

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2954**

4 (By Delegates Caputo, Tomblin and R. Phillips)

5
6 (Originating in the House Committee on Finance.)

7
8 [January 23, 2014]

9
10 A BILL to amend and reenact §22A-11-2 of the Code of West Virginia,
11 1931, as amended, relating to requiring that members of the
12 Mine Safety Technology Task Force, except ex officio members
13 are paid the same compensation and expense reimbursement as
14 members of the Legislature are paid for each day or portion
15 thereof engaged in the discharge of their interim duties.

16 *Be it enacted by the Legislature of West Virginia:*

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

19 **ARTICLE 11. MINE SAFETY TECHNOLOGY.**

20 **§22A-11-2. Mine Safety Technology Task Force continued;**
21 **membership; method of nomination and appointment.**

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