

WORKING DRAFT

HOUSE BILL NO. _____

Mining council revisions.

Sponsored by: Joint Minerals, Business and Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to mines and minerals; amending the
2 quarterly meeting requirement for the state mining council;
3 modifying mine foremen provisions; repealing references to
4 unit foreman; repealing certain exemptions for mines
5 employing five or less persons; eliminating unnecessary and
6 outdated language; and providing for an effective date.

7
8 *Be It Enacted by the Legislature of the State of Wyoming:*

9
10 **Section 1.** W.S. 30-2-101(a) (ix), 30-2-303, 30-2-308,
11 30-2-309(a) (intro), (b) (intro) and (d), 30-2-312, 30-2-402,
12 30-3-106(n), and 30-3-112(f) and (h) are amended to read:

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14 **30-2-101. Definitions.**

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16 (a) As used in this act:

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(ix) "Mine foreman" means the person whom the operator places in charge of the workings of a mine or a portion of a mine and of persons employed therein. He is the official responsible for the health and safety of the employees;

~~(xiv) "Unit foreman" means a company employed supervisor having the same responsibility in the workings under his supervision as the mine foreman has in the whole mine regarding this act;~~

30-2-303. Regular and special meetings of mining council; record of proceedings.

Regular meetings of the council shall be ~~quarter annually in the months of February, May, August and November~~ quarterly at a place within this state determined by the council. Special meetings may be called at any time by the governor, by the president of the council or by the inspector of mines and shall be called upon the request of any three (3) council members. Full and complete minutes and records of all council meetings, proceedings and actions shall be kept and preserved.

1 **Mining Council Comments.**

2 **Changing the language to state that the Council shall meet quarterly, rather than**
3 **dictating the actual months that they must meet, will give the Council more**
4 **flexibility in their personal schedules and more operational latitude. The Council is**
5 **not proposing fewer meetings.**
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7 **30-2-308. Mine foremen; when required; duties; mines to**
8 **be supervised by certified personnel.**
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10 Each underground mine ~~regularly employing five (5) or more~~
11 ~~persons~~ with one (1) or more persons present underground

12 shall be supervised by a certified mine foreman who shall
13 ensure compliance with mining laws regarding his duties and
14 the health and safety of mine employees. ~~If the mine~~

15 ~~foreman is unable personally to perform his duties required~~
16 ~~by law because of the extent of mining operations, the~~
17 ~~operator shall employ a sufficient number of certified unit~~
18 ~~foremen who shall act under the direction of the mine~~
19 ~~foreman.~~ A certified mine foreman shall remain underground

20 in the general working areas of the mine when persons are
21 present underground. The mine ~~or unit~~ foreman shall not

22 permit any person to work in an unsafe place unless it be
23 for the purpose of making it safe. Work for the purpose of
24 making a place safe shall be under the direct supervision
25 of a certified ~~official~~ mine foreman. The mine foreman

26 shall provide data and information regarding the operation

1 of the mine required by the inspector. ~~on forms furnished~~
 2 ~~by the inspector.~~

3 **Mineral Council Comments.**

4 **Eliminate the language that refers to "unit foreman". This is an antiquated term in**
 5 **today's mines. The mine foreman is actually, in many cases, a front line supervisor.**
 6 **The current statute seems to say that the mine foreman is the highest person of**
 7 **authority at the mine and all other persons are unit foremen. In today's mines there**
 8 **are Mine Managers, Mine Superintendents and General Mine Foreman who**
 9 **outrank the Mine Foreman.**

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 11 **Eliminate the language that refers to mines employing less than five (5) persons and**
 12 **add language that refers to one (1) or more persons present. There are no**
 13 **underground mines in Wyoming today with less than five (5) persons. Further, the**
 14 **Council believes that, due to the hazardous nature of the work, all persons who**
 15 **work underground should be supervised by a certified mine foreman.**

