

HB 4348

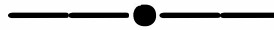
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OFFICE OF THE  
SECRETARY OF STATE

# 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

**E N R O L L E D**

**FILED**

2008 MAR 31 PM 4: 55

**H. B. 4348**

CLARENCE M. BROWN  
SECRETARY OF STATE

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(BY DELEGATES CAPUTO, WHITE, M. POLING,  
MANCHIN, DELONG, WEBSTER AND FRAGALE)

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[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.**

- 1 (a) The Director of the Office of Miners' Health, Safety  
2 and Training is hereby empowered and it is his or her duty to

3 administer and enforce such provisions of this chapter  
4 relating to health and safety inspections and enforcement and  
5 training in surface and underground coal mines, underground  
6 clay mines, open pit mines, cement manufacturing plants and  
7 underground limestone and sandstone mines.

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

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

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

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

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

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

30 (6) Hear and determine applications made by mine  
31 operators for the annulment or revision of orders made by

32 mine inspectors, and to make inspections of mines, in  
33 accordance with the provisions of this article.

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

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

63 (9) Call or subpoena witnesses, for the purpose of  
64 conducting hearings into mine fires, mine explosions or any

65 mine accident; to administer oaths and to require production  
66 of any books, papers, records or other documents relevant or  
67 material to any hearing, investigation or examination of any  
68 mine permitted by this chapter. Any witness so called or  
69 subpoenaed shall receive forty dollars per diem and shall  
70 receive mileage at the rate of fifteen cents for each mile  
71 actually traveled, which shall be paid out of the State  
72 Treasury upon a requisition upon the State Auditor, properly  
73 certified by such witness.

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

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

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

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

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

89 (15) Make all records of the office open for inspection of  
90 interested persons and the public.

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

  
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Chairman Senate Committee

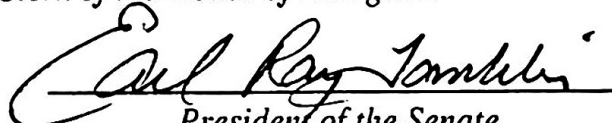
  
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Chairman House Committee

Originating in the House.

In effect ninety days from passage.

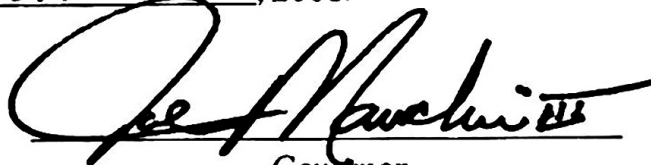
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 3/5  
day of March, 2008.

  
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Governor

PRESENTED  
GOVERNOR

MAR 25 2000

Time 10:00am