WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

ENROLLED

SENATE BILL NO. 469

(By Senator CHAFIN)

PASSED March 9, 1996

In Effect Ninety Days From Passage
AN ACT to amend and reenact section two, article one, chapter twenty-two-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to miners' health, safety and training; and providing that persons qualified as mine electricians in any state that recognizes certified electricians licensed in West Virginia are to be recognized in this state.

Be it enacted by the Legislature of West Virginia:

That section two, article one, chapter twenty-two-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING; ADMINISTRATION; ENFORCEMENT.


1 Unless the context in which used clearly requires a different meaning, the following definitions apply to this chapter:

4 (a) General.
(1) Accident: The term “accident” means any mine explosion, mine ignition, mine fire, or mine inundation, or injury to, or death of any person.

(2) Agent: The term “agent” means any person charged with responsibility for the operation of all or a part of a mine or the supervision of the miners in a mine.

(3) Approved: The term “approved” means in strict compliance with mining law, or, in the absence of law, accepted by a recognized standardizing body or organization whose approval is generally recognized as authoritative on the subject.

(4) Face equipment: The term “face equipment” means mobile or portable mining machinery having electric motors or accessory equipment normally installed or operated in the last open crosscut in an entry or room.

(5) Imminent danger: The term “imminent danger” means the existence of any condition or practice in a coal mine which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated.

(6) Mine: The term “mine” includes the shafts, slopes, drifts or inclines connected with, or intended in the future to be connected with, excavations penetrating coal seams or strata, which excavations are ventilated by one general air current or divisions thereof, and connected by one general system of mine haulage over which coal may be delivered to one or more points outside the mine, and the surface structures or equipment connected or associated therewith which contribute directly or indirectly to the mining, preparation or handling of coal, or construction thereof.

(7) Miner: The term “miner” means any individual working in a coal mine.

(8) Operator: The term “operator” means any firm, corporation, partnership or individual operating any coal mine, or part thereof, or engaged in the construction of
any facility associated with a coal mine.

(9) Permissible: The term "permissible" means any equipment, device or explosive that has been approved as permissible by the federal mine safety and health administration and/or the United States bureau of mines and meets all requirements, restrictions, exceptions, limitations and conditions attached to such classification by that agency or the bureau.

(10) Person: The term "person" means any individual, partnership, association, corporation, firm, subsidiary of a corporation or other organization.

(11) Work of preparing the coal: The term "work of preparing the coal" means the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing and loading of bituminous coal or lignite and such other work of preparing such coal as is usually done by the operator of the coal mine.

(b) Office of miners' health, safety and training.

(1) Board of appeals: The term "board of appeals" means as provided for in article five of this chapter.

(2) Director: The term "director" means the director of the office of miners' health, safety and training provided for in section three of this article.

(3) Mine inspector: The term "mine inspector" means a state mine inspector provided for in section eight of this article.

(4) Mine inspectors' examining board: The term "mine inspectors' examining board" shall mean the mine inspectors' examining board provided for in article nine of this chapter.

(5) Office: The term "office" means, when referring to a specific office, the office of miners' health, safety and training provided for in this article. The term "office", when used generically, includes any office, board, agency, unit, organizational entity or component thereof.
(c) Mine areas.

(1) Abandoned workings: The term "abandoned workings" means excavation, either caved or sealed, that is deserted and in which further mining is not intended, or open workings which are ventilated and not inspected regularly.

(2) Active workings: The term "active workings" means all places in a mine that are ventilated and inspected regularly.

(3) Drift: The term "drift" means a horizontal or approximately horizontal opening through the strata or in a coal seam and used for the same purposes as a shaft.

(4) Excavations and workings: The term "excavations and workings" means any or all parts of a mine excavated or being excavated, including shafts, slopes, drifts, tunnels, entries, rooms and working places, whether abandoned or in use.

(5) Inactive workings: The term "inactive workings" includes all portions of a mine in which operations have been suspended for an indefinite period, but have not been abandoned.

(6) Mechanical working section: The term "mechanical working section" means an area of a mine: (A) In which coal is loaded mechanically; (B) which is comprised of a number of working places that are generally contiguous; and (C) which is of such size to permit necessary supervision during shift operation, including pre-shift and on-shift examinations and tests required by law.

(7) Panel: The term "panel" means workings that are or have been developed off of submain entries which do not exceed three thousand feet in length.

(8) Return air: The term "return air" means a volume of air that has passed through and ventilated all the working places in a mine section.

(9) Shaft: The term "shaft" means a vertical opening
through the strata that is or may be used for the purpose
of ventilation, drainage, and the hoisting and
transportation of individuals and material, in connection
with the mining of coal.

(10) Slope: The term “slope” means a plane or incline
roadway, usually driven to a coal seam from the surface
and used for the same purposes as a shaft.

(11) Working face: The term “working face” means
any place in a coal mine in which work of extracting coal
from its natural deposit in the earth is performed during
the mining cycle.

(12) Working place: The term “working place” means
the area of a coal mine inby the last open crosscut.

(13) Working section: The term “working section”
means all areas of the coal mine from the loading point
of the section to and including the working faces.

(14) Working unit: The term “working unit” means an
area of a mine in which coal is mined with a set of
production equipment; a conventional mining unit by a
single loading machine; a continuous mining unit by a
single continuous mining machine, which is comprised of
a number of working places.

(d) Mine personnel.

(1) Assistant mine foreman: The term “assistant mine
foreman” means a certified person designated to assist
the mine foreman in the supervision of a portion or the
whole of a mine or of the persons employed therein.

