

AN ACT concerning regulation.

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

Section 5. The Coal Mining Act is amended by changing Sections 2.01, 2.10, 2.12, 2.14, 3.01, and 3.04 and the heading of Article 8 and Sections 8.01, 8.04, 8.05, 8.06, 8.08, 8.09, 8.11, 8.12, 8.13, 8.14, 8.16, 8.17, 8.18, and 8.19 as follows:

(225 ILCS 705/2.01) (from Ch. 96 1/2, par. 301)

Sec. 2.01. The Mining Board in the Department of Natural Resources shall administer this Act, ~~except that Article 8 shall be administered by the Miners' Examining Board in the Department.~~

(Source: P.A. 89-445, eff. 2-7-96.)

(225 ILCS 705/2.10) (from Ch. 96 1/2, par. 310)

Sec. 2.10. In conducting the hearings before the Mining Board any member of the Mining Board shall have the power to administer oaths to any and all persons appearing before the Mining Board, and any person who shall willfully ~~wilfully~~, corruptly and falsely testify under oath with respect to any charges or evidence offered shall be deemed guilty of perjury and shall be subject to the penalties thereof as prescribed by

the laws of this State.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/2.12) (from Ch. 96 1/2, par. 312)

Sec. 2.12. The Mining Board shall have power to promulgate rules and regulations, in accordance with the Illinois Administrative Procedure Act and in connection with methods of coal mining affecting the health and safety of persons employed in the coal mines. ~~The rules and regulations shall be promulgated in accordance with the following procedure and standards:~~

~~Prior to the adoption, amendment, or repeal of any rule, the Director shall:~~

~~(a) give at least 30 days notice of his intended action. The notice shall include a statement of the terms or substance of the intended action or of a description of the subjects and issues involved, and the time and the place for interested persons to present their views thereon. The notice shall be mailed to all persons who have made timely request of the Director for advance notice of his rule-making proceedings and shall be published in the official State newspaper;~~

~~(b) afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing, provided that the right to cross examine any witnesses is given to any interested parties, if such right is requested. The Director shall consider fully all written and oral~~

~~submissions respecting the proposed rule. No rule may be adopted unless substantial evidence in support of such rule is presented at such hearing. Upon adoption of a rule the Director, if requested to do so by an interested person either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for or against its adoption, incorporating therein his reasons for overruling the considerations urged against its adoption. No rule is valid unless adopted in substantial compliance with this Section.~~

~~(c) The Director shall file in the office of the Secretary of State a certified copy of each rule adopted by him. The Secretary of State shall keep a permanent register of the rules open to public inspection.~~

~~(d) Each rule hereafter adopted is effective 30 days after filing, except that, if a later date is specified in the rule, the later date is the effective date. Any rule adopted hereunder shall not be retroactive. Any operator shall have the right to proceed with operations under this Act until the rules are adopted and no rules shall be made applicable to any operations prior to the effective date thereof.~~

~~These rules and regulations shall be enforced by the Department.~~

(Source: P.A. 79-460.)

(225 ILCS 705/2.14) (from Ch. 96 1/2, par. 314)

Sec. 2.14. The Director shall promulgate rules, in

accordance with the Illinois Administrative Procedure Act,  
necessary for the effective and orderly conduct of hearings held pursuant to this Act. These rules shall include, but not necessarily be limited to, the following for the benefit of any affected operator, miner, labor representative or other person with a substantial interest in the hearing:

1. adequate written notice of charges against any charged party;

2. adequate written notice of all hearings to any affected operator, miner, labor representative or other interested person;

3. the right to be represented by counsel;

4. the right to present evidence.

5. the right to cross-examine witnesses.

6. the right to present its position orally or in writing to the Board.

7. the right to request issuance of subpoenas by the Department.

(Source: P.A. 79-460.)

(225 ILCS 705/3.01) (from Ch. 96 1/2, par. 351)

Sec. 3.01. The certificates provided for in this Act~~7~~  
~~except those issued as provided in Article 8,~~ shall be issued under the signature of the Director and the seal of the Mining Board ~~Department~~ to all those who receive a rating above the minimum fixed by the rules of the Mining Board, and to no other

persons. All certificates shall contain the full name of the recipient, his age, his place of birth, and the nature and number of years of his previous service in or about coal mines. (Source: Laws 1953, p. 701.)

