

1 **H. B. 4584**

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3 (By Delegate Caputo)

4 [Introduced February 17, 2012; referred to the

5 Committee on Energy, Industry and Labor, Economic Development and

6 Small Business then the Judiciary.]

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10 A BILL to amend and reenact §22A-1-25 and §22A-1-27 of the Code of  
11 West Virginia, 1931, as amended, all relating to requiring the  
12 Mine Foreman Examiner to review the employment history and  
13 certify that the applicant for the position of underground  
14 assistant mine foreman has met the underground mine experience  
15 requirements for the position.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §22A-1-25 and §22A-1-27 of the Code of West Virginia,  
18 1931, as amended, be amended and reenacted, all to read as follows:

19 **ARTICLE 1. OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING;**  
20 **ADMINISTRATION; ENFORCEMENT.**

21 **§22A-1-25. Duties of mine foreman examiner.**

22 The duties of the mine foreman examiner are to:

1 (a) Prepare and conduct examinations of mine foremen,  
2 assistant mine foremen and fire bosses;

3 (b) Prepare and certify to the director a register of all  
4 persons who successfully completed the examination with a passing  
5 grade of eighty percent.

6 (c) Certify to the director, as provided in section twenty-  
7 seven of this article, that applicants for the position of  
8 underground assistant mine foreman have met the underground  
9 experience requirements set forth in section seven, article one of  
10 this chapter.

11 **§22A-1-27. Preparation of examinations; notice of intention to**  
12 **take examination; investigation of applicants.**

13 The mine foreman examiner shall, with the approval of the  
14 director, prepare, and from time to time, modify examinations to be  
15 administered applicants for certification as mine foremen and fire  
16 bosses.

17 All persons who desire to appear for examination shall notify  
18 the mine foreman examiner of their intentions to appear, if  
19 possible, not less than ten days prior to the date set for the  
20 examination.

21 The mine foreman examiner shall inquire into the character and  
22 qualifications of the applicants who present themselves for  
23 examination. For underground assistant mine foreman applicants, the  
24 mine foreman examiner shall review and certify the work history of

1 the applicant to determine that the applicant has the requisite  
2 experience, including underground mine face experience, required by  
3 section seven, article two of this chapter. The underground  
4 assistant mine foreman's application must include with it a signed  
5 statement from an underground foreman at the mine where the  
6 applicant is employed verifying the applicant's underground mine  
7 experience.

NOTE: The purpose of this bill is require the Mine Foreman Examiner to review and certify that the employment history of an applicant for the position of underground assistant mine foreman meets the underground experience requirements of §22A-1-7.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.