

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

**HB3884**

By: McCall of the House and Treat of the Senate

Title: Department of Environmental Quality; creating Division of Mines; consolidating the  
Department of Mines; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the  
same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

**SENATE CONFEREES**

Treat	_____
Allen	_____
Burns	_____
David	_____
Taylor	_____
Brooks	_____
Hicks	_____

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

CONFERENCE COMMITTEE  
SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 3884

By: McCall of the House

and

Treat of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the Department of Environmental Quality; creating Division of Mines; consolidating the Department of Mines into the Department of Environmental Quality; defining term; requiring transfer of certain papers, records, and property by certain date; transferring certain functions, powers, duties, and obligations; transferring certain rules, regulations, acts, orders, determinations, and decisions; detailing the transfer of certain employees; requiring certain coordination; amending 27A O.S. 2021, Sections 1-1-201, 1-3-101, 2-1-102, 2-3-110, 2-6-111, and 4-1-102, which relate to definitions, state environmental agencies, sale of headquarters building, permitting moratorium; deleting references to consolidated agency; modifying certain agency responsibilities; amending 29 O.S. 2021, Section 7- 401a, which relates to violations causing death of fish or wildlife; modifying definition; amending 45 O.S. 2021, Sections 1.2, 1.3, 1.4, 1.5, 1a, 1c, 1d, 1e, 1f, and 2, which relate to the violations of board order, hearings, inspections, rules and regulations, powers and duties, Chief Mine Inspector, Oklahoma Miner Training Institute, duties of the Oklahoma Miner Training Institute and certificates of competency; deleting references to consolidated Department; modifying agency duties; amending 45 O.S. 2021, Section 3, which relates to the Chief Mine Inspector; deleting references to consolidated Department; modifying agency

responsibilities; modifying selection requirements for Division Director; modifying name of Chief Mine Inspector; modifying appointing entity of Division Director; providing for replacement or removal of Division Director; providing for setting of compensation; allowing for appointment of Deputy Division Director; modifying appointing entity for Deputy; providing for replacement or removal of Deputy; providing for compensation for Deputy; amending 45 O.S. 2021, Sections 5, 6, 31, 34, 44, 45, 46.1, 48, and 723, which relate to certificates, records of those issued certificates, annual report to Governor, property of state, appointment of special counsel, continuing study of mining laws, remediation of acid mine drainage, borrow pits and definitions; deleting references to consolidated Department; modifying agency duties; amending 45 O.S. 2021, Section 724, which relates to permits, applications and bonds; deleting references to consolidated Department; modifying agency duties; modifying certain revolving fund receiving deposit; modifying types of hearings required to be held; requiring certain mediation; setting compensation for mediator; requiring mediator advise Department as to resolution; requiring certain hearing if no resolution; excluding mediator as hearing examiner; amending 45 O.S. 2021, Sections 725, 727, 728, 729, 731, 732, 733, 734, 735, 738, 742.1, 742.2, 745.1, 753, 767, 768, 769, 775, 780, 786, 787, 852, 901, 902, 903, 904, 905, 906, 907, 911, 918, 931, 938.1, and 950, which relate to procedure for reclaiming land, inspections, bonds, violations, maps, legal assistance, sand and gravel, judicial review, Coal Reclamation Act of 1979, waste piles, explosives, conflicts of interest, reports of violations, civil penalties, inspection of violations, actions for damages, review of notices or orders, appeals of orders, Governor as ex officio member, certificates of competency, certification of applicants, records, revocation of certificates, inspection and examination of strip and surface mines, explosives, operator's fees, creation of revolving fund, and moratoriums on certain permits; deleting references to consolidated Department; modifying agency responsibilities; modifying definitions and defining terms; amending 47 O.S. 2021, Section 156, which relates to purchase of passenger automobiles or buses

1 with public funds; deleting reference to consolidated  
2 agency; amending 51 O.S. 2021, Section 24A.27, which  
3 relates to confidentiality of vulnerability  
4 assessments of critical assets; deleting reference to  
5 consolidated agency; amending 59 O.S. 2021, Section  
6 3022, which relates to definitions; modifying agency  
7 reference; amending 63 O.S. 2021, Sections 122.2,  
8 123.1, 123.2, 123.2A, 123.3, 123.4, 123.5, 123.7, and  
9 123.8, which relate to agency jurisdictional areas,  
10 administration, regulation and enforcement, permits,  
11 purchase of blasting agents, promulgation of rules,  
12 penalties for violation, deposit of monies, and  
13 applicability of act; modifying agency references;  
14 amending 68 O.S. 2021, Section 2357.11, which relates  
15 to tax credit; modifying agency references; amending  
16 74 O.S. 2021, Section 500.18, which relates to  
17 exemptions; deleting consolidated agency exemption;  
18 amending 82 O.S. 2021, Sections 1020.2 and 1020.9C,  
19 which relate to declaration of policy and moratorium  
20 on actions related to the operation of certain mines;  
21 modifying agency references; deleting references to  
22 consolidated agency; repealing 45 O.S. 2021, Sections  
23 1, 1b, 3.1, 32, 41, 46 and 938, which relate to the  
24 Oklahoma Mining Commission, Chief Mine Inspector,  
appointments, examination of mines, disputes,  
authority to study ways to expand existing markets  
and create new markets, and Department of Mines  
Revolving Fund; providing for codification; providing  
for recodification; providing an effective date; and  
declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 3001 of Title 27A, unless there  
is created a duplication in numbering, reads as follows:

A. There is hereby created within the Department of  
Environmental Quality a Division of Mines, which shall fulfill the

1 role of the Department of Mines created by Section 25 of Article VI  
2 of the Oklahoma Constitution.

3 B. The Department of Mines is hereby consolidated into the  
4 Department of Environmental Quality as the Division of Mines  
5 described in subsection A of this section. The Executive Director  
6 of the Department of Environmental Quality shall assume all  
7 executive-level responsibilities formerly belonging to the  
8 Department of Mines. The Executive Director of the Department of  
9 Environmental Quality shall function as and possess the powers of  
10 the agency director for the consolidated agency as enumerated by  
11 existing statute. For the purposes of this section, the term  
12 "consolidated agency" shall mean the Department of Mines. Any funds  
13 appropriated to, in the possession of, or allocated to the  
14 consolidated agency shall be deemed to be funds of the Department of  
15 Environmental Quality.

16 C. The Executive Director of the Department of Environmental  
17 Quality shall cause the personnel of the consolidated agency to  
18 deliver to the Department of Environmental Quality all books,  
19 papers, records, and property of the consolidated agency within  
20 ninety (90) days after the effective date of this act.

21 D. All functions, powers, duties, and obligations previously  
22 assigned to the consolidated agency are hereby transferred to the  
23 Department of Environmental Quality.

1 E. All rules, regulations, acts, orders, determinations, and  
2 decisions of the consolidated agency pertaining to the functions and  
3 powers herein transferred and assigned to the Department of  
4 Environmental Quality in force at the time of such transfer,  
5 assignment, assumption, or devolution shall continue in force and  
6 effect as rules, regulations, acts, orders, determinations, and  
7 decisions of the consolidated agency until duly modified or  
8 abrogated by the appropriate body or until otherwise provided by  
9 law.

10 F. All personnel of the consolidated agency whose duties are  
11 transferred under this section shall be transferred to the  
12 Department of Environmental Quality at the discretion of the  
13 Executive Director. Personnel transferred pursuant to the  
14 provisions of this section shall not be required to accept a lesser  
15 salary than presently received. Personnel transferred shall be  
16 placed within the classification level in which they meet  
17 qualifications without an entrance exam. All such persons  
18 transferred shall retain seniority, leave, sick and annual time  
19 earned, and any retirement benefits which have accrued during their  
20 tenure with the consolidated agency. The transfer of personnel  
21 among the agencies shall be coordinated with the Office of  
22 Management and Enterprise Services.

23 SECTION 2. AMENDATORY 27A O.S. 2021, Section 1-1-201, is  
24 amended to read as follows:

1 Section 1-1-201. As used in the Oklahoma Environmental Quality  
2 Act:

3 1. "Clean Water Act" means the federal Water Pollution Control  
4 Act, 33 U.S.C., Section 1251 et seq., as amended;

5 2. "Discharge" includes but is not limited to a discharge of a  
6 pollutant, and means any addition of any pollutant to waters of the  
7 state from any point source;

8 3. "Environment" includes the air, land, wildlife, and waters  
9 of the state;

10 4. "Federal Safe Drinking Water Act" means the federal law at  
11 42 U.S.C., Section 300 et seq., as amended;

12 5. "Groundwater protection agencies" include the:

13 a. Oklahoma Water Resources Board,

14 b. Oklahoma Corporation Commission,

15 c. ~~State~~ Oklahoma Department of Agriculture, Food, and  
16 Forestry,

17 d. Department of Environmental Quality, and

18 e. Conservation Commission, ~~and~~

19 ~~f. Department of Mines;~~

20 6. "Nonpoint source" means the contamination of the environment  
21 with a pollutant for which the specific point of origin may not be  
22 well defined and includes but is not limited to agricultural storm  
23 water runoff and return flows from irrigated agriculture;

1        7. "N.P.D.E.S." or "National Pollutant Discharge Elimination  
2 System" means the system for the issuance of permits under the  
3 Federal Water Pollution Control Act, 33 U.S.C., Section 1251 et  
4 seq., as amended;

5        8. "Point source" means any discernible, confined and discrete  
6 conveyance or outlet including but not limited to any pipe, ditch,  
7 channel, tunnel, conduit, well, discrete fissure container, rolling  
8 stock or vessel or other floating craft from which pollutants are or  
9 may be discharged into waters of the state. The term "point source"  
10 shall not include agricultural storm water runoff and return flows  
11 from irrigated agriculture;

12        9. "Pollutant" includes but is not limited to dredged spoil,  
13 solid waste, incinerator residue, sewage, garbage, sewage sludge,  
14 munitions, chemical wastes, biological materials, radioactive  
15 materials, heat, wrecked or discarded equipment, rock, sand, cellar  
16 dirt and industrial, municipal, and agribusiness waste;

17        10. "Pollution" means the presence in the environment of any  
18 substance, contaminant or pollutant, or any other alteration of the  
19 physical, chemical or biological properties of the environment or  
20 the release of any liquid, gaseous or solid substance into the  
21 environment in quantities which are or will likely create a nuisance  
22 or which render or will likely render the environment harmful or  
23 detrimental or injurious to public health, safety or welfare, or to  
24 domestic, commercial, industrial, agricultural, recreational, or

1 other legitimate beneficial uses, or to livestock, wild animals,  
2 birds, fish or other aquatic life, or to property;

3 11. "Source" means any and all points of origin of any wastes,  
4 pollutants or contaminants whether publicly or privately owned or  
5 operated;

6 12. "State agencies with limited environmental  
7 responsibilities" means:

- 8 a. the Department of Public Safety,
- 9 b. the Department of Labor, and
- 10 c. the Oklahoma Department of ~~Civil~~ Emergency Management;

11 13. "State environmental agency" includes the:

- 12 a. Oklahoma Water Resources Board,
- 13 b. Oklahoma Corporation Commission,
- 14 c. ~~State~~ Oklahoma Department of Agriculture, Food, and  
15 Forestry,
- 16 d. Oklahoma Conservation Commission,
- 17 e. Department of Wildlife Conservation, and
- 18 f. ~~Department of Mines, and~~
- 19 ~~g.~~ Department of Environmental Quality;

20 14. "Storm water" means rain water runoff, snow melt runoff,  
21 and surface runoff and drainage;

22 15. "Total maximum daily load" means the sum of individual  
23 wasteload allocations (W.L.A.) for point sources, safety, reserves,  
24 and loads from nonpoint sources and natural backgrounds;

1        16. "Waste" means any liquid, gaseous or solid or semi-solid  
2 substance, or thermal component, whether domestic, municipal,  
3 commercial, agricultural or industrial in origin, which may pollute  
4 or contaminate or tend to pollute or contaminate, any air, land or  
5 waters of the state;

6        17. "Wastewater" includes any substance, including sewage, that  
7 contains any discharge from the bodies of human beings or animals,  
8 or pollutants or contaminating chemicals or other contaminating  
9 wastes from domestic, municipal, commercial, industrial,  
10 agricultural, manufacturing or other forms of industry;

11       18. "Wastewater treatment" means any method, technique or  
12 process used to remove pollutants from wastewater or sludge to the  
13 extent that the wastewater or sludge may be reused, discharged into  
14 waters of the state or otherwise disposed and includes, but is not  
15 limited to, the utilization of mechanized works, surface  
16 impoundments and lagoons, aeration, evaporation, best management  
17 practices (BMPs), buffer strips, crop removal or trapping,  
18 constructed wetlands, digesters or other devices or methods.  
19 "Treatment" also means any method, technique or process used in the  
20 purification of drinking water;

21       19. "Wastewater treatment system" means treatment works and all  
22 related pipelines or conduits, pumping stations and force mains, and  
23 all other appurtenances and devices used for collecting, treating,  
24 conducting or discharging wastewater;

1        20. "Waters of the state" means all streams, lakes, ponds,  
2 marshes, watercourses, waterways, wells, springs, irrigation  
3 systems, drainage systems, storm sewers and all other bodies or  
4 accumulations of water, surface and underground, natural or  
5 artificial, public or private, which are contained within, flow  
6 through, or border upon this state or any portion thereof, and shall  
7 include under all circumstances the waters of the United States  
8 which are contained within the boundaries of, flow through or border  
9 upon this state or any portion thereof. Provided, waste treatment  
10 systems, including treatment ponds or lagoons designed to meet  
11 federal and state requirements other than cooling ponds as defined  
12 in the Clean Water Act or rules promulgated thereto and prior  
13 converted cropland are not waters of the state; and

14        21. "Wellhead protection area" means the surface and subsurface  
15 area surrounding a water well or wellfield supplying a public water  
16 system that defines the extent of the area from which water is  
17 supplied to such water well or wellfield.

18        SECTION 3.        AMENDATORY        27A O.S. 2021, Section 1-3-101, is  
19 amended to read as follows:

20        Section 1-3-101. A. The provisions of this section specify the  
21 jurisdictional areas of responsibility for each state environmental  
22 agency and state agencies with limited environmental responsibility.  
23 The jurisdictional areas of environmental responsibility specified  
24 in this section shall be in addition to those otherwise provided by

1 law and assigned to the specific state environmental agency;  
2 provided that any rule, interagency agreement or executive order  
3 enacted or entered into prior to the effective date of this section  
4 which conflicts with the assignment of jurisdictional environmental  
5 responsibilities specified by this section is hereby superseded.  
6 The provisions of this subsection shall not nullify any financial  
7 obligation arising from services rendered pursuant to any  
8 interagency agreement or executive order entered into prior to July  
9 1, 1993, nor nullify any obligations or agreements with private  
10 persons or parties entered into with any state environmental agency  
11 before July 1, 1993.

12 B. Department of Environmental Quality. The Department of  
13 Environmental Quality shall have the following jurisdictional areas  
14 of environmental responsibility:

15 1. All point source discharges of pollutants and storm water to  
16 waters of the state which originate from municipal, industrial,  
17 commercial, mining, transportation and utilities, construction,  
18 trade, real estate and finance, services, public administration,  
19 manufacturing and other sources, facilities and activities, except  
20 as provided in subsections D and E of this section;

21 2. All nonpoint source discharges and pollution except as  
22 provided in subsections D, E and F of this section;

23 3. Technical lead agency for point source, nonpoint source and  
24 storm water pollution control programs funded under Section 106 of

1 the federal Clean Water Act, for areas within the Department's  
2 jurisdiction as provided in this subsection;

3 4. Surface water and groundwater quality and protection and  
4 water quality certifications;

5 5. Waterworks and wastewater works operator certification;

6 6. Public and private water supplies;

7 7. Underground injection control pursuant to the federal Safe  
8 Drinking Water Act and 40 CFR Parts 144 through 148, except for:

9 a. Class II injection wells,

10 b. Class V injection wells utilized in the remediation of  
11 groundwater associated with underground or aboveground  
12 storage tanks regulated by the Corporation Commission,

13 c. those wells used for the recovery, injection or  
14 disposal of mineral brines as defined in the Oklahoma  
15 Brine Development Act regulated by the Commission, and

16 d. any aspect of any CO<sub>2</sub> sequestration facility, including  
17 any associated CO<sub>2</sub> injection well, over which the  
18 Commission is given jurisdiction pursuant to the  
19 Oklahoma Carbon Capture and Geologic Sequestration  
20 Act;

21 8. Notwithstanding any other provision in this section or other  
22 environmental jurisdiction statute, sole and exclusive jurisdiction  
23 for air quality under the federal Clean Air Act and applicable state  
24 law, except for indoor air quality and asbestos as regulated for

1 worker safety by the federal Occupational Safety and Health Act and  
2 by Chapter 11 of Title 40 of the Oklahoma Statutes;

3 9. Hazardous waste and solid waste, including industrial,  
4 commercial and municipal waste;

5 10. Superfund responsibilities of the state under the  
6 Comprehensive Environmental Response, Compensation and Liability Act  
7 of 1980 and amendments thereto, except the planning requirements of  
8 Title III of the Superfund Amendment and Reauthorization Act of  
9 1986;

10 11. Radioactive waste and all regulatory activities for the use  
11 of atomic energy and sources of radiation except for electronic  
12 products used for diagnosis by diagnostic X-ray facilities and  
13 electronic products used for bomb detection by public safety bomb  
14 squads within law enforcement agencies of this state or within law  
15 enforcement agencies of any political subdivision of this state;

16 12. Water, waste, and wastewater treatment systems including,  
17 but not limited to, septic tanks or other public or private waste  
18 disposal systems;

19 13. Emergency response as specified by law;

20 14. Environmental laboratory services and laboratory  
21 certification;

22 15. Hazardous substances other than branding, package and  
23 labeling requirements;

24 16. Freshwater wellhead protection;

1 17. Groundwater protection for activities subject to the  
2 jurisdictional areas of environmental responsibility of the  
3 Department;

4 18. Utilization and enforcement of Oklahoma Water Quality  
5 Standards and implementation documents;

6 19. Environmental regulation of any entity or activity, and the  
7 prevention, control and abatement of any pollution, not subject to  
8 the specific statutory authority of another state environmental  
9 agency;

10 20. Development and maintenance of a computerized information  
11 system relating to water quality pursuant to Section 1-4-107 of this  
12 title;

13 21. Development and promulgation of a Water Quality Standards  
14 Implementation Plan pursuant to Section 1-1-202 of this title for  
15 its jurisdictional area of environmental responsibility; ~~and~~

16 22. Development and utilization of policies and requirements  
17 necessary for the implementation of Oklahoma Groundwater Quality  
18 Standards to the extent that the implementation of such standards  
19 are within the scope of the Department's jurisdiction, including but  
20 not limited to the establishment of points of compliance when  
21 warranted;

22 23. Mining regulation;

23 24. Mining reclamation of active mines;

1        25. Groundwater protection for activities subject to the  
2 jurisdictional areas of environmental responsibility of the  
3 Department; and

4        26. Development and promulgation of a Water Quality Standards  
5 Implementation Plan pursuant to Section 1-1-202 of this title for  
6 its jurisdictional areas of responsibility.

7        C. Oklahoma Water Resources Board. The Oklahoma Water  
8 Resources Board shall have the following jurisdictional areas of  
9 environmental responsibility:

10        1. Water quantity including, but not limited to, water rights,  
11 surface water and underground water, planning, and interstate stream  
12 compacts;

13        2. Weather modification;

14        3. Dam safety;

15        4. Flood plain management;

16        5. State water/wastewater loans and grants revolving fund and  
17 other related financial aid programs;

18        6. Administration of the federal State Revolving Fund Program  
19 including, but not limited to, making application for and receiving  
20 capitalization grant awards, wastewater prioritization for funding,  
21 technical project reviews, environmental review process, and  
22 financial review and administration;

23        7. Water well drillers/pump installers licensing;  
24

1        8. Technical lead agency for clean lakes eligible for funding  
2 under Section 314 of the federal Clean Water Act or other applicable  
3 sections of the federal Clean Water Act or other subsequent state  
4 and federal clean lakes programs; administration of a state program  
5 for assessing, monitoring, studying and restoring Oklahoma lakes  
6 with administration to include, but not be limited to, receipt and  
7 expenditure of funds from federal, state and private sources for  
8 clean lakes and implementation of a volunteer monitoring program to  
9 assess and monitor state water resources, provided such funds from  
10 federal Clean Water Act sources are administered and disbursed by  
11 the Office of the Secretary of Environment;

12        9. Except as set forth in paragraph 22 of subsection B of this  
13 section, statewide water quality standards and their accompanying  
14 use support assessment protocols, anti-degradation policy and  
15 implementation, and policies generally affecting Oklahoma Water  
16 Quality Standards application and implementation including but not  
17 limited to mixing zones, low flows and variances or any modification  
18 or change thereof pursuant to Section 1085.30 of Title 82 of the  
19 Oklahoma Statutes;

20        10. Groundwater protection for activities subject to the  
21 jurisdictional areas of environmental responsibility of the Board;

22        11. Development and promulgation of a Water Quality Standards  
23 Implementation Plan pursuant to Section 1-1-202 of this title for  
24 its jurisdictional area of environmental responsibility;

1        12. Development of classifications and identification of  
2 permitted uses of groundwater, in recognized water rights, and  
3 associated groundwater recharge areas;

4        13. Establishment and implementation of a statewide beneficial  
5 use monitoring program for waters of the state in coordination with  
6 the other state environmental agencies;

7        14. Coordination with other state environmental agencies and  
8 other public entities of water resource investigations conducted by  
9 the federal United States Geological Survey for water quality and  
10 quantity monitoring in the state; and

11       15. Development and submission of a report concerning the  
12 status of water quality monitoring in this state pursuant to Section  
13 1-1-202 of this title.

14       D. Oklahoma Department of Agriculture, Food, and Forestry.

15       1. The Oklahoma Department of Agriculture, Food, and Forestry  
16 shall have the following jurisdictional areas of environmental  
17 responsibility except as provided in paragraph 2 of this subsection:

- 18           a. point source discharges and nonpoint source runoff  
19               from agricultural crop production, agricultural  
20               services, livestock production, silviculture, feed  
21               yards, livestock markets and animal waste,
- 22           b. pesticide control,
- 23           c. forestry and nurseries,
- 24           d. fertilizer,

- e. facilities which store grain, feed, seed, fertilizer and agricultural chemicals,
- f. dairy waste and wastewater associated with milk production facilities,
- g. groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Department,
- h. utilization and enforcement of Oklahoma Water Quality Standards and implementation documents,
- i. development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional areas of environmental responsibility, and
- j. storm water discharges for activities subject to the jurisdictional areas of environmental responsibility of the Department.

2. In addition to the jurisdictional areas of environmental responsibility specified in subsection B of this section, the Department of Environmental Quality shall have environmental jurisdiction over:

- a. (1) commercial manufacturers of fertilizers, grain and feed products, and chemicals, and over manufacturing of food and kindred products,

1 tobacco, paper, lumber, wood, textile mill and  
2 other agricultural products,

3 (2) slaughterhouses, but not including feedlots at  
4 these facilities, and

5 (3) aquaculture and fish hatcheries,  
6 including, but not limited to, discharges of  
7 pollutants and storm water to waters of the state,  
8 surface impoundments and land application of wastes  
9 and sludge, and other pollution originating at these  
10 facilities, and

11 b. facilities which store grain, feed, seed, fertilizer,  
12 and agricultural chemicals that are required by  
13 federal NPDES regulations to obtain a permit for storm  
14 water discharges shall only be subject to the  
15 jurisdiction of the Department of Environmental  
16 Quality with respect to such storm water discharges.

17 E. Corporation Commission.

18 1. The Corporation Commission is hereby vested with exclusive  
19 jurisdiction, power and authority, and it shall be its duty to  
20 promulgate and enforce rules, and issue and enforce orders governing  
21 and regulating:

22 a. the conservation of oil and gas,

23 b. field operations for geologic and geophysical  
24 exploration for oil, gas and brine, including seismic

1 survey wells, stratigraphic test wells and core test  
2 wells,

3 c. the exploration, drilling, development, producing or  
4 processing for oil and gas on the lease site,

5 d. the exploration, drilling, development, production and  
6 operation of wells used in connection with the  
7 recovery, injection or disposal of mineral brines,

8 e. reclaiming facilities only for the processing of salt  
9 water, crude oil, natural gas condensate and tank  
10 bottoms or basic sediment from crude oil tanks,  
11 pipelines, pits and equipment associated with the  
12 exploration, drilling, development, producing or  
13 transportation of oil or gas,

14 f. underground injection control pursuant to the federal  
15 Safe Drinking Water Act and 40 CFR Parts 144 through  
16 148, of:

17 (1) Class II injection wells,

18 (2) Class V injection wells utilized in the  
19 remediation of groundwater associated with  
20 underground or aboveground storage tanks  
21 regulated by the Commission,

22 (3) those wells used for the recovery, injection or  
23 disposal of mineral brines as defined in the  
24 Oklahoma Brine Development Act, and

1 (4) any aspect of any CO<sub>2</sub> sequestration facility,  
2 including any associated CO<sub>2</sub> injection well, over  
3 which the Commission is given jurisdiction  
4 pursuant to the Oklahoma Carbon Capture and  
5 Geologic Sequestration Act.

6 Any substance that the United States Environmental  
7 Protection Agency allows to be injected into a Class  
8 II well may continue to be so injected,

9 g. tank farms for storage of crude oil and petroleum  
10 products which are located outside the boundaries of  
11 refineries, petrochemical manufacturing plants,  
12 natural gas liquid extraction plants, or other  
13 facilities which are subject to the jurisdiction of  
14 the Department of Environmental Quality with regard to  
15 point source discharges,

16 h. the construction and operation of pipelines and  
17 associated rights-of-way, equipment, facilities or  
18 buildings used in the transportation of oil, gas,  
19 petroleum, petroleum products, anhydrous ammonia or  
20 mineral brine, or in the treatment of oil, gas or  
21 mineral brine during the course of transportation but  
22 not including line pipes in any:

23 (1) natural gas liquids extraction plant,

24 (2) refinery,

- 1 (3) reclaiming facility other than for those  
2 specified within subparagraph e of this  
3 subsection,  
4 (4) mineral brine processing plant, and  
5 (5) petrochemical manufacturing plant,  
6 i. the handling, transportation, storage and disposition  
7 of saltwater, mineral brines, waste oil and other  
8 deleterious substances produced from or obtained or  
9 used in connection with the drilling, development,  
10 producing and operating of oil and gas wells, at:  
11 (1) any facility or activity specifically listed in  
12 paragraphs 1 and 2 of this subsection as being  
13 subject to the jurisdiction of the Commission,  
14 and  
15 (2) other oil and gas extraction facilities and  
16 activities,  
17 j. spills of deleterious substances associated with  
18 facilities and activities specified in paragraph 1 of  
19 this subsection or associated with other oil and gas  
20 extraction facilities and activities,  
21 k. subsurface storage of oil, natural gas and liquefied  
22 petroleum gas in geologic strata,  
23  
24

1. groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Commission,
- m. utilization and enforcement of Oklahoma Water Quality Standards and implementation documents, and
- n. development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional areas of environmental responsibility.

2. The exclusive jurisdiction, power and authority of the Commission shall also extend to the construction, operation, maintenance, site remediation, closure and abandonment of the facilities and activities described in paragraph 1 of this subsection.

3. When a deleterious substance from a Commission-regulated facility or activity enters a point source discharge of pollutants or storm water from a facility or activity regulated by the Department of Environmental Quality, the Department shall have sole jurisdiction over the point source discharge of the commingled pollutants and storm water from the two facilities or activities insofar as Department-regulated facilities and activities are concerned.

4. The Commission and the Department of Environmental Quality are hereby authorized to obtain authorization from the Environmental

1 Protection Agency to administer, within their respective  
2 jurisdictions, any and all programs regulating oil and gas  
3 discharges into the waters of this state. For purposes of the  
4 federal Clean Water Act, any facility or activity which is subject  
5 to the jurisdiction of the Commission pursuant to paragraph 1 of  
6 this subsection and any other oil and gas extraction facility or  
7 activity which requires a permit for the discharge of a pollutant or  
8 storm water to waters of the United States shall be subject to the  
9 direct jurisdiction and permitting authority of the Oklahoma agency  
10 having received delegation of this program from the Environmental  
11 Protection Agency.

12 5. The Commission shall have jurisdiction over:

13 a. underground storage tanks that contain antifreeze,  
14 motor oil, motor fuel, gasoline, kerosene, diesel, or  
15 aviation fuel and that are not located at refineries  
16 or at the upstream or intermediate shipment points of  
17 pipeline operations, including, but not limited to,  
18 tanks from which these materials are dispensed into  
19 vehicles, or tanks used in wholesale or bulk  
20 distribution activities, as well as leaks from pumps,  
21 hoses, dispensers, and other ancillary equipment  
22 associated with the tanks, whether above the ground or  
23 below; provided, that any point source discharge of a  
24 pollutant to waters of the United States during site

1 remediation or the off-site disposal of contaminated  
2 soil, media, or debris shall be regulated by the  
3 Department of Environmental Quality,

4 b. aboveground storage tanks that contain antifreeze,  
5 motor oil, motor fuel, gasoline, kerosene, diesel, or  
6 aviation fuel and that are not located at refineries  
7 or at the upstream or intermediate shipment points of  
8 pipeline operations including, but not limited to,  
9 tanks from which these materials are dispensed into  
10 vehicles, or tanks used in wholesale or bulk  
11 distribution activities, as well as leaks from pumps,  
12 hoses, dispensers, and other ancillary equipment  
13 associated with the tanks, whether above the ground or  
14 below; provided, that any point source discharge of a  
15 pollutant to waters of the United States during site  
16 remediation or the off-site disposal of contaminated  
17 soil, media, or debris shall be regulated by the  
18 Department of Environmental Quality, and

19 c. the Petroleum Storage Tank Release Environmental  
20 Cleanup Indemnity Fund, the Oklahoma Petroleum Storage  
21 Tank Release Indemnity Program, and the Oklahoma  
22 Leaking Underground Storage Tank Trust Fund.

