HOUSE BILL No. 1335

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-1-1; IC 22-10; IC 34-30-2-87.5.

Synopsis: Coal mining. Revises provisions concerning the mining board (board) and the director of the bureau of mines and mine safety (bureau). Limits the availability of coal mine maps to certain persons. Repeals various provisions of state underground mining law that are preempted by federal law. Replaces the mining employee board certification category of fire boss with mining examiner, and eliminates the board certification categories of assistant mine foreman and mine electrician. Transfers certain duties from the state mine inspectors to the director of the bureau. Eliminates the requirement that quarterly meetings of the board be held on the second Saturday of the month. Requires the bureau to maintain two mine rescue teams, and authorizes the commissioner of labor to contract with a mine operator to supply one of the teams. Requires that fees paid to the board be deposited in the mine safety fund. Authorizes certain individuals to test coal mine employees for illegal use of drugs or alcohol. Makes conforming amendments.

Effective: Upon passage.

Stilwell, Battles, Davis

January 11, 2007, read first time and referred to Committee on Labor and Employment.

C o p y

Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

C o p y

HOUSE BILL No. 1335

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 22-1-1-5, AS AMENDED BY P.L.182-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The bureau of mines and mining safety shall do the following:

(1) have immediate charge of the administration of the underground mine laws of this state;

(2) provide safety consultation services to any ~~surface or~~ underground mine operator at the request of the operator;

(3) provide mine safety and health education information to all ~~surface or~~ underground mine operators;

~~(4) provide mine safety and health training as required by federal Mine Safety and Health Administration to all surface or underground mine operators and mine workers who do not otherwise have training available;~~ and

~~(5)~~ **(4)** investigate all fatalities occurring in ~~surface or~~ underground mine operations for the purpose of data collection; however, an investigation shall not interfere with investigations

by the federal Mine Safety and Health Administration.

(b) The bureau of child labor shall have immediate charge of the supervision of children who are gainfully employed, including employment certificate violations under IC 20-33-3-38.5, IC 20-33-3-39, and IC 20-33-3-40. A child employee under the jurisdiction of the bureau of child labor may file a complaint with the bureau of child labor if the employer of the child employee requires noncompliance by the child employee with the provisions of IC 20-33-3-38.5.

SECTION 2. IC 22-1-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The commissioner of labor is authorized and directed to do the following:

(1) To investigate and adopt rules under IC 4-22-2 prescribing what safety devices, safeguards, or other means of protection shall be adopted for the prevention of accidents in every employment or place of employment, to determine what suitable devices, safeguards, or other means of protection for the prevention of industrial accidents or occupational diseases shall be adopted or followed in any or all employments or places of employment, and to adopt rules under IC 4-22-2 applicable to either employers or employees, or both for the prevention of accidents and the prevention of industrial or occupational diseases.

(2) Whenever, in the judgment of the commissioner of labor, any place of employment is not being maintained in a sanitary manner or is being maintained in a manner detrimental to the health of the employees therein, to obtain any necessary technical or expert advice and assistance from the state department of health. The state department of health, upon the request of the commissioner of labor, shall furnish technical or expert advice and assistance to the commissioner and take the steps authorized or required by the health laws of the state.

(3) Annually forward the report received from the mining board under ~~IC 22-10-1.5-5(a)(6)~~ **IC 22-10-1.5-5(a)(5)** to the legislative council in an electronic format under IC 5-14-6 and request from the general assembly funding for necessary additional mine inspectors.

(4) Administer the mine safety fund established under IC 22-10-12-16.

SECTION 3. IC 22-10-1.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This article applies to all ~~underground commercial~~ mines.

SECTION 4. IC 22-10-1.5-2 IS AMENDED TO READ AS

C o p y

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The mining board is established. The board is composed of five (5) members appointed by the governor. The members must have the following qualifications:

(1) Two (2) members must be practical and experienced nonsupervisory underground coal miners.

(2) Two (2) members must be practical and experienced underground coal operators.

(3) One (1) member must represent the general public and must ~~have never been~~ **not be** associated with the coal industry. ~~other than as a consumer.~~

(b) The governor shall appoint each member to a four (4) year term. The governor shall fill any vacancy occurring on the board for the unexpired term of the member being replaced. The individual appointed to fill a vacancy must have the same qualifications as the member the individual is replacing.

(c) The governor may remove a member of the board ~~after a hearing,~~ for cause.

(d) The board shall organize by the election of a chairman for a one (1) year term.

(e) The board may hold meetings on the call of the chairman or the director.

SECTION 5. IC 22-10-1.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) Except as provided in subsection (b),** a member of the board is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses **as provided under IC 4-13-1-4** and other expenses actually incurred in connection with the member's duties, as provided in the state ~~travel~~ policies and procedures established by the **Indiana** department of administration and approved by the ~~state~~ budget agency.

(b) Effective July 1, 2007, a member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member also is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 6. IC 22-10-1.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The board may adopt rules under IC 4-22-2 to implement this article. **Notwithstanding**

C o p y

any other law, the rules may include the setting of fees under:

(1) IC 22-10-3-10;

(2) IC 22-10-3-11; and

(3) IC 22-10-3-13.

SECTION 7. IC 22-10-1.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The board shall:

~~(1) execute and administer the laws of this state concerning coal mines;~~

~~(2)~~ **(1)** collect and ~~diffuse~~ **distribute** information concerning the nature, causes, and prevention of mine accidents and the improvements of methods, conditions, and equipment of mines with special reference to health and safety and the conservation of mineral resources and the economic conditions respecting mining and the mining industry;

~~(3)~~ **(2)** promote the technical efficiency of all persons working in and about the mines of this state ~~to assist them to overcome the increasing difficulties of mining;~~ and **examine persons applying for certificates under IC 22-10-3-10;**

~~(4)~~ **(3)** submit any bills embodying legislation that the board may agree upon to the general assembly;

~~(5)~~ **(4) if appropriations from the general assembly are considered insufficient by the board,** assess and collect from ~~underground coal mine~~ operators the amount necessary to purchase and maintain underground mine rescue equipment for the bureau of mines and mine safety created under IC 22-1-1-4 and deposit the assessment in the mine safety fund established under IC 22-10-12-16; and

~~(6)~~ **(5)** annually report to the commissioner of the department of labor concerning any need for additional mine inspectors.

