

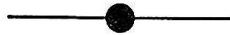
HB 2954

FILED

2014 MAR 26 P 4: 28

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2954

(By Delegates Caputo, Tomblin and R. Phillips)



Passed March 8, 2014

In effect from passage.

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 2954

(BY DELEGATES CAPUTO, TOMBLIN AND R. PHILLIPS)

[Passed March 8, 2014; in effect from passage.]

AN ACT 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, except ex officio members are paid the same compensation and expense reimbursement 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:

ED 113

§ 22A-11-2. 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
10 appointed, 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,
45 nominations and appointments shall be made in the manner
46 prescribed in this section: *Provided*, That in the case of an
47 appointment to fill a vacancy, nominations of three persons for
48 each vacancy shall be requested by and submitted to the
49 Governor within thirty days after the vacancy occurs by the
50 major trade association or major employee organization, if any,
51 which nominated the person whose seat on the task force is
52 vacant.

53 (e) Each member, except ex officio members, of the task
54 force shall be paid the same compensation, and each member of
55 the task force shall be paid the same expense reimbursement, as
56 is paid to members of the Legislature for their interim duties as
57 recommended by the Citizens Legislative Compensation
58 Commission and authorized by law for each day or portion
59 thereof engaged in the discharge of official duties. In the event
60 the expenses are paid by a third party, the member shall not be
61 reimbursed by the state. The reimbursement shall be paid out of

62 the State Treasury upon a requisition upon the State Auditor,
63 properly certified by the Office of Miners' Health, Safety and
64 Training. An employer shall not prohibit a member of the task
65 force from exercising leave of absence from his or her place of
66 employment in order to attend a meeting of the task force or a
67 meeting of a subcommittee of the task force, or to prepare for a
68 meeting of the task force, any contract of employment to the
69 contrary notwithstanding.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Jonny Wells

Chairman, House Committee

Rocky Fitzsimmons
Chairman, Senate Committee

Originating in the House.

In effect from passage.

Gregory M. Day

Clerk of the House of Delegates

Joseph M. Minard
Clerk of the Senate

Robert M. Bell

Speaker of the House of Delegates

Jeffrey K. Cook
President of the Senate

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FILED

The within is approved this the 26th
day of March, 2014.

Earl Ray Tomblin
Governor

PRESENTED TO THE GOVERNOR

MAR 20 2014

Time 11:05 am