



PROMULGATION HISTORY OF 56 CSR 11

PERTINENT DATES

Filed for public comment: March 31, 1993

Public comment period ended: May 3, 1993

Filed following public comment period: July 27, 1993

Filed LRMRC: July 27, 1993

Filed as emergency: March 31, 1993

Filed Rule Modification: November 2, 1993

Passed Legislature: March 16, 1994

56 CSR 11

**TITLE 56  
LEGISLATIVE RULE  
OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING**

**SERIES 11  
RULE GOVERNING FIRST-AID TRAINING  
OF SHAFT AND SLOPE EMPLOYEES**

**§56-11-1. General.**

1.1. Scope.--This rule governs first-aid training for shaft and slope employees.

1.2. Authority.--W. Va. Code 22A-7-8.

1.3. Filing Date.--

1.4. Effective Date.--

1.5. Applicability.--This rule applies to all mine shaft and slope construction and operation sites.

within six (6) months of the date of hire with the opportunity for first-aid training as prescribed by the Director of the Office of Miners' Health, Safety and Training, unless the employee has previously received such training. Each employee is required to take a refresher first-aid training of not less than five (5) hours within each twenty-four (24) months of employment. The employee shall be paid regular wages, and overtime pay if applicable, for all periods of first-aid training.

**§56-11-2. Effect of Law and Rule.**

2.1. This rule has the effect of law and violations are a violation of law and so cited with the same effect as law.

**§56-11-3. First-Aid Training of Shaft and/or Slope Employees.**

3.1. Each employer at a shaft and slope site shall provide every new employee

SENATE BILL NO. 197

(By Senators Manchin, Anderson, Grubb, Macnaughtan  
and Minard )

[Introduced January 31, 1994; referred to the  
Committee on

THE JUDICIARY

A BILL to amend and reenact section eighteen, article three,  
chapter sixty-four of the code of West Virginia, one thousand  
nine hundred thirty-one, as amended, relating to authorizing  
the office of miners' health, safety and training to  
promulgate legislative rules relating to first-aid training  
of shaft and slope employees.

Be it enacted by the Legislature of West Virginia:

That section eighteen, article three, chapter sixty-four of  
the code of West Virginia, one thousand nine hundred thirty-one,  
as amended, be amended and reenacted, to read as follows:

ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF COMMERCE, LABOR AND  
ENVIRONMENTAL RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-3-18. Office of miners' health, safety and training.

(a) The legislative rules filed in the state register on the  
thirteenth day of November, one thousand nine hundred ninety-two,

1 modified by the director of the office of miners' health, safety  
2 and training to meet the objections of the legislative  
3 rule-making review committee and refiled in the state register on  
4 the eighteenth day of February, one thousand nine hundred  
5 ninety-three, relating to the director of the office of miners'  
6 health, safety and training (rules and regulations governing the  
7 standards for certification of blasters for surface coal mines  
8 and surface areas of underground coal mines), are authorized.

9       **(b) The legislative rules filed in the state register on the**  
10 **twenty-seventh day of July, one thousand nine hundred ninety-**  
11 **three, modified by the office of miners' health, safety and**  
12 **training to meet the objections of the legislative rule-making**  
13 **review committee and refiled in the state register on the second**  
14 **day of November, one thousand nine hundred ninety-three, relating**  
15 **to the office of miners' health, safety and training (first-aid**  
16 **training of shaft and/or slope employees), are authorized.**

17

18       NOTE: The purpose of this bill is to authorize the Office of  
19 Miners' Health, Safety and Training to promulgate legislative  
20 rules relating to first-aid training of shaft and slope  
21 employees.

22  
23       Strike-throughs indicate language that would be stricken from  
24 the present law, and underscoring indicates new language that  
25 would be added.

H. B. 4279

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(By Delegates Gallagher, Douglas, Compton,  
Huntwork, Burk and Faircloth  
(Introduced January 31, 1994; referred to the  
Committee on the Judiciary)

10 A BILL to amend and reenact section eighteen, article three,  
11 chapter sixty-four of the code of West Virginia, one thousand  
12 nine hundred thirty-one, as amended, relating to authorizing  
13 the office of miners' health, safety and training to  
14 promulgate legislative rules relating to first-aid training  
15 of shaft and slope employees.

16 Be it enacted by the Legislature of West Virginia:

17 That section eighteen, article three, chapter sixty-four of  
18 the code of West Virginia, one thousand nine hundred thirty-one,  
19 as amended, be amended and reenacted, to read as follows:

20 ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF COMMERCE, LABOR AND  
21 ENVIRONMENTAL RESOURCES TO PROMULGATE LEGISLATIVE RULES.

22 §64-3-18. Office of miners' health, safety and training.

23 (a) The legislative rules filed in the state register on the  
24 thirteenth day of November, one thousand nine hundred ninety-two,

1 modified by the director of the office of miners' health, safety  
2 and training to meet the objections of the legislative  
3 rule-making review committee and refiled in the state register on  
4 the eighteenth day of February, one thousand nine hundred  
5 ninety-three, relating to the director of the office of miners'  
6 health, safety and training (rules and regulations governing the  
7 standards for certification of blasters for surface coal mines  
8 and surface areas of underground coal mines), are authorized.

9 (b) The legislative rules filed in the state register on the  
10 twenty-seventh day of July, one thousand nine hundred ninety-  
11 three, modified by the office of miners' health, safety and  
12 training to meet the objections of the legislative rule-making  
13 review committee and refiled in the state register on the second  
14 day of November, one thousand nine hundred ninety-three, relating  
15 to the office of miners' health, safety and training (first-aid  
16 training of shaft and/or slope employees), are authorized.

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18 NOTE: The purpose of this bill is to authorize the Office of  
19 Miners' Health, Safety and Training to promulgate legislative  
20 rules relating to first-aid training of shaft and slope  
21 employees.

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

KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

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## STATE OF WEST VIRGINIA

### SECRETARY OF STATE

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(Plus all the volunteer  
help we can get)

FAX: (304) 558-0900

March 18, 1994

Stephen F. Webber  
Miners' Health, Safety & Training  
1615 Washington St. E.  
Charleston, WV 25311

**SB 1005** authorizing, **Title 56, Series 11, Rule Governing First-aid Training of Shaft and/or Slope Employees**, passed the Legislature on **March 16, 1994**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs SB 1005, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 1005** section **64-3-18(b)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

**\*\*\*IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, YOU MUST SUBMIT A CLEAN COPY, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL MAKE IT QUICKER FOR US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You  
Administrative Law Division



KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

A. RENEE COE  
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**STATE OF WEST VIRGINIA**

**SECRETARY OF STATE**

Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

TO: Tina Miller

AGENCY: Miner's Health, Safety & Training

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: June 1, 1994

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 11 TITLE: 56 Miner's Health, Safety & Training

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Chin Quaseltz

TITLE OF PERSON SIGNING: DIRECTOR OF LEGAL SERVICES

DATE: 6/2/94

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.