



Sen. Gary Forby

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1 AMENDMENT TO SENATE BILL 929

2 AMENDMENT NO. _____. Amend Senate Bill 929 by replacing
3 everything after the enacting clause with the following:

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

1 include the extraction of coal, but do include other activities
2 resulting in the preparation of coal, supervision of
3 construction or demolition of mine buildings, earth moving, gob
4 moving projects, or other surface projects involving the
5 supervision of people and machinery.

6 (225 ILCS 705/1.22 new)

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

12 (225 ILCS 705/1.23 new)

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

20 (225 ILCS 705/1.24 new)

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

25 (225 ILCS 705/10.08 new)

26 Sec. 10.08. Use of telecommunications center. In order to
27 ensure a quick and efficient means of effectively disseminating
28 duties and responsibilities to those agencies involved in
29 mining emergency response, the Department shall use the
30 telecommunications center maintained by the Illinois Emergency

1 Management Agency to notify agents of the Department and other
2 State, federal, and local agencies in the event of an emergency
3 in or about any coal mine. The Illinois Emergency Management
4 Agency, in conjunction with the Mining Board, shall establish
5 procedures concerning the manner in which the Illinois
6 Emergency Management Agency shall record pertinent information
7 regarding a mining emergency, determine the urgency of a call,
8 and forward information to the Department.

9 (225 ILCS 705/11.01) (from Ch. 96 1/2, par. 1101)

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

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

28 (225 ILCS 705/11.07 new)

29 Sec. 11.07. Rescue teams. Rescue teams shall be based out
30 of each mine rescue station to serve the Illinois coal industry
31 as either a primary or secondary responder. Every operator in
32 the State must provide employees to serve on a rescue team and

1 must compensate these employees who are serving as rescue team
2 members at their regular rate of pay.

3 (225 ILCS 705/11.08 new)

4 Sec. 11.08. Self-contained self-rescuer (SCSR) devices;
5 aches; strobe lights; luminescent signs.

6 (a) An operator must require each person underground to
7 carry a SCSR device on his or her person or, alternatively, a
8 SCSR device must be kept within 25 feet of the person
9 underground or may be kept more than 25 feet from the person
10 underground if done according to a plan approved by the Mining
11 Board.

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

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

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

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

27 (f) The Mining Board shall adopt and impose all federal
28 requirements concerning the testing and storage of the SCSR
29 devices.

30 (g) Any person who, without the authorization of the
31 operator or the Mining Board, knowingly removes or attempts to
32 remove any self-contained self-rescue device or
33 battery-powered strobe light approved by the Department from a

1 mine or mine site with the intent to permanently deprive the
2 operator of the device or light or who knowingly tampers with
3 or attempts to tamper with the device or light is guilty of a
4 Class 4 felony.

5 (225 ILCS 705/11.09 new)

6 Sec. 11.09. Rescue chambers. Rescue chambers approved by
7 the Mining Board must be provided and located no more than
8 3,000 feet apart throughout a mine.

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

14 (225 ILCS 705/11.10 new)

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

19 (1) 8 timbers of suitable length or roof jacks of equal
20 capability;

21 (2) 200 linear feet of brattice cloth of adequate
22 height to the coal seam;

23 (3) 2 hand saws;

24 (4) 20 1 x 6 brattice boards at least 12 feet long
25 each;

26 (5) 10 pounds of 10d nails;

27 (6) 10 pounds of 16d nails;

28 (7) 10 pounds of spads;

29 (8) 25 cap boards;

30 (9) 20 header boards;

31 (10) 2 axes;

32 (11) 2 claw hammers;

- 1 (12) one sledge hammer;
2 (13) one shovel;
3 (14) 10 bags of wood fiber plaster or 5 bags of cement
4 or the equivalent;
5 (15) 4 sets of rubber gloves; and
6 (16) 5 gallons of sealed, distilled drinking water.

7 (225 ILCS 705/11.11 new)
8 Sec. 11.11. Rulemaking. The Mining Board shall adopt all
9 rules necessary for the administration of this Article.

10 (225 ILCS 705/13.16 new)
11 Sec. 13.16. Tag-lines. Tag-lines must be provided in every
12 working section of a mine and on any vehicle capable of hauling
13 4 or more people within the mine.

14 (225 ILCS 705/13.17 new)
15 Sec. 13.17. Methane extraction prohibited. Methane
16 extraction from sealed areas of active mines or abandoned mines
17 that are attached to active working mines is prohibited.

18 (225 ILCS 705/13.18 new)
19 Sec. 13.18. Non-production related bore holes exempt.
20 Non-production related bore holes that are drilled or operated
21 by an operator and are intended for the safety or maintenance
22 of a mine are exempt from this Act.

23 (225 ILCS 705/19.11) (from Ch. 96 1/2, par. 1911)
24 Sec. 19.11. Travelable passageways; obstructions;
25 ventilation of escape ways. There shall be at least two
26 travelable passageways, to be designated as escape ways, from
27 each working section to the surface whether the mine openings
28 are shafts, slopes, or drifts. At least one of these
29 passageways must be equipped with a lifeline cord. Escape ways

1 ~~They~~ shall be kept in safe condition for travel and reasonably
2 free from standing water and other obstructions. One of the
3 designated escape ways may be the haulage road. One of the
4 escape ways shall be ventilated with intake air. At mines now
5 operating with only one free passageway to the surface,
6 immediate action shall be taken to provide a second passageway.
7 The return air passageway to the surface must be marked with
8 reflectors or other appropriate signage, as approved by the
9 Department.

