

Senate Bill No. 577

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

[Introduced February 14, 2014; referred to the Committee on the
Judiciary; and then to the Committee on Finance.]

**FISCAL
NOTE**

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3A. OCCUPATIONAL SAFETY AND HEALTH ACT.

§21-3A-2. Definitions.

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

~~(a)~~ "Commission" means the occupational safety and health
review commission established under this article;

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

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

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

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

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

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

NOTE: The purpose of this bill is to make the Department of Corrections and the Department of Health, and their respective workplaces, subject to the Occupational Safety and Health Act.

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