

**As Reported by the House Agriculture and Natural Resources
Committee**

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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,
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Mason, Wagoner, Austria**

Representatives Sayre, Yates, Domenick, Gibbs

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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 43
foreperson of gaseous mines shall be able to read and write the 44
English language; shall have had at least five years' actual 45

practical experience in the underground workings of a gaseous mine 46
or the equivalent thereof in the judgment of the chief; and shall 47
have had practical experience obtained by actual contact with gas 48
in mines and have knowledge of the dangers and nature of noxious 49
and explosive gases and ventilation of gaseous mines. An applicant 50
for a certificate as a foreperson of gaseous mines shall meet the 51
same requirements, except that the applicant shall have had at 52
least three years' actual practical experience in the underground 53
workings of a gaseous mine or the equivalent thereof in the 54
judgment of the chief. Each applicant for examination shall pay a 55
fee ~~of ten dollars~~ established in rules adopted under this section 56
to the chief on the first day of such examination. ~~Any~~ 57

(C) A person who has been issued a certificate as a mine 58
foreperson or a foreperson of a gaseous mine and who has not 59
worked in an underground coal mine for a period of more than two 60
calendar years shall apply for and obtain recertification from the 61
chief in accordance with rules adopted under this section before 62
performing the duties of a mine foreperson or a foreperson of a 63
gaseous mine. An applicant for recertification shall pay a fee 64
established in rules adopted under this section at the time of 65
application for recertification. 66

(D) A person who has been issued a certificate as a mine 67
foreperson or a foreperson of a gaseous mine and who has not 68
worked in an underground coal mine for a period of one or more 69
calendar years shall successfully complete a retraining course in 70
accordance with rules adopted under this section before performing 71
the duties of a mine foreperson or a foreperson of a gaseous mine. 72

(E) The chief, in consultation with a statewide association 73
representing the coal mining industry and a statewide association 74
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

(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
this section; 136

(4) Prescribe any other requirements, criteria, and 137
procedures that the chief determines are necessary to administer 138

<u>this section.</u>	139
(E) <u>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
Sec. 1561.23. 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 <u>Except as provided in sections 1561.16 and 1561.17 of the</u>	166

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. 167
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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 Code. All investment earnings of the mine safety fund shall be credited to the fund. The chief of the division of mineral resources management shall use money in the fund for all of the following purposes: 171
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(A) Mine safety and health inspections and audits; 181

(B) The purchase and maintenance of mine rescue and inspection equipment; 182
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(C) The purchase or lease of facilities for use as mine rescue stations and for mine rescue and safety training; 184
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(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 resources management shall establish and maintain four rescue stations. Three of such stations shall be centrally located at such places, conveniently accessible to the mines and mining areas of the state so as to cover the largest number of mines in the shortest period of time, as the chief of the division of ~~mines and reclamation~~ mineral resources management determines; and one such station may be maintained at the mine laboratory provided for in section 1561.27 of the Revised Code. In establishing such stations 188
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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
management. 228
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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 first aid provider shall receive from an instructor approved by the chief three hours of initial first aid training and two hours of refresher first aid training in each subsequent calendar year.

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

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

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

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

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

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

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

If a person qualifies as a mine medical responder or similar

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 risks of the coal-workers pneumoconiosis fund is necessary to assure solvency of the fund, ~~he~~ the administrator may:

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

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

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

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

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

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

The Administrator shall transition to a reserve analysis 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 594
Chapters 4121., 4123., 4127., and 4131. of the Revised Code and 595
other persons interested in use of the system; 596

(B) The type of data the system uses in making reserve 597
analysis can be explained to employers who are subject to Chapters 598
4121., 4123., 4127., and 4131. of the Revised Code and other 599
persons interested in use of the system. 600

The Administrator shall communicate information describing 601
the manner in which the new reserve analysis system uses data and 602
the type of data the system uses in making reserve analysis to 603
employers who are subject to Chapters 4121., 4123., 4127., and 604
4131. of the Revised Code and to any other persons who request 605
such information. 606

Section 4. That existing Section 512.70 of Am. Sub. H.B. 100 607
of the 127th General Assembly is hereby repealed. 608

Section 5. It is the intent of the General Assembly that the 609
authorization of a transfer of a portion of the interest money in 610
the Coal-Workers Pneumoconiosis Fund created in section 4131.03 of 611
the Revised Code, by the amendment of that section by this act, to 612
the Mine Safety Fund created in section 1561.24 of the Revised 613
Code, as enacted by this act, is not to be a long-term funding 614
source for the Mine Safety Fund. In addition, the General 615
Assembly's authorization of such a transfer by this act does not 616
establish a precedent for the transfer of money from other Bureau 617
of Workers' Compensation funds to other funds. Finally, the 618
Department of Natural Resources shall examine sources other than 619
the Coal-Workers Pneumoconiosis Fund to provide money for the Mine 620
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