

MINING LAWS OF MISSOURI:
COMPLIANCE THEREWITH, BY WHOM:

Operators of sand and gravel pits are not required to conform to the mining laws of Missouri.

FILED

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October 24, 1955

Honorable Floyd E. Henson, Director
Division of Mine Inspection
Capitol Building
Jefferson City, Missouri

Dear Mr. Henson:

This is the opinion you requested as to whether the sand and gravel operators are subject to and required to conform to the mining laws of Missouri. Your request states:

"I would like an opinion from your office regarding Sand and Gravel Operators who derive their entire production from Streams by dredging or other methods.

"It is my feeling that since these Operators do no blasting and do not use loading machinery such as power shovels and trucks in collecting this material they should not be compelled to conform to the Mining Laws of Missouri.

"Some of these operators have objected to being classed as Mine Operators and I am inclined to agree with them. I feel theirs is a dredging operation, rather than Mining.

"I am prepared to exempt these Operators from having to comply with our Mining Laws. However, I would appreciate a ruling from your Office before taking this action."

Chapter 293, RSMo 1949, contains the sections of the statutes in this state relating to the subject of mining. Said Chapter 293, in none of the sections thereof, defines the terms "mine" or "mining." Although the business of a mine or the enterprise of mining are not defined in said Chapter 293, it is apparent that such statutes, in their pro-

Honorable Floyd E. Henson

visions, scope or intent are not designed to and do not apply to operators of gravel pits or the production of sand and gravel as those subjects are noted and referred to in the request. There is no provision or requirement in any of the sections of said Chapter 293 requiring the operators of a sand and gravel business to conform to the mining laws of Missouri in any manner whatsoever.

CONCLUSION

Considering the premises, it is the opinion of this office that the operators of sand and gravel pits or a sand and gravel business are not subject to and are not required to conform to the mining laws of this state.

The foregoing opinion, which I hereby approve, was prepared by my assistant, George W. Crowley.

Very truly yours

John M. Dalton
Attorney General

GWC:lc