

As Introduced

**127th General Assembly
Regular Session
2007-2008**

S. B. No. 323

Senator Niehaus

**Cosponsors: Senators Wilson, Harris, Carey, Schuler, Padgett, Seitz, Spada,
Mumper**

—

A BILL

To amend sections 1561.011, 1561.16, 1561.17, 1
1561.23, 1561.25, 1561.26, 1565.15, and 4131.03, 2
and to enact sections 1561.24, 1561.261, 1567.64, 3
and 1567.681 of the Revised Code to revise certain 4
coal mine safety requirements, to create the Mine 5
Safety Fund to be used for specified mine safety 6
purposes, to allow the Administrator of the Bureau 7
of Workers' Compensation to transfer a portion of 8
the investment earnings of the Coal-Workers 9
Pneumoconiosis Fund to the Mine Safety Fund, and 10
to declare an emergency. 11
12

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1561.011, 1561.16, 1561.17, 1561.23, 13
1561.25, 1561.26, 1565.15, and 4131.03 be amended and sections 14
1561.24, 1561.261, 1567.64, and 1567.681 of the Revised Code be 15
enacted to read as follows: 16

Sec. 1561.011. ~~Nothing~~ Except as provided in section 1561.24 17
of the Revised Code, nothing in this chapter applies to activities 18

that are permitted and regulated under Chapter 1514. of the 19
Revised Code. 20

Sec. 1561.16. (A) As used in this section and sections 21
1561.17 to 1561.21 of the Revised Code, "actual practical 22
experience" means previous employment that involved a person's 23
regular presence in the type of mining operation in which the 24
experience is required to exist; participation in functions 25
relating to the hazards involved in and the utilization of 26
equipment, tools, and work crews and individuals for that type of 27
mining; and regular exposure to the methods, procedures, and 28
safety laws applicable to that type of mining. Credit of up to one 29
year for a portion of the required experience time may be given 30
upon documentation to the chief of the division of mineral 31
resources management of an educational degree in a field related 32
to mining. Credit of up to two years of the required experience 33
time may be given upon presentation to the chief of proof of 34
graduation from an accredited school of mines or mining after a 35
four-year course of study with employment in the mining industry 36
during interim breaks during the school years. 37

(B) A person who applies for a certificate as a mine 38
foreperson of gaseous mines shall be able to read and write the 39
English language; shall have had at least five years' actual 40
practical experience in the underground workings of a gaseous mine 41
or the equivalent thereof in the judgment of the chief; and shall 42
have had practical experience obtained by actual contact with gas 43
in mines and have knowledge of the dangers and nature of noxious 44
and explosive gases and ventilation of gaseous mines. An applicant 45
for a certificate as a foreperson of gaseous mines shall meet the 46
same requirements, except that the applicant shall have had at 47
least three years' actual practical experience in the underground 48
workings of a gaseous mine or the equivalent thereof in the 49
judgment of the chief. Each applicant for examination shall pay a 50

fee of ten dollars established in rules adopted under this section 51
to the chief on the first day of such examination. Any 52

(C) A person who has been issued a certificate as a mine 53
foreperson or a foreperson of a gaseous mine and who has not 54
worked in an underground coal mine for a period of more than two 55
calendar years shall apply for and obtain recertification from the 56
chief in accordance with rules adopted under this section before 57
performing the duties of a mine foreperson or a foreperson of a 58
gaseous mine. An applicant for recertification shall pay a fee 59
established in rules adopted under this section at the time of 60
application for recertification. 61

(D) A person who has been issued a certificate as a mine 62
foreperson or a foreperson of a gaseous mine and who has not 63
worked in an underground coal mine for a period of one or more 64
calendar years shall successfully complete a retraining course in 65
accordance with rules adopted under this section before performing 66
the duties of a mine foreperson or a foreperson of a gaseous mine. 67