23 6. The Department of Environmental Quality shall have sole  
24 jurisdiction to regulate the transportation, discharge or release of

1 deleterious substances or solid or hazardous waste or other  
2 pollutants from rolling stock and rail facilities. The Department  
3 of Environmental Quality shall not have any jurisdiction with  
4 respect to pipeline transportation of carbon dioxide.

5 7. The Department of Environmental Quality shall have sole  
6 environmental jurisdiction for point and nonpoint source discharges  
7 of pollutants and storm water to waters of the state from:

- 8 a. refineries, petrochemical manufacturing plants and  
9 natural gas liquid extraction plants,
- 10 b. manufacturing of equipment and products related to oil  
11 and gas,
- 12 c. bulk terminals, aboveground and underground storage  
13 tanks not subject to the jurisdiction of the  
14 Commission pursuant to this subsection, and
- 15 d. other facilities, activities and sources not subject  
16 to the jurisdiction of the Commission or the Oklahoma  
17 Department of Agriculture, Food, and Forestry as  
18 specified by this section.

19 8. The Department of Environmental Quality shall have sole  
20 environmental jurisdiction to regulate air emissions from all  
21 facilities and sources subject to operating permit requirements  
22 under Title V of the federal Clean Air Act as amended.  
23  
24

1 F. Oklahoma Conservation Commission. The Oklahoma Conservation  
2 Commission shall have the following jurisdictional areas of  
3 environmental responsibility:

4 1. Soil conservation, erosion control and nonpoint source  
5 management except as otherwise provided by law;

6 2. Monitoring, evaluation and assessment of waters to determine  
7 the condition of streams and rivers being impacted by nonpoint  
8 source pollution. In carrying out this area of responsibility, the  
9 Oklahoma Conservation Commission shall serve as the technical lead  
10 agency for nonpoint source categories as defined in Section 319 of  
11 the federal Clean Water Act or other subsequent federal or state  
12 nonpoint source programs, except for activities related to  
13 industrial and municipal storm water or as otherwise provided by  
14 state law;

15 3. Wetlands strategy;

16 4. Abandoned mine reclamation;

17 5. Cost-share program for land use activities;

18 6. Assessment and conservation plan development and  
19 implementation in watersheds of clean lakes, as specified by law;

20 7. Complaint data management;

21 8. Coordination of environmental and natural resources  
22 education;

23 9. Federal upstream flood control program;

1        10. Groundwater protection for activities subject to the  
2 jurisdictional areas of environmental responsibility of the  
3 Commission;

4        11. Development and promulgation of a Water Quality Standards  
5 Implementation Plan pursuant to Section 1-1-202 of this title for  
6 its jurisdictional areas of environmental responsibility;

7        12. Utilization of Oklahoma Water Quality Standards and  
8 Implementation documents; and

9        13. Verification and certification of carbon sequestration  
10 pursuant to the Oklahoma Carbon Sequestration Enhancement Act. This  
11 responsibility shall not be superseded by the Oklahoma Carbon  
12 Capture and Geologic Sequestration Act.

13        ~~G. Department of Mines. The Department of Mines shall have the~~  
14 ~~following jurisdictional areas of environmental responsibility:~~

15        ~~1. Mining regulation;~~

16        ~~2. Mining reclamation of active mines;~~

17        ~~3. Groundwater protection for activities subject to the~~  
18 ~~jurisdictional areas of environmental responsibility of the~~  
19 ~~Commission; and~~

20        ~~4. Development and promulgation of a Water Quality Standards~~  
21 ~~Implementation Plan pursuant to Section 1-1-202 of this title for~~  
22 ~~its jurisdictional areas of responsibility.~~

~~H.~~ Department of Wildlife Conservation. The Department of Wildlife Conservation shall have the following jurisdictional areas of environmental responsibilities:

1. Investigating wildlife kills;
2. Wildlife protection and seeking wildlife damage claims; and
3. Development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional areas of environmental responsibility.

~~H.~~ H. Department of Public Safety. The Department of Public Safety shall have the following jurisdictional areas of environmental responsibilities:

1. Hazardous waste, substances and material transportation inspections as authorized by the Hazardous Materials Transportation Act; and
2. Inspection and audit activities of hazardous waste and materials carriers and handlers as authorized by the Hazardous Materials Transportation Act.

~~H.~~ I. Department of Labor. The Department of Labor shall have the following jurisdictional areas of environmental responsibility:

1. Regulation of asbestos in the workplace pursuant to Chapter 11 of Title 40 of the Oklahoma Statutes;
2. Asbestos monitoring in public and private buildings; and
3. Indoor air quality as regulated under the authority of the Oklahoma Occupational Health and Safety Standards Act, except for

1 those indoor air quality issues specifically authorized to be  
2 regulated by another agency.

3 Such programs shall be a function of the Department's  
4 occupational safety and health jurisdiction.

5 ~~K.~~ J. Oklahoma Department of Emergency Management. The  
6 Oklahoma Department of Emergency Management shall have the following  
7 jurisdictional areas of environmental responsibilities:

8 1. Coordination of all emergency resources and activities  
9 relating to threats to citizens' lives and property pursuant to the  
10 Oklahoma Emergency Resources Management Act of 1967;

11 2. Administer and enforce the planning requirements of Title  
12 III of the Superfund Amendments and Reauthorization Act of 1986 and  
13 develop such other emergency operations plans that will enable the  
14 state to prepare for, respond to, recover from and mitigate  
15 potential environmental emergencies and disasters pursuant to the  
16 Oklahoma Hazardous Materials Planning and Notification Act;

17 3. Administer and conduct periodic exercises of emergency  
18 operations plans provided for in this subsection pursuant to the  
19 Oklahoma Emergency Resources Management Act of 1967;

20 4. Administer and facilitate hazardous materials training for  
21 state and local emergency planners and first responders pursuant to  
22 the Oklahoma Emergency Resources Management Act of 1967; and  
23  
24

1       5. Maintain a computerized emergency information system  
2 allowing state and local access to information regarding hazardous  
3 materials' location, quantity and potential threat.

4       SECTION 4.       AMENDATORY       27A O.S. 2021, Section 2-1-102, is  
5 amended to read as follows:

6       Section 2-1-102. As used in the Oklahoma Environmental Quality  
7 Code:

8       1. "Administrative hearing" means an individual proceeding,  
9 held by the Department when authorized by the provisions of this  
10 Code and conducted pursuant to the Administrative Procedures Act,  
11 this Code and rules promulgated thereunder, for a purpose specified  
12 by this Code. "Administrative hearing" includes "administrative  
13 permit hearing", "enforcement hearing" and "administrative  
14 enforcement hearing" within the context of this Code. An  
15 "administrative hearing" shall be a quasi-judicial proceeding;

16       2. "Administrative Procedures Act" means the Oklahoma  
17 Administrative Procedures Act;

18       3. "Board" means the Environmental Quality Board;

19       4. "Code" means Chapter 2 of this title;

20       5. "Department" means the Department of Environmental Quality;

21       6. "Enforcement hearing" means an individual proceeding  
22 conducted pursuant to the Administrative Procedures Act, this Code  
23 and rules promulgated thereunder, for the purpose of enforcing the  
24 provisions of this Code, rules promulgated thereunder and orders,

permits or licenses issued pursuant thereto. The term "administrative hearing" shall mean the same as "enforcement hearing" when held for enforcement purposes. An "enforcement hearing" shall be a quasi-judicial proceeding;

7. "Environment" includes the air, land, wildlife, and waters of the state;

8. "Executive Director" means the Executive Director of the Department of Environmental Quality;

9. "Industrial wastewater treatment permit" shall mean permits issued by the Department after July 1, 1993, under Section 2-6-501 of ~~Title 27A of the Oklahoma Statutes~~ this title, and waste disposal permits issued on or before June 30, 1993, by the Oklahoma Water Resources Board for land application of industrial waste or surface impoundments or disposal systems for industrial waste or wastewater;

10. "Nonpoint source" means the contamination of the environment with a pollutant for which the specific point of origin may not be well defined;

11. "Person" means an individual, association, partnership, firm, company, public trust, corporation, joint-stock company, trust, estate, municipality, state or federal agency, other governmental entity, any other legal entity or an agent, employee, representative, assignee or successor thereof;

12. "Pollution" means the presence in the environment of any substance, contaminant or pollutant, or any other alteration of the

1 physical, chemical or biological properties of the environment or  
2 the release of any liquid, gaseous or solid substance into the  
3 environment in quantities which are or will likely create a nuisance  
4 or which render or will likely render the environment harmful or  
5 detrimental or injurious to public health, safety or welfare, or to  
6 domestic, commercial, industrial, agricultural, recreational, or  
7 other legitimate beneficial uses, or to livestock, wild animals,  
8 birds, fish or other aquatic life, or to property;

9       13. "Public meeting" means a formal public forum, held by the  
10 Department when authorized by the provisions of this Code, and  
11 conducted by a presiding officer pursuant to the requirements of  
12 this Code and rules promulgated thereunder, at which an opportunity  
13 is provided for the presentation of oral and written views within  
14 reasonable time limits as determined by the presiding officer.  
15 Views expressed at a "public meeting" shall be limited to the topic  
16 or topics specified by this Code for such meeting. "Public meeting"  
17 shall mean a "public hearing" when held pursuant to requirements of  
18 the Code of Federal Regulations or the Oklahoma Pollutant Discharge  
19 Elimination System Act, and shall be synonymous with "formal public  
20 meeting" and "informal public meeting" as used within the context of  
21 this Code and rules promulgated thereunder. A "public meeting"  
22 shall not be a quasi-judicial proceeding;

23       14. "State environmental agency" includes the:

24           a. Oklahoma Water Resources Board,

b. Oklahoma Corporation Commission,

c. ~~State~~ Oklahoma Department of Agriculture, Food, and  
Forestry,

d. Oklahoma Conservation Commission,

e. Department of Wildlife Conservation,

f. ~~Department of Mines,~~

~~g.~~ Department of Public Safety,

~~h.~~ g. Department of Labor,

~~i.~~ h. Department of Environmental Quality, and

~~j.~~ i. Oklahoma Department of ~~Civil~~ Emergency Management; and

15. "Waters of the state" means all streams, lakes, ponds,  
marshes, watercourses, waterways, wells, springs, irrigation  
systems, drainage systems, storm sewers and all other bodies or  
accumulations of water, surface and underground, natural or  
artificial, public or private, which are contained within, flow  
through, or border upon this state or any portion thereof, and shall  
include under all circumstances the waters of the United States  
which are contained within the boundaries of, flow through or border  
upon this state or any portion thereof.

SECTION 5. AMENDATORY 27A O.S. 2021, Section 2-3-110, is  
amended to read as follows:

Section 2-3-110. A. The Department of Environmental Quality  
Executive Director shall submit an application to the Speaker of the  
House of Representatives and the President Pro Tempore of the Senate

1 for the sale of the headquarters building and connected  
2 appurtenances of the Department located at 707 N. Robinson in  
3 downtown Oklahoma City. The Commissioners of the Land Office shall  
4 be responsible for the sale of the building. The funds from the  
5 sale of the building shall be deposited in the Commissioners of the  
6 Land Office Revolving Fund created pursuant to Section 1011 of Title  
7 64 of the Oklahoma Statutes. However, the sale of the building  
8 shall not proceed if the Commissioners of the Land Office determine  
9 the proceeds offered for the building are not financially  
10 sufficient.

11 B. The Department of Environmental Quality, Oklahoma Tourism  
12 and Recreation Department, State Department of Health, Oklahoma Tax  
13 Commission, Oklahoma Water Resources Board, and Oklahoma Department  
14 of Labor ~~and Department of Mines~~, in addition to the other powers  
15 and duties vested by Oklahoma law, shall be authorized to relocate  
16 agency offices to a site in Oklahoma County including but not  
17 limited to buildings or units, as defined by the Unit Ownership  
18 Estate Act provided in Section 503 of Title 60 of the Oklahoma  
19 Statutes, owned by the Commissioners of the Land Office.

20 C. The new office location or locations shall be occupied by  
21 the Department of Environmental Quality, Oklahoma Tourism and  
22 Recreation Department, State Department of Health, Oklahoma Tax  
23 Commission, Oklahoma Water Resources Board, and Oklahoma Department  
24 of Labor ~~and Department of Mines~~ and shall consist of sufficient

1 square footage to accommodate staff offices, program areas, staff  
2 conference areas, records and computer areas, general storage areas,  
3 security equipment storage areas, main room, reception areas and  
4 other necessary areas for operation of the state agencies.

5 D. The Department of Environmental Quality, Oklahoma Tourism  
6 and Recreation Department, State Department of Health, Oklahoma Tax  
7 Commission, Oklahoma Water Resources Board, and Oklahoma Department  
8 of Labor ~~and Department of Mines~~ are authorized to purchase real  
9 estate including but not limited to buildings or units, for no more  
10 than appraised value or, in the alternative, the Executive Director  
11 of the Department of Environmental Quality, Executive Director of  
12 the Oklahoma Tourism and Recreation Department, Oklahoma Tax  
13 Commission, Oklahoma Water Resources Board, and Commissioner of  
14 Labor ~~and Oklahoma Mining Commission~~ are authorized to enter into a  
15 lease-purchase agreement for the acquisition of such buildings or  
16 units from the person or entity that will develop or build the  
17 buildings or units. In order to maintain the value of the purchased  
18 or lease-purchase property, each state agency identified in this  
19 section may establish a Capital Account Fund for the purpose of  
20 paying any proportionate share of common area maintenance, repair  
21 and maintenance of agency unit(s), fixtures and appliances contained  
22 therein, improvements and betterments for agency unit(s) and all  
23 required maintenance and repair work. The fund shall be a  
24 continuing fund, not subject to fiscal year limitations, and shall

1 consist of monies transferred from the agency's standard  
2 appropriations. All monies accruing to the credit of the fund are  
3 hereby appropriated and may be budgeted and expended by the agency  
4 for the purpose described in this section. For the purposes of the  
5 purchase or build-out of the new office location, the state agencies  
6 identified in this section are hereby exempted from the requirements  
7 of the Public Competitive Bidding Act of 1974 as provided in  
8 Sections 101 through 139 of Title 61 of the Oklahoma Statutes. The  
9 state agencies identified in this section shall, either individually  
10 or through the Commissioners of the Land Office, be required to  
11 collect multiple bids from qualified contractors for the build-out  
12 of new office locations.

13 SECTION 6. AMENDATORY 27A O.S. 2021, Section 2-6-111, is  
14 amended to read as follows:

15 Section 2-6-111. A. For purposes of this section, a "subject  
16 mine" shall mean a mine, as defined in paragraph 2 of Section 723 of  
17 Title 45 of the Oklahoma Statutes, proposed for a location overlying  
18 a sensitive sole source groundwater basin or subbasin, exclusive of  
19 any mine that meets at least one of the following conditions:

20 1. As of November 1, 2019, is engaged in the permitted  
21 extraction of minerals from natural deposits; or

22 2. Satisfies the criteria of paragraph 1 or 2 of subsection C  
23 of Section 1020.2 of Title 82 of the Oklahoma Statutes; or  
24

1        3. Is not to be permitted to operate for a period of more than  
2 five (5) years, with no extensions or renewals; or

3        4. The operation of which will not result in more than five (5)  
4 acre-feet per year of groundwater emanating from a sensitive sole  
5 source groundwater basin or subbasin to infiltrate its pit, as that  
6 term is defined in paragraph 12 of Section 723 of Title 45 of the  
7 Oklahoma Statutes.

8        B. Due to the inadequacy of existing technical resources,  
9 analytic tools and regulatory systems for purposes of the effective  
10 implementation of statutes relating to the operation of mines that  
11 overlies a sensitive sole source groundwater basin or subbasin, the  
12 Legislature hereby declares and establishes a moratorium on the  
13 Department of Environmental Quality permitting of any discharge from  
14 a subject mine to streams fed or supported by water emanating from  
15 sensitive sole source groundwater basins or subbasins.

16        C. The moratorium shall remain in effect until such time as:

17        1. The conditions of subsection C of Section ~~3~~ 1020.9C of ~~this~~  
18 ~~act~~ Title 82 of the Oklahoma Statutes have been satisfied; and

19        2. The Department of Environmental Quality promulgates final  
20 rules to provide for effective interagency consultation and  
21 coordination of activities among the Department, and the Oklahoma  
22 Water Resources Board ~~and the Department of Mines~~ on all  
23 administrative matters relating to the operation of mines at  
24

1 locations that overlie a sensitive sole source groundwater basin or  
2 subbasin.

3 D. Notwithstanding the moratorium, the Department of  
4 Environmental Quality may issue any new permits, permit  
5 modifications, permit amendments, permit revisions or permit  
6 renewals necessary to maintain compliance or remedy identified  
7 compliance issues pursuant to ~~Title 27A of the Oklahoma Statutes~~  
8 this title to operators of any mines lawfully engaged in mining, as  
9 defined in paragraph 3 of Section 723 of Title 45 of the Oklahoma  
10 Statutes.

11 E. The Department of Environmental Quality is hereby authorized  
12 and instructed to promulgate rules to implement the provisions of  
13 this section.

14 F. The Department of Environmental Quality is hereby authorized  
15 to cooperate with federal, tribal and any other agency in this state  
16 in performing its responsibilities under this section.

17 SECTION 7. AMENDATORY 27A O.S. 2021, Section 4-1-102, is  
18 amended to read as follows:

19 Section 4-1-102. For purposes of the Oklahoma Emergency  
20 Response Act:

21 1. "State environmental agency" includes:

- 22 a. the Oklahoma Water Resources Board,
- 23 b. the Corporation Commission,

1 c. the ~~State~~ Oklahoma Department of Agriculture, Food,  
2 and Forestry,

3 d. the Oklahoma Conservation Commission,

4 e. the Department of Wildlife Conservation,

5 f. ~~the Department of Mines and Mining,~~

6 ~~g.~~ the Department of Public Safety,

7 ~~h.~~ g. the Department of Labor,

8 ~~i.~~ h. the Department of Environmental Quality, and

9 ~~j.~~ i. the Oklahoma Department of ~~Civil~~ Emergency Management;

10 2. "Lead official" means the person designated by the contact  
11 agency to be the official in charge of the on-site management of the  
12 emergency;

13 3. "Emergency" means a sudden and unforeseeable occurrence or  
14 condition either as to its onset or as to its extent, of such  
15 severity or magnitude that immediate emergency response or action is  
16 necessary to preserve the health and safety of the public or  
17 environment or to preserve property;

18 4. "Dangerous substance" means explosives, gases, flammable  
19 liquids and solids, poisons, radioactive materials, hazardous  
20 materials, deleterious substances, oil, or other substance or  
21 material in a quantity or form capable of posing an unreasonable  
22 risk to public health and safety, property or to the environment;

23 5. "Release" means a leakage, seepage, discharge, emission or  
24 escaping of a dangerous substance into the environment of the state;

1       6. "Extreme emergency" means any emergency which requires  
2 immediate protective actions;

3       7. "Protective actions" are those steps deemed necessary by  
4 first responders to an extreme emergency to preserve the health and  
5 safety of the emergency responders, the public and the protection of  
6 the environment and property during an incident involving the  
7 release of a dangerous substance. Protective actions include but  
8 are not limited to area isolation, evacuation, dilution, cooling,  
9 encapsulation, chemical treatment and diking;

10       8. "First responder" means the first person to arrive at the  
11 scene of an incident involving the release of a dangerous substance  
12 who has the authority by virtue of that person's position as a local  
13 law enforcement officer, peace officer, fire protection officer or  
14 Oklahoma Highway Patrol Officer or other law enforcement officer;

15       9. "Contact agency" means a municipality, fire department or  
16 the Oklahoma Highway Patrol as determined by the location of an  
17 incident as follows:

	Location	Contact Agency
18		
19	a. Inside corporate municipal	Municipal Fire
20	limits	Department
21	b. Outside corporate	Closest Municipal
22	limits on private property	Fire Department
23	c. Outside corporate limits	Oklahoma Highway
24	on federal/state highway,	Patrol;

1 public property, county road,  
2 or a railroad;

3 10. "Responsible party" means any person who owned, operated,  
4 or otherwise controlled activities at the facility at the time the  
5 incident or event involving releases of dangerous substances  
6 requiring protective actions occurred; and

7 11. "Facility" means:

- 8 a. any building, structure, installation, equipment, pipe  
9 or pipeline, including any pipe into a sewer or  
10 publicly owned treatment works, well, pit, pond,  
11 lagoon, impoundment, ditch, landfill, storage  
12 container, motor vehicle, rolling stock, or aircraft,  
13 or  
14 b. any site or area where a hazardous substance has been  
15 deposited, stored, disposed of, or placed, or  
16 otherwise came to be located, or  
17 c. any vessel, including every description of watercraft  
18 or other artificial conveyance used, or capable of  
19 being used, as a means of transportation on water.

20 SECTION 8. AMENDATORY 29 O.S. 2021, Section 7-401a, is  
21 amended to read as follows:

22 Section 7-401a. A. Any person, firm or corporation who  
23 violates any provision of or fails to perform any duty imposed by a  
24 state environmental regulatory agency pursuant to the Oklahoma

1 Statutes or rules promulgated thereto, which violation causes the  
2 death of fish or other wildlife, shall in addition to the penalties  
3 provided by law be liable to pay the state an amount equal to the  
4 sum of money reasonably necessary to restock such waters. Such  
5 liability shall include replacement cost of fish killed, based on  
6 the most recent fish values as officially published by the American  
7 Fishery Society, Southern Division, all other costs required for  
8 such restocking, including but not limited to shipment and handling,  
9 or replenish such wildlife and all cost incurred in investigating,  
10 locating or establishing the responsible person, firm or corporation  
11 as determined by the Oklahoma Wildlife Conservation Commission.

12 B. Such amount may be recovered by a state environmental  
13 regulatory agency on behalf of the state in a civil action brought  
14 in the district court with all such monies being provided to the  
15 Oklahoma Wildlife Conservation Commission. The Oklahoma Wildlife  
16 Conservation Commission shall reimburse the state environmental  
17 regulatory agency issuing the violation for all expenses incurred.

18 C. For purposes of this section, a "state environmental  
19 regulatory agency" is defined as the ~~State~~ Oklahoma Department of  
20 Agriculture, Food, and Forestry, the Oklahoma Corporation  
21 Commission, the Department of Environmental Quality, ~~the Department~~  
22 ~~of Mines~~ and the Department of Public Safety.

23 SECTION 9. AMENDATORY 45 O.S. 2021, Section 1.2, is  
24 amended to read as follows:

1       Section 1.2   A.   Whenever the ~~Board~~ Department of Environmental  
2 Quality determines there are reasonable grounds to believe there has  
3 been a violation of any order of the ~~Board~~ Department adopted  
4 pursuant to ~~Title 45 of the Oklahoma Statutes~~ this title, it shall  
5 give written notice to the alleged violator specifying the cause of  
6 the complaint.   Such notice shall require that the matters  
7 complained of be corrected within a specified time or that the  
8 alleged violator appear before the ~~Board~~ Department at a time and  
9 place specified in the notice to answer the charges.   The notice  
10 shall be delivered to the alleged violator in accordance with the  
11 provisions of subsection C of this section not less than twenty (20)  
12 days before the time set for the hearing.

13       B.   The ~~Board~~ Department shall afford the alleged violator an  
14 opportunity for a hearing in conformity with the Administrative  
15 Procedures Act.   On the basis of the evidence produced at the  
16 hearing, the ~~Board~~ Department shall make findings of fact and  
17 conclusions of law and enter an order thereon.   The ~~Board~~ Department  
18 shall give written notice of such order to the alleged violator.  
19 The order of the ~~Board~~ Department shall become final and binding on  
20 all parties unless appealed to the district court within thirty (30)  
21 days after notice of such order has been sent to the parties.

22       C.   Any notice, order or other instrument issued by the ~~Board~~  
23 Department pursuant to this section may be served either personally,  
24 by publication, or by mailing a copy by registered mail directed to

1 the alleged violator at his or her last-known address as shown by  
2 the files or records of the ~~Board~~ Department. Proof of such service  
3 shall be filed in the office of the ~~Board~~ Department.

4 D. Unless otherwise specified by law, any person who violates  
5 any of the provisions of ~~Title 45 of the Oklahoma Statutes~~ this  
6 title or who violates any order or determination of the ~~Board~~  
7 Department promulgated pursuant to this section shall be guilty of a  
8 misdemeanor and in addition thereto may be enjoined from continuing  
9 such violation. Each day upon which such violation occurs shall  
10 constitute a separate violation.

11 The Attorney General, on the request of the ~~Board~~ Department,  
12 shall bring an action against any person violating any order or  
13 determination of the ~~Board~~ Department adopted pursuant to ~~Title 45~~  
14 ~~of the Oklahoma Statutes~~ this title.

15 SECTION 10. AMENDATORY 45 O.S. 2021, Section 1.3, is  
16 amended to read as follows:

17 Section 1.3 A. All hearings required by the ~~Board~~ Department  
18 of Environmental Quality may be conducted by the ~~Board itself at a~~  
19 ~~regular or special meeting of the~~ Board Department or the ~~Board~~  
20 Department may designate hearing officers who shall have the power  
21 and authority to conduct such hearings in the name of the ~~Board~~  
22 Department at any time and place.

23 B. Any person aggrieved by a final order or other final  
24 determination of the ~~Board~~ Department may, or the Attorney General

1 on behalf of the state may, petition for a judicial review for  
2 rehearing, reopening or reconsideration of the matter, as provided  
3 for in Section 317 of Title 75 of the Oklahoma Statutes.

4 SECTION 11. AMENDATORY 45 O.S. 2021, Section 1.4, is  
5 amended to read as follows:

6 Section 1.4 The ~~Chief Mine Inspector~~ Executive Director of the  
7 Department of Environmental Quality or his or her duly authorized  
8 representative shall have the power to enter at reasonable times  
9 upon any private or public property for the purpose of inspecting  
10 and investigating conditions relating to the health and safety of  
11 anyone employed in a mine in this state or to carry out its duties  
12 as required by this title.

13 The ~~Board~~ Department of Environmental Quality may require the  
14 maintenance of records relating to mining. Copies of such records  
15 shall be submitted to the ~~Board~~ Department on request.

16 SECTION 12. AMENDATORY 45 O.S. 2021, Section 1.5, is  
17 amended to read as follows:

18 Section 1.5 The ~~Board~~ Department of Environmental Quality shall  
19 adopt ~~within one hundred and eighty (180) days of the effective date~~  
20 ~~of this act,~~ rules and regulations governing ventilation,  
21 underground haulage, hoisting operations, explosives, and such other  
22 regulations it may deem necessary to protect the health and safety  
23 of persons employed in the mines of this state.

1       SECTION 13.       AMENDATORY       45 O.S. 2021, Section 1a, is  
2 amended to read as follows:

3       Section 1a. A. ~~The Oklahoma Mining Commission~~ Department of  
4 Environmental Quality shall be the policy-determining agency for the  
5 ~~Department~~ Division of Mines and shall determine the broad plans and  
6 programs for the accomplishment of duties and responsibilities  
7 vested by law in said ~~Commission, the Chief Mine Inspector~~  
8 Department and the ~~Department~~ Division of Mines, and may ~~in the~~  
9 ~~absence of an appointed Chief Mine Inspector,~~ fix the duties and  
10 responsibilities of personnel employed by the ~~Department~~ Division of  
11 Mines including, ~~in the absence of an appointed Chief Mine~~  
12 ~~Inspector,~~ the Division Director of the ~~Department~~ Division of  
13 Mines. ~~It~~ The Department shall have the authority to delegate ~~to~~  
14 ~~its chairman,~~ to one or more agents or employees, such powers and  
15 duties as it may deem proper. ~~Each member of the Commission shall~~  
16 ~~be reimbursed for actual and necessary travel expenses necessarily~~  
17 ~~incurred in the discharge of official duties as provided in the~~  
18 ~~State Travel Reimbursement Act.~~

19       B. In addition to other powers and duties specified by law, the  
20 ~~Oklahoma Mining Commission~~ Department of Environmental Quality shall  
21 have the power and duty to:

22       1. Acquire by gift, devise, purchase or otherwise, absolutely  
23 or in trust, and to hold and, unless otherwise restricted by the  
24 terms of the gift or devise, any real property or real estate or

1 other interest therein as may be necessary in carrying into effect  
2 the purpose of this act-; and

3 2. Enter into contracts and to execute all instruments  
4 necessary to fulfill its duties, respecting the protection,  
5 preservation, maintenance and operation of such buildings and sites  
6 as it may select.

7 SECTION 14. AMENDATORY 45 O.S. 2021, Section 1c, is  
8 amended to read as follows:

9 Section 1c. Subject to the policies, rules and regulations of  
10 the ~~Oklahoma Mining Commission~~ Department of Environmental Quality,  
11 the Executive Director of the Department of Environmental Quality  
12 shall:

13 1. Be responsible for organizing the ~~Department~~ Division of  
14 Mines in a manner efficiently to achieve the objectives of the  
15 ~~Commission~~ Department with regard to the Division;

16 2. Prepare and submit plans for administering the programs of  
17 the ~~Commission~~ Department administered by the Division;

18 3. Prepare a personnel schedule, employ personnel, define  
19 duties, appoint technicians and consultants, and fix salaries or  
20 compensation, upon approval by the ~~Commission~~ Department; and

21 4. Administer all policies formulated and adopted by the  
22 ~~Commission~~ Department for implementation by the Division.

