

HOUSE BILL No. 1018

DIGEST OF INTRODUCED BILL

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. Makes conforming amendments.

Effective: July 1, 2012.

Ubelhor, Heaton, Ellspermann

January 9, 2012, read first time and referred to Committee on Natural Resources.

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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:

1 SECTION 1. IC 22-10-3-1, AS AMENDED BY P.L.35-2007,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 1. As used in this article:
4 "Active workings" means all places in a mine that are ventilated and
5 inspected regularly.
6 "Belt examiner" means an individual designated by the mine
7 foreman to perform the functions as required by 30 CFR Part 75 in
8 connection with examinations to ensure that the belt, belt drives, dump
9 points, air movement, roof, and ribs of a mine are in safe condition.
10 "Board" refers to the mining board established under
11 IC 22-10-1.5-2.
12 "Commercial mine" means any underground mine from which coal
13 is produced for sale, exchange, or commercial use.
14 "Director" means the director of the bureau of mines and mine
15 safety established under IC 22-1-1-4.
16 "Hoisting engineer" means an individual who is capable of
17 transporting people and material in and out of a mine by means of a



1 hoist.

2 "Interested persons" means the director, safety personnel designated

3 by the operator, state and federal coal mine inspectors, and, to the

4 extent required by law, any other person.

5 "Mine" means an underground commercial coal mine.

6 **"Mine electrician" means a properly certified individual who**

7 **can perform electrical work in:**

8 **(1) a surface coal mine;**

9 **(2) surface areas of underground coal mines; and**

10 **(3) underground coal mines.**

11 "Mine examiner" means a properly certified person designated by

12 the mine foreman to examine the mine for gas and other dangers. A

13 mine examiner may temporarily act as a section foreman if designated

14 to act as such by the mine foreman.

15 "Mine foreman" means the person charged with the responsibility

16 of the general supervision of the underground working of a mine and

17 the persons employed in the mine and for the health and safety of those

18 employees.

19 "Mine inspector" means the person appointed to assist in

20 administering this article.

21 "Mine Safety Administration" refers to the Mine Safety and Health

22 Administration, United States Department of Labor.

23 "Mining laws" means:

24 (1) this article;

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

26 (3) 30 CFR part 75; ~~and~~

27 **(4) 30 CFR part 77.**

28 "Operator" means an individual, firm, association, partnership,

29 limited liability company, or corporation operating an underground

30 coal mine or any part of a mine.

31 "Shot-firer" means a properly certified person designated by the

32 mine foreman to perform the functions as required in this article in

33 connection with breaking down coal or rock.

34 SECTION 2. IC 22-10-3-9, AS AMENDED BY P.L.35-2007,

35 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

36 JULY 1, 2012]: Sec. 9. (a) The director shall keep a record of the

37 board's official actions concerning certificates issued under this chapter

38 and file the record together with questions and answers pertaining to

39 examinations established by the board, including the grade given for

40 the answer to each question. The record shall be open for inspection by

41 interested persons. If applications for certification are received, the

42 board shall meet at least quarterly at such time and place as it shall

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1 consider advisable for the purpose of examining applicants for
2 certificates. These quarterly meetings shall be held in January, April,
3 July, and October. The date, time, and place of examination shall be
4 published at all coal mines in this state and posted on the web site
5 maintained by the bureau of mines and mine safety at least thirty (30)
6 days before the examination. By a majority vote, the board shall
7 establish its rules of procedure and provide suitable certificates. The
8 board shall adopt rules establishing standards for the competent
9 practice of mine foreman, belt examiner, mine examiner, shot-firer,
10 **mine electrician**, and hoisting engineer.

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

15 SECTION 3. IC 22-10-3-10, AS AMENDED BY P.L.35-2007,
16 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2012]: Sec. 10. (a) It is the duty of the board to examine any
18 person applying for a certificate for mine foreman, shot-firer, mine
19 examiner, hoisting engineer, **mine electrician**, or belt examiner and to
20 issue certificates of competency to the applicants who, upon
21 examination, prove themselves competent and qualified. A certificate
22 is valid only when the examination for certification has been held in the
23 presence of a member of the board and signed by the chairman of the
24 board. A certificate of competency may not be issued to any person
25 whose grade is less than seventy-five percent (75%) **for any**
26 **certification other than that of a certificate for mine electrician,**
27 **which requires a passing grade of not less than eighty percent**
28 **(80%).** The board shall observe the requirements set forth in this
29 section in conducting the examinations.

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

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- 1 (1) the theory and practice of coal mining;
- 2 (2) the nature and properties of poisonous, noxious, and explosive
- 3 gases and methods for their detection and control;
- 4 (3) the requirements of the coal mining laws of this state; and
- 5 (4) the responsibilities and duties of a mine foreman under such
- 6 laws;

7 and that the applicant is otherwise qualified by law.

8 (c) An applicant for a mine examiner certificate must have at least
9 three (3) years of experience underground in coal mines. However, a
10 person who has graduated and holds a degree in engineering or an
11 associate in applied science degree in coal mining technology from an
12 accredited school, college, or university is required to have only two (2)
13 years of practical underground mining experience to qualify for the
14 examination. An applicant must prove to the board by written and oral
15 examination and by demonstration, where applicable, that the applicant
16 has a thorough knowledge of:

- 17 (1) the nature and properties of poisonous, noxious, and explosive
- 18 gases and methods for their detection and control;
- 19 (2) the practical aspects of coal mining pertaining especially to
- 20 ventilation and roof control; and
- 21 (3) the responsibilities of a mine examiner under coal mining laws
- 22 of this state;

23 and that the applicant is otherwise qualified by law.