(b) The board shall mail written notice to ~~underground coal mine~~ operators of a meeting of the board at which assessments described in subsection ~~(a)(5)~~ **(a)(4)** are discussed.

SECTION 8. IC 22-10-1.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) With the governor's approval, the commissioner of labor shall appoint a director of the bureau **of mines and mine safety created under IC 22-1-1-4(1)** who must have the following qualifications:

(1) Be a citizen of the United States and a resident of Indiana.

(2) Have at least four (4) years experience in underground coal mines.

(3) Hold an Indiana mine foreman certificate.

C o p y

(4) Possess a practical knowledge of:

(A) the different systems of working and ventilating coal mines;

(B) the nature, chemistry, detection, and control of noxious, poisonous, and explosive gases;

(C) the dangers incident to blasting and the prevention of these dangers;

(D) the application of electricity in mining operations;

(E) the methods for preventing mine fires and gas or dust explosions;

(F) the methods for controlling and extinguishing mine fires;

(G) the methods of rescue and recovery work following mine disasters; **and**

(H) the ~~coal~~ mining laws of this state. ~~and~~

~~(I) mining engineering.~~

(b) The director may not be an owner or part owner of a coal mine or coal mining company while serving as director.

(c) The director shall serve for a four (4) year term. However, the **director serves at the pleasure of the** governor. ~~may at any time remove the director for just cause.~~

(d) The director is entitled to receive an annual salary to be fixed by the commissioner of labor with the approval of the governor.

SECTION 9. IC 22-10-1.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The director shall employ, subject to:

(1) IC 4-15-2; **and**

(2) appropriation by the general assembly for the position of chief mine inspector;

a chief mine inspector who has an Indiana ~~fireboss~~ **mine examiner** certificate and at least three (3) years underground mining experience.

(b) The chief mining inspector is entitled to receive an annual salary to be fixed by the commissioner of labor with the approval of the governor.

(c) The director may, subject to IC 4-15-2, employ other mine inspectors and clerical employees.

(d) The director may:

(1) contract with any person to provide training for mine employees;

~~(e) The director may~~ **(2)** provide mine rescue training for mine employees; **and**

~~(f) The director may~~ **(3)** furnish mine rescue equipment at the site of mine accidents.

C o p y

~~(g)~~ **(e)** The director shall:

(1) collect and index all active and inactive underground mine maps; **and**

~~(h) The director shall~~ **(2)** supervise and direct the state mine ~~inspection service.~~ **inspectors.**

SECTION 10. IC 22-10-2-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) ~~The~~ **An** operator ~~of a coal mine~~ shall have, in a fireproof repository located in an area on the surface of the mine chosen by the ~~mine~~ operator to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of ~~such~~ **the** mine drawn on scale. ~~Such~~ **The** map shall show:

(1) the active workings;

(2) all pillared, worked out, and abandoned areas, except as provided in this section;

(3) entries and aircourses with the direction of airflow indicated by arrows;

(4) contour lines of all elevations;

(5) elevations of all mine and cross or side entries;

(6) dip of the coalbed;

(7) escapeways;

(8) adjacent mine workings within one thousand (1,000) feet;

(9) mines above or below;

(10) water pools above; ~~and~~

(11) either producing or abandoned oil and gas wells located within five hundred (500) feet of such mine and any underground area of such mine; and

(12) such other information as the director may require.

The map shall identify those areas of the mine which have been pillared, worked out, or abandoned, which are inaccessible or cannot be entered safely and on which no information is available.

(b) The operators of adjoining coal properties must leave, or cause to be left, a pillar of coal fifteen (15) feet in width on each side of the property line in each seam or vein of coal worked by them.

(c) The following additional information shall be shown on mine maps:

(1) Name and address of the mine.

(2) The scale and orientation of the map.

(3) The property or boundary lines of the mine.

(4) All drill holes that penetrate the coalbed being mined.

(5) All shaft, slope, drift, and tunnel openings and auger and strip mined areas of the coalbed being mined.

C o p y

(6) The location of all surface mine ventilation fans, the location of which may be designated on the mine map by symbols.

(7) The location of railroad tracks and public highways leading to the mine, and mine buildings of a permanent nature with identifying names shown.

(8) The location and description of at least two (2) permanent baseline points coordinated with the underground and surface mine traverses, and the location and description of at least two (2) permanent elevation bench marks used in connection with establishing or referencing mine elevation surveys.

(9) The location of any body of water dammed in the mine or held back in any portion of the mine. However, such bodies of water may be shown on overlays or tracings attached to the mine maps used to show contour lines as provided under subdivision (12).

(10) The elevations of tops and bottoms of shafts and slopes, and the floor at the entrance to drift and tunnel openings.

(11) The elevation of the floor at intervals of not more than two hundred (200) feet in:

(A) at least one (1) entry of each working section, and main and cross entries;

(B) the last line of open crosscuts of each working section, main and cross entries before such sections, and main and cross entries that are abandoned;

(C) rooms advancing toward or adjacent to property or boundary lines or adjacent mines; and

(D) the elevation of any body of water dammed in the mine or held back in any portion of the mine.

(12) Contour lines passing through whole number elevations of the coalbed being mined. The spacing of such lines shall not exceed ten (10) foot elevation levels, except that a broader spacing of contour lines may be approved by the director for steeply pitching coalbeds. Contour lines may be placed on overlays or tracings attached to mine maps.

