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**HOUSE BILL 315**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**James Roger Madalena**

**AN ACT**

**RELATING TO MINING; CHANGING DEFINITIONS IN THE NEW MEXICO  
MINING ACT TO INCLUDE URANIUM WITHIN THE DEFINITIONS OF  
"MINERAL" AND "MINING".**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. Section 69-36-3 NMSA 1978 (being Laws 1993,  
Chapter 315, Section 3) is amended to read:**

**"69-36-3. DEFINITIONS. --As used in the New Mexico Mining  
Act:**

**A. "affected area" means the area outside of the  
permit area where the land surface, surface water, ground  
water and air resources are impacted by mining operations  
within the permit area;**

**B. "commission" means the mining commission  
established in the New Mexico Mining Act;**

**. 134270. 3**

underscored material = new  
[bracketed material] = delete

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1 C. "director" means the director of the division  
2 or his designee;

3 D. "division" means the mining and minerals  
4 division of the energy, minerals and natural resources  
5 department;

6 E. "existing mining operation" means an extraction  
7 operation that produced marketable minerals for a total of at  
8 least two years between January 1, 1970 and [~~the effective~~  
9 ~~date of the New Mexico Mining Act~~] June 18, 1993;

10 F. "exploration" means the act of searching for or  
11 investigating a mineral deposit, including sinking shafts,  
12 tunneling, drilling core and bore holes, digging pits, making  
13 cuts and other works for the purpose of extracting samples  
14 prior to commencement of development or extraction operations  
15 and the building of roads, access ways and other facilities  
16 related to such work; [~~however~~] "exploration" does not include  
17 activities that cause no or very little surface disturbance,  
18 such as airborne surveys and photographs, use of instruments  
19 or devices that are hand carried or otherwise transported over  
20 the surface to perform magnetic, radioactive or other tests  
21 and measurements, boundary or claim surveying, location work  
22 or other work that causes no greater disturbance than is  
23 caused by ordinary lawful use of the area by persons not  
24 engaged in exploration [~~are excluded from the meaning of~~  
25 "exploration"];

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[bracketed material] = delete

1           G. "mineral" means a nonliving commodity that is  
2 extracted from the earth for use or conversion into a saleable  
3 or usable product but does not include clays, adobe,  
4 flagstone, potash, sand, gravel, caliche, borrow dirt, quarry  
5 rock used as aggregate for construction, coal, surface water  
6 or subsurface water, geothermal resources, oil and natural gas  
7 together with other chemicals recovered with them,  
8 [~~commodities~~] byproduct materials and wastes that are  
9 regulated by the federal nuclear regulatory commission,  
10 commodities produced from operations or portions of operations  
11 regulated by the nuclear regulatory commission or waste  
12 regulated under Subtitle C of the federal Resource  
13 Conservation and Recovery Act of 1976;

14           H. "mining" means the process of obtaining useful  
15 minerals from the earth's crust or from previously disposed or  
16 abandoned mining wastes, including exploration, open-cut  
17 mining and surface operation, the disposal of refuse from  
18 underground and in situ mining, mineral transportation,  
19 concentrating, milling, evaporation, leaching and other  
20 processing. "Mining" does not mean the exploration and  
21 extraction of potash, sand, gravel, caliche, borrow dirt [~~and~~]  
22 or quarry rock used as aggregate in construction; the  
23 exploration and extraction of natural petroleum in a liquid or  
24 gaseous state by means of wells or pipes; the development or  
25 extraction of coal; the extraction of geothermal resources;

. 134270. 3

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[bracketed material] = delete

1 smelting, refining, cleaning, preparation, transportation or  
2 other off-site operations not conducted on permit areas or  
3 ~~[the extraction, processing or disposal of commodities,~~  
4 ~~byproduct materials or wastes or other activities]~~ operations  
5 or portions of operations regulated by the federal nuclear  
6 regulatory commission;

7 I. "new mining operation" means a mining operation  
8 that engages in a development or extraction operation after  
9 ~~[the effective date of the New Mexico Mining Act]~~ June 18,  
10 1993 and that is not an existing mining operation;

11 J. "permit area" means the geographical area  
12 defined in the permit for a new mining operation or for an  
13 existing mining operation on which mining operations are  
14 conducted or cause disturbance; and

15 K. "reclamation" means the employment during and  
16 after a mining operation of measures designed to mitigate the  
17 disturbance of affected areas and permit areas and, to the  
18 extent practicable, provide for the stabilization of a permit  
19 area following closure that will minimize future impact to the  
20 environment from the mining operation and protect air and  
21 water resources. "