

AN ACT relating to mine safety and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 351.090 is amended to read as follows:

- (1) The Governor shall appoint an adequate number of mine safety specialists ~~{to ensure at least two (2) inspections annually at all surface mines, provided the mine is in operation the entire year or the proportionate thereof, of all mines in the Commonwealth and sufficient additional mine safety specialists }~~to enable the commissioner to provide adequate monitoring~~[surveillance]~~ of coal mines ~~{where conditions or management policy dictate that more inspections are needed }~~to ensure the safety of miners~~[-; except the commissioner shall inspect all underground coal mines not less than six (6) times annually. Two (2) of the six (6) general inspections of underground mines shall be full electrical inspections. One (1) or more of the appointees shall be designated as electrical mine inspectors]~~. The Governor shall also appoint an adequate number of mine safety specialists to perform safety analysis and safety instruction. The term of office of each mine safety specialist shall be during the period of capable, efficient service and good behavior.
- (2) All mine safety specialists shall have a thorough knowledge of first aid and mine rescue and be able to instruct in first aid and mine rescue, and shall possess thoroughly the knowledge required of the commissioner by KRS 351.060, and shall have a thorough and practical knowledge of mining gained by at least five (5) years' experience in coal mines in the Commonwealth. For the purposes of this subsection, a degree in mining engineering from a recognized institution shall be deemed equivalent to two (2) years of practical experience in coal mines or an associate degree in mining technology from a recognized institution shall be deemed equivalent to one (1) year practical experience in coal mines. A person desiring to use a mining engineering or technology degree for practical experience credit shall

file proof of having received a degree prior to examination.

- (3) No person shall be appointed to the office of mine safety specialist unless he or she holds a current mine foreman's certificate. A person appointed as mine safety specialist shall pass an examination administered by the board. The commissioner may recommend to the Governor applicants for the positions of mine safety specialist who have successfully passed the examination and are proved by worth, training, and experience to be the most competent of the applicants.
- (4) Mine safety specialists shall be of good moral character and temperate habits and shall not, while holding office, act in any official capacity in operating any coal mine.
- (5) No reimbursement for traveling expenses shall be made except on an itemized accounting for the expenses submitted by mine safety specialists who shall verify upon oath that the expenses were incurred in the discharge of their official duties.
- (6) Each mine safety specialist shall take oath, which shall be certified by the officer administering it. The oath, in writing, and the certificate, shall be filed in the office of the Secretary of State.
- (7) Each mine inspector, mine safety analyst, electrical inspector, and mine safety instructor shall give bond with surety approved by the Governor.
- (8) Each mine safety specialist shall provide authorization to the division to perform a criminal background check by means of a fingerprint check by the Department of Kentucky State Police. The results of the state criminal background check shall be sent to the director of the division. Any fee charged by the Department of Kentucky State Police shall be an amount no greater than the actual cost of processing the request and conducting the search.

➔Section 2. KRS 351.160 is amended to read as follows:

- (1) The commissioner of the department shall annually make a report to the Governor and the Legislative Research Commission of his proceedings during the preceding

calendar year. The annual report shall be prepared and printed as soon as possible after the close of the calendar year. The annual report shall cover the complete operation of the mines in this Commonwealth during the preceding calendar year, enumerating all accidents occurring in or about any such mines during that year, and giving such other information as the commissioner deems useful, and making such suggestions as he deems important as to further legislation on the subject of mining.

(2) ~~{The commissioner shall keep and index a permanent record of all inspections made by himself and of all reports relating to inspection of mines furnished to him by mine inspectors. All such records of the department shall be public records and shall, at all times, be open to the inspection of the public, and shall be laid before the Governor or the Legislative Research Commission upon their request at any time.~~

(3) ~~{The department shall furnish certified copies of any such records, when requested to do so, upon payment of such fee as is generally charged by courts of record for certified copies. Such fee shall be paid into the Treasury of the state.~~

➔Section 3. KRS 351.243 is amended to read as follows:

The responsibilities and duties assigned to the mine safety analyst shall not be construed to limit in any way the responsibilities and duties provided in KRS Chapters 351 and 352 for any other person. **In addition to the responsibilities and powers of mine safety analysts set forth in KRS 351.242, the duties of mine safety analysts also shall consist of the following:**

- (1) Training officials and workers in and about the mines in first aid and mine rescue methods;**
- (2) Advising officials and workers in methods pertaining to safety in all its phases and in methods pertaining to the prevention of mine fires and explosions;**
- (3) Taking charge of mine rescue and recovery work whenever a mine fire, mine explosion, or other serious accident occurs within his or her district and the**

commissioner is not present, and assisting in work in other districts when so directed by the commissioner;

(4) Reopening mines or portions of mines that have been sealed on account of fire or any other cause, when directed by the commissioner to do so;

(5) Inspecting, which shall be permissible, any coal preparation plant or surface facility of any mining operation of coal including any overland coal belts; and

(6) Entering upon the premises of and inspecting any coal mine, including any overland coal belts, at any reasonable time for which a mine safety analyst shall have express authority.

→Section 4. The following KRS sections are repealed:

351.140 Duties and authority of mine inspectors -- Frequency of inspections.

351.150 Reports of mine inspectors.

→Section 5. Whereas the coal industry has been regulated by both the federal Mine Safety and Health Administration (MSHA) and the Energy and Environment Cabinet, Division of Mine Safety during a time of economic downturn in the coal industry, which places an undue burden on the regulated community, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.