

SHORT TITLE: Mines and mining; abolishing Oklahoma Mining Commission and Department of Mines and Mining; transferring duties to Corporation Commission. Effective date. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1151

By: Campbell

AS INTRODUCED

An Act relating to mines and mining; abolishing the Oklahoma Mining Commission and the Department of Mines and Mining; providing for creation of a Department of Mines within the Corporation Commission; providing for transfer of powers, properties, funds, personnel, utilities, permits, programs, functions, remedies and obligations; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.1 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. 1. Through June 30, 1998, the Oklahoma Mining Commission and the Department of Mines and Mining shall continue to be responsible for the implementation and effectuation of Title 45 of the Oklahoma Statutes. Effective July 1, 1998, the Oklahoma Mining Commission and the Department of Mines and Mining shall be abolished.

2. On and after July 1, 1998, responsibility for the implementation and effectuation of Title 45 of the Oklahoma Statutes shall be transferred to the Corporation Commission.

3. By July 1, 1998, a Department of Mines shall be established within the Corporation Commission.

B. 1. All powers, duties, responsibilities, properties, assets, fund balances, records, personnel and liabilities, including, but not limited to, liability for all employees' sick leave, annual leave, holidays, unemployment benefits and workers' compensation benefits accruing to employees prior to July 1, 1998, which are attributable to the Oklahoma Mining Commission and the Department of Mines and Mining shall be transferred to the Corporation Commission.

2. With regard to all programs and functions transferred pursuant to this section, all agency rules relating to such programs and functions are hereby transferred to the Corporation Commission for the purpose of maintaining and operating such programs and functions. Such rules shall remain in effect only until June 30, 1999, at which time such transferred rules will terminate unless earlier superseded by rules promulgated by the Corporation Commission. By February 1, 1999, the Corporation Commission shall have adopted new permanent rules to implement the programs and functions determined necessary to administer the powers and duties subject to the jurisdiction of the Commission pursuant to this section.

C. Unexpired or unrevoked licenses, permits, certifications or registrations issued prior to July 1, 1998, shall remain valid for stated terms and conditions until otherwise provided by law. Such licenses, permits, certifications or registrations shall be subject to the laws and rules of the Oklahoma Mining Commission in effect on June 30, 1998, but which jurisdiction over such licenses, permits, certification or registrations is transferred pursuant to the provisions of this section.

D. All rights, encumbrances, obligations and remedies arising out of laws, rules, agreements and causes of action are also transferred to the Corporation Commission.

E. Nothing in this section shall operate to bar or negate any existing order, claim or cause of action transferred or available to the Department of Mines and Mining or the Corporation Commission nor shall it operate to affect enforcement action undertaken by any program, division or service prior to such transfer to the Corporation Commission. Violations of provisions of law now contained in Title 17 of the Oklahoma Statutes and violations of rules, permits or final orders which occurred prior to the transfer of jurisdiction and authority to the Corporation Commission shall be subject to penalties available and existing at the time of the violation.

F. Any application pending on June 30, 1998, before the Department of Mines and Mining for a permit or license over which the Department has jurisdiction is hereby transferred to the Corporation Commission and shall be subject to the authority and control of the Corporation Commission.

SECTION 2. This act shall become effective July 1, 1998.

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.

46-2-2365

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