23 SECTION 15. AMENDATORY 45 O.S. 2021, Section 1d, is  
24 amended to read as follows:

1       Section 1d.   A.   The Division Director of the ~~Department~~  
2 Division of Mines, with the approval of the ~~Commission~~ Executive  
3 Director of the Department of Environmental Quality, shall have and  
4 is authorized to exercise the following duties:

5       1.   To appoint a miner certification advisory council or other  
6 such advisory council as may be required to accomplish government  
7 functions; and

8       2.   To provide assistance, advice and counsel to the ~~Commission~~  
9 Department when requested.

10      B.   Any advisory councils shall meet at such times and places as  
11 the members may deem most convenient for the transaction of  
12 business.   A majority of such councils shall constitute a quorum.  
13 Each member of such councils shall be reimbursed for actual and  
14 necessary expenses incurred in the discharge of official duties with  
15 approval of the Division Director and the ~~Commission~~ Department as  
16 provided in the State Travel Reimbursement Act.

17      SECTION 16.        AMENDATORY        45 O.S. 2021, Section 1e, is  
18 amended to read as follows:

19      Section 1e.   A.   There is hereby established the Oklahoma Miner  
20 Training Institute.   The Oklahoma Miner Training Institute shall  
21 administer miner safety training programs and economic development  
22 programs to assist the mining industry in this state.

23      B.   The ~~Oklahoma Mining Commission~~ Department of Environmental  
24 Quality shall contract with the Board of Regents of Eastern Oklahoma

1 State College in Wilburton for facilities, faculty and services  
2 necessary for the operation of the Institute including, but not  
3 limited to, the services of a Director of the Institute and for the  
4 development of appropriate curriculum and other services to be  
5 offered by the Institute. The Regents of Eastern Oklahoma State  
6 College shall appoint a Director for the Oklahoma Miner Training  
7 Institute.

8 C. The Director of the Oklahoma Miner Training Institute shall  
9 have knowledge, training, experience and ability consistent with the  
10 functions of the Oklahoma Miner Training Institute. Further, the  
11 Director shall have been a resident and a qualified elector of this  
12 state for a period of at least three (3) years prior to his or her  
13 selection as Director.

14 D. The ~~Oklahoma Mining Commission~~ Department of Environmental  
15 Quality shall act in an advisory capacity concerning the operations  
16 of the Oklahoma Miner Training Institute.

17 SECTION 17. AMENDATORY 45 O.S. 2021, Section 1f, is  
18 amended to read as follows:

19 Section 1f. The Oklahoma Miner Training Institute shall:

20 1. Conduct miner safety training programs consistent with the  
21 needs of the mining industry within this state and the training  
22 requirements of the ~~Oklahoma Mining Commission~~ Department of  
23 Environmental Quality; and

24

1        2. Assist and cooperate with the ~~Oklahoma Mining Commission~~  
2 Department of Environmental Quality by conducting examinations of  
3 students of the Oklahoma Miner Training Institute applying for  
4 certificates of competency issued by the ~~Oklahoma Mining Commission~~;  
5 and

6        ~~3. Assist the Oklahoma Mining Commission in developing ways to~~  
7 ~~expand existing markets and create new markets for coal and noncoal~~  
8 ~~mining operations and to further the economic development of the~~  
9 ~~mining industry~~ Department.

10        SECTION 18.        AMENDATORY        45 O.S. 2021, Section 2, is  
11 amended to read as follows:

12        Section 2. A. No person shall act as a mine superintendent,  
13 mine foreman, fire boss, shot-firer, certified surface blaster,  
14 hoisting engineer or miner without first having obtained a  
15 certificate of competency from the ~~Oklahoma Mining Commission~~  
16 Department of Environmental Quality. No person shall employ such  
17 mine superintendent, mine foreman, fire boss, shot-firer, certified  
18 surface blaster, hoisting engineer or miner who does not hold such  
19 certificate. Any person who violates the provisions of this  
20 subsection, upon conviction, shall be fined not more than One  
21 Thousand Five Hundred Dollars (\$1,500.00) or be imprisoned in the  
22 county jail for a term not more than six (6) months, or both.

23        B. The examination for a certificate of competency as mine  
24 superintendent, mine foreman, fire boss, shot-firer, certified

1 surface blaster or hoisting engineer shall be administered by only  
2 employees or advisors of the Department ~~of Mines~~ who also hold equal  
3 or higher certificates of competency. The examination shall be  
4 sufficient to determine that such applicant fully understands the  
5 requirements of the coal mining laws of this state.

6 Each applicant for mine superintendent, mine foreman, fire boss,  
7 certified surface blaster, hoisting engineer or shot-firer shall  
8 hold a first-aid certificate issued within one (1) year prior to the  
9 date of the examination of the Department by an organization  
10 recognized by the ~~Oklahoma Mining Commission~~ Department.

11 C. The Department shall hold monthly examinations for  
12 certificates of competency as underground miners. Applicants for  
13 such certificate may be granted a temporary permit by the ~~Commission~~  
14 Department until an examination is held by the Department in the  
15 region in which the applicant resides. Applicants must successfully  
16 answer a written or oral examination pertaining to such requirements  
17 and qualifications of underground miners as are determined necessary  
18 by the ~~Commission~~ Department.

19 D. Certificates of competency shall be granted by the ~~Oklahoma~~  
20 ~~Mining Commission~~ Department to persons who have given the  
21 Department satisfactory evidence of their ability to perform the  
22 duties and skills as are required ~~for the Council~~. Previous  
23 experience and record of service of the applicant shall have equal  
24 weight with the examination.

1 E. The minimum experience necessary for certificates of  
2 competency are as follows:

- 3 1. Shot-firer - 1 year's practical underground  
4 experience.
- 5 2. Certified surface blaster - 1 year's practical  
6 experience.
- 7 3. Hoisting engineer - 1 year's practical  
8 hoisting experience.
- 9 4. Fire boss - 2 years' practical underground  
10 experience.
- 11 5. Mine foreman - 3 years' practical underground  
12 experience.
- 13 6. Superintendent - 5 years' practical underground  
14 experience.
- 15 7. Practical miner - 1 year's practical experience  
16 as a miner or the equivalent  
17 experience as defined by the  
18 ~~Commission~~ Department.

19 Provided that the underground experience requirement for mine  
20 foreman and the superintendent shall not apply to those positions in  
21 surface mining.

22 F. A student who has completed an accredited two-year or four-  
23 year mining program shall be credited one (1) year of experience  
24 toward a fire boss, mine foreman or superintendent certification.

1       SECTION 19.       AMENDATORY       45 O.S. 2021, Section 3, is  
2 amended to read as follows:

3       Section 3. The ~~Chief Mine Inspector~~ Division Director of the  
4 Division of Mines within the Department of Environmental Quality  
5 shall be a citizen of the United States and shall have been a  
6 resident of the State of Oklahoma for the three (3) years prior to  
7 his or her appointment to office. In addition, selection of the  
8 ~~Chief Mine Inspector~~ Division Director shall include consideration  
9 of have had eight (8) years' actual experience as a practical miner.  
10 For the purposes of this section employment as an inspector for the  
11 ~~Department~~ Division of Mines shall be considered practical mining  
12 experience. The ~~Chief Mine Inspector~~ Division Director shall be  
13 appointed by the Governor ~~by and with the consent of the Senate for~~  
14 ~~a term of four (4) years to run concurrently with the term of the~~  
15 ~~Governor. At any time that such office becomes vacant, the Governor~~  
16 ~~shall appoint with the consent of the Senate a successor to complete~~  
17 ~~the unfinished term of office~~ Executive Director of the Department  
18 of Environmental Quality and shall serve at the pleasure of the  
19 Executive Director and may be removed or replaced without cause.  
20 Compensation for the Division Director shall be determined by the  
21 Executive Director.

22       The Executive Director of the Department of Environmental  
23 Quality may appoint a Deputy Division Director. The Deputy ~~Chief~~  
24 ~~Mine Inspector~~ Division Director shall possess the same residency

1 requirements necessary for the ~~Chief Mine Inspector~~ Division  
2 Director. The Deputy ~~Chief Mine Inspector~~ shall be appointed by and  
3 ~~shall serve at the pleasure of the Governor and~~ Division Director  
4 may be removed or replaced without cause. Compensation for the  
5 Deputy shall be determined by the Executive Director. The Deputy  
6 shall be under the direction of the ~~Chief Mine Inspector~~ Division  
7 Director. ~~The~~ Except as otherwise directed by the Executive  
8 Director, the Deputy ~~Chief Mine Inspector~~ Division Director shall  
9 assume all of the duties and responsibilities of the ~~Chief Mine~~  
10 ~~Inspector~~ Division Director in the absence of the ~~Chief Mine~~  
11 ~~Inspector~~ Division Director.

12 ~~The assistant mine~~ Mine inspectors shall be appointed by and at  
13 all times be under the direction of the ~~Chief Mine Inspector~~  
14 Division Director. The ~~assistant~~ mine inspectors appointed to  
15 inspect underground mining operations shall have a minimum of three  
16 (3) years' practical mining experience, and shall have obtained ~~as,~~  
17 at a minimum, a certificate of competency as a mine foreman.

18 SECTION 20. AMENDATORY 45 O.S. 2021, Section 5, is  
19 amended to read as follows:

20 Section 5. Certifications required by this title shall be  
21 issued ~~under the signature and seal of the Oklahoma Mining~~  
22 ~~Commission~~ by the Department of Environmental Quality. Such  
23 certificates shall bear the date of issuance, full name and age of  
24 the recipient and shall designate the position for which the

1 recipient is certified by the ~~Commission~~ Division of Mines.

2 Applications for certificates of competency shall be accompanied  
3 with the following fees:

4	1. Superintendent	\$20.00
5	2. Mine foreman	15.00
6	3. Fire boss	10.00
7	4. Shot-firer	10.00
8	5. Certified surface blaster	10.00
9	6. Hoisting engineer	10.00
10	7. Practical miner	5.00

11 SECTION 21. AMENDATORY 45 O.S. 2021, Section 6, is  
12 amended to read as follows:

13 Section 6. ~~The Secretary of the Oklahoma Mining Commission~~  
14 Department of Environmental Quality shall make a record of the names  
15 and addresses of all persons to whom certificates are issued.

16 Certificates of competency when issued as provided for herein, shall  
17 entitle the holders thereof to accept and discharge the duties for  
18 which said certificates declare them qualified.

19 The Division Director of the Division of Mines shall ~~advise the~~  
20 ~~Oklahoma Mining Commission as far in advance as possible the date~~  
21 ~~and place of an examination to be held by the Department, and shall,~~  
22 ~~as soon as examination is completed, furnish the Commission~~ schedule  
23 examinations and compile a list of the names of all persons who took  
24

1 the examination and persons successfully completing said examination  
2 shall be duly notified.

3 SECTION 22. AMENDATORY 45 O.S. 2021, Section 31, is  
4 amended to read as follows:

5 Section 31. On or before the first day of August of each year,  
6 the ~~Chief Mine Inspector~~ Division Director of the Division of Mines  
7 shall submit to the ~~Governor~~ Department of Environmental Quality a  
8 report on the various systems of mining practiced in the state,  
9 methods of mine ventilation, type of machinery employed, and such  
10 other matters as may pertain to the general welfare of the public,  
11 miners and others connected with mining.

12 SECTION 23. AMENDATORY 45 O.S. 2021, Section 34, is  
13 amended to read as follows:

14 Section 34. The ~~Chief Mine Inspector~~ Division Director of the  
15 Division of Mines shall have an office ~~at the seat of government~~ in  
16 which he or she shall keep the maps and plans of all mines in the  
17 state and all records, correspondence, papers, apparatus and other  
18 property belonging to the state pertaining to his or her office.  
19 All such property shall be kept in accessible and convenient form,  
20 in a fire proof vault convenient to his or her office and furnished  
21 by the state, for reference by persons entitled to examine ~~them~~ such  
22 property. The ~~Chief Mine Inspector~~ Division Director shall not  
23 permit such maps, plans, records and papers to be removed from his  
24 or her office.

1       SECTION 24.       AMENDATORY       45 O.S. 2021, Section 44, is  
2 amended to read as follows:

3       Section 44. If the Attorney General shall seek redress on  
4 behalf of the state as provided for in the Administrative Procedures  
5 Act, the ~~Oklahoma Mining Commission~~ Department of Environmental  
6 Quality is empowered to appoint a special counsel for such  
7 proceedings.

8       SECTION 25.       AMENDATORY       45 O.S. 2021, Section 45, is  
9 amended to read as follows:

10       Section 45. In addition to its other powers, the ~~Oklahoma~~  
11 ~~Mining Commission~~ Department of Environmental Quality is authorized  
12 and directed, within the limits of funds available to it, to engage  
13 in a continuing study of the mining laws of this state, and of  
14 changes therein required in order to carry out to the greatest  
15 practicable extent the policies, goals, objectives and  
16 recommendations of the ~~Commission~~ Department, and to make  
17 recommendations and prepare proposed legislation for such purposes.  
18 Such recommendations and proposed legislation shall, as they are  
19 completed, be filed with the President Pro Tempore of the Senate and  
20 the Speaker of the House of Representatives.

21       SECTION 26.       AMENDATORY       45 O.S. 2021, Section 46.1, is  
22 amended to read as follows:

23       Section 46.1 The Department of Environmental Quality, ~~in~~  
24 ~~cooperation with the Department of Mines~~ is authorized and directed,

1 within the limits of federal funds available to the Department of  
2 ~~Environmental Quality or any funds available to the Department of~~  
3 ~~Mines~~, to study ways to remediate acid mine drainage produced from  
4 abandoned coal mines within this state, which the Legislature hereby  
5 finds to be a significant water pollution and water quality problem.  
6 The Department of Environmental Quality ~~and the Department of Mines~~  
7 shall evaluate existing projects among local, state and federal  
8 government agencies, and educational institutions, which address  
9 acid mine drainage.

10 Any local, state, and educational institution within this state  
11 implementing water quality projects which pertain to acid mine  
12 drainage shall coordinate and cooperate with the Department of  
13 ~~Environmental Quality and the Department of Mines~~ to implement the  
14 provisions of this section. The Department of Environmental Quality  
15 ~~and the Department of Mines~~ shall make every effort to obtain full  
16 cooperation and coordination from any federal agency which  
17 implements any project pertaining to acid mine drainage.

18 SECTION 27. AMENDATORY 45 O.S. 2021, Section 48, is  
19 amended to read as follows:

20 Section 48. The ~~Oklahoma Department of Mines~~ Department of  
21 Environmental Quality shall have jurisdiction over only those borrow  
22 pits which are located on property permitted as commercial mining  
23 operations pursuant to ~~Title 45 of the Oklahoma Statutes~~ this title.

1       SECTION 28.       AMENDATORY       45 O.S. 2021, Section 723, is  
2 amended to read as follows:

3       Section 723. Whenever used or referred to in Sections 722  
4 through 738 of this title, unless a different meaning clearly  
5 appears from the context:

6       1. "Overburden" means all of the earth and other materials  
7 which lie above natural deposits of minerals, and also means such  
8 earth and other materials disturbed from their natural state in the  
9 process of surface mining;

10       2. "Mine" means an underground or surface excavation and  
11 development with or without shafts, slopes, drifts or tunnels for  
12 the extraction of minerals, with hoisting or haulage equipment and  
13 appliances for the extraction thereof, and shall embrace any and all  
14 of the land or property of the plant, and the surface and  
15 underground, that contribute directly or indirectly to the mining  
16 properties, concentration or handling of minerals;

17       3. "Mining" means the extraction of minerals from natural  
18 deposits by any method or process;

19       4. "Minerals" means asphalt, clay, copper, granite, gravel,  
20 gypsum, lead, marble, salt, sand, shale, stone, tripoli, volcanic  
21 ash and zinc, or any other substance commonly recognized as a  
22 mineral, and includes ores or rock containing any such substances,  
23 but excludes oil, gas and any other mineral found naturally in a  
24 liquid or gaseous state;

1        5. "Underground mining" means those mining operations carried  
2 out beneath the surface by means of shafts, slopes, tunnels or other  
3 openings leading to the mineral being mined and the extraction of  
4 the mineral through such shafts, slopes, tunnels or their openings;

5        6. "Surface mining" means those mining operations carried out  
6 on the surface, including strip mining, auger mining, quarrying,  
7 dredging, pumping, or the use of hydraulic methods.

8        Surface mining shall not include excavation or removal of shale,  
9 sand, gravel, clay, rock or other materials in remote areas by an  
10 owner or holder of a possessory interest in land for the primary  
11 purpose of construction or maintenance of access roads to or on such  
12 landowner's property. Surface mining shall not include excavations  
13 or grading conducted for forming, on-site road construction or other  
14 on-site construction, or the extraction of minerals other than  
15 anthracite and bituminous coal by a landowner for noncommercial use  
16 from land owned or leased by the landowner; nor mining for  
17 commercial purposes conducted under a Limited Use Permit issued by  
18 the Department of Environmental Quality; nor the extraction of sand,  
19 gravel, rock, stone, earth or fill from borrow pits for highway  
20 construction purposes, so long as such work is performed under a  
21 bond, contract and specifications which substantially provide for  
22 and require reclamation of the area affected; nor to the handling,  
23 processing or storage of slag on the premises of a manufacturer as a  
24 part of the manufacturing process. Surface mining shall not include

1 the surface mining of coal or the surface effects of underground  
2 coal mining;

3 7. "Strip mining" means those mining operations carried out by  
4 removing the overburden lying above natural deposits of minerals,  
5 and mining directly from such natural deposits thereby exposed, but  
6 excludes auger mining, quarrying, dredging, pumping or the use of  
7 hydraulic methods;

8 8. "Reclamation" means conditioning affected land to make it  
9 suitable for any uses or purposes consistent with those enumerated  
10 in Section 722 of this title, and to avoid, minimize or correct  
11 adverse environmental effects of mining operations;

12 9. "Box cut" means the first open cut in strip mining which  
13 results in the placing of overburden on unmined land adjacent to the  
14 initial pit and outside the area to be mined;

15 10. "Consolidated material" means material of sufficient  
16 hardness or ability to resist weathering and to inhibit erosion or  
17 sloughing;

18 11. "Operator" means any person, partnership, firm or  
19 corporation engaged in and controlling a mining operation;

20 12. "Pit" means a tract of land from which overburden or  
21 minerals have been or are being removed in the process of surface  
22 mining;

23

24

1        13. "Affected land" means the area of land from which  
2 overburden shall have been removed, or upon which overburden or  
3 refuse has been deposited, or both;

4        14. "Refuse" means all waste material directly connected with  
5 the production, cleaning or preparation of minerals which have been  
6 mined by either underground or surface mining method;

7        15. "Ridge" means a lengthened elevation of overburden created  
8 in the surface mining process;

9        16. "Peak" means a projecting point of overburden created in  
10 the surface mining process;

11       17. "Department" means the ~~office of the Chief Mine Inspector,~~  
12 ~~herein called the~~ Department of ~~Mines and Mining~~ Environmental  
13 Quality, or such department, bureau or commission as may lawfully  
14 succeed to the powers and duties of such department;

15       18. "Division Director" means the ~~Chief Mine Inspector of the~~  
16 ~~State of Oklahoma~~ Division Director of the Division of Mines of the  
17 Department of Environmental Quality or such officer, bureau or  
18 commission as may lawfully succeed to the powers and duties of such  
19 ~~Chief Mine Inspector~~ Division Director;

20       19. "Borrow pit" means the one-time or intermittent extraction  
21 of sand, gravel, rock, stone, earth or fill in its natural state,  
22 not being mechanically altered to affect its size for government-  
23 financed construction purposes. Such work shall be performed under  
24

1 a bond, contract and specifications which substantially provide for  
2 and require reclamation of the affected area; and

3 20. "Dimension stone quarry" means a site where natural stone  
4 used as building material is excavated and the stones are selected,  
5 trimmed, or cut to specified shapes or sizes.

6 SECTION 29. AMENDATORY 45 O.S. 2021, Section 724, is  
7 amended to read as follows:

8 Section 724. A. It shall be unlawful for any operator to  
9 engage in any mining operations in this state without first  
10 obtaining a permit or a Limited Use Permit from the Department of  
11 ~~Mines~~ Environmental Quality for each separate mining operation. The  
12 Department shall determine what constitutes a separate mining  
13 operation by rules promulgated under the Mining Lands Reclamation  
14 Act.

15 B. Any operator desiring to engage in limited mining activity  
16 may apply for a Limited Use Permit for those mining operations not  
17 eligible for a surface mining permit. Application for such permit  
18 shall be made upon forms furnished by the Department. The form  
19 shall contain a description of the tract or tracts of land and shall  
20 include the section, township, range and county in which the land is  
21 located. A map shall be attached to the application which  
22 accurately outlines and locates the tract of land. A statement that  
23 the applicant has the right and power by legal estate owned to mine  
24 the land so described shall be included with the application. In

1 addition, the following conditions and requirements shall apply to  
2 Limited Use Permits:

3 1. The maximum acreage shall be restricted to two (2) acres;

4 2. The term of a Limited Use Permit shall not exceed twelve  
5 (12) months from the date of issuance;

6 3. A Limited Use Permit shall not carry a right of successive  
7 renewal;

8 4. A Limited Use Permit site must be reclaimed as required by  
9 Section 725 of this title within six (6) months following the  
10 expiration of the permit term;

11 5. A three-thousand-five-hundred-dollar reclamation bond must  
12 be filed with the Department prior to issuance of the permit;

13 6. Failure to reclaim the site disturbance within the permitted  
14 time frame or revocation of the Limited Use Permit will be cause for  
15 bond forfeiture or other action as may be ordered by the Department;

16 7. The use of processing equipment shall not be approved for a  
17 Limited Use Permit;

18 8. The use of explosives shall not be approved under a Limited  
19 Use Permit;

20 9. A processing fee of One Hundred Dollars (\$100.00) shall  
21 accompany the application for a Limited Use Permit; and

22 10. Mining production shall be reported and paid as required by  
23 Section 931 of this title.

1 If the above listed conditions and requirements are met, the  
2 Department may issue a Limited Use Permit which shall not be subject  
3 to the notice and publication requirements as otherwise required by  
4 this section.

5 C. 1. Any operator desiring to engage in surface mining shall  
6 make written application to the Department for a permit.  
7 Application for such permit shall be made upon a form furnished by  
8 the Department. The form shall contain a description of the tract  
9 or tracts of land and the estimated number of acres to be affected  
10 by surface mining by the operator. The description shall include  
11 the section, township, range and county in which the land is located  
12 and shall otherwise describe the land with sufficient certainty so  
13 that it may be located and distinguished from other lands.

14 2. Transmission lines shall be plotted on a location map  
15 submitted with the application. A statement that the operator has  
16 the right and power by legal estate owned to mine by surface mining  
17 the land so described shall be included with the application.

18 D. 1. Any operator desiring to engage in underground mining  
19 shall make written application to the Department for a permit.  
20 Application for such permit shall be made upon a form furnished by  
21 the Department. The form shall contain a description of the tract  
22 or tracts of land to be used as refuse disposal areas. The  
23 description shall include the section, township, range and county in  
24 which the land is located and shall otherwise describe the land with

1 sufficient certainty so that it may be located and distinguished  
2 from other lands.

3 2. A statement that the applicant has the right and power by  
4 legal estate owned to use the land so described as a refuse disposal  
5 area shall be included with the application.

6 E. Each application for a permit under subsections C and D of  
7 this section shall be accompanied by a plan of reclamation of the  
8 affected land that meets the requirements of the Mining Lands  
9 Reclamation Act. The application shall set forth the proposed use  
10 to be made of the affected land, the grading to be accomplished, the  
11 type of revegetation, and shall include the approximate time of  
12 grading and initial revegetation effort.

13 F. Each application for a permit under subsections C and D of  
14 this section shall be accompanied by the bond or security meeting  
15 the requirements of Section 728 of this title, or proof that such  
16 bond or security is still in effect, and a fee of One Hundred  
17 Seventy-five Dollars (\$175.00) for each permit year, payable at the  
18 rate of One Hundred Seventy-five Dollars (\$175.00) per year on the  
19 anniversary date of the year in which the permit or permit renewal  
20 was issued. All application fees shall be submitted to the State  
21 Treasurer, who shall deposit them in the Department of ~~Mines~~  
22 Environmental Quality Revolving Fund established in Section 2-3-401  
23 of Title 27A of the Oklahoma Statutes.  
24

1       G. 1. Upon the receipt of such application, bond or security  
2 and fee due from the operator, the Department may issue a permit to  
3 the applicant which shall entitle the applicant to engage in mining  
4 on the land therein described in accordance with the rules  
5 promulgated by the Department, for the life expectancy of the  
6 operation unless the operator is in violation of any state statute  
7 or rule of the Department in which case the Department shall take  
8 appropriate action against the operator.

9       2. All applications for renewal of existing permits shall be  
10 filed prior to the expiration of the existing permit in accordance  
11 with the rules promulgated by the Department.

12       3. No permit shall be issued except upon proper application and  
13 public hearing, if requested.

14       H. 1. a. Upon filing the application with the Department, the  
15               applicant shall place an advertisement in a newspaper  
16               of general circulation in the vicinity of the mining  
17               operation, containing such information as is required  
18               by the Department, at least once a week for four (4)  
19               consecutive weeks.

20           b. The advertisement shall contain, at a minimum, the  
21               following:

- 22               (1) the name and business address of the applicant,  
23               (2) a description which clearly shows or describes  
24               the precise location and boundaries of the

1 proposed permit area and is sufficient to enable  
2 local residents to readily identify the proposed  
3 permit area. It may include towns, bodies of  
4 water, local landmarks, and any other information  
5 which would identify the location,

6 (3) the location where a copy of the application is  
7 available for public inspection,

8 (4) the name and address of the Department where  
9 written comments, objections, or requests for  
10 ~~informal conferences~~ formal hearings on the  
11 application may be submitted pursuant to  
12 subsection ~~P~~ Q of this section,

13 (5) if an applicant seeks a permit to mine which  
14 includes relocation or closing of a public road,  
15 a copy of the county resolution pertaining to the  
16 affected county road, and

17 (6) such other information as is required by the  
18 Department.

19 2. Any property owner or resident of an occupied dwelling who  
20 may be adversely affected located within one (1) mile of the mining  
21 operation shall have the right to protest the issuance of a permit  
22 and request a ~~public~~ formal hearing.  
23  
24

1        3. The Department shall notify the surface owners of any  
2 hearings in connection with applications or permits in the same  
3 manner as the operator is notified.

4        4. Such protests must be received by the Department within  
5 fourteen (14) days after the date of publication of the newspaper  
6 advertisement. If a ~~public~~ formal hearing is requested, the  
7 Department shall then hold ~~an informal hearing in the vicinity of~~  
8 ~~the proposed mining~~ a mediation within sixty (60) days after the  
9 close of the deadline to file protests. The mediator shall be paid  
10 for by the applicant and be consented to by all parties, if not  
11 provided by the Department. The mediator shall advise the  
12 Department after the mediation as to whether the parties were able  
13 to resolve some or all of their concerns, in which case said  
14 resolutions shall be incorporated into the permit as conditions, or  
15 whether the parties were not able to resolve their concerns. If the  
16 parties were not able to resolve all of their concerns, the matter  
17 shall proceed to a formal hearing. The individual serving as  
18 mediator shall not serve as the hearing examiner at the formal  
19 hearing.

20        5. Upon completion of findings after the hearing, the  
21 Department shall determine whether to issue or deny the permit, and  
22 shall notify all parties of its decision.  
23  
24

1       6. Any decision regarding the issuance of a permit under this  
2 section shall be appealable when entered, as provided in the  
3 Administrative Procedures Act.

4       I. Each application for a new operation shall contain, where  
5 applicable, a list of all other licenses and permits needed by the  
6 applicant to conduct the proposed mining operation. This list shall  
7 identify each license and permit by:

8       1. Type of permit or license;

9       2. Name and address of issuing authority;

10       3. Identification number or a copy of the application for  
11 permits or licenses or, if issued, a copy of the permit or license;  
12 and

13       4. If a decision has been made, the date of approval or  
14 disapproval by each issuing authority.

15       ~~An existing operation which does not have on file a list of the~~  
16 ~~applicable licenses or permits with the Department on the date of~~  
17 ~~enactment of this act shall not be out of compliance with the~~  
18 ~~provisions of this section.~~ Any renewal of an existing permit or  
19 expansion or amendment to an existing operation upon time of  
20 application shall submit a copy of all approved licenses and permits  
21 issued by other agencies or jurisdictions.

22       Identifications of all permits and licenses shall include local  
23 government agencies with jurisdiction over or an interest in the  
24 area of the proposed mining operation including, but not limited to,

1 planning agencies, water and sewer authorities; and all state and  
2 federal government agencies with authority to issue permits and  
3 licenses applicable to the proposed mining operation, including all  
4 state environmental agencies, U.S. Army Corps of Engineers, U.S.  
5 Department of Agriculture Natural Resources Conservation Service  
6 district office, and federal fish and wildlife agencies.

7 J. An operator desiring to have such operator's permit amended  
8 to cover additional land may file an amended application with the  
9 Department. Upon receipt of the amended application, and such  
10 additional bond as may be required under the provisions of the  
11 Mining Lands Reclamation Act, the Department shall issue an  
12 amendment to the original permit covering the additional land  
13 described in the amended application, without the payment of any  
14 additional fee.

15 K. An operator may withdraw any land covered by a permit,  
16 deleting affected land therefrom, by notifying the Department, in  
17 which case the penalty of the bond or security filed by such  
18 operator pursuant to the provisions of the Mining Lands Reclamation  
19 Act shall be reduced proportionately.

20 L. Permits issued to an operator may be transferable to another  
21 operator, provided, the new operator can demonstrate to the  
22 Department, prior to the transfer of ownership, that conditions and  
23 obligations required for the permit will be met and the new operator  
24

1 has submitted a performance bond or other guarantee, or has obtained  
2 the bond coverage of the original permittee.

3 M. The perimeter of the permit area shall be clearly marked by  
4 durable and recognizable markers or by other means approved by the  
5 Department.

6 N. The Department shall determine the blasting distance to  
7 transmission lines by rule.

8 O. 1. If any mining operations where blasting is required  
9 occur within the limits of a municipality with a population in  
10 excess of three hundred thousand (300,000) according to the latest  
11 Federal Decennial Census or within the limits of a municipality  
12 within a county with a population in excess of three hundred  
13 thousand (300,000) according to the latest Federal Decennial Census,  
14 the application for a permit pursuant to subsections C and D of this  
15 section shall be accompanied by proof that the operator is in full  
16 compliance with all applicable regulations of the municipality.  
17 Certified copies of any required municipal permits and any other  
18 required written municipal approvals shall be attached to the  
19 application when submitted to the Department. No mining permit  
20 shall be issued by the Department unless the applicant first  
21 complies with the requirements of this subsection. A municipality  
22 is not required to reconsider requests denied by the municipality  
23 related to the same site unless the municipality determines there  
24 has been a material change in the application.

1        2. The provisions of paragraph 1 of this subsection shall not  
2 apply to existing permitted operations, revisions or amendments  
3 thereto, or any application on file with the Department prior to May  
4 25, 2005. In addition, the provisions of paragraph 1 of this  
5 subsection shall not apply to any future operation on property  
6 directly adjacent to property on which a permitted operation is  
7 located, provided that the operation is permitted and the adjacent  
8 property is owned or leased by the operator on the effective date of  
9 this act. For purposes of this subsection, properties separated by  
10 a public road shall be considered to be adjacent.

11        P. Within a reasonable time, as established by the Department,  
12 written comments or objections on permit or bond release  
13 applications may be submitted to the Department by public entities  
14 including but not limited to the local soil conservation district,  
15 with respect to the effects of the proposed mining operations on the  
16 environment.

17        Q. Any person having an interest in or who is or may be  
18 adversely affected by the decision on a permit or bond release  
19 application, or any federal, state or local agency, shall have the  
20 right to request in writing that the Department hold ~~an informal~~  
21 ~~conference~~ a formal hearing on the application. The Department  
22 shall hold the ~~informal conference~~ formal hearing within a  
23 reasonable time following the receipt of the written request at a  
24

1 location in the vicinity of the proposed or active surface mining or  
2 reclamation operation.

3 SECTION 30. AMENDATORY 45 O.S. 2021, Section 725, is  
4 amended to read as follows:

5 Section 725. A. All affected land other than lands affected by  
6 coal mining operations shall be reclaimed as provided in this  
7 section.

8 B. The operator shall determine which parts of the affected  
9 land shall be reclaimed for forest, pasture, crop, horticultural,  
10 homesite, recreational, industrial or other use including food,  
11 shelter and ground cover for wildlife.

12 C. All ridges and peaks of overburden created by surface mining  
13 shall be graded to a rolling topography traversable by machines or  
14 equipment customarily used in connection with the use to be made of  
15 the land after reclamation, but such slopes need not be reduced to  
16 less than the original grade of the area prior to mining, and the  
17 slope of the ridge of overburden resulting from a box cut need not  
18 be reduced to less than twenty-five degrees (25°) from horizontal.  
19 Surface mining operations conducted in the flood plains of streams  
20 and rivers and subject to periodic flooding shall be exempt from the  
21 grading requirements of this section.

22 D. The operator may construct earth dams to form lakes in pits  
23 resulting from surface mining operations, provided that the  
24

1 formation of lakes shall not interfere with other mining operations  
2 or damage property of others.

3 E. The operator shall cover the exposed face of a mineral seam,  
4 where significant concentrations of acid-forming materials are  
5 present, to a depth of not less than three (3) feet with earth that  
6 will support plant life or with a permanent water impoundment.

7 F. The operator shall grade down the banks of any pits or  
8 depressions created by the removal of sand or gravel by surface  
9 mining to a degree of slope determined by the Department, which  
10 shall give due consideration to the natural topography of the land  
11 affected and adjacent lands, the composition of such banks and the  
12 most beneficial use of the pits and depressions comprising the  
13 affected land after reclamation. If the pits or depressions are  
14 deeper than ten (10) feet, the operator may elect to bench the  
15 highwall, provided that such benches are not in excess of ten (10)  
16 feet in height.

17 G. All affected land except that which is to be covered with  
18 water or used for homesites or industrial purposes shall be  
19 revegetated by the planting of seeds, plants, trees, shrubs or other  
20 plantings appropriate to the use to be made of the land as  
21 determined by the operator. No planting of any kind shall be  
22 required on any affected land so long as the chemical and physical  
23 characteristics of the soil of such affected land are toxic,  
24 deficient in plant nutrients or composed of sand, gravel, shale or

1 stone to such an extent as to seriously inhibit plant growth. The  
2 Department may prescribe by rules and regulations the required  
3 density of such plantings, and may make replanting requirements.

4 H. Except where prevented by weather conditions, all grading  
5 shall be completed within one (1) year after mining of the affected  
6 land has been completed. Initial seeding or planting shall be made  
7 at the first appropriate time following completion of grading. If  
8 the operator is unable to acquire sufficient planting stock of  
9 desired species from state nurseries, or acquire such species  
10 elsewhere at comparable prices, the Department of Environmental  
11 Quality shall grant the operator an extension of time until planting  
12 stock is available to plant such land as originally planned.

13 I. In any noncoal mining operation where the type and amount of  
14 material removed precludes the filling of the quarry, the Department  
15 ~~of Mines~~ shall prescribe necessary measures for the protection of  
16 the public and animal life.

17 SECTION 31. AMENDATORY 45 O.S. 2021, Section 727, is  
18 amended to read as follows:

19 Section 727. The Department of Environmental Quality, or its  
20 accredited representatives, may enter upon the lands of the operator  
21 at all reasonable times, for the purpose of inspection, to determine  
22 whether the provisions of this act have been complied with.

23 SECTION 32. AMENDATORY 45 O.S. 2021, Section 728, is  
24 amended to read as follows:

1       Section 728. A. Any bond required to be filed with the  
2 Department of Environmental Quality by the operator shall be in such  
3 form as the Division Director of the Division of Mines prescribes,  
4 payable to the State of Oklahoma, conditioned that the operator  
5 shall faithfully perform all requirements of the Mining Lands  
6 Reclamation Act and comply with all rules of the Department made in  
7 accordance with the provisions of the Mining Lands Reclamation Act.  
8 Such bond shall be signed by the operator as principal, and by a  
9 good and sufficient corporate surety, licensed to do business in the  
10 state, as surety.

11       B. The penal sum of such bond shall be determined by the  
12 Department and shall depend on the performance requirements of the  
13 approved permit. The minimum bond shall be Two Thousand Dollars  
14 (\$2,000.00).

15       In determining the amount of the bond, the Department shall take  
16 into consideration the character and nature of the overburden, the  
17 future suitable use of the land involved and the cost of reclamation  
18 to be required.

19       C. A bond shall not be cancelable by the surety except after  
20 not less than ninety (90) days' prior written notice to the  
21 Department. Bonds may be continued in effect from year to year, and  
22 a new bond need not be provided for each permit application. A  
23 single bond may cover all of the operator's mining operations in the  
24 state. The penalty of the bond or amount of cash and securities, as

1 provided in subsection E of this section, shall be increased or  
2 reduced from time to time as provided in the Mining Lands  
3 Reclamation Act.

4 D. If the license to do business in the state of any surety  
5 upon a bond filed with the Department pursuant to the Mining Lands  
6 Reclamation Act shall be suspended or revoked, the operator, within  
7 thirty (30) days after receiving notice from the Department, shall  
8 substitute for such surety a good and sufficient corporate surety  
9 licensed to do business in the state. Upon failure of the operator  
10 to make substitution of surety as required, the Department shall  
11 have the right to suspend the permit of the operator to conduct  
12 operations upon the land described in such permit until such  
13 substitution has been made.

14 E. In lieu of such bond, the operator may deposit cash  
15 government securities, Certificates of Deposit or an irrevocable  
16 letter of credit with the Department in an amount equal to that of  
17 the required bond on conditions as prescribed by the Department. In  
18 the discretion of the Department surety bond requirements may also  
19 be fulfilled by using existing reclaimed areas, in excess of  
20 cumulative permit or mined acres, that have been completed under the  
21 jurisdiction of the Mining Lands Reclamation Act and approved by the  
22 Department.

23 F. Such bond or security shall remain in effect until the mined  
24 acres have been reclaimed, approved and released by the Department.

1 If the Department determines that grading has been satisfactorily  
2 completed pursuant to the Mining Lands Reclamation Act, the  
3 Department may release up to eighty percent (80%) of the penal sum  
4 of the bond filed for each acre of land graded. The remaining  
5 portion of the bond shall continue in effect until the completion of  
6 the requirements pursuant to Section 725 of this title.

7 SECTION 33. AMENDATORY 45 O.S. 2021, Section 729, is  
8 amended to read as follows:

9 Section 729. The Department of ~~Mines~~ Environmental Quality  
10 shall notify the operator and the surety in writing of any claimed  
11 violation of the provisions of the Mining Lands Reclamation Act or  
12 the rules of the Department. If the alleged violation is discovered  
13 as a result of a citizen complaint and the person claiming the  
14 violation states in writing the desire that the source of the  
15 complaint be kept confidential, the Department shall maintain such  
16 information in confidence. If the operator denies the alleged  
17 violation, the Department shall hold a hearing on said charges.  
18 Said hearing shall be held not less than thirty (30) days from the  
19 notice of hearing.

20 At such hearing the operator shall have the right to present  
21 evidence in opposition to the claimed violation.

22 If upon such hearing the Department shall determine that a  
23 violation has occurred, the Department shall make detailed findings  
24

1 of fact and conclusions of law. The surety, if applicable, may  
2 perform for the operator.

3 If the operator or surety, if applicable, fails to perform the  
4 corrective work required by the Department or fails to properly  
5 perform said work, the Department may initiate permit revocation  
6 and/or bond forfeiture proceedings. After successful collection of  
7 the security required by Section 728 of this title, the Department  
8 shall contract for the work to be done consistent with all state  
9 requirements. The Department shall not issue any permits to an  
10 operator who has failed to perform such corrective work, or has  
11 defaulted with respect to the bond or other security required by  
12 Section 728 of this title, until such obligations are met by the  
13 operator or his surety or agent, as determined by the Department.

14 If the Department determines that an entity or individual has  
15 mined without a permit in violation of Section 724 of this title,  
16 the Department shall assess a fine of up to Ten Thousand Dollars  
17 (\$10,000.00) against the entity, individuals, or agents of said  
18 entity. Any agent is jointly and severally liable with its  
19 principal for such violation and any resulting fines.

20 The Department may pursue civil action for relief, including a  
21 permanent or temporary injunction, restraining order, or any other  
22 appropriate order in the district court for the district in which  
23 the illegal mining operation is located, in which the entity,  
24 individuals, or agents of said entity, have their principal offices,

1 or in Oklahoma County, to enforce any Department action against the  
2 entity, individual, or agents. Further, the Department shall be  
3 entitled to recover penalties or fines assessed for mining without a  
4 permit from the entity, individuals or agents conducting said mining  
5 in violation of this title. The Department shall also be entitled  
6 to reasonable attorneys fees incurred in enforcing this provision.  
7 All monies collected pursuant to this section shall be deposited in  
8 the Department of ~~Mines~~ Environmental Quality Revolving Fund.

9 In order to fully inform affected surface owners who have filed  
10 a complaint of any alleged violations affecting the surface estate  
11 by an operator, the Department shall:

12 1. Provide by mail to the affected surface owners who have  
13 filed a complaint, a copy of any alleged violations affecting the  
14 surface estate issued to the operator within five (5) days after  
15 such violation is cited;

16 2. Notify the surface owners who have filed a complaint of any  
17 hearings in connection to alleged violations affecting the surface  
18 estate in the same manner and at the same time as the operator; and

19 3. Provide surface owners who have filed a complaint with  
20 complete information on the disposition of all violations affecting  
21 the surface estate cited at the same time the operator is notified.

22 SECTION 34. AMENDATORY 45 O.S. 2021, Section 731, is  
23 amended to read as follows:  
24

1       Section 731. The operator shall submit to the Department of  
2 Environmental Quality, no later than September 1 following the end  
3 of each permit year, a map in a form approved by the Department  
4 showing the location of the pit or pits by section, township, range  
5 and county, with such other description as will identify the land  
6 which the operator has affected by mining during such permit year  
7 and has completed mining operations thereon, with a legend upon such  
8 map showing the number of acres of affected land. Such map shall  
9 also show in acres the extent of the reclamation accomplished on the  
10 affected land, including grading and revegetation efforts, as of the  
11 end of the permit year, and shall show by appropriate designation  
12 any deviation from the plan of reclamation filed under subsection  
13 ~~(e)~~ E of Section 724 of this title and the reasons therefor.

14       Whenever an operator shall have completed all requirements under  
15 the provisions of this act as to any affected land, he shall notify  
16 the Department thereof. If the Department determines that the  
17 operator has completed reclamation requirements and achieved results  
18 appropriate to the use for which the area was reclaimed, the  
19 Department shall release the operator from further obligations  
20 regarding such affected land and the penalty of the bond shall be  
21 reduced proportionately.

22       SECTION 35.       AMENDATORY       45 O.S. 2021, Section 732, is  
23 amended to read as follows:  
24

1       Section 732. In addition to the duties and powers conferred on  
2 the Department of Environmental Quality in other provisions of this  
3 act, the Department shall have authority and power to:

4       ~~(a)~~ 1. Adopt and promulgate reasonable rules and regulations  
5 respecting the administration of this act and in conformity  
6 therewith and the Administrative Procedures Act~~;~~;

7       ~~(b)~~ 2. Order, after hearing, the revocation of any permit  
8 issued hereunder for violation of this act~~;~~;

9       ~~(c)~~ 3. Cause to be instituted, in any court of competent  
10 jurisdiction, legal proceedings for injunctive or other appropriate  
11 relief to enforce this act~~;~~;

12       ~~(d)~~ 4. Make investigations and inspections which are necessary  
13 or appropriate to ~~insure~~ ensure compliance with this act~~;~~;

14       ~~(e)~~ 5. Collect and disseminate information relating to  
15 reclamation of affected lands~~;~~; and

16       ~~(f)~~ 6. Request the assistance of any federal or state agency  
17 for technical advice or any other type of assistance deemed  
18 necessary to carry out the purposes of this act.

19       SECTION 36.       AMENDATORY       45 O.S. 2021, Section 733, is  
20 amended to read as follows:

21       Section 733. At the request of the Department of Environmental  
22 Quality, the Attorney General shall provide such legal assistance as  
23 may be needed in interpreting, enforcing and carrying out the  
24 provisions of this act including~~,~~, but not limited to~~,~~, institution of

1 and prosecuting legal actions and proceedings for injunctive relief  
2 and this improvement shall include the provisions of Section 47  
3 ~~hereof~~ 737 of this title.

4 SECTION 37. AMENDATORY 45 O.S. 2021, Section 734, is  
5 amended to read as follows:

6 Section 734. Any act authorized to be done by the Department of  
7 Environmental Quality related to mining may be performed by the  
8 ~~Chief Mine Inspector~~ Division Director of the Division of Mines, or  
9 an assistant designated by him or her.

10 SECTION 38. AMENDATORY 45 O.S. 2021, Section 735, is  
11 amended to read as follows:

12 Section 735. The Department of Environmental Quality is  
13 designated as the agency to make safety inspections in sand, sand  
14 and gravel, and in quarrying operations. Any person required by  
15 this act to have a permit who engages in mining without a valid  
16 permit therefor issued pursuant to this act is guilty of a  
17 misdemeanor, and on conviction thereof shall be fined not less than  
18 Fifty Dollars (\$50.00) nor more than One Thousand Dollars  
19 (\$1,000.00). Each day of operation without the permit required by  
20 this act shall be deemed a separate violation.

21 SECTION 39. AMENDATORY 45 O.S. 2021, Section 738, is  
22 amended to read as follows:

1       Section 738. All final decisions and orders of the Department  
2 of Environmental Quality shall be subject to judicial review of the  
3 acts of administrative agencies.

4       SECTION 40.       AMENDATORY       45 O.S. 2021, Section 742.1, is  
5 amended to read as follows:

6       Section 742.1 This act shall be known and may be cited as the  
7 "Coal Reclamation Act of 1979".

8       It is the intent of the Oklahoma Legislature that the Coal  
9 Reclamation Act of 1978, ~~Sections 742~~ Section 742.1 et seq. of ~~Title~~  
10 ~~45 of the Oklahoma Statutes~~ this title, and this Coal Reclamation  
11 Act of 1979, be read together as the law regulating the reclamation  
12 of lands affected by surface coal mining operations and the surface  
13 effects of underground coal mining, to bring Oklahoma into  
14 compliance with Public Law 95-87, the "Surface Mining Control and  
15 Reclamation Act of 1977".

16       The provisions of The Mining Lands Reclamation Act, Sections 721  
17 through ~~728~~ 738 of ~~Title 45 of the Oklahoma Statutes~~ this title,  
18 shall not apply to surface coal mining operations or the surface  
19 effects of underground coal mining operations.

20       The Oklahoma Legislature finds and declares that coal mining  
21 operations presently contribute significantly to the nation's energy  
22 requirements, that Oklahoma's coal production is part of those  
23 energy requirements, and that the cooperative effort established by  
24

1 this act is necessary to prevent or mitigate adverse environmental  
2 effects of all surface mining operations.

3 It is the purpose of this act to protect the rights of surface  
4 owners and the environment, and to require reclamation of lands  
5 affected by surface and underground coal mining in a manner  
6 compatible with the social, environmental and aesthetic needs of  
7 this state. If reclamation is not feasible, surface mining  
8 operations should not be conducted. It is the intent of the  
9 Legislature ~~to insure the existence of an expanding and economically~~  
10 ~~healthy coal mining industry and~~ that there be public participation  
11 in the development of rules and regulations appropriate to the State  
12 of Oklahoma and that the Department of ~~Mines~~ Environmental Quality  
13 exercise the full reach of its powers to ~~insure~~ ensure the  
14 protection of the public interest through the effective control of  
15 surface mining operations.

16 SECTION 41. AMENDATORY 45 O.S. 2021, Section 742.2, is  
17 amended to read as follows:

18 Section 742.2 As used in this act:

19 1. "Acid drainage" means water with a pH of less than 6.0  
20 Standard Units and in which total acidity exceeds total alkalinity,  
21 discharged from active, inactive, or abandoned mines and from areas  
22 affected by surface coal mining and reclamation operations-; i

23 2. "Acid-forming materials" means earth materials that contain  
24 sulfide minerals or other materials which, if exposed to air, water,

1 or weathering processes, will result in the formation of acids that  
2 may create acid drainage-; i

3 3. "Adjacent area" means land located outside the affected  
4 area, permit area, or mine plan area, depending on the context in  
5 which "adjacent area" is used, where air, surface or ground water,  
6 fish, wildlife, vegetation or other resources protected by this act  
7 may be adversely impacted by surface coal mining and reclamation  
8 operations-; i

9 4. "Affected area" means, with respect to surface mining  
10 activities, any land or water upon or in which those activities are  
11 conducted or located. With respect to underground mining  
12 activities, "affected area" means any water or surface land upon or  
13 in which those activities are conducted or located, and land or  
14 water which is located above underground mine workings-; i

15 5. "Approximate original contour" means that surface  
16 configuration achieved by backfilling and grading of the mined areas  
17 so that the reclaimed area, including any terracing or access roads,  
18 closely resembles the general surface configuration of the land  
19 prior to mining and blends into and complements the drainage pattern  
20 of the surrounding terrain, with all highwalls, spoil piles and coal  
21 refuse piles eliminated. Water impoundments may be permitted where  
22 the regulatory authority determines that they are in compliance with  
23 Section 745.18 of this title and applicable rules and regulations-; i

1        6. "Aquifer" means a zone, stratum, or group of strata confined  
2 or unconfined, including perched conditions, that can store and  
3 transmit water in sufficient quantities for a specific use-i

4        7. "Auger mining" means a method of mining coal at a cliff or  
5 highwall by drilling holes laterally into an exposed coal seam from  
6 the highwall and transporting the coal along an auger bit to the  
7 surface-i

8        8. "Box cut" means the first open cut in strip mining which  
9 results in the placing of overburden on unmined land adjacent to the  
10 initial pit and outside the area to be mined-i

11       9. "Coal exploration" means the gathering of surface or  
12 subsurface geologic, physical, or chemical data by mapping,  
13 trenching, drilling, geophysical or other techniques necessary to  
14 determine the quality and quantity of overburden and coal of an area  
15 and the gathering of environmental data to establish the conditions  
16 of the area beginning before surface coal mining and reclamation  
17 operations-i

18       10. "Coal processing plant" means a collection of facilities  
19 where run-of-the-mine coal is prepared for market by chemical or  
20 physical processing, and separated from its impurities. The  
21 processing plant may consist of, but not be limited to, the  
22 following support facilities: loading facilities; storage and  
23 stockpile facilities; shed, shops and other buildings; water  
24 treatment and water storage facilities; settling basins and

1 impoundments; coal processing and other waste disposal areas; roads,  
2 railroads and other transport facilities; and utilities-;

3 11. "Consolidated material" means material of sufficient  
4 hardness or ability to resist weathering and to inhibit erosion or  
5 sloughing-;

6 12. "Department" means the ~~office of the Chief Mine Inspector~~  
7 Department of Environmental Quality and Division of Mines housed  
8 therein, including all employees, agents, deputies, and  
9 representatives of the Department, ~~herein called the Department of~~  
10 ~~Mines and Mining~~, or such department, bureau or commission as may  
11 lawfully succeed to the powers and duties of such department, having  
12 primary responsibility for administering all titles of the Surface  
13 Mining Law-;

14 13. "Division Director" means the ~~Chief Mine Inspector~~ Division  
15 Director of the ~~State of Oklahoma~~ Division of Mines of the  
16 Department of Environmental Quality or such officer, bureau or  
17 commission as may lawfully succeed to the powers and duties of such  
18 ~~Chief Mine Inspector~~ Division Director or such employee, agent,  
19 deputy or representative of the ~~Chief Mine Inspector~~ Division  
20 Director as shall be designated by the ~~Chief Mine Inspector~~ Division  
21 Director to perform any actions required by this act-;

22 14. "Disturbed area" means an area where vegetation, topsoil,  
23 or overburden is removed by surface coal mining operations or upon  
24 which topsoil, spoil, coal processing waste or noncoal waste is

1 placed. Those areas are "disturbed" until reclamation of those  
2 areas is complete and the bond or other assurance of performance is  
3 released-; i

4 15. "Diversion" means a channel, embankment, or other manmade  
5 structure constructed for the purpose of diverting the flow of water  
6 from one area to another:

7 a. Permanent diversion means a diversion remaining after  
8 surface coal mining and reclamation are completed and  
9 which has been approved for retention by the  
10 Department and other appropriate state and federal  
11 agencies,

12 b. Temporary diversion means a diversion which is used  
13 during coal exploration or surface coal mining and  
14 reclamation operations, and not approved by the  
15 Department to remain after reclamation as part of the  
16 approved postmining land use-; i

17 16. "Ephemeral stream" means a stream which flows only in  
18 direct response to precipitation in the immediate watershed or in  
19 response to the melting of snow and ice, and which has a channel  
20 bottom that is always above the local water table-; i

21 17. "Ground water" means subsurface water that fills available  
22 openings in rock or soil materials such that they may be considered  
23 water-saturated-; i

1        18. "Head-of-hollow fill" means a fill structure consisting of  
2 any material, other than coal processing waste and organic material,  
3 placed in the uppermost reaches of a hollow where side slopes of the  
4 existing hollow measured at the steepest point are greater than  
5 twenty (20) degrees or the average slope of the profile of the  
6 hollow from the toe of the fill to the top of the fill is greater  
7 than ten (10) degrees. In fills with less than two hundred fifty  
8 thousand (250,000) cubic yards of material, associated with contour  
9 mining, the top surface of the fill will be at the elevation of the  
10 coal seam. In all other head-of-hollow fills, the top surface of  
11 the fill, when completed, is at approximately the same elevation as  
12 the adjacent ridge line, and no significant area of natural drainage  
13 occurs above the fill draining into the fill area-;

14        19. "Highwall" means the face of exposed overburden and coal in  
15 an open cut of a surface or for entry to an underground coal mine-;

16        20. "Hydrologic balance" means the relationship between the  
17 quality and quantity of inflow to, outflow from and storage in a  
18 hydrologic unit such as a drainage basin, aquifer, soil zone, lake,  
19 or reservoir. It encompasses the quantity and quality relationships  
20 between precipitation, runoff, evaporation, and the change in ground  
21 and surface water storage-;

22        21. "Hydrologic regime" means the entire state of water  
23 movement in a given area. It is a function of the climate, and  
24 includes the phenomena by which water first occurs as atmospheric

1 water vapor, passes into a liquid or solid form and falls as  
2 precipitation, moves along or into the ground surface, and returns  
3 to the atmosphere as vapor by means of evaporation and  
4 transpiration-; i

5 22. "Imminent danger to the health and safety of the public"  
6 means the existence of any condition or practice, or any violation  
7 of a permit or other requirements of this act in a surface coal  
8 mining and reclamation operation, which condition, practice, or  
9 violation could reasonably be expected to cause substantial physical  
10 harm to persons outside the permit area before such condition,  
11 practice, or violation can be abated. A reasonable expectation of  
12 death or serious injury before abatement exists if a rational  
13 person, subjected to the same condition or practice giving rise to  
14 the peril, would not expose oneself to the danger during the time  
15 necessary for abatement-; i

16 23. "Impoundment" means a closed basin, naturally formed or  
17 artificially built, which is dammed or excavated for the retention  
18 of water, sediment, or waste-; i

19 24. "In situ processes" means activities conducted on the  
20 surface or underground in connection with in-place distillation,  
21 retorting, leaching, or other chemical or physical processing of  
22 coal, to include, but not be limited to, in situ gasification, in  
23 situ leaching, slurry mining, solution mining, bore hole mining and  
24 fluid recovery mining-; i

1        25. "Intermittent stream" means a stream or reach of a stream  
2 that drains a watershed of at least one (1) square mile, or a stream  
3 or reach of a stream that is below the local water table for at  
4 least some part of the year, and obtains its flow from both surface  
5 runoff and ground water discharge-i

6        26. "Operator" means any person, partnership, firm or  
7 corporation engaged in coal mining who removes or intends to remove  
8 more than two hundred fifty (250) tons from the earth within twelve  
9 (12) consecutive months in any one location-i

10       27. "Other minerals" means clay, stone, sand, gravel,  
11 metalliferous and nonmetalliferous ores, and any other solid  
12 material or substances of commercial value excavated in solid form  
13 from natural deposits on or in the earth, exclusive of coal and  
14 those minerals which occur naturally in liquid or gaseous form-i

15       28. "Overburden" means all of the earth and other materials,  
16 excluding topsoil, which lie above natural deposits of coal and  
17 other minerals, and also means such earth and other materials  
18 disturbed from their natural state in the process of surface  
19 mining-i

20       29. "Peak" means an upward projecting point of overburden  
21 created in the surface mining process-i

22       30. "Perennial stream" means a stream or part of a stream that  
23 flows continuously during all of the calendar year as a result of  
24 groundwater discharge or surface runoff-i

1        31. "Performance bond" means the indemnity instrument in a sum  
2 certain, supported by a surety's guarantee, pledge of collateral or  
3 other acceptable contractual guarantee, by which the permit  
4 applicant assures faithful performance of all the applicable permit  
5 requirements of this act and the rules and regulations promulgated  
6 thereunder.;

7        32. "Permit" means a permit to conduct surface coal mining and  
8 reclamation operations issued by the Department pursuant to state  
9 law.;

10       33. "Permit area" means the area, including all natural and  
11 human resources, included within the boundaries specified in a  
12 permit, whether or not the areas will be impacted by surface coal  
13 mining and reclamation operations, which are designated on the  
14 approved maps submitted by the applicant with his permit application  
15 and covered by the performance and reclamation bonds as required.;

16       34. "Permittee" means a person holding a "permit" to conduct  
17 surface coal mining and reclamation operations issued by the  
18 Department pursuant to state law.;

19       35. "Pit" means a tract of land from which overburden or  
20 minerals have been or are being removed in the process of surface  
21 mining.;

22       36. "Prime farmland" means lands which meet the criteria of the  
23 Department, which shall prescribe criteria at least as stringent as  
24 criteria prescribed by the United States Secretary of Agriculture on

1 the basis of such factors as moisture availability, temperature  
2 regime, chemical balance, permeability, surface layer composition,  
3 susceptibility to flooding, and erosion characteristics, and which  
4 historically have been used for intensive agricultural purposes-; i

5 37. "Reclamation" means, through the process of backfilling,  
6 regrading, topsoil replacement, reutilization, and revegetation  
7 activities, the bringing back of land to its approximate original  
8 contours and configuration, and resulting in an equal or better land  
9 use category, and shall be consistent with the existing surrounding  
10 environment-; i

11 38. "Reference areas" means land units of varying size and  
12 shape identified and maintained under appropriate management for the  
13 purpose of measuring ground cover, productivity and species  
14 diversity that are produced naturally or by crop production methods  
15 approved by the Department. Reference areas must be representative  
16 of geology, soils, slope, aspect and vegetation in the permit area-; i

17 39. "Refuse" means all waste material directly connected with  
18 the production, cleaning or preparation of coal or other minerals  
19 which have been mined by either underground or surface mining  
20 method-; i

21 40. "Regulatory authority" means the Department of ~~Mines and~~  
22 ~~Mining.~~ Environmental Quality;

23 41. "Ridge" means a lengthened elevation of overburden created  
24 in the surface mining process-; i

1        42. "Significant, imminent environmental harm to land, air or  
2 water resources" is determined as follows:

3            a. an environmental harm is any adverse impact on land,  
4                air, or water resources, including but not limited to,  
5                plant and animal life,

6            b. an environmental harm is imminent if a condition,  
7                practice or violation exists which:

8                (1) is causing such harm or,

9                (2) may reasonably be expected to cause such harm at  
10                any time before the end of the reasonable  
11                abatement time that would be set under Section  
12                775 of this title, and

13            c. an environmental harm is significant if that harm is  
14                appreciable and not immediately reparable;i

15        43. "Slope" means average inclination of a surface, measured  
16 from the horizontal; normally expressed as a unit of vertical  
17 distance to a given number of units of horizontal distance (e.g.,  
18 one unit vertical (1v) to five units horizontal (5h) = 11.3  
19 degrees);-i

20        44. "Soil horizons" means contrasting layers of soil lying one  
21 below the other, parallel or near parallel to the land surface.