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

- 30 (1) the proper handling and use of explosives and blasting devices
- 31 and the danger connected therewith;
- 32 (2) the nature and properties of poisonous, noxious, and explosive
- 33 gases and methods for their detection;
- 34 (3) the coal mining laws of the state pertaining to ventilation, roof
- 35 control, and blasting; and
- 36 (4) the responsibilities of a shot-firer under applicable mining
- 37 laws;

38 and that the applicant is otherwise qualified by law.

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

- 42 (1) is capable of operating a hoist;

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- 1 (2) has a thorough knowledge of the coal mining laws of this state
 2 pertaining to hoisting operations;
 3 (3) has at least one (1) year mining experience;
 4 (4) has at least twenty (20) hours practical experience under the
 5 supervision of a certified hoisting engineer; and
 6 (5) is otherwise qualified by law.
- 7 (f) An applicant for a belt examiner certificate must have at least
 8 one (1) year of experience in belt maintenance or installation work. The
 9 applicant must prove to the board by written and oral examination and
 10 by demonstration, where applicable, that the applicant has a thorough
 11 knowledge of:
 12 (1) the requirements of the coal mining laws of this state with
 13 particular emphasis upon those laws pertaining to the use of
 14 electrical or belt equipment and the transmission of electrical
 15 energy into coal mines; and
 16 (2) the responsibilities of a belt examiner under those laws;
 17 and that the applicant is otherwise qualified by law.
- 18 **(g) An applicant for a mine electrician certificate must have**
 19 **sufficient (but not less than one (1) year of) experience in**
 20 **performing electrical work. The applicant must prove to the board**
 21 **by written and oral examination and by demonstration, where**
 22 **applicable, that the applicant has a thorough knowledge of:**
 23 **(1) the requirements of the coal mining laws of this state, with**
 24 **particular emphasis upon laws pertaining to electrical energy**
 25 **in coal mines;**
 26 **(2) direct and alternating current theory and application;**
 27 **(3) electric equipment and electrical circuits in coal mines;**
 28 **(4) permissibility of electric equipment;**
 29 **(5) 30 CFR 75 subparts F-K; and**
 30 **(6) 30 CFR 77 subparts F-J and S.**
- 31 ~~(g)~~ **(h)** An applicant for an examination under this section must pay
 32 the bureau of mines and mine safety an examination fee of twenty-five
 33 dollars (\$25). All fees collected under this subsection shall be
 34 deposited in the mine safety fund established by IC 22-10-12-16. The
 35 board may set a different fee by rule under IC 22-10-1.5-4.
- 36 ~~(h)~~ **(i)** A mine foreman, mine examiner, shot-firer, hoisting engineer,
 37 **mine electrician**, or belt examiner certificate issued before September
 38 1, 1979, is valid under the mining laws of Indiana.
- 39 ~~(i)~~ **(j)** A person who was issued a fire-boss certificate before July 1,
 40 2007, shall be issued a replacement mine examiner certificate upon
 41 request to the director.
- 42 ~~(j)~~ **(k)** A person designated as mine superintendent or assistant mine

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

3 ~~(k)~~ **(l)** A certificate may be granted to an applicant who presents to
4 the board satisfactory evidence that the applicant has not been
5 convicted of:

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

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

11 ~~(h)~~ **(m)** For the purpose of safety, the board may refuse to examine
12 an applicant who cannot:

13 (1) readily understand the written English language; or

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

15 SECTION 4. IC 22-10-3-11, AS AMENDED BY P.L.35-2007,
16 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2012]: Sec. 11. (a) In event of loss or destruction of any
18 certificate issued under the mining laws of this state, the board, upon
19 satisfactory proof of such loss or destruction, shall issue a duplicate
20 certificate upon receipt of five dollars (\$5). The fee shall be deposited
21 into the mine safety fund established by IC 22-10-12-16. The board
22 may set a different fee by rule under IC 22-10-1.5-4.

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

28 SECTION 5. IC 22-10-3-12, AS AMENDED BY P.L.35-2007,
29 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2012]: Sec. 12. (a) It is unlawful for any person to serve in the
31 capacity of mine foreman, mine examiner, shot-firer, hoisting engineer,
32 **mine electrician**, or belt examiner at any time unless the person is
33 properly certified. However, any person who meets the appropriate
34 experience requirements of this chapter and who is properly certified
35 in one (1) of these capacities or its equivalent in another state which
36 recognizes the certification of Indiana may serve in such a capacity
37 until the next examination by the board, when the person must apply to
38 the board for a certificate of competency in the person's particular
39 classification.

40 (b) It is unlawful for an operator in this state to employ any person
41 in the capacity of mine superintendent, assistant mine superintendent,
42 mine foreman, mine examiner, shot-firer, hoisting engineer, **mine**

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1 **electrician**, or belt examiner at any time unless the person is properly
2 certified.

3 (c) Before any person certified in another state may perform in the
4 capacity of mine superintendent, assistant mine superintendent, mine
5 foreman, mine examiner, shot-firer, hoisting engineer, **mine**
6 **electrician**, or belt examiner in Indiana, the person must present
7 personally to the director evidence of the out-of-state certificate or
8 certificates.

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

11 SECTION 6. IC 22-10-12-16, AS AMENDED BY P.L.35-2007,
12 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2012]: Sec. 16. (a) The mine safety fund is established to
14 provide funding for the purchase and maintenance of underground
15 mine rescue equipment.

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

17 (c) The fund consists of:

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

20 (2) fees:

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

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

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

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

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

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

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