

34:6-98.3

LEGISLATIVE HISTORY CHECKLIST

NJSA 34:6-98.3 (Mine safety section chief--changes required experience)

LAWS 1981 CHAPTER 458

Bill No. A3506

Sponsor(s) T. Gallo and others

Date Introduced June 15, 1981

Committee: Assembly Labor

Senate Labor, Industry & Professions

Amended during passage Yes No

Date of Passage: Assembly Dec. 7, 1981

Senate Jan. 7, 1982

Date of approval Jan. 11, 1982

Following statements are attached if available:

Sponsor statement	Yes	No (Below)
Committee Statement: Assembly	Yes	No
Senate	Yes	No
Fiscal Note	Yesx	No
Veto Message	Yesx	No
Message on signing	Yesx	No

Following were printed:

Reports	Yesx	No
Hearings	Yesx	No

Sponsors' statement:

This bill makes changes in the experience and educational background required of a mine safety section chief, a mine safety engineer and a mine safety inspector. The bill removes the requirement that a section chief or engineer have experience in underground mining. Few underground mines now operate in New Jersey.

6/22/81

CHAPTER 458 LAWS OF N. J. 1981
APPROVED 1-11-82

CORRECTED COPY
ASSEMBLY, No. 3506

STATE OF NEW JERSEY

INTRODUCED JUNE 15, 1981

By Assemblymen T. GALLO, DORIA, COWAN, VISOTCKY, JANIS-
ZEWSKI, ADUBATO, McMANIMON and RAND

Referred to Committee on Labor

AN ACT to amend the "Mine Safety Act," approved July 23, 1954
(P. L. 1954, c. 197).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 3 of P. L. 1954, c. 197 (C. 34:6-98.3) is amended to
2 read as follows:

3 3. Mine safety section.

4 a. There is hereby created within the bureau a mine safety sec-
5 tion under the direction and general supervision of the deputy
6 director.

7 b. The mine safety section shall be under the immediate super-
8 vision of a mine safety engineer, serving as section chief, who
9 shall be responsible to the head of the bureau for the efficient,
10 effective administration of the work of the section. The section
11 chief shall be assisted by and supervise such other mine safety
12 engineers, mine safety inspectors, technicians and other employees
13 as may be necessary to perform the work.

14 c. Under the direction of the head of the bureau, the section chief
15 shall personally or by assignment to employees of the section,
16 inspect, investigate, inquire and examine into the operation, work-
17 ings, methods, safety devices and appliances, machinery, sanitation,
18 ventilation, means of ingress and egress, means taken to protect
19 the lives and insure the safety and health of miners, together with
20 the causes of accidents, injuries and fatalities and means taken to
21 comply with the law; conduct scientific tests to determine amount
22 and condition of air together with contaminants therein or for
23 any purpose that shall provide for the maintenance of safe, sanitary
24 and healthful conditions, furnish such reports and do other related
25 work as the deputy director may require.

26 d. Employees of the bureau shall have the power and authority,

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

27 upon exhibition of official credentials, at all reasonable hours to
28 enter and examine any part of a mine, mining plant, equipment or
29 workings. All operators and their employees shall render all
30 assistance necessary to facilitate such examination.

31 e. The mine safety engineer, serving as section chief, [shall be
32 at least 35 years of age,] shall be physically able to discharge his
33 duties and shall have at least [8] 4 years' experience in mining,
34 [of which at least 4 years shall have been engaged in underground
35 mining, and he shall preferably have additional] *including* experi-
36 ence in quarry operations, mine safety work and accident preven-
37 tion. He shall be a graduate engineer from a recognized school of
38 [mines] *engineering*.

39 f. The qualifications for a mine safety engineer, other than the
40 section chief, shall be the same, excepting that he shall have had
41 a minimum of [6] 3 years' experience in mining[, at least 2 years of
42 which shall have been in underground mining].

43 g. Mine safety inspectors [shall be at least 30 years of age,] shall
44 have had at least [6] 4 years' experience in mining [and shall have
45 graduated from a recognized high school].

46 h. No employee of the department shall make public, directly or
47 indirectly to any person any knowledge or information obtained
48 by him in the exercise of his official duties concerning ores, ore
49 bodies or values of any mine or part thereof. Any employee who
50 shall violate any of the provisions of this paragraph shall be guilty
51 of a [misdemeanor] *crime of the fourth degree* and, on conviction,
52 shall be punished by a fine of not less than \$500.00 nor more than
53 \$1,000.00 or imprisonment in the county jail not to exceed 1 year,
54 or both, and shall be dismissed from his position.

