

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 1204
HOUSE BILL 970

1 AN ACT TO CREATE THE POSITION OF STATE MINING ENGINEER AND TO
2 PROVIDE FOR THE REGISTRATION OF MINING OPERATIONS IN NORTH
3 CAROLINA.

4
5 The General Assembly of North Carolina do enact:

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7 **Section 1.** Short title. This Act may be known and cited as "The Mining
8 Registration Act of 1969".

9 **Sec. 2.** Definitions. Wherever used or referred to in this Act, unless a different
10 meaning clearly appears from the context:

11 (a) "Mining" means the breaking of the surface soil in order to facilitate or
12 accomplish the extraction or removal of minerals, ores, or other solid matter;
13 any activity or process constituting all or part of a process for the extraction
14 or removal of minerals, ores, and other solid matter from its original
15 location; and the preparation, washing, cleaning, or other treatment of
16 minerals, ores, or other solid matter so as to make them suitable for
17 commercial, industrial, or construction use; but shall not include those
18 aspects of deep mining not having significant effect on the surface; and shall
19 not include excavation or grading when conducted solely in aid of on-site
20 farming or construction.

21 (b) "Council" means the Mining Council created by Section 2 of Chapter 946 of
22 the Session Laws of 1967.

23 (c) "Department" means the Department of Conservation and Development.

24 **Sec. 3.** State Mining Engineer. The position of State Mining Engineer is hereby
25 created within the Division of Mineral Resources of the Department of Conservation and
26 Development. The State Mining Engineer shall be appointed by the Director of the Department,
27 on recommendation of the State Geologist, and shall be suitably qualified by reason of
28 education and experience in the field of mining engineering. He shall work under the
29 immediate supervision of the State Geologist and shall carry out the duties assigned herein.

30 **Sec. 4.** Duties of State Mining Engineer. The State Mining Engineer shall
31 administer the provisions for registration of mining operations contained in this Act. In
32 addition, he shall furnish staff assistance to the Mining Council as it prepares its
33 recommendations called for by this Act. In this capacity, he shall engage in such study and
34 research concerning mining operations and their regulation in this State and elsewhere as may
35 be required to furnish the Council with a thorough factual basis for its recommendations.

36 **Sec. 5.** Mining Registration. Prior to March 31, 1970, the owner or operator of
37 every mining operation in the State shall secure a registration certificate from the State Mining
38 Engineer. Such a certificate shall be issued only where the applicant shall have furnished the
39 following information concerning the mining operation:

40 (a) Complete name of owner and operator of the mining operation, together with
41 addresses and telephone numbers;

42 (b) Number of employees of the mining operation and the principal officers;

- (c) Maps, based on criteria developed by the Mining Engineer and acceptable to the Mining Council, to show property lines or affected area of the mining operation, location of any processing plants, extent of pits and stockpile areas and overburden disposal areas;
- (d) Number of years operation has existed and estimate of number of years it is expected to continue;
- (e) Summary of present and proposed conservation and land reclamation plans and procedures, if any.

The owner or operator of any mining operation which begins subsequent to March 31, 1970, shall secure such a registration certificate no later than thirty (30) days after beginning operations.

Provided, however, that the Mining Council may by regulation exempt from registration mining operations that involve or affect surface areas of less than one-quarter acre in extent, if the Council finds that it is not administratively feasible to register such mining operations and that the exemption of such mining operations will not substantially impair the purposes of this Act.

Sec. 6. Mining Council. (a) The Mining Council, in addition to its duties under the Interstate Mining Compact as specified in Chapter 946 of the Session Laws of 1967, shall develop with the assistance of the State Mining Engineer recommendations to the 1971 General Assembly for legislation under which mining operations in the State shall be regulated. Such recommended legislation shall include provisions (1) designating or creating a State agency to regulate the mining industry, (2) specifying the legal responsibility for reclamation of mined-out land, and (3) creating a system of licensing of mining operations sufficient to insure adequate conservation and land reclamation measures in connection with such operations, in addition to such other provisions as the Council shall deem necessary and appropriate.

(b) The Mining Council may adopt and modify from time to time rules and regulations consistent with this Act to implement the provisions of this Act. All such rules and regulations, and modifications thereof, shall be filed with the Secretary of State as required by Article 18 of Chapter 143 of the General Statutes.

Sec. 7. Violations. Any person who shall be adjudged to have violated any provision of this Act or any rule or regulation of the Mining Council adopted hereunder shall be guilty of a misdemeanor, punishable upon conviction by a fine of not exceeding fifty dollars (\$50.00) or by imprisonment for not exceeding thirty (30) days, or by both such fine and imprisonment.

Sec. 8. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Sec. 9. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.