(d) The accuracy and scale of mine maps shall be as follows:

(1) The scale of mine maps submitted to the director shall not be less than one hundred (100) or more than five hundred (500) feet to the inch.

(2) Mine traverses shall be advanced by closed loop methods of traversing or other equally accurate methods of traversing.

SECTION 11. IC 22-10-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) The coal mine map **required by section 1.5 of this chapter** and any revision **of**

C o p y

or supplement ~~of it~~ **to the coal mine map** shall be available for inspection by:

(1) the director or ~~his~~ **the director's** authorized representative;

~~(2) coal mine inspectors of this state;~~

~~(3)~~ **(2)** miners in the mine; ~~and their representatives;~~

~~(4)~~ **(3)** operators of adjacent coal mines; and

~~(5)~~ **(4)** persons owning, leasing, or residing on surface areas of such mines or areas adjacent to such mines.

(b) The operator shall furnish to the director ~~or his authorized representative~~ one (1) or more copies of ~~the maps~~ **each map** and **of** any revision or supplement. ~~of them.~~

(c) ~~The~~ **Every** map, ~~or~~ revision, or supplement ~~of it,~~ **furnished to the director** shall be kept confidential, and ~~it's~~ **the** contents shall not be divulged to any ~~other~~ person except to the extent necessary to carry out the provisions of this chapter.

SECTION 12. IC 22-10-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this article:

~~"Abandoned workings" means excavations, either caved or sealed, that are deserted and in which further mining is not intended, and open workings which are not ventilated and inspected regularly and from which all material has been removed.~~

"Active workings" means all places in a mine that are ventilated and inspected regularly.

~~"Approved" means any device or practice approved by the director.~~

~~"Assistant mine foreman" means a person employed to assist the mine foreman in the performance of his duties and to serve in his place in the absence of the mine foreman.~~

~~"Auger operator" means an individual, a firm, an association, a partnership, a limited liability company, or a corporation operating an auger mining operation.~~

~~"Auger mining" means any mining machine operation that drills, cuts, or removes coal from a coal seam along a surface mine highwall without removal of the surface material on top of the coal seam.~~

"Belt examiner" means an individual designated by the mine foreman to perform the functions as required by 30 CFR Part 75 in connection with examinations to ensure that the belt, belt drives, dump points, air movement, roof, and ribs of a mine are in safe condition.

~~"Blower fan" means a fan tubing used to direct part of a particular circuit or air to the working face.~~

"Board" refers to the mining board established under

C o p y

IC 22-10-1.5-2.

~~"Booster fan" means an underground fan installed in conjunction with a main fan to increase the volume of air in one (1) or more circuits.~~

~~"Cable" means a stranded conductor (single-conductor cable) or a combination of conductors insulated from one another (multiple-conductor cable).~~

~~"Circuit" means a conducting part or a system of conducting parts through which an electric current is intended to flow.~~

~~"Circuit breaker" means a device for interrupting a circuit between separable contacts under normal or abnormal conditions.~~

"Commercial mine" means any underground mine from which coal is produced for sale, exchange, or commercial use.

"Director" means the director of the bureau of mines and mine safety established under IC 22-1-1-4.

~~"Fire boss" means a properly certified person designated by the mine foreman to examine the mine for gas and other dangers.~~

~~"Free from explosive gas" means not having any gas at levels designated as explosive in the regulations of the Secretary of Labor under the federal Mine Safety and Health Act of 1977.~~

~~"Fuse" means an overcurrent protective device with a circuit-opening fusible member directly heated and destroyed by the passage of overcurrent through it.~~

~~"High potential" means voltages in excess of six hundred fifty (650) volts.~~

"Hoisting engineer" means an individual who is capable of transporting people and material in and out of a mine by means of a hoist.

"Interested persons" means the director, ~~authorized representatives of the mine workers' organization having jurisdiction at the mine, members of the mine safety committee,~~ **safety personnel designated by the operator,** state and federal coal mine inspectors, and, to the extent required by law, any other person.

"Mine" means an underground commercial coal mine.

"Mine examiner" means a properly certified person designated by the mine foreman to examine the mine for gas and other dangers. A mine examiner may temporarily act as a section foreman if designated to act as such by the mine foreman.

"Mine foreman" means the person charged with the responsibility of the general supervision of the underground working of a mine and the persons employed in the mine and for the health and safety of those employees.

C o p y

"Mine inspector" means the person appointed to assist in administering this article.

"Mine Safety Administration" refers to the Mine Safety and Health Administration, United States Department of Labor.

"Mining laws" means:

(1) this article;

(2) IC 22-1-1-5(a); and

(3) 30 CFR part 75.

"Operator" means an individual, firm, association, partnership, limited liability company, or corporation operating an underground coal mine or any part of a mine.

~~"Permissible" applies to any equipment, device, or explosive that has been approved as permissible by the United States Mine Safety and Health Administration and meets all requirements in the applicable permissibility schedule.~~

~~"Rock dust" means pulverized limestone, dolomite, gypsum, anhydrite, shale, talc, adobe, or other inert material, preferably light colored, with the following characteristics:~~

~~(1) One hundred percent (100%) of which will pass through a sieve having twenty (20) meshes per linear inch.~~

~~(2) Seventy percent (70%) or more of which will pass through a sieve having two hundred (200) meshes per linear inch.~~

~~(3) The particles of the material when wetted and dried will not cohere to form a cake.~~

~~(4) The particles will not be dispersed into separate particles by a light blast of air.~~

~~(5) The material does not contain more than five percent (5%) of combustible matter nor more than a total of five percent (5%) of free and combined silica (SiO_2).~~

"Shot-firer" means a properly certified person designated by the mine foreman to perform the functions as required in this article in connection with breaking down coal or rock.

