

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 11.01, 19.11, 22.18, and 38.3 and the heading of
6 Article 29 and by adding Sections 1.19, 1.20, 1.21, 1.22, 1.23,
7 1.24, 10.08, 11.07, 11.08, 11.09, 11.10, 11.11, 13.16, 13.17,
8 13.18, 29.05, 29.06, 29.07, 38.4, and 38.5 as follows:

9 (225 ILCS 705/1.19 new)

10 Sec. 1.19. "Lifeline cord" means a fire-retardant, nylon
11 line of at least one quarter inch thickness, with cone-shaped
12 directional indicators incorporated into it, that is
13 permanently installed in an escape way and gives a clear
14 indication of the direction out of a mine.

15 (225 ILCS 705/1.20 new)

16 Sec. 1.20. "Self-contained self-rescue (SCSR) device"
17 means a breathing apparatus approved by the Mine Safety and
18 Health Administration of the U.S. Department of Labor and the
19 Mining Board.

20 (225 ILCS 705/1.21 new)

21 Sec. 1.21. "Surface supervisor of an underground mine"
22 means a certified supervisor at a mine whose duties do not
23 include the extraction of coal, but do include other activities
24 resulting in the preparation of coal, supervision of
25 construction or demolition of mine buildings, earth moving, gob
26 moving projects, or other surface projects involving the
27 supervision of people and machinery.

28 (225 ILCS 705/1.22 new)

29 Sec. 1.22. "Tag-line" means a nylon line of at least one

1 quarter inch thickness that has mechanical clips or other
2 suitable connecting devices incorporated therein that are
3 spaced between 3 feet and 5 feet apart that allow a group of
4 persons underground to attach themselves together.

5 (225 ILCS 705/1.23 new)

6 Sec. 1.23. "Rescue chamber" means a chamber within a mine
7 that is properly constructed to protect against potential
8 hazards in case of an emergency and is properly equipped with
9 first aid materials, an oxygen-generating device capable of
10 providing a minimum of 48 hours of oxygen for at least 10
11 people, and proper accommodations for persons underground
12 awaiting rescue, as determined by the Mining Board.

13 (225 ILCS 705/1.24 new)

14 Sec. 1.24. "Cache" means a storage facility within a mine
15 that is properly constructed to store SCSR devices in case of
16 an emergency for use by persons underground in emergency
17 situations, as determined by the Mining Board.

18 (225 ILCS 705/10.08 new)

19 Sec. 10.08. Use of telecommunications center. In order to
20 ensure a quick and efficient means of effectively disseminating
21 duties and responsibilities to those agencies involved in
22 mining emergency response, the Department shall use the
23 telecommunications center maintained by the Illinois Emergency
24 Management Agency to notify agents of the Department and other
25 State, federal, and local agencies in the event of an emergency
26 in or about any coal mine. The Illinois Emergency Management
27 Agency, in conjunction with the Mining Board, shall establish
28 procedures concerning the manner in which the Illinois
29 Emergency Management Agency shall record pertinent information
30 regarding a mining emergency, determine the urgency of a call,
31 and forward information to the Department.

32 (225 ILCS 705/11.01) (from Ch. 96 1/2, par. 1101)

1 Sec. 11.01. Mine rescue stations. For the purpose of
2 providing prompt and efficient means of fighting fires and of
3 saving lives and property jeopardized by fires, explosions or
4 other accidents in coal mines in Illinois, there shall be
5 constructed, equipped and maintained at public expense 4 ~~four~~
6 mine rescue stations, certified by the Mine Safety and Health
7 Administration of the U.S. Department of Labor, to serve the
8 coal fields of the State. Notwithstanding any other law of this
9 State, the primary responsibility for the control and
10 maintenance of the mine rescue stations shall be vested with
11 the Department. Each station shall be equipped with a mobile
12 mine rescue unit. The Department may establish, equip and
13 maintain three additional substations for preservation of
14 health and safety if the conditions warrant. Temporary
15 certification may be issued by the Mining Board for a maximum
16 of 6 months after the effective date of this amendatory Act of
17 the 94th General Assembly.

18 (Source: P.A. 87-895.)

