

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 2ND CONFERENCE COMMITTEE

4 SUBSTITUTE

5 FOR ENGROSSED

6 HOUSE BILL NO. 1281

By: Miller and Martin (Scott)  
of the House

and

Johnson (Mike) and Myers of  
the Senate

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10 2ND CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to Department of Mines; amending 45  
12 O.S. 2001, Section 907, which relates to the  
13 inspection and examination of strip and surface  
14 mines; modifying duty to inspect; changing the number  
15 of required inspections; clarifying and updating  
16 statutory language; amending 45 O.S. 2001, Section  
17 931, which relates to operators fees; modifying  
18 certain fees; and declaring an emergency.

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

20 SECTION 1. AMENDATORY 45 O.S. 2001, Section 907, is  
21 amended to read as follows:

22 Section 907. It shall be the duty of the ~~Chief Mine Inspector,~~  
23 ~~or his assistant mine inspectors,~~ Department of Mines to enter into  
24 and examine thoroughly each and every active strip or surface mine  
in the state ~~at least once a month or as often as to him seems~~

1 ~~necessary or expedient,~~ four to six times annually and in response  
2 to compliance concerns to see that the provisions of this act are  
3 observed and strictly carried out. Mines with resident safety  
4 engineers supplying the Department with monthly self-monitoring  
5 reports shall be inspected a minimum of twice a year. The Chief Mine  
6 Inspector or assistant inspectors, or both, may enter, inspect and  
7 examine any strip or surface pit and the works and machinery  
8 belonging thereto at all times, either by night or by day, ~~and the.~~  
9 The owner and the employees may each designate a ~~man~~ person who  
10 shall accompany the inspector during the state inspection of the  
11 mine, ~~and after.~~ After each inspection the inspector shall make a  
12 report in triplicate of the condition of the mine with  
13 recommendations ~~and/or~~ and orders. One copy shall be placed on file  
14 in the office of the Chief Mine Inspector, one copy shall remain ~~in~~  
15 ~~the hands of~~ with the inspector, and one copy shall be given to the  
16 operator who shall post it in a conspicuous place available for  
17 public inspection where it can be read and where it shall remain  
18 until the next state inspection report is issued. Within thirty  
19 (30) days after receiving the ~~inspector's~~ report of the inspector  
20 ~~wherein~~ in which any important recommendations are made, the owner  
21 shall send a report to the Chief Mine Inspector stating what steps  
22 have been taken to comply with ~~such~~ the recommendations.

23 SECTION 2. AMENDATORY 45 O.S. 2001, Section 931, is  
24 amended to read as follows:

1 Section 931. A. All operators of coal mining operations shall  
2 pay to the Department of Mines a fee of seven and one-half cents  
3 (\$0.075) per ton of coal produced.

4 B. All operators of noncoal mining operations shall pay to the  
5 Department of Mines a fee of ~~three-fourths of one cent (\$0.0075)~~ one  
6 cent (\$0.01) per ton of mineral produced. For the purposes of this  
7 section, "mineral" shall be defined as provided in paragraph ~~(d)~~ 4  
8 of Section 723 of this title.

9 C. The fees imposed by this section shall be paid no later than  
10 thirty (30) days after the end of each calendar quarter beginning  
11 the first calendar quarter after June 30, 1982.

12 D. The Department shall develop and promulgate a report form,  
13 which shall be as similar as possible to the form required of  
14 operators by federal law, and which shall state the amount of coal  
15 or mineral produced during the calendar quarter, the method of coal  
16 or mineral removal, and the type of coal or mineral. The operator  
17 shall swear to the accuracy of the report before a notary public,  
18 who shall duly notarize the report.

19 E. All fees collected by the Department of Mines pursuant to  
20 this section shall be deposited with the State Treasurer, who shall  
21 credit one cent (\$0.01) per ton of fees collected on coal produced  
22 on or after July 1, 1988, and one-tenth of one cent (\$0.001) per ton  
23 of fees collected on minerals produced on or after July 1, 1988, to  
24 the Oklahoma Miner Training Institute Revolving Fund, with the

1 balance of ~~said~~ the fees collected to be deposited in the Department  
2 of Mines Revolving Fund.

3 SECTION 3. It being immediately necessary for the preservation  
4 of the public peace, health and safety, an emergency is hereby  
5 declared to exist, by reason whereof this act shall take effect and  
6 be in full force from and after its passage and approval.

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