



Sen. William R. Haine

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1 AMENDMENT TO SENATE BILL 96

2 AMENDMENT NO. _____. Amend Senate Bill 96 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Fluorspar and Underground Limestone Mines
5 Act is amended by changing Section 1 as follows:

6 (225 ILCS 710/1) (from Ch. 96 1/2, par. 4201)

7 Sec. 1. Application of Act; short title; definitions.

8 (a) This Act shall apply to all mines in the State of
9 Illinois producing minerals within the meaning of that term, as
10 hereinafter defined.

11 (b) This Act may be cited as the Fluorspar ~~and Underground~~
12 ~~Limestone~~ Mines Act.

13 (c) For the purpose of this Act the singular numbers when
14 in reference to persons, acts, objects and things of whatsoever
15 kind and description shall, whenever the context will permit,
16 be taken and held to import and include the plural number and

1 the plural number shall similarly be taken and held to import
2 and include the singular, and terms that impart the masculine
3 gender shall be taken to impart and include the feminine gender
4 as well.

5 (d) The term "mine," when used in the Act, shall include
6 prospects, openings and open-cuts and workings, and shall
7 embrace any and all parts of the property of such "mine" and
8 mining plant on the surface or underground, that contribute
9 directly or indirectly to the mining and handling of minerals.

10 Provided, that when a group of workings in proximity to one
11 another and under one management are administered as distinct
12 units each working shall be considered a separate mine.

13 (e) The term "mineral" when used in this Act shall mean
14 whatever is recognized by the standard authorities as mineral,
15 whether metalliferous or non-metalliferous, but shall not be
16 held to embrace or include silica, granite, marble, salt, sand,
17 gravel, clay, rock, coal, lignite, gas, oil or any substance
18 extracted in solution or in the molten state through bore
19 holes.

20 (f) The term "operator" when used in this Act shall mean
21 the person, firm, or body corporate, in immediate possession of
22 any mine and its accessories as owner or lessee thereof, and as
23 such responsible for the condition and management thereof.

24 (g) The term "superintendent" when used in this Act shall
25 mean the person having the immediate supervision of the mine.

26 (h) The term "mine foreman" when used in this Act shall

1 mean the person who at any one time is charged with the general
2 direction of the underground work.

3 (i) The term "inspector" when used in this Act shall
4 signify the official State Inspector.

5 (j) The words "excavation" and "workings" when used in this
6 Act shall signify any and all parts of a mine excavated or
7 being excavated, including shafts, raises, tunnels, adits,
8 open-cuts, and all working places, whether abandoned or in use.

9 (k) Whenever the expression "number of men" or "average
10 number of men" employed in a mine are used in this Act as
11 defining or constituting classes of mines to which this Act or
12 any specific section, clauses, provision or rule thereof, does
13 or does not apply, such expressions shall be construed to mean
14 the average number of individuals employed during the previous
15 year as shown by the returns to the mine inspector or by the
16 books or pay roll of the mine, or by all of such means and such
17 average number shall be determined by dividing the total number
18 of man shifts by the number of days the mine worked during such
19 period.

20 (l) The term "explosive" or "explosives" as used in this
21 Act shall be held to mean and to include any chemical or any
22 mechanical mixture that contains any oxidizing and combustible
23 units or other ingredients in such proportions, quantities, or
24 packing that an ignition by fire, by friction, by concussion,
25 by percussion or by detonation of any part of the compound or
26 mixture may cause such a sudden generation of highly heated

1 gases that the resultant gaseous pressures are capable of
2 producing destructive effect on contiguous objects or of
3 destroying life or limb.

4 (m) The term "person" when used in this Act shall be held
5 to mean and include a firm or body corporate as well as natural
6 persons.

7 (n) The term "underground" as used in this Act shall be
8 held to mean "within the limits of" any mine working or
9 excavation and shall not exclude such workings or excavations
10 as may not be covered over by rock or earth.

11 (o) The term "employees" and "men employed" shall be held
12 to mean all individuals receiving compensation from the
13 operator, directly or indirectly, for labor or services
14 performed in connection with the mine and shall include
15 contractors, lessors, lessees, tributers, or any one similarly
16 employed.

17 (Source: P.A. 88-185.)

