

HOUSE BILL 239

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO MINING; CREATING THE POSITION OF DEPUTY MINE INSPECTOR; PRESCRIBING DUTIES.

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

SECTION 1. Section 69-5-7 NMSA 1978 (being Laws 1933, Chapter 153, Section 14, as amended by Laws 2007, Chapter 301, Section 2 and by Laws 2007, Chapter 302, Section 2) is amended to read:

.217935.3AIC March 2, 2021 (3:20pm)

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"69-5-7. DUTIES--STATE MINE INSPECTOR--DIRECTOR OF MINING AND MINERALS.--

A. The state mine inspector, Hf11→~~with the~~
~~assistance of~~←Hf11 Hf11→~~who may be assisted by~~←Hf11 the deputy
mine inspector, shall:

(1) develop and maintain mine safety and health training programs;

(2) upon notification of any explosion or other catastrophic event at a mine in which the lives of mine workers are jeopardized or in which fatalities have occurred, allocate available resources within a twenty-four-hour time period to assist the mine operator in the rescue of persons and the subsequent accident investigation;

(3) upon request from any operator, provide compliance assistance to include on-site audits to any mine or mine operator within the state to aid in the health and safety of mine workers and mine operators;

(4) if a mine is found to be unsafe during an inspection, give written notice that the mine is unsafe to the owner, operator or manager of the mine with an explanation for the notice;

(5) support and maintain a uniform system of mine bell signals and furnish a copy of the signal system to each underground mine operator within the state. Automated hoists shall be exempt from compliance with the bell signal

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requirements;

(6) implement a program of certifying mine personnel as provided by law; and

(7) make a report to the governor on or before June 1 of each year, which report covers the preceding calendar year and contains a review of the official acts of the inspector.

B. The director of the mining and minerals division of the energy, minerals and natural resources department shall:

(1) cooperate with the state mine inspector to assist the state mine inspector in the performance of the state mine inspector's duties, including providing the state mine inspector with mine registration and other information collected by the department;

(2) provide an annual resources report to the governor that shall include statistics of the number of persons employed in mining, the production and value thereof; and

(3) have right of entry to the mines as may be required to fulfill the director's statutory duties."

SECTION 2. A new section of Chapter 69, Article 1 NMSA 1978 is enacted to read:

"[NEW MATERIAL] DEPUTY MINE INSPECTOR DUTIES--STATUS.--

A. The deputy mine inspector is assigned to the New Mexico institute of mining and technology.

B. The board of regents of the New Mexico institute

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of mining and technology and the mining safety board may recommend the names of qualified individuals to the state mine inspector for appointment as the deputy mine inspector.

C. The deputy mine inspector Hf11→shall←Hf11 Hf11→may←Hf11 assist the state mine inspector in performing the duties assigned to the state mine inspector. Upon a vacancy in the position of state mine inspector, the president of the New Mexico institute of mining and technology may recommend the deputy mine inspector among the names of qualified individuals to the governor for appointment as the state mine inspector pursuant to Subsection B of Section 69-1-6 NMSA 1978.

D. Upon Hf11→an←Hf11 Hf11→a←Hf11 vacancy in the position of state mine inspector, the president of the New Mexico institute of mining and technology may temporarily assign the deputy mine inspector all the attendant duties and responsibilities of the state mine inspector until the return of the state mine inspector or the appointment of a new state mine inspector by the governor."

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