An Act

ENROLLED HOUSE
BILL NO. 1281

By: Miller and Martin (Scott) of the House

and

Johnson (Mike) and Myers of the Senate

An Act relating to Department of Mines; amending 45 O.S. 2001, Section 907, which relates to the inspection and examination of strip and surface mines; modifying duty to inspect; changing the number of required inspections; clarifying and updating statutory language; amending 45 O.S. 2001, Section 931, which relates to operator's fees; modifying certain fees; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 45 O.S. 2001, Section 907, is amended to read as follows:

Section 907. It shall be the duty of the ~~Chief Mine Inspector, or his assistant mine inspectors,~~ Department of Mines to enter into and examine thoroughly each and every active strip or surface mine in the state ~~at least once a month or as often as to him seems necessary or expedient,~~ four to six times annually and in response to compliance concerns to see that the provisions of this act are observed and strictly carried out. Mines with resident safety engineers supplying the Department with monthly self-monitoring reports shall be inspected a minimum of twice a year. The Chief Mine Inspector or assistant inspectors, or both, may enter, inspect and examine any strip or surface pit and the works and machinery belonging thereto at all times~~;~~, either by night or by day~~, and the~~. The owner and the employees may each designate a ~~man~~ person who shall accompany the inspector during the state inspection of the

mine~~; and after~~. After each inspection the inspector shall make a report in triplicate of the condition of the mine with recommendations ~~and/or~~ and orders. One copy shall be placed on file in the office of the Chief Mine Inspector, one copy shall remain ~~in the hands of~~ with the inspector, and one copy shall be given to the operator who shall post it in a conspicuous place available for public inspection where it can be read and where it shall remain until the next state inspection report is issued. Within thirty (30) days after receiving the ~~inspector's~~ report of the inspector ~~wherein~~ in which any important recommendations are made, the owner shall send a report to the Chief Mine Inspector stating what steps have been taken to comply with ~~such~~ the recommendations.

SECTION 2. AMENDATORY 45 O.S. 2001, Section 931, is amended to read as follows:

Section 931. A. All operators of coal mining operations shall pay to the Department of Mines a fee of seven and one-half cents ($0.075) per ton of coal produced.

B. All operators of noncoal mining operations shall pay to the Department of Mines a fee of ~~three fourths of one cent ($0.0075)~~ one cent ($0.01) per ton of mineral produced. For the purposes of this section, "mineral" shall be defined as provided in paragraph ~~(d)~~ 4 of Section 723 of this title.

C. The fees imposed by this section shall be paid no later than thirty (30) days after the end of each calendar quarter beginning the first calendar quarter after June 30, 1982.

D. The Department shall develop and promulgate a report form, which shall be as similar as possible to the form required of operators by federal law, and which shall state the amount of coal or mineral produced during the calendar quarter, the method of coal or mineral removal, and the type of coal or mineral. The operator shall swear to the accuracy of the report before a notary public, who shall duly notarize the report.

E. All fees collected by the Department of Mines pursuant to this section shall be deposited with the State Treasurer, who shall credit one cent ($0.01) per ton of fees collected on coal produced on or after July 1, 1988, and one-tenth of one cent ($0.001) per ton of fees collected on minerals produced on or after July 1, 1988, to the Oklahoma Miner Training Institute Revolving Fund, with the

balance of ~~said~~ the fees collected to be deposited in the Department of Mines Revolving Fund.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 11th day of May, 2010.

Presiding Officer of the House of Representatives

Passed the Senate the 24th day of May, 2010.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 25th

day of May, **20** 10,

at 1:38 **o'clock** P **M.**

By:

Approved by the Governor of the State of Oklahoma the 6th **day of**

June, **20** 10, **at** 4:10 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

7th **day of** June, **20** 10,

at 2:14 **o'clock** P **M.**

By: