

Senate substituted for S. J. 346 - 4/1

February 26, 1953.
Passed on File.

House File 368

By MINES AND MINING COMMITTEE.

Passed House, Date..... 3-27-53
Vote: Ayes..... 89..... Nays..... 2
Passed Senate, Date..... 4-1-53
Vote: Ayes..... 49..... Nays..... 1
Approved..... 4-7-53

A BILL FOR

An Act to amend chapter eighty-two (82) relating to mines and state mine inspectors, and to amend sections eighty-two point thirteen (82.13), eighty-two point eighty (82.80), relating to the office of local mine inspectors, section eighty-two point eighty-one (82.81), eighty-two point ninety (82.90), eighty-two point one hundred two (82.102), eighty-two point one hundred three (82.103), eighty-two point one hundred four (82.104), eighty-two point one hundred twenty-five (82.125), Code 1950, to promote greater safety in mines and to conform with certain requirements of Public Law 552, Laws of the 82nd Congress, approved July 16, 1952, to repeal subsections five (5) and six (6) of section eighty-two point one hundred twenty-seven (82.127), Code 1950, which are obsolete, and to amend section eighty-three point one (83.1), Code 1950, relating to mines other than coal mines and to provide greater safety in such mines.

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

- 1 Section 1. Amend section eighty-two point thirteen (82.13),
- 2 Code 1950, by striking from line eleven (11) the words "one hun-
- 3 dred eighty" and substituting in lieu thereof the words "three
- 4 hundred".
- 1 Sec. 2. Amend section eighty-two point eighty (82.80), Code
- 2 1950, by striking from lines one (1) and two (2) the words "from
- 3 the solid".
- 1 Sec. 3. Amend section eighty-two point eighty-one (82.81).
- 2 Code 1950, by striking from lines four (4), five (5), six (6), and

3 seven (7), the words "scraper, or tool that is not tipped on each
4 end thereof with at least five inches of brass, copper, or other
5 nonsparking metal," and substituting in lieu thereof the words,
6 "unless such tamper be made of wood,".

1 Sec. 4. Amend section eighty-two point ninety (82.90), Code
2 1950, by striking all of that portion of said section after the
3 word "dusty" in line four (4) and substituting in lieu thereof the
4 words "shall cause the same to be sprinkled or rock dusted at least
5 once each week. Provided, however, that if the state mine inspect-
6 or finds that any mine requires sprinkling or rock dusting oftener
7 than once a week in order to promote the safety of persons and
8 property in such mine, the operator of such mine shall cause the
9 same to be sprinkled or dusted from time to time other than once
10 a week when so ordered by the state mine inspector."

1 Sec. 5. Amend section eighty-two point one hundred two
2 (82.102), Code 1950, by striking the entire section and substitut-
3 ing in lieu thereof the following: "Notwithstanding the fact that
4 coal mines in Iowa are classified as non-gassy, where the inspec-
5 tor finds that the air at the working face, roof, or rib contains
6 more than twenty-five hundredths of one percentum (.25%) of
7 methane gas when tested by a permissible methane gas detector or a
8 permissible flame safety lamp, the mine inspector shall immediately
9 forbid the use of any kind of open lights in the mine and the
10 operator shall then furnish and keep in good order electric cap-
11 lamps of a kind approved by the United States Bureau of Mines, in
12 addition to the flame safety lamps required to make an examination

13 for gas.”

1 Sec. 6. Amend section eighty-two point one hundred three
2 (82.103), Code 1950, by striking the entire section and substitut-
3 ing in lieu thereof the following:

4 “Any mine regularly employing fifteen (15) or more men under-
5 ground shall make a pre-shift examination with a safety lamp or a
6 methane gas detector within four (4) hours prior to the start of
7 every shift on each working day. Such examination shall be made
8 by a competent employee certified by the state board of mine
9 examiners as qualified to perform such an examination. A safety
10 lamp or methane gas detector shall not be required during daily
11 inspections made at any other time except as hereinafter provided.
12 Provided, however, that in longwall operations, an examination of
13 the face shall not be required until such time as the removal of
14 coal from in front of the face shall make such examination possible.
15 Such examination shall be made with a safety lamp or a methane gas
16 detector every day which the mine produces coal.