(2) Certified electrician: The term “certified
electrician” means any person who is qualified as a mine
electrician and who has passed an examination given by
the office, or has at least three years of experience in
performing electrical work underground in a coal mine,
in the surface work areas of an underground coal mine,
in a surface coal mine, in a noncoal mine, in the mine
equipment manufacturing industry or in any other
industry using or manufacturing similar equipment, and
has satisfactorily completed a coal mine electrical
training program approved by the office or any person
who is qualified as a mine electrician in any state that
recognizes certified electricians licensed in West
Virginia.

(3) Certified person: The term "certified person", when
used to designate the kind of person to whom the
performance of a duty in connection with the operation
of a mine shall be assigned, means a person who is
qualified under the provisions of this law to perform
such duty.

(4) Interested persons: The term "interested persons"
includes the operator, members of any mine safety
committee at the mine affected and other duly
authorized representatives of the mine workers and the
office.

(5) Mine foreman: The term "mine foreman" means the
certified person whom the operator or superintendent
shall place in charge of the inside workings of the mine
and of the persons employed therein.

(6) Qualified person: The term "qualified person"
means a person who has completed an examination and
is considered qualified on record by the office.

(7) Shot firer: The term "shot firer" means any person
having had at least two years of practical experience in
coal mines, who has a knowledge of ventilation, mine
roof and timbering, and who has demonstrated his or her
knowledge of mine gases, the use of a flame safety lamp,
and other approved detecting devices by examination
and certification given him or her by the office.

(8) Superintendent: The term "superintendent" means the
person who has, on behalf of the operator, immediate
supervision of one or more mines.

(9) Supervisor: The term "supervisor" means a
superintendent, mine foreman, assistant mine foreman or
any person specifically designated by the superintendent
(e) Electrical.

(1) Armored cable: The term “armored cable” means a cable provided with a wrapping of metal, usually steel wires or tapes, primarily for the purpose of mechanical protection.

(2) Borehole cable: The term “borehole cable” means a cable designed for vertical suspension in a borehole or shaft and used for power circuits in the mine.

(3) Branch circuit: The term “branch circuit” means any circuit, alternating current or direct current, connected to and leading from the main power lines.

(4) Cable: The term “cable” means a standard conductor (single conductor cable) or a combination of conductors insulated from one another (multiple conductor cable).

(5) Circuit breaker: The term “circuit breaker” means a device for interrupting a circuit between separable contacts under normal or abnormal conditions.

(6) Delta connected: The term “delta connected” means a power system in which the windings or transformers or a.c. generators are connected to form a triangular phase relationship, and with phase conductors connected to each point of the triangle.

(7) Effectively grounded: The term “effectively grounded” is an expression which means grounded through a grounding connection of sufficiently low impedance (inherent or intentionally added or both) so that fault grounds which may occur cannot build up voltages in excess of limits established for apparatus, circuits or systems so grounded.

(8) Flame-resistant cable, portable: The term “flame-resistant cable, portable” means a portable flame-
218 resistant cable that has passed the flame tests of the 
219 federal mine safety and health administration.

220 (9) Ground or grounding conductor (mining): The term 
221 "ground or grounding conductor (mining)"; also referred 
222 to as a safety ground conductor, safety ground and frame 
223 ground, means a metallic conductor used to connect the 
224 metal frame or enclosure of any equipment, device or 
225 wiring system with a mine track or other effective 
226 grounding medium.

227 (10) Grounded (earthed): The term "grounded 
228 (earthed)" means that the system, circuit or apparatus 
229 referred to is provided with a ground.

230 (11) High voltage: The term "high voltage" means 
231 voltages of more than one thousand volts.

232 (12) Lightning arrester: The term "lightning arrester" 
233 means a protective device for limiting surge voltage on 
234 equipment by discharging or by passing surge current; it 
235 prevents continued flow of follow current to ground and 
236 is capable of repeating these functions as specified.

237 (13) Low voltage: The term "low voltage" means up to 
238 and including six hundred sixty volts.

239 (14) Medium voltage: The term "medium voltage" 
240 means voltages from six hundred sixty-one to one 
241 thousand volts.

242 (15) Mine power center or distribution center: The 
243 term "mine power center or distribution center" means 
244 a combined transformer or distribution unit, complete 
245 within a metal enclosure from which one or more low- 
246 voltage power circuits are taken.

247 (16) Neutral (derived): The term "neutral (derived)" 
248 means a neutral point or connection established by the 
249 addition of a "zig-zag" or grounding transformer to a 
250 normally underground power system.

251 (17) Neutral point: The term "neutral point" means the 
252 connection point of transformer or generator windings
from which the voltage to ground is nominally zero, and
is the point generally used for system groundings in wye-
connected a.c. power system.

(18) Portable (trailing) cable: The term “portable
(trailing) cable” means a flexible cable or cord used for
connecting mobile, portable or stationary equipment in
mines to a trolley system or other external source of
electric energy where permanent mine wiring is
prohibited or is impracticable.

(19) Wye-connected: The term “wye-connected” means
a power system connection in which one end of each
phase windings or transformers or a.c. generators are
connected together to form a neutral point, and a neutral
conductor may or may not be connected to the neutral
point, and the neutral point may or may not be
grounded.

(20) Zig-zag transformer (grounding transformer): The
term “zig-zag transformer (grounding transformer)”
means a transformer intended primarily to provide a
neutral point for grounding purposes.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.
In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the ______ day of ______ , 1996.

Governor