January 13, 2012

HOUSE BILL No. 1018

DIGEST OF HB 1018 (Updated January 12, 2012 10:16 am - DI 118)

Citations Affected: IC 22-10.

Synopsis: Mine electrician certification. Requires mine electricians who perform electrical work in certain coal mines to: (1) be tested by; and (2) receive a certificate of competency from; the mining board. Allows certain individuals certified by the mine safety and health administration or another state to serve as a mine electrician if the individual obtains an Indiana miner's certificate of competency from the director of mines and mine safety. Makes conforming amendments.

Effective: Upon passage.

Ubelhor, Heaton, Ellspermann

January 9, 2012, read first time and referred to Committee on Natural Resources.
January 13, 2012, amended, reported — Do Pass.

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January 13, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1018

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 22-10-3-1, AS AMENDED BY P.L.35-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this article:

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

"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.

"Board" refers to the mining board established under IC 22-10-1.5-2.

"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.

"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, 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 electrician" means a properly certified individual who can perform electrical work in:

(1) a surface coal mine;

(2) surface areas of underground coal mines; and

(3) underground coal mines.

"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.

"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; **and**

(4) 30 CFR part 77.

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

"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.

SECTION 2. IC 22-10-3-9, AS AMENDED BY P.L.35-2007, SECTION 14, 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 questions and answers pertaining to examinations established by the board, 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

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consider advisable for the purpose of examining applicants for certificates. These quarterly meetings shall be held in January, April, July, and October. 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, belt examiner, mine examiner, shot-firer, **mine electrician,** and hoisting engineer.

(b) A person desiring certification for mine foreman, belt examiner, mine examiner, shot-firer, **mine electrician,** or hoisting engineer must make written application to the board on forms supplied by the board not later than ten (10) days prior to the examination date.

SECTION 3. IC 22-10-3-10, AS AMENDED BY P.L.35-2007, SECTION 15, 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, 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. A certificate is valid only when the examination for certification has been held in the presence of a member of the board and signed by the chairman of the board. A certificate of competency may not be issued to any person whose grade is less than seventy-five percent (75%) **for any certification other than that of a certificate for mine electrician, which requires a passing grade of not less than eighty percent (80%).** The board shall observe the requirements set forth in this section in conducting the examinations.

(b) An applicant for a mine foreman certificate must have at least four (4) years of experience underground in coal mines. However, a person who has graduated and holds a degree in engineering or an approved four (4) year program in coal mining technology from an accredited school, college, or university is required to have only two (2) years of practical underground mining experience to qualify for the examination. A person who has graduated and holds a two (2) year associate in applied science degree in coal mining technology from an accredited school, college, or university is required to have only three (3) years of practical underground mining experience to qualify for the examination. An applicant must prove to the board by written and oral examination and by demonstration, where applicable, that the applicant has a thorough knowledge of:

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(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 the applicant is otherwise qualified by law.

(c) An applicant for a mine examiner certificate must have at least three (3) years of experience underground in coal mines. However, a person who has graduated and holds a degree in engineering or an associate in applied science degree in coal mining technology from an accredited school, college, or university is required to have only two (2) years of practical underground mining experience to qualify for the examination. An applicant must prove to the board by written and oral examination and by demonstration, where applicable, that 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 mine examiner under coal mining laws of this state;

and that the applicant is otherwise qualified by law.

(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. An applicant must prove to the board by written and oral examination and by demonstration, where applicable, that 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;
(3) the coal mining laws of the state pertaining to ventilation, roof control, and blasting; and
(4) the responsibilities of a shot-firer under applicable mining laws;

and that the applicant is otherwise qualified by law.

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

(1) is capable of operating a hoist;

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(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
(5) is otherwise qualified by law.

(f) An applicant for a belt examiner certificate must have at least one (1) year of experience in belt maintenance or installation work. The applicant must prove to the board by written and oral examination and by demonstration, where applicable, that 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 belt examiner under those laws;

and that the applicant is otherwise qualified by law.

(g) An applicant for a mine electrician certificate must have sufficient (but not less than one (1) year of) experience in performing electrical work. The applicant must prove to the board by written and oral examination and by demonstration, where applicable, that the applicant has a thorough knowledge of:

(1) the requirements of the coal mining laws of this state, with particular emphasis upon laws pertaining to electrical energy in coal mines;
(2) direct and alternating current theory and application;
(3) electric equipment and electrical circuits in coal mines;
(4) permissibility of electric equipment;
(5) 30 CFR 75 subparts F-K; and
(6) 30 CFR 77 subparts F-J and S.

~~(g)~~ **(h)** An applicant for an examination under this section must pay the bureau of mines and mine safety an examination fee of twenty-five dollars ($25). All fees collected under this subsection shall be 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.

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

~~(i)~~ **(j)** 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.

~~(j)~~ **(k)** A person designated as mine superintendent or assistant mine

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superintendent, or acting in either capacity, must hold a mine foreman certificate.

~~(k)~~ **(l)** A certificate may be granted to an applicant who presents to the board satisfactory evidence that 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, shot-firer, mine examiner, hoisting engineer, **mine electrician,** or belt examiner.

~~(l)~~ **(m)** 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 4. IC 22-10-3-11, AS AMENDED BY P.L.35-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) In event of loss or destruction of any certificate issued under the mining laws of this state, the board, upon satisfactory proof of such loss or destruction, shall issue a duplicate certificate upon receipt of five dollars ($5). The fee shall be deposited into 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.

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

SECTION 5. IC 22-10-3-12, AS AMENDED BY P.L.35-2007, SECTION 17, 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, mine examiner, shot-firer, hoisting engineer, **mine electrician,** or belt examiner at any time unless 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 its equivalent in another state which recognizes the certification of Indiana may serve in such a capacity until the next examination by the board, when the person must apply to the board for ~~a certificate of competency~~ **certification** in the person's particular classification. **A mine electrician who is properly certified:**

(1) by the federal Mine Safety and Health Administration; or

(2) in another state that recognizes the mine electrician

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certification in Indiana;

may serve in the individual's certified capacity and be issued a mine electrician certificate by the director in Indiana without the requirement of applying to the board for examination. However, the individual must obtain an Indiana miner's certificate of competency from the director.

(b) It is unlawful for an operator in this state to employ any person in the capacity of mine superintendent, assistant mine superintendent, mine foreman, mine 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, mine examiner, shot-firer, hoisting engineer, **mine electrician,** or belt examiner in Indiana, the person must present personally to the director 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 6. IC 22-10-12-16, AS AMENDED BY P.L.35-2007, SECTION 23, 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)(4) and deposited into the fund;

(2) fees:

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

(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

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

(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.

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1 SECTION 7. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1018, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 6 with "[EFFECTIVE UPON PASSAGE]".

Page 6, line 38, strike "a certificate of competency" and insert "**certification**".

Page 6, line 39, after "classification." insert "**A mine electrician who is properly certified:**

(1) by the federal Mine Safety and Health Administration; or

(2) in another state that recognizes the mine electrician certification in Indiana;

may serve in the individual's certified capacity and be issued a mine electrician certificate by the director in Indiana without the requirement of applying to the board for examination. However, the individual must obtain an Indiana miner's certificate of competency from the director.".

Page 7, after line 33, begin a new paragraph and insert:

"SECTION 7. **An emergency is declared for this act.**".

and when so amended that said bill do pass.

(Reference is to HB 1018 as introduced.)

EBERHART, Chair

Committee Vote: yeas 10, nays 0.

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