

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-30-82

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982



ENROLLED

HOUSE BILL No. 1694

(By Mr. Bungarna & Mr. Moore)



Passed March 12, 1982

In Effect ninety days from Passage



ENROLLED

H. B. 1694

(By MR. BUMGARNER and 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
2 charge of the department. He shall have the power and duty
3 to:

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

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

8 (3) Employ such assistants, clerks, stenographers and
9 other employees as may be necessary to fully and effectively

10 carry out the provisions of this law and fix their compensation,
11 except as otherwise provided in this article.

12 (4) Employ mine inspectors, and assign them to divisions
13 or districts in accordance with the provisions of section
14 seven of this article as may be necessary to fully and effec-
15 tively carry out the provisions of this law, including the
16 hiring and training of inspectors for the specialized require-
17 ments of surface mining, shaft and slope sinking, and surface
18 installations and to supervise and direct such mine inspectors
19 in the performance of their duties.

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

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

26 (7) Hear and determine applications made by mine oper-
27 ators for the annulment or revision of orders made by mine
28 inspectors, and to make inspections of mines, in accordance
29 with the provisions of this article.

30 (8) Cause a properly indexed permanent and public rec-
31 ord to be kept of all inspections made by himself or by
32 mine inspectors.

33 (9) Make annually a full and complete written report of
34 the administration of his department to the governor and the
35 Legislature of the state for the year ending the thirtieth
36 day of June. Such report shall include the number of visits
37 and inspections of mines in the state by mine inspectors,
38 the quantity of coal, coke and other minerals (including oil
39 and gas) produced in the state, the number of men employed,
40 number of mines in operation, statistics with regard to
41 health and safety of persons working in the mines including
42 the causes of injuries and deaths, improvements made, pro-
43 secutions, the total funds of the department from all sources
44 identifying each source of such funds, the expenditures of
45 the department, the surplus of deficit of the department at
46 the beginning and end of the year, the amount of fines

47 collected, the amount of fines imposed, the value of fines
48 pending, the number and type of violations found, the amount
49 of fines imposed, levied and turned over for collection, the
50 total amount of fines levied but not paid during the prior
51 year, the titles and salaries of all inspectors and other
52 officials of the department, the number of inspections made
53 by each inspector, the number and type of violations found
54 by each inspector: *Provided*, That no inspector shall be
55 identified by name in this report. Such reports shall be filed
56 with the governor and the Legislature on or before the
57 thirty-first day of December of the same year for which it
58 was made, and shall upon proper authority be printed and
59 distributed to interested persons.

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

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

75 (12) Perform all other duties which are expressly im-
76 posed upon him by the provisions of this chapter.

77 (13) Make all records of the department open for in-
78 spection of interested persons and the public.

79 (14) In conjunction with the director of the department
80 of natural resources, adopt programs, regulations and pro-
81 cedures designed to assist the small coal operator with
82 obtaining permits and meeting the environmental protection
83 performance standards for strip and underground coal mining
84 operations within the state. For the purposes of this sub-

85 division, a small coal operator is one who is anticipated to
86 mine less than two hundred thousand tons per year, but the
87 department in determining tonnage shall consider wholly
88 owned subsidiaries to be the same operation as the parent
89 corporation.

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

R. P. Bays

Chairman Senate Committee

Tommy E. Whitlow

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

John C. Hillis

Clerk of the Senate

C. Blankenship

Clerk of the House of Delegates

Warren P. McNew

President of the Senate

Walter H. Lee, Jr.

Speaker House of Delegates

The within *is approved* this the *30*
day of *March*, 1982.

John R. Ruff

Governor

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SECY. OF STATE