

MINING

CHAPTER 163

H. B. No. 307—(Committee on Mines and Mining)

REGULATION AND LICENSING OF COAL MINES

An act to amend and re-enact Chapter 167 of the 1935 Session Laws, providing for the procuring of coal mine licenses from the State Coal Mine Inspector, the payment of moneys collected into the General Treasury of the State of North Dakota, and appropriating therefrom moneys to be paid into the Coal Mining Safety Fund, providing for the keeping and furnishing by coal mine operators of such records and statistics and the reporting thereof to the State Coal Mine Inspector, giving the State Coal Mine Inspector power to revoke licenses and enjoin the operation of unlicensed mines, providing for an appeal to the district court from such order of revocation, providing a penalty for failure to comply with the law.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. COAL MINE LICENSES HOW PROCURED.] The operator of each and every coal mine operated in the State of North Dakota, and selling, bartering or exchanging coal with any other person, shall annually, on or before the 10th day of July, after the passage and approval of this act, procure a license from the State Coal Mine Inspector for which he shall pay a fee of five dollars (\$5.00) for any mine producing less than one hundred tons (100), and \$10.00 for any mine producing more than one hundred tons (100) and less than one thousand tons (1,000) annually, and \$30.00 for any mine producing more than one thousand tons (1,000) and less than five thousand tons (5,000) annually, and \$40.00 for any mine producing more than five thousand tons (5,000) and less than ten thousand tons (10,000) annually, and \$50.00 for any mine producing more than ten thousand tons (10,000) and less than twenty thousand tons (20,000) annually, and \$80.00 for any mine producing more than twenty thousand tons (20,000) and less than fifty thousand tons (50,000) annually, and \$100.00 for any mine producing more than fifty thousand tons (50,000) and less than two hundred thousand tons (200,000) annually, and \$150.00 for any mine producing two hundred thousand tons (200,000) or more annually. The license period shall be from July 1st of one year to June 30th of the next, both dates inclusive. The amount of license fee on mines shall be based on the operator's report of the number of tons of coal mined during the year terminating with the date of issuance of the new license, except in the case of mines applying for an initial license in which case the license fee shall be based on the operators estimate of the number of tons of coal to be produced during the license year. Provided, however, that no coal mine operator who

is or will be an employer under the terms of the Workmen's Compensation Act, shall receive such license unless and until he shall have applied for Workmen's Compensation Insurance and such insurance coverage is in effect.

§ 2. COAL MINE SAFETY FUND. SOURCE AND DISBURSEMENT.] The fees for coal mine licenses as required in Section 1 hereof shall be paid monthly by the State Coal Mine Inspector to the Treasurer of the State of North Dakota by whom they shall be deposited into the General Fund of the State of North Dakota. Of the revenue collected under this act, the State Treasurer shall annually retain, in his hands a fund in the sum of three thousand dollars (\$3,000) which shall be credited in a fund to be known as the Coal Mine Safety Fund. The mileage and traveling expenses for safety work of the State Coal Mine Inspector and the expense of all assistance procured by him for the enforcement of this provision and of the coal mining code safety work shall be paid out of the said fund in the manner in which other funds of the State of North Dakota are disbursed upon vouchers approved by the State Coal Mine Inspector. Any unused balance of such fund at the end of each year shall be paid into the State Treasury to the credit of the General Fund.

§ 3. PROMULGATION OF SAFETY RULES.] The State Coal Mine Inspector is hereby vested with the power to promulgate, issue and enforce all necessary and proper rules and safety regulations relative to the operation of any and all coal mines, and shall have the right to prescribe safety equipment to be worn by all persons working in or about such mines.

§ 4. STATISTICS TO BE FURNISHED.] There shall be kept in a book, to be provided for that purpose for each mine operated as provided in Section 1, the following information: Name of the mine; its location; when it began business; by whom owned; by whom operated; number of tons of coal mined; number of men employed; wages paid by the day, week, month and year; the total cost of operating the mine; the total amount of coal sold and the price received therefor.

§ 5. REPORT TO STATE COAL MINE INSPECTOR.] It shall be the duty of all persons operating a mine within this State, as provided in Sections 1 and 3, to make a verified report to the State Coal Mine Inspector containing all the information to be kept by said mine operator as provided in Section 3.

§ 6. POWER TO REVOKE LICENSE.] That State Coal Mine Inspector shall have the right to revoke the license of any operator of a coal mine in this State for failure to comply with the safety rules, regulations and requirements of the inspector relative to the coal mine of such operator or for being in default in premiums of Workmen's Compensation Insurance.

The said inspector may also enjoin, by proper legal proceedings, the operation of any coal mine without license.

§ 7. APPEAL FROM ORDER OF STATE COAL MINE INSPECTOR. REVOKING LICENSES.] Any operator of a coal mine whose license has been revoked by the State Coal Mine Inspector, under the provisions of this chapter, may appeal to the district court of any county in this State in which the mine for which the license has been revoked or any portion thereof is located, from the order revoking such license by serving notice of appeal and specifications of error upon the Coal Mine Inspector and filing such notice and specifications in the said district court within ten days after the service upon the operator of the order of revocation, and upon perfecting such appeal by filing in such court a bond in a sum to be fixed by the judge thereof the security thereof to be approved by the clerk of such court, for the payment of all costs on appeal, but no mine shall be operated during the pendency of such an appeal, unless otherwise ordered by said district court after notice given to said inspector.

§ 8. PENALTY FOR FAILURE TO COMPLY WITH LAW.] Every mine owner and operator who shall operate any coal mine without having a license as herein provided in full force and effect, or who shall wilfully fail, neglect or refuse to comply with the provisions of this article, or safety rules promulgated by the State Mine Inspector hereunder, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to a fine of one hundred dollars (\$100.00), or imprisonment in the county jail not exceeding thirty days, or both such fine and imprisonment, as the court may determine.

Approved March 16, 1939.