

**As Passed by the House**

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**Am. S. B. No. 323**

**Senator Niehaus**

**Cosponsors: Senators Wilson, Harris, Carey, Schuler, Padgett, Seitz, Spada,  
Mumper, Schaffer, Morano, Bocchieri, Cafaro, Fedor, Goodman, Grendell,  
Kearney, Miller, D., Miller, R., Sawyer, Smith, Stivers, Cates, Amstutz, Faber,  
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Patton, Schlichter, Schneider, Skindell, Slesnick, Stewart, D., Stewart, J.,  
Strahorn, Szollosi, Uecker, Williams, B., Yuko**

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**A B I L L**

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 and to amend 4  
Section 512.70 of Am. Sub. H.B. 100 of the 127th 5  
General Assembly to revise certain coal mine 6  
safety requirements, to create the Mine Safety 7  
Fund to be used for specified mine safety 8  
purposes, to allow the Administrator of the Bureau 9  
of Workers' Compensation to transfer a portion of 10  
the investment earnings of the Coal-Workers 11  
Pneumoconiosis Fund to the Mine Safety Fund, to 12  
delay the date by which the Administrator of 13  
Workers' Compensation must transition from the 14

Micro Insurance Reserve Analysis System by one 15  
day, and to declare an emergency. 16  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 1561.011, 1561.16, 1561.17, 1561.23, 18  
1561.25, 1561.26, 1565.15, and 4131.03 be amended and sections 19  
1561.24, 1561.261, 1567.64, and 1567.681 of the Revised Code be 20  
enacted to read as follows: 21

**Sec. 1561.011.** ~~Nothing~~ Except as provided in section 1561.24 22  
of the Revised Code, nothing in this chapter applies to activities 23  
that are permitted and regulated under Chapter 1514. of the 24  
Revised Code. 25

**Sec. 1561.16.** (A) As used in this section and sections 26  
1561.17 to 1561.21 of the Revised Code, "actual practical 27  
experience" means previous employment that involved a person's 28  
regular presence in the type of mining operation in which the 29  
experience is required to exist; participation in functions 30  
relating to the hazards involved in and the utilization of 31  
equipment, tools, and work crews and individuals for that type of 32  
mining; and regular exposure to the methods, procedures, and 33  
safety laws applicable to that type of mining. Credit of up to one 34  
year for a portion of the required experience time may be given 35  
upon documentation to the chief of the division of mineral 36  
resources management of an educational degree in a field related 37  
to mining. Credit of up to two years of the required experience 38  
time may be given upon presentation to the chief of proof of 39  
graduation from an accredited school of mines or mining after a 40  
four-year course of study with employment in the mining industry 41  
during interim breaks during the school years. 42

(B) A person who applies for a certificate as a mine  
foreperson of gaseous mines shall be able to read and write the  
English language; shall have had at least five years' actual  
practical experience in the underground workings of a gaseous mine  
or the equivalent thereof in the judgment of the chief; and shall  
have had practical experience obtained by actual contact with gas  
in mines and have knowledge of the dangers and nature of noxious  
and explosive gases and ventilation of gaseous mines. An applicant  
for a certificate as a foreperson of gaseous mines shall meet the  
same requirements, except that the applicant shall have had at  
least three years' actual practical experience in the underground  
workings of a gaseous mine or the equivalent thereof in the  
judgment of the chief. Each applicant for examination shall pay a  
fee ~~of ten dollars~~ established in rules adopted under this section  
to the chief on the first day of such examination. ~~Any~~

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

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

(E) The chief, in consultation with a statewide association  
representing the coal mining industry and a statewide association

representing employees of coal mines, shall adopt rules in 75  
accordance with Chapter 119. of the Revised Code that do all of 76  
the following: 77

(1) Prescribe requirements, criteria, and procedures for the 78  
recertification of a mine foreperson or a foreperson of a gaseous 79  
mine who has not worked in an underground coal mine for a period 80  
of more than two calendar years; 81

(2) Prescribe requirements, criteria, and procedures for the 82  
retraining of a mine foreperson or a foreperson of a gaseous mine 83  
who has not worked in an underground coal mine for a period of one 84  
or more calendar years; 85