(225 ILCS 705/3.04) (from Ch. 96 1/2, par. 354)

Sec. 3.04. An applicant for any certificate provided for in this Act, ~~except those issued as provided in Article 8,~~ before being examined, shall register his or her name with the Mining Board and file with the Board the credentials required by this Act, to-wit: an affidavit as to all matters of fact establishing his or her right to receive the examination, and a certificate of good character and temperate habits signed by at least 10 residents of the community in which he or she resides. Each applicant shall also submit a reasonable fee as prescribed by rule, with such fee being deposited into the Coal Mining Regulatory Fund. The monies deposited into the Coal Mining Regulatory Fund under this Section shall not be subject to administrative charges or chargebacks unless otherwise authorized by this Act.

(Source: P.A. 97-1136, eff. 1-1-13.)

(225 ILCS 705/Art. 8 heading)

ARTICLE 8.

~~MINERS' EXAMINING BOARD AND MINERS' EXAMINATIONS.~~

(225 ILCS 705/8.01) (from Ch. 96 1/2, par. 801)

Sec. 8.01. No person shall be employed or engaged at the face of the coal as a coal loader, loading machine operator, cutting machine operator, driller or shooter, timberman or roof bolter in any coal mine in this State without having first obtained a certificate of competency from the Mining Miners' ~~Examining~~ Board, and having completed a course of instruction in first aid to the injured and mine rescue methods and appliances prescribed by the Department, except that any such certified miner may have one person working with him and under his direction as an apprentice for the purpose of learning the business of mining and becoming qualified to obtain a certificate of competency.

No person who enters employment as an apprentice miner shall be employed as an apprentice miner for a period longer than 12 months after becoming eligible to obtain a first class certificate of competency, except in the event of illness or injury, when time extensions may be permitted in a manner established by the Mining Miners' ~~Examining~~ Board.

(Source: P.A. 85-1333.)

(225 ILCS 705/8.04) (from Ch. 96 1/2, par. 804)

Sec. 8.04. Each Mining Board ~~miners'~~ ~~examining~~ officer shall ~~receive as compensation for his services the sum of \$7,500 per year or such greater sum as may be set by the Compensation Review Board.~~ He shall also receive his traveling

and other necessary expenses actually expended in the discharge of his official duties. Expenses ~~Salary and expenses~~ of such officers shall be paid monthly. All expense accounts shall be itemized and verified by the examining officer receiving the same, and shall be approved by the Director.

(Source: P.A. 85-1333.)

(225 ILCS 705/8.05) (from Ch. 96 1/2, par. 805)

Sec. 8.05. ~~The Board shall organize annually by selecting one of its members as president and another as secretary.~~ All records, reports, books, papers, and other property pertaining to the office of the Mining Miners' ~~Examining~~ Board shall be kept by the secretary. The secretary shall be provided with a seal with proper device, and on the margin thereof shall be the words, "Mining Miners' ~~Examining~~ Board, State of Illinois."

(Source: P.A. 85-1333.)

(225 ILCS 705/8.06) (from Ch. 96 1/2, par. 806)

Sec. 8.06. The Mining Miners' ~~Examining~~ Board shall hold an examination once in each calendar month, and at such other times and at such places as the Director may designate. The Director shall endeavor to schedule examinations at places located most conveniently with reference to the districts in which coal is mined in the State of Illinois so that all persons in such district or in this State, or who may wish to come into this State for the purpose of engaging in mining may

be examined as to their competency and qualifications. Public notice of the examinations shall be given through the press or otherwise not less than 7 days in advance of such meeting, which notice shall fix the time and place at which any examination under this Act is to be held.

(Source: P.A. 85-1333.)

(225 ILCS 705/8.08) (from Ch. 96 1/2, par. 808)

Sec. 8.08. All examinations held by the Mining Miners' ~~Examining~~ Board shall ~~be conducted in the English language and shall~~ be of a practical nature so as to determine the competency and qualification of the applicant to engage in mining. The Mining Miners' ~~Examining~~ Board shall examine under oath all persons who apply for certificates as to their previous experience as miners and shall grant certificates of competency to such applicants as are qualified, which certificates shall entitle the holder thereof to be employed as and to do the work of miners in this State.

(Source: P.A. 85-1333.)

