

MINING

CHAPTER 246.

(S. B. No. 386—Sperry.)

COAL MINING.

An Act to Amend and Re-enact Sections 16, 33, 44, 49, 56, 62, 83, 88 and 89 of Chapter 168 of the Session Laws of North Dakota for the year 1919, Regulating the Operation of all Coal Mines in North Dakota; Providing for Their Inspection; Creating the Office of Coal Mining Inspector; Fixing His Qualifications, Duties, Powers and Compensation; Providing for his Appointment; Creating a Board of Examiners; Fixing its Power and Compensation; Providing the Method of Appointment Thereof; Providing for the Registry, Examination and Issuing of Certificates to Certain Employees of Coal Mines.

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

Sec. 1. AMENDMENT.) That Section 16 of Chapter 168 of the Session Laws of North Dakota for the year 1919 be amended and re-enacted to read as follows:

Sec. 16. BOARD FOR EXAMINATION OF APPLICANTS FOR POSITION OF MINE FOREMAN, ETC.) The board for examination of applicants for the position of Mine Foreman shall consist of three members, the State Coal Mine Inspector and two others, one representing the miners and one representing the mine operators, to be appointed as follows by the Governor of the State. The miners shall submit three names and the mine operators shall submit three names to the Governor, and the Governor shall appoint one member from each set of said three names. The members of said Examining Board shall be citizens of the United States and legal residents of the State of North Dakota and shall hold office for a term of two years or until their successors have been appointed and qualified. The persons so appointed shall, after being duly organized as a board, take and subscribe before an officer authorized to administer the same the following oath, namely:

We, the undersigned, do solemnly swear or affirm that we will perform the duties of examiners of applicants for the position of mine foreman for the coal mines of North Dakota to the best of our abilities, and that in certifying or rejecting said applicants we will be governed by the evidence of the qualifications to fill the positions under the law creating the same, and not by any consideration of personal favors; that we will certify all whom we find qualified and none other.

Sec. 2. AMENDMENT.) That Section 33 of Chapter 168 of the Session Laws of North Dakota for the year 1919 be amended and re-enacted to read as follows:

Sec. 33. MINE OPERATORS TO FURNISH WASH HOUSES FOR EMPLOYEES.) It shall be the duty of the owner, operator or superintendent of any coal mine in the State of North Dakota employing five or more men to provide a suitable building, not an engine or boiler house, for the use of the persons employed in such mine for the purpose of washing themselves and changing their clothes when entering the mine and returning therefrom. The said building shall not be over eight hundred feet from and convenient to the principal entrance of such mine. The said building shall be maintained in good order, be properly lighted and heated and supplied with pure cold water and warm water, and be provided with facilities for persons to wash and a suitable locker for each person to be used by him as a repository for his clothes.

Sec. 3. AMENDMENT.) That Section 44 of Chapter 168 of the Session Laws of North Dakota for the year 1919 be amended and re-enacted to read as follows:

Sec. 44. STAIRWAY OR CAGES IN ESCAPEMENT SHAFT.) The escapement shaft at every mine shall be equipped with safe and ready means for the prompt and ready removal of men in time of danger, and such means shall be a substantial stairway which shall be provided with handrails and with platforms and landings or ladders approved by the State Coal Mine Inspector.

Sec. 4. AMENDMENT.) That Section 49 of Chapter 168 of the Session Laws of North Dakota for the year 1919 be amended and re-enacted to read as follows:

Sec. 49. NUMBER OF PERSONS PERMITTED TO WORK IN SAME AIR CURRENT.) The current of air in mines must be split or subdivided so as to give a separate current to a number not exceeding seventy-five men at work, and the Inspector has the discretion to order a separate current for a smaller number of men if special conditions render it necessary.

Sec. 5. AMENDMENT.) That Section 56 of Chapter 168 of the Session Laws of North Dakota for the year 1919 be amended and re-enacted to read as follows:

Sec. 56. AIRWAYS.) It shall be the duty of the owner of every coal mine to provide and maintain airways of sufficient dimensions and in no case shall the area of the air course be less than thirty-six square feet in mines operated on the room and pillar system.

Sec. 6. AMENDMENT.) That Section 62 of Chapter 168 of the Session Laws of North Dakota for the year 1919 be amended and re-enacted to read as follows:

Sec. 62. STORING OF EXPLOSIVES IN MINES.) No workman shall have at any time more than one fifty pound keg of black powder in the mine nor more than fifty pounds of high explosives. Every person who has powder or other explosives in a mine shall keep it or them in a wooden or metallic box or boxes, securely locked, and said boxes shall be kept at least five feet from the track and no two powder boxes shall be kept within twenty-five feet of each other nor shall black powder nor high explosives be kept in the same box.

