

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 351.160 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 2. 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 3. The following KRS sections are repealed:

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

351.150 Reports of mine inspectors.

→Section 4. 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.