

ENROLLED SENATE
BILL NO. 946

By: Dickerson and Smith of the
Senate

and

Hamilton of the House

An Act relating to mines and mining; amending 45 O.S. 1991, Section 1, as amended by Section 1, Chapter 326, O.S.L. 1995 (45 O.S. Supp. 1995, Section 1), which relates to the Oklahoma Mining Commission; clarifying positions of mining commission member appointments; stating term of appointments; ratifying certain appointments; and declaring an emergency.

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

SECTION 1. AMENDATORY 45 O.S. 1991, Section 1, as amended by Section 1, Chapter 326, O.S.L. 1995 (45 O.S. Supp. 1995, Section 1), is amended to read as follows:

Section 1. A. 1. There is hereby created the Oklahoma Mining Commission. The Commission shall be composed of nine (9) members to be appointed by the Governor with the advice and consent of the Senate.

2. The Commission shall constitute a body corporate of the State of Oklahoma, and exercise by the Commission of the powers conferred by this act shall be deemed and shall be held to be an essential governmental function of the State of Oklahoma.

3. Beginning January 1, 1986, one member shall be appointed for a term of one (1) year (Position One); one member shall be appointed for a term of two (2) years (Position Two); one member shall be appointed for a term of three (3) years (Position Three); one member shall be appointed for a term of four (4) years (Position Four); one member shall be appointed for a term of five (5) years (Position Five); two members shall be appointed for a term of six (6) years (Positions Six and Seven); and two members shall be appointed for a term of seven (7) years (Positions Eight and Nine).

4. After the initial terms, appointments shall be made for seven (7) years. All appointments made for seven-year terms commencing prior to June 1, 1995, are hereby ratified. Each member shall be a qualified elector of this state.

5. The membership shall consist of at least one person with a background in engineering or geology; one person with a background in labor or workers' safety; one person with a background in

agriculture or soil conservation; one person with a background in transportation; one person with a background in economic development or banking; one person with a background in public utilities; one person with a background in natural resources; and two persons selected at large. All persons appointed to the Commission must be able to meet, at the time they take the constitutional and statutory oath of office, the provisions in Section 767 of this title, 30 U.S.C. Section 1267(g) and 30 C.F.R. Section 705.

B. The Commission shall meet at least six times annually. A majority of the Commission shall constitute a quorum. Commission members may be removed only for cause.

Whenever a vacancy shall occur, the Governor shall appoint a person to fill the unexpired term of the vacant office. Each member of the Commission shall take and subscribe to the constitutional and statutory oath of office prior to the performance of any duties as a Commission member.

C. The Commission shall reorganize annually by electing a chair, vice-chair and secretary from the membership of the Commission who shall perform, for one (1) year from the date of their election, such duties as shall be prescribed by the Commission.

D. The chair of the Commission or the Director may call a meeting of the Commission at any time and at any place within the state. Only in case of a tie vote shall the Director have the right to vote. Prior to all meetings of the Commission, notice of such meetings shall be in accordance with the applicable state meeting laws.

E. The term "State Mining Board" appearing in the Oklahoma Statutes shall mean the "Oklahoma Mining Commission". The term "Chief Mine Inspector" appearing in the Oklahoma Statutes shall mean "Director of the Department of Mines" in the absence of an appointed Chief Mine Inspector.

SECTION 2. 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.