

40-2-203 Mine Safety Technical Advisory Council created -- Duties.

- (1) Within the office there is created the "Mine Safety Technical Advisory Council" consisting of 13 voting members and five nonvoting members as provided in this section.
- (2)
 - (a) The commissioner shall appoint the voting members of the council as follows:
 - (i) one individual who represents a coal miner union;
 - (ii) two individuals with coal mining experience;
 - (iii) two individuals who represent coal mine operators;
 - (iv) one individual who represents an industry trade association;
 - (v) two individuals from local law enforcement agencies or emergency medical service providers;
 - (vi) three individuals who have expertise in one or more of the following:
 - (A) seismology;
 - (B) mining engineering;
 - (C) mine safety; or
 - (D) another related subject; and
 - (vii) two individuals from entities that provide mine safety training.
 - (b) The nonvoting members of the council are:
 - (i) the commissioner or the commissioner's designee;
 - (ii) the executive director of the Department of Natural Resources or the executive director's designee;
 - (iii) the commissioner of the Department of Public Safety or the commissioner's designee;
 - (iv) a representative of the Mine Safety and Health Administration selected by the Mine Safety and Health Administration; and
 - (v) a representative of the federal Bureau of Land Management selected by the federal Bureau of Land Management.
- (3)
 - (a) Except as required by Subsection (3)(b), a voting member shall serve a four-year term beginning July 1 and ending June 30.
 - (b) Notwithstanding the requirements of Subsection (3)(a), the commission shall, at the time of appointment of the initial voting members of the council, adjust the length of terms of the voting members to ensure that the terms of voting members are staggered so that approximately half of the voting members are appointed every two years.
- (4)
 - (a) The commissioner shall terminate the term of a voting member who ceases to be representative as designated by the voting member's original appointment.
 - (b) If a vacancy occurs in the voting members, the commissioner shall appoint a replacement for the unexpired term after soliciting recommendations from the council members.
- (5)
 - (a) The council shall meet at least quarterly.
 - (b) A majority of the voting members constitutes a quorum.
 - (c) A vote of the majority of the members of the council when a quorum is present constitutes an action of the council.
- (6)
 - (a) The commissioner or the commissioner's designee is the chair of the council.
 - (b) The commission shall staff the council.
- (7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (8) The council shall advise and make recommendations to the commission, the office, and the Legislature regarding:
- (a) safety of coal mines located in Utah;
 - (b) prevention of coal mine accidents;
 - (c) effective coal mine emergency response;
 - (d) coal miner certification and recertification; and
 - (e) other topics reasonably related to safety of coal mines located in Utah.

Amended by Chapter 286, 2010 General Session