

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 883

BY SENATOR PHILLIPS

[Passed April 11, 2025; in effect 90 days from

passage (July 10, 2025)]

1 AN ACT to amend and reenact §22A-1-8, §22A-1-9, §22A-1-11, §22A-1-12, §22A-1-13, §22A-4-
2 5, §22A-6-3, and §22A-9-1 of the Code of West Virginia, 1931, as amended, relating to
3 providing the Director of the West Virginia Office of Miners' Health, Safety, and Training
4 discretion and authority in the appointment of surface mine inspectors, mine safety
5 instructors, electrical inspectors, underground mine inspectors, and inspectors; requiring
6 Office of Miners' Health, Safety and Training report certain information to Board of Coal
7 Mine Health and Safety; modifying certain age limit provisions regarding certain mine
8 inspectors; and limiting tenure eligibility for certain mine inspectors.

Be it enacted by the Legislature of West Virginia:

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

§22A-1-8. Mine inspectors; regions and districts; employment; tenure; oath.

1 (a) Notwithstanding any other provisions of this code to the contrary, mine inspectors shall
2 be selected, serve, and be removed as provided in this article.

3 (1) The director shall divide the state into a sufficient number of regions, so as to equalize,
4 as far as practical, the work of each inspector. The director may assign inspectors to districts and
5 may designate and assign not more than one inspector-at-large and one assistant inspector-at-
6 large to each region. The director may designate the places of abode of inspectors at points
7 convenient to the mines of their respective districts and, in the case of inspectors-at-large and
8 assistant inspectors-at-large, their respective regions.

9 (2) The director has full discretion and authority in the original appointment of all mine
10 inspectors, including any testing and qualifications necessary for an applicant to be considered
11 for appointment. The director shall report to the Board of Coal Mine Health and Safety:

12 (A) Any such appointment; and

13 (B) Information regarding all applications and testing. The board shall have access to all
14 applications and may be present during applicant testing.

15 Each original appointment shall be made by the director for a probationary period of not
16 more than one year.

17 (3) The director shall prepare a register of qualified eligible candidates for mine inspector.
18 Candidates shall be selected from the register. In the event the number of qualified eligible
19 candidates on the register is three or fewer, the director shall undertake efforts to develop a new
20 register containing more than three qualified eligible candidates.

21 (4) The director shall make each appointment from among the three candidates on the
22 register having the highest grades. The director may, for good cause and at least 30 days prior to
23 making an appointment, strike any candidate from the register. The director shall immediately
24 notify the candidate in writing of their removal. Upon his or her written request, the candidate can
25 be placed back upon the register. Such a request may not be unreasonably denied by the
26 director.

27 (5) The name of any candidate passed over for appointment for three years shall be
28 deleted from the register.

29 (b) After having served for a probationary period of one year to the satisfaction of the
30 director, a mine inspector is eligible for permanent tenure, subject to dismissal only for cause in
31 accordance with the applicable provisions of §22A-1-12 of this code. A mine inspector, while in
32 office, may not be directly or indirectly interested as an employee, owner, lessor, operator,
33 stockholder, superintendent, or engineer of any coal mine. Before entering upon the discharge of
34 the duties as a mine inspector, he or she shall take the oath of office prescribed by Section 5,
35 Article IV of the Constitution of West Virginia, a certificate of which oath shall be filed in the office
36 of the Secretary of State.

37 (c) The inspectors, inspectors-at-large, and assistant inspectors-at-large, together with the
38 director, shall make all inspections authorized by this article and §22A-2-1 *et seq.* of this code

39 and shall perform such other duties as are imposed upon mine inspectors by this chapter and by
40 any applicable legislative rules.

§22A-1-9. Mine safety instructors; eligibility; qualifications; examinations; salary; provisions relating to underground mine inspectors applicable to mine safety instructors.

1 (a) The office shall employ a sufficient number of mine safety instructors as the director
2 determines to be reasonably necessary in fully and effectively carrying out the applicable
3 provisions of this chapter.

