

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1791

By: Gumm

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5
6 AS INTRODUCED

7 An Act relating to mines and mining; amending 45 O.S.
8 2001, Section 1, which relates to the Oklahoma Mining
9 Commission; removing obsolete language; modifying
10 membership of the Commission; requiring appointment
of member for certain area; requiring Governor to
appoint certain member upon vacancy; providing for
noncodification; and providing an effective date.

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

14 SECTION 1. AMENDATORY 45 O.S. 2001, Section 1, is
15 amended to read as follows:

16 Section 1. A. 1. There is hereby created the Oklahoma Mining
17 Commission. The Commission shall be composed of nine (9) members to
18 be appointed by the Governor with the advice and consent of the
19 Senate.

20 2. The Commission shall constitute a body corporate of the
21 State of Oklahoma, and exercise by the Commission of the powers
22 conferred by this act shall be deemed and shall be held to be an
23 essential governmental function of the State of Oklahoma.

1 3. ~~Beginning January 1, 1986, one member shall be appointed for~~
2 ~~a term of one (1) year (Position One); one member shall be appointed~~
3 ~~for a term of two (2) years (Position Two); one member shall be~~
4 ~~appointed for a term of three (3) years (Position Three); one member~~
5 ~~shall be appointed for a term of four (4) years (Position Four); one~~
6 ~~member shall be appointed for a term of five (5) years (Position~~
7 ~~Five); two members shall be appointed for a term of six (6) years~~
8 ~~(Positions Six and Seven); and two members shall be appointed for a~~
9 ~~term of seven (7) years (Positions Eight and Nine).~~

10 4. ~~After the initial terms, appointments shall be made for~~
11 ~~seven (7) years. All appointments made for seven year terms~~
12 ~~commencing prior to June 1, 1995, are hereby ratified. Each member~~
13 ~~shall be a qualified elector of this state. Members shall be~~
14 ~~appointed for seven-year terms.~~

15 ~~5.~~ 4. The membership shall consist of at least one person with
16 a background in engineering or geology; one person with a background
17 in labor or workers' safety; one person with a background in
18 agriculture or soil conservation; one person with a background in
19 transportation; one person with a background in economic development
20 or banking; one person with a background in public utilities; one
21 person with a background in natural resources; one person
22 knowledgeable in statewide water resources not affiliated with any
23 mining interest, from an area affected by hard rock mining over a
24 sole source aquifer; and ~~two persons~~ one person selected at large.

1 All persons appointed to the Commission must be able to meet, at the
2 time they take the constitutional and statutory oath of office, the
3 provisions in Section 767 of this title, 30 U.S.C. Section 1267(g)
4 and 30 C.F.R. Section 705.

5 B. The Commission shall meet at least six times annually. A
6 majority of the Commission shall constitute a quorum. Commission
7 members may be removed only for cause.

8 Whenever a vacancy shall occur, the Governor shall appoint a
9 person to fill the unexpired term of the vacant office. Each member
10 of the Commission shall take and subscribe to the constitutional and
11 statutory oath of office prior to the performance of any duties as a
12 Commission member.

13 C. The Commission shall reorganize annually by electing a
14 chair, vice-chair and secretary from the membership of the
15 Commission who shall perform, for one (1) year from the date of
16 their election, such duties as shall be prescribed by the
17 Commission.

18 D. The chair of the Commission or the Director may call a
19 meeting of the Commission at any time and at any place within the
20 state. Only in case of a tie vote shall the Director have the right
21 to vote. Prior to all meetings of the Commission, notice of such
22 meetings shall be in accordance with the ~~applicable state meeting~~
23 ~~laws~~ Oklahoma Open Meeting Act.

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1 E. The term "State Mining Board" appearing in the Oklahoma
2 Statutes shall mean the "Oklahoma Mining Commission". The term
3 "Chief Mine Inspector" appearing in the Oklahoma Statutes shall mean
4 "Director of the Department of Mines" in the absence of an appointed
5 Chief Mine Inspector.

6 SECTION 2. NEW LAW A new section of law not to be
7 codified in the Oklahoma Statutes reads as follows:

8 In order to fulfill the provisions of Section 1 of this act, the
9 next vacancy on the Oklahoma Mining Commission that was an at large
10 position shall be filled by a person knowledgeable in statewide
11 water resources, not affiliated with any mining interest, from an
12 area affected by hard rock mining over a sole source aquifer.

13 SECTION 3. This act shall become effective November 1, 2010.

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