22 Soil horizons are differentiated on the basis of field  
23 characteristics and laboratory data. The three (3) major soil  
24 horizons are:

1           a.    "A horizon". The uppermost layer in the soil profile  
2               often called the surface soil. It is the part of the  
3               soil in which organic matter is most abundant and  
4               where leaching of soluble or suspended particles is  
5               the greatest,

6           b.    "B horizon". The layer immediately beneath the A  
7               horizon and often called the subsoil. This middle  
8               layer commonly contains more clay, iron or aluminum  
9               than the A or C horizons, and

10          c.    "C horizon". The deepest layer of the soil profile.  
11               It consists of loose material or weathered rock that  
12               is relatively unaffected by biologic activity-i

13          45.    "Spoil" means displaced overburden-i

14          46.    "Strip mining" means those mining operations carried out by  
15       removing the overburden lying above natural deposits of coal and  
16       other minerals, and mining directly from such natural deposits  
17       thereby exposed, but excludes auger mining, quarrying, dredging,  
18       pumping or the use of hydraulic methods-i

19          47.    "Substantially disturb" means, for purposes of coal  
20       exploration, to significantly impact upon land, air or water  
21       resources by such activities as blasting, mechanical excavation of  
22       land, drilling or altering coal or water exploratory holes or wells,  
23       construction or creation of roads and other access routes, and the  
24

1 placement of structures, excavated earth or other debris upon the  
2 surface of land;

3 48. "Surface coal mining and reclamation operations" means  
4 surface mining operations and all activities necessary and incident  
5 to the reclamation of such operations;

6 49. "Surface coal mining operations" means:

7 a. activities conducted on the surface of lands in  
8 connection with a surface coal mine or surface  
9 operations and surface impacts incident to an  
10 underground coal mine. Such activities include  
11 excavation for the purpose of obtaining coal,  
12 including such common methods as contour, strip,  
13 auger, mountaintop removal, box cut, open pit, and  
14 area mining, the uses of explosives and blasting, in  
15 situ distillation or retorting, leaching or other  
16 chemical or physical processing, and the cleaning,  
17 concentrating, or other processing or preparation,  
18 loading of coal at or near the mine site. Such  
19 activities do not include the extraction of coal  
20 incidental to the extraction of other minerals where  
21 coal does not exceed sixteen and two-thirds percent  
22 (16 2/3%) of the tonnage of minerals removed for the  
23 purposes of commercial use or sale or coal  
24

1 exploration, subject to Section 745.11 of this title,  
2 and

- 3 b. the areas upon which such activities occur or where  
4 such activities disturb the natural land surface.

5 Such areas shall also include any adjacent land, the  
6 use of which is incidental to any such activities, all  
7 lands affected by the construction of new roads or  
8 improvement or use of existing roads to gain access to  
9 the site of such activities and for haulage and  
10 excavations, workings, impoundments, dams, ventilation  
11 shafts, entryways, refuse banks, dumps, stockpiles,  
12 overburden piles, spoil banks, culm banks, tailings,  
13 holes or depressions, repair areas, storage areas,  
14 processing areas, shipping areas and other areas upon  
15 which are sited structures, facilities, or other  
16 property or materials on the surface, resulting from  
17 or incident to such activities~~;~~;

18 50. "Surface water" means water, either flowing or standing, on  
19 the surface of the earth~~;~~;

20 51. "Topsoil" means the "A" soil horizon, which is the  
21 uppermost layer of the three (3) major soil horizons~~;~~;

22 52. "Underground mining activities" means a combination of:

- 23 a. surface operations incident to underground extraction  
24 of coal or in situ processing, such as construction,

1 use, maintenance, and reclamation of roads, above-  
2 ground repair areas, storage areas, processing areas,  
3 shipping areas, areas upon which are sited support  
4 facilities including hoist and ventilating ducts,  
5 areas utilized for the disposal and storage of waste,  
6 and areas on which materials incident to underground  
7 mining operations are placed, and

8 b. underground operations such as underground  
9 construction, operation, and reclamation of shafts,  
10 adits, underground support facilities, in situ  
11 processing, and underground mining, hauling, storage,  
12 and blasting, and

13 c. the areas in which activities enumerated above occur  
14 or where such activities disturb the natural land  
15 surface-;

16 53. "Unwarranted failure to comply" means the failure of a  
17 permittee to prevent the occurrence of any violation of his permit  
18 or any requirement of this act due to indifference, lack of  
19 diligence, or lack of reasonable care, or the failure to abate any  
20 violation of such permit or the act due to indifference, lack of  
21 diligence, or lack of reasonable care-; and

22 54. "Water table" means the upper surface of a zone of  
23 saturation, where the body of ground water is not confined by an  
24 overlying impermeable zone.

1       SECTION 42.       AMENDATORY       45 O.S. 2021, Section 745.1, is  
2 amended to read as follows:

3       Section 745.1 A. It shall be unlawful for any operator to  
4 engage in any mining operations in this state without first  
5 obtaining from the Department of Environmental Quality a permit to  
6 do so for each separate mining operation. The Department shall  
7 determine what constitutes a separate mining operation by rules and  
8 regulations promulgated under the Coal Reclamation Act of 1979.

9       B. Any operator desiring to engage in surface mining eight (8)  
10 months after the approval of Oklahoma's regulatory program by the  
11 United States Secretary of the Interior shall make written  
12 application to the Department for a permit within two (2) months  
13 after the approval of the state program. Before the approval of the  
14 Oklahoma program by the Secretary of the Interior, the requirements  
15 of the Coal Reclamation Act of 1978 shall continue to apply to all  
16 permits for coal mining covered by the Coal Reclamation Act of 1979.  
17 Application for such permit shall be made upon a form furnished by  
18 the Department, which form shall require all pertinent information  
19 including, but not limited to, all information required by federal  
20 law and regulations.

21       C. Any operator desiring to engage in underground mining shall  
22 make written application to the Department for a permit within two  
23 (2) months after approval of the state program. Application for  
24 such permit shall be made upon a form furnished by the Department,

1 which form shall require all pertinent information including, but  
2 not limited to, all information required by federal law and  
3 regulations for underground coal mining, taking into account the  
4 distinct differences between surface coal mining and underground  
5 coal mining.

6 D. Each application for a permit under subsections B and C of  
7 this section shall be accompanied by a plan for the reclamation of  
8 the affected land that meets the requirements of the Coal  
9 Reclamation Act of 1979.

10 E. Each application for a permit or permit renewal under  
11 subsections B and C of this section shall be accompanied by a fee of  
12 Five Hundred Dollars (\$500.00) for each permit year, payable at the  
13 rate of Five Hundred Dollars (\$500.00) per year on the anniversary  
14 date of the year in which the permit or permit renewal was issued.  
15 Such fee shall be deposited in the Department of ~~Mines~~ Environmental  
16 Quality Revolving Fund established in Section 2-3-401 of Title 27A  
17 of the Oklahoma Statutes and used to offset the cost of reviewing,  
18 administering and enforcing such permit issued pursuant to a state  
19 or federal program. Once mining operations have permanently  
20 terminated, no further permit fee shall be required of the operator.

21 F. The provisions of the Coal Reclamation Act of 1979 shall not  
22 apply to the extraction of coal by a landowner for his own  
23 noncommercial use from land owned or leased by him, or the  
24 extraction of coal as an incidental part of federal, state or local

1 government-financed highway or other construction under regulations  
2 established by the Department.

3 SECTION 43. AMENDATORY 45 O.S. 2021, Section 753, is  
4 amended to read as follows:

5 Section 753. A. The operator shall ~~insure~~ ensure that  
6 explosives are used only in accordance with existing state and  
7 federal law and the regulations promulgated by the Department of  
8 Environmental Quality, which shall require:

9 1. Adequate advance written notice to local governments and  
10 residents who might be affected by the use of such explosives by  
11 publication of the planned blasting schedule in a newspaper of  
12 general circulation in the locality, and by mailing a copy of the  
13 proposed blasting schedule to every resident living within one-half  
14 (1/2) mile of the proposed blasting site and by providing daily  
15 notice to resident/occupiers in such areas prior to any blasting;

16 2. Maintaining for a period of at least three (3) years and  
17 making available for public inspection upon request a log detailing  
18 the location of the blasts, the pattern and depth of the drill  
19 holes, the amount of explosives used per hole, and the order and  
20 length of delay in the blasts;

21 3. Limiting the type of explosives and detonating equipment,  
22 the size, the timing and frequency of blasts based upon the physical  
23 conditions of the site so as to prevent injury to persons, damage to  
24 public and private property outside the permit area, adverse impacts

1 on any underground mine, and change in the course, channel, or  
2 availability of ground or surface water outside the permit area;

3 4. All blasting operations be conducted by trained and  
4 competent persons as certified by the Department;

5 5. Upon the request of a resident or owner of a man-made  
6 dwelling or structure within one-half (1/2) mile of any portion of  
7 the permitted area the applicant or permittee shall conduct a pre-  
8 blasting survey of such structures and submit the survey to the  
9 Department and a copy to the resident or owner making the request.  
10 The area of the survey shall be decided by the Department; and

11 6. For the purposes of this section:

- 12 a. for blasting operations using electronic-blasting  
13 detonators, a "loaded hole" is defined as one that  
14 contains explosives or blasting agents with a primer  
15 where the hole has been stemmed and has a short length  
16 of connecting wire sticking out but does not have a  
17 firing device connected,
- 18 b. for blasting operations not using electronic  
19 detonators, a hole with explosives and a blasting cap  
20 is considered a "loaded and charged hole",
- 21 c. for blasting operations using electronic-blasting  
22 detonators, a "charged hole" is defined as one that  
23 contains explosives or blasting agents with a primer  
24 where the hole has been tamped with a short length of

connecting device sticking out and it does have a firing device connected,

d. "blasting site" is defined as the area within fifty (50) feet, or any alternative distance provided in the blasting plan of the approved permit on file, of any holes loaded with explosives, blasting agents or detonators,

e. "blasting area" is defined as the area where flying rock may be considered dangerous, which shall be determined by the certified blaster.

B. Rules and procedures for the use of explosives are as follows:

1. Persons who use explosives, blasting agents or detonators shall be certified by the ~~Oklahoma Mining Commission~~ Department of Environmental Quality. Such persons shall understand the hazards involved, and trainees shall do such work only under the supervision of and in the immediate presence of certified persons;

2. Blasting operations shall be under the direct control of certified persons designated by the operator for that purpose;

3. Damaged or deteriorated explosives, blasting agents and detonators shall be disposed of in a safe manner;

4. For blasting operations using electronic blasting detonators, loaded holes shall be charged as near to blasting time as practical and in compliance with the known physical limitations

1 and properties of the specific blasting materials and equipment  
2 specified by the manufacturer. Unless authorized by the appropriate  
3 regulatory authority, loaded holes shall be detonated within sixty  
4 (60) days from the date of loading;

5 5. No person shall smoke within fifty (50) feet of explosives,  
6 blasting agents or detonators;

7 6. Only wooden or other nonsparking devices shall be used to  
8 punch holes in explosives cartridges;

9 7. Tamping poles shall be blunt and squared at one end and made  
10 of wood or other nonsparking material;

11 8. No tamping shall be done directly on primer cartridges;

12 9. During the loading of holes, only the work activities  
13 associated with the explosives operation will be permitted in the  
14 blasting site;

15 10. During charging and firing, only the work activities  
16 associated with the explosives operation will be permitted in the  
17 blasting area;

18 11. Unused explosives and detonators shall be moved to a safe  
19 location as soon as charging operations are completed;

20 12. Approaches to areas in which charged holes are awaiting  
21 firing shall be guarded or barricaded and posted or flagged against  
22 unauthorized entry;

23 13. When a blast is about to be fired, ample warning shall be  
24 given to allow all persons to retreat to a safe place. Each mine

1 shall have a definite plan of warning signals that can be clearly  
2 seen or heard by anyone in the blasting area. The operator shall  
3 inform all employees at the local mine as to the established  
4 procedure;

5 14. Enclosed blasting shelters constructed of strong materials  
6 shall be provided to protect all persons endangered by flying rock  
7 from blasting;

8 15. When safety fuse has been used, persons shall not return to  
9 misfired holes for at least thirty (30) minutes;

10 16. When electric blasting caps have been used, persons shall  
11 not return to misfired holes for at least fifteen (15) minutes.  
12 Leading wires from the power source must be disconnected before  
13 persons can be allowed to return to the blasting sites;

14 17. Blasted materials shall be examined for undetonated  
15 explosives after each blast and undetonated explosives found shall  
16 be disposed of safely;

17 18. Misfires shall be reported to the proper supervisor and  
18 shall be disposed of safely before any other work is performed in  
19 the blasting area;

20 19. Blast holes in hot-hole areas and holes that have been  
21 sprung shall not be charged before tests have been made to ~~insure~~  
22 ensure that the heat has been dissipated to a safe level;  
23  
24

1        20. If explosives are suspected of burning in a hole, all  
2 persons in the endangered area shall move to a safe location until  
3 the danger has passed;

4        21. Holes shall not be drilled where there is danger of  
5 intersecting a charge or misfired hole;

6        22. Fuses and igniters shall be stored in a cool, dry place  
7 away from oils or grease;

8        23. Fuses shall not be kinked, bent sharply or handled roughly;

9        24. Fuses shall be cut and capped in safe, dry locations posted  
10 with "No Smoking" signs;

11       25. Blasting caps shall be crimped to fuses only with devices  
12 designed for that specific purpose;

13       26. Fuses of less than forty-eight (48) inches in length shall  
14 not be used for any purpose;

15       27. At least two persons shall be present when lighting fuses,  
16 and no person shall light more than fifteen individual fuses. If  
17 more than fifteen holes per person are to be fired, igniter cord and  
18 connectors or electric blasting shall be used;

19       28. A safe interval of time shall be allowed to light a round  
20 and evacuate the blasting area;

21       29. Fuses shall be ignited with hot-wire lighters, lead  
22 spitters, igniter cord or other such devices designed for this  
23 purpose;

1        30. Fuses shall not be ignited before the primer and the entire  
2 charge are securely in place;

3        31. Electric detonators of different brands shall not be used  
4 in the same round;

5        32. Electric detonators shall remain shunted until they are  
6 being wired into the blasting circuit. Lead lines and wired rounds  
7 shall be kept shunted until immediately before blasting;

8        33. Completely wired rounds shall be tested with a blasting  
9 galvanometer before connections are made to the blasting line;

10       34. Lead wires and blasting lines shall not be strung across  
11 power conductors, pipelines or within twenty (20) feet of bare power  
12 lines. They shall be protected from sources of static or other  
13 electrical contact;

14       35. Permanent blasting lines shall be properly supported,  
15 insulated and kept in good repair;

16       36. Charging shall be stopped immediately when the presence of  
17 static electricity or stray current is detected; the condition shall  
18 be corrected before charging is resumed;

19       37. Charging of holes shall be suspended and the persons  
20 withdrawn to a safe location upon the approach of an electrical  
21 storm;

22       38. Safety switches and blasting switches shall be labeled,  
23 encased in boxes and arranged so that the covers of the boxes cannot  
24 be closed with the switches in closed position;

1        39. Blasting switches shall be locked in the open position  
2 except when closed to fire the blast. Lead wires shall not be  
3 connected to the blasting switch until the shot is ready to be  
4 fired;

5        40. The key to a blasting switch shall be entrusted only to the  
6 person designated to fire blasts;

7        41. Electric circuits from the blasting switches to the blast  
8 area shall not be grounded;

9        42. At least a five-foot air gap shall be provided between the  
10 blasting circuit and the power circuit;

11       43. Where electric blasting is to be performed, electric  
12 circuits to equipment within twenty-five (25) feet of a hole that is  
13 to be charged with an electric blasting cap shall be de-energized  
14 before electric detonators are brought into the immediate area, or  
15 the electric equipment shall be moved out of the immediate area;

16       44. Power sources shall be suitable for the number of electric  
17 detonators to be fired and for the type of circuits used;

18       45. When instantaneous blasting is performed, the double-  
19 trunkline or loop system shall be used in detonating-cord blasting;

20       46. When instantaneous blasting is performed, trunklines in  
21 multiple-row blasting shall make one or more complete loops with  
22 crossties between loops at intervals of not over two hundred (200)  
23 feet;

24

1        47. All detonating-cord knots shall be tight and all  
2 connections shall be kept at right angles to the trunklines;

3        48. Delay connectors for firing detonating-cord shall be  
4 treated and handled with the same safety precautions as blasting  
5 caps and electric detonators; and

6        49. Detonating-cord shall not be kinked, bent or otherwise  
7 handled in such a manner that the train of detonation may be  
8 interrupted.

9        SECTION 44.        AMENDATORY        45 O.S. 2021, Section 767, is  
10 amended to read as follows:

11        Section 767. No employee of the Department of ~~Mines~~  
12 Environmental Quality or any other state employee performing any  
13 function or duty under this act shall be directly or indirectly  
14 interested in any mining operation, or any contract for purchase of  
15 any property or construction or any work for any mining operation.  
16 Any person who knowingly violates the provision of this section  
17 shall be guilty of a misdemeanor and, upon conviction, shall be  
18 punished by incarceration for a period not to exceed one (1) year or  
19 a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

20        SECTION 45.        AMENDATORY        45 O.S. 2021, Section 768, is  
21 amended to read as follows:

22        Section 768. A. Any person who is or may be adversely affected  
23 by a surface mining operation may notify the ~~Chief Mine Inspector~~  
24 Division Director of the Division of Mines of the Department of

1 Environmental Quality or any representative of the ~~Chief Mine~~  
2 ~~Inspector~~ Division Director responsible for conducting the  
3 inspection, in writing, of any violation of this act which he or she  
4 has reason to believe exists at the surface mining site. If the  
5 person who is or may be adversely affected by surface mining  
6 operations states in such writing that he or she desires the source  
7 of the complaint or writing kept confidential, the Department of  
8 Environmental Quality shall maintain such information in confidence.  
9 The ~~Chief Mine Inspector~~ Division Director shall, by regulation,  
10 establish procedures for informal review of any refusal by a  
11 representative of the ~~Chief Mine Inspector~~ Division Director to  
12 issue a citation with respect to any such alleged violation. The  
13 ~~Chief Mine Inspector~~ Division Director shall furnish such persons  
14 requesting the review a written statement of the reasons for the  
15 ~~Chief Mine Inspector's~~ Division Director's final disposition of the  
16 case.

17 B. The ~~Chief Mine Inspector~~ Department shall also, by  
18 regulation, establish procedures to ensure that adequate and  
19 complete inspections are made. Any such person may notify the ~~Chief~~  
20 ~~Mine Inspector~~ Division Director of the Division of Mines of any  
21 failure to make such inspections, after which the ~~Chief Mine~~  
22 ~~Inspector~~ Division Director shall determine whether adequate and  
23 complete inspections have been made. The ~~Chief Mine Inspector~~  
24 Division Director shall furnish such persons a written statement of

1 the reasons for the ~~Chief Mine Inspector's~~ Division Director's  
2 determination that adequate and complete inspections have or have  
3 not been conducted.

4 SECTION 46. AMENDATORY 45 O.S. 2021, Section 769, is  
5 amended to read as follows:

6 Section 769. A. In the enforcement of a state program pursuant  
7 to this act, any operator who violates any permit condition or who  
8 violates any other provision of this act may be assessed a civil  
9 penalty by the Department of Environmental Quality except that if  
10 such violation leads to the issuance of a cessation order under this  
11 act, the civil penalty shall be assessed. Such penalty shall not  
12 exceed Five Thousand Dollars (\$5,000.00) for each violation. Each  
13 day of continuing violation may be deemed a separate violation for  
14 purposes of penalty assessments. In determining the amount of the  
15 penalty, consideration shall be given to the operator's history of  
16 previous violations at the particular surface coal mining operation;  
17 the seriousness of the violation, including any irreparable harm to  
18 the environment and any hazard to the health or safety of the  
19 public; whether the permittee was negligent; and the demonstrated  
20 good faith of the permittee charged in attempting to achieve rapid  
21 compliance after notification of the violation.

22 B. A civil penalty shall be assessed by the Department only  
23 after the person charged with a violation described under subsection  
24 A of this section has been given an opportunity for a public

1 hearing. Where such a public hearing has been held, the ~~Chief Mine~~  
2 ~~Inspector~~ Division Director of the Division of Mines shall make  
3 findings of fact, and he or she shall issue a written decision as to  
4 the occurrence of the violation and the amount of the penalty which  
5 is warranted, incorporating, when appropriate, an order therein  
6 requiring that the penalty be paid. When appropriate, the ~~Chief~~  
7 ~~Mine Inspector~~ Division Director shall consolidate such hearings  
8 with other proceedings under this act. Any hearing under this  
9 section shall be of record. Where the person charged with such a  
10 violation fails to avail himself or herself of the opportunity for a  
11 public hearing, a civil penalty shall be assessed by the ~~Chief Mine~~  
12 ~~Inspector~~ Division Director after the ~~Chief Mine Inspector~~ Division  
13 Director has determined that a violation did occur, ~~and~~ the amount  
14 of the penalty which is warranted, and has issued an order requiring  
15 that the penalty be paid.

16 C. Upon the issuance of a notice or order charging that a  
17 violation of this act has occurred, the Department shall inform the  
18 operator within thirty (30) days of the proposed amount of said  
19 penalty. The person charged with the penalty shall then have thirty  
20 (30) days to pay the proposed penalty in full or, if the person  
21 wishes to contest either the amount of the penalty or the fact of  
22 the violation, forward the proposed amount to the Department for  
23 placement in an escrow account. If through administrative or  
24 judicial review of the proposed penalty, it is determined that no

1 violation occurred, or that the amount of the penalty should be  
2 reduced, the Department shall within thirty (30) days remit the  
3 appropriate amount to the person, with interest at the rate of six  
4 percent (6%), or at the prevailing United States Department of the  
5 Treasury rate, whichever is greater. Failure to forward the money  
6 to the Department within thirty (30) days shall result in a waiver  
7 of all legal rights to contest the violation or the amount of the  
8 penalty.

9 D. Civil penalties owed under this act may be recovered in a  
10 civil action brought by the Attorney General at the request of the  
11 ~~Chief Mine Inspector~~ Department of Environmental Quality in any  
12 appropriate district court.

13 E. Any person who willfully and knowingly violates a condition  
14 of a permit issued pursuant to this act or fails or refuses to  
15 comply with any order issued under this act, or any order  
16 incorporated in a final decision issued by the ~~Chief Mine Inspector~~  
17 Department of Environmental Quality under this act except an order  
18 incorporated in a decision issued under subsection B of this  
19 section, shall, upon conviction, be punished by a fine of not more  
20 than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not  
21 more than one (1) year, or both.

22 F. Whenever a corporate permittee violates a condition of a  
23 permit issued pursuant to this act or fails or refuses to comply  
24 with any order issued under this act, or any order incorporated in a

1 final decision issued by the ~~Chief Mine Inspector~~ Department of  
2 Environmental Quality under this act except an order incorporated in  
3 a decision issued under subsection B of this section, any director,  
4 officer or agent of such corporation who willfully and knowingly  
5 authorized, ordered or carried out such violation, failure or  
6 refusal shall be subject to the same civil penalties, fines and  
7 imprisonment that may be imposed upon a person under subsections A  
8 and E of this section.

9 G. Whoever knowingly makes any false statement, representation  
10 or certification, or knowingly fails to make any statement,  
11 representation or certification in any application, record, report,  
12 plan or other document filed or required to be maintained pursuant  
13 to this act or any order ~~of~~ or decision issued by the Department  
14 under this act, shall, upon conviction, be punished by a fine of not  
15 more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for  
16 not more than one (1) year, or both.

17 H. Any operator who fails to correct a violation for which a  
18 citation has been issued within the period permitted for its  
19 correction shall be assessed a civil penalty of not less than Seven  
20 Hundred Fifty Dollars (\$750.00) for each day during which such  
21 failure or violation continues.

22 The period permitted for corrections of violations shall not end  
23 until:  
24

1        1. The entry of a final order by the Department after an  
2 expedited hearing, as provided by Section ~~53~~ 786 of this ~~act~~ title,  
3 which ordered the suspension of the abatement requirements of the  
4 citation because it was determined that the operator will suffer  
5 irreparable loss or damage from the application of the abatement  
6 requirements; or

7        2. The entry of an order by a court in any review proceedings  
8 initiated by the operator in which the court orders the suspension  
9 of the abatement requirements.

10        I. Any person who shall, except as permitted by law, willfully  
11 resist, prevent, impede or interfere with the ~~Chief Mine Inspector~~  
12 Department of Environmental Quality or any of the agents or  
13 employees of the Department in the performance of duties pursuant to  
14 this act shall, upon conviction, be punished by a fine of not more  
15 than Five Thousand Dollars (\$5,000.00), or by imprisonment for not  
16 more than one (1) year, or both.

17        SECTION 47.        AMENDATORY        45 O.S. 2021, Section 775, is  
18 amended to read as follows:

19        Section 775. Whenever the Department of Environmental Quality  
20 has reason to believe that any person is in violation of any  
21 requirement of this act or any permit condition required by this  
22 act, the Department shall immediately order inspection of the  
23 surface coal mining operation at which the alleged violation is  
24 occurring unless the information available to the Department is a

1 result of a previous inspection of such surface coal mining  
2 operation. When the inspection results from information provided to  
3 the Department by any person, the Department shall notify such  
4 person when the inspection is proposed to be carried out and such  
5 person shall be allowed to accompany the inspector during the  
6 inspection.

7 SECTION 48. AMENDATORY 45 O.S. 2021, Section 780, is  
8 amended to read as follows:

9 Section 780. A. The Attorney General, upon request of the  
10 Department of Environmental Quality, shall institute proceedings to  
11 recover any damages and expense which the Department may have  
12 sustained by reason of the default of the operator. Such  
13 proceedings shall be brought against the operator and surety either  
14 in Oklahoma County or the county in which the violation occurred.

15 The Department may request the Attorney General to institute a  
16 civil action for relief, including a permanent or temporary  
17 injunction, restraining order or any other appropriate order in the  
18 district court for the district in which the surface coal mining and  
19 reclamation operation is located or in which the permittee thereof  
20 has his or her principal office, whenever such permittee or his or  
21 her agent:

22 1. Violates or fails or refuses to comply with any order or  
23 decision issued by the Department under this act;

24

1        2. Interferes with, hinders or delays the Department in  
2 carrying out the provisions of this act;

3        3. Refuses to admit authorized representatives of the  
4 Department to the mine;

5        4. Refuses to permit inspection of the mine by authorized  
6 representatives of the Department;

7        5. Refuses to furnish any information or report requested by  
8 the Department in furtherance of the provisions of this act; or

9        6. Refuses to permit access to, and copying of, such records as  
10 the Department determines necessary in carrying out the provisions  
11 of this act.

12        B. The court shall have jurisdiction to provide such relief as  
13 may be appropriate. Any relief granted by the court to enforce an  
14 order under paragraph 1 of subsection A of this section shall  
15 continue in effect until the completion or final termination of all  
16 proceedings for review of such order under this title, unless the  
17 district court granting such relief sets it aside or modifies it.

18        SECTION 49.        AMENDATORY        45 O.S. 2021, Section 786, is  
19 amended to read as follows:

20        Section 786. A. A permittee issued a notice or order by the  
21 Department pursuant to the provisions of this act or any person  
22 having an interest which is or may be adversely affected by such  
23 notice or order or by any modification, vacation or termination of  
24 such notice or order, may apply to the ~~Chief Mine Inspector~~

1 Executive Director of the Department of Environmental Quality for  
2 review of the notice or order within thirty (30) days of receipt  
3 thereof or within thirty (30) days of its modification, vacation or  
4 termination. Upon receipt of such application, the ~~Chief Mine~~  
5 ~~Inspector~~ Executive Director shall cause such investigation to be  
6 made as ~~it~~ he or she deems appropriate. Such investigation shall  
7 provide an opportunity for a public hearing, at the request of the  
8 applicant or the person having an interest which is or may be  
9 adversely affected, to enable the applicant or such person to  
10 present information relating to the issuance and continuance of such  
11 notice or order or the modification, vacation or termination  
12 thereof. The filing of an application for review under this  
13 subsection shall not operate as a stay of any order or notice.

14 The permittee and other interested persons shall be given  
15 written notice of the time and place of the hearing at least five  
16 (5) days prior thereto. Any such hearing shall be of record.