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

11 (225 ILCS 705/22.18) (from Ch. 96 1/2, par. 2218)

12 Sec. 22.18. Vehicle for transporting workforce and injured
13 persons. A vehicle suitable for transporting all persons
14 underground working on a unit and injured persons shall be
15 maintained in ~~on~~ each underground working section ~~where workers~~
16 ~~are working for use in case of accident.~~

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

18 (225 ILCS 705/Art. 29 heading)

19 ARTICLE 29. TELEPHONE AND WIRELESS COMMUNICATION SYSTEMS

20 (225 ILCS 705/29.05 new)

21 Sec. 29.05. Wireless emergency communication devices. A
22 wireless emergency communication device approved by the Mining
23 Board must be worn by each person underground. The operator
24 shall provide these devices. The wireless emergency
25 communication device must, at a minimum, be capable of
26 receiving emergency communications from the surface at any
27 location throughout the mine. Each operator must provide for
28 the training of each underground employee in the use of the
29 device and, annually, provide a refresher training course for
30 all underground employees. The operator must install in or
31 around the mine any and all equipment necessary to transmit

1 emergency communications from the surface to each wireless
2 emergency communication device at any location throughout the
3 mine.

4 An operator must submit for approval a plan concerning the
5 implementation of the wireless emergency communication devices
6 required under this Section to the Mining Board within 3 months
7 after the effective date of this amendatory Act of the 94th
8 General Assembly.

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

17 (225 ILCS 705/29.06 new)

18 Sec. 29.06. Wireless tracking devices. A wireless tracking
19 device approved by the Mining Board must be worn by each person
20 underground. The operator shall provide these devices. The
21 tracking device must be capable of providing real-time
22 monitoring of the physical location of each person underground
23 in the event of an accident or other emergency. No person may
24 discharge or discriminate against any underground employee
25 based on information gathered by a wireless tracking device
26 during non-emergency monitoring. Each operator must provide
27 for the training of each underground employee in the use of the
28 device and provide refresher training courses for all
29 underground employees during each calander year. The operator
30 must install in or around the mine all equipment necessary to
31 provide real-time emergency monitoring of the physical
32 location of each person underground.

33 An operator must submit for approval a plan concerning the

1 implementation of the wireless tracking devices required under
2 this Section to the Mining Board within 3 months after the
3 effective date of this amendatory Act of the 94th General
4 Assembly.

5 Any person who, without the authorization of the operator
6 or the Mining Board, knowingly removes or attempts to remove
7 any wireless tracking device or related equipment approved by
8 the Mining Board from a mine or mine site with the intent to
9 permanently deprive the operator of the device or equipment or
10 who knowingly tampers with or attempts to tamper with the
11 device or equipment is guilty of a Class 4 felony.

12 (225 ILCS 705/29.07 new)

13 Sec. 29.07. Communication and tracking systems technology.
14 The Mining Board and the Department shall work in consultation
15 with the mining industry to study communication and tracking
16 systems technology in order to ensure that the communication
17 and tracking capabilities necessary in the event of an
18 emergency are employed.

19 (225 ILCS 705/38.3) (from Ch. 96 1/2, par. 3803)

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

25 Those persons assigned to supervise:

- 26 (a) Overburden stripping
27 (b) Drilling and shooting
28 (c) The pit coal loading operation
29 (d) Reclamation work at the mine.

30 Each applicant must have a minimum of 2 years of surface
31 mining experience and pass an examination, administered by the
32 Mining Board, based on Illinois State Mining Law as it pertains

1 to his responsibilities. Temporary certification will be
2 provided by the Mining Board for persons with at least 2 years
3 surface mining experience up to the time of the next
4 examination or up to a maximum of 6 months.

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

6 (225 ILCS 705/38.4 new)

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

16 (1) Coal preparation and storage.

17 (2) Mine equipment storage and repair.

18 (3) Mobile equipment operation.

19 (4) Site construction, demolition, or dismantling
20 operations.

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

1 examination or for a maximum of 6 months, whichever is shorter.

2 (225 ILCS 705/38.5 new)

3 Sec. 38.5. Independent contractor supervisor. On or after
4 July 1, 2006, it shall be unlawful for an operator of an
5 underground coal mine surface facility or a surface coal mine
6 facility to employ an independent contractor who does not have
7 an independent contractor supervisor certificate issued by the
8 Mining Board to oversee and supervise the work for which the
9 services of an independent contractor have been obtained,
10 including, but not limited to, work in the area of
11 construction, demolition, repair or maintenance, or major
12 renovations of existing facilities or other heavy or extensive
13 work planned for an extended period of time.

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

25 Independent contractors employed to engage in routine
26 maintenance work within a facility, including, but not limited
27 to, plumbing repair, roof repair, and carpentry work, are not
28 required to possess an independent contractor supervisor
29 certificate to engage in such routine maintenance work within a
30 facility.

31 Section 99. Effective date. This Act takes effect upon
32 becoming law."