

May 22, 1963

OPINION REQUEST NO. 83  
ANSWERED BY LETTER

Honorable Thomas R. Beveridge  
State Geologist  
Post Office Box 250  
Rolla, Missouri



Dear Mr. Beveridge:

This office is in receipt of your request for our official opinion as to whether or not sand and gravel are legally considered mineral resources in Missouri. We construe the inquiry to ask if sand and gravel are legally considered to be minerals or non-minerals in this state insofar as the mining laws are concerned.

The answer to this question will depend upon any statutory definition of mineral and non-mineral elements, as well as any appellate court decisions, if any, construing such statutory definition. While we do find such a statutory definition, we find no Missouri appellate court decisions construing same.

The mining laws of Missouri are embraced within Chapter 293, RSMo 1959, entitled, "Mining Regulations". Section 293.010 of said chapter is a definition section, providing, that unless the context clearly requires otherwise as used in the chapter, the terms used therein shall have the meanings ascribed to them in such section. Section 293.010(5), reads as follows:

"(5) 'Mineral', any metalliferous element or ore, coal or lignite, or any non-metalliferous element or ore, except barite, marble, limestone, and sand and gravel;"

We find no other portion of Chapter 293 in which the context clearly requires the terms, sand and gravel to be used in a different sense or to be given a different meaning than that appearing in Section 293.010(5). From the language used in

Honorable Thomas R. Beveridge

this subsection, obviously the legislative intent in the enactment of same was that those elements named in the subsection as minerals are to be legally considered as minerals and all those elements excepted from such definition, including sand and gravel, are to be legally considered non-minerals, within the meaning of the subsection.

Therefore, in view of the foregoing, it is our opinion that sand and gravel are legally considered not to be minerals in Missouri, in contemplation of the mining laws of Missouri.

Yours very truly,

---

THOMAS F. EAGLETON  
Attorney General

PNC:jh