

SENATE FILE NO. SF0005

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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15 (a) Any certificate issued by the council or
16 temporary permit issued by the inspector may be suspended

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21 certificate has been revoked under this section for less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23 person whose certificate has been revoked under this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

1 finds the incapacity, if any, on which the revocation was
2 based has ceased to exist.

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

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(END)