

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 586

By: Bingman

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5
6 AS INTRODUCED

7 An Act relating to mining violations; amending 45
8 O.S. 2001, Section 1.2, which relates to violations;
9 updating agency name; modifying certain notice
10 requirements; and declaring an emergency.

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

12 SECTION 1. AMENDATORY 45 O.S. 2001, Section 1.2, is
13 amended to read as follows:

14 Section 1.2. A. Whenever the ~~Board~~ Oklahoma Mining Commission
15 determines there are reasonable grounds to believe there has been a
16 violation of any order of the ~~Board~~ Commission adopted pursuant to
17 Title 45 of the Oklahoma Statutes, it shall give written notice to
18 the alleged violator specifying the cause of the complaint. Such
19 notice shall require that the matters complained of be corrected
20 within a specified time or that the alleged violator appear before
21 the ~~Board~~ Commission at a time and place specified in the notice to
22 answer the charges. The notice shall be delivered to the alleged
23 violator in accordance with the provisions of subsection C of this
24

1 section not less than ~~twenty (20)~~ thirty (30) days before the time
2 set for the hearing.

3 B. The ~~Board~~ Commission shall afford the alleged violator an
4 opportunity for a hearing in conformity with the Administrative
5 Procedures Act. On the basis of the evidence produced at the
6 hearing, the ~~Board~~ Commission shall make findings of fact and
7 conclusions of law and enter an order thereon. The ~~Board~~ Commission
8 shall give written notice of such order to the alleged violator.
9 The order of the ~~Board~~ Commission shall become final and binding on
10 all parties unless appealed to the district court within thirty (30)
11 days after notice of such order has been sent to the parties.

12 C. Any notice, order or other instrument issued by the ~~Board~~
13 Commission pursuant to this section may be served either personally,
14 by publication, or by mailing a copy by registered mail directed to
15 the alleged violator at his last-known address as shown by the files
16 or records of the ~~Board~~ Commission. Proof of such service shall be
17 filed in the office of the ~~Board~~ Commission.

18 D. Unless otherwise specified by law, any person who violates
19 any of the provisions of Title 45 of the Oklahoma Statutes or who
20 violates any order or determination of the ~~Board~~ Commission
21 promulgated pursuant to this section shall be guilty of a
22 misdemeanor and in addition thereto may be enjoined from continuing
23 such violation. Each day upon which such violation occurs shall
24 constitute a separate violation.

1 The Attorney General, on the request of the ~~Board~~ Commission,
2 shall bring an action against any person violating any order or
3 determination of the ~~Board~~ Commission adopted pursuant to Title 45
4 of the Oklahoma Statutes.

5 SECTION 2. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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