



1                   **employees; compensation.**

2           (a) The Governor shall appoint the Health and Safety  
3 Administrator of the board for a term of employment of one year.  
4 The Health and Safety Administrator shall be entitled to have his  
5 or her contract of employment renewed on an annual basis except  
6 where such renewal is denied for cause: *Provided*, That the  
7 Governor has the power at any time to remove the Health and Safety  
8 Administrator for misfeasance, malfeasance or nonfeasance:  
9 *Provided, however*, That the board has the power to remove the  
10 Health and Safety Administrator without cause upon the concurrence  
11 of five members of the board.

12           (b) The Health and Safety Administrator shall work at the  
13 direction of the board, independently of the Director of the Office  
14 of Miners' Health, Safety and Training and the Secretary of the  
15 Department of Commerce, and has such authority and shall perform  
16 such duties as may be required or necessary to effectuate this  
17 article: *Provided*, That the Department of Commerce shall provide  
18 administrative and logistical assistance as reasonably necessary to  
19 enable the board, or any other board or commission administered by  
20 the Health and Safety Administrator, to carry out its  
21 responsibilities under the provisions of this article.

22           (c) In addition to the Health and Safety Administrator, there  
23 shall be such other employees hired by the Health and Safety  
24 Administrator as the board determines to be necessary. The health

1 and safety administrator shall provide supervision and direction to  
2 the other employees of the board in the performance of their  
3 duties.

4 (d) The employees of the board shall be compensated at rates  
5 determined by the board. The salary of the Health and Safety  
6 Administrator shall be fixed by the Governor: *Provided*, That the  
7 salary of the Health and Safety Administrator shall not be reduced  
8 during his or her annual term of employment or upon the renewal of  
9 his or her contract for an additional term. Such salary shall be  
10 fixed for any renewed term at least ninety days before the  
11 commencement thereof.

12 (e) (1) Appropriations for the salaries of the Health and  
13 Safety Administrator and any other employees of the board and for  
14 necessary office and operating expenses shall be made to a budget  
15 account established for those purposes in the General Revenue Fund.  
16 Such account shall be separate from any accounts or appropriations  
17 for the Office of Miners' Health, Safety and Training.

18 (2) Expenditures from the funds established in section three  
19 hundred ten, article two-a; section seven, article six; section  
20 four, article seven; section three, article eleven of this chapter  
21 shall be by the Health and Safety Administrator for administrative  
22 and operating expenses, such operating expenses include mine health  
23 and safety, research, education and training programs as determined  
24 by the entities.

1 (f) The Health and Safety Administrator shall review all coal  
2 mining fatalities and major causes of injuries as mandated by  
3 section four of this article. An analysis of such fatalities and  
4 major causes of injuries shall be prepared for consideration by the  
5 board within ninety days of the occurrence of the accident.

6 (g) At the direction of the board, the administrator shall  
7 also conduct an annual study of occupational health issues relating  
8 to employment in and around coal mines of this state and submit a  
9 report to the board with findings and proposals to address the  
10 issues raised in such study. The administrator is responsible for  
11 preparing the annual reports required by subsection (e), section  
12 four of this article and section nine of this article.

13 (h) The administrator shall provide administrative assistance  
14 to the West Virginia Diesel Commission, The State Coal Mine Safety  
15 and Technical Review Committee, Board of Coal Mine Health and  
16 Safety, Board of Miner Training, Education and Certification, and  
17 the Mine Safety Technology Task Force, and serve as the legislative  
18 liaison for budgetary issues. The administrator shall serve as an  
19 ex officio, nonvoting member on the West Virginia Diesel  
20 Commission, The State Coal Mine Safety and Technical Review  
21 Committee, Board of Miner Training, Education and Certification,  
22 and the Mine Safety Technology Task Force.

23 (i) The administrator shall submit to each board or commission  
24 for its approval, the proposed budget of the board or commission

1 before submitting it to the Secretary of Revenue.

NOTE: The purpose of this bill is to require the Department of Commerce to provide administrative and logistical support as reasonably necessary to enable the Board of Coal Mine Health and Safety, or any other board or commission administered by the Health and Safety Administrator, to carry out its responsibilities under the provisions of article six, chapter twenty-two-a of the West Virginia Code.

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