



28           **40-2-14. Panel -- Composition -- Duties -- Compensation -- Division to grant**  
 29 **certificates.**

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

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

35           (2) The panel members shall:

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

39           (c) meet when directed by the commissioner or the commissioner's designee; and  
 40 ~~[(d) except for employees of the Labor Commission, receive \$50 per day spent:]~~

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

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

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

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

48           ~~[(3)]~~ (4) The commission shall grant certificates to those persons referred to in Section  
 49 40-2-15 who pass their examinations.

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

51           **40-2-15. Certification requirements -- Fees -- Recertification.**

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

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

56           (2) The Labor Commission shall determine fees in this section under Section  
 57 63-38-3.2.

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

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

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

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

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

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

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

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

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

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

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

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

81 ~~[(f) Electricians shall recertify as specified in 30 C.F.R. Sec. 75.153 or 30 C.F.R. Sec.  
82 77.103.]~~

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

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

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

87 ~~[(6)]~~ (5) A certified person who leaves the mining industry for a period of five years  
88 must be recertified.

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**Legislative Review Note**

**as of 12-19-03 1:52 PM**

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

**Office of Legislative Research and General Counsel**