4 (b) To be eligible for employment as a mine safety instructor, the applicant shall:

5 (1) Be a citizen of West Virginia, in good health, not less than 24 years of age, of good
6 character and reputation, and of temperate habits;

7 (2) Have had at least five years of practical experience in coal mines, at least two of which
8 have been in mines in this state: *Provided*, That graduation from any accredited college of mining
9 engineering may be considered equivalent to two years of practical experience;

10 (3) Have had practical experience with dangerous gases found in coal mines, and have
11 good theoretical and practical knowledge of mines, mining methods, mine ventilation, sound
12 safety practices, and applicable mining laws and rules; and

13 (4) Hold a West Virginia foreman-fireboss certification; or have at least three years of
14 experience as an actual working team member of a mine rescue team; or have at least three
15 years of experience as a member of a first aid team or emergency medical technician team; or
16 have had at least three years of experience as the safety director; or have had at least three years
17 of experience as an active member of a mine safety committee.

18 For the purpose of this section, practical experience means the performance of normal
19 mining duties requiring a person to hold a certificate of competency and qualification as an
20 experienced miner prior to actually performing such duties.

21 (c) In order to qualify for appointment as a mine safety instructor, an eligible applicant shall
22 submit to written, oral, and practical examinations administered by the director and furnish

23 evidence of good health, character, and other facts establishing eligibility as the director may
24 require. The examinations shall relate to the duties to be performed by a mine safety instructor
25 and are subject to the approval of the director.

26 (1) The director has full discretion and authority in the original appointment of all mine
27 inspectors, including any testing and qualifications necessary for an applicant to be considered
28 for appointment. The director shall report to the Board of Coal Mine Health and Safety:

29 (A) Any such appointment; and

30 (B) Information regarding all applications and testing. The board shall have access to all
31 applications and may be present during applicant testing.

32 (2) If the director finds after investigation and examination that an applicant: (A) Is eligible
33 for appointment; and (B) has passed each required examination with a grade of at least 75 percent
34 or an overall combined average score of 80 percent, the director shall add the applicant's name
35 and grades to the register of qualified eligible candidates. The director shall then appoint one of
36 the candidates from the three having the highest grades.

37 (d) Mine safety instructors shall be paid an annual salary of not less than \$37,400, which
38 shall be fixed by the director, who shall take into consideration ability, performance of duty, and
39 experience. Mine safety instructors shall devote all of their time to the duties of the office.

40 (e) Except as expressly provided in this section to the contrary, all provisions of this article
41 relating to the eligibility, qualification, appointment, tenure, and removal of underground mine
42 inspectors, as well as those provisions relating to compensatory time and reimbursement for
43 necessary expenses, are applicable to mine safety instructors.

**§22A-1-11. Employment of electrical inspectors; eligibility; qualifications; examinations;
salary; provisions relating to underground mine inspectors applicable to electrical
inspectors.**

1 (a) The office shall employ a sufficient number of electrical inspectors as the director
2 determines to be reasonably necessary in fully and effectively carrying out the applicable
3 provisions of this chapter.

4 (b) To be eligible for employment as an electrical inspector, the applicant shall:

5 (1) Be a citizen of West Virginia, in good health, not less than 24 years of age, of good
6 character and reputation, and of temperate habits; and

7 (2) Have had five years of practical electrical experience in coal mines, at least two of
8 which were in mines in this state, or a degree in electrical engineering from an accredited electrical
9 engineering school and three years of practical electrical experience in underground coal mining.

10 For the purposes of this section, practical electrical experience means the performance of duties
11 requiring a person to be a certified electrician, as that term is defined in §22A-1-2(d)(2) of this
12 code, prior to actually performing such duties.

13 (c) (1) In order to qualify for appointment as an electrical inspector, an eligible applicant
14 shall submit to written, oral, and practical examinations administered by the director and furnish
15 evidence of good health, character and other facts establishing eligibility as the director may
16 require. The examinations shall relate to the duties to be performed by an electrical inspector and
17 are subject to approval of the director.

18 (2) If the director finds after investigation and examination that an applicant: (A) Is eligible
19 for appointment; and (B) has passed the required examinations with an average grade of at least
20 90 percent, the director shall add the applicant's name and grades to the register of qualified
21 eligible candidates. The director shall then appoint one of the candidates from the three having
22 the highest grades.

