



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5371

Introduced 01/26/06, by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

20 ILCS 1905/1905-15	was 20 ILCS 1905/45 in part
225 ILCS 705/10.01	from Ch. 96 1/2, par. 1001
225 ILCS 705/11.07 new	
225 ILCS 705/11.08 new	
225 ILCS 705/11.09 new	

Amends the Department of Natural Resources (Mines and Minerals) Law of the Civil Administrative Code of Illinois. Requires the Department of Natural Resources to maintain a 24-hour-a-day statewide emergency telephone number for the reporting of, and issuance of prompt response to the site of, accidents occurring in or about any mine regulated by the Department or the machinery connected therewith. Amends the Coal Mining Act. Requires persons having charge of a mine to report to the State Mine Inspector of the district, through the statewide emergency reporting telephone number, any accident that occurs in or about any coal mine or the machinery connected with any coal mine, within 15 minutes of ascertaining the occurrence of an accident (now, any loss of life or personal injury in or about a coal mine must be reported, without delay, by persons having charge of the mine to the State Mine Inspector). Provides that the Department shall impose an administrative fine of \$100,000 upon the operator of a mine, if it is determined that the operator or the mine manager in charge of the mine failed to give the requisite notice, but allows the Director of Natural Resources to waive imposition of the fine upon a finding that the failure to give immediate notice was caused by circumstances wholly outside of the operator's control. Defines "accident". Requires the operator of a mine to provide self-contained self-rescue devices throughout the mine and wireless emergency communication devices and wireless tracking devices that must be worn by each person underground. Sets forth criminal penalties for any person who, without the authorization of the operator or the Department, knowingly removes or attempts to remove or tampers or attempts to tamper with a self-contained self-rescue device, wireless emergency communication device, or wireless tracking device.

LRB094 19401 RAS 55093 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Natural Resources (Mines and
5 Minerals) Law of the Civil Administrative Code of Illinois is
6 amended by changing Section 1905-15 as follows:

7 (20 ILCS 1905/1905-15) (was 20 ILCS 1905/45 in part)

8 Sec. 1905-15. Mine accidents. The Department has the power
9 to acquire and diffuse information concerning the nature,
10 causes, and prevention of mine accidents. The Department shall
11 maintain a 24-hour-a-day statewide emergency telephone number
12 for the reporting of, and issuance of prompt response to the
13 site of, accidents occurring in or about any mine regulated by
14 the Department or the machinery connected therewith.

15 (Source: P.A. 91-239, eff. 1-1-00.)

16 Section 10. The Coal Mining Act is amended by changing
17 Section 10.01 and by adding Sections 11.07, 11.08, and 11.09 as
18 follows:

19 (225 ILCS 705/10.01) (from Ch. 96 1/2, par. 1001)

20 Sec. 10.01. Accident reporting; notice required.

21 (a) Any accident that occurs ~~loss of life or personal~~
22 ~~injury~~ in or about any coal mine or the machinery connected
23 therewith shall be reported in a manner detailing the
24 particulars of the accident, within 15 minutes of ascertaining
25 the occurrence of an accident ~~without delay,~~ by the persons
26 having charge of the mine, to the State Mine Inspector of the
27 district through the statewide emergency reporting telephone
28 number maintained by the Department. The persons having charge
29 of the mine may comply with the accident notice requirement of
30 this Section by immediately providing notice to the appropriate

1 local organization for emergency services or the appropriate
2 local emergency telephone system operator; however, nothing in
3 this Section shall be construed to relieve those persons in
4 charge of the mine from any reporting or notification
5 requirement imposed by federal law.

6 (b) The State Mine Inspector, in all cases of loss of life,
7 shall go immediately to the scene of the accident and render
8 every possible assistance to those in need.

9 (c) The Department shall impose an administrative fine of
10 \$100,000 upon the operator of a mine, if it is determined that
11 the operator or the mine manager in charge of the mine failed
12 to give notice as required under this Section. The Director may
13 waive imposition of the administrative fine at any time if he
14 or she finds that the failure to give immediate notice was
15 caused by circumstances wholly outside of the operator's
16 control.

17 (d) In this Section, "accident" means any of the following
18 occurrences:

19 (1) The death of an individual at a mine.

20 (2) An injury to an individual at a mine that has the
21 reasonable potential to cause death.

