and direct such mine inspectors in the performance of their duties.

(5) Suspend, for good cause, any mine inspector without compensation for a period not exceeding thirty days in any calendar year.

(6) Prepare report forms to be used by mine inspectors in making their findings, orders and notices, upon inspections made in accordance with this chapter.

(7) Hear and determine applications made by mine operators for the annulment or revision of orders made by mine inspectors, and to make inspections of mines, in accordance with the provisions of this article.

(8) Cause a properly indexed permanent and public record to be kept of all inspections made by himself or by mine inspectors.

(9) Make annually a full and complete written report of the administration of his department to the governor and the Legislature of the state for the year ending the thirtieth day of June. Such report shall include the number of visits and inspections of mines in the state by mine inspectors, the quantity of coal, coke and other minerals (including oil and gas) produced in the state, the number of men employed, number of mines in operation, statistics with regard to health and safety of persons working in the mines including the causes of injuries and deaths, improvements made, prosecutions, the total funds of the department from all sources identifying each source of such funds, the expenditures of the department, the surplus of deficit of the department at the beginning and end of the year, the amount of fines
collected, the amount of fines imposed, the value of fines pending, the number and type of violations found, the amount of fines imposed, levied and turned over for collection, the total amount of fines levied but not paid during the prior year, the titles and salaries of all inspectors and other officials of the department, the number of inspections made by each inspector, the number and type of violations found by each inspector: Provided, That no inspector shall be identified by name in this report. Such reports shall be filed with the governor and the Legislature on or before the thirty-first day of December of the same year for which it was made, and shall upon proper authority be printed and distributed to interested persons.

(10) Call or subpoena witnesses, to administer oaths and to require production of any books, papers, records, or other documents relevant or material to any hearing, investigation or examination of any mine or well permitted by this chapter. Any witness so called or subpoenaed shall receive forty dollars per diem and shall receive mileage at the rate of fifteen cents for each mile actually traveled, which shall be paid out of the state treasury upon a requisition upon the state auditor, properly certified by such witness.

(11) Institute civil actions for relief, including permanent or temporary injunctions, restraining orders, or any other appropriate action in the appropriate federal or state court whenever any operator or his agent violates or fails or refuses to comply with any lawful order, notice or decision issued by the director or his representative.

(12) Perform all other duties which are expressly imposed upon him by the provisions of this chapter.

(13) Make all records of the department open for inspection of interested persons and the public.

(14) In conjunction with the director of the department of natural resources, adopt programs, regulations and procedures designed to assist the small coal operator with obtaining permits and meeting the environmental protection performance standards for strip and underground coal mining operations within the state. For the purposes of this sub-
division, a small coal operator is one who is anticipated to mine less than two hundred thousand tons per year, but the department in determining tonnage shall consider wholly owned subsidiaries to be the same operation as the parent corporation.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

R. P. Bynoe
Chairman Senate Committee

Tony E. Whitten
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Joseph C. Miles
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Warren R. McCaul
President of the Senate

William L. Smith, Jr.
Speaker House of Delegates

The within __________ approved this the __________ day of __________, 1982.

Johnny R. Reynolds
Governor