(E) The chief, in consultation with a statewide association 68
representing the coal mining industry and a statewide association 69
representing employees of coal mines, shall adopt rules in 70
accordance with Chapter 119. of the Revised Code that do all of 71
the following: 72

(1) Prescribe requirements, criteria, and procedures for the 73
recertification of a mine foreperson or a foreperson of a gaseous 74
mine who has not worked in an underground coal mine for a period 75
of more than two calendar years; 76

(2) Prescribe requirements, criteria, and procedures for the 77
retraining of a mine foreperson or a foreperson of a gaseous mine 78
who has not worked in an underground coal mine for a period of one 79
or more calendar years; 80

(3) Establish fees for the examination and recertification of 81

mine forepersons or forepersons of gaseous mines under this 82
section; 83

(4) Prescribe any other requirements, criteria, and 84
procedures that the chief determines are necessary to administer 85
this section. 86

(F) Any moneys collected under this section shall be paid 87
into the state treasury to the credit of the mining regulation 88
fund created in section 1561.48 of the Revised Code. 89

Sec. 1561.17. (A) A person who applies for a certificate as 90
mine foreperson or foreperson of nongaseous mines shall be able to 91
read and write the English language; shall have had at least three 92
years' actual practical experience in mines, or the equivalent 93
thereof in the judgment of the chief of the division of mineral 94
resources management; and shall have knowledge of the dangers and 95
nature of noxious gases. Each applicant for examination shall pay 96
a fee of ~~ten dollars~~ established in rules adopted under this 97
section to the chief on the first day of the examination. ~~Any~~ 98

(B) A person who has been issued a certificate as a mine 99
foreperson or a foreperson of a nongaseous coal mine and who has 100
not worked in an underground coal mine for a period of more than 101
two calendar years shall apply for and obtain recertification from 102
the chief in accordance with rules adopted under this section 103
before performing the duties of a mine foreperson or a foreperson 104
of a nongaseous coal mine. An applicant for recertification shall 105
pay a fee established in rules adopted under this section at the 106
time of application for recertification. 107

(C) A person who has been issued a certificate as a mine 109
foreperson or a foreperson of a nongaseous coal mine and who has 110
not worked in an underground coal mine for a period of one or more 111
calendar years shall successfully complete a retraining course in 112

accordance with rules adopted under this section before performing 113
the duties of a mine foreperson or a foreperson of a nongaseous 114
coal mine. 115

(D) The chief, in consultation with a statewide association 116
representing the coal mining industry and a statewide association 117
representing employees of coal mines, shall adopt rules in 118
accordance with Chapter 119. of the Revised Code that do all of 119
the following: 120

(1) Prescribe requirements, criteria, and procedures for the 121
recertification of a mine foreperson or a foreperson of a 122
nongaseous coal mine who has not worked in an underground coal 123
mine for a period of more than two calendar years; 124

(2) Prescribe requirements, criteria, and procedures for the 125
retraining of a mine foreperson or a foreperson of a nongaseous 126
coal mine who has not worked in an underground coal mine for a 127
period of one or more calendar years; 128

(3) Establish fees for the examination and recertification of 129
mine forepersons or forepersons of nongaseous coal mines under 130
this section; 131

(4) Prescribe any other requirements, criteria, and 132
procedures that the chief determines are necessary to administer 133
this section. 134

(E) Any moneys collected under this section shall be paid 135
into the state treasury to the credit of the mining regulation 136
fund created in section 1561.48 of the Revised Code. 137

Sec. 1561.23. The chief of the division of mineral resources 138
management shall issue the following certificates to those 139
applicants who pass their examination: 140

