

ENROLLED ACT NO. 5, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

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to unit foreman; repealing certain exemptions for mines employing five or less persons; eliminating unnecessary and outdated language; and providing for an effective date.

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

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

30-2-101. Definitions.

(a) As used in this act:

(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;

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.

ORIGINAL SENATE
FILE NO. 0004

ENROLLED ACT NO. 5, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

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

Each underground mine ~~regularly employing five (5) or more persons~~ with one (1) or more persons present underground shall be supervised by a certified mine foreman who shall ensure compliance with mining laws regarding his duties and the health and safety of mine employees. ~~If the mine foreman is unable personally to perform his duties required by law because of the extent of mining operations, the operator shall employ a sufficient number of certified unit foremen who shall act under the direction of the mine foreman.~~ A certified mine foreman shall remain underground when persons are present underground unless authorized by a variance issued by the council. The mine ~~or unit~~ foreman shall not permit any person to work in an unsafe place unless it be for the purpose of making it safe. Work for the purpose of making a place safe shall be under the direct supervision of a certified ~~official~~ mine foreman. The mine foreman shall provide data and information regarding the operation of the mine required by the inspector. ~~on forms furnished by the inspector.~~

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

(a) No person shall act as mine foreman, ~~unit foreman~~ or safety engineer at any underground mine unless he holds a mine foreman certificate for the type of mineral being mined. ~~Except as provided in subsection (f) of this section,~~ To obtain a mine foreman certificate for a particular mineral an applicant shall pass the required examination for the particular mineral. An applicant for the mine foreman examination shall:

ORIGINAL SENATE
FILE NO. 0004

ENROLLED ACT NO. 5, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

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

(d) Any person holding a certificate of competency from a proper examining board of any state with which Wyoming has a reciprocal agreement may perform the duties in Wyoming for which his certificate certifies that he is competent, without examination by the state mining council. Before assuming any duties in a mine, the person shall present his certificate to the council through the inspector and secure approval of the certificate by the council. The person is subject to examination by the council at the request of the inspector. The person's authority to act in Wyoming as mine foreman, mine examiner, or safety engineer ~~or unit foreman~~ may be cancelled in the same manner as certificates issued by the council. No person shall employ any mine foreman, mine examiner, or safety engineer ~~or unit foreman~~ in an underground mine who does not possess the certificate of competency required.

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

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

ORIGINAL SENATE
FILE NO. 0004

ENROLLED ACT NO. 5, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

and certificate holders are subject to W.S. 30-2-310 and 30-2-311.

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

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

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

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,

ORIGINAL SENATE
FILE NO. 0004

ENROLLED ACT NO. 5, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

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

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

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

ORIGINAL SENATE
FILE NO. 0004

ENROLLED ACT NO. 5, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk