

Mine Safety

This Act:

- Defines “mine manager;”
- Requires facilities to submit emergency action plans when making an application for a license;
- Establishes content requirements for the emergency action plan and where copies of the plan are made available;
- Requires the implementation of emergency evacuation plans and firefighting programs;
- Requires that by September 1, 2006, licensed facilities will be able to activate emergency action plans;
- Requires mapping working sections in a mine and the designating escapeways;
- Requires escapeway drills at all licensed coal mines;
- Provides for telephone or equivalent two-way communication facilities in underground and surface coal mines by September 1, 2006;
- Requires ventilation plans and roof control plans be submitted along with requests for licenses and include entrapments, roof falls, and inundation of the mine with liquid or gas in the events that trigger a mine rescue;
- Requires mine ventilation plans and revisions to existing mine ventilation plans be submitted to and approved by the executive director of the Office of Mine Safety and Licensing;
- Prohibits mine licensees from storing self-contained self-rescuers farther apart than 25 feet;
- Provides that self-contained self-rescuers be deployed at not more than 45 minute walking intervals, be placed in storage units to prevent their destruction, and have luminescent signs, alarms, and strobe lights;
- Prohibits using return airway as an escapeway and requires devices that direct miners to the surface at 100-foot intervals;
- Prohibits riding under a trolley wire;
- Defines “serious physical injury;”
- Requires reporting accidents that involves serious physical injury or loss of life within 15 minutes after actual knowledge of the occurrence; and
- Establishes a \$100,000 dollar penalty for failure to report.

Submitted as:

Kentucky

SB 200E/N

Status: Enacted into law in 2006.

Suggested State Legislation

(Title, enacting clause, etc.)

- 1 Section 1. [*Short Title.*] This Act is entitled “An Act to Ensure Mine Safety.”
- 2
- 3 Section 2. [*Definitions and Applicability.*]
- 4 (1) Unless the context requires otherwise; this Act applies only to commercial coal mines.
- 5 (2) As used in this Act:

6 (a) "Approved" means that a device, apparatus, equipment, or machinery, or
7 practice employed in the mining of coal has been approved by the [commissioner of the
8 Department for Natural Resources];

9 (b) "Assistant mine foreman" means a certified person designated to assist the
10 mine foreman in the supervision of a portion or the whole of a mine or of the people employed
11 therein;

12 (c) "Board" means the [Mining Board] created in [insert citation];

13 (d) "Commercial mine" means any coal mine from which coal is mined for sale,
14 commercial use, or exchange. This term shall in no instance be construed to include a mine where
15 coal is produced for own use;

16 (e) "Commission" means the [Mine Safety Review Commission];

17 (f) "Commissioner" means [commissioner of the Department for Natural
18 Resources];

19 (g) "Department" means the [Department for Natural Resources];

20 (h) "Drift" means an opening through strata or coal seams with opening grades
21 sufficient to permit coal to be hauled therefrom or which is used for the purpose of ventilation,
22 drainage, ingress, egress, and other purposes in connection with the mining of coal;

23 (i) "Excavations and workings" means the excavated portions of a mine;

24 (j) "Executive director" means the [executive director of the Office of Mine Safety
25 and Licensing].

26 (k) "Face equipment" means mobile or portable mining machinery having electric
27 motors or accessory equipment normally installed or operated in the last open crosscut in any
28 entry or room;

29 (l) "Fire boss" (often referred to as mine examiner) means a person certified as a
30 mine foreman or assistant mine foreman who is designated by management to examine a mine or
31 part of a mine for explosive gas or other dangers before a shift crew enters;

32 (m) "Gassy mine." All mines shall be classified as gassy or gaseous;

33 (n) "High voltage" means any voltage of [one thousand (1,000)] volts or more;

34 (o) "Imminent danger" means the existence of any condition or practice which
35 could reasonably be expected to cause death or serious physical harm before the condition or
36 practice can be abated;

37 (p) "Inactive workings" shall include all portions of a mine in which operations
38 have been suspended for an indefinite period, but have not been abandoned;

39 (q) "Intake air" means air that has not passed through the last working place of the
40 split or by the unsealed entrances to abandoned workings and by analysis contains not less than
41 [nineteen and one-half percent (19.5%)] oxygen, no dangerous quantities of flammable gas, and
42 no harmful amounts of poisonous gas or dust;

43 (r) "Licensee" means any owner, operator, lessee, corporation, partnership, or
44 other person who procures a license from the department to operate a coal mine;

45 (s) "Low voltage" means up to and including [six hundred sixty (660)] volts;

46 (t) "Medium voltage" means voltages greater than [six hundred sixty (660)] and up
47 to [nine hundred ninety-nine (999)] volts;

48 (u) "Mine" means any open pit or any underground workings from which coal is
49 produced for sale, exchange, or commercial use, and all shafts, slopes, drifts, or inclines leading
50 thereto, and includes all buildings and equipment, above or below the surface of the ground, used
51 in connection with the workings. Workings that are adjacent to each other and under the same
52 management, but which are administered as distinct units, shall be considered a separate mine;

53 (v) "Mine foreman" means a certified person whom the licensee or superintendent
54 places in charge of the workings of the mine and of the people employed therein;

55 (w) "Mine manager" means a certified or noncertified person whom the licensee
56 places in charge of a mine or mines and whose duties include but are not limited to operations at
57 the mine or mines and supervision of personnel when qualified to do so;

58 (x) "Office" means the [Office of Mine Safety and Licensing];

59 (y) "Open-pit mine" shall include open excavations and open-cut workings,
60 including but not limited to auger operations and highwall mining systems for the extraction of
61 coal;

62 (z) "Operator" means the licensee, owner, lessee, or other person who operates or
63 controls a coal mine.

64 (aa) "Permissible" refers to any equipment, device, or explosive that has been
65 approved by the United States Bureau of Mines, the Mining Enforcement and Safety
66 Administration, or the Mine Safety and Health Administration and that meets all requirements,
67 restrictions, exceptions, limitations, and conditions attached to the classification by the approving
68 agency;

69 (bb) "Preshift examination" means the examination of a mine or any portion
70 thereof where miners are scheduled to work or travel, which shall be conducted not more than
71 [three (3)] hours before any oncoming shift;

72 (cc) "Return air" means air that has passed through the last active working place
73 on each split, or air that has passed through abandoned, inaccessible, or pillared workings;

74 (dd) "Serious physical injury" means an injury which has a reasonable potential to
75 cause death;

76 (ee) "Shaft" means a vertical opening through the strata that is used in connection
77 with the mining of coal, for the purpose of ventilation or drainage, or for hoisting men, coal, or
78 materials;

79 (ff) "Slope" means an inclined opening used for the same purpose as a shaft;

80 (gg) "Superintendent" means the person who, on behalf of the licensee, has
81 immediate supervision of [one (1)] or more mines;

82 (hh) "Supervisory personnel" means a person certified under the provisions of this
83 Act to assist in the supervision of a portion or the whole of the mine or of the people employed
84 therein;

85 (ii) "Tipple or dumping point" means the structure where coal is dumped or
86 unloaded from the mine

87 (jj) "Working face" means any place in a coal mine at which the extraction of coal
88 from its natural employed therein; car into railroad cars, trucks, wagons, or other means of
89 conveyance; deposit in the earth is performed during the mining cycle;

90 (kk) "Working place" means the area of a coal mine in by the last open crosscut;

91 (ll) "Working section" means all areas of a coal mine from the loading point to and
92 including the working faces; and

93 (mm) "Workmanlike manner" means consistent with established practices and
94 methods utilized in the coal industry.

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96 Section 3. [*Authority of Commissioner over Mines.*]

97 (1) The [commissioner] shall have full authority over the [department] and shall
98 superintend and direct the activities of the mine inspectors and other personnel of the
99 [department]. There is created within the [Department for Natural Resources] an [Office of Mine
100 Safety and Licensing].

101 (2) The [secretary] shall appoint an [executive director to the Office of Mine Safety and
102 Licensing] in accordance with [insert citation] and prescribe his powers and duties.