(A) Certificates for mine forepersons of gaseous mines; 141

(B) Certificates for mine forepersons of nongaseous mines; 142

(C) Certificates for forepersons of gaseous mines;	143
(D) Certificates for forepersons of nongaseous mines;	144
(E) Certificates for forepersons of surface maintenance facilities of underground or surface mines;	145 146
(F) Certificates for mine forepersons of surface mines;	147
(G) Certificates for forepersons of surface mines;	148
(H) Certificates for fire bosses;	149
(I) Certificates for mine electricians;	150
(J) Certificates for surface mine blasters;	151
(K) Certificates for shot firers.	152
Applicants for certificates shall make application to the chief, on a form provided by the chief, for examination. All applicants shall be able to read and write the English language intelligently, and shall furnish the chief with a certificate as to their character, length and description of their practical experience, and satisfactory evidence of their ability to perform the duties of the position for which they make application for examination.	153 154 155 156 157 158 159 160
<u>Any Except as provided in sections 1561.16 and 1561.17 of the Revised Code, any certificate issued by the former mine examining board prior to October 29, 1995, shall remain in effect notwithstanding the new classifications of certificates established by this section.</u>	161 162 163 164 165
<u>Sec. 1561.24. For purposes of this chapter, Chapters 1563., 1565., and 1567., and sections 1514.40 to 1514.50 of the Revised Code, there is hereby created in the state treasury the mine safety fund. The fund shall consist of money transferred to it by the administrator of workers' compensation from the coal-workers pneumoconiosis fund established in section 4131.03 of the Revised</u>	166 167 168 169 170 171

Code. All investment earnings of the mine safety fund shall be 172
credited to the fund. The chief of the division of mineral 173
resources management shall use money in the fund for all of the 174
following purposes: 175

(A) Mine safety and health inspections and audits; 176

(B) The purchase and maintenance of mine rescue and 177
inspection equipment; 178

(C) The purchase or lease of facilities for use as mine 179
rescue stations and for mine rescue and safety training; 180

(D) Mine rescue and safety and health training of miners; 181

(E) Certification and recertification of mine officials. 182

Sec. 1561.25. The division of ~~mines and reclamation~~ mineral 183
resources management shall establish and maintain four rescue 184
stations. Three of such stations shall be centrally located at 185
such places, conveniently accessible to the mines and mining areas 186
of the state so as to cover the largest number of mines in the 187
shortest period of time, as the chief of the division of ~~mines and~~ 188
~~reclamation~~ mineral resources management determines; and one such 189
station may be maintained at the mine laboratory provided for in 190
section 1561.27 of the Revised Code. In establishing such stations 191
the chief may use quarters owned by or in the possession and 192
control of the state, if available, or may lease other quarters 193
therefor. Each station shall be equipped with rescue and first aid 194
apparatus and other equipment as follows: 195

(A) One motor truck of sufficient capacity to carry the 196
equipment prescribed by this section; 197

(B) Not less than six approved breathing apparatus, complete 198
and in good working order; 199

(C) One recharging or refilling motor-driven pump for 200

recharging oxygen cylinders;	201
(D) Not less than ten oxygen storage cylinders;	202
(E) One resuscitating outfit;	203
(F) Not less than five approved flame safety lamps and one lamp testing cabinet;	204 205
(G) Not less than two carbon monoxide detectors;	206
(H) One approved methane indicating detector;	207
(I) Not less than ten approved electric mine safety cap lamps complete;	208 209
(J) Charging equipment for cap lamps;	210
(K) Not less than five hundred feet of two-inch hose of standard connections and nozzles complete;	211 212
(L) All the equipment necessary to provide emergency medical services, including that necessary for the services of a paramedic as defined in section 4765.01 of the Revised Code, and to establish and maintain an intravenous lifeline;	213 214 215 216
(M) Sufficient parts, supplies, and other necessary equipment for maintenance and operation of the equipment prescribed in this section.	217 218 219
All equipment shall be inspected and tested weekly for efficiency and operation, and be maintained in an effective operating condition. Reports of the condition shall be sent in writing to the division of mines and reclamation <u>mineral resources</u> <u>management</u> .	220 221 222 223 224
Each of such <u>the</u> stations shall at all times be in charge of an assistant superintendent of rescue stations. Each assistant superintendent shall, under the supervision of the superintendent of rescue stations, conduct classes in first aid, mine safety, rescue work, and other safety educational work for the benefit of	225 226 227 228 229

people desiring to take the same. They shall keep the equipment 230
prescribed in this section in good condition, and see that this 231
equipment reaches any mine whenever it is needed as expeditiously 232
as possible. They shall help to perform whatever duties are 233
necessary. 234

