

Sub. H. B. No. 96
As Passed by the Senate
DNRCD17

_____ moved to amend as follows:

In line 352 of the title, after "956.181," insert "1561.18, 1561.21, 1
1561.22," 2

After line 35311, insert: 3

"**Sec. 1561.13.** The chief of the division of mineral 4
resources management shall conduct examinations for offices and 5
positions in the division of mineral resources management, and 6
for mine forepersons, mine electricians, ~~shot firers,~~ and 7
surface mine blasters, ~~and fire bosses,~~ as follows: 8

(A) Division of mineral resources management: 9

(1) Deputy mine inspectors of underground mines; 10

(2) Deputy mine inspectors of surface mines; 11

(3) Electrical inspectors; 12

(4) Superintendent of rescue stations; 13

(5) Assistant superintendents of rescue stations; 14

(6) Mine chemists at a division laboratory if the chief 15
chooses to operate a laboratory. 16

(B) Mine forepersons:	17
(1) Mine foreperson of gaseous mines;	18
(2) Mine foreperson of nongaseous mines;	19
(3) Mine foreperson of surface mines.	20
(C) Forepersons:	21
(1) Foreperson of gaseous mines;	22
(2) Foreperson of nongaseous mines;	23
(3) Foreperson of surface maintenance facilities at	24
underground or surface mines;	25
(4) Foreperson of surface mines.	26
(D) Fire bosses.	27
(E) Mine electricians.	28
(F) (E) Surface mine blasters.	29
(G) Shot firers.	30
The chief annually shall provide for the examination of	31
candidates for appointment or promotion as deputy mine	32
inspectors and such other positions and offices set forth in	33
division (A) of this section as are necessary. Special	34
examinations may be held whenever it becomes necessary to make	35
appointments to any of those positions.	36
The chief shall provide for the examination of persons	37
seeking certificates of competency as mine forepersons,	38
forepersons, mine electricians, shot firers, <u>and</u> surface mine	39
blasters, and fire bosses quarterly or more often as required,	40
<u>needed and</u> at such times and places within the state as shall,	41

in the judgment of the chief, afford the best facilities to the
greatest number of applicants. ~~Public notice shall be given
through the press or otherwise, not less than ten days in
advance, announcing the time and place at which examinations
under this section are to be held.~~

The examinations provided for in this section shall be
conducted under rules adopted under section 1561.05 of the
Revised Code and conditions prescribed by the chief. Any rules
that relate to particular candidates shall, upon application of
any candidate, be furnished to the candidate by the chief; they
shall also be of uniform application to all candidates in the
several groups.

Sec. 1561.16. (A) As used in this section and sections
1561.17 to ~~1561.21~~ 1561.20 of the Revised Code, "actual
practical experience" means previous employment that involved a
person's regular presence in the type of mining operation in
which the experience is required to exist; participation in
functions relating to the hazards involved in and the
utilization of equipment, tools, and work crews and individuals
for that type of mining; and regular exposure to the methods,
procedures, and safety laws applicable to that type of mining.
Credit of up to one year for a portion of the required
experience time may be given upon documentation to the chief of
the division of mineral resources management of an educational
degree in a field related to mining. Credit of up to two years
of the required experience time may be given upon presentation
to the chief of proof of graduation from an accredited school of
mines or mining after a four-year course of study with
employment in the mining industry during interim breaks during
the school years.

(B) Except as provided in division (G) of this section, a person who applies for a certificate as a mine foreperson of gaseous mines shall be able to read and write the English language; shall have had at least five years' actual practical experience in the underground workings of a gaseous mine or the equivalent thereof in the judgment of the chief; and shall have had practical experience obtained by actual contact with gas in mines and have knowledge of the dangers and nature of noxious and explosive gases and ventilation of gaseous mines. An applicant for a certificate as a foreperson of gaseous mines shall meet the same requirements, except that the applicant shall have had at least three years' actual practical experience in the underground workings of a gaseous mine or the equivalent thereof in the judgment of the chief. Each applicant for examination shall pay a fee established in rules adopted under this section to the chief on the first day of such examination.

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

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

performing the duties of a mine foreperson or a foreperson of a 102
gaseous mine. 103

(E) The chief, in consultation with a statewide 104
association representing the coal mining industry and a 105
statewide association representing employees of coal mines, 106
shall adopt rules in accordance with Chapter 119. of the Revised 107
Code that do all of the following: 108

(1) Prescribe requirements, criteria, and procedures for 109
the recertification of a mine foreperson or a foreperson of a 110
gaseous mine who has not worked in an underground coal mine for 111
a period of more than two calendar years; 112

(2) Prescribe requirements, criteria, and procedures for 113
the retraining of a mine foreperson or a foreperson of a gaseous 114
mine who has not worked in an underground coal mine for a period 115
of one or more calendar years; 116

(3) Establish fees for the examination and recertification 117
of mine forepersons or forepersons of gaseous mines under this 118
section; 119