17 B. Upon receiving the report of such investigation, the ~~Chief~~  
18 ~~Mine Inspector~~ Executive Director shall make findings of fact, and  
19 shall issue a written decision, incorporating therein an order  
20 vacating, affirming, modifying or terminating the notice or order,  
21 or the modification, vacation or termination of such notice or order  
22 complained of and incorporate his findings therein. Where the  
23 application for review concerns an order for cessation of surface  
24 coal mining and reclamation operations issued pursuant to the

1 provisions of this title, the ~~Chief Mine Inspector~~ Executive  
2 Director shall issue the written decision within thirty (30) days of  
3 the receipt of the application for review, unless temporary relief  
4 has been granted by the ~~Chief Mine Inspector~~ Executive Director  
5 pursuant to this section or by the court.

6 C. Pending completion of the investigation and hearing required  
7 by this section, the applicant may file with the ~~Chief Mine~~  
8 ~~Inspector~~ Executive Director a written request that the ~~Chief Mine~~  
9 ~~Inspector~~ Executive Director grant temporary relief from any notice  
10 or order issued together with a detailed statement giving reasons  
11 for granting such relief. The ~~Chief Mine Inspector~~ Executive  
12 Director shall issue an order or decision granting or denying such  
13 relief expeditiously. Where the applicant requests relief from an  
14 order for cessation of coal mining and reclamation operations, the  
15 order or decision on such a request shall be issued within five (5)  
16 days of its receipt. The ~~Chief Mine Inspector~~ Executive Director  
17 may grant such relief, under such conditions as ~~it~~ he or she may  
18 prescribe, if:

19 1. A hearing has been held in the locality of the permit area  
20 on the request for temporary relief in which all parties were given  
21 an opportunity to be heard;

22 2. The applicant shows that there is substantial likelihood  
23 that the findings of the ~~Chief Mine Inspector~~ Executive Director  
24 will be favorable to him or her; and

1        3. Such relief will not adversely affect the health or safety  
2 of the public or cause significant, imminent environmental harm to  
3 land, air or water resources.

4        D. Following the issuance of an order to show cause as to why a  
5 permit should not be suspended or revoked, the ~~Chief Mine Inspector~~  
6 Executive Director shall hold a public hearing after giving written  
7 notice of the time, place and date. Any such hearing shall be of  
8 record. Within sixty (60) days following the public hearing, the  
9 ~~Chief Mine Inspector~~ Executive Director shall issue and furnish to  
10 the permittee and all other parties to the hearing a written  
11 decision, and the reasons therefor, concerning suspension or  
12 revocation of the permit. If the ~~Chief Mine Inspector~~ Executive  
13 Director revokes the permit, the permittee shall immediately cease  
14 surface coal mining operations on the permit area and shall complete  
15 reclamation within a period specified by the ~~Chief Mine Inspector~~  
16 Executive Director, or the ~~Chief Mine Inspector~~ Executive Director  
17 shall declare as forfeited the performance bonds for the operation.

18        E. Whenever an order is issued under this section, or as a  
19 result of any administrative proceeding under this act, at the  
20 request of any person, a sum equal to the aggregate amount of all  
21 costs and expenses, including attorney fees, as determined by the  
22 ~~Chief Mine Inspector~~ Executive Director to have been reasonably  
23 incurred by such person for or in connection with his or her  
24 participation in such proceedings, including any judicial review of

1 agency actions, may be assessed against any party or the Department  
2 as the court, resulting from judicial review, or the ~~Chief Mine~~  
3 ~~Inspector~~ Executive Director, resulting from administrative  
4 proceedings, deems proper.

5 SECTION 50. AMENDATORY 45 O.S. 2021, Section 787, is  
6 amended to read as follows:

7 Section 787. Any order or other action of the Department of  
8 Environmental Quality or the ~~Chief Mine Inspector~~ Executive Director  
9 of the Department shall be appealable when entered, as provided in  
10 ~~Sections~~ Section 318 ~~et seq.~~ of Title 75 of the Oklahoma Statutes.

11 SECTION 51. AMENDATORY 45 O.S. 2021, Section 852, is  
12 amended to read as follows:

13 Section 852. The Governor shall be, ex officio, this state's  
14 member of the Interstate Mining Compact as established by Article V  
15 of the Compact. Provided, that whenever the Governor shall deem it  
16 advisable to do so, he or she may appoint an alternate to serve in  
17 his or her stead and thereafter such alternate shall serve at the  
18 pleasure of the Governor. An executed counterpart of each letter of  
19 appointment by the Governor shall be filed with the ~~Secretary of the~~  
20 ~~Commission~~ Department of Environmental Quality.

21 SECTION 52. AMENDATORY 45 O.S. 2021, Section 901, is  
22 amended to read as follows:

23 Section 901. As used in this act:  
24

- 1        1. "Active workings" means any place in a mine where miners are  
2 normally required to work or travel;
- 3        2. "American table of distances" means the 1971 edition of "The  
4 American Table of Distances for Storage of Explosives" published by  
5 the Institute of Makers of Explosives;
- 6        3. "ANFO" means ammonium nitrate fuel oil mixtures;
- 7        4. "Approved" means tested and accepted for a specific purpose  
8 by a nationally recognized safety agency;
- 9        5. "Barricaded" means obstructed to restrict the passage of  
10 persons, vehicles or flying materials;
- 11       6. "Berm" means a pile or mound of material capable of  
12 restraining a vehicle; also a shelf, ledge or material placed to  
13 contain loose slope material;
- 14       7. "Blasting agent" means a cap insensitive chemical  
15 composition or mixture consisting of fuel and oxidizer and no  
16 explosive ingredient but which can be made to detonate when  
17 initiated with a high strength explosive primer;
- 18       8. "Blasting area" means the area near blasting operations in  
19 which concussion or flying material can reasonably be expected to  
20 cause injury;
- 21       9. "Blasting cap" means a detonator containing a charge of  
22 detonating compound which is ignited by electric current or the  
23 spark of a fuse and is used for detonating explosives;

1        10. "Blasting circuit" means electric current used to fire  
2 electric detonators or to ignite an igniter cord by means of an  
3 electric starter;

4        11. "Box-type magazine" means a small, portable magazine used  
5 to store limited quantities of explosives or detonators for short  
6 periods of time in locations at the mine which are convenient to the  
7 blasting sites at which they will be used;

8        12. "Capped fuse" means a length of safety fuse to which a  
9 detonator has been attached;

10       13. "Capped primer" means a package or cartridge of explosives  
11 which is specifically designed to transmit detonation to other  
12 explosives and which contains a detonator;

13       14. "Certified person" means an individual who has  
14 satisfactorily passed the required ~~State Mining Board~~ Department of  
15 Environmental Quality mining examination, thereby earning a  
16 certificate of competency which will allow him or her to work in a  
17 particular position for which certification is necessary;

18       15. "Combustible" means capable of being ignited and consumed  
19 by fire;

20       16. "Commercial mine" means any mine from which the product is  
21 mined for sale, exchange or commercial use. Except as the context  
22 requires otherwise, this act applies only to commercial mines;

23       17. "Company official" means a member of the company  
24 supervisory or technical staff;

1 18. "Department" means the ~~State of Oklahoma~~ Department of  
2 ~~Mines~~ Environmental Quality;

3 19. "Detonator" means a device containing a small detonating  
4 charge that is used for detonating an explosive including, but not  
5 limited to, blasting caps, exploders, electric detonators and delay  
6 electric blasting caps;

7 20. "Distribution box" means a portable apparatus with an  
8 enclosure through which an electric circuit is carried to one (1) or  
9 more cables from a single incoming feedline, each cable circuit  
10 being connected through individual overcurrent protective devices;

11 21. "Electric blasting cap" means a blasting cap designed for  
12 and capable of being initiated by means of an electric current;

13 22. "Electric grounding" means to connect with the ground to  
14 make the earth part of the circuit;

15 23. "Employee" means a person who works for wages or salary in  
16 the service of an employer;

17 24. "Employer" means a person or organization employing one (1)  
18 or more persons to work for wages or salary;

19 25. "Explosive" means any chemical compound, mixture or device,  
20 the primary or common purpose of which is to function by explosion.  
21 Explosives include, but are not limited to, black powder, dynamite,  
22 nitroglycerin, fulminate and ammonium nitrate;

23 26. "Face" or "wall" means that part of any mine where  
24 excavating is progressing or was last done;

1        27. "Flammable" means capable of being easily ignited and of  
2 burning rapidly as defined by the National Fire Protection  
3 Association;

4        28. "Highway" means any public road or travelway used by the  
5 general public;

6        29. "Igniter cord" means a fuse, cordlike in appearance, which  
7 burns progressively along its length with an external flame at the  
8 zone of burning and is used for lighting a series of safety fuses in  
9 the desired sequence;

10       30. "Inhabited building" means a building regularly occupied in  
11 whole or in part as a habitation for human beings, or any church,  
12 schoolhouse, railroad station, store, factory or other structure  
13 where people are accustomed to assemble, except any building or  
14 structure occupied in connection with the manufacture,  
15 transportation, storage or use of explosives;

16       31. "Inspector" means a mine inspector in the employ of the  
17 State of Oklahoma;

18       32. "Magazine" means a storage place for explosives or  
19 detonators;

20       33. "Major electrical installation" means an assemblage of  
21 stationary electrical equipment for the generation, transmission,  
22 distribution or conversion of electric power;

23       34. "Misfire" means the complete or partial failure of a  
24 blasting charge to explode as planned;

1        35. "Overburden" means material of any nature, consolidated or  
2 unconsolidated, that overlies a deposit of useful materials or ores  
3 that are to be mined;

4        36. "Owner" means the owner, lessee, manager, superintendent,  
5 operator or agent, receiver or trustee operating any clay, coal or  
6 copper mine;

7        37. "Primer" or "booster" means a package or cartridge of  
8 explosives designed specifically to transmit detonation to other  
9 explosives but which does not contain a detonator;

10       38. "Reverse-current protection" means a method or device used  
11 on direct-current circuits of equipment to prevent the flow of  
12 current in the reverse direction;

13       39. "Roll protection" means a framework or safety canopy to  
14 protect the vehicle operator if equipment should overturn;

15       40. "Safety can" means an approved container of not over five  
16 (5) gallons capacity having a spring-closing lid and a spout cover;

17       41. "Safety fuse" means a train of powder enclosed in cotton,  
18 jute yarn and waterproofing compounds which burns at a uniform rate.  
19 It is used for firing a cap containing the detonating compound which  
20 in turn sets off the explosive charge;

21       42. "Safety switch" means a sectionalizing switch that also  
22 provides shunt protection in blasting circuits between the blasting  
23 switch and the shot area;

1        43. "Scaling" means removal of insecure material from a face or  
2 highwall;

3        44. "Secondary safety connection" means a second connection  
4 between a conveyance and rope, intended to prevent the conveyance  
5 from running away or falling in the event the primary connection  
6 fails;

7        45. "Semiconductive hose" means hose having an electrical  
8 resistance of not less than five thousand (5,000) ohms per foot and  
9 not more than two (2) megohms for its total length, used in  
10 pneumatic placement of blasting agents in boreholes;

11       46. "Sprung hole" means a blasting hole chambered or enlarged  
12 to take an increased charge of explosives;

13       47. "Stemming" means the inert material, and the placing of  
14 such material, on top of any charge of explosives;

15       48. "Stray current" means that portion of a total electric  
16 current that flows through paths other than the intended circuit;

17       49. "Strip or surface pit" means the excavation in which  
18 superincumbent strata are removed exposing the natural deposit so it  
19 may be excavated and loaded by hand or by mechanical equipment in  
20 open working. Strip or surface pits shall be subject to such mining  
21 laws of the State of Oklahoma as apply to them, and such operations  
22 shall comply with recommendations for safety of employees made by  
23 the ~~Chief Mine Inspector~~ Department of Environmental Quality;

1        50. "Substantial construction" means construction of such  
2 strength, material and workmanship that the object will withstand  
3 all reasonable shock, wear, usage and deterioration to which it will  
4 normally be subjected;

5        51. "Suitable" means that which fits and has the qualities or  
6 qualifications to normally meet a given purpose, occasion,  
7 condition, function or circumstance;

8        52. "Travelway" means a passage, walk or way regularly used and  
9 designated for persons to go from one place to another while at  
10 work;

11       53. Voltage:

12           a. "low voltage" means up to and including 660 volts,

13           b. "medium voltage" means from 661 to 1,000 volts, and

14           c. "high voltage" means more than 1,000 volts;

15       54. "Wet drilling" means the continuous application of water to  
16 the back or bottom of the drill holes while drilling; and

17       55. "Working place" means any place in or about a mine where  
18 work is being performed.

19       SECTION 53.        AMENDATORY        45 O.S. 2021, Section 902, is  
20 amended to read as follows:

21       Section 902. It shall be unlawful for any person in the State  
22 of Oklahoma to act as superintendent, mine foreman or shot\_firer  
23 without first having obtained a certificate of competency from the  
24

1 ~~State Mining Board as herein provided for~~ Department of  
2 Environmental Quality pursuant to this section.

3 The examination given by the ~~State Mining Board~~ Department to an  
4 applicant for a certificate of competency as superintendent, mine  
5 foreman or shot-firer shall include a written or oral or written and  
6 oral examination to determine that he or she fully understands the  
7 requirements of the mining laws of Oklahoma.

8 Each applicant shall hold a first-aid certificate issued to him  
9 or her within two (2) years previous to the date of the examination  
10 by an organization recognized by the ~~State Mining Board~~ Department.

11 Certificates of competency for the positions enumerated shall be  
12 granted to persons who have given the ~~Chief Executive Officer of the~~  
13 ~~Board~~ Department satisfactory evidence of their ability to perform  
14 the duties of the positions applied for and who have obtained the  
15 necessary grades as determined by the ~~Board~~ Department for  
16 respective positions. In determining the grade of each applicant,  
17 due respect shall be given to the applicant's previous experience  
18 and record of service which shall have equal weight with the oral or  
19 written examination given to test the practical and technical  
20 knowledge of the applicant for the certificate of competency being  
21 sought. Provided, however, successful completion of the course of  
22 instruction provided by the Oklahoma Miner Training Institute (OMTI)  
23 or other courses of instruction provided by other training  
24

1 facilities and approved by the ~~Board~~ Department shall be considered  
2 as having met this examination requirement.

3 SECTION 54. AMENDATORY 45 O.S. 2021, Section 903, is  
4 amended to read as follows:

5 Section 903. Certifications provided for in this act shall be  
6 issued ~~under the signature and seal of the State Mining Board~~ by the  
7 Department of Environmental Quality; such certificates shall bear  
8 the date of issuance, full name, age and years of experience of the  
9 recipient and shall designate the position for which the recipient  
10 is certified by the ~~Board~~ Department. Provided that all persons  
11 making applications to the ~~State Mining Board~~ Department for  
12 certificates of competency as mine superintendent, mine foreman or  
13 shot-firer shall accompany said application with a fee of Two  
14 Dollars and fifty cents (\$2.50) as a fee for such examination and  
15 shall pay an additional fee of Two Dollars and fifty cents (\$2.50)  
16 when said certificate is issued.

17 SECTION 55. AMENDATORY 45 O.S. 2021, Section 904, is  
18 amended to read as follows:

19 Section 904. The ~~Secretary of the Board~~ Department of  
20 Environmental Quality shall maintain a record of the names,  
21 addresses and other pertinent information of all persons to whom  
22 certificates are issued. Certificates of competency, when issued as  
23 provided for herein, shall entitle the holders thereof to accept and  
24

1 discharge the duties for which said certificates declare them  
2 qualified.

3 SECTION 56. AMENDATORY 45 O.S. 2021, Section 905, is  
4 amended to read as follows:

5 Section 905. The ~~State Mining Board~~ Department of Environmental  
6 Quality shall have power to revoke any certificates, by it granted,  
7 because of incompetency, intoxication or other sufficient cause~~;~~  
8 provided that any person against whom charges are made shall have  
9 ten (10) days written notice from the ~~Board~~ Department and shall  
10 have opportunity to be heard by it in his or her own behalf.

11 SECTION 57. AMENDATORY 45 O.S. 2021, Section 906, is  
12 amended to read as follows:

13 Section 906. The ~~Secretary of the Board~~ Department of  
14 Environmental Quality may, ~~upon the recommendation of at least two~~  
15 ~~(2) other members of the Board,~~ issue a temporary permit to an  
16 applicant for a certificate for mine foreman or shot~~-~~firer. Said  
17 temporary permit shall be valid ~~only until the next meeting of the~~  
18 ~~Board or not to exceed~~ for thirty-one (31) days.

19 SECTION 58. AMENDATORY 45 O.S. 2021, Section 907, is  
20 amended to read as follows:

21 Section 907. It shall be the duty of the Department of ~~Mines~~  
22 Environmental Quality to enter into and examine thoroughly each and  
23 every active strip or surface mine in the state four to six times  
24 annually and in response to compliance concerns to see that the

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

22 SECTION 59. AMENDATORY 45 O.S. 2021, Section 911, is  
23 amended to read as follows:  
24

1       Section 911. A. Rules and procedures for storage of explosives  
2 shall be as follows:

3       1. Detonators and other cap-sensitive high explosives shall be  
4 stored in magazines provided for that purpose. Blasting agents may  
5 be stored in van-type trailers, provided they are well-ventilated,  
6 kept clean and free of extraneous material that could create a fire  
7 hazard;

8       2. Separate magazines shall be provided for the storage of  
9 detonators and for explosives;

10       3. Detonators shall not be stored in the same magazine with  
11 explosives or blasting agents;

12       4. Blasting agents, safety fuse or detonating cord may be  
13 stored with explosives, but blasting agents must be kept physically  
14 separated from the fuse, detonating cord and explosives;

15       5. Magazines shall be:

- 16           a. located in accordance with the current American Table  
17               of Distances for Storage of Explosives,
- 18           b. detached structures located away from power lines,  
19               fuel storage area and other possible sources of fire,
- 20           c. constructed substantially of noncombustible material  
21               or covered with fire-resistant material,
- 22           d. reasonably bullet-resistant,
- 23           e. electrically bonded and grounded if constructed of  
24               metal,

- f. made of nonsparking materials on the inside, including floors,
- g. provided with adequate and effectively screened ventilation openings near the floor and ceiling,
- h. kept securely locked when unattended,
- i. posted with suitable danger signs so located that a bullet passing through the face of a sign will not strike the magazine,
- j. used exclusively for storage of blasting agents, explosives, or detonators and kept free of all extraneous materials,
- k. kept clean and dry in the interior, and in good repair, and
- l. unheated, unless heated in a manner that does not create a fire or explosion hazard. Electrical heating devices shall not be used inside a magazine;

6. Only permissible lights, worn or carried, shall be used inside magazines;

7. Areas surrounding magazines not less than twenty-five (25) feet in all directions shall be kept free of rubbish and other combustibles;

8. Smoking and open flames shall not be permitted within twenty-five (25) feet of explosives and detonator storage magazines;

1        9. Cases of explosives shall be stored in such a manner as to  
2 assure the use of the oldest stock first;

3        10. Ammonium nitrate fuel oil mixtures shall be physically  
4 separated from dynamite stored in the same magazine and in such a  
5 manner that oil does not contaminate the dynamite; and

6        11. Cases of explosives shall not be stored on case ends or  
7 sides nor in stacks over six (6) feet high.

8        B. Rules and procedures as follows shall be complied with in  
9 the transportation of explosives:

10       1. Explosives and detonators shall be transported in separate  
11 vehicles unless separated by four (4) inches of hardwood or the  
12 equivalent;

13       2. Self-propelled vehicles used to transport explosives or  
14 detonators shall be equipped with suitable fire extinguishers and  
15 marked with proper warning signs;

16       3. When vehicles containing explosives or detonators are  
17 parked, the brakes shall be set, the motive power shut off when not  
18 in use, and if parked on an incline, the vehicle shall be blocked  
19 securely against rolling;

20       4. Vehicles containing explosives or detonators shall not be  
21 left unattended except in blasting areas where loading or charging  
22 is in progress;

23       5. Vehicles containing explosives or detonators shall not be  
24 taken to a repair garage or shop for any purpose;

1        6. Vehicles used to transport explosives or detonators shall be  
2 maintained in good condition and shall be operated at a safe speed  
3 and in accordance with recognized safe operating practices;

4        7. Vehicles used to transport explosives other than Ammonium  
5 Nitrate Fuel Oil (ANFO) mixtures shall have substantially  
6 constructed bodies, no sparking metal exposed in the cargo space,  
7 and the explosives shall not be piled higher than the side or end  
8 enclosures;

9        8. Explosives shall be transported at times and over routes  
10 that endanger a minimum number of persons;

11       9. Other materials or supplies shall not be placed on or in the  
12 cargo space of a conveyance containing explosives or detonators;

13       10. No person shall smoke while transporting or handling  
14 explosives or detonators;

15       11. Only the necessary attendants shall ride on or in vehicles  
16 containing explosives or detonators;

17       12. Explosives shall be transported promptly without undue  
18 delays in transit;

19       13. Nonconductive containers with tight-fitting covers shall be  
20 used to transport or carry capped fuses and electric detonators to  
21 blasting sites; and

22       14. Substantial nonconductive closed containers shall be used  
23 to carry explosives to blasting sites.  
24

1 C. Rules and procedures as follows shall be complied with in  
2 the use of explosives, with the exception of persons with a valid  
3 coal permit issued by the Department of ~~Mines~~ Environmental Quality:

4 1. Persons who use explosives, blasting agents or detonators  
5 shall be certified by the ~~Oklahoma Mining Commission~~ Department.

6 Such persons shall understand the hazards involved, and trainees  
7 shall do such work only under the supervision of and in the  
8 immediate presence of certified persons;

9 2. Blasting operations shall be under the direct control of  
10 certified persons designated by the operator for that purpose;

11 3. Damaged or deteriorated explosives, blasting agents and  
12 detonators shall be disposed of in a safe manner;

13 4. Holes to be blasted shall be charged as near to blasting  
14 time as practical, and such holes shall be blasted as soon as  
15 practical after charging has been completed;

16 5. No person shall smoke within fifty (50) feet of explosives,  
17 blasting agents or detonators;

18 6. Explosives and blasting agents shall be kept separated from  
19 detonators until charging of holes is started;

20 7. Primers shall be made up at the time of charging and as  
21 close to the blasting site as conditions allow;

22 8. Only wooden or other nonsparking devices shall be used to  
23 punch holes in explosives cartridges;

- 1        9. Tamping poles shall be blunt and squared at one end and made  
2 of wood or other nonsparking material;
- 3        10. No tamping shall be done directly on primer cartridges;
- 4        11. Unused explosives and detonators shall be moved to a safe  
5 location as soon as charging operations are completed;
- 6        12. Approaches to areas in which charged holes are awaiting  
7 firing shall be guarded, or barricaded and posted, or flagged,  
8 against unauthorized entry. If blasting is done after dark, red  
9 flashing lights shall be used at the approaches to the blasting  
10 area;
- 11       13. When a blast is about to be fired, ample warning shall be  
12 given to allow all persons to retreat to a safe place. Each mine  
13 shall have a definite plan of warning signals that can be clearly  
14 seen or heard by anyone in the blasting area. The operator shall  
15 inform all employees at the local mine as to the established  
16 procedure;
- 17       14. Enclosed blasting shelters constructed of strong materials  
18 shall be provided to protect all persons endangered by flying rock  
19 from blasting;
- 20       15. When safety fuse has been used, persons shall not return to  
21 misfired holes for at least thirty (30) minutes;
- 22       16. When electric blasting caps have been used, persons shall  
23 not return to misfired holes for at least fifteen (15) minutes.
- 24

1 Leading wires from the power source must be disconnected before  
2 persons can be allowed to return to the blasting sites;

3 17. Blasted materials shall be examined for undetonated  
4 explosives after each blast and undetonated explosives found shall  
5 be disposed of safely;

6 18. Misfires shall be reported to the proper supervisor and  
7 shall be disposed of safely before any other work is performed in  
8 the blasting area;

9 19. Blast holes in hot-hole areas and holes that have been  
10 sprung shall not be charged before tests have been made to ~~insure~~  
11 ensure that the heat has been dissipated to a safe level;

12 20. If explosives are suspected of burning in a hole, all  
13 persons in the endangered area shall move to a safe location until  
14 the danger has passed;

15 21. Holes shall not be drilled where there is danger of  
16 intersecting a charge or misfired hole;

17 22. Fuses and igniters shall be stored in a cool, dry place  
18 away from oils or grease;

19 23. Fuses shall not be kinked, bent sharply or handled roughly;

20 24. Fuses shall be cut and capped in safe, dry locations posted  
21 with "No Smoking" signs;

22 25. Blasting caps shall be crimped to fuses only with devices  
23 designed for that specific purpose;

1        26. Fuses of less than forty-eight (48) inches in length shall  
2 not be used for any purpose;

3        27. At least two persons shall be present when lighting fuses,  
4 and no person shall light more than fifteen individual fuses. If  
5 more than fifteen holes per person are to be fired, igniter cord and  
6 connectors or electric blasting shall be used;

7        28. A safe interval of time shall be allowed to light a round  
8 and evacuate the blasting area;

9        29. Fuses shall be ignited with hot-wire lighters, lead  
10 spitters, igniter cord or other such devices designed for this  
11 purpose;

12       30. Fuses shall not be ignited before the primer and the entire  
13 charge are securely in place;

14       31. Electric detonators of different brands shall not be used  
15 in the same round;

16       32. Electric detonators shall remain shunted until they are  
17 being wired into the blasting circuit. Lead lines and wired rounds  
18 shall be kept shunted until immediately before blasting;

19       33. Completely wired rounds shall be tested with a blasting  
20 galvanometer before connections are made to the blasting line;

21       34. Lead wires and blasting lines shall not be strung across  
22 power conductors, pipelines or within twenty (20) feet of bare power  
23 lines. They shall be protected from sources of static or other  
24 electrical contact;

1        35. Permanent blasting lines shall be properly supported,  
2 insulated and kept in good repair;

3        36. Charging shall be stopped immediately when the presence of  
4 static electricity or stray current is detected; the condition shall  
5 be corrected before charging is resumed;

6        37. Charging of holes shall be suspended and the persons  
7 withdrawn to a safe location upon the approach of an electrical  
8 storm;

9        38. Safety switches and blasting switches shall be labeled,  
10 encased in boxes and arranged so that the covers of the boxes cannot  
11 be closed with the switches in closed position;

12       39. Blasting switches shall be locked in the open position  
13 except when closed to fire the blast. Lead wires shall not be  
14 connected to the blasting switch until the shot is ready to be  
15 fired;

16       40. The key to a blasting switch shall be entrusted only to the  
17 person designated to fire blasts;

18       41. Electric circuits from the blasting switches to the blast  
19 area shall not be grounded;

20       42. At least a five-foot air gap shall be provided between the  
21 blasting circuit and the power circuit;

22       43. Where electric blasting is to be performed, electric  
23 circuits to equipment within twenty-five (25) feet of a hole that is  
24 to be charged with an electric blasting cap shall be de-energized

1 before electric detonators are brought into the immediate area, or  
2 the electric equipment shall be moved out of the immediate area;

3 44. Power sources shall be suitable for the number of electric  
4 detonators to be fired and for the type of circuits used;

5 45. When instantaneous blasting is performed, the double-  
6 trunkline or loop system shall be used in detonating-cord blasting;

7 46. When instantaneous blasting is performed, trunklines in  
8 multiple-row blasting shall make one or more complete loops with  
9 crossties between loops at intervals of not over two hundred (200)  
10 feet;

11 47. All detonating-cord knots shall be tight and all  
12 connections shall be kept at right angles to the trunklines;

13 48. Delay connectors for firing detonating-cord shall be  
14 treated and handled with the same safety precautions as blasting  
15 caps and electric detonators; and

16 49. Detonating-cord shall not be kinked, bent or otherwise  
17 handled in such a manner that the train of detonation may be  
18 interrupted.

19 D. Rules and procedures as follows shall be complied with in  
20 dealing with sensitized ammonium nitrate blasting agents:

21 1. When sensitized ammonium nitrate mixtures and blasting  
22 agents are used, the same precautions shall be taken as for high  
23 explosives;

1        2. Adequate priming shall be employed to guard against  
2 misfires, increased toxic fumes and poor performance;

3        3. Where pneumatic loading is employed, before any type of  
4 blasting operation using blasting agents is put into effect, an  
5 evaluation of the potential hazard of static electricity shall be  
6 made. Adequate steps, including the grounding of the conductive  
7 parts of pneumatic loading equipment, shall be taken to eliminate  
8 the hazard of static electricity before blasting agent preparation  
9 is commenced;

10       4. Pneumatic loading equipment shall not be grounded to water  
11 lines, air lines, rails or other permanent electrical grounding  
12 systems;

13       5. Hoses used in connection with pneumatic loading machines  
14 shall be of the semiconductive type having a total resistance low  
15 enough to permit the dissipation of static electricity and high  
16 enough to limit the flow of stray electric currents to a safe level.  
17 Wire-counteracted hose shall not be used because of the potential  
18 hazard from stray electric currents; and

19       6. Plastic tubes shall not be used to protect pneumatically  
20 loaded blasting agent charges against water unless a positive  
21 grounding system is provided to drain electrostatic charges from the  
22 holes.