(3) Establish fees for the examination and recertification of 86  
mine forepersons or forepersons of gaseous mines under this 87  
section; 88

(4) Prescribe any other requirements, criteria, and 89  
procedures that the chief determines are necessary to administer 90  
this section. 91

(F) Any moneys collected under this section shall be paid 92  
into the state treasury to the credit of the mining regulation 93  
fund created in section 1561.48 of the Revised Code. 94

**Sec. 1561.17.** (A) A person who applies for a certificate as 95  
mine foreperson or foreperson of nongaseous mines shall be able to 96  
read and write the English language; shall have had at least three 97  
years' actual practical experience in mines, or the equivalent 98  
thereof in the judgment of the chief of the division of mineral 99  
resources management; and shall have knowledge of the dangers and 100  
nature of noxious gases. Each applicant for examination shall pay 101  
a fee ~~of ten dollars~~ established in rules adopted under this 102  
section to the chief on the first day of the examination. ~~Any~~ 103

(B) A person who has been issued a certificate as a mine 104

foreperson or a foreperson of a nongaseous coal mine and who has 105  
not worked in an underground coal mine for a period of more than 106  
two calendar years shall apply for and obtain recertification from 107  
the chief in accordance with rules adopted under this section 108  
before performing the duties of a mine foreperson or a foreperson 109  
of a nongaseous coal mine. An applicant for recertification shall 110  
pay a fee established in rules adopted under this section at the 111  
time of application for recertification. 112

113

(C) A person who has been issued a certificate as a mine 114  
foreperson or a foreperson of a nongaseous coal mine and who has 115  
not worked in an underground coal mine for a period of one or more 116  
calendar years shall successfully complete a retraining course in 117  
accordance with rules adopted under this section before performing 118  
the duties of a mine foreperson or a foreperson of a nongaseous 119  
coal mine. 120

(D) The chief, in consultation with a statewide association 121  
representing the coal mining industry and a statewide association 122  
representing employees of coal mines, shall adopt rules in 123  
accordance with Chapter 119. of the Revised Code that do all of 124  
the following: 125

(1) Prescribe requirements, criteria, and procedures for the 126  
recertification of a mine foreperson or a foreperson of a 127  
nongaseous coal mine who has not worked in an underground coal 128  
mine for a period of more than two calendar years; 129

(2) Prescribe requirements, criteria, and procedures for the 130  
retraining of a mine foreperson or a foreperson of a nongaseous 131  
coal mine who has not worked in an underground coal mine for a 132  
period of one or more calendar years; 133

(3) Establish fees for the examination and recertification of 134  
mine forepersons or forepersons of nongaseous coal mines under 135

<u>this section;</u>	136
<u>(4) Prescribe any other requirements, criteria, and</u>	137
<u>procedures that the chief determines are necessary to administer</u>	138
<u>this section.</u>	139
<u>(E) Any</u> moneys collected under this section shall be paid	140
into the state treasury to the credit of the mining regulation	141
fund created in section 1561.48 of the Revised Code.	142
<b>Sec. 1561.23.</b> The chief of the division of mineral resources	143
management shall issue the following certificates to those	144
applicants who pass their examination:	145
(A) Certificates for mine forepersons of gaseous mines;	146
(B) Certificates for mine forepersons of nongaseous mines;	147
(C) Certificates for forepersons of gaseous mines;	148
(D) Certificates for forepersons of nongaseous mines;	149
(E) Certificates for forepersons of surface maintenance	150
facilities of underground or surface mines;	151
(F) Certificates for mine forepersons of surface mines;	152
(G) Certificates for forepersons of surface mines;	153
(H) Certificates for fire bosses;	154
(I) Certificates for mine electricians;	155
(J) Certificates for surface mine blasters;	156
(K) Certificates for shot firers.	157
Applicants for certificates shall make application to the	158
chief, on a form provided by the chief, for examination. All	159
applicants shall be able to read and write the English language	160
intelligently, and shall furnish the chief with a certificate as	161
to their character, length and description of their practical	162
experience, and satisfactory evidence of their ability to perform	163

the duties of the position for which they make application for 164  
examination. 165