~~"Substation" means an electrical installation containing generating or power conversion equipment and associated electric equipment and parts, such as switchboards, switches, wiring, fuses, circuit breakers, compensators, and transformers.~~

~~"Mine" means an underground coal mine.~~

~~"Person" includes natural persons, corporations, limited liability companies, partnerships, and any other legal entity.~~

~~"Man" or "men" includes woman and women. The masculine gender includes the feminine and the feminine includes the masculine.~~

SECTION 13. IC 22-10-3-6 IS AMENDED TO READ AS

C o p y

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The director shall devote ~~his entire time and~~ **the director's** attention to the duties of ~~his~~ **the** office during working hours and ~~shall be~~ **is** subject to call at all times. The director and **any** mine ~~inspectors are~~ **inspector funded by the general assembly are** authorized to enter, examine, and inspect all commercial coal mines and facilities. ~~belonging thereto, at any time, and the operator of any such mine is required to furnish the necessary facilities for entry, examination, and inspection.~~

(b) The director shall have full direction of the official activities of ~~the~~ **any** mine ~~inspectors~~ **inspector** and shall be responsible therefor.

(c) ~~The director and each mine inspector are empowered to act as police officers, with full power to arrest and detain any person found violating any provision of the mining laws of Indiana or engaged in any attempt to violate such laws or parts thereof. However, no such person shall be detained for any period of time longer than twenty-four (24) hours without warrant or the filing of a charge against him in a court of competent jurisdiction. Such~~ **The** director and each mine inspector ~~also~~ shall have power, and it is their duty, to stop immediately the operation of any coal mine or part thereof when any dangerous or unlawful condition exists. However, where conditions exist justifying ~~him~~ **the director or the mine inspector** to do so, ~~he~~ **the director or mine inspector** shall grant a reasonable ~~length~~ **period** of time for making necessary repairs. Where a stop in operation is enforced, such director and mine ~~inspectors~~ **inspector** shall be empowered to subsequently allow such mine or part of a mine to be reopened when the dangerous or unlawful conditions have been remedied or removed. If the operator or a workman believes that an inspector has acted illegally in citing violations of ~~the~~ **mining** law, they may appeal to the director for relief from such citation. The director may grant or deny such relief after a hearing, at which all interested parties have been notified of such hearing and given an opportunity to present evidence in support of their contentions.

~~(d) It shall be the responsibility of the director to collect statistics relating to coal mining in the state.~~

~~(e)~~ **(d)** The director shall keep a properly indexed permanent record of all inspections made by ~~himself~~ **the director** and the mine ~~inspectors,~~ **inspector,** and copies of all reports relating to coal mines shall be kept on file, and all such records shall ~~at all times during office hours,~~ be open to inspection by the public, and shall be laid before the governor at any time upon ~~his~~ **the** request **of the governor. The director shall cause:**

(1) within sixty (60) days of the date of the inspection,

Copy

inspection reports; and

(2) for two (2) years, all reports relating to coal mines;

to be posted on the web site maintained by the bureau of mines and mine safety created under IC 22-1-1-4(1).

~~(f)~~ **(e)** The director is empowered to revoke, in writing, any order issued by a mine inspector for the purpose of stopping the operation of a mine or part thereof. However, such revocation of an order shall not be made unless and until the director has made a personal examination of the mine or part thereof affected and determined it to be in a safe condition to operate.

~~(g)~~ **(f)** The director or mine ~~inspectors~~ **inspector** shall make a personal inspection of each ~~underground coal~~ mine in this state:

(1) at least once every three (3) months, or ~~oftener~~ **more often** if practicable, while the mine is in operation;

(2) whenever any danger to the workmen may exist; or

(3) whenever called upon to do so by the workmen. ~~or their representatives.~~

During a regular inspection, the **director or** inspector shall **have the authority to** inspect the surface plant; every working place in the mine; all active haulageways, travelways, and airways in their entirety; entrances to abandoned workings; accessible old workings; escapeways and all other places where ~~men~~ **individuals** work or travel; electric equipment and installations; first aid equipment; ventilation facilities; communications installations; roof and rib conditions; and blasting practices, etc. The **director or** inspector shall **have the authority to** measure the volume of air at the intake and return of the main ventilating current and of each split, and the amount passing through the last breakthrough in each pair or set of entries, and designate to the mine foreman where ~~he~~ **the director or inspector** shall measure the currents of air as required by the mining laws of this state. In mines operating more than one **(1)** shift in a twenty-four (24) hour period, the **director or** inspector shall devote sufficient time to the second and third shift to determine conditions and practices related to the health and safety of the employees. ~~He~~ **The director or inspector** shall make tests for gas and oxygen deficiency in each place ~~which he~~ **that the director or inspector** is required to inspect in the mine. **Time shall be made available during an inspection for interaction with the employees of the mine by the director or the inspector to ascertain the familiarity of the employees with self-rescuers and accessible escapeways.**

~~(h)~~ **(g)** The director or mine inspector making an inspection of a mine shall make an accurate report covering such inspection, showing:

C o p y

(1) the date of inspection and actual time required to make the inspection;

(2) the condition in which the mine is found;

(3) the extent to which the **mining** laws ~~relating to mines~~ are violated;

(4) the progress made in the improvement of the mine, where such progress relates to the health and safety of the employees;

(5) the number of fatal injuries and the number of nonfatal lost-time injuries resulting from accidents in and around the mine, and their cause; and

(6) in case any violation of the mining laws is found, the specific section or sections violated, with recommendations for correcting them, and the action taken to eliminate them.

~~(i)~~ **(h)** The director or mine inspector making an inspection of a mine shall within three (3) days after the completion of the inspection, deliver:

(1) one (1) copy of ~~his~~ **the** inspection report on the mine to the operator, superintendent, or mine foreman of the mine inspected;

~~(2) one (1) copy to the mine safety committee, if such a committee is maintained;~~

~~(3) one (1) copy to the district office of the mine workers' organization having jurisdiction at the mine;~~ and

~~(4)~~ **(2)** one (1) copy to be posted within the three (3) day limit on a bulletin board at a prominent place on the premises where it can be conveniently read by the employees. **If corrective action is implemented,** the report shall **remain on the bulletin board for thirty (30) days. If corrective action is not implemented, the report shall** not be removed from ~~such~~ **the bulletin** board until the report of the succeeding examination is posted.

