



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

6/21/2023 4:59:13 PM

Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Miners Health Safety And Training

TITLE-SERIES: 56-10

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Rule Governing Reporting Requirements for
Independent Contractors

CITE STATUTORY AUTHORITY: W. Va. Code 22A-1-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/21/2023 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Frank Foster, Director, OMHST

ADDRESS: 7 Players Club Drive, Suite 2

Charleston, WV 25311

EMAIL: frank.g.foster@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule governs the reporting requirements for independent contractors registered with the Office of Miners' Health, Safety and Training.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

The changes to this rule are for the purpose of amending the time under which independent contractors are required to report certain information to the agency. The change states that reports will now be due quarterly rather than monthly. Also, the rule was changed in incorporate formatting recommendations of the Secretary of State's office.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

None

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

None

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2023 Increase/Decrease (use "-")	2024 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	-0-	-0-	-0-
Personal Services	-0-	-0-	-0-
Current Expenses	-0-	-0-	-0-
Repairs and Alterations	-0-	-0-	-0-
Assets	-0-	-0-	-0-
Other	-0-	-0-	-0-
2. Estimated Total Revenues	-0-	-0-	-0-

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Garner Marks -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 56
LEGISLATIVE RULE
OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

SERIES 10
RULE GOVERNING REPORTING
REQUIREMENTS FOR INDEPENDENT CONTRACTORS

§56-10-1. General.

1.1. Scope. -- This rule governs reporting requirements for independent contractors registered with the ~~WV~~ West Virginia Office of Miners' Health, Safety and Training.

1.2. Authority. -- W. Va. Code §22A-1-6.

1.3. Filing Date. -- ~~May 3, 2004~~ _____.

1.4. Effective Date. -- ~~May 3, 2004~~ _____.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon August 1, 2029.

~~1.6. 1.5.~~ Applicability. -- This rule applies to each independent contractor registered with the ~~WV~~ West Virginia Office of Miners' Health, Safety and Training as required by ~~West Virginia~~ W. Va. Code §22A-2-63(e).

§56-10-2. Reporting Requirements.

2.1. On or before the end of each calendar ~~month~~ quarter, each independent contractor registered with the West Virginia Office of Miner's Health, Safety and Training as required by W. Va. Code §22A-2-63(e), shall file with the Director a report covering the preceding calendar ~~month~~ quarter on forms approved by the Director. Such report shall contain the following information for each mine(s) where the independent contractors performed work or provided services:

2.1.1. The total number of employees performing services at a mining operation.

2.1.2. The employee hours worked at a mining operation.

2.1.3. The total reported accidents and occupational injuries that occurred to employees while performing services at a mining operation pursuant to ~~Series 19~~ W. Va. Code R. §36-19-1.

2.1.4. ~~The mine(s)~~ Each mine's identification number where employee hours were worked and/or where the accident(s) or occupational injury (injuries) occurred.