

**H. B. 4382**

(By Delegates Caputo, Diserio, D. Poling,  
White, Boggs, Longstreth, Manchin,  
Mr. Speaker (Mr. Miley), Fragale, Young and Jones)

[Introduced January 31, 2014; referred to the  
Committee on Energy then the Judiciary.]

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

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

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

**ARTICLE 13. Energy Workers Safety.**

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

(a) The Legislature finds:

(1) That coal and natural gas extraction industries have

1 specialized hazards unique to those industries;

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

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

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

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

14 (b) The Legislative Oversight Commission on Energy Workers  
15 Safety is created. The purpose of this commission is to require  
16 state agencies responsible for worker safety to report quarterly or  
17 as otherwise directed by a majority of the commission on accident  
18 investigations and newly identified safety issues and their actions  
19 relating the safety issues. The commission shall also study and  
20 initiate proposals intended to enhance worker safety, including any  
21 matters the commission considers relevant to the promotion and  
22 advancement of energy workers safety.

23 (c) The President of the Senate and the Speaker of the House  
24 of Delegates shall each designate five members of their respective

1 houses, at least one of whom shall be a member of the minority  
2 party, to serve on the commission. The expenses of the commission  
3 incurred in the employment of legal, technical, investigative,  
4 clerical, stenographic, advisory and other personnel, are required  
5 to be approved by the Joint Committee on Government and Finance and  
6 paid from legislative appropriations.

7 (d) (1) The Board of Coal Miners Health and Safety shall  
8 provide, at a minimum, quarterly reports on injuries, fatalities  
9 and any initiatives in the coal industry to revise and improve  
10 state safety requirements to the commission. The board shall  
11 designate a member representing the viewpoint of coal mine  
12 operators and a member representing the viewpoint of working miners  
13 in this state to represent the board before the commission.

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

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

23 (e) The commission shall study, review and examine the boards  
24 and agencies activities, including, but not limited to, all rules,

1 policies or other proposals. The commission shall review and make  
2 recommendations to the Legislature regarding any plan, policy or  
3 rule proposed by any of the boards or agencies, and any  
4 recommendations relating to enacting laws or rules that will  
5 enhance workers safety.

6 (f) The commission shall undertake a study and periodically  
7 report to the Joint Committee on Government and Finance, its  
8 recommendations regarding the need for additional safety  
9 regulations, inspections and enforcement mechanisms for energy  
10 workers, and specifically whether the existing safety regulatory  
11 scheme for the natural gas industry, to ascertain whether existing  
12 state and federal regulations and enforcement mechanisms are  
13 adequate to protect the workers in the state's natural gas  
14 extraction industry.

NOTE: The purpose of this bill is to establish a Legislative Oversight Commission on Energy Workers Safety; to 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; to provide a mechanism for the Legislature to be kept informed and to study and identify issues and solutions for workers safety; and to require the Commission to study and report on whether a need exists for expansion of safety regulations within the gas extraction industry.

This section is new; therefore, it has been completely underscored.