The director or mine inspector shall keep the mine foreman or superintendent informed as much as is practicable of any violation or other unsafe condition as ~~his~~ **the** regular inspection progresses. In instances where, in the opinion of the mine inspector, an imminent or serious disaster hazard exists, such inspector shall report the same to the director by the quickest available means.

~~(j) Mine inspectors shall report immediately upon being informed of a mine fire, mine explosion, or any accident resulting in loss of life or serious injury, to the director, to the nearest office of the United States Bureau of Mines, and to the district office of the mine workers' organization having jurisdiction at the mine.~~

~~(k) The mine inspector shall proceed immediately to the scene of any mine accident in his assigned territory that results in loss of life or~~

C o p y

~~serious personal injury, and to the scene of any mine fire or explosion regardless of whether there is loss of life or personal injury, shall make such investigation and recommendations and render such assistance necessary for the safety of the employees, and shall make a complete report thereof and give such report to the same distribution as a regular mine inspection report. The district president of the mine workers' organization having jurisdiction at the mine, or some person delegated by him, the mine safety committee at the mine involved, and federal coal mine inspectors shall be permitted to actively and fully participate in the investigation of any such accident and any hearings held in connection therewith, including the right to call, examine, and cross-examine witnesses. At all hearings held in connection with accidents that result in loss of life, the director and mine inspectors are empowered to compel the attendance of witnesses and administer oaths or affirmation to them, and the costs of such investigations shall be paid by the county in which the accident occurs, as costs of coroner's inquests are now paid.~~

~~(l) The mine inspector shall cooperate with the United States Mine Safety and Health Administration and mine management in directing any necessary mine rescue and recovery work and in the reopening of any mine or part thereof that has been sealed, closed, or abandoned.~~

~~(m)~~ **(i)** It shall be the duty of the director and mine inspectors to enforce the ~~coal~~ mining laws of this state and the mine inspectors shall perform such other official duties required by the director as may be necessary to secure full compliance with the ~~coal~~ mining laws of this state.

~~(n) The director or mine inspector shall notify the mine management and a representative of the miners at each mine inspected that a management representative and a representative of the miners shall have the opportunity to accompany the state inspector on an inspection. The miners' representative shall be a nonsupervisory employee of the mine designated by a majority of the miners at the mine. The management representative and the miners' representative shall not suffer a loss of pay from the employer of the representatives during the inspection. Compensation of more than one (1) miners' representative is not required in the case of any inspection conducted jointly with a federal mine safety and health inspection.~~

SECTION 14. IC 22-10-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The director shall keep a record of the board's official actions concerning certificates issued under this chapter and file the record together with ~~all~~ questions and answers pertaining to examinations established by the board,

C o p y

including the grade given for the answer to each question. The record shall be open for inspection by interested persons. If applications for certification are received, the board shall meet at least quarterly at such time and place as it shall consider advisable for the purpose of examining applicants for certificates. These quarterly meetings shall be held ~~on the second Saturday of~~ **in** January, April, July, and October. ~~unless the designated Saturday is a legal holiday in which case the meeting shall take place on the first Saturday thereafter which is not a legal holiday.~~ The **date,** time, and place of examination shall be published at all coal mines in this state **and posted on the web site maintained by the bureau of mines and mine safety** at least thirty (30) days before the examination. By a majority vote, the board shall establish its rules of procedure and provide suitable certificates. The board shall adopt rules establishing standards for the competent practice of mine foreman, ~~assistant mine foreman, fire-boss,~~ **belt examiner, mine examiner,** shot-firer, **and** hoisting engineer. ~~and mine electrician.~~

(b) ~~Any~~ **A** person desiring certification for mine foreman, ~~assistant mine foreman, fire-boss,~~ **belt examiner, mine examiner,** shot-firer, **or** hoisting engineer ~~or mine electrician shall~~ **must** make written application to the board on forms supplied by ~~it no~~ **the board not** later than ten (10) days prior to the examination date.

SECTION 15. IC 22-10-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) It is the duty of the board to examine any person applying for a certificate for mine foreman, ~~assistant mine foreman, fire-boss,~~ shot-firer, **mine examiner,** hoisting engineer, ~~mine electrician,~~ or belt examiner and to issue certificates of competency to the applicants who, upon examination, prove themselves competent and qualified. ~~Certificates are~~ **A certificate is** valid only when the examination for ~~them~~ **certification** has been held in the presence of a ~~majority of the members~~ **member** of the board and signed by ~~all members~~ **the chairman** of the board. A certificate of competency may not be issued to any person whose grade ~~on any one (1) subject~~ is less than seventy-five percent (75%). The board shall observe the requirements set forth in this section in conducting the examinations. ~~Each~~

(b) An applicant for a mine foreman ~~or assistant mine foreman~~ certificate must have at least four (4) years of experience underground in coal mines. However, ~~persons~~ **a person** who ~~have~~ **has** graduated and ~~hold~~ **holds** a degree in engineering or an approved four (4) year program in coal mining technology from an accredited school, college, or university ~~are~~ **is** required to have only two (2) years of practical

C o p y

underground mining experience to qualify for the examination. ~~and persons~~ **A person** who ~~have~~ **has** graduated and ~~hold~~ **holds** a two (2) year associate in applied science degree in coal mining technology from an accredited school, college, or university ~~are~~ **is** required to have only three (3) years of practical underground mining experience to qualify for the examination. ~~Each~~ **An** applicant must prove to the board by written and oral examination and by demonstration, where applicable, that ~~he~~ **the applicant** has a thorough knowledge of:

(1) the theory and practice of coal mining;

(2) the nature and properties of poisonous, noxious, and explosive gases and methods for their detection and control;

(3) the requirements of the coal mining laws of this state; and

(4) the responsibilities and duties of a mine foreman under such laws;

and that ~~he~~ **the applicant** is otherwise qualified by law.

