

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

1 SB252

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4 ENROLLED, An Act,

5 Relating to coal mining; to amend Sections 25-9-11,  
6 25-9-12, and 25-9-17, Code of Alabama 1975; to clarify  
7 requirements for certification as a coal mine foreman and coal  
8 mine fire boss by providing revised qualification guidelines  
9 for applicants holding college degrees; to provide that an  
10 individual holding an out-of-state certification as a coal  
11 mine foreman or a coal mine fire boss may temporarily serve as  
12 a coal mine foreman or coal mine fire boss if that individual  
13 otherwise meets the requisite requirements for the position;  
14 and to revise the amount of time during which a temporary coal  
15 mine foreman or coal mine fire boss may serve in the position.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

19 "§25-9-11.

20 "(a) Each applicant for a mine foreman's certificate  
21 of competency shall ~~satisfy all of the following requirements~~  
22 be at least 23 years old and be a citizen of the United States  
23 or, if not a citizen of the United States, a person who is  
24 legally present in the United States with appropriate

1 documentation from the federal government, and shall satisfy  
2 one of the following:

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

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

16 ~~"(3) Have had at least two years and six months of~~  
17 ~~practical mining experience in or around a coal mine and a~~  
18 ~~bachelor level degree in any field of engineering other than~~  
19 ~~mining engineering.~~

20 ~~"(3) Have had four years practical mining experience~~  
21 ~~or have had three years practical experience in or around coal~~  
22 ~~mines and be a graduate of a school accredited by the American~~  
23 ~~Association of Universities or have satisfactorily completed~~  
24 ~~an associate degree program in mine technology at an approved~~  
25 ~~state trade school or university. Have had at least three~~

1 years of practical experience in or around coal mines and hold  
2 an associate level degree in engineering, geology, or a  
3 related field of study from a school accredited by the  
4 American Association of Universities, a successor  
5 organization, or by a national or regional accrediting agency  
6 that is recognized by the Secretary of the United States  
7 Department of Education.

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

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

20 "§25-9-12.

21 "(a) Each applicant for a fire boss's certificate of  
22 competency shall meet the same qualifications as those for a  
23 mine foreman; except that three years' practical experience in  
24 or around coal mines is substituted for the requirements of  
25 subdivision (3) of Section 25-9-11, and at least one of the

1 ~~persons signing the affidavit shall be holder of a fire boss's~~  
2 ~~or a mine foreman's certificate.~~ be at least 22 years old and  
3 be a citizen of the United States or, if not a citizen of the  
4 United States, a person who is legally present in the United  
5 States with appropriate documentation from the federal  
6 government, and shall satisfy one of the following:

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

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

16 "(3) Have had at least one year and six months of  
17 practical mining experience in or around a coal mine and a  
18 bachelor level degree in any field of engineering other than  
19 mining engineering.

20 "(4) Have had at least two years of practical  
21 experience in or around coal mines and hold an associate level  
22 degree in engineering, geology, or a related field of study  
23 from a school accredited by the American Association of  
24 Universities, a successor organization, or by a national or

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

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

10 "§25-9-17.

11 "(a) Except as otherwise provided in this chapter,  
12 no person shall act as fire boss in any coal mine in this  
13 state unless he or she is in possession of a fire boss's  
14 certificate of competency. ~~Anyone holding a mine foreman's~~  
15 ~~certificate of competency may serve as fire boss. Whenever any~~  
16 ~~exigency arises by which~~ or a mine foreman's certificate of  
17 competency.

18 "(b) If it is impossible for ~~any~~ an operator, owner,  
19 or lessee to secure the immediate service of a certified mine  
20 foreman or fire boss, he or she may employ a person, who has  
21 ~~the same qualifications by experience, concurred in by the~~  
22 ~~chief or mine inspector delegated by the chief, to act as~~  
23 ~~temporary mine foreman or fire boss for a period not to exceed~~  
24 ~~15 days~~ holds a valid underground coal mine foreman  
25 certification issued by another state, has worked in an

1 underground mine in Alabama for at least 30 calendar days, and  
2 who meets the qualifications to work as a mine foreman in this  
3 state, as concurred in by the chief, or mine inspector  
4 delegated by the chief, to act as a temporary mine foreman or  
5 fire boss until the date of the next mine foreman examination  
6 that the person is eligible to take.

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

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

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB252

Senate 18-APR-19

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 14-MAY-19

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By: Senator Allen