103 (3) The [commissioner] may, whenever necessary, divide the coal fields of the state into
104 as many inspection districts as necessary, so as to equalize as nearly as practicable the work of
105 each inspector, and may assign to the inspectors their respective districts.

106 (4) The [commissioner] may, whenever he or she deems it necessary in the interest of
107 efficient supervision of the mines, temporarily employ the services of additional mine inspectors
108 or change inspectors from [one (1)] district to another.

109 (5) The [commissioner] shall superintend and direct the inspection of mines and cause to
110 be investigated the character and quality of air in mines whenever conditions indicate the
111 necessity of doing so.

112 (6) The [commissioner] shall collect statistics relating to coal mining in the state and make
113 an [annual] report of the statistics.

114 (7) The [commissioner] shall see that maps, plans, projections, and proposed
115 developments of all underground coal mines are made and filed in his office.

116 (8) The [commissioner] shall keep a properly indexed, permanent record of all inspections
117 made by himself and the first aid and mine rescue methods, and may conduct demonstrations in
118 safety whenever he deems it advisable.

119 (9) The [commissioner] shall exercise general supervision over the training of officials
120 and workmen concerning mine ventilation, mining methods, and mine accidents and their
121 prevention, and in safety and personnel.

122 (10) The [commissioner] shall exercise general supervision over the dissemination of
123 information among officials and employees of the [department] and shall assume full charge in
124 the event of mine fire or explosion or other serious accident at any mine in the state.

125 (11) The [commissioner] may assist in the resumption of operations of any mine or gather
126 data for the development of any coal seams that would be of any benefit to the state or create new
127 employment.

128 (12) The [commissioner] may prescribe reasonable safety standards governing the use of
129 explosives, and electrical and mechanical equipment in the operation of open-pit or surface
130 mines.

131 (13) The [secretary of the Environmental and Public Protection Cabinet] shall have the
132 power and authority to promulgate, amend, or rescind any administrative regulations he or she
133 deems necessary and suitable for the proper administration of this Act. Administrative regulations
134 may be promulgated, amended, or rescinded by the [secretary] only after public hearing or an
135 opportunity to be heard thereon of which proper notice by publication pursuant to [insert citation],
136 has been given. Administrative regulations so promulgated shall carry the full force and effect of
137 law.

138 (14) The [commissioner] shall ascertain the cause or causes of any coal mining fatality
139 and, within [sixty (60)] days of completion of the investigation, shall report his or her findings
140 and recommendations to the [Governor, the Mine Safety Review Commission, the Mining Board,
141 and the Legislative Research Commission]. The recommendations may include, without being
142 limited to, the need to promulgate or amend administrative regulations to prevent the recurrence
143 of the conditions causing the fatality.

144 (15) The [commissioner] shall assess civil monetary penalties against licensed facilities
145 for violations of laws in this Act and [insert citation] pertaining to roof control plans and mine
146 ventilation plans that could lead to imminent danger or serious physical injury. The
147 [Environmental and Public Protection Cabinet] shall promulgate administrative regulations within
148 [ninety (90)] days of the effective date of this Act providing for the manner and method of the
149 assessment of the penalties and appeals therefrom. In no event shall the civil penalty assessed
150 pursuant to this subsection for the violation exceed [five thousand dollars (\$5,000)]. Nothing
151 contained in this subsection shall be construed to impair or contravene the authority granted under
152 [subsection (2) of Section 7] of this Act for imposing penalties against licensed facilities.

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Section 4. *[Mine Equipment Review Panel.]*

(1) There is hereby established a [Mine Equipment Review Panel] attached to the [Department for Natural Resources in the Environmental and Public Protection Cabinet].

(2) The [Mine Equipment Review Panel] shall be a permanent panel of recognized experts who shall review and make recommendations to the [executive director of the Office of Mine Safety and Licensing] regarding best available mine safety technologies, including but not limited to wireless tracking and communications devices for use by miners in underground mines. Based on the recommendations provided by the [panel], the [executive director] shall comprise a list of commercially available mine safety equipment, including wireless tracking and communications devices that may be approved for use by coal miners.

(3) The [panel] shall meet at the call of the [chair]. The [chair of the panel] shall be the [executive director of Mine Safety and Licensing]. Members of the [panel] shall serve without pay, but shall be entitled to reimbursement of travel-related expenses.

(4) The [Mine Equipment Review Panel] shall be composed of the following members, who shall be appointed by the [commissioner] not less than [thirty (30)] days after the effective date of this Act:

(a) [One (1)] member shall represent the National Institute of Occupational Safety and Health;

(b) [One (1)] member shall represent the federal Mine Safety and Health Administration;

(c) [One (1)] member shall represent the coal industry;

(d) [One (1)] member shall be appointed from the membership of the United Mine Workers of America and shall represent mine labor, preferably a member of a state mine rescue team;

(e) [One (1)] member shall represent the [Department of Mining Engineering at the state university]; and

(f) [One (1)] member shall be the [executive director of the Office of Mine Safety and Licensing].

(5) The [Mine Equipment Review Panel] shall provide initial recommendations to the [executive director of the Office of Mine Safety and Licensing] not more than [one hundred twenty (120)] days after the panel members have been appointed and the panel is duly constituted to conduct business. Periodically, the panel shall review and make recommendations to the [executive director] on changes to or innovations in mine safety equipment that could be deployed in coal mines.

Section 5. *[Mine Inspectors, Mine Safety Analysts, Electrical Inspectors, And Mine Safety Instructors.]*

(1) The [Governor] shall appoint an adequate number of mine inspectors to ensure at least [two (2)] inspections [annually], provided the mine is in operation the entire year or the proportionate thereof, of all mines in the state and sufficient additional inspectors to enable the [commissioner] to provide adequate surveillance of coal mines where conditions or management policy dictate that more inspections are needed to insure the safety of miners. Except, the [commissioner] shall inspect all underground coal mines not less than [three (3) times annually]. [One (1)] or more of the [appointees] may be designated as electrical mine inspectors. The [Governor] shall also appoint an adequate number of mine safety analysts and mine safety instructors. The term of office of each mine inspector, each mine safety analyst, each electrical inspector, and each mine safety instructor shall be during the period of capable, efficient service and good behavior.

202 (2) All mine inspectors, mine safety analysts, electrical inspectors, and mine safety
203 instructors shall have a thorough knowledge of first aid and mine rescue and be able to instruct in
204 first aid and mine rescue, and shall possess thoroughly the knowledge required of the
205 [commissioner] by [insert citation], and shall have a thorough and practical knowledge of mining
206 gained by at least [five (5)] years experience in coal mines in the state. All surface mine safety
207 analysts shall have at least [five (5)] years experience in surface mines in the state. For the
208 purposes of this subsection, a degree in mining engineering from a recognized institution shall be
209 deemed equivalent to [two (2)] years of practical experience in coal mines or an associate degree
210 in mining technology from a recognized institution shall be deemed equivalent to [one (1)] year
211 practical experience in coal mines. A person desiring to use a mining engineering or technology
212 degree for practical experience credit shall file proof of having received a degree prior to
213 examination.

214 (3) No person shall be appointed to the office of mine inspector, underground mine safety
215 analyst, electrical inspector, or mine safety instructor unless he holds a current mine foreman's
216 certificate. No person shall be appointed to the office of surface mine safety analyst unless he
217 holds a current surface mine foreman's certificate. A person appointed as mine inspector, mine
218 safety analyst, electrical inspector, and mine safety instructor shall pass an examination
219 administered by the [board]. The [commissioner] may recommend to the [Governor] applicants
220 for the positions of mine inspector, mine safety analyst, electrical inspector, or mine safety
221 instructor who have successfully passed the examination and are proved by worth, training, and
222 experience to be the most competent of the applicants.

223 (4) Mine inspectors, mine safety analysts, electrical inspectors, and mine safety instructors
224 shall be of good moral character and temperate habits and shall not, while holding office, act in
225 any official capacity in operating any coal mine.

226 (5) No reimbursement for traveling expenses shall be made except on an itemized
227 accounting for the expenses submitted by inspectors, analysts, and safety instructors who shall
228 verify upon oath that the expenses were incurred in the discharge of their official duties.

