

No. 1290

APPROVED AND SIGNED BY THE GOVERNOR

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OFFICE OF THE GOVERNOR

# 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)

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

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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.**

1     There is hereby created a board of appeals, consisting of  
2     three members. Two members of the board shall be appointed  
3     by the governor, one person who by reason of previous  
4     training and experience may reasonably be said to represent  
5     the viewpoint of miners, and one person who by reason  
6     of previous training and experience may reasonably be said to  
7     represent the viewpoint of the operators. The third person,  
8     who shall be chairman of the board and who must not have  
9     had any connection at any time with the coal industry or  
10    an organization representing miners, shall be selected by the

11 two members appointed by the governor. The term of office  
12 of members of the board shall be five years.

13 The function and duties of the board shall be to hear  
14 appeals, make determinations on questions of miners' entitle-  
15 ments due to withdrawal orders and appeals from discharge or  
16 discrimination, and suspension of certification certificates.

17 The chairman of the board shall have the power to adminis-  
18 ter oaths and subpoena witnesses and require production of  
19 any books, papers, records or other documents relevant or  
20 material to the appeal inquiry.

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

34 Board members, before performing any duty, shall take  
35 and subscribe to oath required by article four, section five of  
36 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

*Assessments*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Judd C. Nichols*  
Clerk of the Senate

*Donald L. Zapp*  
Clerk of the House of Delegates

*Walter R. Shaw*  
President of the Senate

*William M. Lee, Jr.*  
Speaker House of Delegates

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

*John R. Rhymer*  
Governor



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SECY. OF STATE