Any Except as provided in sections 1561.16 and 1561.17 of the 166  
Revised Code, any certificate issued by the former mine examining 167  
board prior to October 29, 1995, shall remain in effect 168  
notwithstanding the new classifications of certificates 169  
established by this section. 170

Sec. 1561.24. For purposes of this chapter, Chapters 1563., 171  
1565., and 1567., and sections 1514.40 to 1514.50 of the Revised 172  
Code, there is hereby created in the state treasury the mine 173  
safety fund. The fund shall consist of money transferred to it by 174  
the administrator of workers' compensation from the coal-workers 175  
pneumoconiosis fund established in section 4131.03 of the Revised 176  
Code. All investment earnings of the mine safety fund shall be 177  
credited to the fund. The chief of the division of mineral 178  
resources management shall use money in the fund for all of the 179  
following purposes: 180

(A) Mine safety and health inspections and audits; 181

(B) The purchase and maintenance of mine rescue and 182  
inspection equipment; 183

(C) The purchase or lease of facilities for use as mine 184  
rescue stations and for mine rescue and safety training; 185

(D) Mine rescue and safety and health training of miners; 186

(E) Certification and recertification of mine officials. 187

Sec. 1561.25. The division of ~~mines and reclamation~~ mineral 188  
resources management shall establish and maintain four rescue 189  
stations. Three of such stations shall be centrally located at 190  
such places, conveniently accessible to the mines and mining areas 191  
of the state so as to cover the largest number of mines in the 192

shortest period of time, as the chief of the division of ~~mines and~~ 193  
~~reclamation~~ mineral resources management determines; and one such 194  
station may be maintained at the mine laboratory provided for in 195  
section 1561.27 of the Revised Code. In establishing such stations 196  
the chief may use quarters owned by or in the possession and 197  
control of the state, if available, or may lease other quarters 198  
therefor. Each station shall be equipped with rescue and first aid 199  
apparatus and other equipment as follows: 200

(A) One motor truck of sufficient capacity to carry the 201  
equipment prescribed by this section; 202

(B) Not less than six approved breathing apparatus, complete 203  
and in good working order; 204

(C) One recharging or refilling motor-driven pump for 205  
recharging oxygen cylinders; 206

(D) Not less than ten oxygen storage cylinders; 207

(E) One resuscitating outfit; 208

(F) Not less than five approved flame safety lamps and one 209  
lamp testing cabinet; 210

(G) Not less than two carbon monoxide detectors; 211

(H) One approved methane indicating detector; 212

(I) Not less than ten approved electric mine safety cap lamps 213  
complete; 214

(J) Charging equipment for cap lamps; 215

(K) Not less than five hundred feet of two-inch hose of 216  
standard connections and nozzles complete; 217

(L) All the equipment necessary to provide emergency medical 218  
services, including that necessary for the services of a paramedic 219  
as defined in section 4765.01 of the Revised Code, and to 220  
establish and maintain an intravenous lifeline; 221



(M) Sufficient parts, supplies, and other necessary equipment 222  
for maintenance and operation of the equipment prescribed in this 223  
section. 224

All equipment shall be inspected and tested weekly for 225  
efficiency and operation, and be maintained in an effective 226  
operating condition. Reports of the condition shall be sent in 227  
writing to the division of ~~mines and reclamation~~ mineral resources 228  
management. 229

Each of ~~such~~ the stations shall at all times be in charge of 230  
an assistant superintendent of rescue stations. Each assistant 231  
superintendent shall, under the supervision of the superintendent 232  
of rescue stations, conduct classes in first aid, mine safety, 233  
rescue work, and other safety educational work for the benefit of 234  
people desiring to take the same. They shall keep the equipment 235  
prescribed in this section in good condition, and see that this 236  
equipment reaches any mine whenever it is needed as expeditiously 237  
as possible. They shall help to perform whatever duties are 238  
necessary. 239

All such stations shall be under the direction of the 240  
superintendent. 241

**Sec. 1561.26.** (A) As used in this section: 242

(1) "EMT-basic," "EMT-I," and "paramedic" have the same 243  
meanings as in section 4765.01 of the Revised Code. 244

(2) "Mine medical responder" has the same meaning as in 245  
section 1565.15 of the Revised Code. 246

