ENROLLED

HOUSE BILL No. 1224

(By Mr. Del. Standley and Del. D. Dameron)

Passed March 10, 1984

In Effect July 1, 1984

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984
AN ACT to amend and reenact section seven, article two-a, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section four, article six-a of said chapter, all relating to increasing to one hundred ten dollars from one hundred dollars the per diem for members of the board of coal mine health and safety; increasing to one hundred ten dollars from seventy-five dollars the per diem for members of the board of miner training, education and certification; and providing for expense reimbursement to members of both boards for meals, lodging and mileage at the rates established by the commissioner of the department of finance and administration for in-state travel of public employees.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2A. BOARD OF COAL MINE HEALTH AND SAFETY.


1 Each member of the board not otherwise employed by the state shall receive one hundred ten dollars per diem while actually engaged in the performance of the duties of the board. Each member shall be reimbursed for all reasonable and necessary expenses actually incurred during the per-
formance of their duties, except that in the event the expenses
are paid by a third party, the members shall not be reim-
bursed by the state. Each member shall receive meals, lodging
and mileage expense reimbursements at the rates established
by rule and regulation of the commissioner of the depart-
ment of finance and administration for in-state travel of
public employees. The reimbursement shall be paid out of
the state treasury upon a requisition upon the state auditor,
properly certified by the director of the department of mines.
No employer shall prohibit a member of the board from
exercising leave of absence from his place of employment in
order to attend a meeting of the board or a meeting of a
subcommittee of the board, or to prepare for a meeting of
the board, any contract of employment to the contrary not-
withstanding.

ARTICLE 6A. BOARD OF MINER TRAINING, EDUCATION AND
CERTIFICATION.

§22-6A-4. Board of miner training, education and certification
created; membership, method of appointment, terms.

(a) There is hereby created a board of miner training,
education and certification, which shall consist of seven
members, who shall be appointed in the following manner:

(1) One member shall be appointed to represent the
viewpoint of surface mine operators in this state. When
such member is to be appointed, the governor shall request
from the major association representing surface coal opera-
tors in this state a list of three nominees to the board.
The governor shall select from said nominees one person
to serve on the board. For purposes of this subsection, the
major association representing the surface coal operators
in this state shall be deemed to be that association, if
any, which represents surface mine operators accounting
for over one half of the coal produced in surface mines
in this state in the year prior to that year in which the ap-
pointment is made.

(2) Two members shall be appointed to represent the
interests of the underground operators of this state. When
said members are to be appointed, the governor shall request
from the major association representing the underground coal
operators in this state a list of six nominees to the board.
The governor shall select from said nominees two persons to
serve on the board. For purposes of this subsection, the
major association representing the underground operators in
this state shall be deemed to be that association, if any,
which represents underground operators accounting for over
one half of the coal produced in underground mines in this
state in the year prior to that year in which the appointments
are made.

(3) Three members shall be appointed who can reasonably
be expected to represent the interests of the working miners
in this state. If the major employee organization represent-
ing coal miners in this state is divided into administra-
tive districts, the employee organization of each district shall.
upon request by the governor, submit a list of three nominees
for membership on the board. If such major employee or-
ganization is not so divided into administrative districts,
such employee organization shall, upon request by the gov-
nor, submit a list of twelve nominees for membership on the
board. The governor shall make such appointments from the
persons so nominated: Provided, That in the event nomina-
tions are made by administrative districts, not more than one
member shall be appointed from the nominees of any one
district unless there are less than three such districts in this
state.

(4) The seventh member of the board, who shall serve as
chairman, shall be a person selected and agreed upon by the
six persons appointed by the governor.

(5) All appointments made by the governor under this sec-
tion shall be with the advice and consent of the Senate: Pro-
vided, That persons so appointed while the Senate of this
state is not in session shall be permitted to serve up to
one year in an acting capacity, or until the next session of
the Legislature, whichever is less.

(b) The board hereby established shall be appointed by
the governor within three months of the effective date of
this act. As soon as the members of the board are appointed,
the director of the department of mines shall call an organiza-
tional meeting of the board. At said meeting all of the
board members then appointed shall select a seventh member
of the board to serve as chairman and draw lots to deter-
mine the length of the term they and the chairman shall
serve. Three members shall serve for three years; two mem-
ers shall serve for two years; and two members shall
serve for one year. Thereafter, members shall serve for a
term of three years. As so organized, the board shall meet
at the call of the chairman, at the call of the director, or
upon the request of any two members of the board: Pro-
vided, That no meeting of the board for any purpose shall
be conducted unless the board members are notified at least
five days in advance of a proposed meeting. In cases of an
emergency, members may be notified of a board meeting by
the most appropriate means of communication available.

(c) Whenever a vacancy on the board occurs, appointments
shall be made in the manner prescribed in this section:
Provided, That in the case of an appointment to fill a vacancy
nominations shall be submitted to the governor within thirty
days after the vacancy occurs. The vacancy shall be filled by
the governor within thirty days of his receipt of the list of
nominations.

(d) Each member of the board shall receive one hundred
ten dollars per diem while actually engaged in the per-
formance 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 meals, lodging and mileage expense reimburse-
ments at the rates established by rule and regulation of the
commissioner of the department of finance and administration
for in-state travel of public employees, which shall be paid out
of the state treasury upon a requisition upon the state auditor,
properly certified by such members of the board.

(e) A quorum of the board shall be four members. The
board may act officially by a majority of those members who
are present.

(f) The chairman of the board shall be a nonvoting mem-
Provided, That in cases of a tie, the chairman shall cast the deciding vote on the issue or issues under consideration.

(g) The director of the department of mines shall serve as the secretary to the board and shall be present or send an authorized representative to all meetings of the board.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James E. Davis  
Chairman Senate Committee

Donald Anello  
Chairman House Committee

Originating in the House.

Takes effect July 1, 1984.

J.E. Stith  
Clerk of the Senate

Donald L. Harrell  
Clerk of the House of Delegates

Walter B. McSwain  
President of the Senate

D.H. Lewis, Jr.  
Speaker House of Delegates

The within is found this the 30th
day of March, 1984.

John D. dyer  
Governor