

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 577**

4 (By Senators Cann, Beach, Edgell, Facemire, Fitzsimmons, Green,
5 D. Hall, Kirkendoll, Miller, Tucker, Williams, Yost, Plymale and
6 Snyder)

7 _____
8 [Originating in the Committee on the Judiciary;
9 reported February 25, 2014.]
10 _____

**FISCAL
NOTE**

11
12 A BILL to amend and reenact §21-3A-2 of the Code of West Virginia,
13 1931, as amended, relating to making the Department of
14 Corrections and the Department of Health and Human Resources,
15 and their respective workplaces, subject to the Occupational
16 Safety and Health Act.

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

18 That §21-3A-2 of the Code of West Virginia, 1931, as amended,
19 be amended and reenacted to read as follows:

20 **ARTICLE 3A. OCCUPATIONAL SAFETY AND HEALTH ACT.**

21 **§21-3A-2. Definitions.**

22 As used in this chapter, unless the context clearly indicates
23 otherwise:

24 ~~(a)~~ "Commission" means the occupational safety and health

1 review commission established under this article;

2 ~~(b)~~ "Commissioner" means the labor commissioner or his or her
3 designated agent;

4 ~~(c)~~ "Employee" means any public employee of the state, or any
5 state agency;

6 ~~(d)~~ "Employer" means public employer and shall include the
7 state or any department, division, bureau, board, council, agency
8 or authority of the state, but ~~shall~~ does not include the
9 department of corrections, ~~the department of health and~~ or the
10 Legislature;

11 ~~(e)~~ "Occupational safety and health standard" means a standard
12 for health or safety which requires the adoption or use of one or
13 more practices, means, methods, operations or processes reasonably
14 necessary or appropriate to provide safe and healthful employment
15 in places of employment;

16 ~~(f)~~ "Person" means one or more individuals; and

17 ~~(g)~~ "Workplace" means a place where public employees are
18 assigned to work but ~~shall~~ does not include any place where public
19 employees are assigned to work that is inspected and regulated in
20 accordance with federal occupational safety and health standards or
21 mine safety and health administration standards, or facilities
22 under the authority of the department of corrections, the
23 department of health, or the Legislature.