

MINE CERTIFICATION REQUIREMENTS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Mike Dmitrich

LONG TITLE

General Description:

This bill amends coal mining provisions relating to the number of board members on the panel and their per diem, and amends provisions relating to coal mine electrician certification.

Highlighted Provisions:

This bill:

- ▶ reduces the number of members on the Coal Mine Certification Panel;
- ▶ amends per diem allowances;
- ▶ eliminates certain provisions for coal mine certification; and
- ▶ amends citizenship requirement provisions.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

40-2-14, as last amended by Chapter 375, Laws of Utah 1997

40-2-15, as last amended by Chapter 59, Laws of Utah 2003

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **40-2-14** is amended to read:

40-2-14. Panel -- Composition -- Duties -- Compensation -- Division to grant certificates.

(1) The commissioner of the Labor Commission shall appoint a panel composed of the commissioner or the commissioner's designee and at least ~~[12]~~ eight other members with equal representation and participation from:

- (a) coal mining management representatives; and
- (b) hourly coal mining employee representatives.

(2) The panel members shall:

- (a) have at least five years' experience in coal mining in this state;
- (b) examine those applicants referred to in Section 40-2-15 as to their competency and

qualifications;

- (c) meet when directed by the commissioner or the commissioner's designee; and

~~[(d) except for employees of the Labor Commission, receive \$50 per day spent:]~~

~~[(i) performing their duties; or]~~

~~[(ii) for actual and necessary travel expenses; and]~~

~~[(e)]~~ (d) hold office at the pleasure of the commissioner.

(3) Panel members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

~~[(3)]~~ (4) The commission shall grant certificates to those persons referred to in Section 40-2-15 who pass their examinations.

Section 2. Section **40-2-15** is amended to read:

40-2-15. Certification requirements -- Fees -- Recertification.

(1) The Labor Commission shall collect a fee for the following:

- (a) certification tests;
- (b) sections of the examination that must be retaken; or
- (c) recertification certificates.

(2) The Labor Commission shall determine fees in this section under Section 63-38-3.2.

(3) Any section of the certification test may be retaken if not successfully completed.

(4) Experience and education required to obtain a certificate for the corresponding occupations are as follows:

(a) A mine foreman certificate requires at least four years varied underground coal mining experience, of which:

(i) two years' experience may be credited to a mining engineering graduate of an approved four-year college; or

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

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

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

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

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

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

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

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

~~[(f) Electricians shall recertify as specified in 30 C.F.R. Sec. 75.153 or 30 C.F.R. Sec. 77.103.]~~

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

~~[(a) presents satisfactory evidence of good moral character; and]~~

~~[(b) has declared his intention to become a United States citizen.]~~

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