

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 Civil Administrative Code of Illinois is
5 amended by changing Section 5-155 as follows:

6 (20 ILCS 5/5-155) (was 20 ILCS 5/5.04)

7 Sec. 5-155. In the Office of Mines and Minerals of the
8 Department of Natural Resources. In the Office of Mines and
9 Minerals of the Department of Natural Resources, there shall be
10 a State Mining Board, which shall consist of 6 officers
11 designated as mine officers and the Director of the Office of
12 Mines and Minerals. Three officers shall be representatives of
13 the employing class and 3 of the employee class. The 6 mine
14 officers shall be qualified as follows:

15 (1) Two mine officers from the employing class shall
16 have at least 4 years' ~~years~~ experience in a supervisory
17 capacity in an underground coal mine and each shall hold a
18 certificate of competency as an Illinois ~~a~~ mine examiner or
19 Illinois mine manager.

20 (2) The third mine officer from the employing class
21 shall have at least 4 years' ~~years~~ experience in a
22 supervisory capacity in a surface coal mine.

23 (3) Two mine officers from the employee class shall be

1 representatives of a labor organization recognized under
2 the National Labor Relations Act representing coal miners,
3 have 4 years' ~~years~~ experience in an underground coal mine,
4 and ~~shall~~ hold certificates ~~a first class certificate~~ of
5 competency as an Illinois mine examiner.

6 (4) The third mine officer from the employee class
7 shall be a representative of a labor organization
8 recognized under the National Labor Relations Act
9 representing coal miners and have at least 4 years' ~~years~~
10 experience in a surface coal mine.

11 This amendatory Act of the 100th General Assembly does not
12 affect the terms of mine officers of the State Mining Board
13 holding office on the effective date of this amendatory Act of
14 the 100th General Assembly.

15 (Source: P.A. 91-239, eff. 1-1-00.)

16 Section 10. The Coal Mining Act is amended by changing
17 Sections 8.02, 8.03, 11.08, and 11.09 as follows:

18 (225 ILCS 705/8.02) (from Ch. 96 1/2, par. 802)

19 Sec. 8.02. There is created in the Department of Natural
20 Resources, Office of Mines and Minerals, a Miners' Examining
21 Board which shall consist of four miners' examining officers to
22 be appointed by the Governor, for a term of 2 years and until
23 their successors are appointed and qualified. Terms of office
24 shall commence on the third Monday in January in each

1 odd-numbered year. Three of such officers shall constitute a
2 quorum.

3 This amendatory Act of the 100th General Assembly
4 ~~amendatory Act of 1995~~ does not affect the terms of members of
5 the Miners' Examining Board holding office on the effective
6 date of this amendatory Act of the 100th General Assembly
7 ~~amendatory Act of 1995~~.

8 A complete record of the proceedings and acts of the
9 Miners' Examining Board shall be kept and preserved. Said
10 officers shall hold no other lucrative office or employment
11 under the government of the United States, State of Illinois,
12 or any political division thereof or any municipal corporation
13 therein and each such officer before entering upon the duties
14 of his office shall subscribe and take the oath prescribed by
15 the Constitution of this State, and shall before entering upon
16 the duties of his office give a bond with sufficient surety to
17 be approved by the Governor, payable to the People of the State
18 of Illinois in the penal sum of \$5,000, conditioned for the
19 faithful discharge of the duties of office and the delivery of
20 all records, books, moneys, and other property pertaining to
21 his successor in office, which said bond shall be deposited in
22 the office of the Secretary of State. Vacancies shall be filled
23 by appointment as provided herein for the balance of the
24 unexpired term.

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

1 (225 ILCS 705/8.03) (from Ch. 96 1/2, par. 803)

2 Sec. 8.03. No person shall be appointed to the Miners'
3 Examining Board who has not had at least 5 years' practical and
4 continuous experience as an underground ~~a~~ coal miner. The
5 members of the Miners' Examining Board shall hold certificates
6 of competency as an Illinois mine examiner. Two of the members
7 shall each be ~~, and who has not been actually~~ engaged in coal
8 mining as a miner in the State of Illinois continuously for 12
9 months next preceding his appointment; except that a miners'
10 examining officer may be appointed to succeed himself. Two of
11 the members of the Miners' Examining Board shall be
12 representatives of a labor organization recognized under the
13 National Labor Relations Act representing coal miners. Two of
14 the members of the Miners' Examining Board shall be from the
15 employing class.

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

17 (225 ILCS 705/11.08)

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

20 (a) An operator must require each person underground to
21 carry a SCSR device on his or her person or, alternatively, a
22 SCSR device must be kept within 25 feet of the person
23 underground or may be kept more than 25 feet from the person
24 underground if done according to a plan approved by the Mining
25 Board.

1 (b) An operator must provide for each person who is
2 underground at least one SCSR device, in addition to the device
3 required under subsection (a), that provides protection for a
4 period of one hour or longer, to cover all persons in the mine.
5 This additional SCSR device must be kept within 25 feet of the
6 person underground or may be kept more than 25 feet from the
7 person underground if done according to a plan approved by the
8 Mining Board.