16
 17 **Add new language that a certified mine foreman shall remain underground in the**
 18 **general working areas of the mine when persons are present underground. The**
 19 **Council believes that a certified mine foreman should be readily available, in the**
 20 **mine, in case of an emergency.**

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 22 **The Council believes that "certified official" should be changed to read "mine**
 23 **foreman". There are several other types of certifications, that are issued by the**
 24 **Council and the State Mine Inspector, that could allow a person to be defined as a**
 25 **certified official. These certifications are Mine Examiner, Mine Shot-firer and Mine**
 26 **Electrician.**

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 28 **Eliminate the language that referring to forms furnished by the inspector. The**
 29 **State Mine Inspector does not provide forms to mine foremen.**

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 31 **30-2-309. Mine foreman and mine examiner**
 32 **certificates; qualifications; certificate required;**
 33 **reciprocity; council duties.**

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 35 (a) No person shall act as mine foreman, ~~unit foreman~~
 36 or safety engineer at any underground mine unless he holds
 37 a mine foreman certificate for the type of mineral being
 38 mined. ~~Except as provided in subsection (f) of this~~

1 ~~section, to~~ To obtain a mine foreman certificate for a
2 particular mineral an applicant shall pass the required
3 examination for the particular mineral. An applicant for
4 the mine foreman examination shall:

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6 (b) No person shall act as a mine examiner in any
7 underground mine unless he holds a mine examiner
8 certificate for the type of mineral being mined. ~~Except as~~
9 ~~provided in subsection (f) of this section, to~~ To obtain a
10 mine examiner certificate for a particular mineral an
11 applicant shall pass the required examination for the
12 particular mineral. An applicant for the mine examiner
13 examination shall:

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15 (d) Any person holding a certificate of competency
16 from a proper examining board of any state with which
17 Wyoming has a reciprocal agreement may perform the duties
18 in Wyoming for which his certificate certifies that he is
19 competent, without examination by the state mining council.
20 Before assuming any duties in a mine, the person shall
21 present his certificate to the council through the
22 inspector and secure approval of the certificate by the
23 council. The person is subject to examination by the
24 council at the request of the inspector. The person's

1 authority to act in Wyoming as mine foreman, mine examiner,
2 or safety engineer ~~or unit foreman~~ may be cancelled in the
3 same manner as certificates issued by the council. No
4 person shall employ any mine foreman, mine examiner, or
5 safety engineer ~~or unit foreman~~ in an underground mine who
6 does not possess the certificate of competency required.

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8 ~~(f) Any person holding a certificate as an~~
9 ~~underground coal mine examiner as of June 30, 1994, who has~~
10 ~~worked as a mine examiner in this state, shall not be~~
11 ~~subject to the examination requirements of subsection (b)~~
12 ~~of this section. Any person holding a certificate as an~~
13 ~~underground coal mine foreman as of June 30, 1994, who has~~
14 ~~worked as a mine foreman in this state, shall not be~~
15 ~~subject to the examination requirements of subsection (a)~~
16 ~~of this section. Notwithstanding the requirements of~~
17 ~~subsections (a) and (b) of this section regarding practical~~
18 ~~experience for a particular type of mineral, the state~~
19 ~~mining council shall issue trona mine examiner or trona~~
20 ~~mine foreman certificates to persons who held underground~~
21 ~~coal mine examiner or mine foreman certificates,~~
22 ~~respectively, as of June 30, 1994, and who have worked as a~~
23 ~~mine examiner or mine foreman in this state.~~

24 **Mining Council Comments.**

1 The statute was enacted to correct a problem that was created during the 1993
2 Session when a change in the statutes required a person to be certified in the type of
3 mineral in which he wished to act as a Mine Foreman or Mine Examiner.
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5 Prior to 1993 a person could act as a Mine Foreman or Examiner in a trona mine
6 with an Underground Coal Mine Foreman or Examiner certification. This practice
7 originated with the inception of underground trona mining. The trona industry was
8 a new industry and there were no certified Trona Mine Foremen or Mine
9 Examiners available. The Council, at that time, elected to allow a person who was
10 certified as a Underground Coal Mine Foreman or Mine Examiner, to act as a mine
11 foreman or mine examiner in an underground trona mine.
12