Sec. 7. AMENDMENT.) That Section 83 of Chapter 168 of the Session Laws of North Dakota for the year 1919 be amended and re-enacted to read as follows:

Sec. 83. QUALIFICATIONS OF MINERS.) Each person desiring to work by himself at mining or loading shall first produce satisfactory evidence in writing to the mine foreman, of the mine in which he is employed, that he has worked at least six months with, under the direction of, or as a practical miner, and it is further understood that no miner shall be allowed to work on pillars until he has mined at least two years. Until a person has so satisfied the mine foreman of his competency, he shall not work or be permitted to work at mining or loading unless accompanied by a miner holding the foregoing qualifications.

Sec. 8. AMENDMENT.) That Section 88 of Chapter 168 of the Session Laws of North Dakota for the year 1919 be amended and re-enacted to read as follows:

Sec. 88. HOURS OF LABOR.) A period of not over eight hours shall constitute a day's work on all works or undertaking in any coal mine or open-pit mine, except in cases of emergency or where life or property is in imminent danger.

Sec. 9. AMENDMENT.) That Section 89 of Chapter 168 of the Session Laws of North Dakota for the year 1919 be amended and re-enacted to read as follows:

Sec. 89. DEFINITIONS.) (a) "Mine." In this Act the words "mine" and "coal mine" used in their general sense are intended to signify any and all parts of the property of a mining plant which contribute, directly or indirectly, under one management, to the mining or handling of coal within one-half mile of mine.

(B) "Excavations or Workings." The words "excavation" and "workings" signify any and all parts of a mine excavated or being excavated, including shafts, slopes, tunnels, entries, rooms and working places, whether abandoned or in use.

(C) "Shafts." The term "shafts" means any vertical opening through the strata which is or may be used for the purpose of ventilation or escapement, or for hoisting or lowering of men or material in connection with the mining of coal.

(D) "Slope" or "Drift." The term "slope" and "drift" means respectively an incline or horizontal way, opening or tunnel to a seam of coal to be used for the same purpose as a shaft.

(E) "Following Shot." A "following shot" is a shot which is dependent on its action on the result of another shot.

(F) "Operator." The term "operator" as applied to the party in control of a mine under this Act, signifies the person, firm, or body corporate who is the immediate proprietor as owner or lessee of the plant and, as such, responsible for the management and condition thereof.

(G) "Mine Foreman." The "mine foreman" is a person who is charged with the general direction of the underground work, or both the underground work and the outside work of any coal mine, and who is commonly known and designated as "Mine Boss."

(H) "Mine Foreman." The "mine foreman" is the person charged with the examination of the condition of the mine before the miners are permitted to enter it.

Sec. 10. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall become and be in force immediately upon its passage and approval.

Approved March 2nd, 1923.

CHAPTER 247.

(S. B. No. 210—Peterson.)

CONDEMNATION OF ROAD ACROSS MINE.

An Act Providing for the Acquiring by Condemnation of Roads so Located as to Interfere with the Working of Coal or Other Mines, and Providing the Compensation to be Made Therefor.

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

Sec. 1. Whenever a road is so located across a single body of coal or other mineral in actual process of being mined, as to divide the same into two or more parts, or prevent access to a part of the coal or mineral, or interfere with the ordinary working of the mine, such road may be acquired by the mine operator by condemnation, under the law relating to eminent domain, as other real property is acquired for a public use.

Sec. 2. Whenever any road is so taken under the authority of this Act, the damages awarded therefor shall be limited to the

cost of acquiring the right of way for a detour road by and around the part of the road so taken, together with the cost of putting the new road in as good condition for travel as the road so taken was in at the time it was taken; and in case it shall appear in the action that the taking of said road will not permanently prevent its use, but that at the end of the mining operations it may be restored and used as a road, the party taking the same may be relieved from payment of any damages therefor, upon furnishing and undertaking with sufficient surety to be approved by the Court, in an amount to be fixed by the Court, payable to the governing body having jurisdiction of such road; conditioned that he will immediately procure and maintain a passable detour road to take the place of the road so taken, and that upon completion of the mining operations he will restore the road so taken to as good condition for travel as it was in at the time of the taking thereof.

Approved February 24th, 1923.

MISSOURI RIVER CONFERENCE

CHAPTER 248.

(S. B. No. 258—Baird and Garberg.)

MISSOURI RIVER CONFERENCE.

An Act Providing for the Appointment of Representatives on Behalf of the State of North Dakota to Negotiate a Compact and Agreement Between the States of North Dakota, South Dakota and Montana, and Between said States and the United States of America, Respecting the Use and Distribution of the Waters of the Missouri River and the Rights of said States and the United States Thereto.

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

Sec. 1. The Governor of the State of North Dakota shall appoint the State Engineer, or the Assistant to the State Engineer, who is in charge of matters relating to irrigation and water rights, and one other elector and taxpayer of the state, both of whom shall serve without compensation as representatives of the State of North Dakota, and who shall be duly authorized to represent the State of North Dakota on a joint commission to be composed of representatives of North Dakota, South Dakota, and Montana, and a duly authorized representative of the United States of America, such commission to be constituted for the purpose of negotiating and entering into a compact or agreement between the said states, and between said states and the United States, with the consent of Congress, respecting the further