WEST VIRGINIA LEGISLATURE  
Regular Session, 2006  

ENROLLED  

SENATE BILL NO. 539  

(By Senator Kessler, et al.)  

PASSED February 13, 2006  

In Effect from Passage
ENROLLED

Senate Bill No. 539

(BY SENATORS KESSLER, DEMPSEY, FANNING, FOSTER, HUNTER, JENKINS, MINARD, OLIVERIO, WHITE, BARNES, DEEM, HARRISON AND LANHAM)

[Passed February 13, 2006; in effect from passage]

AN ACT to amend and reenact §22A-1-3 of the Code of West Virginia, 1931, as amended, relating to increasing the professional qualifications required for the position of Director of the office of Miners' Health, Safety and Training.

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.

§22A-1-3. Director of the office of Miners' Health, Safety and Training.

(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 orga-
nize 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,
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 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.
(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 prescribed 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

 Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 21st Day of January, 2006.

Governor
PRESENTED TO THE
GOVERNOR

FEB 17 2006

Time 12:40