(B) The superintendent of rescue stations, with the approval 247  
of the chief of the division of mineral resources management, 248  
shall, at each rescue station provided for in section 1561.25 of 249  
the Revised Code, train and employ rescue crews of six members 250  
each, one of whom shall hold a mine foreperson or fire boss 251

certificate and be designated captain, and train and employ any 252  
number of such rescue crews as the superintendent believes 253  
necessary. One member of a rescue crew shall be certified as an 254  
EMT-basic, EMT-I, mine medical responder, or paramedic. Each 255  
member of a rescue crew shall devote the time specified by the 256  
chief each month for training purposes and shall be available at 257  
all times to assist in rescue work at explosions, mine fires, and 258  
other emergencies. 259

A captain of mine rescue crews shall receive for service as 260  
captain the sum of twenty-four dollars per month, and each member 261  
shall receive the sum of twenty dollars per month, all payable on 262  
requisition approved by the chief. When engaged in rescue work at 263  
explosions, mine fires, or other emergencies away from their 264  
station, the members of the rescue crews and captains of the same 265  
shall be paid the sum of six dollars per hour for work on the 266  
surface, which includes the time consumed by those members in 267  
traveling to and from the scene of the emergency when the scene is 268  
away from the station of the members, and the sum of seven dollars 269  
per hour for all work underground at the emergency, and in 270  
addition thereto, the necessary living expenses of the members 271  
when the emergency is away from their home station, all payable on 272  
requisition approved by the chief. 273

Each member of a mine rescue crew shall undergo an annual 274  
medical examination. The chief may designate to perform an 275  
examination any individual authorized by the Revised Code to do 276  
so, including a physician assistant, a clinical nurse specialist, 277  
a certified nurse practitioner, or a certified nurse-midwife. In 278  
designating the individual to perform a medical examination, the 279  
chief shall choose one near the station of the member of the 280  
rescue crews. The examiner shall report the examination results to 281  
the chief and if, in the opinion of the chief, the report 282  
indicates that the member is physically unfit for further 283

services, the chief shall relieve the member from further duty. 284  
The fee charged by the examiner for the examination shall be paid 285  
in the same manner as fees are paid to doctors employed by the 286  
industrial commission for special medical examinations. 287

The chief may remove any member of a rescue crew for any 288  
reason. Such crews shall be subject to the orders of the chief, 289  
the superintendent, and the deputy mine inspectors when engaged in 290  
actual mine rescue work. Mine rescue crews shall, in case of death 291  
or injury when engaged in rescue work, wherever the same may 292  
occur, be paid compensation, or their dependents shall be paid 293  
death benefits, from the workers' compensation fund, in the same 294  
manner as other employees of the state. 295

(C) In addition to the training of rescue crews, each 296  
assistant superintendent of rescue stations, with the approval of 297  
the superintendent, shall provide for and conduct safety, first 298  
aid, and rescue classes at any mine or for any group of miners who 299  
make application for the conducting of such classes. The chief may 300  
assess a fee for safety and first aid classes for the purpose of 301  
covering the costs associated with providing those classes. The 302  
chief shall establish a fee schedule for safety and first aid 303  
classes by rule adopted in accordance with Chapter 119. of the 304  
Revised Code. Fees collected under this section shall be deposited 305  
in the surface mining fund created in section 1514.06 of the 306  
Revised Code. 307

The superintendent shall prescribe and provide for a uniform 308  
schedule of conducting such safety and rescue classes as will 309  
provide a competent knowledge of modern safety and rescue methods 310  
in, at, and about mines. 311

(D) No member of a mine rescue crew who performs mine rescue 312  
at an underground coal mine and no operator of a mine whose 313  
employee participates as a member of such a mine rescue crew is 314  
liable in any civil action that arises under the laws of this 315

state for damage or injury caused in the performance of rescue 316  
work at an underground coal mine. However, a member of such a mine 317  
rescue crew may be liable if the member acted with malicious 318  
purpose, in bad faith, or in a wanton or reckless manner. 319

This division does not eliminate, limit, or reduce any 320  
immunity from civil liability that is conferred on a member of 321  
such a mine rescue crew or an operator by any other provision of 322  
the Revised Code or by case law. 323

