

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6 outdated language; and providing for an effective date.

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:

13

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

15

16 (a) As used in this act:

17

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;

6

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

9

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 when persons are present underground. The mine ~~or unit~~  
10 foreman shall not permit any person to work in an unsafe  
11 place unless it be for the purpose of making it safe. Work  
12 for the purpose of making a place safe shall be under the  
13 direct supervision of a certified ~~official~~ mine foreman.  
14 The mine foreman shall provide data and information  
15 regarding the operation of the mine required by the  
16 inspector. ~~on forms furnished by the inspector.~~

17

18 **30-2-309. Mine foreman and mine examiner**  
19 **certificates; qualifications; certificate required;**  
20 **reciprocity; council duties.**

21

22 (a) No person shall act as mine foreman, ~~unit foreman~~  
23 or safety engineer at any underground mine unless he holds  
24 a mine foreman certificate for the type of mineral being

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

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

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

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

8

9 **30-2-312. Optional certifications of surface mine**  
10 **foremen and mine examiners; surface mine operators not**  
11 **required to employ.**

12

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

20

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

24

1           **30-2-402. Annual report to inspector; contents.**

2

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

12

13           **30-3-106. Permissible methane detector required;**  
14 **permissible methods of testing for methane; examination of**  
15 **underground mine by mine examiners; procedure; written**  
16 **record.**

17

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

24

1           **30-3-112. Roofs of mines; minimum standards;**  
2 **supports; inspection.**

3

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

8

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

14

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

17

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

21

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

23

24

(END)