All such stations shall be under the direction of the 235
superintendent. 236

Sec. 1561.26. (A) As used in this section: 237

(1) "EMT-basic," "EMT-I," and "paramedic" have the same 238
meanings as in section 4765.01 of the Revised Code. 239

(2) "Mine medical responder" has the same meaning as in 240
section 1565.15 of the Revised Code. 241

(B) The superintendent of rescue stations, with the approval 242
of the chief of the division of mineral resources management, 243
shall, at each rescue station provided for in section 1561.25 of 244
the Revised Code, train and employ rescue crews of six members 245
each, one of whom shall hold a mine foreperson or fire boss 246
certificate and be designated captain, and train and employ any 247
number of such rescue crews as the superintendent believes 248
necessary. One member of a rescue crew shall be certified as an 249
EMT-basic, EMT-I, mine medical responder, or paramedic. Each 250
member of a rescue crew shall devote the time specified by the 251
chief each month for training purposes and shall be available at 252
all times to assist in rescue work at explosions, mine fires, and 253
other emergencies. 254

A captain of mine rescue crews shall receive for service as 255
captain the sum of twenty-four dollars per month, and each member 256
shall receive the sum of twenty dollars per month, all payable on 257
requisition approved by the chief. When engaged in rescue work at 258
explosions, mine fires, or other emergencies away from their 259

station, the members of the rescue crews and captains of the same 260
shall be paid the sum of six dollars per hour for work on the 261
surface, which includes the time consumed by those members in 262
traveling to and from the scene of the emergency when the scene is 263
away from the station of the members, and the sum of seven dollars 264
per hour for all work underground at the emergency, and in 265
addition thereto, the necessary living expenses of the members 266
when the emergency is away from their home station, all payable on 267
requisition approved by the chief. 268

Each member of a mine rescue crew shall undergo an annual 269
medical examination. The chief may designate to perform an 270
examination any individual authorized by the Revised Code to do 271
so, including a physician assistant, a clinical nurse specialist, 272
a certified nurse practitioner, or a certified nurse-midwife. In 273
designating the individual to perform a medical examination, the 274
chief shall choose one near the station of the member of the 275
rescue crews. The examiner shall report the examination results to 276
the chief and if, in the opinion of the chief, the report 277
indicates that the member is physically unfit for further 278
services, the chief shall relieve the member from further duty. 279
The fee charged by the examiner for the examination shall be paid 280
in the same manner as fees are paid to doctors employed by the 281
industrial commission for special medical examinations. 282

The chief may remove any member of a rescue crew for any 283
reason. Such crews shall be subject to the orders of the chief, 284
the superintendent, and the deputy mine inspectors when engaged in 285
actual mine rescue work. Mine rescue crews shall, in case of death 286
or injury when engaged in rescue work, wherever the same may 287
occur, be paid compensation, or their dependents shall be paid 288
death benefits, from the workers' compensation fund, in the same 289
manner as other employees of the state. 290

(C) In addition to the training of rescue crews, each 291

assistant superintendent of rescue stations, with the approval of 292
the superintendent, shall provide for and conduct safety, first 293
aid, and rescue classes at any mine or for any group of miners who 294
make application for the conducting of such classes. The chief may 295
assess a fee for safety and first aid classes for the purpose of 296
covering the costs associated with providing those classes. The 297
chief shall establish a fee schedule for safety and first aid 298
classes by rule adopted in accordance with Chapter 119. of the 299
Revised Code. Fees collected under this section shall be deposited 300
in the surface mining fund created in section 1514.06 of the 301
Revised Code. 302