**Sec. 1561.261.** Except for civil actions in which the state is 324  
the plaintiff, no employee of the division of mineral resources 325  
management who performs rescue work at an underground coal mine is 326  
liable in any civil action that arises under the laws of this 327  
state for damage or injury caused in the performance of rescue 328  
work at an underground coal mine unless the employee acted with 329  
malicious purpose, in bad faith, or in a wanton or reckless 330  
manner. 331

This section does not eliminate, limit, or reduce any 332  
immunity from civil liability that is conferred on an employee of 333  
the division by any other provision of the Revised Code or by case 334  
law. 335

**Sec. 1565.15.** (A) As used in this section: 336

(1) "EMT-basic," "EMT-I," "paramedic," and "emergency medical 337  
service organization" have the same meanings as in section 4765.01 338  
of the Revised Code. 339

(2) "First aid provider" includes a mine medical responder, 340  
an EMT-basic, an EMT-I, a paramedic, or an employee at a surface 341  
coal mine who has satisfied the training requirements established 342  
in division (D)(1) of this section. 343

(3) "Mine medical responder" means a person who has satisfied 344  
the requirements established in rules adopted under division (E) 345

of this section. 346

(B) The operator of an underground coal mine where twenty or 347  
more persons are employed on a shift, including all persons 348  
working at different locations at the mine within a ten-mile 349  
radius, shall provide at least one mine medical responder, 350  
EMT-basic, or EMT-I on duty at the underground coal mine whenever 351  
employees at the mine are actively engaged in the extraction, 352  
production, or preparation of coal. The operator shall provide 353  
mine medical responders, EMTs-basic, or EMTs-I on duty at the 354  
underground coal mine at times and in numbers sufficient to ensure 355  
that no miner works in a mine location that cannot be reached 356  
within a reasonable time by a mine medical responder, an 357  
EMT-basic, or an EMT-I. Mine medical responders, EMTs-basic, and 358  
EMTs-I shall be employed on their regular coal mining duties at 359  
locations convenient for quick response to emergencies in order to 360  
provide emergency medical services inside the underground coal 361  
mine and transportation of injured or sick employees to the 362  
entrance of the mine. The operator shall provide for the services 363  
of at least one emergency medical service organization to be 364  
available on call to reach the entrance of the underground coal 365  
mine within thirty minutes at any time that employees are engaged 366  
in the extraction, production, or preparation of coal in order to 367  
provide emergency medical services and transportation to a 368  
hospital. 369

The operator shall make available to mine medical responders, 370  
EMTs-basic, and EMTs-I all of the equipment for first aid and 371  
emergency medical services that is necessary for those personnel 372  
to function and to comply with the regulations pertaining to first 373  
aid and emergency medical services that are adopted under the 374  
"Federal Mine Safety and Health Act of 1977," 91 Stat. 1290, 30 375  
U.S.C.A. 801, and amendments to it. The operator of the 376  
underground coal mine shall install telephone service or 377

equivalent facilities that enable two-way voice communication 378  
between the mine medical responders, EMTs-basic, or EMTs-I in the 379  
mine and the emergency medical service organization outside the 380  
mine that provides emergency medical services on a regular basis. 381

(C) The operator of a surface coal mine shall provide at 382  
least one first aid provider on duty at the mine whenever 383  
employees at the mine are actively engaged in the extraction, 384  
production, or preparation of coal. The operator shall provide 385  
first aid providers on duty at the surface coal mine at times and 386  
in numbers sufficient to ensure that no miner works in a mine 387  
location that cannot be reached within a reasonable time by a 388  
first aid provider. First aid providers shall be employed on their 389  
regular coal mining duties at locations convenient for quick 390  
response to emergencies in order to provide emergency medical 391  
services and transportation of injured or sick employees to the 392  
entrance of the surface coal mine. The operator shall provide for 393  
the services of at least one emergency medical service 394  
organization to be available on call to reach the entrance of the 395  
surface coal mine within thirty minutes at any time that employees 396  
are engaged in the extraction, production, or preparation of coal 397  
in order to provide emergency medical services and transportation 398  
to a hospital. 399

