

1 instructors as the director determines to be reasonably necessary
2 in fully and effectively carrying out the applicable provisions of
3 this chapter.

4 (b) To be eligible for employment as a mine safety instructor,
5 the applicant shall be: (1) A citizen of West Virginia, in good
6 health, not less than twenty-four years of age, of good character
7 and reputation, and of temperate habits; (2) a person who has had
8 at least five years of practical experience in coal mines, at least
9 two years of which has been in mines in this state: *Provided*, That
10 graduation from any accredited college of mining engineering may be
11 considered equivalent to two years of practical experience; (3) a
12 person who has had practical experience with dangerous gases found
13 in coal mines, and who has a good theoretical and practical
14 knowledge of mines, mining methods, mine ventilation, sound safety
15 practices and applicable mining laws and rules; and (4) a person
16 who possesses a West Virginia foreman-fireboss certification; or a
17 person who has had at least three years of experience as an actual
18 working team member of a mine rescue team, or at least three years
19 of experience as a member of a first aid team or emergency medical
20 technician team; or a person who has had at least three years of
21 experience as the safety director, or the equivalent as approved by
22 the mine inspectors' examining board, of a mine; or a person who
23 has had at least three years of experience as an active member of
24 a mine safety committee. For the purpose of this section,

1 practical experience means the performance of normal mining duties
2 requiring a person to hold a certificate of competency and
3 qualification as an experienced miner prior to actually performing
4 such duties.

5 (c) (1) In order to qualify for appointment as a mine safety
6 instructor, an eligible applicant shall submit to written, oral and
7 practical examinations administered by the mine inspectors'
8 examining board and furnish evidence of good health, character and
9 other facts establishing eligibility as the board may require. The
10 examinations shall relate to the duties to be performed by a mine
11 safety instructor and, subject to the approval of the mine
12 inspectors' examining board, may be prepared by the director.

13 (2) If the board finds after investigation and examination
14 that an applicant: (A) Is eligible for appointment; and (B) has
15 passed each required examination with a grade of at least seventy-
16 five percent or an overall combined average score of eighty
17 percent, the board shall add the applicant's name and grades to the
18 register of qualified eligible candidates and promptly certify its
19 action in writing to the director. The director shall then appoint
20 one of the candidates from the three having the highest grades.

21 (d) Mine safety instructors shall be paid an annual salary of
22 not less than \$37,400, which shall be fixed by the director, who
23 shall take into consideration ability, performance of duty and
24 experience. Mine safety instructors shall devote all of their time

1 to the duties of the office.

2 (e) Except as expressly provided in this section to the
3 contrary, all provisions of this article relating to the
4 eligibility, qualification, appointment, tenure and removal of
5 underground mine inspectors, as well as those provisions relating
6 to compensatory time and reimbursement for necessary expenses, are
7 applicable to mine safety instructors.

8 (f) The office shall employ a new diesel inspector for each
9 regional office and shall provide training in accordance with 196
10 CSR 1 §§2, 3, 5, 26 and 27.

11 (g) The diesel inspector's primary duties shall include:

12 (1) Perform quarterly inspection of all diesel equipment in
13 the region they are assigned to;

14 (2) Verify that all registered and numbered diesel equipment
15 at mine sites matches the inventory records for that mine site;

16 (3) Any other duties the director may assign, after the
17 inspector has completed their primary duties.

18 (h) The starting salary for the diesel inspectors shall be
19 \$51,206 annually.

NOTE: The purpose of this bill is to require the Office of Miners Health and Safety to employ qualified diesel inspectors.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.