18 Section 10. The Surface-Mined Land Conservation and
19 Reclamation Act is amended by changing Section 8 as follows:

20 (225 ILCS 715/8) (from Ch. 96 1/2, par. 4509)

21 Sec. 8. Bond of operator; amount; sufficiency of surety;
22 violations; compliance. Any bond herein provided to be filed
23 with the Department by the operator shall be in such form as
24 the Director prescribes, payable to the People of the State of

1 Illinois, conditioned that the operator shall faithfully
2 perform all requirements of this Act and comply with all rules
3 of the Department made in accordance with the provisions of
4 this Act. Such bond shall be signed by the operator as
5 principal, and by a good and sufficient corporate surety,
6 licensed to do business in Illinois, as surety. The penalty of
7 such bond shall be an amount between \$600 and \$10,000 ~~\$5,000~~
8 per acre as determined by the Director for lands to be affected
9 by surface mining, including slurry and gob disposal areas.
10 Under circumstances where a written agreement between the
11 operator and a third party require overburden to be removed,
12 replaced, graded, and seeded in a manner that the necessary
13 bond penalty exceeds \$10,000 per acre, the Department shall
14 require a bond amount sufficient to ensure the completion of
15 the reclamation plan specified in the approved permit in the
16 event of forfeiture. In no case shall the bond for the entire
17 area under one permit be less than \$600 per acre or \$3,000,
18 whichever is greater. Areas used for the disposal of slurry and
19 gob shall continue under bond so long as they are in active
20 use. In lieu of such bonds, the operator may deposit any
21 combination of cash, certificates of deposits, government
22 securities, or irrevocable letters of credit with the
23 Department in an amount equal to that of the required surety
24 bond on conditions as prescribed in this Section. The penalty
25 of the bond or amount of other security shall be increased or
26 reduced from time to time as provided in this Act. Such bond or

1 security shall remain in effect until the affected lands have
2 been reclaimed, approved and released by the Department except
3 that when the Department determines that grading and covering
4 with materials capable of supporting vegetation in accordance
5 with the plan has been satisfactorily completed, the Department
6 shall release the bond or security except the amount of \$100
7 per acre which shall be retained by the Department until the
8 reclamation according to Section 6 of this Act has been
9 completed. Where an anticipated water impoundment has been
10 approved by the Department in the reclamation plan, and the
11 Department determines the impoundment will be satisfactorily
12 completed upon completion of the operation, the bond covering
13 such anticipated water impoundment area shall be released.

14 A bond filed as above prescribed shall not be cancelled by
15 the surety except after not less than 90 days' notice to the
16 Department.

17 If the license to do business in Illinois of any surety
18 upon a bond filed with the Department pursuant to this Act
19 shall be suspended or revoked, the operator, within 30 days
20 after receiving notice thereof from the Department, shall
21 substitute for such surety a good and sufficient corporate
22 surety licensed to do business in Illinois. Upon failure of the
23 operator to make substitution of surety as herein provided, the
24 Department shall have the right to suspend the permit of the
25 operator until such substitution has been made.

26 The Department shall give written notice to the operator of

1 any violation of this Act or non-compliance with any of the
2 rules and regulations promulgated by the Department hereunder
3 and if corrective measures, approved by the Department, are not
4 commenced within 45 days, the Department may proceed as
5 provided in Section 11 of this Act to request forfeiture of the
6 bond or security. The forfeiture shall be the amount of bond or
7 security in effect at the time of default for each acre or
8 portion thereof with respect to which the operator has
9 defaulted. Such forfeiture shall fully satisfy all obligations
10 of the operator to reclaim the affected land under the
11 provisions of this Act.

12 The Department shall have the power to reclaim, in keeping
13 with the provisions of this Act, any affected land with respect
14 to which a bond has been forfeited.

15 Whenever an operator shall have completed all requirements
16 under the provisions of this Act as to any affected land, he
17 shall notify the Department thereof. If the Department
18 determines that the operator has completed reclamation
19 requirements and refuse disposal requirements and has achieved
20 results appropriate to the use for which the area was
21 reclaimed, the Department shall release the operator from
22 further obligations regarding such affected land and the
23 penalty of the bond shall be reduced proportionately.

24 Bonding aggregate mining operations under permit by the
25 State is an exclusive power and function of the State. A home
26 rule unit may not require bonding of aggregate mining

1 operations under permit by the State. This provision is a
2 denial and limitation of home rule powers and functions under
3 subsection (h) of Section 6 of Article VII of the Illinois
4 Constitution of 1970.

5 (Source: P.A. 91-938, eff. 1-11-01.)".