~~(b) Each~~ **(c) An** applicant for a ~~fire-boss~~ **mine examiner** certificate must have at least three (3) years of experience underground in coal mines. However, ~~persons~~ **a person** who ~~have~~ **has** graduated and ~~hold~~ **holds** a degree in engineering or an associate in applied science degree in coal mining technology from an accredited school, college, or university ~~are~~ **is** required to have only two (2) years of practical underground mining experience to qualify for the examination. ~~Each~~ **An** applicant must prove to the board by written and oral examination and by demonstration, where applicable, that ~~he~~ **the applicant** has a thorough knowledge of:

(1) the nature and properties of poisonous, noxious, and explosive gases and methods for their detection and control;

(2) the practical aspects of coal mining pertaining especially to ventilation and roof control; and

(3) the responsibilities of a ~~fire-boss~~ **mine examiner** under ~~the~~ coal mining laws of this state;

and that ~~he~~ **the applicant** is otherwise qualified by law.

~~(c) Each~~ **(d) An** applicant for a shot-firer certificate must have at least one (1) year of underground experience and must have been properly trained in a course approved by the director in the safe use and handling of explosives. ~~Each~~ **An** applicant must prove to the board by written and oral examination and by demonstration, where applicable, that ~~he~~ **the applicant** has a working knowledge of:

(1) the proper handling and use of explosives and blasting devices and the danger connected therewith;

(2) the nature and properties of poisonous, noxious, and explosive gases and methods for their detection;

C o p y

(3) the coal mining laws of the state pertaining to ventilation, roof control, and blasting; and

(4) the responsibilities of a shot-firer under ~~those~~ **applicable mining** laws;

and that ~~he~~ **the applicant** is otherwise qualified by law.

~~(d)~~ ~~Each~~ **(e) An** applicant for a hoisting engineer certificate must prove to the board by written and oral examination and by demonstration, where applicable, that ~~he.~~ **the applicant:**

(1) is capable of operating a hoist;

(2) has a thorough knowledge of the coal mining laws of this state pertaining to hoisting operations;

(3) has at least one (1) year mining experience;

(4) has at least twenty (20) hours practical experience under the supervision of a certified hoisting engineer; and

~~(3)~~ **(5)** is otherwise qualified by law.

~~(e)~~ ~~Each~~ **(f) An** applicant for a ~~mine electrician or~~ belt examiner certificate must have at least one (1) year of experience in ~~mine electrical,~~ belt maintenance or installation work. ~~He~~ **The applicant** must prove to the board by written and oral examination and by demonstration, where applicable, that ~~he~~ **the applicant** has a thorough knowledge of:

(1) the requirements of the coal mining laws of this state with particular emphasis upon those laws pertaining to the use of electrical or belt equipment and the transmission of electrical energy into coal mines; and

(2) the responsibilities of a ~~mine electrician or~~ belt examiner under those laws;

and that ~~he~~ **the applicant** is otherwise qualified by law.

~~(f)~~ ~~Each~~ **(g) An** applicant for an examination under this section must pay ~~to~~ the ~~board~~ **bureau of mines and mine safety** an examination fee of twenty-five dollars ($25). All fees ~~to~~ **collected under this subsection shall** be deposited ~~into the state treasury.~~ **in the mine safety fund established by IC 22-10-12-16. The board may set a different fee by rule under IC 22-10-1.5-4.**

~~(g)~~ ~~Every~~ **(h) A** mine foreman, ~~fire-boss,~~ **mine examiner,** shot-firer, hoisting engineer, or ~~mine electrician~~ **belt examiner** certificate issued before September 1, 1979, is valid under the mining laws of Indiana.

(i) A person who was issued a fire-boss certificate before July 1, 2007, shall be issued a replacement mine examiner certificate upon request to the director.

~~(h)~~ ~~Each~~ **(j) A** person designated as mine superintendent or assistant mine superintendent, or acting in either capacity, must hold a mine

Copy

foreman certificate.

~~(i)~~ **(k)** A certificate may be granted to ~~any~~ **an** applicant who ~~does present~~ **presents** to the board satisfactory evidence that ~~he~~ **the applicant** has not been convicted of:

(1) an act which would constitute a ground for disciplinary sanction under section 11.1(b) of this chapter; or

(2) a felony that has a direct bearing on the applicant's ability to act competently as a mine foreman, ~~fire-boss,~~ shot-firer, **mine examiner,** hoisting engineer, ~~mine electrician,~~ or belt examiner.

(l) For the purpose of safety, the board may refuse to examine an applicant who cannot:

(1) readily understand the written English language; or

(2) express himself or herself in the English language.

SECTION 16. IC 22-10-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) In event of loss or destruction of any certificate issued under the ~~coal~~ mining laws of this state, the board, upon satisfactory proof of such loss or destruction, shall issue a duplicate certificate ~~on~~ **upon** receipt of five dollars ($5). ~~which~~ The fee shall be deposited into the ~~state treasury.~~ **mine safety fund established by IC 22-10-12-16. The board may set a different fee by rule under IC 22-10-1.5-4.**

(b) The holder of a mine foreman, ~~assistant mine foreman, fire-boss,~~ **mine examiner,** shot-firer, hoisting engineer, ~~electrician,~~ or belt examiner certificate must present the same or a photostatic copy ~~thereof~~ to the official of the mine where ~~he~~ **the holder** is employed, who shall file it in the office at such mine, and such file shall be ~~made~~ available for inspection by interested persons.

