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SPB 760

Retired

FILED

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WEST VIRGINIA
SECRETARY OF STATE

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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Senate Bill No. 760

(BY SENATORS WHITE AND HUNTER)

[Passed March 9, 2006; in effect ninety days from passage.]

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
2 consists of five members who shall be appointed by the
3 Governor, by and with the advice and consent of the
4 Senate. Members so appointed may be removed only for
5 the same causes and in like manner as elective state

6 officers. One of the members of the board shall be a
7 representative of the public, who shall be the director or a
8 former director of the School of Mines at West Virginia
9 University. Two members of the board shall be persons
10 who by reason of previous training and experience may
11 reasonably be said to represent the viewpoint of coal mine
12 operators and two members shall be persons who by
13 reason of previous training and experience may reasonably
14 be said to represent the viewpoint of coal mine workers.

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

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

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

37 The public member is chair of the board. Members of
38 the board, before performing any duty, shall take and
39 subscribe to the oath required by section five, article IV of
40 the Constitution of West Virginia.

41 The Mine Inspectors' Examining Board shall meet at
42 such times and places as shall be designated by the chair.
43 It is the duty of the chair to call a meeting of the board on
44 the written request of three members or the Director of the
45 Office of Miners' Health, Safety and Training. Notice of
46 each meeting shall be given in writing to each member by
47 the secretary at least five days in advance of the meeting.
48 Three members is a quorum for the transaction of busi-
49 ness.

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

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

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

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

71 (4) Prepare and certify to the Director of the Office of
72 Miners' Health, Safety and Training a register of qualified
73 eligible candidates for appointment as mine inspectors.
74 The register shall list all qualified eligible candidates in
75 the order of their grades, the candidate with the highest

76 grade appearing at the top of the list. After each meeting
77 of the board held to examine such candidates, and at least
78 annually, the board shall prepare and submit to the
79 Director of the Office of Miners' Health, Safety and
80 Training a revised and corrected register of qualified
81 eligible candidates for appointment as mine inspector,
82 deleting from such revised register all persons: (a) Who are
83 no longer residents of West Virginia; (b) who have allowed
84 a calendar year to expire without, in writing, indicating
85 their continued availability for such appointment; (c) who
86 have been passed over for appointment for three years; (d)
87 who have become ineligible for appointment since the
88 board originally certified that such person was qualified
89 and eligible for appointment as mine inspector; or (e) who,
90 in the judgment of at least four members of the board,
91 should be removed from the register for good cause;

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

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

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

105 (8) Hear and determine appeals of mine inspectors from
106 suspension orders made by the director pursuant to the
107 provisions of section four, article one of this chapter:
108 *Provided*, That an aggrieved inspector, in order to appeal
109 from any order of suspension, shall file such appeal in
110 writing with the Mine Inspectors' Examining Board not
111 later than ten days after receipt of notice of suspension.

112 On such appeal the board shall affirm the act of the
113 director unless it be satisfied from a clear preponderance
114 of the evidence that the director has acted arbitrarily;

115 (9) Make an annual report to the Governor and the
116 director concerning the administration of mine inspection
117 personnel in the state service, making such recommenda-
118 tions 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.

Candy White

.....
Chairman Senate Committee

W. Ben

.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Russell E. White

.....
Clerk of the Senate

Bryan W. Sullivan

.....
Clerk of the House of Delegates

Carl Roy Tomblin

.....
President of the Senate

Robert S. Taylor

.....
Speaker House of Delegates

The within *is disapproved* this the *4th*

Day of *April*, 2006.

Robert M. Taylor
Governor

PRESENTED TO THE
GOVERNOR

MAR 3 0 2006

Time 12:15 pm