17 “The pre-shift examination and the examination provided for
18 longwall mines shall include testing of the roof in each working
19 place and the person making such examination shall put his ini-
20 tials and the date of such examination on a suitable marker in
21 each of the places examined, and a daily record of such examina-
22 tions shall be kept at the office of the mine.

23 “Notwithstanding the number of persons employed in any mine,
24 where the state mine inspector finds that a pre-shift or other
25 examination would provide greater safety in any mine or reduce

26 the danger of accidents, the state mine inspector may order such
27 examinations as he shall find to be required.

28 "When the operator of any mine uses explosives in shooting
29 coal from the solid or otherwise, he shall designate a person to
30 make the above mentioned examinations and such operator shall
31 also designate an alternate, who may be the foreman of the mine,
32 to make examinations when the regular examiner is not available.
33 Provided, however, that persons so designated by the mine operator
34 shall be limited to those persons who shall have appeared before
35 the board of mine examiners at their regular meetings and demon-
36 strated, to the satisfaction of the board, their knowledge of the
37 construction and operation of the flame safety lamp and the meth-
38 ane gas detector, approved by the Bureau of Mines, and demonstrate
39 their proficiency in making examinations for the detection of
40 methane gas and air deficiency in coal mines."

1 Sec. 7. Amend section eighty-two point one hundred four
2 (82.104), Code 1950, by striking the entire section and substitut-
3 ing in lieu thereof the following:

4 "In order to promote safety in coal mines of this state,
5 there shall be a suitable check-in and check-out system maintained
6 by the operator of every underground mine in this state, which
7 system shall first be approved by the state mine inspector, such
8 check-in and check-out system shall be such as to insure that
9 every person other than the shot firer shall have left the mine
10 before any shots are fired."

1 Sec. 8. Amend section eighty-two point one hundred twenty-

2 five (82.125), Code 1950, by striking the word "five" from line
 3 two. (2) thereof and substituting in lieu thereof the word "fifteen".
 4 Further amend section eighty-two point one hundred twenty-five
 5 (82.125), Code 1950, by striking from line four (4) the word "ten"
 6 and substituting in lieu thereof the word "twenty".

1 Sec. 9. Subsections five (5) and six (6) of section eighty-
 2 two point one hundred twenty-seven (82.127), Code 1950, is hereby
 3 repealed.

1 Sec. 10. Amend section eighty-three point one (83.1), Code
 2 1950, by striking from line two (2) thereof the words "gypsum
 3 mine" and substituting in lieu thereof the words "mine other than
 4 a coal mine". Further amend section eighty-three point one
 5 (83.1), Code 1950, by adding thereto the following paragraph:

6 "All foremen at mines, other than coal mines, whether said
 7 mines be shaft, slope, drift, or strip, shall be certified by the
 8 board of mine examiners in the same manner as provided for in the
 9 case of foremen in coal mines in section eighty-two point four
 10 (82.4), Code 1950."

This is an identical and companion bill to S. F. 346.

EXPLANATION OF H. F. 368

Public Law 552 of the 82nd Congress provides: for extensive control by the federal government over coal mines; that where state laws provide greater safety than that provided by said Public Law 552, that state law will prevail. It is necessary to revise the Iowa law in certain parts to avoid the federal government assuming full control over the safety of mines and having full authority to close mines in Iowa without the cooperation of the state inspectors.

Lead and zinc mines are being developed in Iowa. It is recommended that section 83.1, which is a part of the chapter relating to gypsum mines, be amended to require all mines to conform to the same safety code as is now required of coal and gypsum mines.

The law presently, in section 82.80, Code 1950, allows local mine inspectors \$180 for office equipment and office supplies. That amount is insufficient and will provide nothing at the present costs of rent, service and supplies. Section 1 of the Act increases the allowance to \$300.

- 1 Amend House File 368 as follows:
- 2 Amend House File 368 by striking all of section ten
- 3 (10).

Filed
 March 10, 1953.

MOODY of Grundy.
 TATE of Cerro Gordo.

Adopted
3/27

- 1 Amend House File 368 by adding the following new
- 2 section:
- 3 "Sec. 11 Nothing in this chapter shall be construed
- 4 to apply to the excavation of materials incident to the
- 5 manufacture of clay products, or the production of sand
- 6 and gravel, or the quarrying of stone."

Filed
 March 11, 1953.

PARKER of Polk.
 RYAN of Polk.

Withdrawn
3/27



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