

ENGROSSED HOUSE  
CONCURRENT  
RESOLUTION NO. 1005

By: Maddux, Balkman, Braddock, Ervin, Hefner, Langmacher, Leist, Miller (Ray), Newport, O'Neal, Pope (Clay), Roan, Smaligo, Walker, Wilt, Adair, Adkins, Askins, Begley, Bengé, Benson, Blackburn, Bonny, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, Dunegan, Easley, Eddins, Ericson, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, Graves, Gray, Greenwood, Hastings, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lindley, Liotta, Mass, Matlock, McCarter, Miller (Doug), Mitchell, Morgan, Nance, Nations, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Tim), Reese, Rice, Roach, Roberts, Roggow, Ross, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites, Sullivan (John), Sullivan (Leonard), Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Webb, Wells, Wilson, Winchester, Worthen, Wright and Young of the House

and

Mickle, Milacek, Easley and Capps of the Senate

A Concurrent Resolution memorializing the United States Department of Labor and Congress to remove the designation of county borrow pits as commercial strip mining; and providing for distribution.

WHEREAS, borrow pits are pits from which sand, gravel, rock, stone, earth or fill is taken for government-financed construction purposes; and

WHEREAS, county governments in Oklahoma use borrow pits extensively for county roads and other projects; and

WHEREAS, typically material excavated in borrow pits is shaved from the surface then loaded into trucks and moved directly to

county roads. Most county operations do not have crushers or conveyers; and

WHEREAS, pursuant to Section 401 of Title 40 of the Oklahoma Statutes, the Oklahoma Department of Labor inspects and regulates the operation and safety of borrow pits; and

WHEREAS, counties in Oklahoma have effective safety programs already in place; and

WHEREAS, recently the United States Department of Labor's Mine Safety and Health Administration (MSHA) has assumed jurisdiction over all county borrow pit excavations in Oklahoma; and

WHEREAS, county commissioners in Oklahoma have been informed by MSHA that their borrow pits will be regulated in the same manner as commercial strip-mining operations and the underground mining industry; and

WHEREAS, the regulation of county borrow pits by MSHA will increase the cost of road building for county roads because of additional regulations, inspections and requirements; and

WHEREAS, the regulation of county borrow pits by MSHA discourages the donation of borrow pit material by private landowners because of the added inspection, regulation and threat of fines. If the same material had to be purchased commercially, the cost of production and time lost would be enormous.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 48TH OKLAHOMA LEGISLATURE, THE SENATE CONCURRING THEREIN:

THAT the Oklahoma Legislature hereby memorializes the United States Department of Labor and the United States Congress to remove the burdensome and unnecessary regulation and determination of borrow pits as commercial strip mining and underground mines.

THAT copies of this resolution be distributed to the United States Department of Labor and to each member of the Oklahoma Congressional Delegation.

Adopted by the House of Representatives the 28th day of  
February, 2001.

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Presiding Officer of the House of  
Representatives

Adopted by the Senate the \_\_\_\_ day of \_\_\_\_\_, 2001.

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Presiding Officer of the Senate