23 (3) The director has full discretion and authority in the original appointment of all mine
24 inspectors, including any testing and qualifications necessary for an applicant to be considered
25 for appointment. The director shall report to the Board of Coal Mine Health and Safety:

26 (A) Any such appointment; and

27 (B) Information regarding all applications and testing. The board shall have access to all
28 applications and may be present during applicant testing.

29 (d) Electrical inspectors shall be paid an annual salary of not less than \$42,828, which
30 shall be fixed by the director, who shall take into consideration ability, performance of duty and
31 experience. Electrical inspectors shall devote all of their time to the duties of the office.

32 (e) Except as expressly provided in this section to the contrary, all provisions of this article
33 relating to the eligibility, qualifications, appointment, tenure and removal of underground mine
34 inspectors, as well as those provisions relating to compensatory time and reimbursement for
35 necessary expenses, are applicable to mine electrical inspectors.

**§22A-1-12. Employment of underground mine inspectors; eligibility; qualifications;
examinations; salary and expenses; reinstatement; removal.**

1 (a) The office shall employ as many underground mine inspectors as the director
2 determines to be reasonably necessary in fully and effectively carrying out the applicable
3 provisions of this chapter.

4 (b) To be eligible for employment as a mine inspector the applicant shall:

5 (1) Be a citizen of West Virginia, in good health, not less than 24 years of age, of good
6 character and reputation, and of temperate habits;

7 (2) Have had at least five years of practical experience in coal mines, at least two of which
8 have been in mines of this state: *Provided*, That graduation from any accredited college of mining
9 engineering may be considered the equivalent of two years of practical experience;

10 (3) Have had practical experience with dangerous gases found in coal mines; and

11 (4) Have good theoretical and practical knowledge of mines, mining methods, mine
12 ventilation, sound safety practices, and applicable mining laws and rules. For the purpose of this
13 section, practical experience means the performance of normal mining duties requiring a person
14 to hold a certificate of competency and qualification as an experienced underground miner prior
15 to actually performing such duties.

16 (c) In order to qualify for appointment as an underground mine inspector, an eligible
17 applicant shall submit to written, oral, and practical examinations administered by the director and

18 furnish evidence of good health, character, and other facts establishing eligibility as the director
19 may require. The examinations shall relate to the duties to be performed by an underground mine
20 inspector and are subject to the approval of the director. If the director finds after investigation
21 and examination that an applicant: (1) Is eligible for appointment; and (2) has passed each
22 required examination, with a grade of at least 75 percent or an overall combined average score
23 of 80 percent, the director shall add the applicant's name and grades to the register of qualified
24 eligible candidates. The director shall then appoint one of the candidates from the three having
25 the highest grades.

26 (d) The director has full discretion and authority in the original appointment of all mine
27 inspectors, including any testing and qualifications necessary for an applicant to be considered
28 for appointment. The director shall report to the Board of Coal Mine Health and Safety:

29 (1) Any such appointment; and

30 (2) Information regarding all applications and testing. The board shall have access to all
31 applications and may be present during applicant testing.

32 (e) Underground mine inspectors shall be paid an annual salary of not less than \$38,160;
33 assistant inspectors-at-large, not less than \$44,448; and inspectors-at-large, not less than
34 \$46,104, each of which shall be fixed by the director, who shall take into consideration ability,
35 performance of duty, and experience. In accordance with established rules of the state's Travel
36 Management Office, underground mine inspectors shall also be allowed and paid expenses
37 necessarily incident to the performance of their official duties. Reimbursement for expenses may
38 be made only upon the timely submission of a properly itemized expense account settlement
39 completed by the underground mine inspector, approved and countersigned by the director, or
40 his or her designee, verifying that the expenses were actually incurred in the performance of
41 official duties. Underground mine inspectors shall devote all of their time to the duties of the office
42 and shall be afforded compensatory time or compensation of at least the regular rate for all time
43 in excess of 40 hours per week.

44 (f) (1) An underground mine inspector, after receiving a permanent appointment, may be
45 removed from office only for physical or mental impairment, incompetency, neglect of duty, public
46 intoxication, malfeasance in office, or other similarly good cause.

