

28 (ii) one year's experience may be credited to a graduate of a two-year course in mining
29 technology.

30 (b) (i) A surface foreman certificate requires at least three years of varied surface
31 experience.

32 (ii) An applicant may receive credit for surface experience in any other industry that
33 has substantially equivalent surface facilities.

34 (c) A fire boss certificate requires at least two years of underground coal mining
35 experience, of which:

36 (i) one year's experience may be credited to a mining engineering graduate of an
37 approved four-year college; or

38 (ii) six months' experience may be credited to a graduate of a two-year course in
39 mining technology.

40 (d) An underground mine electrician certificate requires at least one year of varied
41 electrical experience as specified in 30 C.F.R. Sec. 75.153.

42 (e) A surface mine electrician certificate requires at least one year of varied surface
43 electrical experience as specified in 30 C.F.R. Sec. 77.103.

44 (f) Electricians shall recertify as specified in 30 C.F.R. Sec. 75.153 or 30 C.F.R. Sec.
45 77.103.

46 (5) Unless prohibited by federal law, United States citizenship is required for any
47 person who receives a certificate for occupations referred to in this section, unless that person:

48 (a) presents satisfactory evidence of good moral character; and

49 (b) has declared his intention to become a United States citizen.

50 (6) A certified person who leaves the mining industry for a period of five years must be
51 recertified.

52 Section 2. Section **40-2-16** is amended to read:

53 **40-2-16. Necessity of certificate -- Temporary certificates -- Surface foreman**
54 **certificate -- Fee -- Employment of uncertified persons prohibited.**

55 (1) A person may not work in any occupation referred to in Section 40-2-15 unless
56 granted a certificate of competency by the ~~[Division of Safety]~~ Labor Commission.

57 (2) (a) The ~~[Division of Safety]~~ Labor Commission may issue, upon a showing of
58 competency, a temporary mine foreman certificate or a temporary surface foreman certificate to

59 remain in effect until the earlier of the next scheduled certification examination or retest
60 examination or until terminated by the [~~Division of Safety~~] Labor Commission.

61 (b) (i) The [~~Division of Safety~~] Labor Commission may issue a surface foreman
62 certificate to a current holder of an underground mine foreman certificate, if the applicant has
63 three years of varied surface mining experience.

64 (ii) An applicant may receive credit for surface experience in any other industry that
65 has substantially equivalent surface facilities, if he has performed or is presently performing the
66 duties normally required of a surface foreman.

67 (3) The [~~Division of Safety~~] Labor Commission shall collect a fee determined under
68 Section 63-38-3.2 for each temporary certificate.

69 (4) (a) An owner, operator, contractor, lessee, or agent may not employ a worker in any
70 occupation referred to in Section 40-2-15 who is uncertified.

71 (b) The certificate shall be on file and available for inspection to interested persons in
72 the office of the mine.

Legislative Review Note

as of 1-15-03 8:51 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst