WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED

HOUSE BILL No. 1290

(By Mr. Moore)

Passed March 8, 1983

In Effect Ninety Days From Passage
ENROLLED

H. B. 1290
(By Mr. Moore)

[Passed March 8, 1983; in effect ninety days from passage.]

AN ACT to amend and reenact section thirty-one, article one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the department of mines board of appeals; and providing for increased compensation for board members per meeting and increasing amount of expense reimbursement.

Be it enacted by the Legislature of West Virginia:

That section thirty-one, 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.

§22-1-31. Board of appeals.

There is hereby created a board of appeals, consisting of three members. Two members of the board shall be appointed by the governor, one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of miners, and one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of the operators. The third person, who shall be chairman of the board and who must not have had any connection at any time with the coal industry or an organization representing miners, shall be selected by the
two members appointed by the governor. The term of office of members of the board shall be five years.

The function and duties of the board shall be to hear appeals, make determinations on questions of miners' entitlements due to withdrawal orders and appeals from discharge or discrimination, and suspension of certification certificates.

The chairman of the board shall have the power to administer oaths and subpoena witnesses and require production of any books, papers, records or other documents relevant or material to the appeal inquiry.

Each member of the board shall receive one hundred dollars per diem while actually engaged in the performance of the work of the board. Each member shall be reimbursed for all reasonable and necessary expenses actually incurred during the performance of their duties. Each member shall receive mileage expense reimbursement at the rate established by rule and regulation of the commissioner of the department of finance and administration for in-state travel of public employees. No reimbursement for expenses shall be made except upon an itemized account, properly certified by such members of the board. All reimbursement for expenses shall be paid out of the state treasury upon a requisition upon the state auditor.

Board members, before performing any duty, shall take and subscribe to oath required by article four, section five of the constitution of West Virginia.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jesse C. Wells  
Clerk of the Senate

Donald F. Kepp  
Clerk of the House of Delegates

Wanda R. Hensley  
President of the Senate

John H. Lee Jr.  
Speaker House of Delegates

The within is approved this the 17 day of Madison, 1983.

Governor