WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2006

---

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4596

(By Mr. Speaker, (Mr. Kiss), and Delegate Trump)
[By Request of the Executive]

---

Passed March 10, 2006

In Effect Ninety Days from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4596
(BY MR. SPEAKER, (MR. KISS), AND DELEGATE TRUMP)
[BY REQUEST OF THE EXECUTIVE]

[Passed March 10, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §22A-1-3 of the Code of West Virginia, 1931, as amended, relating to the director of the Office of Miners’ Health, Safety and Training; providing the Secretary of the Department of Commerce as interim director; revising qualifications for the director; providing for appointment of an acting director; and establishing minimum qualifications for the acting director.

Be it enacted by the Legislature of West Virginia:

That §22A-1-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. OFFICE OF MINERS’ HEALTH, SAFETY AND TRAINING; ADMINISTRATION; ENFORCEMENT.

(a) The Director of the Office of Miners' Health, Safety and Training is responsible for surface and underground safety inspections of coal mines and the administration of the Office of Miners' Health, Safety and Training.

(b) The director is the chief executive officer of the office. Subject to provisions of law, he or she shall organize the office into those offices, sections, agencies and other units of activity found by the director to be desirable for the orderly, efficient and economical administration of the office. The director may appoint any other employees needed for the operation of the office and may prescribe their powers and duties and fix their compensation within amounts appropriated.

(c) The director shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall serve at the will and pleasure of the Governor.

(d) The Director of the Office of Miners' Health, Safety and Training shall be a citizen of West Virginia, shall be a competent person of good repute and temperate habits with a demonstrated interest and five years' education or training in underground mining safety, and three years' experience in underground mining and shall have at least three years of experience in a position of responsibility in at least one discipline relating to the duties and responsibilities for which the director will be responsible upon assumption of the office of director. Special reference shall be given to his or her administrative experience and ability. The director shall devote all of his or her time to the duties of the position of director and shall not be directly interested financially in any mine in this or any other state nor shall the director, either directly or indirectly, be a majority owner of, or have control of or a controlling interest in, a mine.
in this or any other state. The director shall not be a candidate
for or hold any other public office, shall not be a member of any
political party committee and shall immediately forfeit and
vacate his or her office as director in the event he or she
becomes a candidate for or accepts appointment to any other
public office or political party committee: Provided, That, in
the event of a vacancy in the position of director, the Governor
may fill the director's position on an interim basis by appoint-
ing an acting director to exercise the powers of the director. The
acting director shall be a citizen of West Virginia, shall be a
competent person of good repute and temperate habits with a
demonstrated interest and five years' education, training or
experience in underground coal mining safety and shall have at
least three years of experience in a position of responsibility in
at least one discipline relating to the duties and responsibilities
for which the acting director will be responsible during his or
her interim service in the office of director. The interim service
appointment can not last for more than one year, after which a
permanent director must be appointed.

(e) The director shall be allowed and paid necessary
expenses incident to the performance of his or her official
duties. Prior to the assumption of his or her official duties, the
director shall take the oath required of public officials pre-
scribed by section five, article IV of the Constitution of West
Virginia and shall execute a bond, with surety approved by the
Governor, in the penal sum of ten thousand dollars. The
executed oath and bond shall be filed in the Office of the
Secretary of State. Premiums on the bond shall be paid from
office funds.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 28th day of March, 2006.

Governor