The superintendent shall prescribe and provide for a uniform 303
schedule of conducting such safety and rescue classes as will 304
provide a competent knowledge of modern safety and rescue methods 305
in, at, and about mines. 306

(D) No member of a mine rescue crew who performs mine rescue 307
at an underground coal mine and no operator of a mine whose 308
employee participates as a member of such a mine rescue crew is 309
liable in any civil action that arises under the laws of this 310
state for damage or injury caused in the performance of rescue 311
work at an underground coal mine. However, a member of such a mine 312
rescue crew may be liable if the member acted with malicious 313
purpose, in bad faith, or in a wanton or reckless manner. 314

This division does not eliminate, limit, or reduce any 315
immunity from civil liability that is conferred on a member of 316
such a mine rescue crew or an operator by any other provision of 317
the Revised Code or by case law. 318

Sec. 1561.261. Except for civil actions in which the state is 319
the plaintiff, no employee of the division of mineral resources 320
management who performs rescue work at an underground coal mine is 321
liable in any civil action that arises under the laws of this 322

state for damage or injury caused in the performance of rescue 323
work at an underground coal mine unless the employee acted with 324
malicious purpose, in bad faith, or in a wanton or reckless 325
manner. 326

This section does not eliminate, limit, or reduce any 327
immunity from civil liability that is conferred on an employee of 328
the division by any other provision of the Revised Code or by case 329
law. 330

Sec. 1565.15. (A) As used in this section: 331

(1) "EMT-basic," "EMT-I," "paramedic," and "emergency medical 332
service organization" have the same meanings as in section 4765.01 333
of the Revised Code. 334

(2) "First aid provider" includes a mine medical responder, 335
an EMT-basic, an EMT-I, a paramedic, or an employee at a surface 336
coal mine who has satisfied the training requirements established 337
in division (D)(1) of this section. 338

(3) "Mine medical responder" means a person who has satisfied 339
the requirements established in rules adopted under division (E) 340
of this section. 341

(B) The operator of an underground coal mine where twenty or 342
more persons are employed on a shift, including all persons 343
working at different locations at the mine within a ten-mile 344
radius, shall provide at least one mine medical responder, 345
EMT-basic, or EMT-I on duty at the underground coal mine whenever 346
employees at the mine are actively engaged in the extraction, 347
production, or preparation of coal. The operator shall provide 348
mine medical responders, EMTs-basic, or EMTs-I on duty at the 349
underground coal mine at times and in numbers sufficient to ensure 350
that no miner works in a mine location that cannot be reached 351
within a reasonable time by a mine medical responder, an 352

EMT-basic, or an EMT-I. Mine medical responders, EMTs-basic, and 353
EMTs-I shall be employed on their regular coal mining duties at 354
locations convenient for quick response to emergencies in order to 355
provide emergency medical services inside the underground coal 356
mine and transportation of injured or sick employees to the 357
entrance of the mine. The operator shall provide for the services 358
of at least one emergency medical service organization to be 359
available on call to reach the entrance of the underground coal 360
mine within thirty minutes at any time that employees are engaged 361
in the extraction, production, or preparation of coal in order to 362
provide emergency medical services and transportation to a 363
hospital. 364

The operator shall make available to mine medical responders, 365
EMTs-basic, and EMTs-I all of the equipment for first aid and 366
emergency medical services that is necessary for those personnel 367
to function and to comply with the regulations pertaining to first 368
aid and emergency medical services that are adopted under the 369
"Federal Mine Safety and Health Act of 1977," 91 Stat. 1290, 30 370
U.S.C.A. 801, and amendments to it. The operator of the 371
underground coal mine shall install telephone service or 372
equivalent facilities that enable two-way voice communication 373
between the mine medical responders, EMTs-basic, or EMTs-I in the 374
mine and the emergency medical service organization outside the 375
mine that provides emergency medical services on a regular basis. 376

(C) The operator of a surface coal mine shall provide at 377
least one first aid provider on duty at the mine whenever 378
employees at the mine are actively engaged in the extraction, 379
production, or preparation of coal. The operator shall provide 380
first aid providers on duty at the surface coal mine at times and 381
in numbers sufficient to ensure that no miner works in a mine 382
location that cannot be reached within a reasonable time by a 383
first aid provider. First aid providers shall be employed on their 384

regular coal mining duties at locations convenient for quick 385
response to emergencies in order to provide emergency medical 386
services and transportation of injured or sick employees to the 387
entrance of the surface coal mine. The operator shall provide for 388
the services of at least one emergency medical service 389
organization to be available on call to reach the entrance of the 390
surface coal mine within thirty minutes at any time that employees 391
are engaged in the extraction, production, or preparation of coal 392
in order to provide emergency medical services and transportation 393
to a hospital. 394

The operator shall provide at the mine site all of the 395
equipment for first aid and emergency medical services that is 396
necessary for those personnel to function and to comply with the 397
regulations pertaining to first aid and emergency medical services 398
that are adopted under the "Federal Mine Safety and Health Act of 399
1977," 91 Stat. 1290, 30 U.S.C.A. 801, and amendments to it. 400

(D)(1) An employee at a surface coal mine shall be considered 401
to be a first aid provider for the purposes of this section if the 402
employee has received from an instructor approved by the chief of 403
the division of mineral resources management ten hours of initial 404
first aid training as a selected supervisory employee under 30 405
C.F.R. 77.1703 and receives five hours of refresher first aid 406
training as a selected supervisory employee under 30 C.F.R. 407
77.1705 in each subsequent calendar year. 408

(2) Each miner employed at a surface coal mine who is not a 409
first aid provider shall receive from an instructor approved by 410
the chief three hours of initial first aid training and two hours 411
of refresher first aid training in each subsequent calendar year. 412

(3) The training received in accordance with division (D) of 413
this section shall consist of a course of instruction established 414
in the manual issued by the mine safety and health administration 415
in the United States department of labor entitled "first aid, a 416

bureau of mines instruction manual" or its successor or any other 417
curriculum approved by the chief. The training shall be included 418
in the hours of instruction provided to miners in accordance with 419
training requirements established under 30 C.F.R. part 48, subpart 420
(B), as amended, and 30 C.F.R. part 77, as amended. 421

(E) The chief, in consultation with persons certified under 422
Chapter 4765. of the Revised Code to teach in an emergency medical 423
services training program, shall adopt rules in accordance with 424
Chapter 119. of the Revised Code that do all of the following: 425

(1) Prescribe training requirements for a mine medical 426
responder that specifically focus on treating injuries and 427
illnesses associated with underground coal mining; 428

(2) Prescribe an examination for a mine medical responder; 429

(3) Prescribe continuing training requirements for a mine 430
medical responder; 431

(4) Establish the fee for examination for a mine medical 432
responder; 433

(5) Prescribe any other requirements, criteria, and 434
procedures that the chief determines are necessary regarding the 435
training, examination, and continuing training of mine medical 436
responders. 437

If a person qualifies as a mine medical responder or similar 438
classification in another state, the person may provide emergency 439
medical services as a mine medical responder in this state without 440
completing the training or passing the examination that is 441
required in rules adopted under this division, provided that the 442
chief determines that the person's qualifications from the other 443
state satisfy all of the applicable requirements that are 444
established in rules adopted under this division. 445

(F) Each operator of a surface coal mine shall establish, 446

keep current, and make available for inspection an emergency 447
medical plan that includes the telephone numbers of the division 448
of mineral resources management and of an emergency medical 449
services organization the services of which are required to be 450
retained under division (C) of this section. The chief shall adopt 451
rules in accordance with Chapter 119. of the Revised Code that 452
establish any additional information required to be included in an 453
emergency medical plan. 454