19 (225 ILCS 705/11.07 new)

20 Sec. 11.07. Rescue teams. Rescue teams shall be based out
21 of each mine rescue station to serve the Illinois coal industry
22 as either a primary or secondary responder. Every operator in
23 the State must provide employees to serve on a rescue team and
24 must compensate these employees who are serving as rescue team
25 members at their regular rate of pay.

26 (225 ILCS 705/11.08 new)

27 Sec. 11.08. Self-contained self-rescuer (SCSR) devices;
28 caches; strobe lights; luminescent signs.

29 (a) An operator must require each person underground to
30 carry a SCSR device on his or her person or, alternatively, a
31 SCSR device must be kept within 25 feet of the person
32 underground or may be kept more than 25 feet from the person
33 underground if done according to a plan approved by the Mining
34 Board.

1 (b) An operator must provide a minimum of 30 SCSR devices
2 in each cache located within a mine. Caches must be located no
3 more than 4,000 feet apart throughout a mine.

4 (c) An operator must submit for approval a plan addressing
5 the requirements of subsection (b) of this Section to the
6 Mining Board within 3 months after the effective date of this
7 amendatory Act of the 94th General Assembly.

8 (d) An operator must require luminescent direction signs
9 leading to each cache and rescue chamber to be posted in a mine
10 and a luminescent sign with the words "SELF-CONTAINED
11 SELF-RESCUER" or "SELF-CONTAINED SELF-RESCUERS" must be
12 conspicuously posted at each cache and rescue chamber.

13 (e) Intrinsically safe, battery-powered strobe lights must
14 be affixed to each cache and rescue chamber and must be capable
15 of automatic activation in the event of an emergency.

16 (f) The Mining Board shall adopt and impose all federal
17 requirements concerning the testing and storage of the SCSR
18 devices.

19 (g) Any person who, without the authorization of the
20 operator or the Mining Board, knowingly removes or attempts to
21 remove any self-contained self-rescue device or
22 battery-powered strobe light approved by the Department from a
23 mine or mine site with the intent to permanently deprive the
24 operator of the device or light or who knowingly tampers with
25 or attempts to tamper with the device or light is guilty of a
26 Class 4 felony.

27 (225 ILCS 705/11.09 new)

28 Sec. 11.09. Rescue chambers. Rescue chambers approved by
29 the Mining Board must be provided and located no more than
30 3,000 feet apart throughout a mine.

31 An operator must submit a plan for approval concerning the
32 construction and maintenance of rescue chambers required under
33 this Section to the Mining Board within 3 months after the
34 effective date of this amendatory Act of the 94th General
35 Assembly.

1 (225 ILCS 705/11.10 new)

2 Sec. 11.10. Materials for barricade. Each working section
3 of a mine must have an emergency sled or wagon located no more
4 than 1,000 feet from the working faces of the mine with the
5 following materials and amounts in constant supply:

6 (1) 8 timbers of suitable length or roof jacks of equal
7 capability;

8 (2) 200 linear feet of brattice cloth of adequate
9 height to the coal seam;

10 (3) 2 hand saws;

11 (4) 20 1 x 6 brattice boards at least 12 feet long
12 each;

13 (5) 10 pounds of 10d nails;

14 (6) 10 pounds of 16d nails;

15 (7) 10 pounds of spads;

16 (8) 25 cap boards;

17 (9) 20 header boards;

18 (10) 2 axes;

19 (11) 2 claw hammers;

20 (12) one sledge hammer;

21 (13) one shovel;

22 (14) 10 bags of wood fiber plaster or 5 bags of cement
23 or the equivalent;

24 (15) 4 sets of rubber gloves; and

25 (16) 5 gallons of sealed, distilled drinking water.

26 (225 ILCS 705/11.11 new)

27 Sec. 11.11. Rulemaking. The Mining Board shall adopt all
28 rules necessary for the administration of this Article.

29 (225 ILCS 705/13.16 new)

30 Sec. 13.16. Tag-lines. Tag-lines must be provided in every
31 working section of a mine and on any vehicle capable of hauling
32 4 or more people within the mine.

1 (225 ILCS 705/13.17 new)

2 Sec. 13.17. Methane extraction prohibited. Methane
3 extraction from sealed areas of active mines or abandoned mines
4 that are attached to active working mines is prohibited.