The operator shall provide at the mine site all of the 400  
equipment for first aid and emergency medical services that is 401  
necessary for those personnel to function and to comply with the 402  
regulations pertaining to first aid and emergency medical services 403  
that are adopted under the "Federal Mine Safety and Health Act of 404  
1977," 91 Stat. 1290, 30 U.S.C.A. 801, and amendments to it. 405

(D)(1) An employee at a surface coal mine shall be considered 406  
to be a first aid provider for the purposes of this section if the 407  
employee has received from an instructor approved by the chief of 408  
the division of mineral resources management ten hours of initial 409

first aid training as a selected supervisory employee under 30 410  
C.F.R. 77.1703 and receives five hours of refresher first aid 411  
training as a selected supervisory employee under 30 C.F.R. 412  
77.1705 in each subsequent calendar year. 413

(2) Each miner employed at a surface coal mine who is not a 414  
first aid provider shall receive from an instructor approved by 415  
the chief three hours of initial first aid training and two hours 416  
of refresher first aid training in each subsequent calendar year. 417

(3) The training received in accordance with division (D) of 418  
this section shall consist of a course of instruction established 419  
in the manual issued by the mine safety and health administration 420  
in the United States department of labor entitled "first aid, a 421  
bureau of mines instruction manual" or its successor or any other 422  
curriculum approved by the chief. The training shall be included 423  
in the hours of instruction provided to miners in accordance with 424  
training requirements established under 30 C.F.R. part 48, subpart 425  
(B), as amended, and 30 C.F.R. part 77, as amended. 426

(E) The chief, in consultation with persons certified under 427  
Chapter 4765. of the Revised Code to teach in an emergency medical 428  
services training program, shall adopt rules in accordance with 429  
Chapter 119. of the Revised Code that do all of the following: 430

(1) Prescribe training requirements for a mine medical 431  
responder that specifically focus on treating injuries and 432  
illnesses associated with underground coal mining; 433

(2) Prescribe an examination for a mine medical responder; 434

(3) Prescribe continuing training requirements for a mine 435  
medical responder; 436

(4) Establish the fee for examination for a mine medical 437  
responder; 438

(5) Prescribe any other requirements, criteria, and 439

procedures that the chief determines are necessary regarding the 440  
training, examination, and continuing training of mine medical 441  
responders. 442

If a person qualifies as a mine medical responder or similar 443  
classification in another state, the person may provide emergency 444  
medical services as a mine medical responder in this state without 445  
completing the training or passing the examination that is 446  
required in rules adopted under this division, provided that the 447  
chief determines that the person's qualifications from the other 448  
state satisfy all of the applicable requirements that are 449  
established in rules adopted under this division. 450

(F) Each operator of a surface coal mine shall establish, 451  
keep current, and make available for inspection an emergency 452  
medical plan that includes the telephone numbers of the division 453  
of mineral resources management and of an emergency medical 454  
services organization the services of which are required to be 455  
retained under division (C) of this section. The chief shall adopt 456  
rules in accordance with Chapter 119. of the Revised Code that 457  
establish any additional information required to be included in an 458  
emergency medical plan. 459

~~(F)~~(G) Each operator of an underground coal mine or surface 460  
coal mine shall provide or contract to obtain emergency medical 461  
services training or first aid training, as applicable, at the 462  
operator's expense, that is sufficient to train and maintain the 463  
certification of the number of employees necessary to comply with 464  
division (B) of this section and that is sufficient to train 465  
employees as required under division (D) of this section and to 466  
comply with division (C) of this section. 467

~~(G)~~(H) The division may provide emergency medical services 468  
training for coal mine employees by operating an emergency medical 469  
services training program accredited under section 4765.17 of the 470  
Revised Code or by contracting with the operator of an emergency 471



medical services training program accredited under that section to 472  
provide that training. The division may charge coal mine operators 473  
a uniform part of the unit cost per trainee. 474

~~(H)~~(I) No coal mine operator shall violate or fail to comply 475  
with this section. 476

Sec. 1567.64. (A) As used in this section, "tag lines" and 477  
"tie-off lines" have the same meanings as in rules adopted under 478  
this section. 479