~~(F)~~(G) Each operator of an underground coal mine or surface 455
coal mine shall provide or contract to obtain emergency medical 456
services training or first aid training, as applicable, at the 457
operator's expense, that is sufficient to train and maintain the 458
certification of the number of employees necessary to comply with 459
division (B) of this section and that is sufficient to train 460
employees as required under division (D) of this section and to 461
comply with division (C) of this section. 462

~~(G)~~(H) The division may provide emergency medical services 463
training for coal mine employees by operating an emergency medical 464
services training program accredited under section 4765.17 of the 465
Revised Code or by contracting with the operator of an emergency 466
medical services training program accredited under that section to 467
provide that training. The division may charge coal mine operators 468
a uniform part of the unit cost per trainee. 469

~~(H)~~(I) No coal mine operator shall violate or fail to comply 470
with this section. 471

Sec. 1567.64. (A) As used in this section, "tag lines" and 472
"tie-off lines" have the same meanings as in rules adopted under 473
this section. 474

(B) The operator of an underground coal mine shall provide 475
tag lines or tie-off lines for each miner at the mine. The 476
operator shall provide and employees of the mine shall use tag 477

lines or tie-off lines in accordance with requirements and 478
procedures established in rules adopted under this section. 479

(C) The chief of the division of mineral resources 480
management, in consultation with a statewide association 481
representing the coal mining industry and a statewide association 482
representing employees of coal mines, shall adopt rules in 483
accordance with Chapter 119. of the Revised Code concerning the 484
use of tag lines or tie-off lines in an underground coal mine. The 485
rules shall include all of the following: 486

(1) A definition of "tag line" and of "tie-off line"; 487

(2) A description or list of acceptable tag lines and tie-off 488
lines; 489

(3) Procedures and requirements for the use of tag lines and 490
tie-off lines; 491

(4) Procedures for the approval and inspection of the use of 492
tag lines and tie-off lines in a mine; 493

(5) Any other requirements concerning tag lines or tie-off 494
lines that the chief determines are necessary. 495

(D) No operator of a mine shall refuse or neglect to comply 496
with this section or rules adopted under it. 497

Sec. 1567.681. (A) The operator of an underground coal mine 498
that uses conveyor belts in the operation of the mine shall 499
install fire detection devices on each conveyor belt that is used 500
in the mine. The fire detection devices shall be of a design and 501
type established in rules adopted under this section. The chief of 502
the division of mineral resources management shall inspect the 503
fire detection devices after the operator of the mine has 504
installed the devices on the conveyor belts that are used in the 505
operation of the mine. The chief shall approve or disapprove the 506
installation of the fire detection devices and shall notify the 507

operator of the chief's decision. 508

(B) The chief, in consultation with a statewide association 509
representing the coal mining industry and a statewide association 510
representing employees of coal mines, shall adopt rules in 511
accordance with Chapter 119. of the Revised Code concerning the 512
installation and use of fire detection devices on conveyor belts 513
that are used in an underground coal mine. The rules shall include 514
all of the following: 515

(1) The design and types of fire detection devices that must 516
be used on a conveyor belt in order to provide for the earliest 517
possible detection of a fire; 518

(2) The number of fire detection devices that are required on 519
a conveyor belt; 520

(3) A procedure for the notification of the chief after the 521
operator of a mine has installed the fire detection devices; 522

(4) A procedure for the inspection of fire detection devices 523
installed on a conveyor belt; 524

(5) Any other requirements that the chief determines are 525
necessary. 526

(C) No operator of a mine shall refuse or neglect to comply 527
with this section or rules adopted under it. 528

