

SENATE FILE NO. SF0004

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6 outdated language; and providing for an effective date.

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

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7 **30-2-303. Regular and special meetings of mining**
8 **council; record of proceedings.**

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

19
20 **30-2-308. Mine foremen; when required; duties; mines**
21 **to be supervised by certified personnel.**

22
23 Each underground mine ~~regularly employing five (5) or more~~
24 persons with one (1) or more persons present underground

1 shall be supervised by a certified mine foreman who shall
2 ensure compliance with mining laws regarding his duties and
3 the health and safety of mine employees. ~~If the mine~~
4 ~~foreman is unable personally to perform his duties required~~
5 ~~by law because of the extent of mining operations, the~~
6 ~~operator shall employ a sufficient number of certified unit~~
7 ~~foremen who shall act under the direction of the mine~~
8 ~~foreman.~~ A certified mine foreman shall remain underground
9 in the general working areas of the mine when persons are
10 present underground. The mine ~~or unit~~ foreman shall not
11 permit any person to work in an unsafe place unless it be
12 for the purpose of making it safe. Work for the purpose of
13 making a place safe shall be under the direct supervision
14 of a certified ~~official~~ mine foreman. The mine foreman
15 shall provide data and information regarding the operation
16 of the mine required by the inspector. ~~on forms furnished~~
17 ~~by the inspector.~~

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19 **30-2-309. Mine foreman and mine examiner**
20 **certificates; qualifications; certificate required;**
21 **reciprocity; council duties.**

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23 (a) No person shall act as mine foreman, ~~unit foreman~~
24 or safety engineer at any underground mine unless he holds

1 a mine foreman certificate for the type of mineral being
2 mined. ~~Except as provided in subsection (f) of this~~
3 ~~section,~~ To obtain a mine foreman certificate for a
4 particular mineral an applicant shall pass the required
5 examination for the particular mineral. An applicant for
6 the mine foreman examination shall:

7

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

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

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

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10 **30-2-312. Optional certifications of surface mine**
11 **foremen and mine examiners; surface mine operators not**
12 **required to employ.**

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14 (a) The state mining council may certify a mine
15 foreman, ~~unit foreman,~~ safety engineer or mine examiner
16 desiring to work in a surface mine upon request by an
17 applicant for the certificate. Certificates shall be issued
18 under W.S. 30-2-307 and 30-2-309(a) through (d). Applicants
19 and certificate holders are subject to W.S. 30-2-310 and
20 30-2-311.

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

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

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4 The owner or operator of any mining operation ~~employing~~
5 ~~five (5) or more persons,~~ shall report annually to the
6 inspector before January 31 of each year. The report shall
7 contain the names of the owners and operators, the post
8 office address, the name of the claim to be operated, the
9 number of persons employed, classified as to occupation,
10 the name of the county mining district, and the tonnage
11 produced during the previous calendar year, upon forms
12 furnished by the inspector.

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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.

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2 **30-3-112. Roofs of mines; minimum standards;**
3 **supports; inspection.**

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

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10 (h) At least once each day, the mine foreman ~~or a~~
11 ~~unit foreman~~ shall examine roof, ribs, and face of working
12 places and passageways, where men work or travel, for
13 dangerous conditions. Where found, such dangerous
14 conditions shall be corrected promptly.

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

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19 **Section 3.** Nothing in this act affects the validity
20 of certificates previously issued pursuant to W.S.
21 30-2-309(f).

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

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(END)