(B) The operator of an underground coal mine shall provide 480  
tag lines or tie-off lines for each miner at the mine. The 481  
operator shall provide and employees of the mine shall use tag 482  
lines or tie-off lines in accordance with requirements and 483  
procedures established in rules adopted under this section. 484

(C) The chief of the division of mineral resources 485  
management, in consultation with a statewide association 486  
representing the coal mining industry and a statewide association 487  
representing employees of coal mines, shall adopt rules in 488  
accordance with Chapter 119. of the Revised Code concerning the 489  
use of tag lines or tie-off lines in an underground coal mine. The 490  
rules shall include all of the following: 491

(1) A definition of "tag line" and of "tie-off line"; 492

(2) A description or list of acceptable tag lines and tie-off 493  
lines; 494

(3) Procedures and requirements for the use of tag lines and 495  
tie-off lines; 496

(4) Procedures for the approval and inspection of the use of 497  
tag lines and tie-off lines in a mine; 498

(5) Any other requirements concerning tag lines or tie-off 499  
lines that the chief determines are necessary. 500

(D) No operator of a mine shall refuse or neglect to comply 501  
with this section or rules adopted under it. 502

Sec. 1567.681. (A) The operator of an underground coal mine 503  
that uses conveyor belts in the operation of the mine shall 504  
install fire detection devices on each conveyor belt that is used 505  
in the mine. The fire detection devices shall be of a design and 506  
type established in rules adopted under this section. The chief of 507  
the division of mineral resources management shall inspect the 508  
fire detection devices after the operator of the mine has 509  
installed the devices on the conveyor belts that are used in the 510  
operation of the mine. The chief shall approve or disapprove the 511  
installation of the fire detection devices and shall notify the 512  
operator of the chief's decision. 513

(B) The chief, in consultation with a statewide association 514  
representing the coal mining industry and a statewide association 515  
representing employees of coal mines, shall adopt rules in 516  
accordance with Chapter 119. of the Revised Code concerning the 517  
installation and use of fire detection devices on conveyor belts 518  
that are used in an underground coal mine. The rules shall include 519  
all of the following: 520

(1) The design and types of fire detection devices that must 521  
be used on a conveyor belt in order to provide for the earliest 522  
possible detection of a fire; 523

(2) The number of fire detection devices that are required on 524  
a conveyor belt; 525

(3) A procedure for the notification of the chief after the 526  
operator of a mine has installed the fire detection devices; 527

(4) A procedure for the inspection of fire detection devices 528  
installed on a conveyor belt; 529

(5) Any other requirements that the chief determines are 530

necessary. 531

(C) No operator of a mine shall refuse or neglect to comply 532  
with this section or rules adopted under it. 533

**Sec. 4131.03.** (A) For the relief of persons who are entitled 534  
to receive benefits by virtue of the federal act, there is hereby 535  
established a coal-workers pneumoconiosis fund, which shall be 536  
separate from the funds established and administered pursuant to 537  
Chapter 4123. of the Revised Code. The fund shall consist of 538  
premiums and other payments thereto by subscribers who elect to 539  
subscribe to the fund to insure the payment of benefits required 540  
by the federal act. 541

(B)(1) The coal-workers pneumoconiosis fund shall be in the 542  
custody of the treasurer of state. The bureau of workers' 543  
compensation shall make disbursements from the fund to those 544  
persons entitled to payment therefrom and in the amounts required 545  
pursuant to sections 4131.01 to 4131.06 of the Revised Code. All 546  
investment earnings of the fund shall be credited to the fund. 547

(2) The administrator of workers' compensation may transfer a 548  
portion of the investment earnings credited to the coal-workers 549  
pneumoconiosis fund to the mine safety fund created in section 550  
1561.24 of the Revised Code for the purposes specified in that 551  
section. The administrator, with the advice and consent of the 552  
bureau of workers' compensation board of directors, shall adopt 553  
rules governing the transfer in order to ensure the solvency of 554  
the coal-workers pneumoconiosis fund. For that purpose, the rules 555  
may establish tests based on measures of net assets, liabilities, 556  
expenses, interest, dividend income, or other factors that the 557  
administrator determines appropriate that may be applied prior to 558  
a transfer. 559

