



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4568

Introduced 1/21/2022, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

225 ILCS 705/2.01	from Ch. 96 1/2, par. 301
225 ILCS 705/2.10	from Ch. 96 1/2, par. 310
225 ILCS 705/2.12	from Ch. 96 1/2, par. 312
225 ILCS 705/2.14	from Ch. 96 1/2, par. 314
225 ILCS 705/3.01	from Ch. 96 1/2, par. 351
225 ILCS 705/3.04	from Ch. 96 1/2, par. 354
225 ILCS 705/Art. 8 heading	
225 ILCS 705/8.01	from Ch. 96 1/2, par. 801
225 ILCS 705/8.04	from Ch. 96 1/2, par. 804
225 ILCS 705/8.05	from Ch. 96 1/2, par. 805
225 ILCS 705/8.06	from Ch. 96 1/2, par. 806
225 ILCS 705/8.08	from Ch. 96 1/2, par. 808
225 ILCS 705/8.09	from Ch. 96 1/2, par. 809
225 ILCS 705/8.11	from Ch. 96 1/2, par. 811
225 ILCS 705/8.12	from Ch. 96 1/2, par. 812
225 ILCS 705/8.13	from Ch. 96 1/2, par. 813
225 ILCS 705/8.14	from Ch. 96 1/2, par. 814
225 ILCS 705/8.16	from Ch. 96 1/2, par. 816
225 ILCS 705/8.17	from Ch. 96 1/2, par. 817
225 ILCS 705/8.18	from Ch. 96 1/2, par. 818
225 ILCS 705/8.19	from Ch. 96 1/2, par. 819
225 ILCS 705/8.02 rep.	
225 ILCS 705/8.03 rep.	

Amends the Coal Mining Act. Repeals provisions concerning the Miners' Examining Board. Provides that the Mining Board shall carry out the duties of the Miners' Examining Board. Makes changes in provisions concerning rulemaking. Makes conforming and other changes. Effective immediately.

LRB102 22912 SPS 32065 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Coal Mining Act is amended by changing
5 Sections 2.01, 2.10, 2.12, 2.14, 3.01, and 3.04 and the
6 heading of Article 8 and Sections 8.01, 8.04, 8.05, 8.06,
7 8.08, 8.09, 8.11, 8.12, 8.13, 8.14, 8.16, 8.17, 8.18, and 8.19
8 as follows:

9 (225 ILCS 705/2.01) (from Ch. 96 1/2, par. 301)

10 Sec. 2.01. The Mining Board in the Department of Natural
11 Resources shall administer this Act, ~~except that Article 8~~
12 ~~shall be administered by the Miners' Examining Board in the~~
13 ~~Department.~~

14 (Source: P.A. 89-445, eff. 2-7-96.)

15 (225 ILCS 705/2.10) (from Ch. 96 1/2, par. 310)

16 Sec. 2.10. In conducting the hearings before the Mining
17 Board any member of the Mining Board shall have the power to
18 administer oaths to any and all persons appearing before the
19 Mining Board, and any person who shall willfully ~~wilfully~~,
20 corruptly and falsely testify under oath with respect to any
21 charges or evidence offered shall be deemed guilty of perjury
22 and shall be subject to the penalties thereof as prescribed by

1 the laws of this State.

2 (Source: Laws 1953, p. 701.)

3 (225 ILCS 705/2.12) (from Ch. 96 1/2, par. 312)

4 Sec. 2.12. The Mining Board shall have power to promulgate
5 rules and regulations, in accordance with the Illinois
6 Administrative Procedure Act and in connection with methods of
7 coal mining affecting the health and safety of persons
8 employed in the coal mines. ~~The rules and regulations shall be~~
9 ~~promulgated in accordance with the following procedure and~~
10 ~~standards:~~

11 ~~Prior to the adoption, amendment, or repeal of any rule,~~
12 ~~the Director shall:~~

13 ~~(a) give at least 30 days notice of his intended action.~~
14 ~~The notice shall include a statement of the terms or substance~~
15 ~~of the intended action or of a description of the subjects and~~
16 ~~issues involved, and the time and the place for interested~~
17 ~~persons to present their views thereon. The notice shall be~~
18 ~~mailed to all persons who have made timely request of the~~
19 ~~Director for advance notice of his rule-making proceedings and~~
20 ~~shall be published in the official State newspaper;~~