5 (225 ILCS 705/13.18 new)

6 Sec. 13.18. Non-production related bore holes exempt.
7 Non-production related bore holes that are drilled or operated
8 by an operator and are intended for the safety or maintenance
9 of a mine are exempt from this Act.

10 (225 ILCS 705/19.11) (from Ch. 96 1/2, par. 1911)

11 Sec. 19.11. Travelable passageways; obstructions;
12 ventilation of escape ways. There shall be at least two
13 travelable passageways, to be designated as escape ways, from
14 each working section to the surface whether the mine openings
15 are shafts, slopes, or drifts. At least one of these
16 passageways must be equipped with a lifeline cord. Escape ways
17 ~~They~~ shall be kept in safe condition for travel and reasonably
18 free from standing water and other obstructions. One of the
19 designated escape ways may be the haulage road. One of the
20 escape ways shall be ventilated with intake air. At mines now
21 operating with only one free passageway to the surface,
22 immediate action shall be taken to provide a second passageway.
23 The return air passageway to the surface must be marked with
24 reflectors or other appropriate signage, as approved by the
25 Department.

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

27 (225 ILCS 705/22.18) (from Ch. 96 1/2, par. 2218)

28 Sec. 22.18. Vehicle for transporting workforce and injured
29 persons. A vehicle suitable for transporting all persons
30 underground working on a unit and injured persons shall be
31 maintained in ~~on~~ each underground working section ~~where workers~~
32 ~~are working for use in case of accident.~~

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

1 (225 ILCS 705/Art. 29 heading)

2 ARTICLE 29. TELEPHONE AND WIRELESS COMMUNICATION SYSTEMS

3 (225 ILCS 705/29.05 new)

4 Sec. 29.05. Wireless emergency communication devices. A
5 wireless emergency communication device approved by the Mining
6 Board must be worn by each person underground. The operator
7 shall provide these devices. The wireless emergency
8 communication device must, at a minimum, be capable of
9 receiving emergency communications from the surface at any
10 location throughout the mine. Each operator must provide for
11 the training of each underground employee in the use of the
12 device and, annually, provide a refresher training course for
13 all underground employees. The operator must install in or
14 around the mine any and all equipment necessary to transmit
15 emergency communications from the surface to each wireless
16 emergency communication device at any location throughout the
17 mine.

18 An operator must submit for approval a plan concerning the
19 implementation of the wireless emergency communication devices
20 required under this Section to the Mining Board within 3 months
21 after the effective date of this amendatory Act of the 94th
22 General Assembly.

23 Any person who, without the authorization of the operator
24 or the Mining Board, knowingly removes or attempts to remove
25 any wireless emergency communication device or related
26 equipment approved by the Mining Board from the mine or mine
27 site with the intent to permanently deprive the operator of the
28 device or equipment or who knowingly tampers with or attempts
29 to tamper with the device or equipment is guilty of a Class 4
30 felony.

31 (225 ILCS 705/29.06 new)

32 Sec. 29.06. Wireless tracking devices. A wireless tracking
33 device approved by the Mining Board must be worn by each person

1 underground. The operator shall provide these devices. The
2 tracking device must be capable of providing real-time
3 monitoring of the physical location of each person underground
4 in the event of an accident or other emergency. No person may
5 discharge or discriminate against any underground employee
6 based on information gathered by a wireless tracking device
7 during non-emergency monitoring. Each operator must provide
8 for the training of each underground employee in the use of the
9 device and provide refresher training courses for all
10 underground employees during each calander year. The operator
11 must install in or around the mine all equipment necessary to
12 provide real-time emergency monitoring of the physical
13 location of each person underground.

14 An operator must submit for approval a plan concerning the
15 implementation of the wireless tracking devices required under
16 this Section to the Mining Board within 3 months after the
17 effective date of this amendatory Act of the 94th General
18 Assembly.

19 Any person who, without the authorization of the operator
20 or the Mining Board, knowingly removes or attempts to remove
21 any wireless tracking device or related equipment approved by
22 the Mining Board from a mine or mine site with the intent to
23 permanently deprive the operator of the device or equipment or
24 who knowingly tampers with or attempts to tamper with the
25 device or equipment is guilty of a Class 4 felony.

