

## **IC 22-10-1.5**

### Chapter 1.5. General Provisions

#### **IC 22-10-1.5-1**

##### **Application of article**

Sec. 1. This article applies to all mines.

*As added by P.L.37-1985, SEC.46. Amended by P.L.215-1989, SEC.3; P.L.35-2007, SEC.3.*

#### **IC 22-10-1.5-2**

##### **Mining board; establishment; membership; meetings**

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 not be associated with the coal industry.

(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 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.

*As added by P.L.37-1985, SEC.46. Amended by P.L.112-1992, SEC.1; P.L.35-2007, SEC.4.*

#### **IC 22-10-1.5-3**

##### **Mining board; salaries; expenses**

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 policies and procedures established by the Indiana department of administration and approved by the 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.

*As added by P.L.37-1985, SEC.46. Amended by P.L.35-2007, SEC.5.*

#### **IC 22-10-1.5-4**

##### **Rules**

Sec. 4. The board may adopt rules under IC 4-22-2 to implement this article. Notwithstanding 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.

*As added by P.L.37-1985, SEC.46. Amended by P.L.35-2007, SEC.6.*

#### **IC 22-10-1.5-5**

##### **Mining board; powers and duties**

Sec. 5. (a) The board shall:

- (1) collect and 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;
- (2) promote the technical efficiency of all persons working in and about the mines of this state and examine persons applying for certificates under IC 22-10-3-10;
- (3) submit any bills embodying legislation that the board may agree upon to the general assembly;
- (4) if appropriations from the general assembly are considered insufficient by the board, assess and collect from 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
- (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 operators of a meeting of the board at which assessments described in subsection (a)(4) are discussed.

*As added by P.L.37-1985, SEC.46. Amended by P.L.112-1992, SEC.2; P.L.187-2003, SEC.2; P.L.35-2007, SEC.7.*

#### **IC 22-10-1.5-6**

##### **Director of bureau; qualifications; term of office; salary**

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.
- (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 mining laws of this state.

(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.

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

*As added by P.L.37-1985, SEC.46. Amended by P.L.144-1988, SEC.1; P.L.215-1989, SEC.4; P.L.35-2007, SEC.8.*

#### **IC 22-10-1.5-7**

##### **Chief mine inspector; qualifications and salary; director's powers and duties**

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 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;
- (2) provide mine rescue training for mine employees; and
- (3) furnish mine rescue equipment at the site of mine accidents.

(e) The director shall:

- (1) collect and index all active and inactive underground mine maps; and
- (2) supervise and direct the state mine inspectors.

*As added by P.L.37-1985, SEC.46. Amended by P.L.144-1988, SEC.2; P.L.215-1989, SEC.5; P.L.112-1992, SEC.3; P.L.35-2007, SEC.9.*

**IC 22-10-1.5-8**

**Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*