

WORKING DRAFT

HOUSE BILL NO. _____

Mining council-decertification.

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

A BILL

for

1 AN ACT relating to mines and minerals; providing for
2 suspension of certificates and temporary permits issued by
3 the mining council; specifying complaint requirements and
4 authority to dismiss complaints without hearing; and
5 providing for an effective date.

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

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9 **Section 1.** W.S. 30-2-311(a) is amended to read:

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11 **30-2-311. Revocation of certificate after notice and**
12 **hearing; suspension; reexamination; revocation of**
13 **certificate of inspector or deputy; filing of certificate.**

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1 (a) Any certificate issued by the council or temporary
2 permit issued by the inspector may be suspended or revoked
3 by the council ~~after hearing under W.S. 16-3-101 through~~
4 ~~16-3-115~~ for violation of this act or rules and regulations
5 promulgated under this act, intoxication while in duty
6 status, mental disabilities or neglect of duty. Except as
7 otherwise provided, the council may revoke or suspend a
8 certificate or temporary permit only after a hearing in
9 accordance with the Wyoming Administrative Procedure Act.
10 Provided, the council may suspend any certificate or
11 temporary permit pending further investigation and a
12 hearing, for actions that pose a serious threat to the
13 health and safety of miners. The council shall establish
14 by rule a time limit after the alleged date of an incident
15 as provided in this subsection within which a complaint
16 shall be filed. All complaints shall be verified and
17 otherwise filed in accordance with the rules and
18 regulations promulgated by the council. The council or
19 designated members of the council may, after reviewing the
20 complaint and conducting any investigation deemed
21 necessary, determine that the grounds alleged do not
22 warrant suspension or revocation and dismiss the complaint
23 without hearing. No person whose certificate has been
24 revoked under this section for less than ninety (90) days

1 shall be examined by the council. No person whose
2 certificate has been revoked under this section shall be
3 reissued a certificate unless the council finds the
4 incapacity, if any, on which the revocation was based has
5 ceased to exist.

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7 **Section 2.** This act is effective July 1, 2003.

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Mining Council Comments.

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11 **W. S. § 30-2-311(a), page 2-line 10 - added language to enable the Council to**
12 **suspend a certificate or permit when a threat to the health and safety of miners is**
13 **evident. The current statutory language requires a hearing prior to any action**
14 **being taken. Page 2-line 16 - The Council's intent is to discourage frivolous**
15 **complaints due to the time and cost involved in processing those complaints.**

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(END)