

SB 539

FILED

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OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2006

ENROLLED

SENATE BILL NO. 539

(By Senator Kessler, et AL)

PASSED February 13, 2006

In Effect from Passage

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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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.**

- 1 (a) The Director of the office of Miners' Health, Safety
- 2 and Training is responsible for surface and underground

3 safety inspections of coal mines and the administration of
4 the office of Miners' Health, Safety and Training.

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

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

17 (d) The Director of the Office of Miners' Health, Safety
18 and Training shall be a citizen of West Virginia, shall be a
19 competent person of good repute and temperate habits
20 with a demonstrated interest and five years' education,
21 training or experience in underground coal mining safety
22 and shall have at least three years of experience in a
23 position of responsibility in at least one discipline relating
24 to the duties and responsibilities for which the director
25 will be responsible upon assumption of the office of
26 director. Special reference shall be given to his or her
27 administrative experience and ability. The director shall
28 devote all of his or her time to the duties of the position of
29 director and shall not be directly interested financially in
30 any mine in this or any other state nor shall the director,
31 either directly or indirectly, be a majority owner of, or
32 have control of or a controlling interest in, a mine in this
33 or any other state. The director shall not be a candidate
34 for or hold any other public office, shall not be a member
35 of any political party committee and shall immediately
36 forfeit and vacate his or her office as director in the event
37 he or she becomes a candidate for or accepts appointment
38 to any other public office or political party committee.

39 (e) The director shall be allowed and paid necessary
40 expenses incident to the performance of his or her official
41 duties. Prior to the assumption of his or her official duties,
42 the director shall take the oath required of public officials
43 prescribed by section five, article IV of the Constitution of
44 West Virginia and shall execute a bond, with surety
45 approved by the Governor, in the penal sum of ten thou-
46 sand dollars. The executed oath and bond shall be filed in
47 the office of the Secretary of State. Premiums on the bond
48 shall be paid from office funds.

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

Candy White
.....
Chairman Senate Committee

R. Burns
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Parrell Holmes
.....
Clerk of the Senate

Bryce M. Boyl
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Robert St. John
.....
Speaker House of Delegates

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

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

FEB 17 2006

Time 12:40 pm