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.
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:
ARTICLE 11. MINE SAFETY TECHNOLOGY.


(a) The Mine Safety Technology Task Force is continued, and commencing July 1, 2010, is a separate independent task force within the Department of Commerce.

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

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

(2) The Governor shall appoint, by and with the advice and consent of the Senate, three members who can reasonably be expected to represent the viewpoint of the working miners of this state. When members are to be appointed, the Governor shall request from the major employee organization representing coal miners within this state a list of three nominees for each position on the task force. The highest ranking official within the major employee organization representing coal miners within this state shall submit a list of three nominees for each position on the
board. The nominees shall have a background in coal mine
health and safety.

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

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

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

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

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

(e) Each member, except ex officio members, of the task
force shall be paid the same compensation, and each member of
the task force shall be paid the same expense reimbursement, as
is paid to members of the Legislature for their interim duties as
recommended by the Citizens Legislative Compensation
Commission and authorized by law for each day or portion
thereof engaged in the discharge of official duties. In the event
the expenses are paid by a third party, the member shall not be
reimbursed by the state. The reimbursement shall be paid out of
the State Treasury upon a requisition upon the State Auditor, properly certified by the Office of Miners’ Health, Safety and Training. An employer shall not prohibit a member of the task force from exercising leave of absence from his or her place of employment in order to attend a meeting of the task force or a meeting of a subcommittee of the task force, or to prepare for a meeting of the task force, any contract of employment to the contrary notwithstanding.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.
In effect from passage.

Clerk of the House of Delegates
Clerk of the Senate

Speaker of the House of Delegates
President of the Senate

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

Governor
PRESENTED TO THE GOVERNOR

MAR 20 2014

Time 11:05 am