SECTION 17. IC 22-10-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) It is unlawful for any person to serve in the capacity of mine foreman, ~~assistant mine foreman, fire-boss,~~ **mine examiner,** shot-firer, hoisting engineer, ~~electrician,~~ or belt examiner at any time unless ~~he~~ **the person** is properly certified. However, any person who meets the appropriate experience requirements of this chapter and who is properly certified in one (1) of these capacities or ~~their~~ **its** equivalent in another state which recognizes the certification of Indiana may serve in such a capacity until the next examination by the board, ~~whereupon~~ **when** the person must apply to the board for a certificate of competency in ~~his~~ **the person's** particular classification.

(b) It is unlawful for an operator ~~of a mine~~ in this state to employ any person in the capacity of mine superintendent, assistant mine superintendent, mine foreman, ~~assistant mine foreman, fire-boss,~~ **mine**

C o p y

examiner, shot-firer, hoisting engineer, ~~mine electrician,~~ or belt examiner at any time unless the person is properly certified.

(c) Before any person certified in another state may perform in the capacity of mine superintendent, assistant mine superintendent, mine foreman, ~~assistant mine foreman, fire-boss,~~ **mine examiner,** shot-firer, hoisting engineer, ~~electrician,~~ or belt examiner in Indiana, ~~he~~ **the person** must ~~personally~~ present **personally** to the director ~~or a member of the board~~ evidence of the out-of-state certificate or certificates.

(d) Every inexperienced miner is required to wear an orange hard hat until the miner receives a certificate of competency.

SECTION 18. IC 22-10-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) ~~Except as provided in subsection (g),~~ A person may not be employed underground in any coal mine in this state unless ~~he~~ **the person** possesses a certificate of competency issued by the director, ~~or the mine inspector by authority of the director. However,~~ **except that** a person who does not possess a certificate may be employed to work ~~with~~ **under the supervision of** a person who does possess a certificate for the purpose of becoming qualified to obtain a certificate. ~~Any~~ **A** person ~~working~~ **who intends** to **work underground in a coal mine to** obtain a certificate must first obtain a permit from the director by stating ~~his~~ **the person's** date of birth and residence address. The director shall grant a permit to ~~each~~ **an** applicant who is of legal age and who has ~~such~~ intelligence and character **such** that ~~he~~ **the person** will not be a danger to life and property.

(b) A certificate of competency shall be granted to ~~each~~ **an** applicant who has ~~had~~ **at least** six (6) months experience underground in coal mines, **subject to subsection (f).**

(c) The director's record shall include the names of ~~all~~ applicants for certificates and the names of ~~all~~ persons to whom certificates are issued, correlated with the certificate numbers.

~~(d) The director or the mine inspector shall make available a portion of his inspection time to each mine for the purpose of issuing certificates to qualified applicants.~~

~~(e)~~ ~~Each~~ **(d) An** applicant for a certificate must pay the director at the time of application a fee of five dollars ($5). All money received **under this subsection** shall be ~~paid over to the state general at least once a month.~~ **deposited in the mine safety** fund **established by IC 22-10-12-16. The board may set a different fee by rule under IC 22-10-1.5-4.**

~~(f) Once every month each inspector~~ **(e) The board** shall report to the director the names of all persons issued certificates, the amount of

C o p y

money received, the names of all persons refused certificates, and the reasons for the refusals, and such reports shall be open for inspection by interested persons.

~~(g)~~ **(f)** If a person has been convicted of a felony under 30 U.S.C. 820 and fewer than five (5) years have elapsed from the person's date of discharge from probation, imprisonment, or parole, the person may not:

(1) obtain a certificate of competency;

(2) be employed to work with a person who does possess a certificate; or

(3) obtain a permit to work toward a certificate of competency;

under subsection (a).

SECTION 19. IC 22-10-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. ~~Each commercial~~ **A** mine shall be supervised by one (1) or more certified mine foremen who shall see that ~~the provisions of the coal~~ **compliance with** mining laws ~~of Indiana~~ that pertain to ~~their~~ **the commercial mine's** duties and to the health and safety of the employees ~~are complied with.~~ **is met.** When the mine workings are so extensive that the mine foremen are unable personally to carry out the duties required of them by law, the operator shall employ a sufficient number of properly certified assistants who shall act under the direction of the mine foremen. The mine foremen or their assistants shall not permit ~~any~~ **a** person to work in an unsafe place except for the purpose of making it safe, and such work shall be under the direction and instruction of a certified official. ~~The mine foremen shall provide such data and information regarding the operation of the mine as may be required by the director on blanks which shall be furnished by the director.~~

SECTION 20. IC 22-10-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. ~~(A)~~ **(a)** The operator of ~~each underground commercial~~ **a** mine shall ~~report~~ **submit** to the director ~~on or before the 15th day following each calendar month certain information. Such information shall include the name of the operator, the name of the person in charge, the seam mined, the tons of coal produced, the number of men employed, the number of days the mine operated, the number of lost time accidents, the number of days lost during the month due to mine injuries, together with such information as may be required by the director. Forms for filing such reports shall be furnished by the director upon application therefor.~~ **a copy of the Mine Safety Administration Form 7000-2 when the operator files the form with the Mine Safety Administration.**

Copy

~~(B)~~ **(b)** The operator of ~~any underground commercial~~ **a** mine shall notify the director immediately when an:

(1) accident occurs which prohibits the normal operation of the mine for one (1) or more shifts, or for the remainder of the shift during which the accident occurred; and ~~when any~~

(2) injury has been ~~incurred that results in loss of life or requires the attendance of a physician or surgeon.~~ **reported to the Mine Safety Administration.**

~~(C) It shall be the duty of the operator of any underground commercial mine to employ only persons certified under the coal mining laws of this state as mine foreman, assistant mine foreman, fire boss, shot-firer, and hoisting engineer.~~

~~(D)~~ **(c)** It shall be the duty of the operator of any ~~underground commercial~~ mine to operate such mine in full conformity with the coal mining laws of this state.

