

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2971

By: Hoskin

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6 AS INTRODUCED

7 An Act relating to mines and mining; providing for a
8 record of mining operations upon application to the
9 Department of Mines; authorizing a fee for each
10 record provided; providing for the mailing of a
11 certificate; providing for the filing of the
12 certificate with the county clerk; stating that the
13 certificate shall be prima facie evidence upon
14 certain circumstances; specifying burden of proof;
15 providing for codification; and providing an
16 effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 25 of Title 45, unless there is
20 created a duplication in numbering, reads as follows:

21 A. Any person may make application in writing to the Department
22 of Mines for a certificate setting forth the contents of the
23 records of the Department concerning mining operations on a tract of
24 land. The Department may assess a fee of Ten Dollars (\$10.00) for
each tract record provided.

B. The Department shall mail a certificate, signed by the
Director of the Department of Mines and attested to, containing the

1 requested information to the address given in the application. The
2 certificate may be filed of record in the county in which the tract
3 of land is located, and the county clerk shall properly endorse the
4 instrument under the land affected as a certificate of the
5 Department of Mines.

6 C. The certificate filed in accordance with this section shall
7 serve as prima facie evidence of the actual status of mining
8 operations on the tract. If the certificate disclosed no notice of
9 intention to perform mining operations on the tract of land or that
10 no operations have been reported from the tract for six (6) months
11 or more prior to the date of the certificate, then the burden of
12 proving that the lease or conveyance is in fact valid and subsisting
13 shall be on the person asserting the existence and validity of any
14 mining lease or conveyance wherein:

15 1. The primary term of which has expired; and

16 2. The existence and validity of the lease is dependent upon
17 mining operations as defeating the merchantability of title to the
18 tract covered by the certificate, or any part thereof.

19 SECTION 2. This act shall become effective November 1, 2008.

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21 51-2-9011 SAB 01/14/08

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