

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 cached; 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 for an adequate number of SCSR  
2 devices to be maintained in all rescue chambers and caches  
3 located 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 at suitable locations  
30 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. Mine Technology Task Force; provision of rescue  
28 chambers and wireless devices.

29 (a) The Director shall establish a Mine Technology Task  
30 Force composed of representatives of the United Mine Workers of  
31 America (UMWA), coal operators, academia, and the  
32 communications industry. Each group shall submit the name of  
33 its representative to the Director. The task force shall review  
34 and make recommendations to the Mining Board regarding the best  
35 available mine safety technologies, including, but not limited



1 to, rescue chambers, wireless communications equipment, and  
2 wireless tracking devices for use in underground mines. The  
3 task force shall submit its initial findings to the Mining  
4 Board within 3 months after the effective date of this  
5 amendatory Act of the 94th General Assembly.

6 (b) Rescue chambers, wireless emergency communications  
7 devices, and wireless tracking devices must be provided in each  
8 underground mine within 90 days after the equipment is approved  
9 by the federal Mine Safety and Health Administration. To the  
10 extent that any of these devices have already been approved by  
11 the federal Mine Safety and Health Administration, the operator  
12 shall provide the equipment in each underground mine within 90  
13 days after the effective date of this amendatory Act of the  
14 94th General Assembly.

15 (225 ILCS 705/38.3) (from Ch. 96 1/2, par. 3803)

16 Sec. 38.3. Surface mine supervisor ~~Supervisors~~. On or after  
17 September 1, 1977, it shall be unlawful for any operator of a  
18 surface coal mine to employ, in a supervisory capacity listed  
19 below any person who does not hold a certificate of competency  
20 issued by the Mining Board.

21 Those persons assigned to supervise:

- 22 (a) Overburden stripping  
23 (b) Drilling and shooting  
24 (c) The pit coal loading operation  
25 (d) Reclamation work at the mine.

26 Each applicant must have a minimum of 2 years of surface  
27 mining experience and pass an examination, administered by the  
28 Mining Board, based on Illinois State Mining Law as it pertains  
29 to his responsibilities. Temporary certification will be  
30 provided by the Mining Board for persons with at least 2 years  
31 surface mining experience up to the time of the next  
32 examination or up to a maximum of 6 months.

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

34 (225 ILCS 705/38.4 new)

1       Sec. 38.4. General surface supervisor of an underground  
2 mine. On or after July 1, 2006, it shall be unlawful for an  
3 operator of an underground coal mine surface facility or a coal  
4 preparation plant or a contractor engaged in the construction,  
5 demolition, or dismantling of an underground coal mine surface  
6 facility or a coal preparation plant to employ, in a  
7 supervisory capacity, any person who does not hold a  
8 certificate of competency issued by the Mining Board to oversee  
9 any of the following activities:

10           (1) Coal preparation and storage.

11           (2) Mine equipment storage and repair.

12           (3) Mobile equipment operation.

13           (4) Site construction, demolition, or dismantling  
14 operations.

15       Each applicant for a certificate as a general surface  
16 supervisor of an underground mine must have a minimum of 2  
17 years of work experience at a coal mine surface facility or  
18 coal preparation plant. In addition to the work experience  
19 requirement set forth in this Section, a contractor engaged in  
20 the construction, demolition, or dismantling of surface  
21 structures must successfully complete an examination  
22 concerning the Department's health and safety regulations as  
23 these regulations pertain to the contractor's  
24 responsibilities, which shall be administered by the Mining  
25 Board. Temporary certification may be issued by the Mining  
26 Board for persons with at least 2 years of the required work  
27 experience and shall be valid until the time of the next  
28 examination or for a maximum of 6 months, whichever is shorter.

29           (225 ILCS 705/38.5 new)

30       Sec. 38.5. Independent contractor supervisor. On or after  
31 July 1, 2006, it shall be unlawful for an operator of an  
32 underground coal mine surface facility or a surface coal mine  
33 facility to employ an independent contractor who does not have  
34 an independent contractor supervisor certificate issued by the  
35 Mining Board to oversee and supervise the work for which the

1 services of an independent contractor have been obtained,  
2 including, but not limited to, work in the area of  
3 construction, demolition, repair or maintenance, or major  
4 renovations of existing facilities or other heavy or extensive  
5 work planned for an extended period of time.

6 Each applicant for an independent contractor supervisor  
7 certificate must provide proof of at least 2 years of  
8 experience in independent contract work at surface mines or at  
9 the surface of underground mines and successfully complete an  
10 examination based on the mining laws of this State as these  
11 laws pertain to the applicant's responsibilities, which shall  
12 be administered by the Mining Board. Temporary certification  
13 may be issued by the Mining Board for persons with at least 2  
14 years of the required work experience and shall be valid until  
15 the time of the next examination or for a maximum of 6 months,  
16 whichever is shorter.

17 Independent contractors employed to engage in routine  
18 maintenance work within a facility, including, but not limited  
19 to, plumbing repair, roof repair, and carpentry work, are not  
20 required to possess an independent contractor supervisor  
21 certificate to engage in such routine maintenance work within a  
22 facility.

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