47 (2) The director may remove an underground mine inspector at any time for the reasons
48 set forth in §22A-1-12(e)(1) of this code. Upon such removal, the inspector shall be provided a
49 written notice of removal, describing any causes for removal and setting forth with particularity
50 the facts on which the removal was based. Not less than 20 reputable citizens, who are operators
51 or employees in mines in this state, may petition the director for the removal of an underground
52 mine inspector. If the petition is verified by at least one of the petitioners, based on actual
53 knowledge of the affiant of the alleged facts, which, if true, warrant the removal of the inspector,
54 the director shall cause an investigation of the alleged facts to be made. If, after the investigation,
55 the director finds that there is substantial evidence that warrants removal of the inspector, the
56 director shall remove the inspector and provide him or her a written notice of removal, describing
57 any causes for removal and setting forth with particularity the evidence found in the investigation.
58 In all cases of removal, the inspector may request, in writing, a hearing before the Board of Coal
59 Mine Health and Safety within 15 days of receipt of the notice of removal. The director shall
60 provide the inspector written notice of the right to a hearing in the notice of removal.

61 (3) If the inspector requests a hearing in writing, the board shall promptly schedule a
62 hearing and provide notice to the inspector of the time and place for such hearing, at which time
63 and place the board shall hear all evidence offered in support of the removal and on behalf of the
64 inspector. Each witness shall be sworn, and a transcript shall be made of all evidence taken and
65 proceedings had at the hearing. A continuance may not be granted except for good cause shown.
66 The administrator of the board, or in their absence a member of the board designated by the
67 board, has the power to administer oaths and subpoena witnesses.

68 (4) If any removed mine inspector requests a hearing and thereafter willfully refuses or
69 fails to appear before the board, or having appeared, refuses to answer under oath any relevant

70 question on the basis that the testimony or answer might incriminate him or her or refuses to
71 waive immunity from prosecution because of any relevant matter about which the inspector may
72 be asked to testify, then the inspector shall forfeit his or her position.

73 (5) If the inspector fails to request a hearing in writing, or after requesting a hearing in
74 writing and such hearing having been held, the board finds that the inspector should be removed
75 based on a preponderance of the evidence, the board shall enter an order to that effect. Should
76 the board find that the inspector should not have been removed, the inspector shall be reinstated.
77 The decision of the board is final and is not subject to judicial review.

§22A-1-13. Employment of surface mine inspectors; eligibility; qualifications; examinations; salary; provisions relating to underground mine inspectors applicable to surface mine inspectors.

1 (a) The office shall employ as many surface mine inspectors as the director determines to
2 be reasonably necessary in fully and effectively carrying out the applicable provisions of this
3 chapter.

4 (b) To be eligible for employment as a surface mine inspector the applicant shall:

5 (1) Be a citizen of West Virginia, in good health, not less than 24 years of age, of good
6 character and reputation and of temperate habits;

7 (2) Have had at least five years of practical experience in coal mines, at least two of which
8 have been on surface mines in this state: *Provided*, That graduation from any accredited college
9 of mining engineering may be considered the equivalent of two years of practical experience; and

10 (3) Have good theoretical and practical knowledge of surface mines, surface mining
11 methods, sound safety practices, and applicable mining laws and rules. For the purpose of this
12 section, practical experience means the performance of normal mining duties requiring a person
13 to hold a certificate of competency and qualification as an experienced surface miner prior to
14 actually performing the duties.

15 (c) In order to qualify for appointment as a surface mine inspector, an eligible applicant
16 shall submit to written, oral, and practical examinations administered by the director and furnish
17 evidence of good health, character and other facts establishing eligibility as the director may
18 require. The examinations shall relate to the duties to be performed by a surface mine inspector
19 and are subject to the approval of the director.

20 (1) If the director finds after investigation and examination that an applicant:: (A) Is eligible
21 for appointment; and (B) has passed each required examination with a grade of at least 75
22 percent, or an overall combined average score of 80 percent, the director shall add the applicant's
23 name and grades to the register of qualified eligible candidates. The director shall then appoint
24 one of the candidates from the three having the highest grades.