23       SECTION 60.        AMENDATORY        45 O.S. 2021, Section 918, is  
24 amended to read as follows:

1       Section 918. The following rules and procedures shall be  
2 complied with in dealing with augering:

3       1. Planning:

4               before augering is done, advance planning shall be  
5 made to ~~insure~~ ensure that no hazards shall be created  
6 affecting active underground workings. Auger mine  
7 workings and holes drilled shall be located so as to  
8 prevent:

- 9               (1) interference with the ventilation system of any  
10              underground mine, and  
11              (2) inundation hazards from the surface to active  
12              underground workings;

13      2. Inspection:

14           a. at least fifty (50) feet on each side of highwalls  
15 being drilled shall be inspected for loose material  
16 before drilling or other work in the area is begun,  
17 and an inspection shall be made at least once during  
18 each operating shift,

19           b. when abandoned mines or abandoned parts of active  
20 mines are penetrated by drilling, machinery shall be  
21 stopped and tests shall be made at the collar of the  
22 hole for explosive gas or oxygen or oxygen deficiency  
23 by a certified person qualified to use approved  
24 instruments to make such tests. If tests show the

1           presence of gas or the lack of oxygen, the equipment  
2           shall not be operated until the condition has been  
3           corrected;

4       3. Auger holes; persons not to enter:

5           a.   no person shall enter an auger hole for any purpose  
6               without having first received permission from a  
7               representative of the ~~Oklahoma~~ Department of ~~Mines~~  
8               Environmental Quality,

9           b.   auger machines and other related equipment on which  
10               persons are required to work during drilling  
11               operations shall be protected against falling material  
12               from highwalls by heavy gauge screen or equivalent  
13               material subject to the approval of the mine  
14               inspector. The protective screen shall permit workmen  
15               to keep the highwall in view at all times,

16           c.   no work shall be done on the highwall in the vicinity  
17               of drilling equipment while it is in operation;

18       4. Auger equipment; operation:

19           a.   persons shall stay clear of the auger train while it  
20               is in motion, and they shall not pass over or under  
21               the auger train except where crossing facilities are  
22               provided~~+~~;

23           b.   persons must be in the clear while auger sections are  
24               being swung into position,

1           c.    auger operators shall not leave the controls of the  
2                   equipment while the auger is operating, and

3           d.    when auger operations are performed after dark,  
4                   adequate illumination shall be provided;

5           5.    Auger Holes; blocking:   auger holes shall be securely  
6 blocked by spoil or other suitable material before they are  
7 abandoned.

8           SECTION 61.           AMENDATORY           45 O.S. 2021, Section 931, is  
9 amended to read as follows:

10          Section 931.   A.   All operators of coal mining operations shall  
11 pay to the Department of ~~Mines~~ Environmental Quality a fee of seven  
12 and one-half cents (\$0.075) per ton of coal produced.

13          B.   All operators of noncoal mining operations shall pay to the  
14 Department of ~~Mines~~ a fee of one and one-fourth cents (\$0.0125) per  
15 ton of mineral produced.   For the purposes of this section,  
16 "mineral" shall be defined as provided in paragraph 4 of Section 723  
17 of this title.

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

21          D.   The Department shall develop and promulgate a report form,  
22 which shall be as similar as possible to the form required of  
23 operators by federal law, and which shall state the amount of coal  
24 or mineral produced during the calendar quarter, the method of coal

1 or mineral removal, and the type of coal or mineral. The operator  
2 shall swear to the accuracy of the report before a notary public,  
3 who shall duly notarize the report.

4 E. All fees collected by the Department ~~of Mines~~ pursuant to  
5 this section shall be deposited with the State Treasurer, who shall  
6 credit one cent (\$0.01) per ton of fees collected on coal produced  
7 on or after July 1, 1988, and one-tenth of one cent (\$0.001) per ton  
8 of fees collected on minerals produced on or after July 1, 1988, to  
9 the Oklahoma Miner Training Institute Revolving Fund, with the  
10 balance of the fees collected to be deposited in the Department of  
11 ~~Mines~~ Environmental Quality Revolving Fund established in Section 2-  
12 3-401 of Title 27A of the Oklahoma Statutes.

13 SECTION 62. AMENDATORY 45 O.S. 2021, Section 938.1, is  
14 amended to read as follows:

15 Section 938.1 There is hereby created in the State Treasury a  
16 revolving fund for the Oklahoma Miner Training Institute to be  
17 designated the "Oklahoma Miner Training Institute Revolving Fund".  
18 The fund shall be a continuing fund, not subject to fiscal year  
19 limitations, and shall consist of all monies designated by Section  
20 931 of this title to be deposited in the fund. All monies accruing  
21 to the credit of said fund are hereby appropriated and may be  
22 budgeted and expended by the ~~Oklahoma Mining Commission~~ Department  
23 of Environmental Quality for the contract with the Board of Regents  
24 of Eastern Oklahoma State College for operation of the Oklahoma

1 Miner Training Institute and associated expenses. Expenditures from  
2 said fund shall be made upon warrants issued by the State Treasurer  
3 against claims filed as prescribed by law with the Director of the  
4 Office of Management and Enterprise Services for approval and  
5 payment.

6 SECTION 63. AMENDATORY 45 O.S. 2021, Section 950, is  
7 amended to read as follows:

8 Section 950. A. For purposes of this section, a "subject mine"  
9 shall mean a mine, as defined in paragraph 2 of Section 723 of ~~Title~~  
10 ~~45 of the Oklahoma Statutes~~ this title, proposed for a location  
11 overlying a sensitive sole source groundwater basin or subbasin,  
12 exclusive of any mine that meets at least one of the following  
13 conditions:

14 1. As of November 1, 2019, is engaged in the permitted  
15 extraction of minerals from natural deposits; or

16 2. Satisfies the criteria of paragraph 1 or 2 of subsection C  
17 of Section 1020.2 of Title 82 of the Oklahoma Statutes; or

18 3. Is not to be permitted to operate for a period of more than  
19 five (5) years, with no extensions or renewals; or

20 4. The operation of which will not result in more than five (5)  
21 acre-feet per year of groundwater emanating from a sensitive sole  
22 source groundwater basin or subbasin to infiltrate its pit, as that  
23 term is defined in paragraph 12 of Section 723 of ~~Title 45 of the~~  
24 ~~Oklahoma Statutes~~ this title.

1       B. Due to the inadequacy of existing technical resources,  
2 analytic tools and regulatory systems for purposes of the effective  
3 implementation of statutes relating to the operation of mines that  
4 overlies a sensitive sole source groundwater basin or subbasin, the  
5 Legislature hereby declares and establishes a moratorium on the  
6 Department of ~~Mines~~ Environmental Quality issuing, in relation to  
7 any location overlying a sensitive sole source groundwater basin or  
8 subbasin or in which groundwater emanating from any sensitive sole  
9 source groundwater basin or subbasin may collect within a pit, as  
10 defined in paragraph 12 of Section 723 of ~~Title 45 of the Oklahoma~~  
11 ~~Statutes~~ this title:

12       1. Any permit, pursuant to Section 724 of ~~Title 45 of the~~  
13 ~~Oklahoma Statutes~~ this title, to any subject mine;

14       2. Any amendment or revision to any existing mining permit,  
15 that covers additional land which shall include extensions of  
16 boundaries shown in the initial permit, pursuant to subsection J of  
17 Section 724 of ~~Title 45 of the Oklahoma Statutes~~ this title, if such  
18 amendment or revision would increase the acreage under such permit  
19 for that mine location by more than one hundred percent (100%) or  
20 four hundred (400) acres, whichever is less, as compared to the  
21 acreage under permit for that mine location prior to ~~the effective~~  
22 ~~date of this act~~ November 1, 2019; provided, however, on or after  
23 November 1, 2030, there shall be no limitation on an increase in  
24 acreage as specified in this paragraph.

1 C. Notwithstanding the moratorium, nothing in paragraph 2 of  
2 subsection B of this section shall preclude the Department of ~~Mines~~  
3 Environmental Quality from issuing an amendment or revision to cover  
4 additional land, other changes to method or conduct of mining,  
5 reclamation operations contemplated by the original permit or other  
6 authorization to allow a change in mine ownership or to implement  
7 bonding under a permit issued prior to ~~the effective date of this~~  
8 ~~act~~ November 1, 2019, nor shall any permit amendment or revision  
9 issued pursuant to this section be deemed to render the permitted  
10 mine a subject mine for purposes of Title 27A, ~~45~~ or 82 of the  
11 Oklahoma Statutes.

12 D. Notwithstanding the moratorium or any other provision of  
13 law, the Department of ~~Mines~~ Environmental Quality shall not require  
14 a permit for purposes of road or railroad construction in relation  
15 to mining activities by any mine.

16 E. The moratorium shall remain in effect until such time as:

17 1. The conditions of subsection C of Section ~~3 of this act~~  
18 1020.9C of Title 82 of the Oklahoma Statutes have been satisfied;  
19 and

20 2. The Department of ~~Mines~~ Environmental Quality promulgates  
21 final rules to provide for effective interagency consultation and  
22 coordination of activities among the Department, and the Oklahoma  
23 Water Resources Board ~~and the Department of Environmental Quality~~ on  
24 all administrative matters relating to the operation of mines at

1 locations that overlie a sensitive sole source groundwater basin or  
2 subbasin.

3 F. The Department of ~~Mines~~ Environmental Quality is hereby  
4 authorized and instructed to promulgate rules to implement the  
5 provisions of this section.

6 G. The Department of ~~Mines~~ Environmental Quality is hereby  
7 authorized to cooperate with federal, tribal and any other agencies  
8 in this state in performing its responsibilities under this section.

9 SECTION 64. AMENDATORY 47 O.S. 2021, Section 156, is  
10 amended to read as follows:

11 Section 156. A. Unless otherwise provided for by law, no state  
12 board, commission, department, institution, official, or employee,  
13 except the following, shall purchase any passenger automobile or bus  
14 with public funds:

- 15 1. The Department of Public Safety;
- 16 2. The Department of Human Services;
- 17 3. The State Department of Rehabilitation Services;
- 18 4. The Department of Wildlife Conservation;
- 19 5. The Department of Corrections;
- 20 6. The State Department of Education;
- 21 7. The Oklahoma School of Science and Mathematics;
- 22 8. The Oklahoma State Bureau of Narcotics and Dangerous Drugs  
23 Control;
- 24 9. The Oklahoma State Bureau of Investigation;

10. The Transportation Commission;

11. The Oklahoma Department of Agriculture, Food, and Forestry;

12. The State Department of Health;

13. The Department of Mental Health and Substance Abuse  
Services;

14. The J.D. McCarty Center for Children with Developmental  
Disabilities;

15. The Military Department of the State of Oklahoma;

16. The Oklahoma Tourism and Recreation Department;

17. The Oklahoma Conservation Commission;

18. The Oklahoma Water Resources Board;

19. The Department of ~~Mines~~ Environmental Quality;

20. The Office of Juvenile Affairs;

21. The Oklahoma Department of Veteran Affairs;

22. The Oklahoma Supreme Court;

23. The District Attorneys Council and Oklahoma district  
attorneys, provided adequate funding exists;

24. The Oklahoma Boll Weevil Eradication Organization; and

25. The Oklahoma Horse Racing Commission.

B. 1. The Oklahoma School for the Deaf at Sulphur, the  
Oklahoma School for the Blind at Muskogee, and any state institution  
of higher education may purchase, own, or keep if now owned, or  
acquire by lease or gift, and use and maintain such station wagons,

1 automobiles, trucks, or buses as are reasonably necessary for the  
2 implementation of the educational programs of said institutions.

3 2. No bus operated, owned, or used by such educational  
4 institutions shall be permitted to carry any person other than  
5 students, faculty members, employees, or volunteers of such  
6 institutions. The provisions of this section shall not be construed  
7 to prohibit:

8 a. the operation of intracampus buses or buses routed  
9 directly between portions of the campus of any  
10 institution not adjacent to each other, nor to  
11 prohibit the collection of fares from such students,  
12 faculty members, or employees of such institutions,  
13 sufficient in amount to cover the reasonable cost of  
14 such transportation, or

15 b. the Oklahoma School for the Blind or the Oklahoma  
16 School for the Deaf from entering into agreements with  
17 local public school districts pursuant to the  
18 Interlocal Cooperation Act for the mutual use of the  
19 schools' and the districts' vehicles. Such use may  
20 include, but is not limited to, the transportation of  
21 students from local school districts with students  
22 from the Oklahoma School for the Blind or the Oklahoma  
23 School for the Deaf in vehicles owned by the Oklahoma  
24

1 School for the Blind or the Oklahoma School for the  
2 Deaf when traveling to school-related activities.

3 C. The J.D. McCarty Center for Children with Developmental  
4 Disabilities, the Oklahoma Department of Libraries, the Oklahoma  
5 Department of Veterans Affairs, and the Oklahoma Veterans Centers  
6 may own and maintain such passenger vehicles as those institutions  
7 have acquired prior to May 1, 1981.

8 D. The use of station wagons, automobiles, and buses, other  
9 than as provided for in this section, shall be permitted only upon  
10 written request for such use by heads of departments of the  
11 institution, approved in writing by the president of said  
12 institution or by some administrative official of said institution  
13 authorized by the president to grant said approval. Such use shall  
14 be permitted only for official institutional business or activities  
15 connected therewith. Such use shall be subject to the provisions of  
16 Section 156.1 of this title forbidding personal use of such  
17 vehicles, and to the penalties therein declared.

18 E. Any person convicted of violating the provisions of this  
19 section shall be guilty of a misdemeanor and shall be punished by  
20 fine or imprisonment, or both, as provided for in Section 156.1 of  
21 this title.

22 F. For the purpose of this section and Section 156.3 of this  
23 title, a station wagon is classified as a passenger automobile and  
24 may not be purchased solely for the use of transporting property.

1 Such vehicles shall include, but not be limited to, all vehicles  
2 which have no separate luggage compartment or trunk but which do not  
3 have open beds, whether the same are called station wagons, vans,  
4 suburbans, town and country, blazers, or any other names. All state  
5 boards, commissions, departments, and institutions may own and  
6 maintain station wagons purchased solely for the purpose of  
7 transporting property if acquired prior to July 1, 1985.

8 G. The provisions of this section and Section 156.1 of this  
9 title shall not apply to public officials who are statewide elected  
10 commissioners.

11 SECTION 65. AMENDATORY 51 O.S. 2021, Section 24A.27, is  
12 amended to read as follows:

13 Section 24A.27 A. Any state environmental agency or public  
14 utility shall keep confidential vulnerability assessments of  
15 critical assets in both water and wastewater systems. State  
16 environmental agencies or public utilities may use the information  
17 for internal purposes or allow the information to be used for survey  
18 purposes only. The state environmental agencies or public utilities  
19 shall allow any public body to have access to the information for  
20 purposes specifically related to the public bodies function.

21 B. For purposes of this section:

22 1. "State environmental agencies" includes the:

- 23 a. Oklahoma Water Resources Board,
- 24 b. Oklahoma Corporation Commission,

- c. ~~State~~ Oklahoma Department of Agriculture, Food, and  
Forestry,
- d. Oklahoma Conservation Commission,
- e. Department of Wildlife Conservation, and
- f. ~~Department of Mines, and~~
- ~~g.~~ Department of Environmental Quality;

2. "Public utility" means any individual, firm, association, partnership, corporation or any combination thereof, municipal corporations or their lessees, trustees and receivers, owning or operating for compensation in this state equipment or facilities for:

- a. producing, generating, transmitting, distributing, selling or furnishing electricity,
- b. the conveyance, transmission, reception or communications over a telephone system,
- c. transmitting directly or indirectly or distributing combustible hydrocarbon natural or synthetic natural gas for sale to the public, or
- d. the transportation, delivery or furnishing of water for domestic purposes or for power.

SECTION 66. AMENDATORY 59 O.S. 2021, Section 3022, is amended to read as follows:

Section 3022. As used in the Elevator Safety Act:

- 1. "Agency" means the Oklahoma Department of Labor;

1        2. "Certificate of operation" means a document issued by the  
2 Commissioner and affixed to an elevator that indicates that the  
3 elevator has been inspected and tested and found to be in compliance  
4 with all applicable standards of operation as determined by the  
5 Department of Labor;

6        3. "Certificate of operation - temporary" means a document  
7 issued by the Commissioner that permits temporary use of a  
8 noncompliant elevator by the general public for not more than thirty  
9 (30) days while minor repairs are being completed;

10       4. "Commissioner" means the Commissioner of Labor or his/her  
11 authorized representative;

12       5. "Chief elevator inspector" means the chief elevator  
13 inspector appointed under the Elevator Safety Act;

14       6. "Deputy inspector" means an inspector appointed by the chief  
15 elevator inspector subject to the approval of the Commissioner under  
16 the provisions of the Elevator Safety Act;

17       7. a. "Elevator" means any device for lifting or moving  
18 people, cargo, or freight within, or adjacent and  
19 connected to, a structure or excavation, and includes  
20 any escalator, power-driven stairway, moving walkway  
21 or stairway chair lift.

22       b. The term "elevator" does not mean any:  
23  
24

- (1) amusement ride or device subject to inspection and regulation under the provisions of Section 460 et seq. of Title 40 of the Oklahoma Statutes,
- (2) mining equipment subject to inspection and regulation by the Department of ~~Mines~~ Environmental Quality,
- (3) aircraft, railroad car, boat, barge, ship, truck, or other self-propelled vehicle or component thereof,
- (4) boiler grate stoker or other similar firing mechanism subject to inspection under the provisions of the Oklahoma Boiler and Pressure Vessel Safety Act,
- (5) dumbwaiter, conveyor, chain or bucket hoist, construction hoist or similar devices used for the primary purpose of elevating or lowering materials, or
- (6) elevator, conveyance, manlift or similar device in grain elevators, grain warehouses, seed processing facilities, feed mills and/or flour mills which is used by employees, but is not accessible to or used by customers or members of the general public.

This list is not exhaustive;

1       8. "Elevator apprentice" means an unlicensed person registered  
2 with the Department of Labor who works under the direct supervision  
3 of a licensed elevator mechanic, licensed elevator contractor, or  
4 licensed elevator inspector;

5       9. "Licensed elevator contractor" means a person or business  
6 entity that possesses a valid elevator contractor's license issued  
7 by the Department of Labor pursuant to the provisions of the  
8 Elevator Safety Act and is thus entitled to engage in the business  
9 of erecting, constructing, installing, altering, servicing,  
10 repairing, or maintaining elevators;

11       10. "Licensed elevator inspector" means a person who possesses  
12 a valid elevator inspector's license issued by the Department of  
13 Labor pursuant to the provisions of the Elevator Safety Act and is  
14 thus entitled to engage in the business of inspecting elevators;

15       11. "Licensed elevator mechanic" means a person who possesses a  
16 valid elevator mechanic's license issued by the Department of Labor  
17 in accordance with the provisions of the Elevator Safety Act and is  
18 thus, when employed by a licensed elevator contractor, entitled to  
19 install, construct, alter, service, repair, perform electrical work  
20 on, test, and maintain elevators; and

21       12. "Private residence" means a separate dwelling or a separate  
22 apartment in a multiple dwelling that is occupied by members of a  
23 single-family unit.

1       SECTION 67.       AMENDATORY       63 O.S. 2021, Section 122.2, is  
2 amended to read as follows:

3       Section 122.2 The provisions of this section specify the  
4 jurisdictional areas of state agencies relating to the regulation of  
5 blasting and explosives. Agencies regulating explosives and  
6 blasting are directed to cooperate and coordinate with each other as  
7 necessary to carrying out the duties required to regulate  
8 explosives. Agencies regulating explosives may enter into  
9 interagency agreements with other state agencies and law enforcement  
10 agencies of any political subdivision of this state for the purpose  
11 of conducting investigations related to the regulation of explosives  
12 or criminal activity. The jurisdictional areas of responsibility  
13 specified in this section shall be in addition to those otherwise  
14 provided by law and assigned to the specific state agency as  
15 follows:

16       1. Department of ~~Mines~~ Environmental Quality. The Department  
17 of ~~Mines~~ Environmental Quality shall have the following  
18 jurisdictional areas relating to the regulation of blasting and  
19 explosives:

- 20           a. the use of explosives and blasting activities for  
21               surface and nonsurface mining operations pursuant to  
22               Title ~~45~~ 27A of the Oklahoma Statutes,

1           b.    except as otherwise provided by this part, the use of  
2                explosives and blasting activities for nonmining  
3                activities, and

4           c.    except as otherwise provided by this part, the  
5                regulation of the use of explosives or of blasting  
6                activity not subject to the specific statutory  
7                authority of another state agency;

8           2.    State Fire Marshal.   The State Fire Marshal shall have  
9   regulatory jurisdictional responsibility relating to explosives as  
10 follows:

11           a.    the regulation of the manufacture, sale,  
12                transportation for hire or storage of explosives or  
13                blasting agents for resale pursuant to Division 2 of  
14                the Oklahoma Explosives and Blasting Regulation Act,

15           b.    the examination of buildings and premises and  
16                reporting and orders authorized pursuant to Section  
17                317 of Title 74 of the Oklahoma Statutes, and

18           c.    licensure, regulation and enforcement of fire  
19                extinguishers, pursuant to the Fire Extinguisher  
20                Licensing Act;

21           3.    The Department of Public Safety.   The Department of Public  
22 Safety shall have the regulatory jurisdictional responsibility  
23 relating to explosives as follows:

- a. the transportation of explosives or blasting agents classified as hazardous materials pursuant to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act,
- b. the construction or making of any explosive or explosive device not subject to specific regulatory authority of another state agency,
- c. the intentional storage of any materials which are intended to be used to construct or make any explosive or explosive device not subject to specific regulatory authority of another state agency, and
- d. the intentional use of any explosive or explosive device in any manner not subject to specific regulatory authority of another state agency.

Provided, nothing in this provision shall be construed to expand jurisdiction of the Department of Public Safety to investigate any crime occurring within the jurisdiction of another law enforcement authority of any political subdivision of this state, and nothing shall prohibit, limit, or restrict any law enforcement officer, agency, or specialized law enforcement unit from investigating or otherwise performing any duty or responsibility for crimes within their respective jurisdiction relating to explosives, blasting agents, or hazardous materials; and

1        4. Department of Environmental Quality. The Department of  
2 Environmental Quality shall have jurisdictional responsibility  
3 relating to the regulation and disposal of explosives or blasting  
4 agents classified as solid or hazardous waste pursuant to the  
5 Oklahoma Environmental Quality Code.

6        SECTION 68.        AMENDATORY        63 O.S. 2021, Section 123.1, is  
7 amended to read as follows:

8        Section 123.1 A. Pursuant to the Oklahoma Explosives and  
9 Blasting Regulation Act, except as otherwise provided by this part,  
10 the Department of ~~Mines~~ Environmental Quality shall be responsible  
11 for the administration, regulation and enforcement of all blasting  
12 operations or activities, and the storage and use of all blasting  
13 agents and explosives by any person, which is not located within the  
14 area of a mining operation or site.

15        B. Except as otherwise provided by this part, it shall be  
16 unlawful for any person to store or use any blasting agents or  
17 explosives, or conduct, supervise or control a blasting operation in  
18 this state without first complying with the provisions of the  
19 Oklahoma Explosives and Blasting Regulation Act and rules  
20 promulgated by the ~~Oklahoma Mining Commission~~ Environmental Quality  
21 Board.

22        C. Except as otherwise required by this part, by January 1,  
23 1996:

1        1. Any person performing blasting activity shall be certified  
2 as a blaster by the Department of ~~Mines~~ Environmental Quality;

3        2. All blasting operations shall be conducted under the  
4 direction of a certified blaster. Blaster certification may be  
5 obtained from the Department upon application and proof of  
6 competency as determined by rules of the Department; and

7        3. Before January 1, 1996, all blasting operations and  
8 activities shall be conducted by competent, experienced persons who  
9 understand the hazards involved.

10       D. Any blaster certification issued by the Department shall be  
11 carried by the blaster or shall be on file at the blasting area  
12 during blasting operations.

13       E. A blaster and at least one other person shall be present at  
14 the firing of a blast.

15       SECTION 69.        AMENDATORY        63 O.S. 2021, Section 123.2, is  
16 amended to read as follows:

17       Section 123.2 A. Except as otherwise provided by this part, it  
18 is a violation to manufacture, store, or use explosives or blasting  
19 agents without first obtaining a permit from the Department of ~~Mines~~  
20 Environmental Quality.

21       B. Permits issued under this division shall not be  
22 transferable, and shall be readily available for inspection by  
23 representatives of the Department and law enforcement officials.

1 C. The Department may place such restrictions and limitations  
2 on permits as it deems necessary.

3 D. The Department may issue one-time or limited-time permits or  
4 permits for continuous blasting operations.

5 E. 1. Permits for continuous blasting operations issued under  
6 this division shall be valid for the calendar year after the date of  
7 issue unless revoked or suspended. Permits for continuous blasting  
8 operations may be renewed on each issuance date and a showing of  
9 compliance with the Oklahoma Explosives and Blasting Regulation Act  
10 and rules promulgated thereto.

11 2. Permits for one-time or limited-time permits shall be valid  
12 only for the time specified in the permit.

13 F. Any person holding a permit issued under this division shall  
14 keep such records as may be required by the Department. Records  
15 shall be maintained for not less than two (2) years following the  
16 year in which the record is made. All such records shall be open to  
17 inspection by the Department or its representatives during normal  
18 business hours.

19 SECTION 70. AMENDATORY 63 O.S. 2021, Section 123.2A, is  
20 amended to read as follows:

21 Section 123.2A A. No person shall purchase blasting agents or  
22 explosives in this state without first obtaining a permit pursuant  
23 to the Oklahoma Explosives and Blasting Regulation Act or without  
24 first obtaining written notification from the Department of ~~Mines~~

1 Environmental Quality that the person is exempt from this permit  
2 requirement.

3 B. Distributors or sellers of blasting agents or explosives  
4 shall require presentation of either the permit or exemption  
5 notification required in subsection A of this section before the  
6 sale or transfer of blasting agents or explosives.

7 C. The ~~Oklahoma Mining Commission~~ Environmental Quality Board  
8 shall promulgate rules to implement this section.

9 SECTION 71. AMENDATORY 63 O.S. 2021, Section 123.3, is  
10 amended to read as follows:

11 Section 123.3 The Department of Environmental Quality shall  
12 enforce the provisions of this division and for such purposes shall:

13 1. Issue permits to applicants found by the Department, after  
14 inspection and investigation, to be qualified for such permit under  
15 the provisions of this division and the rules promulgated by the  
16 Department;

17 2. Deny, suspend, or revoke permits upon a finding of  
18 noncompliance or violation of the provisions of this division or of  
19 the applicable rules of the Department;

20 3. Hold hearings upon the application of any person aggrieved  
21 by any order of the Department with respect to the denial,  
22 suspension, or revocation of any permit; and

23 4. Inspect, during normal business hours, any building,  
24 structure, or premises subject to the provisions of this division,

1 and, upon the discovery of any violation of this division or the  
2 applicable rules, issue such orders as are necessary for the safety  
3 of workers and the public, and, in the case of imminent hazard or  
4 emergency, apply for an injunction in the appropriate district  
5 court.

6 SECTION 72. AMENDATORY 63 O.S. 2021, Section 123.4, is  
7 amended to read as follows:

8 Section 123.4 A. The Department of ~~Mines~~ Environmental Quality  
9 shall promulgate the necessary rules to implement the provisions of  
10 this division. Rules promulgated by the Department shall include  
11 but not be limited to requirements for blasting plans, use of  
12 explosives, public notices, and records.

13 B. The Department of ~~Mines~~ Environmental Quality may establish  
14 a schedule of fees to be charged for applications for or issuance of  
15 new and renewed certifications and permits required pursuant to this  
16 division. The fees shall be subject to the following provisions:

17 1. The Department shall follow the procedures required by the  
18 Administrative Procedures Act for promulgating rules in establishing  
19 or amending any such schedule of fees;

20 2. The Department shall base its schedule of fees upon the  
21 reasonable costs of operating the programs specified by this  
22 division; and

23 3. The fees authorized by this section shall not be implemented  
24 by emergency rule but shall be adopted by permanent rules, which

1 shall be submitted to the Legislature for review pursuant to Section  
2 308 of Title 75 of the Oklahoma Statutes prior to implementation.

3 SECTION 73. AMENDATORY 63 O.S. 2021, Section 123.5, is  
4 amended to read as follows:

5 Section 123.5 A. In the enforcement of the Oklahoma Explosives  
6 and Blasting Regulation Act pursuant to this division, any person  
7 who violates any permit condition or who violates any other  
8 provision of the Oklahoma Explosives and Blasting Regulation Act or  
9 rules promulgated thereto pursuant to this division may be assessed  
10 an administrative penalty by the Department of Environmental  
11 Quality. Such penalty shall not exceed Five Thousand Dollars  
12 (\$5,000.00) for each violation. Each day of continuing violation  
13 may be deemed a separate violation for purposes of penalty  
14 assessments. In determining the amount of the penalty,  
15 consideration shall be given to the person's history of previous  
16 violations regarding explosives and blasting operation; the  
17 seriousness of the violation, including any irreparable harm to the  
18 environment and any hazard to the health or safety of the public;  
19 whether the person was negligent; and the demonstrated good faith of  
20 the person charged in attempting to achieve rapid compliance after  
21 notification of the violation.

22 B. An administrative penalty shall be assessed by the  
23 Department of Environmental Quality only after the person charged  
24 with a violation described under subsection A of this section has

1 been given an opportunity for a hearing pursuant to Article II of  
2 the Administrative Procedures Act. Where such a hearing has been  
3 held, the Department shall make findings of fact, and shall issue a  
4 written decision as to the occurrence of the violation and the  
5 amount of the penalty which is warranted, incorporating, when  
6 appropriate, an order therein requiring that the penalty be paid.  
7 When appropriate, the Department shall consolidate such hearings  
8 with other proceedings under the Oklahoma Explosives and Blasting  
9 Regulation Act. Any hearing under this section shall be of record.  
10 Where the person charged with such a violation fails to avail  
11 himself of the opportunity for a hearing, an administrative penalty  
12 shall be assessed by the Department after determining that a  
13 violation did occur, and the amount of the penalty which is  
14 warranted, and issuing an order requiring that the penalty be paid.

