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AN ACT

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

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

B. the employer shall provide caches of

1 self-contained self-rescue devices throughout any underground
2 mine in accordance with a plan approved by the state mine
3 inspector. Each self-contained self-rescue device shall be
4 adequate to protect a miner for one hour or longer.

5 Battery-powered strobe lights or permanently activated strobe
6 lights shall be affixed to each cache. A luminescent sign
7 with the words "SELF-CONTAINED SELF-RESCUER" or
8 "SELF-CONTAINED SELF-RESCUERS" shall be conspicuously posted
9 at each cache, and luminescent direction signs shall be
10 posted leading to each cache. The employer shall conduct
11 weekly inspections of each cache and the affixed strobe
12 lights to ensure operability;

13 C. a wireless emergency communication device or a
14 two-way radio system approved by the state mine inspector and
15 provided by the employer shall be available to each person in
16 the active working section of an underground mine. Each
17 employer shall train each miner in the use of the device and
18 provide refresher training courses for all underground
19 employees during each calendar year. The employer shall
20 install in or around the mine any and all equipment necessary
21 to transmit emergency communications from the surface to each
22 wireless emergency communication device or two-way radio
23 system in active working sections of the underground mine;

24 D. a wireless tracking device approved by the
25 state mine inspector and provided by the employer shall be

1 worn by each person in an underground coal mine. In the
2 event of an accident or other emergency, the tracking device
3 shall be capable of providing the approximate physical
4 location of each person who is underground. Each employer
5 shall train each employee in the use of the device and
6 provide refresher training courses for all underground
7 employees during each calendar year. The employer shall
8 install in or around the mine all equipment necessary to
9 provide the approximate physical location of each person who
10 is underground;

11 E. a person who, without the authorization of the
12 employer or the state mine inspector, knowingly removes or
13 attempts to remove any device or related equipment, required
14 by this section and approved by the inspector, from a mine or
15 mine site with the intent to permanently deprive the employer
16 of the device or equipment or knowingly tampers with or
17 attempts to tamper with the device or equipment shall be
18 guilty of a fourth degree felony and shall be sentenced
19 pursuant to the provisions of Section 31-18-15 NMSA 1978; and

20 F. the state mine inspector shall, within ninety
21 days of the effective date of this section, approve an
22 implementation plan for each mine covered by this section that
23 includes a schedule for meeting the requirements of this
24 section." _____