25 (2) The director has full discretion and authority in the original appointment of all mine
26 inspectors, including any testing and qualifications necessary for an applicant to be considered
27 for appointment. The director shall report to the Board of Coal Mine Health and Safety:

28 (A) Any such appointment; and

29 (B) Information regarding all applications and testing. The board shall have access to all
30 applications and may be present during applicant testing.

31 (d) Surface mine inspectors shall be paid an annual salary of not less than \$37,332, which
32 shall be fixed by the director, who shall take into consideration ability, performance of duty, and
33 experience. Surface mine inspectors shall devote all of their time to the duties of the office.

34 (e) Except as expressly provided in this section to the contrary, all provisions of this article
35 relating to the eligibility, qualification, appointment, tenure, and removal of underground mine
36 inspectors, as well as those provisions relating to compensatory time and reimbursement for
37 necessary expenses, are applicable to surface mine inspectors.

§22A-4-5. Inspectors.

1 (a) The Director of the Office of Miners' Health, Safety and Training shall divide the state
2 into not more than two mining districts and assign one inspector to each district. Such inspector

3 shall be a citizen of West Virginia, in good health, of good character and reputation, temperate in
4 habits, and have a minimum of five years of practical experience in such mining operations. To
5 qualify for appointment as such an inspector, an eligible applicant shall submit to a written and
6 oral examination by the director and furnish such evidence of good health, character, and other
7 facts establishing eligibility as the director may require. If the director finds after investigation and
8 examination that an applicant: (1) Is eligible for appointment; and (2) has passed all written and
9 oral examinations, with a grade of at least 90 percent, the director shall add such applicant's name
10 and grade to the register of qualified eligible candidates. A candidate's name may not remain in
11 the register for more than three years without requalifying.

12 (b) The director has full discretion and authority in the original appointment of all mine
13 inspectors, including any testing and qualifications necessary for an applicant to be considered
14 for appointment. The director shall report to the Board of Coal Mine Health and Safety:

15 (1) Any such appointment; and

16 (2) Information regarding all applications and testing. The board shall have access to all
17 applications and may be present during applicant testing.

18 (c) Any inspector appointed under this article shall have the same tenure accorded a mine
19 inspector, as provided in §22A-1-12(e) of this code, and shall be paid not less than \$15,000 per
20 year. Such inspector shall also receive reimbursement for traveling expenses at the rate of not
21 less than 15 cents for each mile actually traveled in the discharge of their duties in a privately
22 owned vehicle. Such inspector shall also be reimbursed for any expense incurred in maintaining
23 an office in his or her home, which office is used in the discharge of official duties: *Provided*, That
24 such reimbursement may not exceed \$240 per annum.

**§22A-6-3. Board continued; membership; method of nomination and appointment;
meetings; vacancies; quorum.**

1 (a) The Board of Coal Mine Health and Safety is continued, and commencing July 1, 2010,
2 is a separate independent board within the Department of Commerce. The board consists of six

3 voting members and one ex officio, nonvoting member who are residents of this state, and who
4 are appointed as follows:

5 (1) The Governor shall appoint, by and with the advice and consent of the Senate, three
6 members to represent the viewpoint of those operators in this state. When such members are to
7 be appointed, the Governor shall request from the major trade association representing operators
8 in this state a list of three nominees for each such position on the board. All such nominees shall
9 be persons with special experience and competence in health and safety. There shall be
10 submitted with such list a summary of the qualifications of each nominee. If the full lists of
11 nominees are submitted in accordance with the provisions of this subdivision, the Governor shall
12 make the appointments from the persons so nominated. For purposes of this subdivision, the
13 major trade association representing operators in this state is that association which represents
14 operators accounting for over one half of the coal produced in mines in this state in the year prior
15 to the year in which the appointment is to be made.

16 (2) The Governor shall appoint, by and with the advice and consent of the Senate, three
17 members who can reasonably be expected to represent the viewpoint of the working miners of
18 this state. When members are to be appointed, the Governor shall request from the major
19 employee organization representing coal miners within this state a list of three nominees for each
20 position on the board. The highest ranking official within the major employee organization
21 representing coal miners within this state shall submit a list of three nominees for each such
22 position on the board. The nominees shall have a background in health and safety. The Governor
23 shall make the appointments from the requested list of nominees.

