

**H. B. 2954**

(By Delegates Caputo, Tomblin, R. Phillips and Marcum)  
[Introduced March 18, 2013; referred to the  
Committee on Energy, Industry and Labor, Economic  
Development and Small Business then Finance.]

**FISCAL  
NOTE**

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.**

(a) The Mine Safety Technology Task Force is continued, and  
commencing July 1, 2010, is a separate independent task force

1 within the Department of Commerce.

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

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

18 (2) The Governor shall appoint, by and with the advice and  
19 consent of the Senate, three members who can reasonably be expected  
20 to represent the viewpoint of the working miners of this state.  
21 When members are to be appointed, the Governor shall request from  
22 the major employee organization representing coal miners within  
23 this state a list of three nominees for each position on the task  
24 force. The highest ranking official within the major employee

1 organization representing coal miners within this state shall  
2 submit a list of three nominees for each position on the board.  
3 The nominees shall have a background in coal mine health and  
4 safety.

5 (3) The Governor shall appoint, by and with the advice and  
6 consent of the Senate, one certified mine safety professional from  
7 the College of Engineering and Mineral Resources at West Virginia  
8 University;

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

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

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

17 (d) Whenever a vacancy on the task force occurs, nominations  
18 and appointments shall be made in the manner prescribed in this  
19 section: *Provided*, That in the case of an appointment to fill a  
20 vacancy, nominations of three persons for each vacancy shall be  
21 requested by and submitted to the Governor within thirty days after  
22 the vacancy occurs by the major trade association or major employee  
23 organization, if any, which nominated the person whose seat on the  
24 task force is vacant.

1           (e) Each member of the task force shall be paid the same  
2 compensation, and each member of the task force shall be paid the  
3 same expense reimbursement, as is paid to members of the  
4 Legislature for their interim duties as recommended by the Citizens  
5 Legislative Compensation Commission and authorized by law for each  
6 day or portion thereof engaged in the discharge of official duties.  
7 In the event the expenses are paid by a third party, the member  
8 shall not be reimbursed by the state. The reimbursement shall be  
9 paid out of the State Treasury upon a requisition upon the State  
10 Auditor, properly certified by the Office of Miners' Health, Safety  
11 and Training. An employer shall not prohibit a member of the task  
12 force from exercising leave of absence from his or her place of  
13 employment in order to attend a meeting of the task force or a  
14 meeting of a subcommittee of the task force, or to prepare for a  
15 meeting of the task force, any contract of employment to the  
16 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.