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HOUSE BILL 239

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

INTRODUCED BY

Gail Armstrong

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

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

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

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

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

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

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

25 B. The director of the mining and minerals division

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1 of the energy, minerals and natural resources department shall:

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

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

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

12 SECTION 2. A new section of Chapter 69, Article 1 NMSA
13 1978 is enacted to read:

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

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

17 B. The board of regents of the New Mexico institute
18 of mining and technology and the mining safety board may
19 recommend the names of qualified individuals to the state mine
20 inspector for appointment as the deputy mine inspector.

21 C. The deputy mine inspector shall assist the state
22 mine inspector in performing the duties assigned to the state
23 mine inspector. Upon a vacancy in the position of state mine
24 inspector, the president of the New Mexico institute of mining
25 and technology may recommend the deputy mine inspector among

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1 the names of qualified individuals to the governor for
2 appointment as the state mine inspector pursuant to Subsection
3 B of Section 69-1-6 NMSA 1978.

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