229 (6) Each mine inspector, mine safety analyst, electrical inspector, and mine safety
230 instructor shall take oath, which shall be certified by the officer administering it. The oath, in
231 writing, and the certificate, shall be filed in the office of the [Secretary of State].

232 (7) Each mine inspector, mine safety analyst, electrical inspector, and mine safety
233 instructor shall give bond with surety approved by the [Governor].

234 (8) Each mine inspector shall give his entire time and attention to the duties of his office,
235 which shall consist of the following:

236 (a) Inspecting mines and aiding, under the direction of the [commissioner], in
237 carrying out and enforcing the provisions of the law relating to the inspection of mines;

238 (b) Training officials and workmen in and about the mines in first aid and mine
239 rescue methods;

240 (c) Advising officials and workmen in methods pertaining to safety in all its phases
241 and in methods pertaining to the prevention of mine fires and explosions;

242 (d) Taking charge of mine rescue and recovery work whenever a mine fire, mine
243 explosion or other serious accident occurs within his district, and the [commissioner] is not
244 present, and assisting in such work in other districts when so directed by the [commissioner];

245 (e) Reopening mines or portions of mines that have been sealed on account of fire
246 or any other cause, when directed by the [commissioner] to do so;

247 (f) Inspecting each underground coal mine in his district at least [three (3)] times a
248 year and all other mines [once every six (6)] months. The [commissioner] may cause inspections
249 more often if practicable and if funds permit, and whenever any danger to the workmen may
250 exist; making a personal examination of the interior of each mine with respect to ventilation,
251 drainage, roof control, blasting, electricity, escapeways, and general security, and also a personal

252 examination of the outside facilities of the mine; and in gassy mines below the water table,
253 inspections shall be more frequent, and as often as practical whenever any danger to workmen is
254 indicated by a previous inspection. Such inspections shall involve at least [two (2)] inspectors.
255 The inspectors shall locate themselves in different sections of the mine in order to determine the
256 effectiveness and reliability of the ventilation system. Each section of the mine shall be so
257 inspected;

258 (g) It shall be permissible for a mine inspector to inspect any coal preparation plant
259 or surface facility of any mining operation of coal including any overland coal belts; and

260 (h) A mine inspector shall have the express authority to enter upon the premises of
261 and inspect any coal mine, including any overland coal belts, at any reasonable time.

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263 Section 6. [*Mine Operator's License.*]

264 (1) The operation of a coal mine in this state is a privilege granted by this state to a
265 licensee who satisfies the requirements of this section and demonstrates that the mine is or will be
266 operated in a safe manner and in accordance with the laws of this state.

267 (2) Within [forty-five (45)] days after [January 1] of each year, the owner, operator,
268 lessee, or licensee of each mine shall procure from the [department] a license to operate the mine,
269 and the license shall not be transferable. Any owner, operator, lessee, or licensee who assumes
270 control of a mine, opens a new mine, or reopens an abandoned mine during any calendar year
271 shall procure a license before mining operations are begun.

272 (3) The license shall be in printed form as the [commissioner] may prescribe and when
273 issued shall be kept posted at a conspicuous place near the main entrance of the mine.

274 (4) Requests for a license shall be made to the [department] and shall be accompanied by
275 a United States Postal Money Order or cashier's check drawn in favor of the [State Treasurer] in
276 an amount established by administrative regulations of a minimum of [one hundred (\$100)] and a
277 maximum of [fifteen hundred dollars (\$1,500)]. The license shall be issued when the following
278 are properly submitted to the [commissioner]:

279 (a) The annual report of the licensee and the annual mine map required in this Act;

280 (b) A certification from the [executive director of the Office of Workers' Claims]
281 that the licensee has provided positive proof of compliance with the provisions of [insert citation];

282 (c) A certification from the [commissioner of the Department of Revenue] that the
283 licensee is not a "delinquent taxpayer" as defined in [insert citation];

284 (d) A ventilation plan required in this Act; and

285 (e) An approved emergency action plan required by this Act.

286 (5) The [commissioner or his accredited agents] shall have the authority to extend the time
287 for filing of the map not to exceed an additional [forty-five (45)] days. Upon receipt of
288 withdrawal of the certification of the [executive director of the Office of Workers' Claims], or
289 upon receipt of notice from the [commissioner of revenue] that the licensee is a "delinquent
290 taxpayer," as defined in [insert citation], the [department] shall forthwith revoke any license
291 issued. Revocation of a license shall be an administrative function of the [department]. Appeal of
292 the revocation of a license shall lie in the [county Circuit Court].

293 (6) The [department] shall immediately revoke any license, if the [department] receives:

294 (a) Withdrawal of the certification of compliance with [insert citation] issued by
295 the [executive director of the Office of Workers' Claims]; or

296 (b) Notice from the [commissioner of the Department of Revenue] that the
297 licensee is a "delinquent taxpayer" as defined in [insert citation].

298 (7) The [commissioner], the [executive director of the Office of Mine Safety and
299 Licensing], or the [mine inspector] shall have the authority to stop production or close any mine
300 whose operator fails to procure a license or fails to furnish a [Certification of Workers'

301 Compensation Coverage] as required under this section. The [department] shall be authorized to
302 seek injunctive relief for any violation of this section.

303 (8) Revocation of a license by the [department] shall be an administrative function of the
304 [department]. Appeals from revocation by the [department] shall be brought in [Circuit Court].

305 (9) A license which has been revoked under the “delinquent taxpayer” provision shall not
306 be reissued until a written tax clearance has been received from the [commissioner of revenue].

307 (10) No mine underlying a cemetery shall be licensed by the [commissioner] unless [two-
308 thirds (2/3)] of the governing body of that cemetery vote in approval of the operation. The
309 application for a license shall contain an affidavit setting forth the approval of the cemetery's
310 governing body. This subsection applies only to those cemeteries with governing bodies.

311

312 Section 7. [*Map of Workings of the Mine.*]

313 (1) The operator or superintendent of each underground mine shall [annually] make or
314 cause to be made a map of the workings of the mine which is accurate and of professional quality,
315 on a scale of not less than [one hundred (100) and not more than five hundred (500)] feet to the
316 inch, showing the area mined and the forms of the excavations up to [January 1], together with
317 the location and connection of the property and mineral lease lines of all adjoining lands within
318 [one thousand (1,000)] feet of the excavations and, marked on each tract, the name of each owner
319 or lessee of adjoining lands and of mine property for which the map is being filed. Such map shall
320 also show:

321 (a) The proposed general plan of mining for the next [twelve (12)] months;

322 (b) All pillared, worked-out, and abandoned areas;

323 (c) Entries and aircourses with the direction of airflow indicated by arrows;

324 (d) Dip of the coal bed;

325 (e) Escapeways;

326 (f) Major roof falls;

327 (g) Any worked-out areas within [one thousand (1,000)] feet of the projections
328 proposed for the next [twelve (12)] months, designating whether active, abandoned, or pillared,
329 and showing precautions to be taken if mines are projected towards old workings which cannot be
330 examined;

331 (h) Mines above or below;

332 (i) Water pools above;

333 (j) Location of all known oil and gas wells, both producing and abandoned, within
334 the area required to be mapped, as well as owners and well numbers when possible;

335 (k) Such map shall identify those areas of the mine which are inaccessible or
336 cannot be entered safely and on which no information is available;

337 (l) The name and address of the mine, the mine number, seam, and seam thickness;

338 (m) The scale and orientation of the map, longitude and latitude, and
339 corresponding USGS 7.5 minute quadrangle map;

340 (n) The property or boundary lines of the mine, indicating the [twenty-five (25)]
341 foot barrier required by [insert citation] between projections and property lines;

342 (o) All known drill holes that penetrate the coal bed being mined;

343 (p) All shaft, slope, drift, and tunnel openings and auger and strip-mined areas of
344 the coal bed being mined;

345 (q) The location of all surface mine ventilation fans; the location may be
346 designated on the mine map by symbols;