(225 ILCS 705/8.09) (from Ch. 96 1/2, par. 809)

Sec. 8.09. A first class certificate of competency shall be issued to any person under this Article who can produce satisfactory evidence to the Mining Miners' ~~Examining~~ Board of having had not less than 1 year experience as a worker on coal producing sections of a coal mine and having had an



opportunity during that year of observing and helping to perform all the work required in that section and also to learn the fundamentals of roof control, testing of top, and testing for gas, which could be accomplished by the cooperation of management and workers, and that he has completed a course in first aid for the injured.

A first class certificate of competency shall also be issued to any person under this Article who can produce satisfactory evidence to the Mining ~~Miners' Examining~~ Board of having been employed as a worker or a trainee in an underground coal mine for a period not less than 6 months and having had an opportunity during that 6 months of observing and helping to perform work required on a coal producing section and also to learn the fundamentals of ventilation, roof control, testing of rib and roof, and testing for gas, and that he has completed a course in first aid for the injured, and possesses a two-year Associate in Applied Science Degree in Coal Mining Technology or a degree in Engineering from an approved school or college, or university.

(Source: P.A. 85-1333.)

(225 ILCS 705/8.11) (from Ch. 96 1/2, par. 811)

Sec. 8.11. In no case shall an applicant for certificate of competency be deemed competent unless he appears in person before the Mining ~~Miners' Examining~~ Board and orally answers intelligently and correctly practical questions, propounded to

him by said Board, pertaining to the requirements and qualifications of a practical miner.

(Source: Laws 1955, p. 2012.)

(225 ILCS 705/8.12) (from Ch. 96 1/2, par. 812)

Sec. 8.12. The Mining ~~Miners' Examining~~ Board shall make an accurate record of its proceedings and meetings and in the record shall show a correct detailed account of the examination of each applicant with questions asked and their answers, and the record made shall be open for public inspection.

(Source: Laws 1957, p. 1558.)

(225 ILCS 705/8.13) (from Ch. 96 1/2, par. 813)

Sec. 8.13. No miners' certificate granted under the provisions of this Article is transferable and any effort to transfer the same is a violation of this Act. Such certificates shall be issued only at meetings of the Mining ~~Miners' Examining~~ Board and shall not be valid unless signed by at least two members of the Mining ~~Miners' Examining~~ Board and sealed with the seal of such Board.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/8.14) (from Ch. 96 1/2, par. 814)

Sec. 8.14. The Mining ~~Miners' Examining~~ Board shall annually on the first day of March, report to the Director, in

writing, what examinations it has held and what work it has done during the preceding year, together with such recommendations as it may deem advisable for the improvement of the method of holding examinations and carrying out the purposes of this Article.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/8.16) (from Ch. 96 1/2, par. 816)

Sec. 8.16. The Mining Miners'~~Examining~~ Board shall report all complaints or charges of noncompliance with, or violation of the provisions of this Article to the State's Attorney of the county in which such non-compliance or violation occurs, and the State's Attorney of the county wherein the complaints or charges are made shall investigate the same and prosecute all persons so offending.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/8.17) (from Ch. 96 1/2, par. 817)

Sec. 8.17. In order to more effectively carry out the intention and purposes of this Article, the Mining Miners'~~Examining~~ Board shall have power to administer oaths to any and all persons who are applicants or may vouch in any manner for the service or qualification of any applicant in order to obtain for him a certificate hereunder, and any person who shall wilfully and falsely swear or testify as to any matter material to such examination or as to the service or

qualification of any applicant shall be deemed guilty of perjury and shall be subject to the penalties thereof as prescribed by the criminal code of this State.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/8.18) (from Ch. 96 1/2, par. 818)

Sec. 8.18. The Governor shall have the power and authority to remove any Mining Board ~~miners' examining~~ officer for neglect of duty, incompetency, or malfeasance in office, and upon such removal shall appoint a successor.

(Source: P.A. 85-1333.)

(225 ILCS 705/8.19) (from Ch. 96 1/2, par. 819)

Sec. 8.19. It shall be unlawful for any member of the Mining ~~Miners' Examining~~ Board to issue any certificate of competency pursuant to this Section when he knows or has reason to know that the applicant fails to meet any of the requirements for the certificate.

(Source: P.A. 79-460.)

(225 ILCS 705/8.02 rep.)

(225 ILCS 705/8.03 rep.)

Section 10. The Coal Mining Act is amended by repealing Sections 8.02 and 8.03.

Section 99. Effective date. This Act takes effect upon becoming law.