

CHAPTER 98

PROFESSIONS AND OCCUPATIONS

SENATE BILL 96-045

SENATORS Dennis and Bishop;
also REPRESENTATIVE Nichol.

AN ACT

CONCERNING THE REGULATION OF COAL MINERS BY THE COAL MINE BOARD OF EXAMINERS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 34-22-102 (3), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

34-22-102. Board of examiners - created - duties - members. (3) The members of the board shall be appointed by the governor with the consent of the senate. The term of office for each member of the board shall be four years. Any vacancies on the board shall be filled by the governor by appointment for the remainder of an unexpired term. THE GOVERNOR MAY REMOVE ANY BOARD MEMBER FOR MISCONDUCT, INCOMPETENCE, OR NEGLECT OF DUTY.

SECTION 2. 34-22-107 (3) and (6), Colorado Revised Statutes, 1995 Repl. Vol., are amended to read:

34-22-107. Revocation of certification - procedures - grounds. (3) No revocation or suspension of a certificate shall be lawful unless the office of active and inactive mines has first given the certificate holder notice, in writing, of the facts or conduct that may warrant such action, afforded the certificate holder an opportunity to submit written data, views, and arguments with respect to such facts or conduct and, except in cases of ~~deliberate and willful violations~~, RECKLESS ACTIONS OR CONDUCT THAT DEMONSTRATE A SERIOUS DISREGARD FOR HEALTH AND SAFETY, given the certificate holder a reasonable opportunity to comply with all lawful requirements.

(6) No certificate of competency shall be revoked except where the majority of the board finds, in writing, based on the evidence of a hearing record, that the holder of

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

the certificate is guilty of:

- (a) ~~Willful and deliberate~~ RECKLESS disregard of applicable mining law; or
- (b) ~~Willful or reckless disregard of safety in the mine which endangers life or property~~ RECKLESS DISREGARD FOR COMPLIANCE WITH HEALTH AND SAFETY STANDARDS; or
- (c) DEMONSTRATED incompetence in the mine which endangers ~~the safety of life and~~ OR property; or
- (d) ~~Willful~~ INTENTIONAL withholding or altering of mine examination information or reports where life and property is endangered.

SECTION 3. 34-22-112 (1), (6), and (7), Colorado Revised Statutes, 1995 Repl. Vol., are amended to read:

34-22-112. Examinations - applicant qualifications. (1) All candidates for examination for certification shall demonstrate at the time of the examination satisfactory eyesight and hearing consistent with the practice and needs of the coal mining industry.

(6) Every applicant for certification as a shot-firer must have ~~at least one year's~~ experience ~~in coal mines~~ AS DEFINED BY THE BOARD.

(7) All hoistmen working in coal mines must be certified as follows:

(a) Applicants must have ~~at least one year's~~ experience as a ~~hoistman trainee under a certified hoistman or must have been trained in a course~~ AND TRAINING AS approved by the ~~division~~ BOARD or the United States mine safety and health administration.

(b) ~~A hoistman shall be physically and psychologically fit to operate a hoist. A medical evaluation will be required annually by a qualified licensed physician.~~

SECTION 4. 34-22-113, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

34-22-113. Board of examiners - repeal - review of functions. Unless continued by the general assembly, this article is repealed, effective ~~July 1, 1996~~ JULY 1, 2006, and the coal mine board of examiners is abolished. The provisions of section 24-34-104 (5) to (12), C.R.S., concerning a wind-up period, an analysis and evaluation, public hearings, and claims by or against an agency shall apply to the powers, duties, and functions of the board specified in this article.

SECTION 5. 24-34-104 (25.7) (b), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (25.7) The following agencies, functions, or both, shall terminate on July 1, 1996:

(b) ~~The regulation of persons working in coal mines by the coal mine board of examiners in accordance with article 22 of title 34, C.R.S.~~

SECTION 6. 24-34-104, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (37) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH SHALL TERMINATE ON JULY 1, 2006: THE REGULATION OF PERSONS WORKING IN COAL MINES BY THE DEPARTMENT OF NATURAL RESOURCES THROUGH THE COAL MINE BOARD OF EXAMINERS IN ACCORDANCE WITH ARTICLE 22 OF TITLE 34, C.R.S.

SECTION 7. Effective date - applicability. This act shall take effect July 1, 1996, and shall apply to acts occurring on or after said date.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 17, 1996