347 (r) The location of railroad tracks and public highways leading to the mine, and
348 mine buildings of a permanent nature with identifying names shown, and water sheds near
349 openings of the mine;

350 (s) The location and description of at least [two (2)] permanent base line points
351 coordinated with the underground and surface mine traverses, and the location and description of
352 at least [two (2)] permanent elevation benchmarks used in connection with establishing or
353 referencing mine elevation surveys, and any other identifying permanent landmarks;

354 (t) The location and elevation of any body of water dammed in the mine or held
355 back in any portion of the mine; provided, however, such bodies of water may be shown on
356 overlays or tracings attached to the mine maps used to show contour lines;

357 (u) The elevations of tops and bottoms of shafts and slopes, and the floor at the
358 entrance to drift and tunnel openings;

359 (v) The elevation of the floor at intervals of not more than [two hundred (200)] feet
360 in:

- 361 1. At least [one (1)] entry of each working section, main entry, and cross
362 entries;
- 363 2. The last line of open crosscuts of each working section, and main and
364 cross entries before such sections and main and cross entries are abandoned;
- 365 3. Rooms advancing toward or adjacent to property or boundary lines or
366 adjacent mines; and

367 (w) Contour lines passing through whole number elevations of the coal bed being
368 mined. The spacing of such lines shall not exceed [ten (10)] foot elevation levels, except that a
369 broader spacing of contour lines may be approved by the commissioner or his authorized
370 representative for steeply-pitching coal beds. Contour lines may be placed on overlays or tracings
371 attached to mine maps. The operator, superintendent, or mine manager shall deposit a true copy
372 of the map with his license application to the [commissioner] within [forty-five (45)] days after
373 January 1, and another copy of the map shall be kept at the office of the mine. A copy shall also
374 be furnished the [district office of the department].

375 (2) After making and filing the map with the [commissioner], the operator, superintendent,
376 or mine manager thereafter is only required to file [annually] with the [commissioner], within the
377 time specified, such additional map and statement as is necessary to show the progress of the
378 workings, the amount and forms of excavations, and the property lines within [one thousand
379 (1,000)] feet of the excavations extended since the date of the preceding map. The
380 [commissioner] shall [annually], [before January 1], give notice that the map is required.

381 (3) The [commissioner] may require any operator, superintendent, or mine manager to
382 furnish a map other than those required in subsections (1) and (2) of this section or of a surface
383 mine, and the operator or superintendent shall immediately comply with the requirement.

384 (4) The mine inspector shall have the authority to stop production at the mine of any
385 operator who does not furnish within [thirty (30)] days of notification of specific deficiencies a
386 map which fully complies with the requirements of this section.

387 (5) If the operator, superintendent, or mine manager of any mine fails to furnish to the
388 [commissioner] any map required by this Act, the [commissioner] may cause a correct survey and
389 map of the mine or extensions thereof to be made at the expense of the owner, lessee or operator
390 of the mine, and the cost of the map shall be recoverable from the owner, lessee or operator in the
391 same manner as debts are recoverable by law.

392 (6) If at any time the [commissioner] has reason to believe that any map furnished under
393 this Act is materially incorrect, so that it will not serve the purpose for which it was intended, he
394 may have a survey and map made or corrected, and the expense of making the survey, map or
395 correction shall be paid by the owner, lessee or operator of the mine, or recovered in the same
396 manner as debts are recoverable by law; but if the map furnished by the operator or
397 superintendent is found to be correct, the expense of the survey and drafting of the map shall be
398 paid by this state.

399

Section 8. [*Mine Ventilation Plan.*]

(1) A mine ventilation plan and any revision of an existing mine ventilation plan shall be suitable to the ventilation conditions and mining system of each mine. The mine ventilation plan and any revisions to the mine ventilation plan approved by the United States Mine Safety and Health Administration shall be submitted to the executive director or his or her authorized representative and incorporated into the license. All mine ventilation plans shall be set forth in printed form. The mine ventilation plan shall require the air quality throughout the mine to contain at least [nineteen and one-half percent (19.5%)] oxygen and not more than [one-half of one percent (0.5%)] of carbon dioxide, and the volume and velocity of the air current shall be sufficient to dilute, render harmless, and carry away flammable, explosive, noxious, and harmful gases, dust, smoke, and fumes. A copy of the mine ventilation plan and any revisions to that plan shall be available to the miners and their representatives.

(2) The ventilation of all underground coal mines shall be produced by means of mechanically operated fans located outside the mine in fireproof housing and offset at least [fifteen (15) feet to one (1) side or above the opening], protected by explosion doors or weak walls and arranged so that ventilating current may be reversed if necessary. The fan shall be installed so as to prevent recirculation of mine air. The main fan shall be operated from a power circuit independent from the mine circuit. If inside auxiliary fans are required to ventilate working places the [commissioner] must first approve the installation.

(3) The licensee, superintendent, or foreman of every coal mine worked by shaft, slope, or drift shall provide and maintain for every mine [two (2)] separate and distinct escapeways, [one (1)] of which is vented by the intake air. However, if a mine was originally licensed prior to [January 1, 1990], the [commissioner] may approve an alternate ventilation plan. Each active working section shall be ventilated by a separate split of intake air. In all mines the quantity of air passing through the last open crosscut between the intake and return in any pair or sets of entries shall be not less than [nine thousand (9,000)] cubic feet of air per minute and as much more as is necessary to dilute and render harmless and carry away flammable and harmful gases. All working faces from which coal is being cut, mined, or loaded in a working section between the intake and return airway entries shall be ventilated with a minimum quantity of [three thousand (3,000)] cubic feet of air per minute and as much more as is necessary to dilute and render harmless and carry away flammable and harmful gases. The quantity of air reaching the last crosscut in pillar sections may be less than [nine thousand (9,000)] cubic feet of air per minute if at least [nine thousand (9,000)] cubic feet of air per minute is being delivered to the intake of the pillar line. The air current shall under any conditions have a sufficient volume and velocity to reduce and carry away smoke from blasting and any flammable or harmful gases.

(4) All mines shall maintain at least [nine thousand (9,000)] cubic feet of air per minute at the points mentioned in subsection (3) of this section. The [commissioner] shall have the authority to require additional air in any mine when he deems it necessary for the safety of the employees. When the air from a split has passed through and has ventilated all the working places in an air split of a mine it shall then be designated as return air. Return air courses shall not be designated as primary escapeways.

(5) As working places advance, breakthroughs for air shall be made not more than [ninety (90)] feet apart, except that where longwall or modern systems of mining are used the [commissioner] or his authorized representative may approve a greater distance between breakthroughs or the method of ventilating such longwall or modern systems of mining. If any breakthroughs between intake and return airways are not required for the passage of air or the travel of equipment, they shall be closed with stoppings. All permanent stoppings shall be substantially built with suitable incombustible or fire resistant material subject to the approval of the mine inspector so as to keep the working places well ventilated. All brattice cloth and ventilation tubing shall be flame resistant. Doors on the main haulways shall be avoided where

450 practicable, and overcasts, built of concrete or other suitable material and of ample strength, shall
451 be adopted. Where doors are used they shall be built in a substantial manner, and shall be hung so
452 as to close automatically when unobstructed.

453 (6) In a mine where methane can be found to an extent of [one percent (1%)] or more on
454 the return of any [one (1)] split, the inspector, with the approval of the [commissioner] may
455 require the mine to be ventilated by the exhaust system, requiring the haulage roads and all feed
456 wires to be located on the intake air and the electrical system to be so arranged that no wires
457 carrying electrical current shall be on return air. A period of not more than [ninety (90)] days
458 from date of notification shall be allowed to make the changes required.

459 (7) The ventilation plan shall require all fans utilized in the ventilation plan to be in
460 operation for a sufficient period to ensure air quality and equalization of the mine atmosphere
461 prior to the entry of workers into underground areas.