22 (3) The entrapment of an individual.

23 (4) The unplanned inundation of a mine by a liquid or
24 gas.

25 (5) The unplanned ignition or explosion of gas or dust
26 in or about a mine.

27 (6) The unplanned ignition or explosion of a blasting
28 agent or an explosive in or about a mine.

29 (7) An unplanned fire in or about a mine not
30 extinguished within 5 minutes of ignition.

31 (8) An unplanned roof fall at or above the anchorage
32 zone in active workings where roof bolts are in use or an
33 unplanned roof or rib fall in active workings that impairs
34 ventilation or impedes passage.

35 (9) A coal or rock outburst that causes withdrawal of
36 miners or that disrupts regular mining activity for more

1 than one hour.

2 (10) An unstable condition at an impoundment, refuse
3 pile, or culm bank.

4 (11) Damage to hoisting equipment for more than 30
5 minutes.

6 (12) An event at a mine that causes death or bodily
7 injury to an individual not at the mine at the time the
8 event occurs.

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

10 (225 ILCS 705/11.07 new)

11 Sec. 11.07. Self-contained self-rescue devices. The
12 operator of a mine must provide caches of self-contained
13 self-rescue devices throughout the mine, in accordance with a
14 plan approved by the Department. Each self-contained
15 self-rescue device must be adequate to protect a miner for at
16 least one hour. The total number of self-contained self-rescue
17 devices, the total number of storage caches, and the placement
18 of each cache throughout the mine shall be established by the
19 Department by rule.

20 Intrinsically safe battery-powered strobe lights must be
21 affixed to each cache and shall be capable of automatic
22 activation in the event of an emergency. A luminescent sign
23 with the words "SELF-CONTAINED SELF-RESCUER" or
24 "SELF-CONTAINED SELF-RESCUERS" must be conspicuously posted at
25 each cache and luminescent direction signs must be posted
26 leading to each cache. Lifeline cords or other similar devices
27 with reflective material at 25-foot intervals must be attached
28 to each cache from the last open crosscut to the surface. The
29 operator must conduct weekly inspections of each cache, the
30 affixed strobe lights, and each lifeline cord or other similar
31 device to ensure operability.

32 Any person who, without the authorization of the operator
33 or the Department, knowingly removes or attempts to remove any
34 self-contained self-rescue device or battery-powered strobe
35 light approved by the Department from the mine or mine site

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

4 The Department shall adopt all rules necessary for the
5 implementation and administration of this Section.

6 (225 ILCS 705/11.08 new)

7 Sec. 11.08. Wireless emergency communication devices. A
8 wireless emergency communication device approved by the
9 Department and provided by the operator must be worn by each
10 person underground. The wireless emergency communication
11 device must, at a minimum, be capable of receiving emergency
12 communications from the surface at any location throughout the
13 mine. Each operator must provide for the training of each miner
14 in the use of the device and provide refresher training courses
15 for all underground employees during each calendar year. The
16 operator must install in or around the mine any and all
17 equipment necessary to transmit emergency communications from
18 the surface to each wireless emergency communication device at
19 any location throughout the mine.

20 Any person who, without the authorization of the operator
21 or the Department, knowingly removes or attempts to remove any
22 wireless emergency communication device or related equipment
23 approved by the Department from the mine or mine site with the
24 intent to permanently deprive the operator of the device or
25 equipment or who knowingly tampers with or attempts to tamper
26 with the device or equipment is guilty of a Class 4 felony.

27 The Department shall adopt all rules necessary for the
28 implementation and administration of this Section.

29 (225 ILCS 705/11.09 new)

30 Sec. 11.09. Wireless tracking devices. A wireless tracking
31 device approved by the Department and provided by the operator
32 must be worn by each person underground. The tracking device
33 must be capable of providing real-time monitoring of the
34 physical location of each person underground, in the event of

1 an accident or other emergency. No person may discharge or
2 discriminate against any miner based on information gathered by
3 a wireless tracking device during non-emergency monitoring.
4 Each operator must provide for the training of each miner in
5 the use of the device and provide refresher training courses
6 for all underground employees during each calander year. The
7 operator must install in or around the mine all equipment
8 necessary to provide real-time emergency monitoring of the
9 physical location of each person underground.

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

17 The Department shall adopt all rules necessary for the
18 implementation and administration of this Section.