55 i. It shall be the duty of the bureau to cause to have inspected
56 at least once in every 3 months, every underground mine in this
57 State, and every other working mine at least twice each year, and
58 oftener, if it is deemed necessary for the safety of the men em-
59 ployed in the mine.

60 j. After every inspection, the mine safety inspector shall enter
61 forthwith in a book to be kept at the mine and designated as the
62 "record of mine safety inspection," the portion of the mine in-
63 spected, the nature of the inspection and the dangers and defects
64 observed. This record shall be open at all reasonable hours to the
65 examination of the operator, any employee or the designated repre-
66 sentative of the employees of the mine inspected. Nothing con-
67 tained in or omitted from any entry in such record shall limit or
68 affect the duty and obligations of the operator, superintendent or
69 employee.

1 2. This act shall take effect immediately.

STATEMENT

This bill makes changes in the experience and educational background required of a mine safety section chief, a mine safety engineer and a mine safety inspector. The bill removes the requirement that a section chief or engineer have experience in underground mining. Few underground mines now operate in New Jersey.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3506

STATE OF NEW JERSEY

DATED: NOVEMBER 30, 1981

The Assembly Labor Committee reports this bill favorably to alter hiring standards for three personnel classifications within the Office of Safety Compliance in the State Department of Labor. The bill modifies existing age and educational standards and removes existing requirements for underground mining experience.

State Department of Labor officials hope the new standards will ease the difficulties it anticipates in filling several mine safety vacancies in the future. According to the department, proposed standards are intended to recognize the existence of only one underground mine remaining in the State for zinc.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3506

STATE OF NEW JERSEY

DATED: DECEMBER 14, 1981

This bill would alter the educational, experience and age requirements for the positions of mine safety section chief, mine safety engineer and mine safety inspector.

A mine safety section chief now must be 35 years of age, have 8 years experience in mining, at least 4 years of which must be in underground mining, and be a graduate engineer from a recognized school of mines. This bill would eliminate the age requirement, reduce the experience requirement to 4 years, eliminate the necessity for underground mining experience, and require that the engineering degree be from a school of engineering rather than a school of mines.

A mine safety engineer now has the same age requirement as a mine safety section chief, must have 6 years experience in mining, at least 2 of which must be in underground mining, and must have an engineering degree from a school of mines. This bill would eliminate the age requirement, reduce the experience requirement to 3 years, none of which need be in underground mining. The engineering degree would now have to be obtained from a school of engineering.

Mine safety inspectors are now required to be 30 years of age, have 6 years of mining experience, and be a high school graduate. The age and educational requirements are eliminated by Assembly Bill No. 3506, and the experience requirement is reduced to 4 years.

JANUARY 11, 1982

A-1542, sponsored by Assemblyman Elliot Smith (R-Somerset), allowing a municipality to control the operations of traffic lights during off-peak hours (10 p.m. to 6 a.m.), subject to the approval of the Department of Transportation. The bill is intended to help reduce gasoline consumption by streamlining traffic during off-peak periods.

A-1660, sponsored by Assemblyman Byron Baer (D-Bergen), strengthening provisions of the Consumer Fraud Act by prohibiting a seller, creditor or bailor from including in a consumer contract any provision that "violates clearly (the) established legal rights of a consumer."

A-574, sponsored by Assemblyman Clifford Snedeker (R-Mercer), allowing military veterans to purchase credit in the public employee retirement system for up to 5 years of active military service prior to their enrollment in the system.

At present, credit can be purchased for military service that interrupts state service but not for prior military service. The bill also provides that the employers will not be liable for any payment to the retirement system because of any purchase of credit.

A-1385, sponsored by Assemblyman James Bornheimer (D-Middlesex), stiffening penalties for certain violations of the unfair trade practice provisions of the Life and Health Insurance Code and property and casualty insurers. Fines for violations now range from a maximum of \$1,000 for each unknowing violation to a maximum of \$5,000 for each knowing violation.

A-3506, sponsored by Assemblyman Thomas Gallo (D-Hudson), changes the experience and educational requirements of a mine safety section chief, safety engineer and safety inspector. The bill removes a requirement that a section chief or engineer have experience in underground mining since there are few such mines operating in New Jersey.

A-1491, sponsored by Assemblyman James Zangari (D-Essex), enabling the Division of Taxation to credit refunds from an individual's unemployment and temporary disability insurance accounts to that individual's state income tax liability.