24 (3) All appointments made by the Governor under the provisions of subdivisions (1) and
25 (2) of this subsection shall be with the advice and consent of the Senate; and

26 (4) The Director of the Office of Miners' Health, Safety and Training or his or her designee
27 serves as an ex officio, nonvoting member.

28 (b) Members serving on the board on January 1, 2017, shall continue to serve for a
29 minimum of three years until June 30, 2020. The term is three years. Members are eligible for
30 reappointment.

31 (c) Commencing on July 1, 2017, the board shall assume all powers and responsibilities
32 of the Board of Miners' Training, Education and Certification established pursuant to §22A-7-1 *et*
33 *seq.* of this code and the Mine Safety Technology Task Force established pursuant to §22A-11-
34 1 *et seq.* of this code.

35 (d) The Governor shall appoint, subject to the approval of a majority of the members of
36 the board appointed under subdivisions (1) and (2), subsection (a) of this section, a Health and
37 Safety Administrator in accordance with the provisions of §22A-6-6 of this code, who shall certify
38 all official records of the board. The Health and Safety Administrator shall be a full-time officer of
39 the Board of Coal Mine Health and Safety with the duties provided for in §22A-6-6 of this code.
40 The Health and Safety Administrator shall have such education and experience as the Governor
41 deems necessary to properly investigate areas of concern to the board in the development of
42 rules governing mine health and safety. The Governor shall appoint as Health and Safety
43 Administrator a person who has an independent and impartial viewpoint on issues involving mine
44 safety. The Health and Safety Administrator shall be a person who has not been during the two
45 years immediately preceding appointment, and is not during his or her term, an officer, trustee,
46 director, substantial shareholder, contractor, consultant, or employee of any coal operator, or an
47 employee or officer of an employee organization or a spouse of any such person. The Health and
48 Safety Administrator shall have the expertise to draft proposed rules and shall prepare such rules
49 as are required by this code and on such other areas as will improve coal mine health and safety.

50 (e) The board shall meet at least once during each calendar month, or more often as may
51 be necessary, and at other times upon the call of the chair, or upon the request of any three
52 members of the board. Under the direction of the board, the Health and Safety Administrator shall
53 prepare an agenda for each board meeting giving priority to the promulgation of rules as may be

54 required, from time to time, by this code, and as may be required to improve coal mine health and
55 safety. The Health and Safety Administrator shall provide each member of the board with notice
56 of the meeting and the agenda as far in advance of the meeting as practical, but in any event, at
57 least five days prior thereto. A meeting of the board may not be conducted unless said notice and
58 agenda are given to the board members at least five days in advance, as provided herein, except
59 in cases of emergency, as declared by the director, in which event members shall be notified of
60 the board meeting and the agenda: *Provided*, That upon agreement of a majority of the quorum
61 present, any scheduled meeting may be ordered recessed to another day certain without further
62 notice of additional agenda.

63 When proposed rules are to be finally adopted by the board, copies of such proposed
64 rules shall be delivered to members not less than five days before the meeting at which such
65 action is to be taken. If not so delivered, any final adoption or rejection of rules shall be considered
66 on the second day of a meeting of the board held on two consecutive days, except that by the
67 concurrence of at least four members of the board, the board may suspend this rule of procedure
68 and proceed immediately to the consideration of final adoption or rejection of rules. When a
69 member fails to appear at three consecutive meetings of the board or at one half of the meetings
70 held during a one-year period, the Health and Safety Administrator shall notify the member and
71 the Governor of such fact. Such member shall be removed by the Governor unless good cause
72 for absences is shown.

73 (f) Whenever a vacancy on the board occurs, nominations and appointments shall be
74 made in the manner prescribed in this section. In the case of an appointment to fill a vacancy,
75 nominations of three persons for each such vacancy shall be requested by and submitted to the
76 Governor within 30 days after the vacancy occurs by the major trade association or major
77 employee organization, if any, which nominated the person whose seat on the board is vacant.
78 The vacancy shall be filled by the Governor within 30 days of his or her receipt of the list of
79 nominations.

