

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 that contains a minimum of one hour
18 of oxygen for one person and is approved by the Mine Safety and
19 Health Administration of the U.S. Department of Labor and the
20 Mining Board.

21 (225 ILCS 705/1.21 new)

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

29 (225 ILCS 705/1.22 new)

1 Sec. 1.22. "Tag-line" means a nylon line of at least one
2 quarter inch thickness that has mechanical clips or other
3 suitable connecting devices incorporated therein that are
4 spaced between 3 feet and 5 feet apart that allow a group of
5 persons underground to attach themselves together.

6 (225 ILCS 705/1.23 new)

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

14 (225 ILCS 705/1.24 new)

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

19 (225 ILCS 705/10.08 new)

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

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

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

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

20 (225 ILCS 705/11.07 new)

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

27 (225 ILCS 705/11.08 new)

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

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

1 Board.

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

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

15 (d) If the SCSR devices required under subsections (a),
16 (b), and (c) are not adequate to provide enough oxygen for all
17 persons to safely evacuate the mine under mine emergency
18 conditions, the mine operator must provide additional SCSR
19 devices in the primary and alternate escapeways to ensure safe
20 evacuation for all persons underground through both primary and
21 alternate escapeways. The Mining Board must determine the time
22 needed for safe evacuation under emergency conditions from each
23 of those locations at 1,000 foot intervals. The mine operator
24 must submit a SCSR storage plan to the Mining Board for
25 approval. The mine operator must include in the SCSR storage
26 plan the location, quantity, and type of additional SCSR
27 devices, each of which must provide protection for a period of
28 one hour or longer, that are stored in the primary and
29 alternate escapeways. The SCSR storage plan must also show how
30 each storage location in the primary and alternate escapeways
31 was determined. The Mining Board must require the mine operator
32 to demonstrate that the location, quantity, and type of the
33 additional SCSRs provide protection to all persons to safely
34 evacuate the mine. The SCSR storage plan must be kept current
35 by the mine operator and made available for inspection by an
36 authorized representative of the Mining Board and by the

1 miners' representative.

2 (e) All SCSR devices required under this Section shall be
3 stored in caches that are conspicuous and readily accessible by
4 each person in the mine.

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

10 (g) Intrinsically safe, battery-powered strobe lights must
11 be affixed to each cache and rescue chamber and must be capable
12 of automatic activation in the event of an emergency.

13 (h) The Mining Board must adopt and impose a plan for the
14 daily inspection of SCSR devices required under subsections
15 (a), (b), and (c) of this Section in order to ensure that the
16 devices perform their designated functions each working day.
17 Additional SCSR devices required under subsection (d) must be
18 inspected every 90 days to ensure that the devices perform
19 their designated functions, in addition to meeting all federal
20 Mine Safety and Health Administration requirements.

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

29 (j) Beginning January 31, 2007, in addition to the SCSR
30 devices required under subsections (a), (b), and (c), an
31 operator must provide a minimum of 30 SCSR devices in each
32 cache located within a mine, in addition to federal Mine Safety
33 and Health Administration requirements. Caches must be located
34 no more than 4,000 feet apart throughout a mine.

35 (k) An operator must submit for approval a plan addressing
36 the requirements of subsection (j) of this Section to the

1 Mining Board within 3 months after the effective date of this
2 amendatory Act of the 94th General Assembly.

3 (225 ILCS 705/11.09 new)

4 Sec. 11.09. Rescue chambers.

5 (a) Rescue chambers approved by the Mining Board must be
6 provided at suitable locations throughout a mine.

7 (b) Beginning January 31, 2007, rescue chambers approved by
8 the Mining Board must be provided and located within 3,000 feet
9 of each working section of a mine.

10 (c) An operator must submit a plan for approval concerning
11 the construction and maintenance of rescue chambers required
12 under this Section to the Mining Board within 3 months after
13 the effective date of this amendatory Act of the 94th General
14 Assembly.

15 (225 ILCS 705/11.10 new)

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

20 (1) 8 timbers of suitable length or roof jacks of equal
21 capability;

22 (2) 200 linear feet of brattice cloth of adequate
23 height to the coal seam;

24 (3) 2 hand saws;

25 (4) 20 1 x 6 brattice boards at least 12 feet long
26 each;

27 (5) 10 pounds of 10d nails;

28 (6) 10 pounds of 16d nails;

29 (7) 10 pounds of spads;

30 (8) 25 cap boards;

31 (9) 20 header boards;

32 (10) 2 axes;

33 (11) 2 claw hammers;

34 (12) one sledge hammer;

- 1 (13) one shovel;
2 (14) 10 bags of wood fiber plaster or 5 bags of cement
3 or the equivalent;
4 (15) 4 sets of rubber gloves; and
5 (16) 5 gallons of sealed, distilled drinking water.

6 (225 ILCS 705/11.11 new)

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

9 (225 ILCS 705/13.16 new)

10 Sec. 13.16. Tag-lines. Tag-lines must be provided in every
11 working section of a mine and on any vehicle capable of hauling
12 4 or more people within the mine.