(C) The administrator ~~of workers' compensation~~ shall have the 560  
same powers to invest any of the surplus or reserve belonging to 561

the coal-workers pneumoconiosis fund as are delegated to ~~him~~ the 562  
administrator under section 4123.44 of the Revised Code with 563  
respect to the state insurance fund. 564

(D) If the administrator determines that reinsurance of the 565  
risks of the coal-workers pneumoconiosis fund is necessary to 566  
assure solvency of the fund, ~~he~~ the administrator may: 567

(1) Enter into contracts for the purchase of reinsurance 568  
coverage of the risks of the fund with any company or agency 569  
authorized by law to issue contracts of reinsurance; 570

(2) Pay the cost of reinsurance from the fund; 571

(3) Include the costs of reinsurance as a liability and 572  
estimated liability of the fund. 573

**Section 2.** That existing sections 1561.011, 1561.16, 1561.17, 574  
1561.23, 1561.25, 1561.26, 1565.15, and 4131.03 of the Revised 575  
Code are hereby repealed. 576

**Section 3.** That Section 512.70 of Am. Sub. H.B. 100 of the 577  
127th General Assembly be amended to read as follows: 578

**Sec. 512.70.** The Administrator of Workers' Compensation shall 579  
completely transition from use of the Micro Insurance Reserve 580  
Analysis System to a different system or different version of that 581  
system to determine the reserves for use in establishing premium 582  
rates assessed for the purposes of Chapter 4121., 4123., 4127., or 583  
4131. of the Revised Code on or before ~~June 30~~ July 1, 2008. A 584  
contract between the Administrator and a vendor for the System in 585  
existence on the effective date of this section shall expire in 586  
accordance with the terms of the contract, and the Administrator 587  
may renew or extend that contract only for a period of time that 588  
does not extend past June 30, 2008. 589

The Administrator shall transition to a reserve analysis 590

system that is characterized as transparent in nature and for that purpose of transparency, satisfies both of the following criteria:

(A) The manner in which the system uses data can be understood in general terms by employers who are subject to Chapters 4121., 4123., 4127., and 4131. of the Revised Code and other persons interested in use of the system;

(B) The type of data the system uses in making reserve analysis can be explained to employers who are subject to Chapters 4121., 4123., 4127., and 4131. of the Revised Code and other persons interested in use of the system.

The Administrator shall communicate information describing the manner in which the new reserve analysis system uses data and the type of data the system uses in making reserve analysis to employers who are subject to Chapters 4121., 4123., 4127., and 4131. of the Revised Code and to any other persons who request such information.

**Section 4.** That existing Section 512.70 of Am. Sub. H.B. 100 of the 127th General Assembly is hereby repealed.

**Section 5.** It is the intent of the General Assembly that the authorization of a transfer of a portion of the interest money in the Coal-Workers Pneumoconiosis Fund created in section 4131.03 of the Revised Code, by the amendment of that section by this act, to the Mine Safety Fund created in section 1561.24 of the Revised Code, as enacted by this act, is not to be a long-term funding source for the Mine Safety Fund. In addition, the General Assembly's authorization of such a transfer by this act does not establish a precedent for the transfer of money from other Bureau of Workers' Compensation funds to other funds. Finally, the Department of Natural Resources shall examine sources other than the Coal-Workers Pneumoconiosis Fund to provide money for the Mine

Safety Fund and report its findings to the Bureau of Workers' 621  
Compensation Board of Directors immediately prior to the five-year 622  
review of the rules adopted under division (B)(2) of section 623  
4131.03 of the Revised Code, as amended by this act. 624

**Section 6.** This act is hereby declared to be an emergency 625  
measure necessary for the immediate preservation of the public 626  
peace, health, and safety. The reason for such necessity is that 627  
the creation of the Mine Safety Fund by this act enables the 628  
Division of Mineral Resources Management in the Department of 629  
Natural Resources to establish a new center to provide more rapid 630  
response to mine incidents in which mine workers' health or safety 631  
may be in jeopardy, and, as a result, the reduction in response 632  
times to such incidents could help save mine workers' lives. 633  
Therefore, this act shall go into immediate effect. 634