WEST VIRGINIA LEGISLATURE
Regular Session, 2006

ENROLLED

SENATE BILL NO. 760

(By Senators White and Hunter)

PASSED March 9, 2006

In Effect 90 days from Passage
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AN ACT to amend and reenact §22A-9-1 of the Code of West Virginia, 1931, as amended, relating to providing that a former director of the West Virginia University School of Mines may be selected to serve on the Mine Inspectors' Examining Board.

Be it enacted by the Legislature of West Virginia:

That §22A-9-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 9. MINE INSPECTORS' EXAMINING BOARD.

§22A-9-1. Mine Inspectors' Examining Board.

1 The Mine Inspectors' Examining Board is continued. It consists of five members who shall be appointed by the Governor, by and with the advice and consent of the Senate. Members so appointed may be removed only for the same causes and in like manner as elective state
officers. One of the members of the board shall be a representative of the public, who shall be the director or a former director of the School of Mines at West Virginia University. Two members of the board shall be persons who by reason of previous training and experience may reasonably be said to represent the viewpoint of coal mine operators and two members shall be persons who by reason of previous training and experience may reasonably be said to represent the viewpoint of coal mine workers.

The Director of the Office of Miners' Health, Safety and Training is an ex officio member of the board and shall serve as secretary of the board, without additional compensation; but the director has no right to vote with respect to any matter before the board.

The members of the board, except the public representative, shall be appointed for overlapping terms of eight years, except that the original appointments shall be for terms of two, four, six and eight years, respectively. Any member whose term expires may be reappointed by the Governor. Members serving on the effective date of this article may continue to serve until their terms expire.

Each member of the board shall be paid the same compensation, and each member of the board shall be paid the expense reimbursement, as is paid to members of the Legislature for their interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law for each day or portion thereof engaged in the discharge of official duties. Any such amounts shall be paid out of the State Treasury upon a requisition upon the State Auditor, properly certified by such members of the board.

The public member is chair of the board. Members of the board, before performing any duty, shall take and subscribe to the oath required by section five, article IV of the Constitution of West Virginia.
The Mine Inspectors' Examining Board shall meet at such times and places as shall be designated by the chair. It is the duty of the chair to call a meeting of the board on the written request of three members or the Director of the Office of Miners' Health, Safety and Training. Notice of each meeting shall be given in writing to each member by the secretary at least five days in advance of the meeting. Three members is a quorum for the transaction of business.

In addition to other duties expressly set forth elsewhere in this article, the board shall:

(1) Establish, and from time to time revise, forms of application for employment as mine inspectors, which shall include the applicant's social security number, and forms for written examinations to test the qualifications of candidates for that position;

(2) Adopt and promulgate reasonable rules relating to the examination, qualification and certification of candidates for appointment as mine inspectors and hearing for removal of inspectors, required to be held by section twelve, article one of this chapter. All of such rules shall be printed and a copy thereof furnished by the secretary of the board to any person upon request;

(3) Conduct, after public notice of the time and place thereof, examinations of candidates for appointment as mine inspector. By unanimous agreement of all members of the board, one or more members of the board or an employee of the Office of Miners' Health, Safety and Training may be designated to give a candidate the written portion of the examination;

(4) Prepare and certify to the Director of the Office of Miners' Health, Safety and Training a register of qualified eligible candidates for appointment as mine inspectors. The register shall list all qualified eligible candidates in the order of their grades, the candidate with the highest
grade appearing at the top of the list. After each meeting
of the board held to examine such candidates, and at least
annually, the board shall prepare and submit to the
Director of the Office of Miners' Health, Safety and
Training a revised and corrected register of qualified
candidates for appointment as mine inspector,
deleting from such revised register all persons: (a) Who are
no longer residents of West Virginia; (b) who have allowed
a calendar year to expire without, in writing, indicating
their continued availability for such appointment; (c) who
have been passed over for appointment for three years; (d)
who have become ineligible for appointment since the
board originally certified that such person was qualified
and eligible for appointment as mine inspector; or (e) who,
in the judgment of at least four members of the board,
should be removed from the register for good cause;

(5) Cause the secretary of the board to keep and preserve
the written examination papers, manuscripts, grading
sheets and other papers of all applicants for appointment
as mine inspector for such period of time as may be
established by the board. Specimens of the examinations
given, together with the correct solution of each question,
shall be preserved permanently by the secretary of the
board;

(6) Issue a letter or written notice of qualification to each
successful eligible candidate;

(7) Hear and determine proceedings for the removal of
mine inspectors in accordance with the provisions of this
article;

(8) Hear and determine appeals of mine inspectors from
suspension orders made by the director pursuant to the
provisions of section four, article one of this chapter:
Provided, That an aggrieved inspector, in order to appeal
from any order of suspension, shall file such appeal in
writing with the Mine Inspectors' Examining Board not
later than ten days after receipt of notice of suspension.
On such appeal the board shall affirm the act of the director unless it be satisfied from a clear preponderance of the evidence that the director has acted arbitrarily;

(9) Make an annual report to the Governor and the director concerning the administration of mine inspection personnel in the state service, making such recommendations as the board considers to be in the public interest.
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 ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within.......................... this the................................
Day of.........................., 2006.

Governor