

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 655

By: Littlefield of the Senate

and

Roberts of the House

AS INTRODUCED

An Act relating to mines and mining; amending 45 O.S. 1991, Section 801, as amended by Section 1, Chapter 33, O.S.L. 1995 and 45 O.S. 1991, Section 802 (45 O.S. Supp. 2000, Section 801), which relate to the Ottawa Reclamation Authority; modifying Sunset date; authorizing certain sales of chat; authorizing authority to study and promote sale of chat for certain purposes; assessing fee on sale of chat; providing procedures for payment of fee; stating uses of fee proceeds; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 45 O.S. 1991, Section 801, as amended by Section 1, Chapter 33, O.S.L. 1995 (45 O.S. Supp. 2000, Section 801), is amended to read as follows:

Section 801. There is hereby re-created, to continue until July 1, ~~2001~~ 2006, in accordance with the provisions of the Oklahoma Sunset Law ~~Section 3901 et seq. of Title 74~~, a land restoration and reclamation district within this state to be known as the Ottawa Reclamation Authority, hereinafter called the district. The district shall consist of that part of this state which is included within the boundaries of those counties having hard metal mines and mining. The district shall be a governmental agency and a body politic and corporate, with powers of government and with the authority to exercise the rights, privileges, and functions specified in this section and Sections 802 through 815 of this title, including the acquisition, control, restoration,

preservation, and reclamation of certain hazardous lands located within the district in order that said lands be made safe and suitable for sale to or use by the public in such manner and method as may be determined by the district.

~~Nothing~~ Except as specifically provided in this act, which authorizes a fee upon the sale of chat, nothing in this section or in Sections 802 through 815 of this title shall be construed as authorizing the district to levy or collect taxes or assessments, or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of this state or any subdivision of this state.

SECTION 2. AMENDATORY 45 O.S. 1991, Section 802, is amended to read as follows:

Section 802. The district is hereby authorized to exercise the following powers, rights, and privileges:

(a) To acquire control, restore, preserve, and reclaim within the boundaries of the district certain hazardous lands in order that said lands may be made safe and suitable for use by or sale to the public or members thereof;

(b) To prevent or aid in the prevention of damage to any person or property as the result of any usage of any lands belonging to said district;

(c) To acquire by purchase, lease, gift or devise and to maintain, use and operate any and all property of any kind, real, personal or mixed, or any interest therein, and to own, construct, operate and maintain any project or works or equipment in conjunction or jointly with any other department or agency of the State of Oklahoma or the United States of America or any department or agency thereof within the boundaries of the district necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred upon it by this act. Nothing in this act shall be construed as granting to the district the power of eminent domain or condemnation;

(d) Subject to the provisions of this act from time to time to sell, lease or otherwise dispose of any property of any kind, real, personal, or mixed, or any interest therein, which shall not be necessary to the carrying on of the business of the district;

(e) To construct, extend, improve, maintain and reconstruct, to cause to be constructed, extended, improved, maintained and reconstructed, and to use and operate any and all facilities of any kind necessary or convenient to the exercise of such powers, rights, privileges and functions;

(f) To sue and be sued in its corporate name;

(g) To adopt, use and alter a corporate seal;

(h) To make bylaws for the management and regulation of its affairs;

(i) To appoint officers, agents and employees, prescribe their duties and to fix their compensation; and enter into contracts with labor unions; provided, contracts of labor unions shall not abrogate the rights of the district to cooperate and carry out veterans on the job training;

(j) To make contracts and to execute instruments necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this act;

(k) To borrow money for its corporate purposes from any source and pledge its assets as security for the repayment of said loan or loans and, without limitation on the generality of the foregoing, to borrow money and accept grants from the United States of America, or from any corporation or agency created or designated by the United States of America, and in connection with such loan or grant to enter into such agreements as the United States of America or such corporation or agency may require, and to make and issue its negotiable bonds for monies borrowed, in the manner provided in this act;

(l) To prescribe and enforce rules and regulations for the use for recreational, farming, industrial and commercial purposes and other proper usage of any land owned or formerly owned by the district; ~~and~~

(m) To administer a program to study and promote the sale and use of granular mine tailings from lead and zinc mining, commonly known as "chat", for purposes that are safe and practical; and

(n) To do any and all other acts or things necessary or convenient to the exercise of the powers, rights, privileges or functions conferred upon it by this act or any act or law. Provided said district shall not be liable for any damage where it is not liable on general principles of law, statute or constitutional provision.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 808.1 of Title 45, unless there is created a duplication in numbering, reads as follows:

There is hereby assessed a fee of two cents (\$0.02) per ton upon the sale of chat, pursuant to Section 802 of Title 45 of the Oklahoma Statutes. The seller of the chat shall become liable to the Ottawa Reclamation Authority for the payment of the fee at the time of the sale and shall remit payments on a quarterly basis. Each payment shall be due within thirty (30) days following the end of the calendar quarter. The proceeds of this fee shall be used by the Ottawa Reclamation Authority to promote the sale and use of chat for purposes that are safe and practical.

SECTION 4. 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.