462
463 Section 9. [*Mine Outlets: Ingress, Egress.*]

464 (1) No licensee, superintendent, mine manager, or mine foreman of any mine opened after
465 [June 16, 1972], shall permit people to work therein unless there are to every seam of coal worked
466 in the mine at least [two (2)] separate outlets, separated by natural strata of not less than [one
467 hundred fifty (150)] feet in breadth if the mine is worked by shaft or slope, and separated by a
468 pillar of natural strata of not less than [two thousand (2,000)] square feet if the mine is worked by
469 drift, by which outlets distinct means of ingress and egress are readily available to people
470 employed in the mine, but it shall not be necessary for the [two (2)] outlets to belong to the same
471 mine. This subsection does not apply to the openings of a new entry that is being worked for the
472 purpose of making connection between the [two (2)] outlets so long as not more than [twenty
473 (20)] people are employed at one time in making the connection or driving the second opening, or
474 to any mine in which the second opening has been rendered unavailable by reason of final
475 robbing or removal of pillars so long as not more than [twenty (20)] people are employed therein
476 at one time, and the workings are no farther than [five hundred (500)] feet from the bottom of the
477 shaft or slope or from the drift opening.

478 (2) If any mine has but [one (1)] means of ingress or egress for people employed therein,
479 and the owner does not own suitable ground for another opening, the owner may select
480 appropriate adjacent ground for that purpose and have it condemned pursuant to the Eminent
481 Domain Act of this state.

482
483 Section 10. [*Properly Certified Person.*]

484 (1) In all mines the licensee, mine manager, or superintendent shall employ [one (1)] or
485 more properly certified people.

486 (2) A properly certified person shall examine carefully, within [three (3)] hours before
487 each shift enters the mine:

488 (a) Every working place;

489 (b) All places adjacent to live workings;

490 (c) Every roadway where people are required to work or travel;

491 (d) All abandoned panels on the intake;

492 (e) Every set of seals on the intake; and

493 (f) All roof falls near active workings on the intake and on the working sections.

494 (3) Before proceeding with the examination he shall see that the air current is traveling its
495 proper course.

496 (4) A properly certified person shall use approved gas detection devices in the
497 performance of the required examination and shall examine the entrances to all worked-out and
498 abandoned portions adjacent to the intake roadways and working places under his charge where
499 explosive gas is likely to accumulate.

500 (5) After examination the properly certified person shall leave at or as close as possible to
501 the face of every place examined the date and time of the examination and his initials as evidence
502 that he has performed his duty.

503 (6) If an explosive mixture of gas is discovered, the properly certified person shall place a
504 danger signal across the entrance to every place where explosive gas is discovered or where
505 immediate danger is found to exist from any other cause. The signal shall be sufficient warning to
506 ensure that people do not enter the area.

507 (7) When the mine is idle and workmen are required to go into the mine, the section,
508 portion, or part of the mine entered must be inspected by a properly certified person within [three
509 (3)] hours before the workmen enter.

510 (8) Each week, a properly certified person designated by the mine foreman shall examine
511 each set of seals on the return, all designated intake and return entries, and all escapeways.

512
513 Section 11. [*Certified Mine Foreman.*]

514 (1) All commercial coal mines shall employ a certified mine foreman therein to properly
515 carry out the plans and rules when approved by the [commissioner of the department] and to be
516 responsible for compliance with the provisions of this Act.

517 (2) When the mine workings become so extensive that the mine foreman is unable
518 personally to carry out the duties required of him by law, the operator, superintendent, or mine
519 manager shall employ a sufficient number of people holding suitable certificates of qualifications
520 to act as assistants to the mine foreman, and under his instructions.

521 (3) The mine foreman or his assistants shall visit and carefully examine each working
522 place in the mine at least every [four (4)] hours while the mine employees are at work. He shall
523 examine as live workings, on regular inspections, all places in live sections that are temporarily
524 abandoned. If the mine foreman finds any place to be in a dangerous condition, he shall not leave
525 the place until it is made safe, or until the employees working therein are removed until the place
526 is made safe. He shall see that every mine liberating explosive gas is kept free of standing gas in
527 all working places and roadways, and that all accumulations of explosive or noxious gases in the
528 worked-out or abandoned portions of any mine are removed as soon as possible after discovery.
529 He shall ensure that all preshift examinations are conducted by a certified person and that
530 examinations of conveyor belts have been conducted. He shall not allow any person who may be
531 endangered by the presence of explosive or noxious gases to enter that portion of the mine until
532 the gases have been removed. He shall direct and see that all dangerous places and the entrances
533 to worked-out and abandoned places in all mines are properly barricaded across the openings, so
534 that no person will enter, and that danger signs are posted upon the barricade to warn people of
535 existing danger. He shall give prompt attention to the removal of all dangers reported to him by
536 his assistants, the fire boss or any person working in the mine, and if it is impracticable to remove
537 the danger at once he shall notify every person whose safety is menaced thereby to remain away
538 from the portion where the dangerous condition exists. He or his assistants, fire bosses, or other
539 certified people shall, at least once every week, travel and examine all air courses, escapeways,
540 the caches of self-contained self-rescuer devices required by this Act, the cache's contents, seals
541 on the return, roads, and openings that give access to old workings or pillar falls, and make a
542 record of the condition of all places where danger has been found. The record shall be made with
543 ink pencil in the record book provided for that purpose.

544 (4) The mine foreman shall notify, in writing, the licensee or superintendent of the mine of
545 his inability to comply with any of the requirements of the mining laws, and the licensee or
546 superintendent shall at once attend to the matter complained of by the mine foreman so as to
547 enable him to comply with the mining laws.

548 (5) The mine foreman shall each day enter and sign plainly with ink, in a book provided
549 for that purpose, a report of the condition of the mine. The report shall clearly state any danger

550 that comes under his observation during the day or is reported to him by his assistants or by the
551 fire bosses, and shall state what action was taken to correct such danger, whether or not there is a
552 proper supply of material on hand for the safe working of the mine, and whether or not the mining
553 laws are being complied with. The mine foreman shall each day read carefully, and countersign
554 with ink, all reports entered in the record book of the fire bosses.

555 (6) The mine superintendent, mine manager, mine foreman, and assistant foreman shall be
556 held jointly responsible for the immediate compliance with the provisions of this Act.

557
558 Section 12. [*Availability of Materials and Supplies Relating to Mine Safety.*]

559 (1) Each superintendent or mine manager shall, on behalf and at the expense of the
560 licensee, keep on hand at or within convenient distance of the mine, not to exceed [five hundred
561 (500)] feet, a sufficient quantity of all materials and supplies required to preserve the safety of
562 employees, as ordered by the mine foreman and required by law. If the superintendent or mine
563 manager cannot procure the necessary materials or supplies, he shall at once notify the mine
564 foreman, who shall withdraw the men from the mine until the materials or supplies are received.

565 (2) The superintendent or mine manager shall, at least once each week, read and examine
566 carefully and countersign all reports entered in the mine record book of the mine foreman.

567 (3) The licensee, superintendent, or mine manager shall cooperate with the mine foreman
568 and other officials in the fulfillment of their duties under this Act, and shall direct that the mine
569 foreman and all other employees under him comply with the law, especially when his attention is
570 called by the mine inspector or by the [commissioner] to any violations of the laws.

571 (4) The superintendent or mine manager shall keep on hand at the mine a supply of
572 printed rules, notices, and record books required by this Act. The superintendent or mine manager
573 shall see that rules, notices, and record books are delivered to the proper people at the mine and
574 are properly cared for, and that the rules and notices are posted in conspicuous places at or near
575 the entrance to the mine and kept legible.

576
577 Section 13. [*Imminently Dangerous Condition.*]

578 (1) The operator, superintendent, or mine manager of every mine shall furnish the mine
579 inspector proper facilities for entering the mine and making examinations or obtaining
580 information.