21 ~~(b) afford all interested persons reasonable opportunity~~
22 ~~to submit data, views, or arguments, orally or in writing,~~
23 ~~provided that the right to cross examine any witnesses is~~
24 ~~given to any interested parties, if such right is requested.~~
25 ~~The Director shall consider fully all written and oral~~

1 ~~submissions respecting the proposed rule. No rule may be~~
2 ~~adopted unless substantial evidence in support of such rule is~~
3 ~~presented at such hearing. Upon adoption of a rule the~~
4 ~~Director, if requested to do so by an interested person either~~
5 ~~prior to adoption or within 30 days thereafter, shall issue a~~
6 ~~concise statement of the principal reasons for or against its~~
7 ~~adoption, incorporating therein his reasons for overruling the~~
8 ~~considerations urged against its adoption. No rule is valid~~
9 ~~unless adopted in substantial compliance with this Section.~~

10 ~~(c) The Director shall file in the office of the Secretary~~
11 ~~of State a certified copy of each rule adopted by him. The~~
12 ~~Secretary of State shall keep a permanent register of the~~
13 ~~rules open to public inspection.~~

14 ~~(d) Each rule hereafter adopted is effective 30 days after~~
15 ~~filing, except that, if a later date is specified in the rule,~~
16 ~~the later date is the effective date. Any rule adopted~~
17 ~~hereunder shall not be retroactive. Any operator shall have~~
18 ~~the right to proceed with operations under this Act until the~~
19 ~~rules are adopted and no rules shall be made applicable to any~~
20 ~~operations prior to the effective date thereof.~~

21 ~~These rules and regulations shall be enforced by the~~
22 ~~Department.~~

23 (Source: P.A. 79-460.)

24 (225 ILCS 705/2.14) (from Ch. 96 1/2, par. 314)

25 Sec. 2.14. The Director shall promulgate rules, in

1 accordance with the Illinois Administrative Procedure Act,
2 necessary for the effective and orderly conduct of hearings
3 held pursuant to this Act. These rules shall include, but not
4 necessarily be limited to, the following for the benefit of
5 any affected operator, miner, labor representative or other
6 person with a substantial interest in the hearing:

7 1. adequate written notice of charges against any charged
8 party;

9 2. adequate written notice of all hearings to any affected
10 operator, miner, labor representative or other interested
11 person;

12 3. the right to be represented by counsel;

13 4. the right to present evidence.

14 5. the right to cross-examine witnesses.

15 6. the right to present its position orally or in writing
16 to the Board.

17 7. the right to request issuance of subpoenas by the
18 Department.

19 (Source: P.A. 79-460.)

20 (225 ILCS 705/3.01) (from Ch. 96 1/2, par. 351)

21 Sec. 3.01. The certificates provided for in this Act ~~7~~
22 ~~except those issued as provided in Article 8,~~ shall be issued
23 under the signature of the Director and the seal of the Mining
24 Board ~~Department~~ to all those who receive a rating above the
25 minimum fixed by the rules of the Mining Board, and to no other

1 persons. All certificates shall contain the full name of the
2 recipient, his age, his place of birth, and the nature and
3 number of years of his previous service in or about coal mines.
4 (Source: Laws 1953, p. 701.)

5 (225 ILCS 705/3.04) (from Ch. 96 1/2, par. 354)

6 Sec. 3.04. An applicant for any certificate provided for
7 in this Act, ~~except those issued as provided in Article 8,~~
8 before being examined, shall register his or her name with the
9 Mining Board and file with the Board the credentials required
10 by this Act, to-wit: an affidavit as to all matters of fact
11 establishing his or her right to receive the examination, and
12 a certificate of good character and temperate habits signed by
13 at least 10 residents of the community in which he or she
14 resides. Each applicant shall also submit a reasonable fee as
15 prescribed by rule, with such fee being deposited into the
16 Coal Mining Regulatory Fund. The monies deposited into the
17 Coal Mining Regulatory Fund under this Section shall not be
18 subject to administrative charges or chargebacks unless
19 otherwise authorized by this Act.

20 (Source: P.A. 97-1136, eff. 1-1-13.)

