

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

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DRAFT

LLS NO. 20-0524.01 Jennifer Berman x3286

SUNSET BILL

I

Sunset Process - House Rural Affairs and Agriculture Committee

BILL TOPIC: "Sunset Coal Mine Board Of Examiners"
DEADLINES: Finalize by: JAN 27, 2020 File by: JAN 29, 2020

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE COAL MINE BOARD OF
102 EXAMINERS, AND, IN CONNECTION THEREWITH, IMPLEMENTING
103 THE RECOMMENDATIONS CONTAINED IN THE 2019 SUNSET
104 REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - House Rural Affairs and Agriculture Committee. The bill implements the recommendations of the department of regulatory agencies' sunset review and report on the coal mine board

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

of examiners (board) in the department of natural resources by:

- Continuing the board for 9 years, until 2029 (*recommendation 1, sections 1 and 2* of the bill);
- Requiring the executive director of the department of natural resources to establish, by rule, examination fees based on the direct and indirect costs of administering examinations (*recommendation 2, section 3*);
- Defining "commissioner" as the commissioner of mines in the statute that lists the board members (*recommendation 3, section 4*);
- Repealing references to "assistant mine foreman" (*recommendation 4, section 5*); and
- Replacing an obsolete reference to a "flame safety lamp" with a reference to a "digital gas detector" (*recommendation 5, section 6*).

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

2 ***Recommendation 1***

3 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
4 (18)(a)(I); and **add** (30)(a)(III) as follows:

5 **24-34-104. General assembly review of regulatory agencies**
6 **and functions for repeal, continuation, or reestablishment - legislative**
7 **declaration - repeal.** (18) (a) The following agencies, functions, or both,
8 are scheduled to repeal on July 1, 2020:

9 (I) ~~The regulation of persons working in coal mines by the~~
10 ~~department of natural resources through the coal mine board of examiners~~
11 ~~in accordance with article 22 of title 34, C.R.S.;~~

12 (30) (a) The following agencies, functions, or both, are scheduled
13 for repeal on September 1, 2029:

14 (III) THE REGULATION OF PERSONS WORKING IN COAL MINES BY
15 THE DEPARTMENT OF NATURAL RESOURCES THROUGH THE COAL MINE
16 BOARD OF EXAMINERS IN ACCORDANCE WITH ARTICLE 22 OF TITLE 34.

17 **SECTION 2.** In Colorado Revised Statutes, **amend** 34-22-113 as

1 follows:

2 **34-22-113. Repeal of article - subject to review.** Unless
3 continued by the general assembly, This article ARTICLE 22 is repealed,
4 effective July 1, 2020, and the coal mine board of examiners is abolished.
5 The provisions of section 24-34-104 (2) to (8), C.R.S., concerning a
6 wind-up period, an analysis and evaluation, public hearings, and claims
7 by or against an agency apply to the powers, duties, and functions of the
8 board specified in this article SEPTEMBER 1, 2029. BEFORE THE REPEAL,
9 THIS ARTICLE 22 IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH
10 SECTION 24-34-104.

11 ***Recommendation 2***

12 **SECTION 3.** In Colorado Revised Statutes, 34-22-111, **amend**
13 (1) as follows:

14 **34-22-111. Certification fee - rules.** (1) Each individual taking
15 an examination for certification as required in ~~section 34-22-105~~
16 SECTIONS 34-22-104 (2) AND 34-22-105 shall pay to the office of active
17 and inactive mines, FOR AN INITIAL EXAMINATION OR SUBSEQUENT
18 EXAMINATION REQUIRED BECAUSE OF THE FAILURE TO RECEIVE A PASSING
19 GRADE, a fee of ~~twenty-five dollars for any initial examination or~~
20 ~~subsequent examinations required because of the failure to receive a~~
21 ~~passing grade. Renewals of certificates of competency where required~~
22 ~~shall be at no cost to the individual holding a valid certificate~~ IN AN
23 AMOUNT DETERMINED BY RULE BY THE EXECUTIVE DIRECTOR OF THE
24 DEPARTMENT TO COVER THE DIRECT AND INDIRECT COSTS TO ADMINISTER
25 EXAMINATIONS. THE OFFICE SHALL NOT CHARGE AN INDIVIDUAL HOLDING
26 A VALID CERTIFICATE OF COMPETENCY A FEE TO RENEW THE INDIVIDUAL'S
27 CERTIFICATE.

1 **Recommendation 3**

2 **SECTION 4.** In Colorado Revised Statutes, 34-22-102, **amend**
3 (2) introductory portion and (2)(e) as follows:

4 **34-22-102. Board of examiners - created - duties - members.**

5 (2) The board ~~shall be~~ IS composed of four voting members and one
6 nonvoting ex officio member as follows:

7 (e) The commissioner, AS DESCRIBED IN SECTION 34-21-102, or ~~his~~
8 THE COMMISSIONER'S designee, ~~shall serve~~ SERVES as a nonvoting, ex
9 officio member of the board.

10 **Recommendation 4**

11 **SECTION 5.** In Colorado Revised Statutes, 34-22-112, **amend**
12 (2) and (3) as follows:

13 **34-22-112. Examinations - applicant qualifications.** (2) Every
14 applicant for certification as a mine foreman ~~or assistant mine foreman~~
15 shall produce evidence satisfactory to the board of not less than three
16 years' experience in mines or in operations determined by the board to be
17 equivalent to coal mines. The experience of an applicant intending to
18 work in underground mines must be in underground mining. The
19 experience of an applicant intending to work in surface mining must be
20 in surface mining.

21 (3) ~~The holder of~~ A PERSON WHO HOLDS a college degree in
22 engineering, which degree is determined by the board to be acceptable
23 and suited to the intent and purpose of this ~~article~~ ARTICLE 22, who
24 satisfies the board that ~~he~~ THE PERSON has at least one year of actual and
25 satisfactory experience in the operation of underground coal mines,
26 including experience in mining, timbering, haulage, drainage, and
27 ventilation and including experience in the capacity of mining engineer,

1 ~~shall be~~ IS eligible for examination as A mine foreman ~~or assistant mine~~
2 ~~foreman~~ in underground coal mines.

3 ***Recommendation 5***

4 **SECTION 6.** In Colorado Revised Statutes, 34-22-109, **amend**
5 (3) as follows:

6 **34-22-109. Examinations - content.** (3) TO QUALIFY FOR
7 CERTIFICATION, an applicant for certification as a shot-firer ~~shall~~ MUST be
8 sufficiently knowledgeable as to explosives, breaking agents, and blasting
9 accessories used in coal mines, the proper placement of drill holes made
10 for the purpose of breaking or dislodging coal and rock, the ~~flame safety~~
11 ~~lamp~~ DIGITAL GAS DETECTOR and its use in detecting inflammables and
12 noxious gases, and the proper ventilation in the working places of coal
13 mines.

14 **SECTION 7. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety. <{***Because the coal***
17 ***mine board of examiners is subject to repeal on July 1, 2020, the bill***
18 ***should have a safety clause to avoid the act repealing before the bill***
19 ***goes into effect.***>