

1 AN ACT relating to mine safety.

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

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

- 4 (1) The Governor shall appoint an adequate number of mine safety specialists to ensure
5 at least two (2) inspections annually at all surface mines, provided the mine is in
6 operation the entire year or the proportionate thereof, of all mines in the
7 Commonwealth and sufficient additional mine safety specialists to enable the
8 commissioner to provide adequate ***monitoring***~~[surveillance]~~ of coal mines where
9 conditions or management policy dictate that more inspections are needed to ensure
10 the safety of miners. ***Underground mines shall be inspected at least six (6) times***
11 ***annually; except that the commissioner shall have the discretion to require up to***
12 ***three (3) of the six (6) required mine safety inspections to be mine safety analysis***
13 ***visits pursuant to KRS 351.242. At least one (1) inspection shall be a full***
14 ***electrical inspection***~~[-; except the commissioner shall inspect all underground coal~~
15 ~~mines not less than six (6) times annually. Two (2) of the six (6) general inspections~~
16 ~~of underground mines shall be full electrical inspections].~~ One (1) or more of the
17 appointees shall be designated as electrical mine inspectors. The Governor shall
18 also appoint an adequate number of mine safety specialists to perform safety
19 analysis and safety instruction. The term of office of each mine safety specialist
20 shall be during the period of capable, efficient service and good behavior.
- 21 (2) All mine safety specialists shall have a thorough knowledge of first aid and mine
22 rescue and be able to instruct in first aid and mine rescue, and shall possess
23 thoroughly the knowledge required of the commissioner by KRS 351.060, and shall
24 have a thorough and practical knowledge of mining gained by at least five (5) years'
25 experience in coal mines in the Commonwealth. For the purposes of this subsection,
26 a degree in mining engineering from a recognized institution shall be deemed
27 equivalent to two (2) years of practical experience in coal mines or an associate

1 degree in mining technology from a recognized institution shall be deemed
2 equivalent to one (1) year practical experience in coal mines. A person desiring to
3 use a mining engineering or technology degree for practical experience credit shall
4 file proof of having received a degree prior to examination.

5 (3) No person shall be appointed to the office of mine safety specialist unless he or she
6 holds a current mine foreman's certificate. A person appointed as mine safety
7 specialist shall pass an examination administered by the board. The commissioner
8 may recommend to the Governor applicants for the positions of mine safety
9 specialist who have successfully passed the examination and are proved by worth,
10 training, and experience to be the most competent of the applicants.

11 (4) Mine safety specialists shall be of good moral character and temperate habits and
12 shall not, while holding office, act in any official capacity in operating any coal
13 mine.

14 (5) No reimbursement for traveling expenses shall be made except on an itemized
15 accounting for the expenses submitted by mine safety specialists who shall verify
16 upon oath that the expenses were incurred in the discharge of their official duties.

17 (6) Each mine safety specialist shall take oath, which shall be certified by the officer
18 administering it. The oath, in writing, and the certificate, shall be filed in the office
19 of the Secretary of State.

20 (7) Each mine inspector, mine safety analyst, electrical inspector, and mine safety
21 instructor shall give bond with surety approved by the Governor.

22 (8) Each mine safety specialist shall provide authorization to the division to perform a
23 criminal background check by means of a fingerprint check by the Department of
24 Kentucky State Police. The results of the state criminal background check shall be
25 sent to the director of the division. Any fee charged by the Department of Kentucky
26 State Police shall be an amount no greater than the actual cost of processing the
27 request and conducting the search.

1 ➔Section 2. KRS 351.140 is amended to read as follows:

2 Each mine inspector shall give his entire time and attention to the duties of his office,
3 which shall consist of the following:

- 4 (1) Inspecting mines and aiding, under the direction of the commissioner, in carrying
5 out and enforcing the provisions of the law relating to the inspection of mines;
- 6 (2) Training officials and workmen in and about the mines in first aid and mine rescue
7 methods;
- 8 (3) Advising officials and workmen in methods pertaining to safety in all its phases and
9 in methods pertaining to the prevention of mine fires and explosions;
- 10 (4) Taking charge of mine rescue and recovery work whenever a mine fire, mine
11 explosion or other serious accident occurs within his district, and the commissioner
12 is not present, and assisting in such work in other districts when so directed by the
13 commissioner;
- 14 (5) Reopening mines or portions of mines that have been sealed on account of fire or
15 any other cause, when directed by the commissioner to do so;
- 16 (6) Inspecting each underground and surface~~[coal]~~ mine in accordance with
17 subsection (1) of Section 1 of this Act~~[his district at least six (6) times a year and~~
18 ~~all other mines once every six (6) months. For underground coal mines, two (2) of~~
19 ~~the six (6) general inspections conducted annually shall be full electrical~~
20 ~~inspections. The commissioner may cause inspections more often if practicable and~~
21 ~~if funds permit, and whenever any danger to the workmen may exist; making a~~
22 ~~personal examination of the interior of each mine with respect to ventilation,~~
23 ~~drainage, roof control, blasting, electricity, escapeways, and general security, and~~
24 ~~also a personal examination of the outside facilities of the mine; and in gassy mines~~
25 ~~below the water table, inspections shall be more frequent, and as often as practical~~
26 ~~whenever any danger to workmen is indicated by a previous inspection. Such~~
27 ~~inspections shall involve at least two (2) inspectors. The inspectors shall locate~~

1 ~~themselves in different sections of the mine in order to determine the effectiveness~~
2 ~~and reliability of the ventilation system. Each section of the mine shall be so~~
3 ~~inspected];~~

4 (7) It shall be permissible for a mine inspector to inspect any coal preparation plant or
5 surface facility of any mining operation of coal including any overland coal belts;
6 and

7 (8) A mine inspector shall have the express authority to enter upon the premises of and
8 inspect any coal mine, including any overland coal belts, at any reasonable time.