



Sen. Gary Forby

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1 AMENDMENT TO SENATE BILL 929

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

5 "Section 5. The Coal Mining Act is amended by changing
6 Sections 11.01, 19.11, 22.18, and 38.3 and the heading of
7 Article 29 and by adding Sections 1.19, 1.20, 1.21, 1.22, 1.23,
8 1.24, 10.08, 11.07, 11.08, 11.09, 11.10, 11.11, 13.16, 13.17,
9 13.18, 29.05, 29.06, 29.07, 38.4, and 38.5 as follows:

10 (225 ILCS 705/1.19 new)

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

16 (225 ILCS 705/1.20 new)

17 Sec. 1.20. "Self-contained self-rescue (SCSR) device"
18 means a breathing apparatus 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"

1 means a certified supervisor at a mine whose duties do not
2 include the extraction of coal, but do include other activities
3 resulting in the preparation of coal, supervision of
4 construction or demolition of mine buildings, earth moving, gob
5 moving projects, or other surface projects involving the
6 supervision of people and machinery.

7 (225 ILCS 705/1.22 new)

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

13 (225 ILCS 705/1.23 new)

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

21 (225 ILCS 705/1.24 new)

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

26 (225 ILCS 705/10.08 new)

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

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

10 (225 ILCS 705/11.01) (from Ch. 96 1/2, par. 1101)

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

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

29 (225 ILCS 705/11.07 new)

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

1 the State must provide employees to serve on a rescue team and
2 must compensate these employees who are serving as rescue team
3 members at their regular rate of pay.

4 (225 ILCS 705/11.08 new)

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

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

13 (b) An operator must provide for an adequate number of SCSR
14 devices to be maintained in all rescue chambers and caches
15 located throughout a mine.

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

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

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

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

31 (g) Any person who, without the authorization of the
32 operator or the Mining Board, knowingly removes or attempts to
33 remove any self-contained self-rescue device or

1 battery-powered strobe light approved by the Department from a
2 mine or mine site with the intent to permanently deprive the
3 operator of the device or light or who knowingly tampers with
4 or attempts to tamper with the device or light is guilty of a
5 Class 4 felony.

6 (225 ILCS 705/11.09 new)

7 Sec. 11.09. Rescue chambers. Rescue chambers approved by
8 the Mining Board must be provided at suitable locations
9 throughout a mine.

10 An operator must submit a plan for approval concerning the
11 construction and maintenance of rescue chambers required under
12 this Section to the Mining Board within 3 months after the
13 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;

- 1 (11) 2 claw hammers;
2 (12) one sledge hammer;
3 (13) one shovel;
4 (14) 10 bags of wood fiber plaster or 5 bags of cement
5 or the equivalent;
6 (15) 4 sets of rubber gloves; and
7 (16) 5 gallons of sealed, distilled drinking water.

8 (225 ILCS 705/11.11 new)

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

11 (225 ILCS 705/13.16 new)

12 Sec. 13.16. Tag-lines. Tag-lines must be provided in every
13 working section of a mine and on any vehicle capable of hauling
14 4 or more people within the mine.

15 (225 ILCS 705/13.17 new)

16 Sec. 13.17. Methane extraction prohibited. Methane
17 extraction from sealed areas of active mines or abandoned mines
18 that are attached to active working mines is prohibited.

19 (225 ILCS 705/13.18 new)

20 Sec. 13.18. Non-production related bore holes exempt.
21 Non-production related bore holes that are drilled or operated
22 by an operator and are intended for the safety or maintenance
23 of a mine are exempt from this Act.

24 (225 ILCS 705/19.11) (from Ch. 96 1/2, par. 1911)

25 Sec. 19.11. Travelable passageways; obstructions;
26 ventilation of escape ways. There shall be at least two
27 travelable passageways, to be designated as escape ways, from
28 each working section to the surface whether the mine openings
29 are shafts, slopes, or drifts. At least one of these

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

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

12 (225 ILCS 705/22.18) (from Ch. 96 1/2, par. 2218)

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

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

19 (225 ILCS 705/Art. 29 heading)

20 ARTICLE 29. TELEPHONE AND WIRELESS COMMUNICATION SYSTEMS

21 (225 ILCS 705/29.05 new)

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

1 around the mine any and all equipment necessary to transmit
2 emergency communications from the surface to each wireless
3 emergency communication device at any location throughout the
4 mine.

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

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

18 (225 ILCS 705/29.06 new)

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

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

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

13 (225 ILCS 705/29.07 new)

14 Sec. 29.07. Mine Technology Task Force; provision of rescue
15 chambers and wireless devices.

16 (a) The Director shall establish a Mine Technology Task
17 Force composed of representatives of the United Mine Workers of
18 America (UMWA), coal operators, academia, and the
19 communications industry. The task force shall review and make
20 recommendations to the Mining Board regarding the best
21 available mine safety technologies, including, but not limited
22 to, rescue chambers, wireless communications equipment, and
23 wireless tracking devices for use in underground mines. The
24 task force shall submit its initial findings to the Mining
25 Board within 3 months after the effective date of this
26 amendatory Act of the 94th General Assembly.

27 (b) Rescue chambers, wireless emergency communications
28 devices, and wireless tracking devices must be provided in each
29 underground mine once this equipment is approved by the federal
30 Mine Safety and Health Administration and is commercially
31 available.

32 (225 ILCS 705/38.3) (from Ch. 96 1/2, par. 3803)

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

6 Those persons assigned to supervise:

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

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

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

19 (225 ILCS 705/38.4 new)

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

29 (1) Coal preparation and storage.

30 (2) Mine equipment storage and repair.

31 (3) Mobile equipment operation.

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

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

15 (225 ILCS 705/38.5 new)

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

27 Each applicant for an independent contractor supervisor
28 certificate must provide proof of at least 2 years of
29 experience in independent contract work at surface mines or at
30 the surface of underground mines and successfully complete an
31 examination based on the mining laws of this State as these
32 laws pertain to the applicant's responsibilities, which shall
33 be administered by the Mining Board. Temporary certification

1 may be issued by the Mining Board for persons with at least 2
2 years of the required work experience and shall be valid until
3 the time of the next examination or for a maximum of 6 months,
4 whichever is shorter.

5 Independent contractors employed to engage in routine
6 maintenance work within a facility, including, but not limited
7 to, plumbing repair, roof repair, and carpentry work, are not
8 required to possess an independent contractor supervisor
9 certificate to engage in such routine maintenance work within a
10 facility.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."