Sec. 4131.03. (A) For the relief of persons who are entitled 529
to receive benefits by virtue of the federal act, there is hereby 530
established a coal-workers pneumoconiosis fund, which shall be 531
separate from the funds established and administered pursuant to 532
Chapter 4123. of the Revised Code. The fund shall consist of 533
premiums and other payments thereto by subscribers who elect to 534
subscribe to the fund to insure the payment of benefits required 535
by the federal act. 536

(B)(1) The coal-workers pneumoconiosis fund shall be in the 537
custody of the treasurer of state. The bureau of workers' 538
compensation shall make disbursements from the fund to those 539
persons entitled to payment therefrom and in the amounts required 540
pursuant to sections 4131.01 to 4131.06 of the Revised Code. All 541
investment earnings of the fund shall be credited to the fund. 542

(2) The administrator of workers' compensation may transfer a 543
portion of the investment earnings credited to the coal-workers 544
pneumoconiosis fund to the mine safety fund created in section 545
1561.24 of the Revised Code for the purposes specified in that 546
section. The administrator, with the advice and consent of the 547
bureau of workers' compensation board of directors, shall adopt 548
rules governing the transfer in order to ensure the solvency of 549
the coal-workers pneumoconiosis fund. For that purpose, the rules 550
may establish tests based on measures of net assets, liabilities, 551
expenses, interest, dividend income, or other factors that the 552
administrator determines appropriate that may be applied prior to 553
a transfer. 554

(C) The administrator ~~of workers' compensation~~ shall have the 555
same powers to invest any of the surplus or reserve belonging to 556
the coal-workers pneumoconiosis fund as are delegated to ~~him~~ the 557
administrator under section 4123.44 of the Revised Code with 558
respect to the state insurance fund. 559

(D) If the administrator determines that reinsurance of the 560
risks of the coal-workers pneumoconiosis fund is necessary to 561
assure solvency of the fund, ~~he~~ the administrator may: 562

(1) Enter into contracts for the purchase of reinsurance 563
coverage of the risks of the fund with any company or agency 564
authorized by law to issue contracts of reinsurance; 565

(2) Pay the cost of reinsurance from the fund; 566

(3) Include the costs of reinsurance as a liability and 567

estimated liability of the fund. 568

Section 2. That existing sections 1561.011, 1561.16, 1561.17, 569
1561.23, 1561.25, 1561.26, 1565.15, and 4131.03 of the Revised 570
Code are hereby repealed. 571

Section 3. It is the intent of the General Assembly that the 572
authorization of a transfer of a portion of the interest money in 573
the Coal-Workers Pneumoconiosis Fund created in section 4131.03 of 574
the Revised Code, by the amendment of that section by this act, to 575
the Mine Safety Fund created in section 1561.24 of the Revised 576
Code, as enacted by this act, is not to be a long-term funding 577
source for the Mine Safety Fund. In addition, the General 578
Assembly's authorization of such a transfer by this act does not 579
establish a precedent for the transfer of money from other Bureau 580
of Workers' Compensation funds to other funds. Finally, the 581
Department of Natural Resources shall examine sources other than 582
the Coal-Workers Pneumoconiosis Fund to provide money for the Mine 583
Safety Fund and report its findings to the Bureau of Workers' 584
Compensation Board of Directors immediately prior to the five-year 585
review of the rules adopted under division (B)(2) of section 586
4131.03 of the Revised Code, as amended by this act. 587

Section 4. This act is hereby declared to be an emergency 588
measure necessary for the immediate preservation of the public 589
peace, health, and safety. The reason for such necessity is that 590
the creation of the Mine Safety Fund by this act enables the 591
Division of Mineral Resources Management in the Department of 592
Natural Resources to establish a new center to provide more rapid 593
response to mine incidents in which mine workers' health or safety 594
may be in jeopardy, and, as a result, the reduction in response 595
times to such incidents could help save mine workers' lives. 596
Therefore, this act shall go into immediate effect. 597