SECTION 21. IC 22-10-12-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. ~~(a) A mine rescue team consisting of at least five (5) members and two (2) alternate members shall be provided at each underground mine in Indiana. A team may not have fewer than five (5) members for more than sixty (60) days.~~

~~(b)~~ **(a)** The bureau of mines and mine safety shall ~~provide initial training of not less than twenty (20) hours and annual retraining for each member of a mine rescue team of not less than eight (8) hours in segments of not less than four (4) hours.~~ **maintain two (2) mine rescue teams. Each team must consist of at least five (5) members and two (2) alternate members. At the discretion of the commissioner of labor, the requirement to maintain two (2) mine rescue teams may be met by contracting with an operator to provide the team members, equipment, and supplies necessary for not more than one (1) of the two (2) teams. The board shall:**

(1) require active underground mines to provide personnel for the mine rescue teams; and

(2) consult with operators to determine the number of personnel that each operator of an active underground mine is required to furnish for the mine rescue teams.

The director, in consultation with the board, shall determine the training and retraining requirements for the mine rescue teams, consistent with Mine Safety Administration requirements.

~~(c)~~ **(b)** When practical, members of a mine rescue team shall be made up of supervisory and nonsupervisory employees.

~~(d) Each~~ **(c) A** member of a mine rescue team shall be fully

C o p y

compensated by the owner or operator for wages lost and expenses incurred while being trained under this section if the employee elects to be compensated.

~~(c)~~ **(d)** Compensation for damages arising from the injury or death of a member of a mine rescue team while performing rescue operations shall be limited to the rights and remedies provided by the injured person's employer. However, the ~~injured person's~~ employer **of the injured or fatally injured mine rescue team member** is entitled to reimbursement from the ~~mine~~ operator whose mine is the subject of the rescue attempt for the actual cost to the employer that is attributable to the injury **or death.**

~~(f) An operator who has fewer than fifteen (15) mine employees at a mine may, with the approval of the director, contract with another operator for the services of a mine rescue team. In which case, none of the team members need be an employee of the operator.~~

~~(g)~~ **(e)** The operator of the mine that is the subject of the rescue attempt shall reimburse the bureau for the actual cost of a mine rescue operation, including compensation for all mine rescue team members.

SECTION 22. IC 22-10-12-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. In the event of an underground mine disaster **affecting mine personnel,** the director of the bureau of mines and mine safety ~~in cooperation with interested federal agencies, shall order and coordinate~~ **shall:**

(1) report immediately to the mine;

(2) cooperate with the Mine Safety Administration; and

(3) assist the rescue operations. ~~by mine rescue teams.~~

SECTION 23. IC 22-10-12-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) The mine safety fund is established to provide funding for the purchase and maintenance of underground mine rescue equipment.

(b) The department of labor shall administer the fund.

(c) The fund consists of:

(1) assessments collected by the mining board under ~~IC 22-10-1.5-5(a)(5)~~ **IC 22-10-1.5-5(a)(4)** and deposited into the fund; ~~and~~

(2) fees:

(A) from examinations under IC 22-10-3-10(g);

(B) for duplicate certificates under IC 22-10-3-11(a); and

(C) from applicants for a certificate under IC 22-10-3-13(d); and

~~(2)~~ **(3)** interest from investments as accrued and deposited under subsection (d).

C o p y

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accumulates from these investments shall be deposited into the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 24. IC 22-10-15 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 15. Alcohol Use and Illegal Use of Drugs

Sec. 1. As used in this chapter, "chemical test" has the meaning set forth in IC 9-13-2-22.

Sec. 2. As used in this chapter, "illegal use of drugs" has the meaning set forth in IC 22-9-5-12.

Sec. 3. As used in this chapter, "SAMHSA" means the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration.

Sec. 4. Notwithstanding IC 22-9-5-24, an operator or a representative of the operator may test a mine employee on the grounds of the mine or off premises at a medical facility:

(1) to determine the illegal use of drugs by the mine employee; or

(2) to determine whether the mine employee has an alcohol concentration equivalent to at least four-hundredths (0.04) grams alcohol per:

(A) one hundred (100) milliliters of the mine employee's blood; or

(B) two hundred ten (210) liters of the mine employee's breath.

Sec. 5. The operator or a representative of the operator may conduct or cause to be conducted the test under section 4 of this chapter:

(1) when there is probable cause to conduct the test with an employee; or

(2) on a random basis among the mine employees.

Sec. 6. (a) Alcohol or drug testing results, or both, may be obtained by a chemical test that at the date of the testing is a legally approved testing technique.

(b) An alcohol or a drug test must be conducted in accordance with standards, procedures, and protocols set forth by SAMHSA.

(c) Testing must be performed by a laboratory certified in accordance with the National Laboratory Certification Program

C o p y

under SAMHSA.

(d) Test results shall be certified by a medical review officer who has the ability and training necessary to verify test results.

SECTION 25. IC 34-30-2-87.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 87.5. IC 22-10-12-11(d) (Concerning the operator of an underground mine that is the subject of a rescue attempt that results in the injury to or death of a member of a mine rescue team).**

SECTION 26. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 22-10-1.5-8; IC 22-10-2-7; IC 22-10-2-8; IC 22-10-3-2; IC 22-10-4; IC 22-10-5; IC 22-10-6; IC 22-10-7; IC 22-10-8; IC 22-10-9; IC 22-10-10; IC 22-10-11; IC 22-10-12-1; IC 22-10-12-2; IC 22-10-12-3; IC 22-10-12-6; IC 22-10-12-7; IC 22-10-12-15; IC 22-10-13.1.

SECTION 27. [EFFECTIVE UPON PASSAGE] **(a) IC 22-10-15-4, as added by this act, does not:**

(1) apply to or abrogate a labor contract or labor agreement addressing alcohol or drug testing, or both, in effect on the effective date of this act; or

(2) preclude arbitration on a provision in a labor contract or labor agreement referred to in subdivision (1).

(b) This SECTION expires January 1, 2012.

SECTION 28. **An emergency is declared for this act.**

C o p y