351.105 Mining Board -- Membership -- Hearings -- Administrative regulations.

(1) The Mining Board is created.

(2) The board shall be made up of eight (8) persons, all of whom shall be citizens of Kentucky and from the coal industry in Kentucky. The board's membership shall reflect a fair representation from eastern Kentucky and western Kentucky, large and small operations, and union and nonunion coal production. The Governor shall appoint the members of the board to include:

(a) Three (3) members representing management; the Alliance of Kentucky Coal shall submit three (3) nominees for each management position on the board;

(b) Three (3) members representing labor; the United Mine Workers of America shall submit three (3) nominees for each labor position on the board;

(c) One (1) citizen member with knowledge of mining who is not a coal operator and is not employed in a supervisory or nonsupervisory position in a mine; and

(d) The director of the Division of Safety Analysis, Training, and Certification.

The board shall elect one (1) of its members to serve as chairman. The director of the Division of Safety Analysis, Training, and Certification shall be a nonvoting member.

(3) Excluding the citizen member and the director of the Division of Safety Analysis, Training, and Certification, initial appointments to the board shall be made in the following manner and shall reflect equal representation as to number and term regarding both the management and the labor positions: two (2) members for a period of two (2) years; two (2) members for a period of three (3) years; and two (2) members for a period of four (4) years. After the initial appointments, members of the board shall be appointed to four (4) year terms. The citizen member shall be appointed for a term of four (4) years. Members of the board may be reappointed at the expiration of their previous appointment at the pleasure of the Governor. Members shall continue to serve until a successor is appointed and qualified.

(4) Two (2) of the persons appointed to the board shall be employed in nonsupervisory positions at mines in this Commonwealth and shall have a minimum of five (5) years' underground experience in the industry and a mine foreman's certificate. Two (2) of the persons shall be employed in supervisory positions by coal companies operating in the Commonwealth and shall have a minimum of five (5) years' experience in the coal mining industry and a mine foreman's certificate. One (1) of each of the members holding supervisory and nonsupervisory mine positions shall have a minimum of five (5) years' practical experience working in a surface or underground coal mine. The director of the Division of Safety Analysis, Training, and Certification shall have a minimum of five (5) years' practical underground mining experience.

(5) Whenever a vacancy on the board occurs, appointments shall be made in the manner prescribed in this section. The vacancy shall be filled by the Governor within thirty (30) days from the date the vacancy occurs.

(6) A quorum of the board shall be five (5) voting members; the board may act officially by a majority of those members who are present, except that no action shall be taken without a majority of affirmative votes.

(7) Each member of the board shall receive one hundred fifty dollars ($150) each day while actually engaged in the performance of the work of the board, shall receive mileage at the rate provided by the state's travel regulation for each mile actually traveled from the home of the member to the place of the meeting and returning therefrom, and shall receive reimbursement for food and lodging at a reasonable and customary rate, which shall be paid out of the State Treasury upon proper requisition approved by the commissioner.

(8) The board shall act on all matters it deems appropriate for board action or brought before it by the department.

(9) The board shall meet periodically on the call of the chair or a majority of the members of the board. The Governor shall remove any member who fails to appear at three (3) consecutive meetings of the board, or at one-half (1/2) of the meetings held in a one (1) year period.

(10) The board shall review this chapter and KRS Chapter 352 and make recommendations regarding the amendment of those chapters.

(11) The board shall review and approve all administrative regulations, including administrative regulations required by KRS 351.025, proposed by the department that relate to the mining of coal, penalties, or the certification of miners before those administrative regulations are promulgated in accordance with KRS Chapter 13A.

(12) No member of the board shall be subject to any personal liability or accountability for any loss sustained or damage suffered on account of any action or inaction of the board.

(13) The board may conduct hearings, compel the attendance of witnesses, administer oaths, and conduct oversight activities as may be required to ensure the full implementation of its programs and standards.

Effective: March 20, 2001

History: Amended 2001 Ky. Acts ch. 149, sec. 5, effective March 20, 2001. -- Amended 2000 Ky. Acts ch. 104, sec. 7, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 308, sec. 7, effective April 9, 1996. -- Amended 1980 Ky. Acts ch. 380, sec. 1, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 301, sec. 4, effective June 17, 1978. -- Created 1976 (1st Extra. Sess.) Ky. Acts ch. 8, sec. 5.

Legislative Research Commission Note (4/9/96). The action taken with respect to this statute by 1996 Ky. Acts ch. 308 was to have become effective April 8, 1996, under Section 51 of that Act. The Act, however, did not become effective until April 9, 1996, when the Governor's signed copy of the Act was filed with the Secretary of State.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.