13 The statute was changed in 1993 due to problems involving the statutory language.
14 The statute, at that time, addressed who could act as a foreman or examiner but did
15 not address who could take the test. There were several serious problems with
16 unqualified persons applying to take the test. The legal opinion at the time was that
17 the Council could not prevent those persons from taking the test.
18

19 The 1993 statute change inadvertently caused several persons, who were working as
20 Mine Foremen and Mine Examiners in a trona mine, who had underground coal
21 Mine Foreman or Mine Examiner certifications, to lose their job until they could
22 take the test to re-certify as underground Trona Foreman or Examiners.
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24 The Council feels that there is enough difference in the mining techniques, mining
25 statutes and rules for these two minerals that a separate certification for
26 underground coal and underground trona has been developed.
27

28 The Council transferred 63 certificates during the first two years or so. The
29 Council has not transferred a certificate since the RAG, Shoshone # One Mine, in
30 Hanna, shut down two years ago. There are no operating underground coal mines
31 from which a person could transfer to a trona mine.
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34 30-2-312. Optional certifications of surface mine
35 foremen and mine examiners; surface mine operators not
36 required to employ.
37

38 (a) The state mining council may certify a mine
39 foreman, ~~unit foreman~~, safety engineer or mine examiner
40 desiring to work in a surface mine upon request by an

1 applicant for the certificate. Certificates shall be issued
2 under W.S. 30-2-307 and 30-2-309(a) through (d). Applicants
3 and certificate holders are subject to W.S. 30-2-310 and
4 30-2-311.

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6 (b) No owner or operator of a surface mine is
7 required to employ a certified mine foreman, ~~unit foreman,~~
8 safety engineer or mine examiner.

9 **Mineral Council Comments.**

10 **See comment to W.S. 30-2-308 above.**

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12 **30-2-402. Annual report to inspector; contents.**

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14 The owner or operator of any mining operation ~~employing~~
15 ~~five (5) or more persons,~~ shall report annually to the
16 inspector before January 31 of each year. The report shall
17 contain the names of the owners and operators, the post
18 office address, the name of the claim to be operated, the
19 number of persons employed, classified as to occupation,
20 the name of the county mining district, and the tonnage
21 produced during the previous calendar year, upon forms
22 furnished by the inspector.

23 **Mining Council Comments.**

24 **The Council feels that all operators should be required to file information with the**
25 **State Mine Inspector for his annual report to the Governor. Presently there are**
26 **small operators that file the information voluntarily.**

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30-3-106. Permissible methane detector required; permissible methods of testing for methane; examination of underground mine by mine examiners; procedure; written record.

(n) A certified mine foreman immediately directing the activities of the area subject to the report shall read and countersign the record book of the mine examiner daily. ~~and read and countersign the daily and weekly reports of unit foremen.~~ Any dangerous conditions disclosed in the reports shall be corrected promptly.

30-3-112. Roofs of mines; minimum standards; supports; inspection.

(f) The mine foreman, ~~unit foreman~~ and mine inspectors shall ascertain if employees understand roof, rib and face testing. Uninformed and new employees shall be instructed properly in correct methods of testing.

(h) At least once each day, the mine foreman ~~or a unit foreman~~ shall examine roof, ribs, and face of working places and passageways, where men work or travel, for

1 dangerous conditions. Where found, such dangerous
2 conditions shall be corrected promptly.

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4 **Section 2.** W.S. 30-2-101(a)(xiv) and 30-2-309(f) are
5 repealed.

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7 **Section 3.** Nothing in this act affects the validity
8 of certificates previously issued pursuant to W.S. 30-2-
9 309(f).

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11 **Section 4.** This act is effective July 1, 2003.

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(END)

Draft