581 (2) If any inspector discovers that any mine does not conform to the provisions of this Act
582 in respect to the safety of employees, or that by reason of any defect or practice not specifically
583 covered by this Act in or about the mine, the lives or health of people employed therein are
584 endangered, he shall immediately issue an emergency order to the licensee or superintendent. If
585 he deems it necessary for the immediate protection from imminent danger of bodily harm of the
586 people employed in the mine, he shall withdraw the men who may be endangered according to
587 the following procedures:

588 (a) If the entire mine is affected by the dangerous condition, all men shall be
589 withdrawn and production shall be halted until all defects causing the imminently dangerous
590 condition are corrected;

591 (b) If an imminent danger affects only a portion of the mine, the people whose
592 safety may be menaced thereby shall be withdrawn from the affected part of the mine and
593 production halted in that area until the dangerous condition is corrected;

594 (c) Where production is necessary to correct the unsafe condition, it shall be
595 permitted to that extent, using only the necessary personnel; and

596 (d) Production at the affected area of a mine from which men are withdrawn
597 pursuant to this section may be resumed upon reinspection by a mine inspector and a finding by
598 that inspector that the mine is no longer imminently unsafe.

599 (3) In all emergency hearings, a departmental attorney, the [Attorney General], [state's
600 attorney] or the county attorney of the judicial circuit or county in which the mine is situated shall
601 appear for the state and defend the action.

602
603 Section 14. [*Mine Rescue Divisions.*] The [commissioner of the department] shall partition
604 the coal fields in this state into [mine rescue divisions]. In each [division] there shall be a station,
605 the location of which shall be determined by the [commissioner], and there shall be kept at each
606 station apparatus, appliances, and supplies for use in the work of rescue and relief upon the
607 occurrence of entrapments, roof falls, inundation of liquids or gasses, explosions or mine fires,
608 and for the training of officials and miners in mine rescue work. The [commissioner] shall
609 provide each station and himself with the necessary instruments, appliances, apparatus,
610 chemicals, trucks, and automobiles, and shall designate [one (1)] of the inspectors to have charge
611 of each station.

612
613 Section 15. [*Emergency Action Plan for Underground Mines.*]

614 (1) An emergency action plan shall be submitted with each application for a license to
615 operate an underground mine. The emergency action plan shall be for use during emergencies at
616 the licensed facility. The plan shall consist of the following components:

617 (a) A certification, submitted by the applicant, that the telephone or equivalent
618 two-way communication system will be in place and functioning at the facility when operation
619 begins;

620 (b) A listing of the telephone numbers of the facility personnel, state and federal
621 regulatory agencies, and state, federal, and local emergency response agencies to be contacted in
622 the event of a mine emergency;

623 (c) The positions and telephone numbers of the people designated by the licensee
624 to implement the emergency action plan during mine emergencies;

625 (d) The name of the ambulance service or first responder with which the licensee
626 has made arrangements to provide twenty-four (24) hour emergency medical assistance for any
627 person injured at the licensed facility;

628 (e) A copy of the licensed facility's mine emergency evacuation and fire-fighting
629 plan, if one is required; and

630 (f) A training schedule for all personnel as to their responsibilities under the
631 emergency action plan. On site, each licensed facility shall maintain a log containing training
632 dates, the personnel trained, and their positions and shifts.

633 (2) The licensee shall provide a revised copy of the plan to the [district office and the
634 Office of Mine Safety and Licensing] within [ten (10)] days of a change in any of the information
635 required in [subsection (1) of this section] becoming effective.

636 (3) The licensee shall be responsible for ensuring that copies of the licensed facility's
637 emergency action plan are submitted to the appropriate [district office and to the Office of Mine
638 Safety and Licensing]. Copies of the plan also shall be kept on the premises of the licensed
639 facility where it shall be made open to inspection by the licensee's employees and their
640 independent contractors and inspectors.

641 (4) Each licensed facility shall post in a prominent place at the mine office a copy of all
642 emergency contact numbers. The list of emergency contact numbers shall be made available to
643 the licensee's employees and their independent contractors during training on the emergency
644 action plan.

645 (5) Each licensed facility shall train all employees of the licensee, including their
646 independent contractors, at the beginning of their employment with the licensed facility and on an
647 annual basis on the emergency action plan and the people responsible for the plan's
648 implementation.

649 (6) Each licensed facility on which an underground mine is operated shall develop and
650 implement a mine emergency evacuation and fire-fighting program that instructs all miners and
651 other personnel of the licensed facility in the proper evacuation procedures they must follow if a
652 mine emergency occurs. The program, and any revisions thereto, must be submitted to the
653 [executive director] or his designee. All personnel of the licensed facility, including independent
654 contractors, shall be trained in the performance of the plan's revisions prior to any of the revisions
655 being implemented. The program shall include a plan to train all miners on all shifts with
656 procedures for:

- 657 (a) Mine emergency evacuation for mine emergencies that present an imminent
658 danger to miners due to fire, explosion, or gas, or water inundation;
- 659 (b) Evacuation of all miners not required for a mine emergency response;
- 660 (c) Rapid assembly and transportation of necessary miners, fire suppression
661 equipment, and rescue apparatus to the scene of the mine emergency; and
- 662 (d) Operation of fire suppression equipment available in the mine.

663

664 Section 16. [*Map of Designated Escapeways and Escapeway Drills.*]

665 (1) A map shall be posted or readily accessible to all miners in each working section, and
666 in each area where mechanized equipment is being installed or removed. The map shall show the
667 designated escapeways from the working section to the locations where miners must travel to
668 satisfy the escapeway drill specified in [subsection (4) of this section].

669 (2) A map showing the main escapeways shall be posted at the surface location of the
670 licensed facility where miners congregate.

671 (3) All maps shall be kept up to date. Any changes in routes of travel, locations of doors,
672 or directions of airflow shall be shown on the maps by the end of the shift. Miners affected by the
673 changes shall be informed of the changes before entering the underground areas of the mine.
674 Miners on a shift underground when any change is made shall be immediately notified of the
675 change.

676 (4) At least once every [ninety (90)] days each miner, including those miners with
677 working stations located between the working sections and main escapeways, shall participate in
678 a practice escapeway drill.

679 (5) During the drill, miners that do not have working stations located between the
680 working sections and the main escapeways shall travel the greater distance of the [two (2)]
681 following choices:

682 (a) A path from the primary or alternate escapeway from the miner's working
683 section or from the area where mechanized mining equipment is being installed or removed, to
684 the area where the split of air ventilating the working section intersects a main air course; or

685 (b) A path which is [two thousand (2,000)] feet outby the section loading point.

686 (6) Those miners who have working stations located between the working sections and the
687 main escapeways shall participate in the escapeway drill by traveling in the primary or alternate
688 escapeway for a distance of [two thousand (2,000)] feet from their working station toward the
689 nearest escape facility or drift opening.

690 (7) (a) At least [once every six (6) weeks] and for each shift, at least [two (2)] miners
691 on each coal producing working section who work on that section, accompanied by the section
692 foreman, shall participate in a practice escapeway drill and shall travel the primary or alternate
693 escapeway:

- 694 1. From the location specified in paragraph (a) of subsection (5) of this
695 section to the surface;
- 696 2. To mechanical escape facilities; or
- 697 3. To an underground entrance to a shaft or slope to the surface.

698 (b) Systematic rotation of section personnel shall be used so that all miners
699 participate in this drill.

700 (8) (a) At least [once every six (6) weeks], at least [two (2)] miners on each
701 maintenance shift and a foreman or assistant foreman, shall participate in a practice escapeway
702 drill and shall travel the primary or alternate escapeway:

703 1. From the location specified in paragraph (a) of subsection (5) of this
704 section to the surface;

705 2. To mechanical escape facilities; or

706 3. To an underground entrance to a shaft or slope to the surface.

707 (b) Systematic rotation of maintenance personnel and working sections shall be
708 used so that all miners participate in the drill and so that the escapeways from all sections are
709 traveled.

710 (9) For all escapeway drills required by this section, an escapeway drill shall not be
711 conducted in the same escapeway as the drill proceeding immediately thereafter.

712 (10) Before or during practice escapeway drills, miners shall be informed of the locations
713 of fire doors, check curtains, changes in the routes of travel, caches of self-rescuers, and plans for
714 diverting smoke from escapeways.

