

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1057

By: Allen

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5
6 AS INTRODUCED

7 An Act relating to mining; amending 45 O.S. 2011,
8 Section 9.1, which relates to locations of mining
9 operations; prohibiting certain mining operations
10 within certain limit of municipal boundaries; stating
11 application; prohibiting Oklahoma Mining Commission
12 from issuing certain permits; requiring amendment of
13 certain agency rules; providing for noncodification;
14 and declaring an emergency.

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

16 SECTION 1. AMENDATORY 45 O.S. 2011, Section 9.1, is
17 amended to read as follows:

18 Section 9.1. A. It shall be unlawful for any person, firm or
19 corporation, individually or in association with others, to
20 establish, open up, commence or carry on any quarrying operation for
21 stone or stone products wherein blasting is required, or to conduct
22 any other quarrying operations for commercial or industrial purposes
23 requiring the use of powder, dynamite, nitroglycerin or other
24 explosives within a minimum distance established by rule ~~or~~
~~regulation~~ adopted by the ~~Chief Mine Inspector~~ Oklahoma Mining
Commission from any established school, church or other house of

1 worship if such facilities are located more than two (2) miles from
2 a municipal boundary. After the effective date of this act, the
3 Oklahoma Mining Commission shall not issue any permit for a new
4 operation located within two (2) miles of any municipal boundary.

5 B. This section shall not apply to underground mines or to any
6 quarrying or mining plants already constructed or in actual
7 operation before ~~June 19, 1961~~ the effective date of this act.

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

10 Upon the effective date of this act, the Oklahoma Mining
11 Commission shall not issue any permit for a new mining operation the
12 location of which is within two miles of any municipal boundary.
13 Further, the Commission shall at the earliest opportunity amend, in
14 accordance with the Administrative Procedures Act, any agency rules
15 promulgated pursuant to the provisions of Section 9.1 of Title 45 of
16 the Oklahoma Statutes in conflict with the provisions of Section 1
17 of this act.

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

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