21 (225 ILCS 705/Art. 8 heading)

22 ARTICLE 8.

23 ~~MINERS' EXAMINING BOARD AND MINERS' EXAMINATIONS.~~

1 (225 ILCS 705/8.01) (from Ch. 96 1/2, par. 801)

2 Sec. 8.01. No person shall be employed or engaged at the
3 face of the coal as a coal loader, loading machine operator,
4 cutting machine operator, driller or shooter, timberman or
5 roof bolter in any coal mine in this State without having first
6 obtained a certificate of competency from the Mining Miners'
7 ~~Examining~~ Board, and having completed a course of instruction
8 in first aid to the injured and mine rescue methods and
9 appliances prescribed by the Department, except that any such
10 certified miner may have one person working with him and under
11 his direction as an apprentice for the purpose of learning the
12 business of mining and becoming qualified to obtain a
13 certificate of competency.

14 No person who enters employment as an apprentice miner
15 shall be employed as an apprentice miner for a period longer
16 than 12 months after becoming eligible to obtain a first class
17 certificate of competency, except in the event of illness or
18 injury, when time extensions may be permitted in a manner
19 established by the Mining Miners' ~~Examining~~ Board.

20 (Source: P.A. 85-1333.)

21 (225 ILCS 705/8.04) (from Ch. 96 1/2, par. 804)

22 Sec. 8.04. Each Mining Board ~~miners' examining~~ officer
23 ~~shall receive as compensation for his services the sum of~~
24 ~~\$7,500 per year or such greater sum as may be set by the~~
25 ~~Compensation Review Board. He shall also receive his traveling~~

1 and other necessary expenses actually expended in the
2 discharge of his official duties. Expenses ~~Salary and expenses~~
3 of such officers shall be paid monthly. All expense accounts
4 shall be itemized and verified by the examining officer
5 receiving the same, and shall be approved by the Director.

6 (Source: P.A. 85-1333.)

7 (225 ILCS 705/8.05) (from Ch. 96 1/2, par. 805)

8 Sec. 8.05. ~~The Board shall organize annually by selecting~~
9 ~~one of its members as president and another as secretary.~~ All
10 records, reports, books, papers, and other property pertaining
11 to the office of the Mining Miners' ~~Examining~~ Board shall be
12 kept by the secretary. The secretary shall be provided with a
13 seal with proper device, and on the margin thereof shall be the
14 words, "Mining Miners' ~~Examining~~ Board, State of Illinois."

15 (Source: P.A. 85-1333.)

16 (225 ILCS 705/8.06) (from Ch. 96 1/2, par. 806)

17 Sec. 8.06. The Mining Miners' ~~Examining~~ Board shall hold
18 an examination once in each calendar month, and at such other
19 times and at such places as the Director may designate. The
20 Director shall endeavor to schedule examinations at places
21 located most conveniently with reference to the districts in
22 which coal is mined in the State of Illinois so that all
23 persons in such district or in this State, or who may wish to
24 come into this State for the purpose of engaging in mining may

1 be examined as to their competency and qualifications. Public
2 notice of the examinations shall be given through the press or
3 otherwise not less than 7 days in advance of such meeting,
4 which notice shall fix the time and place at which any
5 examination under this Act is to be held.

6 (Source: P.A. 85-1333.)

7 (225 ILCS 705/8.08) (from Ch. 96 1/2, par. 808)

8 Sec. 8.08. All examinations held by the Mining Miners'
9 ~~Examining~~ Board shall ~~be conducted in the English language and~~
10 ~~shall~~ be of a practical nature so as to determine the
11 competency and qualification of the applicant to engage in
12 mining. The Mining Miners' ~~Examining~~ Board shall examine under
13 oath all persons who apply for certificates as to their
14 previous experience as miners and shall grant certificates of
15 competency to such applicants as are qualified, which
16 certificates shall entitle the holder thereof to be employed
17 as and to do the work of miners in this State.

18 (Source: P.A. 85-1333.)

19 (225 ILCS 705/8.09) (from Ch. 96 1/2, par. 809)

20 Sec. 8.09. A first class certificate of competency shall
21 be issued to any person under this Article who can produce
22 satisfactory evidence to the Mining Miners' ~~Examining~~ Board of
23 having had not less than 1 year experience as a worker on coal
24 producing sections of a coal mine and having had an

1 opportunity during that year of observing and helping to
2 perform all the work required in that section and also to learn
3 the fundamentals of roof control, testing of top, and testing
4 for gas, which could be accomplished by the cooperation of
5 management and workers, and that he has completed a course in
6 first aid for the injured.

