

1 SB252  
2 197842-1  
3 By Senator Allen  
4 RFD: Transportation and Energy  
5 First Read: 09-APR-19

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8 SYNOPSIS: Existing law provides qualification  
9 requirements for the certification of coal mine  
10 foremen and coal mine fire bosses and also allows  
11 for a qualified individual with an out-of-state  
12 certification to temporarily serve as either a coal  
13 mine foreman or coal mine fire boss if he or she  
14 otherwise has the requisite experience and is  
15 approved by either the Chief of the Division of  
16 Safety and Inspection of the Department of Labor or  
17 a mine inspector delegated by the chief.

18 This bill would clarify requirements for  
19 certification as a coal mine foreman and coal mine  
20 fire boss by providing revised qualification  
21 guidelines for applicants holding college degrees.

22 This bill would also provide that an  
23 individual holding an out-of-state certification as  
24 a coal mine foreman or a coal mine fire boss may  
25 temporarily serve as a coal mine foreman or coal  
26 mine fire boss if that individual otherwise meets  
27 the requisite requirements for the position.

1                   This bill would also revise the amount of  
2                   time during which a temporary coal mine foreman or  
3                   coal mine fire boss may serve in the position.

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5                   A BILL  
6                   TO BE ENTITLED  
7                   AN ACT

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9                   Relating to coal mining; to amend Sections 25-9-11,  
10                  25-9-12, and 25-9-17, Code of Alabama 1975; to clarify  
11                  requirements for certification as a coal mine foreman and coal  
12                  mine fire boss by providing revised qualification guidelines  
13                  for applicants holding college degrees; to provide that an  
14                  individual holding an out-of-state certification as a coal  
15                  mine foreman or a coal mine fire boss may temporarily serve as  
16                  a coal mine foreman or coal mine fire boss if that individual  
17                  otherwise meets the requisite requirements for the position;  
18                  and to revise the amount of time during which a temporary coal  
19                  mine foreman or coal mine fire boss may serve in the position.  
20                  BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21                  Section 1. Sections 25-9-11, 25-9-12, and 25-9-17,  
22                  Code of Alabama 1975, are amended to read as follows:

23                  "§25-9-11.

24                  "(a) Each applicant for a mine foreman's certificate  
25                  of competency shall ~~satisfy all of the following requirements~~  
26                  be at least 23 years old and be a citizen of the United States  
27                  or, if not a citizen of the United States, a person who is

1 legally present in the United States with appropriate  
2 documentation from the federal government, and shall satisfy  
3 one of the following:

4 ~~"(1) Be a citizen of the United States or, if not a~~  
5 ~~citizen of the United States, a person who is legally present~~  
6 ~~in the United States with appropriate documentation from the~~  
7 ~~federal government. Have had at least four years of practical~~  
8 ~~mining experience.~~

9 ~~"(2) Be at least 23 years old. Have had at least two~~  
10 ~~years of practical experience in or around coal mines and hold~~  
11 ~~a bachelor level degree in engineering, geology, or a related~~  
12 ~~field of study from a school accredited by the American~~  
13 ~~Association of Universities, a successor organization, or by a~~  
14 ~~national or regional accrediting agency that is recognized by~~  
15 ~~the Secretary of the United States Department of Education.~~

16 ~~"(3) Have had four years practical mining experience~~  
17 ~~or have had three years practical experience in or around coal~~  
18 ~~mines and be a graduate of a school accredited by the American~~  
19 ~~Association of Universities or have satisfactorily completed~~  
20 ~~an associate degree program in mine technology at an approved~~  
21 ~~state trade school or university. Have had at least three~~  
22 ~~years of practical experience in or around coal mines and hold~~  
23 ~~an associate level degree in engineering, geology, or a~~  
24 ~~related field of study from a school accredited by the~~  
25 ~~American Association of Universities, a successor~~  
26 ~~organization, or by a national or regional accrediting agency~~

1 that is recognized by the Secretary of the United States  
2 Department of Education.

3 ~~"(4) Present~~ (b) Each applicant must also submit  
4 with his or her application an affidavit of his or her meeting  
5 reflecting that he or she has met the foregoing requirements  
6 described in this section and of attesting to his or her good  
7 moral character and known temperate habits, which. This  
8 affidavit shall be signed by three reputable citizens, at  
9 least one of whom shall be the holder of a mine foreman's  
10 certificate.

11 ~~"(5) Present with his or her application an~~  
12 ~~affidavit that he or she is not a member of any political~~  
13 ~~party or organization that advocates the overthrow of the~~  
14 ~~government of the United States by force.~~

15 "§25-9-12.

16 "(a) Each applicant for a fire boss's certificate of  
17 competency shall meet the same qualifications as those for a  
18 mine foreman; except that three years' practical experience in  
19 or around coal mines is substituted for the requirements of  
20 subdivision (3) of Section 25-9-11, and at least one of the  
21 persons signing the affidavit shall be holder of a fire boss's  
22 or a mine foreman's certificate. be at least 22 years old and  
23 be a citizen of the United States or, if not a citizen of the  
24 United States, a person who is legally present in the United  
25 States with appropriate documentation from the federal  
26 government, and shall satisfy one of the following:

1           "(1) Have had at least three years of practical  
2 mining experience.

3           "(2) Have had at least one year of practical  
4 experience in or around coal mines and hold a bachelor level  
5 degree in engineering, geology, or a related field of study  
6 from a school accredited by the American Association of  
7 Universities, a successor organization, or by a national or  
8 regional accrediting agency that is recognized by the  
9 Secretary of the United States Department of Education.

10          "(3) Have had at least two years of practical  
11 experience in or around coal mines and hold an associate level  
12 degree in engineering, geology, or a related field of study  
13 from a school accredited by the American Association of  
14 Universities, a successor organization, or by a national or  
15 regional accrediting agency that is recognized by the  
16 Secretary of the United States Department of Education.

17          "(b) Each applicant must also submit with his or her  
18 application an affidavit reflecting that he or she has met the  
19 requirements described in this section and attesting to his or  
20 her good moral character and known temperate habits. This  
21 affidavit shall be signed by three reputable citizens, at  
22 least one of whom shall be the holder of a mine foreman's  
23 certificate.

24           "§25-9-17.

25          "(a) Except as otherwise provided in this chapter,  
26 no person shall act as fire boss in any coal mine in this  
27 state unless he or she is in possession of a fire boss's

1 certificate of competency. ~~Anyone holding a mine foreman's~~  
2 ~~certificate of competency may serve as fire boss. Whenever any~~  
3 ~~exigency arises by which~~ or a mine foreman's certificate of  
4 competency.

5 "(b) If it is impossible for ~~any~~ an operator, owner,  
6 or lessee to secure the immediate service of a certified mine  
7 foreman or fire boss, he or she may employ a person, who has  
8 ~~the same qualifications by experience, concurred in by the~~  
9 ~~chief or mine inspector delegated by the chief, to act as~~  
10 ~~temporary mine foreman or fire boss for a period not to exceed~~  
11 ~~15 days~~ holds a valid underground coal mine foreman  
12 certification issued by another state and who meets the  
13 qualifications to work as a mine foreman in this state, to act  
14 as a temporary mine foreman or fire boss until the date of the  
15 next mine foreman examination that the person is eligible to  
16 take.

17 "(c) The requirements for a temporary mine foreman  
18 or fire boss shall be no more ~~severe~~ stringent than those  
19 contained in federal regulations."

20 Section 2. This act shall become effective on the  
21 first day of the third month following its passage and  
22 approval by the Governor, or its otherwise becoming law.