715

716 Section 17. [*Lifeline Cords.*] In all designated escapeways, each operator shall provide
717 lifeline cords, with attached reflective material at not to exceed [twenty-five (25)] foot intervals
718 and devices indicating the direction to the surface at not to exceed [one hundred (100)] foot
719 intervals, from outby the loading point; provided, that in case of a shaft mine, such lifeline cords
720 shall extend from outby the loading point to the bottom of the designated escape shaft. Such
721 lifeline cord shall be of durable construction sufficient to allow miners to see and to use
722 effectively to guide themselves out of the mine in the event of an emergency.

723

724 Section 18. [*Ensuring Two-Way Communication between Mines and Surface*
725 *Communication Facilities.*]

726 (1) Effective [insert date], each licensed underground facility shall provide telephone
727 service or equivalent two-way communication facilities, approved by the [executive director or
728 his authorized representative], between the surface of each landing of main shafts and slopes, and
729 between the surface and each working section that is more than [one hundred (100)] feet from a
730 portal. Implementation of telephone or equivalent two-way communication facilities shall be
731 subject to the following provisions:

732 (a) Telephones or equivalent two-way communications facilities provided at each
733 working section shall be located not more than [five hundred (500)] feet outby the last open
734 crosscut and not more than [eight hundred (800)] feet from the farthest point of penetration of the
735 working faces on the section;

736 (b) Primary telephone or two-way communications systems and lines shall be
737 located in the intake air course or adjacent entry, but shall not be located in the beltway or return
738 air courses unless approved by the [executive director, of the Office of Mine Safety and
739 Licensing] in seams with coal heights [twenty-six (26) inches or less]; and

740 (c) The incoming communication signal on the telephone or other approved two-
741 way communications system shall activate an audible alarm that is distinguishable from the
742 surrounding noise level and a visual alarm that can be seen by a miner regularly employed on the
743 working section.

744 (2) Effective [insert date], each licensed underground facility shall have a telephone or
745 equivalent two-way communications facility located on the surface within [one thousand (1,000)
746 feet] of all main portals. The telephone or equivalent two-way communication system shall be
747 installed in either a building or in a box-like structure designed to protect the communication

748 equipment from damage by inclement weather. At least [one (1)] of these communications
749 systems shall be at a location where a responsible person is available and authorized to respond to
750 an emergency situation at all times when miners are working underground. The incoming
751 communication signal on the telephone or other approved two-way communications system shall
752 activate an audible alarm, distinguishable from the surrounding noise level and a visual alarm that
753 can be seen by the responsible person stationed near the communication system.

754 (3) Effective [insert date], each licensed underground facility shall have a telephone or
755 equivalent two-way communications system located on the surface which can be used to activate
756 the licensed facilities emergency action plan required in Section 2 of this Act and to comply with
757 reporting requirements contained in Section 19 of this Act. The telephone or equivalent two-way
758 communication system shall be installed in either a building or in a box-like structure designed to
759 protect the communication equipment from damage by inclement weather. At least [one (1)] of
760 the communication systems shall be at a location where a responsible person is available and
761 authorized to respond at all times to an emergency situation when miners are working. The
762 incoming communication signal on the telephone or other approved two-way communications
763 system shall activate an audible alarm, distinguishable from the surrounding noise level and a
764 visual alarm that can be seen by the responsible person stationed near the communication facility.
765

766 Section 19. [*Self-Contained Self-Rescuer Devices.*]

767 (1) All underground miners shall be provided with an approved self-contained self-rescuer
768 device and shall have that device within [twenty-five (25)] feet of them at all times. The self-
769 contained self-rescuer shall be provided to the miners by the licensee at no cost to the miners.

770 (2) In addition to the requirements for self-contained self-rescuers set forth in this section,
771 all licensed premises shall maintain caches of self-contained self-rescuer devices which shall be
772 stored in locations readily accessible to the primary and secondary escapeways or provide proof
773 of an order for self-contained self-rescuers through the submission of a valid purchase order that
774 clearly names the vendor, contact information for the vendor, the number of devices purchased,
775 and the date of the order, which shall not be later than [thirty (30)] days after the effective date of
776 this Act. In all cases, the self-contained self-rescuers shall be in place by [July 1, 2007], or shall
777 be extended by the [commissioner] upon substantiated proof of unavailability.

778 (a) The caches shall be maintained in sufficient numbers and locations determined
779 in accordance with the most recent rules, standards, and regulations issued by the United States
780 Mine Safety and Health Administration;

781 (b) The caches shall be maintained in storage units capable of protecting the self-
782 contained self-rescuers from water, dust, and any other condition which will cause deterioration
783 of the self-contained self-rescuer;

784 (c) The storage unit locations shall have reflective signs that read “SELF-
785 RESCUERS” conspicuously posted as to be visible from the primary and secondary escapeways.
786 Intrinsically safe strobe light devices also shall be attached to the storage unit. The strobe light
787 devices may operate continuously or shall be capable of activation in the event of a mine
788 emergency;

789 (d) In addition to the requirements set forth in this section for self-contained self-
790 rescuers, the mine operator shall provide for each person who is underground at [least one (1)]
791 additional self-contained self-rescuer device which provides protection for a period of [one (1)]
792 hour or longer, to cover all people in the mine; and

793 (e) If a mantrip or mobile equipment is used to enter or exit the mine, additional
794 self-contained self-rescuer devices, each of which provides protection for a period of [one (1)
795 hour] or longer, shall be available for all people who use the transportation from portal to portal.

796 (3) It shall be a [Class D felony] for any person to remove a self-rescuer from the cache
797 for purposes other than use during an emergency, or for repair, maintenance, or replacement or as
798 authorized by the licensee.
799

800 Section 20. [*Places of Refuge.*]

801 (1) After [June 16, 1972], on single-track haulage roads in mines, which the people
802 employed in the mine must use while performing their work or while traveling on foot to and
803 from their work, there shall be places of refuge on [one (1) side] not less than [five (5)] feet in
804 depth from the side of the mine car, and [five (5)] feet wide, and not more than [ninety (90)] feet
805 apart. Refuge holes of the same dimensions shall also be provided at switch throws.

806 (2) Special places of refuge are not required on haulage roads on which room necks or
807 breakthroughs occur at regular intervals not exceeding [ninety (90)] feet, and thus furnish places
808 of refuge, or on haulage roads in which the track is so laid as to give a minimum clearance on
809 [one (1)] side of not less than [thirty (30)] inches from the side of any haulage engine or any mine
810 car, the clearance to be on the side of the road opposite that upon which electric wires are strung,
811 if electric wires are strung in the road.

812 (3) No unauthorized person shall travel on foot to or from work upon any haulage road or
813 slope where transportation is by track, when other roads in proper condition for travel are
814 available.

815 (4) On all main haulage roads where hauling is done by machinery the mine foreman shall
816 provide a proper system of signals, and a conspicuous light or marker approved by the
817 [commissioner] on the front and rear of every trip or train of cars when in motion in the mine.

818 (5) Man-trips shall be operated at safe speeds consistent with the condition of roads and
819 type of equipment used and shall be so controlled that they can be stopped within the limits of
820 visibility, in no event at a speed in excess of twelve (12) miles per hour.

821 (6) Each man-trip consisting of more than one (1) mine car of men shall be under the
822 charge of a certified official, and it shall be operated independently of any loaded trip of coal or
823 other material.

824 (7) Cars on the man-trip shall not be overloaded, and sufficient cars in good mechanical
825 condition shall be provided.

826 (8) No material or tools except small hand tools shall be transported in the same car with
827 men on any man-trip unless in a separate, enclosed compartment of the car, and all people shall
828 ride inside of man-trip cars, except the motorman and brakeman or trip rider.

829 (9) Men shall not load or unload before the cars in which they are to ride or are riding
830 come to a full stop, and men shall proceed in an orderly manner to and from man-trips.

831 (10) A waiting station shall be provided where men are required to wait for man-trips or
832 man-cages. It shall have sufficient room, ample clearance from moving equipment, and adequate
833 seating facilities.

834 (11) Power wires shall be guarded effectively at man-trip stations where there is a
835 possibility of any person coming in contact with energized electric wiring while loading or
836 unloading from the man-trip.