13 (225 ILCS 705/13.17 new)

14 Sec. 13.17. Methane extraction.

15 (a) In this Section:

16 "Blowout preventer" means an emergency shut-off valve
17 installed on the wellhead during the drilling or testing of
18 a well that incorporates hydraulic pipe rams capable of
19 closing the space around the drillpipe against very high
20 pressure.

21 "Conductor pipe" means a short string of
22 large-diameter casing used to keep the top of the wellbore
23 open and to provide a means of conveying the up-flowing
24 drilling fluid from the wellbore to the mud pit.

25 "Gas detector" means a mechanical, electrical, or
26 chemical device that automatically identifies and records
27 or registers the levels of various gases.

28 (b) Methane extraction from sealed areas of active mines or
29 abandoned mines that are attached to active working mines must
30 include a conductor pipe cemented in place, a blowout
31 preventer, and a gas detector.

32 (225 ILCS 705/13.18 new)

1 Sec. 13.18. Non-production related bore holes exempt.
2 Non-production related bore holes that are drilled or operated
3 by an operator and are intended for the safety or maintenance
4 of a mine are exempt from this Act.

5 (225 ILCS 705/19.11) (from Ch. 96 1/2, par. 1911)

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

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

22 (225 ILCS 705/22.18) (from Ch. 96 1/2, par. 2218)

23 Sec. 22.18. Vehicle for transporting workforce and injured
24 persons. A vehicle suitable for transporting all persons
25 underground working on a unit and injured persons shall be
26 maintained in ~~on~~ each underground working section ~~where workers~~
27 ~~are working for use in case of accident.~~

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

29 (225 ILCS 705/Art. 29 heading)

30 ARTICLE 29. TELEPHONE AND WIRELESS COMMUNICATION SYSTEMS

31 (225 ILCS 705/29.05 new)

32 Sec. 29.05. Wireless emergency communication devices. A

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

14 An operator must submit for approval a plan concerning the
15 implementation of the wireless emergency communication devices
16 required under this Section to the Mining Board within 3 months
17 after the effective date of this amendatory Act of the 94th
18 General 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 emergency communication device or related
22 equipment approved by the Mining Board from the mine or mine
23 site with the intent to permanently deprive the operator of the
24 device or equipment or who knowingly tampers with or attempts
25 to tamper with the device or equipment is guilty of a Class 4
26 felony.

27 (225 ILCS 705/29.06 new)

28 Sec. 29.06. Wireless tracking devices. A wireless tracking
29 device approved by the Mining Board must be worn by each person
30 underground. The operator shall provide these devices. The
31 tracking device must be capable of providing real-time
32 monitoring of the physical location of each person underground
33 in the event of an accident or other emergency. No person may
34 discharge or discriminate against any underground employee
35 based on information gathered by a wireless tracking device

1 during non-emergency monitoring. Each operator must provide
2 for the training of each underground employee in the use of the
3 device and provide refresher training courses for all
4 underground employees during each calendar year. The operator
5 must install in or around the mine all equipment necessary to
6 provide real-time emergency monitoring of the physical
7 location of each person underground.

8 An operator must submit for approval a plan concerning the
9 implementation of the wireless tracking devices required under
10 this Section to the Mining Board within 3 months after the
11 effective date of this amendatory Act of the 94th General
12 Assembly.

13 Any person who, without the authorization of the operator
14 or the Mining Board, knowingly removes or attempts to remove
15 any wireless tracking device or related equipment approved by
16 the Mining Board from a mine or mine site with the intent to
17 permanently deprive the operator of the device or equipment or
18 who knowingly tampers with or attempts to tamper with the
19 device or equipment is guilty of a Class 4 felony.

20 (225 ILCS 705/29.07 new)

21 Sec. 29.07. Mine Technology Task Force; provision of rescue
22 chambers and wireless devices.

23 (a) The Director shall establish a Mine Technology Task
24 Force composed of representatives of an organization
25 representing mine employees, coal operators, academia, and the
26 communications industry. Each group shall submit the name of
27 its representative to the Director. The task force shall review
28 and make recommendations to the Mining Board regarding the best
29 available mine safety technologies, including, but not limited
30 to, rescue chambers, wireless communications equipment, and
31 wireless tracking devices for use in underground mines. The
32 task force shall submit its initial findings to the Mining
33 Board within 3 months after the effective date of this
34 amendatory Act of the 94th General Assembly.

35 (b) Rescue chambers, wireless emergency communications

1 devices, and wireless tracking devices must be provided in each
2 underground mine within 90 days after the equipment is approved
3 by the federal Mine Safety and Health Administration. To the
4 extent that any of these devices have already been approved by
5 the federal Mine Safety and Health Administration, the operator
6 shall provide the equipment in each underground mine within 90
7 days after the effective date of this amendatory Act of the
8 94th General Assembly.

9 (c) A temporary waiver of the requirements of subsection
10 (b) of this Section of up to 90 days may be issued by the Mining
11 Board if (i) the mine operator submits to the Mining Board a
12 receipt of the product order and (ii) the manufacturer has
13 certified that the product will be delivered within 90 days of
14 the product order.

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.