7 A first class certificate of competency shall also be
8 issued to any person under this Article who can produce
9 satisfactory evidence to the Mining ~~Miners' Examining~~ Board of
10 having been employed as a worker or a trainee in an underground
11 coal mine for a period not less than 6 months and having had an
12 opportunity during that 6 months of observing and helping to
13 perform work required on a coal producing section and also to
14 learn the fundamentals of ventilation, roof control, testing
15 of rib and roof, and testing for gas, and that he has completed
16 a course in first aid for the injured, and possesses a two-year
17 Associate in Applied Science Degree in Coal Mining Technology
18 or a degree in Engineering from an approved school or college,
19 or university.

20 (Source: P.A. 85-1333.)

21 (225 ILCS 705/8.11) (from Ch. 96 1/2, par. 811)

22 Sec. 8.11. In no case shall an applicant for certificate
23 of competency be deemed competent unless he appears in person
24 before the Mining ~~Miners' Examining~~ Board and orally answers
25 intelligently and correctly practical questions, propounded to

1 him by said Board, pertaining to the requirements and
2 qualifications of a practical miner.

3 (Source: Laws 1955, p. 2012.)

4 (225 ILCS 705/8.12) (from Ch. 96 1/2, par. 812)

5 Sec. 8.12. The Mining ~~Miners' Examining~~ Board shall make
6 an accurate record of its proceedings and meetings and in the
7 record shall show a correct detailed account of the
8 examination of each applicant with questions asked and their
9 answers, and the record made shall be open for public
10 inspection.

11 (Source: Laws 1957, p. 1558.)

12 (225 ILCS 705/8.13) (from Ch. 96 1/2, par. 813)

13 Sec. 8.13. No miners' certificate granted under the
14 provisions of this Article is transferable and any effort to
15 transfer the same is a violation of this Act. Such
16 certificates shall be issued only at meetings of the Mining
17 ~~Miners' Examining~~ Board and shall not be valid unless signed
18 by at least two members of the Mining ~~Miners' Examining~~ Board
19 and sealed with the seal of such Board.

20 (Source: Laws 1953, p. 701.)

21 (225 ILCS 705/8.14) (from Ch. 96 1/2, par. 814)

22 Sec. 8.14. The Mining ~~Miners' Examining~~ Board shall
23 annually on the first day of March, report to the Director, in

1 writing, what examinations it has held and what work it has
2 done during the preceding year, together with such
3 recommendations as it may deem advisable for the improvement
4 of the method of holding examinations and carrying out the
5 purposes of this Article.

6 (Source: Laws 1953, p. 701.)

7 (225 ILCS 705/8.16) (from Ch. 96 1/2, par. 816)

8 Sec. 8.16. The Mining Miners'~~Examining~~ Board shall report
9 all complaints or charges of noncompliance with, or violation
10 of the provisions of this Article to the State's Attorney of
11 the county in which such non-compliance or violation occurs,
12 and the State's Attorney of the county wherein the complaints
13 or charges are made shall investigate the same and prosecute
14 all persons so offending.

15 (Source: Laws 1953, p. 701.)

16 (225 ILCS 705/8.17) (from Ch. 96 1/2, par. 817)

17 Sec. 8.17. In order to more effectively carry out the
18 intention and purposes of this Article, the Mining Miners'
19 ~~Examining~~ Board shall have power to administer oaths to any
20 and all persons who are applicants or may vouch in any manner
21 for the service or qualification of any applicant in order to
22 obtain for him a certificate hereunder, and any person who
23 shall wilfully and falsely swear or testify as to any matter
24 material to such examination or as to the service or

1 qualification of any applicant shall be deemed guilty of
2 perjury and shall be subject to the penalties thereof as
3 prescribed by the criminal code of this State.

4 (Source: Laws 1953, p. 701.)

5 (225 ILCS 705/8.18) (from Ch. 96 1/2, par. 818)

6 Sec. 8.18. The Governor shall have the power and authority
7 to remove any Mining Board ~~miners' examining~~ officer for
8 neglect of duty, incompetency, or malfeasance in office, and
9 upon such removal shall appoint a successor.

10 (Source: P.A. 85-1333.)

11 (225 ILCS 705/8.19) (from Ch. 96 1/2, par. 819)

12 Sec. 8.19. It shall be unlawful for any member of the
13 Mining ~~Miners' Examining~~ Board to issue any certificate of
14 competency pursuant to this Section when he knows or has
15 reason to know that the applicant fails to meet any of the
16 requirements for the certificate.

17 (Source: P.A. 79-460.)

18 (225 ILCS 705/8.02 rep.)

19 (225 ILCS 705/8.03 rep.)

20 Section 10. The Coal Mining Act is amended by repealing
21 Sections 8.02 and 8.03.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.