26 (225 ILCS 705/29.07 new)

27 Sec. 29.07. Communication and tracking systems technology.
28 The Mining Board and the Department shall work in consultation
29 with the mining industry to study communication and tracking
30 systems technology in order to ensure that the communication
31 and tracking capabilities necessary in the event of an
32 emergency are employed.

33 (225 ILCS 705/38.3) (from Ch. 96 1/2, par. 3803)

34 Sec. 38.3. Surface mine supervisor ~~Supervisors~~. On or after

1 September 1, 1977, it shall be unlawful for any operator of a
2 surface coal mine to employ, in a supervisory capacity listed
3 below any person who does not hold a certificate of competency
4 issued by the Mining Board.

5 Those persons assigned to supervise:

- 6 (a) Overburden stripping
- 7 (b) Drilling and shooting
- 8 (c) The pit coal loading operation
- 9 (d) Reclamation work at the mine.

10 Each applicant must have a minimum of 2 years of surface
11 mining experience and pass an examination, administered by the
12 Mining Board, based on Illinois State Mining Law as it pertains
13 to his responsibilities. Temporary certification will be
14 provided by the Mining Board for persons with at least 2 years
15 surface mining experience up to the time of the next
16 examination or up to a maximum of 6 months.

17 (Source: P.A. 79-460; 79-1505.)

18 (225 ILCS 705/38.4 new)

19 Sec. 38.4. General surface supervisor of an underground
20 mine. On or after July 1, 2006, it shall be unlawful for an
21 operator of an underground coal mine surface facility or a coal
22 preparation plant or a contractor engaged in the construction,
23 demolition, or dismantling of an underground coal mine surface
24 facility or a coal preparation plant to employ, in a
25 supervisory capacity, any person who does not hold a
26 certificate of competency issued by the Mining Board to oversee
27 any of the following activities:

28 (1) Coal preparation and storage.

29 (2) Mine equipment storage and repair.

30 (3) Mobile equipment operation.

31 (4) Site construction, demolition, or dismantling
32 operations.

33 Each applicant for a certificate as a general surface
34 supervisor of an underground mine must have a minimum of 2
35 years of work experience at an underground coal mine surface

1 facility or coal preparation plant. In addition to the work
2 experience requirement set forth in this Section, a contractor
3 engaged in the construction, demolition, or dismantling of
4 surface structures must successfully complete an examination
5 concerning the Department's health and safety regulations as
6 these regulations pertain to the contractor's
7 responsibilities, which shall be administered by the Mining
8 Board. Temporary certification may be issued by the Mining
9 Board for persons with at least 2 years of the required work
10 experience and shall be valid until the time of the next
11 examination or for a maximum of 6 months, whichever is shorter.

12 (225 ILCS 705/38.5 new)

13 Sec. 38.5. Independent contractor supervisor. On or after
14 July 1, 2006, it shall be unlawful for an operator of an
15 underground coal mine surface facility or a surface coal mine
16 facility to employ an independent contractor who does not have
17 an independent contractor supervisor certificate issued by the
18 Mining Board to oversee and supervise the work for which the
19 services of an independent contractor have been obtained,
20 including, but not limited to, work in the area of
21 construction, demolition, repair or maintenance, or major
22 renovations of existing facilities or other heavy or extensive
23 work planned for an extended period of time.

24 Each applicant for an independent contractor supervisor
25 certificate must provide proof of at least 2 years of
26 experience in independent contract work at surface mines or at
27 the surface of underground mines and successfully complete an
28 examination based on the mining laws of this State as these
29 laws pertain to the applicant's responsibilities, which shall
30 be administered by the Mining Board. Temporary certification
31 may be issued by the Mining Board for persons with at least 2
32 years of the required work experience and shall be valid until
33 the time of the next examination or for a maximum of 6 months,
34 whichever is shorter.

35 Independent contractors employed to engage in routine

1 maintenance work within a facility, including, but not limited
2 to, plumbing repair, roof repair, and carpentry work, are not
3 required to possess an independent contractor supervisor
4 certificate to engage in such routine maintenance work within a
5 facility.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.