

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; except the commissioner shall inspect all underground coal
11 mines not less than three (3)~~[six (6)]~~ times annually. One (1)~~[Two (2)]~~ of the three
12 (3)~~[six (6)]~~ general inspections of underground mines shall be full electrical
13 inspections. One (1) or more of the appointees shall be designated as electrical mine
14 inspectors. The Governor shall also appoint an adequate number of mine safety
15 specialists to perform safety analysis and safety instruction. The term of office of
16 each mine safety specialist shall be during the period of capable, efficient service
17 and good behavior.
- 18 (2) All mine safety specialists shall have a thorough knowledge of first aid and mine
19 rescue and be able to instruct in first aid and mine rescue, and shall possess
20 thoroughly the knowledge required of the commissioner by KRS 351.060, and shall
21 have a thorough and practical knowledge of mining gained by at least five (5) years'
22 experience in coal mines in the Commonwealth. For the purposes of this subsection,
23 a degree in mining engineering from a recognized institution shall be deemed
24 equivalent to two (2) years of practical experience in coal mines or an associate
25 degree in mining technology from a recognized institution shall be deemed
26 equivalent to one (1) year practical experience in coal mines. A person desiring to
27 use a mining engineering or technology degree for practical experience credit shall

1 file proof of having received a degree prior to examination.

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

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

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

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

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

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

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

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

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

- 1 surface facility of any mining operation of coal including any overland coal belts;
2 and
3 (8) A mine inspector shall have the express authority to enter upon the premises of and
4 inspect any coal mine, including any overland coal belts, at any reasonable time.