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SENATE BILL 120

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

George K. Munoz

AN ACT

RELATING TO MINING; AMENDING A SECTION OF THE NEW MEXICO MINING
ACT TO EXCLUDE HUMATE AS A MINERAL.

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

SECTION 1. Section 69-36-1 NMSA 1978 (being Laws 1993,
Chapter 315, Section 1) is amended to read:

"69-36-1. SHORT TITLE.--~~[This act]~~ Chapter 69, Article 36
NMSA 1978 may be cited as the "New Mexico Mining Act"."

SECTION 2. Section 69-36-3 NMSA 1978 (being Laws 1993,
Chapter 315, Section 3) is amended to read:

"69-36-3. DEFINITIONS.--As used in the New Mexico Mining
Act:

A. "affected area" means the area outside of the
permit area where the land surface, surface water, ground water
and air resources are ~~[impacted]~~ affected by mining operations

underscoring material = new
[bracketed material] = delete

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[bracketed material] = delete

1 within the permit area;

2 B. "commission" means the mining commission
3 established in the New Mexico Mining Act;

4 C. "director" means the director of the division or
5 ~~[his]~~ the director's designee;

6 D. "division" means the mining and minerals
7 division of the energy, minerals and natural resources
8 department;

9 E. "existing mining operation" means an extraction
10 operation that produced marketable minerals for a total of at
11 least two years between January 1, 1970 and ~~[the effective date~~
12 ~~of the New Mexico Mining Act]~~ June 18, 1993;

13 F. "exploration" means the act of searching for or
14 investigating a mineral deposit, including sinking shafts,
15 tunneling, drilling core and bore holes, digging pits, making
16 cuts and other works for the purpose of extracting samples
17 prior to commencement of development or extraction operations
18 and the building of roads, access ways and other facilities
19 related to such work; however, activities that cause no or very
20 little surface disturbance, such as airborne surveys and
21 photographs, use of instruments or devices that are hand
22 carried or otherwise transported over the surface to perform
23 magnetic, radioactive or other tests and measurements, boundary
24 or claim surveying, location work or other work that causes no
25 greater disturbance than is caused by ordinary lawful use of

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underscored material = new
[bracketed material] = delete

1 the area by persons not engaged in exploration, are excluded
2 from the meaning of "exploration";

3 G. "mineral" means a nonliving commodity that is
4 extracted from the earth for use or conversion into a saleable
5 or usable product, but does not include clays, adobe,
6 flagstone, potash, humate, sand, gravel, caliche, borrow dirt,
7 quarry rock used as aggregate for construction, coal, surface
8 water or subsurface water, geothermal resources, oil and
9 natural gas together with other chemicals recovered with them,
10 commodities, byproduct materials and wastes that are regulated
11 by the nuclear regulatory commission or waste regulated under
12 Subtitle C of the federal Resource Conservation and Recovery
13 Act of 1976;

14 H. "mining" means the process of obtaining useful
15 minerals from the earth's crust or from previously disposed or
16 abandoned mining wastes, including exploration, open-cut mining
17 and surface operation, the disposal of refuse from underground
18 and in situ mining, mineral transportation, concentrating,
19 milling, evaporation, leaching and other processing. "Mining"
20 does not mean the exploration and extraction of potash, humate,
21 sand, gravel, caliche, borrow dirt [~~and~~] or quarry rock used as
22 aggregate in construction; the exploration and extraction of
23 natural petroleum in a liquid or gaseous state by means of
24 wells or pipes; the development or extraction of coal; the
25 extraction of geothermal resources; smelting, refining,

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underscored material = new
[bracketed material] = delete

1 cleaning, preparation, transportation or other off-site
2 operations not conducted on permit areas; or the extraction,
3 processing or disposal of commodities, byproduct materials or
4 wastes or other activities regulated by the federal nuclear
5 regulatory commission;

6 I. "new mining operation" means a mining operation
7 that engages in a development or extraction operation after
8 ~~[the effective date of the New Mexico Mining Act]~~ June 18, 1993
9 and that is not an existing mining operation;

10 J. "permit area" means the geographical area
11 defined in the permit for a new mining operation or for an
12 existing mining operation on which mining operations are
13 conducted or cause disturbance; and

14 K. "reclamation" means the employment during and
15 after a mining operation of measures designed to mitigate the
16 disturbance of affected areas and permit areas and, to the
17 extent practicable, provide for the stabilization of a permit
18 area following closure that will minimize future impact to the
19 environment from the mining operation and protect air and water
20 resources."