

Reported Recommending
 Ind. Postponed.....
 Passed House
 Failed to Pass House.....
 Passed Senate
 Failed to Pass Senate.....

House File 339

February 20, 1945.
 Ways and Means.

By VISSER, AUBREY and McREYNOLDS.

A BILL FOR

An Act to amend section one thousand two hundred eighty-eight (1288), Code, 1939, relating to temporary employment in operation of mines in case of discharge, resignation or disability.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. Amend section one thousand two hundred eighty-eight
- 2 (1288), Code, 1939, by striking out the word "sixty" in line five (5)
- 3 and inserting in lieu thereof the word "seven" (7), and striking
- 4 the period (.) at the end of the chapter and inserting a comma (,)
- 5 in lieu thereof and adding the following:
- 6 "and with the approval of the state mine inspector of the district,
- 7 for a further period not exceeding twenty-three (23) days."

EXPLANATION OF H. F. 339

This amendment is to prohibit a practice of operating the coal mines without a certified foreman and hoisting engineer as specified by the mining law and by such an enactment it was intended that the state would have jurisdiction to enforce the safety measures as prescribed by its legislative bodies for the protection of the workmen while working in the mine, but the sixty days privilege granted by the law is too long a period to operate the mine without a certified mine foreman or hoisting engineer and the non-certified mine foreman or hoisting engineer knows that he is not liable to the state because he is not certified and in some cases it is about a fifty-fifty proposition, the mine is operated just about as much with a non-certified employee for the said position as with a certified employee, consequently, the mine operates only about half of the time under the protection of a certified employee during th short winter season.

This section gives the operator or parties operating the mine the absolute right to replace a certified employee with a non-certified employee regardless of his knowledge or experience relative to mine operation and the requirements set forth by law to operate same, but he can supervise the same for a period of sixty days and the state has no voice in selection of person or jurisdiction concerning same.

See the General Mining Laws of the State of Illinois, Page 12, "Unlawful to Employ Other Than Certificated Mine Manager."

Also Colorado Mining Laws, temporary substitutes, Page 22, article 36, which reads as follows:

"In case of the necessary temporary absence of the mine foreman, he may deputize

any Certificated person, if one be available, who shall for the time being perform all the duties. In case of death or resignation of a mine foreman the owner shall appoint a certified man if a suitable man is available, and if not he may temporarily appoint any other man, but shall immediately notify the Chief Inspector, who shall assist him in securing a suitable man who has a certificate. If no suitable man can be found the temporary man may serve with the approval of the Chief or Deputy Inspector until the next examination.

See the General Mining laws of the State of Illinois (d), "Provided, that when any emergency arises by which it is impossible for any operator to secure the immediate service of a certified mine manager, he may place any trustworthy and experienced man of the mine inspection district in charge of his mine to act as temporary mine manager for a period not exceeding seven days, and with the approval of the mine inspector of the district, for a period not exceeding twenty-three (23) days."

See temporary employment on page 12, article (g): "The employment of any person who does not hold certificate as mine foreman and mine examiner, shall in no case exceed the limit of time specified herein, and the inspector shall not approve of the employment of such person beyond the twenty-three (23) day limit."