WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008

ENROLLED

House Bill No. 4348
(BY Delegates Caputo, White, M. Poling, Manchin, DeLong, Webster and Fragale)

Passed March 8, 2008
In Effect Ninety Days from Passage
AN ACT to amend and reenact §22A-1-4 of the code of West Virginia, 1931, as amended, clarifying and affirming the practice of the Office of Miners’ Health, Safety and Training to charge reasonable fees for providing certain tests, certificates and publications.

Be it enacted by the Legislature of West Virginia:

That §22A-1-4 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-1-4. Powers and duties of the director of the office of miners' health, safety and training.

(a) The Director of the Office of Miners' Health, Safety and Training is hereby empowered and it is his or her duty to
administer and enforce such provisions of this chapter relating to health and safety inspections and enforcement and training in surface and underground coal mines, underground clay mines, open pit mines, cement manufacturing plants and underground limestone and sandstone mines.

(b) The Director of the Office of Miners' Health, Safety and Training has full charge of the division. The director has the power and duty to:

(1) Supervise and direct the execution and enforcement of the provisions of this article.

(2) Employ such assistants, clerks, stenographers and other employees as may be necessary to fully and effectively carry out his or her responsibilities and fix their compensation, except as otherwise provided in this article.

(3) Assign mine inspectors to divisions or districts in accordance with the provisions of section eight of this article as may be necessary to fully and effectively carry out the provisions of this law, including the training of inspectors for the specialized requirements of surface mining, shaft and slope sinking and surface installations and to supervise and direct such mine inspectors in the performance of their duties.

(4) Suspend, for good cause, any such mine inspector without compensation for a period not exceeding thirty days in any calendar year.

(5) Prepare report forms to be used by mine inspectors in making their findings, orders and notices, upon inspections made in accordance with this article.

(6) Hear and determine applications made by mine operators for the annulment or revision of orders made by
mine inspectors, and to make inspections of mines, in accordance with the provisions of this article.

(7) Cause a properly indexed permanent and public record to be kept of all inspections made by himself or by mine inspectors.

(8) Make annually a full and complete written report of the administration of the office to the Governor and the Legislature of the state for the year ending the thirtieth day of June. The report shall include the number of visits and inspections of mines in the state by mine inspectors, the quantity of coal, coke and other minerals (excluding oil and gas) produced in the state, the number of individuals employed, number of mines in operation, statistics with regard to health and safety of persons working in the mines including the causes of injuries and deaths, improvements made, prosecutions, the total funds of the office from all sources identifying each source of such funds, the expenditures of the office, the surplus or deficit of the office at the beginning and end of the year, the amount of fines collected, the amount of fines imposed, the value of fines pending, the number and type of violations found, the amount of fines imposed, levied and turned over for collection, the total amount of fines levied but not paid during the prior year, the titles and salaries of all inspectors and other officials of the office, the number of inspections made by each inspector, the number and type of violations found by each inspector: Provided, That no inspector is identified by name in this report. Such reports shall be filed with the Governor and the Legislature on or before the thirty-first day of December of the same year for which it was made, and shall upon proper authority be printed and distributed to interested persons.

(9) Call or subpoena witnesses, for the purpose of conducting hearings into mine fires, mine explosions or any
mine accident; to administer oaths and to require production
of any books, papers, records or other documents relevant or
material to any hearing, investigation or examination of any
mine permitted by this chapter. Any witness so called or
subpoenaed shall receive forty dollars per diem and shall
receive mileage at the rate of fifteen cents for each mile
actually traveled, which shall be paid out of the State
Treasury upon a requisition upon the State Auditor, properly
certified by such witness.

(10) Institute civil actions for relief, including permanent
or temporary injunctions, restraining orders, or any other
appropriate action in the appropriate federal or state court
whenever any operator or the operator's agent violates or fails
or refuses to comply with any lawful order, notice or decision
issued by the director or his or her representative.

(11) Perform all other duties which are expressly imposed
upon him or her by the provisions of this chapter.

(12) Impose reasonable fees upon applicants taking tests
administered pursuant to the requirements of this chapter.

(13) Impose reasonable fees for the issuance of
certifications required under this chapter.

(14) Prepare study guides and other forms of publications
relating to mine safety and charge a reasonable fee for the
sale of the publications.

(15) Make all records of the office open for inspection of
interested persons and the public.
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 31st day of March, 2008.

Governor
PRESENTED
GOVERNOR

MAR 25 2009

Time 10:00 AM