

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. Provided, the council may suspend any
9 certificate or temporary permit pending further
10 investigation and a hearing, for actions that pose a
11 serious threat to the health and safety of miners. The
12 council shall establish by rule a time limit after the
13 alleged date of an incident as provided in this subsection
14 within which a complaint shall be filed. All complaints
15 shall be verified and otherwise filed in accordance with
16 the rules and regulations promulgated by the council. The
17 council or designated members of the council may, after
18 reviewing the complaint and conducting any investigation
19 deemed necessary, determine that the grounds alleged do not
20 warrant suspension or revocation and dismiss the complaint
21 without hearing. No person whose certificate has been
22 revoked under this section for less than ninety (90) days
23 shall be examined by the council. No person whose
24 certificate has been revoked under this section shall be

1 reissued a certificate unless the council finds the
2 incapacity, if any, on which the revocation was based has
3 ceased to exist.

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

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(END)