

Opinion No. 53-5677

February 17, 1953

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. John A. Garcia State Inspector of Mines 1024 Park Avenue, SW Albuquerque, New Mexico

{*71} On February 12th you addressed an opinion to this office inquiring whether or not Section 67-1806 N.M.S.A., 1941 Compilation and Section 67-908 N.M.S.A. 1,941 Compilation, applied to mines other than coal mines. You were kind enough to set out these sections in your request and I shall not repeat them in this answer.

The Legislature in 1933 promulgated and codified the General Code applicable to mines. This Code has been amended only slightly since that time, and it is apparently the feeling of the Legislature that the mines and mining Code is sufficient to handle the requirements of the mining industry generally. The titles which precede the articles in Chapter 153, Laws of New Mexico 1933 were adopted as part of the Codification. The articles which state that the text material following those articles apply to coal mines are exclusive to that type of mine.

On page 356 of the Laws of New Mexico, 1933 there is the following heading: "Part III -- Mines Other {*72} Than Coal Mines." There are other references in the Codification in the 1933 Session Laws which refer to "Mines Other Than Coal Mines." It was the intent of the Legislature apparently, to codify the safety regulations in coal mines in a different manner than the safety regulations applicable to other mines.

It is therefore the opinion of this office that any article and section within that article which in the 1933 Codification of the Mining Laws it was the intention of the Legislature to make the provisions under those headings pertaining to coal mines exclusive to coal mines and to make those sections applicable to mines other than coal exclusive to the general mining industry with the exception of a mine which produces coal. Thus, it is the opinion of this office that neither Section 67-1806 N.M.S.A., 1941 Compilation or Section 67-908 N.M.S.A., 1941 Compilation, apply to mines other than coal mines.

We sincerely hope that this answers your inquiry.

By: Fred M. Standley

Assist. Attorney General