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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:

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

A. The state mine inspector, who may be assisted by 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;

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

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

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

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

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

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

24                   (2) provide an annual resources report to  
25 the governor that shall include statistics of the number of

1 persons employed in mining, the production and value thereof;  
2 and

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

5 SECTION 2. A new section of Chapter 69, Article 1 NMSA  
6 1978 is enacted to read:

7 "DEPUTY MINE INSPECTOR DUTIES--STATUS.--

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

10 B. The board of regents of the New Mexico  
11 institute of mining and technology and the mining safety  
12 board may recommend the names of qualified individuals to the  
13 state mine inspector for appointment as the deputy mine  
14 inspector.

15 C. The deputy mine inspector may assist the state  
16 mine inspector in performing the duties assigned to the state  
17 mine inspector. Upon a vacancy in the position of state mine  
18 inspector, the president of the New Mexico institute of  
19 mining and technology may recommend the deputy mine inspector  
20 among the names of qualified individuals to the governor for  
21 appointment as the state mine inspector pursuant to  
22 Subsection B of Section 69-1-6 NMSA 1978.

23 D. Upon a vacancy in the position of state mine  
24 inspector, the president of the New Mexico institute of mining  
25 and technology may temporarily assign the deputy mine

1 inspector all the attendant duties and responsibilities of the  
2 state mine inspector until the return of the state mine  
3 inspector or the appointment of a new state mine inspector by  
4 the governor." \_\_\_\_\_

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