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, with the assistance of 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
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
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 shall 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

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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 an 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
to 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."