

DEPARTMENT OF LAW  
OFFICE OF THE  
**Attorney General**  
STATE CAPITOL  
Phoenix, Arizona 85007

*R 76-21*

BRUCE E. BABBITT  
ATTORNEY GENERAL

May 4, 1976

*76-144*



Mr. Bert C. Romero  
State Mine Inspector  
705 West Wing  
Capitol Building  
Phoenix, Arizona 85007

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**ARIZONA ATTORNEY GENERAL**

Re: Jurisdiction of State Mine Inspector with respect  
to mills and smelters

Dear Mr. Romero:

This is in response to your request for our advice regarding the applicability of Attorney General Opinion No. 61-48.

In Attorney General Opinion No. 61-48, the Attorney General rendered his opinion that the State Mine Inspector lacks jurisdiction over mills and smelters.

In 1968, long after the date of Attorney General Opinion No. 61-48, Arizona's Legislature amended substantially the laws governing the State Mine Inspector's jurisdiction and provided in pertinent part as follows:

All operations shall be subject to the general provisions of this chapter unless specifically exempted from a particular provision by its terms.

A.R.S. § 27-302.A

The word "operation" is defined in A.R.S. § 27-301.9 as "any mine, mill or smelter defined in this section."

Without elaborating fully on the meaning and effect of the provisions quoted herein above, it is sufficient to indicate that Attorney General Opinion No. 61-48 is no longer applicable for the reason that the subject statutes have been substantially modified since the date of that opinion.



Mr. Bert C. Romero

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Please contact us at your convenience if there are any further questions.

Sincerely yours,

BRUCE E. BABBITT  
Attorney General

A handwritten signature in cursive script that reads "Fred W. Stork". The signature is written in dark ink and is positioned above the printed name and title.

FRED W. STORK  
Assistant Attorney General

FWS:AWB:mc