837 (12) Cars used for transporting men on slopes shall be equipped with a safety device
838 capable of stopping the trip in event of failure of the rope or couplings. The device shall be
839 approved by the [commissioner].

840 (13) Where belts are used for transporting men, unless the [commissioner] finds that a
841 safety hazard exists which cannot be corrected, the belt transport will be allowed, and a minimum
842 clearance of [eighteen (18)] inches shall be maintained between the belt and the roof or cross
843 bars, projecting equipment, cap pieces, overhead cables, wiring, and other objects; but where the
844 height of the coal bed permits, the clearance shall not be less than [twenty-four (24)] inches.

845 (14) Unless a greater speed is allowed by special permission from the [commissioner], in
846 which event the conditions, limitations, and rules imposed in connection with the grant of
847 permission shall be observed, the belt speed shall not exceed [two hundred fifty (250)] feet per
848 minute where the minimum overhead clearance is [eighteen (18)] inches, or [three hundred (300)]
849 feet per minute when the minimum overhead clearance is [twenty-four (24)] inches, while men
850 are loading, unloading, or being transported.

851 (15) The space between men riding on a belt line shall not be less than [six (6)] feet.

852 (16) Loading and unloading stations shall be illuminated properly.

853 (17) A certified official or some other supervisory personnel appointed by the mine
854 foreman shall supervise all man-trips.

855 (18) At all mines utilizing track haulage or transportation, there shall be developed a safe
856 and uniform system of traveling through all switch points to prevent collisions. This system shall
857 be designed in a manner which ensures that all people can determine who has the right of way in
858 all circumstances. Information concerning this system shall be included in [annual] retraining.

859 (19) Efficient equipment, either mobile or self-propelled, equipped with sufficient first-aid
860 equipment and supplies, shall be available on all underground sections where men are present to
861 transport injured workers to the surface.

862 (20) At those mines that do not have a contract or other arrangement for providing
863 ambulance service, a 4-wheel-drive vehicle or other vehicle suitable to the terrain equipped with
864 sufficient first-aid equipment and supplies shall be available to the mines or preparation facilities
865 for the transportation of injured workers. At those mines that have a contract or other arrangement
866 for providing ambulance service, the access road to the mine or preparation facility shall be kept
867 in a condition which is passable by the ambulance vehicle or other emergency rescue equipment.

868 (21) The [commissioner] shall be empowered to draft additional administrative
869 regulations providing for transporting men when necessary.

870

871 Section 21. *[Reporting Mine Accidents.]*

872 (1) Whenever serious physical injury or loss of life occurs in a mine or in the machinery
873 connected therewith or whenever a fire, explosion, entrapment of an individual for more than
874 [thirty (30)] minutes, inundation of a mine by water or gases, or other serious accident occurs, the
875 superintendent of the mine, or, if he is absent, the mine manager, or if he is absent, the mine
876 foreman in charge of the mine or his designee, shall within [fifteen (15)] minutes of having actual
877 knowledge of the occurrence and access to the communication system as required under
878 subsection (3) of Section 1 of this Act give notice to the department and to the representative of
879 the miner, stating the particulars of the accident. No person shall alter the scene of a mining
880 accident in a manner that will interfere with the department's investigation of the accident, except
881 to the extent necessary to rescue an individual or to eliminate an imminent danger.

882 (2) Upon receipt of notification of an occurrence set forth in subsection (1) of this section,
883 the mine inspector shall immediately go to the scene of the accident and make an investigation
884 and suggestions and render the assistance as he deems necessary for the future safety of the
885 employees, investigate the cause of the fire, explosion, or accident, make a record thereof, and
886 forward it to the [commissioner].

887 (3) The record of the investigations shall be preserved with the other records of the
888 [commissioner's] office. To aid in making the investigations, the [commissioner] or the mine
889 inspector may compel the attendance of witnesses and administer oaths.

890 (4) Failure to comply with the reporting requirements set forth in this section shall create a
891 rebuttable presumption of an intentional order to violate mine safety laws that place miners in
892 imminent danger of serious physical injury or death and shall be subject to revocation,
893 suspension, or probation of the mine license and a civil monetary penalty of not less than [ten
894 thousand dollars (\$10,000)] nor more than [one hundred thousand dollars (\$100,000)].

895

896 Section 22. [*Notice to Department about Abandoning Mines.*]

897 (1) The operator, superintendent, or mine manager of each mine shall give the
898 [commissioner] at least [ten (10)] days' notice of the following:

899 (a) Abandonment of a mine;

900 (b) Resumption of work in a mine after an abandonment or discontinuance for a
901 period of [two (2)] weeks or more; and

902 (c) Change in the operator or name of a mine.

903 (2) Each mine shall be inspected and approved by the [department] before operations are
904 resumed after an abandonment.

905

906 Section 23. [*Prohibiting Disciplining Miners Who Report or Cooperate in Unsafe Mine*
907 *Practice Investigation.*] No licensee, operator, mine superintendent, mine manager, or other
908 supervisory personnel shall terminate or otherwise discipline a miner for reporting or
909 documenting to or cooperating with regulatory agencies in their investigation of unsafe mining
910 practices or conditions or violations of this Act.

911

912 Section 24. [*Sanctions for Violating Mine Safety Laws.*]

913 (1) The [department] shall:

914 (a) Promulgate administrative regulations that establish comprehensive criteria for
915 the imposition and enforcement of sanctions against certified and noncertified personnel and
916 owners and part-owners of licensed premises whose intentional violation of, or order to violate,
917 mine safety laws places miners in imminent danger of serious injury or death. These criteria shall
918 include, but not be limited to, the following:

919 1. In the case of people who are certified miners, the [Mine Safety Review
920 Commission] may revoke or suspend an individual's certification, or probate a person's
921 certification for up to [ten (10) working days] for first offenses, and the [Mine Safety Review
922 Commission] shall establish a maximum penalty for subsequent offenses;

923 2. In the case of people who are owners or part-owners of licensed
924 premises, the [Mine Safety Review Commission] may impose civil monetary penalties against
925 individuals not to exceed [ten thousand dollars (\$10,000)]; and

926 3. In the case of noncertified personnel, the [Mine Safety Review
927 Commission] may impose civil monetary fines equivalent to the value of the wages they receive
928 for up to [ten (10) working days] for first offenses and the [commission] shall establish maximum
929 penalties for subsequent offenses;

930 (b) Notwithstanding subsection (15) of Section 8 of this Act, promulgate
931 administrative regulations that establish comprehensive criteria for the [Mine Safety Review
932 Commission's] imposition of penalties against licensed premises for violations of mine safety
933 laws that place miners in imminent danger of serious injury or death. These penalties shall
934 include, but not be limited to, the revocation or suspension of the mine's license, the probation of
935 a mine's license for a first offense, or the imposition of a penalty against the licensee not to
936 exceed the gross value of the production of the licensed premise for up to [ten (10)] working
937 days;

938 (c) Direct that an employer shall not directly or indirectly reimburse a sanctioned
939 miner or mine supervisor for days of work lost as a result of sanctions imposed by the [Mine
940 Safety Review Commission];

941 (d) Establish procedures by which the [department] shall communicate with the
942 Federal Mine Safety and Health Administration (MSHA) concerning allegations of mine safety
943 violations against coal operators in this state and miners;

944 (e) Jointly with the [Mine Safety Review Commission] establish a process for
945 referring allegations of mine safety violations to the [Mine Safety Review Commission] for
946 adjudication and for the hearing of appeals from penalties imposed by the [Office of Mine Safety
947 and Licensing], and the underlying violation, authorized under subsection (15) of Section 8 of this
948 Act; and

949 (f) Establish procedures to distribute quarterly reports to every licensed entity
950 describing mine fatalities, serious mine accidents, and penalties imposed on certified and
951 noncertified personnel and licensed premises and to require the report to be distributed to every
952 certified working miner employed by the licensed entity, posted at work sites, and reviewed at
953 regular mine safety meetings.

954

955 Section 25. [*Severability.*] [Insert severability clause.]

956

957 Section 26. [*Repealer.*] [Insert repealer clause.]

958

959 Section 27. [*Effective Date.*] [Insert effective date.]