9 (c) If a mantrip or mobile equipment is used to enter or
10 exit the mine, additional SCSR devices, each of which must
11 provide protection for a period of one hour or longer, must be
12 available for all persons who use such transportation from
13 portal to portal.

14 (c-5) ~~In Beginning July 31, 2007, in~~ addition to the SCSR
15 devices required under subsections (a), (b), and (c) of this
16 Section, an operator must provide caches of additional SCSR
17 devices along the mine's primary and secondary escape ways.
18 Each cache shall have a minimum of one SCSR device for every
19 person who will be inby the cache ~~of 30 SCSR devices in each~~
20 ~~cache located within a mine.~~ All SCSR devices required under
21 this subsection (c-5) shall be stored in caches that are
22 conspicuous and readily accessible by each person in the mine.
23 Cache locations shall be spaced along each escape way at a 30
24 minute travel distance. This 30 minute travel distance will be
25 established based on a walk study utilizing the guidelines and
26 procedures approved by the Mining Board. An operator may

1 choose, in lieu of a walk study, to utilize the following for
2 cache distances. If the average seam height of a mine is:

3 (1) less than 40 inches, caches must be located no more
4 than 2,200 feet apart throughout a mine;

5 (2) 40 inches or more, but less than 51 inches, caches
6 must be located no more than 3,300 feet apart throughout a
7 mine;

8 (3) 51 inches or more, but less than 66 inches, caches
9 must be located no more than 4,400 feet apart throughout a
10 mine; and

11 (4) 66 inches or more, caches must be located no more
12 than 5,700 feet apart throughout a mine.

13 An operator must submit for approval a plan addressing the
14 requirements of this subsection (c-5) to the Mining Board if
15 the operator chooses to conduct a walk study to establish cache
16 distances ~~on or before May 1, 2007.~~

17 (d) The Mining Board must require all operators to provide
18 additional SCSR devices in the primary and alternate escapeways
19 to ensure safe evacuation if the Mining Board determines that
20 the SCSR devices required under subsections (a), (b), (c), and
21 (c-5) are not adequate to provide enough oxygen for all persons
22 to safely evacuate the mine under mine emergency conditions for
23 all persons underground through both primary and alternate
24 escapeways. The Mining Board must determine the time needed for
25 safe evacuation under emergency conditions from each of those
26 locations at 1,000 foot intervals. If the Mining Board

1 determines that additional SCSR devices are needed under this
2 subsection (d), the mine operator must submit a SCSR storage
3 plan to the Mining Board for approval. The mine operator must
4 include in the SCSR storage plan the location, quantity, and
5 type of additional SCSR devices, including, but not limited to,
6 SCSR devices required under subsections (a), (b), (c), and
7 (c-5) of this Section, each of which must provide protection
8 for a period of one hour or longer, that are stored in the
9 primary and alternate escapeways. The SCSR storage plan must
10 also show how each storage location in the primary and
11 alternate escapeways was determined. The Mining Board must
12 require the mine operator to demonstrate that the location,
13 quantity, and type of the additional SCSRs provide protection
14 to all persons to safely evacuate the mine. The SCSR storage
15 plan must be kept current by the mine operator and made
16 available for inspection by an authorized representative of the
17 Mining Board and by the miners' representative.

18 (e) (Blank).

19 (f) An operator must provide luminescent direction signs
20 leading to each cache and rescue chamber in a mine, and a
21 luminescent sign with the word "SELF-RESCUER" or
22 "SELF-RESCUERS" must be conspicuously posted at each cache and
23 rescue chamber.

24 (g) Intrinsically safe, battery-powered strobe lights that
25 have been approved by the Department must be affixed to each
26 cache and rescue chamber and must be capable of automatic

1 activation in the event of an emergency; however, until such
2 time as the Department approves intrinsically safe,
3 battery-powered strobe lights, reflective tape or any other
4 illuminated material approved by the Department must be affixed
5 to each cache and rescue chamber in a mine.

6 (h) An operator must implement ~~The Mining Board must adopt~~
7 ~~and impose~~ a plan for the daily inspection of SCSR devices
8 required under subsections (a), (b), and (c) of this Section in
9 order to ensure that the devices perform their designated
10 functions each working day. Additional SCSR devices required
11 under subsections (c-5) and (d) must be inspected every 90 days
12 to ensure that the devices perform their designated functions,
13 in addition to meeting all federal Mine Safety and Health
14 Administration requirements.

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

25 (j) (Blank).

26 (k) (Blank).

1 (Source: P.A. 94-1041, eff. 7-24-06; 94-1101, eff. 2-9-07.)

2 (225 ILCS 705/11.09)

3 Sec. 11.09. Rescue chambers.

4 (a) Rescue chambers must be provided and located within
5 3,000 feet of each working section of a mine, in accordance
6 with a plan submitted by an operator and approved by the Mining
7 Board.

8 (a-5) Outby rescue chambers must be provided at distances
9 and locations in the mine's emergency response plan and
10 approved by the Mining Board.

11 (b) An operator must submit a plan for approval concerning
12 the construction and maintenance of rescue chambers required
13 under this Section to the Mining Board ~~on or before May 1,~~
14 ~~2007.~~

15 (Source: P.A. 94-1041, eff. 7-24-06; 94-1101, eff. 2-9-07.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.