80 (g) A quorum of the board is four members which shall include at least two members
81 representing the viewpoint of operators and at least two members representing the viewpoint of
82 the working miners, and the board may act officially by a majority of those members who are
83 present, except that a vote of the board may not be taken unless all six voting members are
84 present.

**§22A-9-1. Mine Inspectors' Examining Board duties imposed upon the Office of Miners'
Health, Safety and Training.**

1 The Mine Inspectors' Examining Board is hereby abolished, and all powers, duties, and
2 responsibilities previously imposed upon the Board of Coal Mine Health and Safety pursuant to
3 this article are transferred to the Office of Miners' Health, Safety, and Training. The Board of Coal
4 Mine Health and Safety, having previously assumed the duties of the Mine Inspectors' Examining
5 Board, shall transfer all records and equipment pertaining to the duties of and said transfer of the
6 Mine Inspectors' Examining Board to the Office of Miners' Health, Safety, and Training. In addition
7 to other duties expressly set forth elsewhere in this article, the Director of the Office of Miners'
8 Health, Safety, and Training shall:

9 (1) Establish and, from time to time, revise forms of application for employment as mine
10 inspectors, which shall include the applicant's Social Security number and forms for written
11 examinations to test the qualifications of candidates for that position;

12 (2) Adopt and promulgate reasonable rules relating to the examination, qualification, and
13 certification of candidates for appointment as mine inspectors, and hearing for removal of
14 inspectors, held under §22A-1-12 of this code. All of such rules shall be printed and a copy thereof
15 furnished by the director to any person upon request. The director shall determine whether
16 applicants have the necessary experience to take the mine inspector examination, conduct
17 examination of candidates for appointment as a mine inspector, and rank all applicants;

18 (3) Prepare a register of qualified eligible candidates for appointment as mine inspectors.
19 The register shall list all qualified eligible candidates in the order of their grades, with the candidate

20 with the highest grade appearing at the top of the list. The Director of the Office of Miners' Health,
21 Safety, and Training shall no less than annually prepare a revised and corrected register of
22 qualified eligible candidates for appointment as mine inspector, deleting from such revised
23 register all persons who:

24 (A) Are no longer residents of West Virginia;

25 (B) Have allowed a calendar year to expire without, in writing, indicating their continued
26 availability for such appointment;

27 (C) Have been passed over for appointment for three years;

28 (D) Have become ineligible for appointment since the director originally certified that such
29 person was qualified and eligible for appointment as mine inspector; or

30 (E) In the judgment of the director, should be removed from the register for good cause;

31 (4) The director shall keep and preserve the written examination papers, manuscripts,
32 grading sheets, and other papers of all applicants for appointment as mine inspector for a period
33 of two years. Specimens of the examinations given, together with the correct solution of each
34 question, shall be preserved;

35 (5) The director shall issue a letter or written notice of qualification to each successful
36 eligible candidate;

37 (6) The Board of Coal Mine Health and Safety shall hear and determine proceedings for
38 hearings for the removal of mine inspectors in accordance with the provisions of §22A-1-12 of
39 this code when requested in writing by the mine inspector;

40 (7) The board shall hear and determine appeals of mine inspectors from suspension
41 orders made by the director pursuant to the provisions of §22A-1-4 of this code. An aggrieved
42 inspector, in order to appeal from any order of suspension, shall file such appeal in writing with
43 the Board of Coal Mine Health and Safety not later than 10 days after receipt of notice of
44 suspension. On such appeal the board shall promptly affirm the act of the director unless it is
45 satisfied from a clear preponderance of the evidence that the director has acted arbitrarily. Each

46 witness shall be sworn, and a transcript shall be made, of all evidence taken and the proceedings
47 had at the hearing. A continuance may not be granted except for good cause shown. The
48 administrator of the board, or in their absence a member of the board designated by the board,
49 has the power to administer oaths and subpoena witnesses; and

50 (8) The board and office shall make an annual report to the Governor and the director
51 concerning the administration of mine inspection personnel in the state service, making such
52 recommendations as the board considers to be in the public interest.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

.....
Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect 90 days from passage.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2025.

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Governor