

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2076

BY DELEGATE CAPUTO

[Introduced February 8, 2017; Referred
to the Committee on Energy then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §22C-13-1, relating to establishing the Legislative Oversight Commission on
 3 Energy Workers’ Safety; directing the commission to study workers’ safety; and
 4 establishing reporting requirements for boards and agencies that regulate and otherwise
 5 oversee workers’ safety.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §22C-13-1, to read as follows:

ARTICLE 13. ENERGY WORKERS’ SAFETY.

§22C-13-1. Legislative Oversight Commission on Energy Workers’ Safety.

1 (a) The Legislature finds:

2 (1) That coal and natural gas extraction industries have specialized hazards unique to
 3 those industries;

4 (2) The workers in these industries are the most critical component to economic success
 5 of those industries;

6 (3) That scientific and technology advancements in these industries are perpetually
 7 evolving, requiring constant review and modification of safety requirements to assure worker
 8 safety;

9 (4) As many citizens of West Virginia work in these occupations, the Legislature has a
 10 moral imperative to do everything possible to develop an appropriate framework that provides
 11 them with a safe and healthy work environment; and

12 (5) It must be ever diligent in monitoring and implementing reforms to assure the workers
 13 in these industries are working in the safest and healthy environment possible.

14 (b) The Legislative Oversight Commission on Energy Workers’ Safety is created. The
 15 purpose of this commission is to require state agencies responsible for worker safety to report
 16 quarterly or as otherwise directed by a majority of the commission on accident investigations and

17 newly identified safety issues and their actions relating to the safety issues. The commission
18 shall also study and initiate proposals intended to enhance worker safety, including any matters
19 the commission considers relevant to the promotion and advancement of energy workers' safety.

20 (c) The President of the Senate and the Speaker of the House of Delegates shall each
21 designate five members of their respective houses, at least one of whom shall be a member of
22 the minority party, to serve on the commission. The expenses of the commission incurred in the
23 employment of legal, technical, investigative, clerical, stenographic, advisory and other personnel,
24 are required to be approved by the Joint Committee on Government and Finance and paid from
25 legislative appropriations.

26 (d)(1) The Board of Coal Miners' Health and Safety shall provide, at a minimum, quarterly
27 reports on injuries, fatalities and any initiatives in the coal industry to revise and improve state
28 safety requirements to the commission. The board shall designate a member representing the
29 viewpoint of coal mine operators and a member representing the viewpoint of working miners in
30 this state to represent the board before the commission.

31 (2) The Board of Miner Training, Education and Certification, Office of Miners' Health,
32 Safety and Training and the Mine Safety Technology Task Force shall report to the commission
33 no less than annually and as otherwise directed by vote of the commission.

34 (3) The Department of Environmental Protection's Office of Oil and Gas shall report to the
35 commission quarterly. The reports shall provide, at a minimum, information on injuries, fatalities
36 and any initiatives to revise and improve state safety requirements for the natural gas extraction
37 industry.

38 (e) The commission shall study, review and examine the boards and agencies activities,
39 including, but not limited to, all rules, policies or other proposals. The commission shall review
40 and make recommendations to the Legislature regarding any plan, policy or rule proposed by any

41 of the boards or agencies, and any recommendations relating to enacting laws or rules that will
42 enhance workers' safety.

43 (f) The commission shall undertake a study and periodically report to the Joint Committee
44 on Government and Finance, its recommendations regarding the need for additional safety
45 regulations, inspections and enforcement mechanisms for energy workers. It shall study whether
46 the existing safety regulatory scheme for the natural gas industry, including state and federal
47 regulations and enforcement mechanisms, are adequate to protect the workers in the state's
48 natural gas extraction industry.

NOTE: The purpose of this bill is to establish a Legislative Oversight Commission on Energy Workers' Safety to:

(1) Direct certain state agencies and boards to report regularly to the commission; to direct the commission to study worker safety in the mining and gas extraction industries;

(2) Provide a mechanism for the Legislature to be kept informed and to study and identify issues and solutions for workers' safety; and

(3) Require the commission to study and report on whether a need exists for expansion of safety regulations within the gas extraction industry.

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