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HOUSE BILL 399

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO MINING; AMENDING A SECTION OF THE MINING SAFETY ACT
TO PROVIDE FOR SELF-CONTAINED SELF-RESCUE DEVICES IN COAL
MINES; MAKING AN APPROPRIATION.

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

Section 1. Section 69-8-16 NMSA 1978 (being Laws 2006,
Chapter 102, Section 4 and Laws 2006, Chapter 106, Section 4)
is amended to read:

"69-8-16. UNDERGROUND MINE SAFETY REQUIREMENTS--
PENALTIES.--In addition to requirements pursuant to federal law
for underground mines:

A. a self-contained self-rescue device approved by
the state mine inspector shall be worn by each person while
underground in a coal mine or kept within the person's
immediate reach while underground in a coal mine. The device

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1 shall be provided by the employer. The self-contained self-
2 rescue device shall be adequate to protect a miner for one hour
3 or longer or, alternatively, sufficient to allow the employee
4 time to reach an additional self-contained self-rescue device.
5 Each employer shall train each miner in the use of the device,
6 and refresher training courses for all underground employees
7 shall be held during each calendar year;

8 B. the employer shall provide caches of
9 ~~[additional]~~ self-contained self-rescue devices throughout
10 ~~[the]~~ any underground mine in accordance with a plan approved
11 by the state mine inspector. Each ~~[additional]~~ self-contained
12 self-rescue device shall be adequate to protect a miner for one
13 hour or longer. Battery-powered strobe lights or permanently
14 activated strobe lights shall be affixed to each cache. A
15 luminescent sign with the words "SELF-CONTAINED SELF-RESCUER"
16 or "SELF-CONTAINED SELF-RESCUERS" shall be conspicuously posted
17 at each cache, and luminescent direction signs shall be posted
18 leading to each cache. The employer shall conduct weekly
19 inspections of each cache and the affixed strobe lights to
20 ensure operability;

21 C. a wireless emergency communication device or a
22 two-way radio system approved by the state mine inspector and
23 provided by the employer shall be available to each person in
24 the active working section of an underground mine. Each
25 employer shall train each miner in the use of the device and

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1 provide refresher training courses for all underground
2 employees during each calendar year. The employer shall
3 install in or around the mine any and all equipment necessary
4 to transmit emergency communications from the surface to each
5 wireless emergency communication device or two-way radio system
6 in active working sections of the underground mine;

7 D. a wireless tracking device approved by the state
8 mine inspector and provided by the employer shall be worn by
9 each person in an underground coal mine. In the event of an
10 accident or other emergency, the tracking device shall be
11 capable of providing the approximate physical location of each
12 person who is underground. Each employer shall train each
13 employee in the use of the device and provide refresher
14 training courses for all underground employees during each
15 calendar year. The employer shall install in or around the
16 mine all equipment necessary to provide the approximate
17 physical location of each person who is underground;

18 E. a person who, without the authorization of the
19 employer or the state mine inspector, knowingly removes or
20 attempts to remove any device or related equipment, required by
21 this section and approved by the inspector, from a mine or mine
22 site with the intent to permanently deprive the employer of the
23 device or equipment or knowingly tampers with or attempts to
24 tamper with the device or equipment shall be guilty of a fourth
25 degree felony and shall be sentenced pursuant to the provisions

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1 of Section 31-18-15 NMSA 1978; and

2 F. the state mine inspector shall, within ninety
3 days of the effective date of this section, approve an
4 implementation plan for each mine covered by this section that
5 includes a schedule for meeting the requirements of this
6 section."

7 Section 2. APPROPRIATION.--One hundred sixty-seven
8 thousand dollars (\$167,000) is appropriated from the general
9 fund to the board of regents of New Mexico institute of mining
10 and technology for expenditure in fiscal year 2009 to pay for
11 the state mine inspector's recertification of coal mine
12 officials pursuant to the Mining Safety Act. Any unexpended or
13 unencumbered balance remaining at the end of fiscal year 2009
14 shall revert to the general fund.

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