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HB 4596

FILED

2006 MAR 30 A 10: 03

CITIZEN WEST VIRGINIA
SECRETARY OF STATE

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

FILED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

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.**

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

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

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

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

16 (d) The Director of the Office of Miners' Health, Safety and
17 Training shall be a citizen of West Virginia, shall be a compe-
18 tent person of good repute and temperate habits with a demon-
19 strated interest and five years' education or training in under-
20 ground mining safety, and three years' experience in under-
21 ground mining and shall have at least three years of experience
22 in a position of responsibility in at least one discipline relating
23 to the duties and responsibilities for which the director will be
24 responsible upon assumption of the office of director. Special
25 reference shall be given to his or her administrative experience
26 and ability. The director shall devote all of his or her time to the
27 duties of the position of director and shall not be directly
28 interested financially in any mine in this or any other state nor
29 shall the director, either directly or indirectly, be a majority
30 owner of, or have control of or a controlling interest in, a mine

31 in this or any other state. The director shall not be a candidate
32 for or hold any other public office, shall not be a member of any
33 political party committee and shall immediately forfeit and
34 vacate his or her office as director in the event he or she
35 becomes a candidate for or accepts appointment to any other
36 public office or political party committee: *Provided*, That, in
37 the event of a vacancy in the position of director, the Governor
38 may fill the director's position on an interim basis by appoint-
39 ing an acting director to exercise the powers of the director. The
40 acting director shall be a citizen of West Virginia, shall be a
41 competent person of good repute and temperate habits with a
42 demonstrated interest and five years' education, training or
43 experience in underground coal mining safety and shall have at
44 least three years of experience in a position of responsibility in
45 at least one discipline relating to the duties and responsibilities
46 for which the acting director will be responsible during his or
47 her interim service in the office of director. The interim service
48 appointment can not last for more than one year, after which a
49 permanent director must be appointed.

50 (e) The director shall be allowed and paid necessary
51 expenses incident to the performance of his or her official
52 duties. Prior to the assumption of his or her official duties, the
53 director shall take the oath required of public officials pre-
54 scribed by section five, article IV of the Constitution of West
55 Virginia and shall execute a bond, with surety approved by the
56 Governor, in the penal sum of ten thousand dollars. The
57 executed oath and bond shall be filed in the Office of the
58 Secretary of State. Premiums on the bond shall be paid from
59 office funds.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



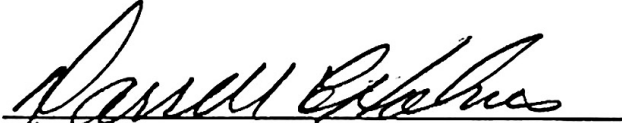
Chairman Senate Committee



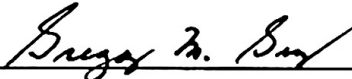
Chairman House Committee

Originating in the House.


In effect ninety days from passage.




Clerk of the Senate



Clerk of the House of Delegates

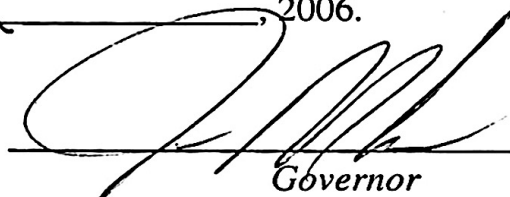


President of the Senate



Speaker of the House of Delegates

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



Governor

PRESENTED TO THE
GOVERNOR

MAR 22 2006

Time 3:55pm