



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

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: 56-10 Rule Governing Reporting Requirements for Independent Contractors

PRIMARY CONTACT

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

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code 22A-1-6 provides that the Director has legislative rule making authority for purposes of safety and enforcement under Chapter 22A. This rule details the specific reporting requirements for independent contractors which includes the number of employees worked and workplace accidents.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/21/2023

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

N/A

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This rule governs the reporting requirements for independent contractors registered with the Office of Miners' Health, Safety and Training. 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 to incorporate formatting recommendations of the Secretary of State's office.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

This rule is necessary for the purpose of tracking the number of employees working for independent contractors and any accidents/injuries incurred by said employees.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

None

C. ECONOMIC IMPACT OF THE LEGISLATIVE 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.