

H. B. 2954

(BY DELEGATE(S) CAPUTO, TOMBLIN, PHILLIPS, R. AND MARCUM)

[Introduced March 18, 2013; referred to the
Committee on Energy, Industry and Labor, Economic Development
and Small Business then Finance.]

A BILL to amend and reenact §22A-11-2 of the Code of West Virginia, 1931, as amended, relating to requiring that members of the Mine Safety Technology Task Force are paid the same compensation as members of the Legislature are paid for each day or portion thereof engaged in the discharge of their interim duties.

Be it enacted by the Legislature of West Virginia:

That §22A-11-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 11. MINE SAFETY TECHNOLOGY.

§22A-11-2. Mine Safety Technology Task Force continued; membership; method of nomination and appointment.

1 (a) The Mine Safety Technology Task Force is continued,
2 and commencing July 1, 2010, is a separate independent task
3 force within the Department of Commerce.

4 (b) The task force shall consist of seven voting members and
5 two ex officio, nonvoting members who are appointed as
6 specified in this section:

7 (1) The Governor shall appoint, by and with the advice and
8 consent of the Senate, three members to represent the viewpoint
9 of operators in this state. When these members are to be ap-
10 pointed, the Governor shall request from the major trade
11 association representing operators in this state a list of three
12 nominees for each position on the task force. All nominees shall
13 be persons with special experience and competence in coal mine
14 health and safety. There shall be submitted with the list, a
15 summary of the qualifications of each nominee. For purposes of
16 this subdivision, the major trade association representing
17 operators in this state is that association which represents
18 operators accounting for over one half of the coal produced in

19 mines in this state in the year prior to the year in which the
20 appointment is to be made.

21 (2) The Governor shall appoint, by and with the advice and
22 consent of the Senate, three members who can reasonably be
23 expected to represent the viewpoint of the working miners of this
24 state. When members are to be appointed, the Governor shall
25 request from the major employee organization representing coal
26 miners within this state a list of three nominees for each position
27 on the task force. The highest ranking official within the major
28 employee organization representing coal miners within this state
29 shall submit a list of three nominees for each position on the
30 board. The nominees shall have a background in coal mine
31 health and safety.

32 (3) The Governor shall appoint, by and with the advice and
33 consent of the Senate, one certified mine safety professional
34 from the College of Engineering and Mineral Resources at West
35 Virginia University;

36 (4) The Health and Safety Administrator, pursuant to section
37 six, article six of this chapter, shall serve as a member of the task
38 force as an ex officio, nonvoting member; and

39 (5) The Director of the Office of Miner's Health, Safety and
40 Training or his or her designee, shall serve as an ex officio,
41 nonvoting member.

42 (c) Each appointed member of the task force shall serve at
43 the will and pleasure of the Governor.

44 (d) Whenever a vacancy on the task force occurs, nomina-
45 tions and appointments shall be made in the manner prescribed
46 in this section: *Provided*, That in the case of an appointment to
47 fill a vacancy, nominations of three persons for each vacancy
48 shall be requested by and submitted to the Governor within thirty
49 days after the vacancy occurs by the major trade association or
50 major employee organization, if any, which nominated the
51 person whose seat on the task force is vacant.

52 (e) Each member of the task force shall be paid the same
53 compensation, and each member of the task force shall be paid
54 the same expense reimbursement, as is paid to members of the
55 Legislature for their interim duties as recommended by the
56 Citizens Legislative Compensation Commission and authorized
57 by law for each day or portion thereof engaged in the discharge
58 of official duties. In the event the expenses are paid by a third

59 party, the member shall not be reimbursed by the state. The
60 reimbursement shall be paid out of the State Treasury upon a
61 requisition upon the State Auditor, properly certified by the
62 Office of Miners' Health, Safety and Training. An employer
63 shall not prohibit a member of the task force from exercising
64 leave of absence from his or her place of employment in order to
65 attend a meeting of the task force or a meeting of a subcommit-
66 tee of the task force, or to prepare for a meeting of the task force,
67 any contract of employment to the contrary notwithstanding.

NOTE: The purpose of this bill is to require that members of the Mine Safety Technology Task Force are paid the same compensation as members of the Legislature are paid for each day or portion thereof engaged in the discharge of their interim duties.

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