(4) Prescribe any other requirements, criteria, and 120
procedures that the chief determines are necessary to administer 121
this section. 122

(F) Any money collected under this section shall be paid 123
into the state treasury to the credit of the mining regulation 124
and safety fund created in section 1513.30 of the Revised Code. 125

(G) The chief shall issue a certificate as a foreperson of 126
gaseous mines in accordance with Chapter 4796. of the Revised 127
Code to an applicant if either of the following applies: 128

(1) The applicant holds a license or certificate in 129

another state. 130

(2) The applicant has satisfactory work experience, a 131
government certification, or a private certification as 132
described in that chapter as a foreperson of gaseous mines in a 133
state that does not issue that license or certificate. 134

Sec. 1561.23. (A) The chief of the division of mineral 135
resources management shall issue the following certificates to 136
those applicants who pass their examination: 137

- (1) Certificates for mine forepersons of gaseous mines; 138
- (2) Certificates for mine forepersons of nongaseous mines; 139
- (3) Certificates for forepersons of gaseous mines; 140
- (4) Certificates for forepersons of nongaseous mines; 141
- (5) ~~Certificates for forepersons of surface maintenance~~ 142
~~facilities of underground or surface mines;~~ 143
- ~~(6)~~ Certificates for mine forepersons of surface mines; 144
- ~~(7)~~ (6) Certificates for forepersons of surface mines; 145
- ~~(8)~~ Certificates for fire bosses; 146
- ~~(9)~~ (7) Certificates for mine electricians; 147
- ~~(10)~~ (8) Certificates for surface mine blasters; 148
- ~~(11)~~ Certificates for shot firers. 149

(B) Applicants for certificates shall make application to 150
the chief, on a form provided by the chief, for examination. All 151
applicants shall be able to read and write the English language 152
intelligently, and shall furnish the chief with a certificate as 153
to the length and description of their practical experience and 154

satisfactory evidence of their ability to perform the duties of 155
the position for which they make application for examination. 156

(C) The chief may issue a certificate to an applicant for 157
mine foreperson, foreperson, or mine electrician who holds a 158
valid certification or other authorization from a state with 159
which the department of natural resources has a reciprocal 160
agreement for the certification or other authorization. However, 161
the applicant shall pass an examination on this chapter and 162
rules adopted under it or on any other relevant material that 163
the chief determines to be appropriate. 164

A mine foreperson, foreperson, or mine electrician who has 165
been issued a temporary certificate under section 1565.06 of the 166
Revised Code prior to ~~the effective date of this amendment~~ 167
September 30, 2021, and who holds a valid certification or other 168
authorization from a state with which the department has a 169
reciprocal agreement for the certification or other 170
authorization may continue to operate under the temporary 171
certificate until it expires or the chief suspends or revokes 172
it. 173

(D) Except as provided in sections 1561.16 and 1561.17 of 174
the Revised Code, any certificate issued by the former mine 175
examining board prior to October 29, 1995, shall remain in 176
effect notwithstanding the new classifications of certificates 177
established by this section. 178

Sec. 1561.46. Fees received by the chief of the division 179
of mineral resources management under sections 1561.16 to 180
~~1561.22~~ 1561.20 of the Revised Code shall be paid by the chief 181
into the state treasury to the credit of the mining regulation 182
and safety fund created in section 1513.30 of the Revised Code. 183

Sec. 1561.48. All money collected under sections 1561.14, 184
 1561.16, 1561.17, ~~1561.18~~, 1561.19, 1561.20, ~~1561.21~~, ~~1561.22~~, 185
 1561.45, and 1561.46 of the Revised Code shall be paid into the 186
 state treasury to the credit of the mining regulation and safety 187
 fund created by section 1513.30 of the Revised Code. The 188
 department of natural resources shall use the money in the fund 189
 to pay the operating expenses of the division of mineral 190
 resources management. " 191

In line 145062, after "956.181," insert "1561.18, 1561.21, 1561.22," 192

Update the title, amend, enact, or repeal clauses accordingly 193

The motion was _____ agreed to.

SYNOPSIS

ODNR Division of Mineral Resources Management

R.C. 1561.13, 1561.16, 1561.23, 1561.46, and 1561.48; R.C. 196
1561.18, 1561.21, 1561.22 (repealed) 197

Restores the following from the As Passed by the House 198
 version of the bill: 199

1. The repeal of provisions of Ohio's mine and quarry law 200
 specifying the qualifications for (1) fire bosses, (2) shot 201
 firers, and (3) forepersons of surface maintenance facilities, 202
 and the repeal of the requirement that the Chief must conduct 203
 examinations for these positions and issue certificates to 204
 applicants who pass their examinations. 205

2. The specification that for mine forepersons, 206

forepersons, mine electricians, and surface mine blasters, the 207
Chief must provide examinations "as needed" instead of 208
"quarterly or more often as required" in current law. 209

3. The repeal of the requirement that public notice be 210
given announcing the time and place for upcoming examinations. 211