15 C. Upon the issuance of a notice or order charging that a  
16 violation of the Oklahoma Explosives and Blasting Regulation Act has  
17 occurred, the Department shall inform the operator within thirty  
18 (30) days of the proposed amount of said penalty. The person  
19 charged with the penalty shall then have thirty (30) days to pay the  
20 proposed penalty in full or, if the person wishes to contest either  
21 the amount of the penalty or the fact of the violation, forward the  
22 proposed amount to the Department for placement in an escrow  
23 account. If through administrative or judicial review of the  
24 proposed penalty, it is determined that no violation occurred, or

1 that the amount of the penalty should be reduced, the Department  
2 shall within thirty (30) days remit the appropriate amount to the  
3 person.

4 D. Administrative penalties owed under the Oklahoma Explosives  
5 and Blasting Regulation Act may be recovered in a civil action  
6 brought by the Attorney General or any district attorney in the  
7 district in which the violation occurred at the request of the  
8 Department in the appropriate district court. Such action, also,  
9 may be brought by the Department.

10 E. Any person who willfully and knowingly violates a condition  
11 of a permit issued pursuant to this division or fails or refuses to  
12 comply with any order issued under this division, or any order  
13 incorporated in a final decision issued by the Department under this  
14 division, shall, upon conviction, be punished by a fine of not more  
15 than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not  
16 more than one (1) year, or both.

17 F. Whenever a corporate permittee violates a condition of a  
18 permit issued pursuant to this division or fails or refuses to  
19 comply with any order issued under this division, or any order  
20 incorporated in a final decision issued by the Executive Director of  
21 the Department of ~~Mines~~ Environmental Quality under this division,  
22 any director, officer or agent of such corporation who willfully and  
23 knowingly authorized, ordered or carried out such violation, failure  
24 or refusal shall be subject to the same administrative penalties,

1 fines and imprisonment that may be imposed upon a person under  
2 subsections A and E of this section.

3 G. Whoever knowingly makes any false statement, representation  
4 or certification, or knowingly fails to make any statement,  
5 representation or certification in any application, record, report,  
6 plan or other document filed or required to be maintained pursuant  
7 to this division or any order ~~of~~ or decision issued by the  
8 Department under this division, shall, upon conviction, be punished  
9 by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by  
10 imprisonment for not more than one (1) year, or both.

11 H. Any person who fails to correct a violation for which a  
12 citation has been issued within the period permitted for its  
13 correction shall be assessed an administrative penalty of not less  
14 than Seven Hundred Fifty Dollars (\$750.00) for each day during which  
15 such failure or violation continues.

16 The period permitted for corrections of violations shall not end  
17 until:

18 1. The entry of a final order by the Department after an  
19 expedited hearing which ordered the suspension of the abatement  
20 requirements of the citation because it was determined that the  
21 person will suffer irreparable loss or damage from the application  
22 of the abatement requirements; or  
23  
24

1        2. The entry of an order by a court in any review proceedings  
2 initiated by the person in which the court orders the suspension of  
3 the abatement requirements.

4        I. Any person who shall, except as permitted by law, willfully  
5 resist, prevent, impede or interfere with the Department or any of  
6 the agents or employees thereof in the performance of duties  
7 pursuant to this division shall, upon conviction, be punished by a  
8 fine of not more than Five Thousand Dollars (\$5,000.00), or by  
9 imprisonment for not more than one (1) year, or both.

10        SECTION 74.        AMENDATORY        63 O.S. 2021, Section 123.7, is  
11 amended to read as follows:

12        Section 123.7 Any fees, administrative penalties or any other  
13 monies obtained by the Department of ~~Mines~~ Environmental Quality  
14 pursuant to the Oklahoma Explosives and Blasting Regulation Act  
15 shall be deposited in the Department of ~~Mines~~ Environmental Quality  
16 Revolving Fund established in Section 2-3-401 of Title 27A of the  
17 Oklahoma Statutes and shall be expended by the Department of ~~Mines~~  
18 Environmental Quality for implementation and enforcement of this  
19 part or as otherwise deemed necessary by the Department for  
20 complying with its responsibilities and duties according to law.

21        SECTION 75.        AMENDATORY        63 O.S. 2021, Section 123.8, is  
22 amended to read as follows:

23        Section 123.8 A. 1. The provisions of the Oklahoma Explosives  
24 and Blasting Regulation Act shall not apply to:

- a. persons engaged in shooting wells or seismographic operations for the purpose of oil or gas production,
- b. mining operations regulated by Title ~~45~~ 27A of the Oklahoma Statutes, and
- c. persons using explosives or blasting agents for noncommercial use on their own land, owned in fee or by contract, for the removal of trees, rocks and dams or for other normal agricultural purposes.

2. Any person exempted from the provisions of the Oklahoma Explosives and Blasting Regulation Act pursuant to this subsection shall be liable for all damages caused by the use of explosives, or blasting agents and blasting operations, which damages shall be recoverable in any court of competent jurisdiction.

B. In addition, the provisions of the Oklahoma Explosives and Blasting Regulation Act shall not apply to:

1. Any municipalities or counties in this state using any blasting agents, explosives or conducting, supervising or controlling a blasting operation in this state. Any such municipality or county shall comply with rules promulgated by the ~~Oklahoma Mining Commission~~ Environmental Quality Board;

2. The Department of Transportation in the conducting, supervision or controlling of any blasting operation in this state, provided the Department shall comply with rules promulgated by the ~~Oklahoma Mining Commission~~ Environmental Quality Board; and

1        3. Duly qualified and certified bomb technicians of a federally  
2 accredited bomb squad of municipal, county, state, and federal law  
3 enforcement agencies for the transportation, storage or disposal of  
4 any explosive chemical, compound or device, when such technician is  
5 performing responsibilities for the preservation of public peace,  
6 safety, or criminal investigation.

7        4. Any employee of the Oklahoma Department of Agriculture,  
8 Food, and Forestry and the United States Department of Agriculture,  
9 Animal and Plant Health Inspection Service, Wildlife Services who is  
10 trained and certified by the United States Department of Agriculture  
11 in the safe handling and use of explosive materials in the course of  
12 the official duties of the employee.

13        SECTION 76.        AMENDATORY        68 O.S. 2021, Section 2357.11, is  
14 amended to read as follows:

15        Section 2357.11 A. For purposes of this section, the term  
16 "person" means any legal business entity including limited and  
17 general partnerships, corporations, sole proprietorships, and  
18 limited liability companies, but does not include individuals.

19        B. 1. Except as otherwise provided by this section, for tax  
20 years beginning on or after January 1, 1993, and ending on or before  
21 December 31, 2021, there shall be allowed a credit against the tax  
22 imposed by Section 1803 or Section 2355 of this title or Section 624  
23 or 628 of Title 36 of the Oklahoma Statutes for every person in this  
24 state furnishing water, heat, light or power to the state or its

1 citizens, or for every person in this state burning coal to generate  
2 heat, light or power for use in manufacturing operations located in  
3 this state.

4 2. For tax years beginning on or after January 1, 1993, and  
5 ending on or before December 31, 2005, and for the period of January  
6 1, 2006, through June 30, 2006, the credit shall be in the amount of  
7 Two Dollars (\$2.00) per ton for each ton of Oklahoma-mined coal  
8 purchased by such person.

9 3. For the period of July 1, 2006, through December 31, 2006,  
10 and, except as provided in subsection N of this section, for tax  
11 years beginning on or after January 1, 2007, and ending on or before  
12 December 31, 2021, the credit shall be in the amount of Two Dollars  
13 and eighty-five cents (\$2.85) per ton for each ton of Oklahoma-mined  
14 coal purchased by such person.

15 4. In addition to the credit allowed pursuant to the provisions  
16 of paragraph 3 of this subsection, for the period of July 1, 2006,  
17 through December 31, 2006, and except as provided in subsections M  
18 and N of this section, for tax years beginning on or after January  
19 1, 2007, and ending on or before December 31, 2021, there shall be  
20 allowed a credit in the amount of Two Dollars and fifteen cents  
21 (\$2.15) per ton for each ton of Oklahoma-mined coal purchased by  
22 such person. The credit allowed pursuant to the provisions of this  
23 paragraph may not be claimed or transferred prior to January 1,  
24 2008.

1 C. For tax years beginning on or after January 1, 1995, and  
2 ending on or before December 31, 2005, and for the period beginning  
3 January 1, 2006, through June 30, 2006, there shall be allowed, in  
4 addition to the credits allowed pursuant to subsection B of this  
5 section, a credit against the tax imposed by Section 1803 or Section  
6 2355 of this title or Section 624 or 628 of Title 36 of the Oklahoma  
7 Statutes for every person in this state which:

8 1. Furnishes water, heat, light or power to the state or its  
9 citizens, or burns coal to generate heat, light or power for use in  
10 manufacturing operations located in this state; and

11 2. Purchases at least seven hundred fifty thousand (750,000)  
12 tons of Oklahoma-mined coal in the tax year.

13 The additional credit allowed pursuant to this subsection shall  
14 be in the amount of Three Dollars (\$3.00) per ton for each ton of  
15 Oklahoma-mined coal purchased by such person.

16 D. Except as otherwise provided by this section, for tax years  
17 beginning on or after January 1, 2001, and ending on or before  
18 December 31, 2021, there shall be allowed a credit against the tax  
19 imposed by Section 1803 or Section 2355 of this title or Section 624  
20 or 628 of Title 36 of the Oklahoma Statutes for every person in this  
21 state primarily engaged in mining, producing or extracting coal, and  
22 holding a valid permit issued by the ~~Oklahoma~~ Department of ~~Mines~~  
23 Environmental Quality. For tax years beginning on or after January  
24 1, 2001, and ending on or before December 31, 2005, and for the

1 period beginning January 1, 2006, through June 30, 2006, the credit  
2 shall be in the amount of ninety-five cents (\$0.95) per ton and for  
3 the period of July 1, 2006, through December 31, 2006, and for tax  
4 years beginning on or after January 1, 2007, except as provided in  
5 subsection N of this section, the credit shall be in the amount of  
6 Five Dollars (\$5.00) for each ton of coal mined, produced or  
7 extracted in, on, under or through a permit in this state by such  
8 person.

9 E. In addition to the credit allowed pursuant to the provisions  
10 of subsection D of this section and except as otherwise provided in  
11 subsection F of this section, for tax years beginning on or after  
12 January 1, 2001, and ending on or before December 31, 2005, and for  
13 the period of January 1, 2006, through June 30, 2006, there shall be  
14 allowed a credit against the tax imposed by Section 1803 or Section  
15 2355 of this title or Section 624 or 628 of Title 36 of the Oklahoma  
16 Statutes for every person in this state primarily engaged in mining,  
17 producing or extracting coal, and holding a valid permit issued by  
18 the ~~Oklahoma~~ Department of ~~Mines~~ Environmental Quality in the amount  
19 of ninety-five cents (\$0.95) per ton for each ton of coal mined,  
20 produced or extracted from thin seams in this state by such person;  
21 provided, the credit shall not apply to such coal sold to any  
22 consumer who purchases at least seven hundred fifty thousand  
23 (750,000) tons of Oklahoma-mined coal per year.

1 F. In addition to the credit allowed pursuant to the provisions  
2 of subsection D of this section and except as otherwise provided in  
3 subsection G of this section, for tax years beginning on or after  
4 January 1, 2005, and ending on or before December 31, 2005, and for  
5 the period of January 1, 2006, through June 30, 2006, there shall be  
6 allowed a credit against the tax imposed by Section 1803 or Section  
7 2355 of this title or that portion of the tax imposed by Section 624  
8 or 628 of Title 36 of the Oklahoma Statutes, which is actually paid  
9 to and placed into the General Revenue Fund, in the amount of  
10 ninety-five cents (\$0.95) per ton for each ton of coal mined,  
11 produced or extracted from thin seams in this state by such person  
12 on or after July 1, 2005.

13 G. The credits provided in subsections D and E of this section  
14 shall not be allowed for coal mined, produced or extracted in any  
15 month in which the average price of coal is Sixty-eight Dollars  
16 (\$68.00) or more per ton, excluding freight charges, as determined  
17 by the Tax Commission.

18 H. The additional credits allowed pursuant to subsections B, C,  
19 D and E of this section but not used shall be freely transferable  
20 after January 1, 2002, but not later than December 31, 2013, by  
21 written agreement to subsequent transferees at any time during the  
22 five (5) years following the year of qualification; provided, the  
23 additional credits allowed pursuant to the provisions of paragraph 4  
24 of subsection B of this section but not used shall be freely

1 transferable after January 1, 2008, but not later than December 31,  
2 2013, by written agreement to subsequent transferees at any time  
3 during the five (5) years following the year of qualification. An  
4 eligible transferee shall be any taxpayer subject to the tax imposed  
5 by Section 1803 or Section 2355 of this title or Section 624 or 628  
6 of Title 36 of the Oklahoma Statutes. The person originally allowed  
7 the credit and the subsequent transferee shall jointly file a copy  
8 of the written credit transfer agreement with the Tax Commission  
9 within thirty (30) days of the transfer. The written agreement  
10 shall contain the name, address and taxpayer identification number  
11 of the parties to the transfer, the amount of credit being  
12 transferred, the year the credit was originally allowed to the  
13 transferring person and the tax year or years for which the credit  
14 may be claimed. The Tax Commission may promulgate rules to permit  
15 verification of the validity and timeliness of a tax credit claimed  
16 upon a tax return pursuant to this subsection but shall not  
17 promulgate any rules which unduly restrict or hinder the transfers  
18 of such tax credit.

19 I. The additional credit allowed pursuant to subsection F of  
20 this section but not used shall be freely transferable on or after  
21 July 1, 2006, but not later than December 31, 2013, by written  
22 agreement to subsequent transferees at any time during the five (5)  
23 years following the year of qualification. An eligible transferee  
24 shall be any taxpayer subject to the tax imposed by Section 1803 or

1 Section 2355 of this title or Section 624 or 628 of Title 36 of the  
2 Oklahoma Statutes. The person originally allowed the credit and the  
3 subsequent transferee shall jointly file a copy of the written  
4 credit transfer agreement with the Tax Commission within thirty (30)  
5 days of the transfer. The written agreement shall contain the name,  
6 address and taxpayer identification number of the parties to the  
7 transfer, the amount of credit being transferred, the year the  
8 credit was originally allowed to the transferring person and the tax  
9 year or years for which the credit may be claimed. The Tax  
10 Commission may promulgate rules to permit verification of the  
11 validity and timeliness of a tax credit claimed upon a tax return  
12 pursuant to this subsection but shall not promulgate any rules which  
13 unduly restrict or hinder the transfers of such tax credit.

14 J. Any person receiving tax credits pursuant to the provisions  
15 of this section shall apply the credits against taxes payable or,  
16 subject to the limitation that credits earned after December 31,  
17 2013, shall not be transferred, shall transfer the credits as  
18 provided in this section or, for credits earned on or after January  
19 1, 2014, shall receive a refund pursuant to the provisions of  
20 subsection L of this section. Credits shall not be used to lower  
21 the price of any Oklahoma-mined coal sold that is produced by a  
22 subsidiary of the person receiving a tax credit under this section  
23 to other buyers of the Oklahoma-mined coal.

24

1 K. Except as provided by paragraph 2 of subsection L of this  
2 section, the credits allowed by subsections B, C, D, E and F of this  
3 section, upon election of the taxpayer, shall be treated and may be  
4 claimed as a payment of tax, a prepayment of tax or a payment of  
5 estimated tax for purposes of Section 1803 or 2355 of this title or  
6 Section 624 or 628 of Title 36 of the Oklahoma Statutes.

7 L. 1. With respect to credits allowed pursuant to the  
8 provisions of subsections B, C, D, E and F of this section earned  
9 prior to January 1, 2014, but not used in any tax year may be  
10 carried over in order to each of the five (5) years following the  
11 year of qualification.

12 2. With respect to credits allowed pursuant to the provisions  
13 of subsections B, C, D, E and F of this section which are earned but  
14 not used, based upon activity occurring on or after January 1, 2014,  
15 the Oklahoma Tax Commission shall, at the taxpayer's election,  
16 refund directly to the taxpayer eighty-five percent (85%) of the  
17 face amount of such credits. The direct refund of the credits  
18 pursuant to this paragraph shall be available to all taxpayers,  
19 including, without limitation, pass-through entities and taxpayers  
20 subject to Section 2355 of this title. The amount of any direct  
21 refund of credits actually received at the eighty-five percent (85%)  
22 level by the taxpayer pursuant to this paragraph shall not be  
23 subject to the tax imposed by Section 2355 of this title. If the  
24 pass-through entity does not file a claim for a direct refund, the

1 pass-through entity shall allocate the credit to one or more of the  
2 shareholders, partners or members of the pass-through entity;  
3 provided, the total of all credits refunded or allocated shall not  
4 exceed the amount of the credit or refund to which the pass-through  
5 entity is entitled. For the purposes of this paragraph, "pass-  
6 through entity" means a corporation that for the applicable tax year  
7 is treated as an S corporation under the Internal Revenue Code of  
8 1986, as amended, general partnership, limited partnership, limited  
9 liability partnership, trust or limited liability company that for  
10 the applicable tax year is not taxed as a corporation for federal  
11 income tax purposes.

12 M. No credit otherwise authorized by the provisions of this  
13 section may be claimed for any event, transaction, investment,  
14 expenditure or other act occurring on or after July 1, 2010, for  
15 which the credit would otherwise be allowable. The provisions of  
16 this subsection shall cease to be operative on July 1, 2012.  
17 Beginning July 1, 2012, the credit authorized by this section may be  
18 claimed for any event, transaction, investment, expenditure or other  
19 act occurring on or after July 1, 2012, according to the provisions  
20 of this section.

21 N. Except as otherwise provided by this section, any credits  
22 calculated pursuant to ~~paragraphs~~ paragraph 3 or 4 of subsection B  
23 or subsection D of this section for activities occurring on or after  
24

January 1, 2016, the amount of credit allowed shall be equal to seventy-five percent (75%) of the amount otherwise provided.

O. For tax years beginning on or after January 1, 2018, the total amount of credits authorized by this section used to offset tax or paid as a refund shall be adjusted annually to limit the annual amount of credits to Five Million Dollars (\$5,000,000.00). The Tax Commission shall annually calculate and publish a percentage by which the credits authorized by this section shall be reduced so the total amount of credits used to offset tax or paid as a refund does not exceed Five Million Dollars (\$5,000,000.00) per year. The formula to be used for the percentage adjustment shall be Five Million Dollars (\$5,000,000.00) divided by the credits claimed in the second preceding year.

P. Pursuant to subsection O of this section, in the event the total tax credits authorized by this section exceed Five Million Dollars (\$5,000,000.00) in any calendar year, the Tax Commission shall permit any excess over Five Million Dollars (\$5,000,000.00) but shall factor such excess into the percentage adjustment formula for subsequent years.

Q. Any credits authorized by this section not used or unable to be used because of the provisions of subsection O or P of this section may be carried over until such credits are fully used.

SECTION 77. AMENDATORY 74 O.S. 2021, Section 500.18, is amended to read as follows:

1       Section 500.18 A. Except for members of the Legislature, the  
2 Governor and the Lieutenant Governor, provisions of Sections 500.1  
3 through 500.18 of this title shall be mandatory for all officials  
4 and employees of all departments, boards, commissions and  
5 institutions of the state, regardless of the provisions of any other  
6 act of the Legislature, except as provided by this section. The  
7 enactment of any measure in the future providing for travel  
8 reimbursement of state officers and employees on the basis of  
9 "actual and necessary" expenses or in any other manner inconsistent  
10 with Sections 500.1 through 500.18 of this title shall be deemed to  
11 provide for reimbursement in accordance with Sections 500.1 through  
12 500.18 of this title unless a contrary intent is explicitly  
13 expressed in this section. Sections 500.1 through 500.18 of this  
14 title shall not apply, however, to travel reimbursements made by  
15 political subdivisions of this state, except as otherwise provided  
16 by law.

17       B. The agencies listed below are authorized certain exceptions  
18 and/or exemptions to the provisions of Sections 500.1 through 500.18  
19 of this title to the extent specified:

20       1. Oklahoma Department of Agriculture, Food, and Forestry:

- 21           a. The actual and reasonable expenses of travel and  
22               subsistence in pursuing and developing markets for  
23               Oklahoma agricultural products incurred by the  
24               Commissioner, Deputy Commissioner and such employees

1 designated by the State Board of Agriculture within  
2 the marketing development programs of the Oklahoma  
3 Department of Agriculture, Food, and Forestry shall be  
4 reimbursed to the employee incurring such expenses.  
5 Reimbursement of such expenses shall be in accordance  
6 with rules adopted by the Board. Expenses claimed  
7 shall, prior to reimbursement, be reviewed by the  
8 Board at a regular meeting and individually approved  
9 or disapproved.

10 b. The actual and necessary expenses of out-of-state  
11 travel and subsistence incurred by employees of the  
12 Forestry Division authorized to evaluate and acquire  
13 federal excess property or surplus property in other  
14 states for use in its fire protection program, shall  
15 be reimbursed to the employee incurring such expenses.

16 2. Department of Public Safety:

17 When traveling with the Governor or at the Governor's request,  
18 personnel assigned by the Commissioner for executive security and  
19 pilots on executive assignment shall be allowed their actual and  
20 necessary traveling expenses, upon claims approved by the  
21 Commissioner.

22 3. Department of Corrections:

23 The Department of Corrections shall be exempt from limitations  
24 of reimbursement for rented automobiles, as set forth in Section

1 500.5 of this title, when the rental is by a Correctional Officer or  
2 Transportation Officer for the limited purpose of transporting  
3 inmates. Reimbursement for the expense shall be on the basis of  
4 actual cost.

5 4. Oklahoma Tourism and Recreation Department:

6 The Oklahoma Tourism and Recreation Commission and Department  
7 staff who promote in-state and out-of-state business for Oklahoma's  
8 state-operated or state-owned parks, lodges, and golf courses and  
9 the tourism and recreation industry, may be reimbursed for the  
10 actual and necessary expense of travel, subsistence and  
11 entertainment for this purpose. The Director of the Oklahoma  
12 Tourism and Recreation Department may reimburse the Publisher of  
13 Oklahoma Today magazine and its staff for expenses for meals and  
14 other entertainment in order to gain advertising and promotion for  
15 Oklahoma Today magazine.

16 5. Oklahoma Department of Commerce:

- 17 a. The actual and necessary expenses incurred by the  
18 Director and other employees of the Department  
19 authorized by the Director for the purpose of business  
20 recruitment shall be reimbursed. Reimbursement of  
21 expenses shall be in accordance with rules adopted by  
22 the Director of the Oklahoma Department of Commerce.  
23 Expenses claimed shall, prior to reimbursement, be  
24

1 reviewed by the Director and individually approved or  
2 disapproved.

3 b. The Department, at the discretion of the Director, may  
4 charter aircraft for the purposes of carrying out its  
5 duties and responsibilities related to business  
6 recruitment and performing the duties of the Director.  
7 The cost of such charter shall be exempt from the  
8 provisions of Section 500.6 of this title. Claims  
9 filed with the Office of Management and Enterprise  
10 Services shall bear the following certification:  
11 The best interests of the citizens of Oklahoma were  
12 better served in that conventional ground  
13 transportation was not practical or feasible for this  
14 trip, aircraft from the Department of Public Safety  
15 were not available for this trip, and no other claim  
16 has been or will be filed as a payment for the cost of  
17 transportation in connection with this trip.

18 c. The Oklahoma Department of Commerce may reimburse the  
19 Oklahoma Film and Music Office staff for the actual  
20 and necessary expenses for meals and other  
21 entertainment in order to promote the film and music  
22 industries in this state. Reimbursement of all actual  
23 and necessary expenses shall be in accordance with  
24 rules adopted by the Oklahoma Department of Commerce.

1        6. Office of Management and Enterprise Services:

2        The actual and necessary expenses of travel and subsistence  
3 incurred by the Director, any state employee approved by his or her  
4 appointing authority, or state officials, for travel outside the  
5 state in performance of duties related to bond financing shall be  
6 reimbursed to the employee or state official incurring such  
7 expenses. Reimbursement for lodging expenses shall be supported by  
8 three telephone bids from hotels within a reasonable distance of the  
9 activity for which the travel was approved.

10       7. Oklahoma Futures:

11       The actual and necessary expenses incurred by the members of  
12 Oklahoma Futures in the performance of their duties shall be  
13 reimbursed to the members incurring such expenses. Reimbursement of  
14 all actual and necessary expenses shall be in accordance with rules  
15 adopted by Oklahoma Futures.

16       8. Oklahoma Development Finance Authority:

17       The actual and necessary expenses incurred by the members and  
18 employees of the Oklahoma Development Finance Authority in the  
19 performance of their duties shall be reimbursed to the person  
20 incurring such expenses. Reimbursement of all actual and necessary  
21 expenses shall be in accordance with the bylaws of the Authority.

22       9. Oklahoma Center for the Advancement of Science and  
23 Technology:  
24

1       The actual and necessary expenses incurred by the members and  
2 employees of the Oklahoma Center for the Advancement of Science and  
3 Technology in the performance of their duties shall be reimbursed to  
4 the person incurring such expenses. Reimbursement of all actual and  
5 necessary expenses shall be in accordance with the bylaws of the  
6 Center.

7       10. Center for International Trade Development:

8       The actual and necessary expenses of travel, lodging and  
9 subsistence incurred by the Director and authorized employees of the  
10 Center for International Trade Development for performance of their  
11 duties for the purpose of business recruitment and assistance shall  
12 be reimbursed to the person incurring such expenses. Reimbursement  
13 of such expenses shall be in accordance with the rules adopted by  
14 the Director of the Center for International Trade Development.  
15 Expenses claimed shall be reviewed and individually approved or  
16 disapproved, prior to reimbursement, first by the Director, and  
17 finally by either the Vice President, Business and Finance of  
18 Oklahoma State University or the President of Oklahoma State  
19 University.

20       11. Oklahoma State Bureau of Investigation:

21       The actual and necessary expenses incurred by the Director and  
22 other employees of the Bureau authorized by the Director as a result  
23 of conducting investigations shall be reimbursed to each such  
24 employee incurring the expenses. Reimbursement of the expenses

1 shall be in accordance with rules adopted by the Director of the  
2 Oklahoma State Bureau of Investigation. Prior to reimbursement,  
3 expenses claimed shall be reviewed by the Director and individually  
4 approved or disapproved.

5 12. Department of Human Services:

- 6 a. The actual and necessary expenses of travel, lodging  
7 and subsistence incurred by employees of the Legal  
8 Division in the performance of their duties for the  
9 purpose of representing the Department of Human  
10 Services or any of its officials, employees,  
11 institutions or hospitals at any proceeding including  
12 depositions, held before any court, administrative  
13 body or representative thereof, shall be reimbursed to  
14 the employee incurring such expenses. Expenses  
15 claimed shall be approved by the General Counsel and  
16 the Director of Human Services prior to reimbursement.
- 17 b. The Department, at the discretion of the Director, may  
18 charter aircraft when determined by the Director such  
19 charter would be more practical or less expensive than  
20 normal modes of transportation and when aircraft of  
21 the Department of Public Safety are unavailable. The  
22 costs of such charter shall be exempt from the  
23 provisions of Section 500.6 of this title.

24 13. Oklahoma Health Care Authority:

1       The actual and necessary expenses of travel, lodging and  
2 subsistence incurred by employees of the Legal Division in the  
3 performance of their duties for the purpose of representing the  
4 Authority or any of its officials or employees, at any proceeding  
5 including depositions, held before any court, administrative body or  
6 representative thereof, shall be reimbursed to the employee  
7 incurring such expenses. Expenses claimed shall be approved by the  
8 Administrator prior to reimbursement.

9       14. Oklahoma State Bureau of Narcotics and Dangerous Drugs  
10 Control:

11       The actual and necessary expenses incurred by the Director and  
12 other employees of the Bureau authorized by the Director as a result  
13 of conducting investigations shall be reimbursed to each employee  
14 incurring the expenses. Reimbursement of the expenses shall be in  
15 accordance with rules adopted by the Director of the Oklahoma State  
16 Bureau of Narcotics and Dangerous Drugs Control. Prior to  
17 reimbursement, expenses claimed shall be reviewed by the Director  
18 and individually approved or disapproved.

19       15. University Hospitals:

20       The actual and necessary expenses of travel, lodging and  
21 subsistence incurred by employees of the Legal Office in the  
22 performance of their duties for the purpose of representing the  
23 University Hospitals or any of its officials, employees,  
24 institutions or hospitals at any proceeding including depositions,

1 held before any court, administrative body or representative  
2 thereof, shall be reimbursed to the employee incurring such  
3 expenses. Expenses shall be approved by the Chief Executive Officer  
4 of the University Hospitals or by the University Hospitals  
5 Authority.

6 16. Oklahoma Historical Society:

7 The actual and necessary expenses of travel, subsistence and  
8 entertainment incurred by the Executive Director, Deputy Director  
9 and any employees designated by the Executive Committee of the  
10 Oklahoma Historical Society Board of Directors in pursuing and  
11 developing programs and projects for the preservation and marketing  
12 of Oklahoma history shall be reimbursed to the person incurring the  
13 expenses. Reimbursement of expenses shall be in accordance with  
14 rules adopted by the Oklahoma Historical Society Board of Directors.  
15 Prior to reimbursement, expenses claimed shall be reviewed by the  
16 Executive Committee at a regularly scheduled meeting and each claim  
17 shall be individually approved or disapproved.

18 17. ~~The Oklahoma Department of Mines:~~

19 ~~The actual and necessary expenses of travel, lodging and~~  
20 ~~subsistence incurred by employees of the Department in the~~  
21 ~~performance of their duties for the purpose of representing the~~  
22 ~~Department or any of its officials or employees, at any proceeding,~~  
23 ~~hearing or meeting with federal agencies, boards, commissions,~~  
24 ~~congressional representatives, congressional committees or staff,~~

1 ~~shall be reimbursed to the employee incurring such expenses.~~

2 ~~Expenses claimed shall be approved by the Executive Director prior~~  
3 ~~to reimbursement.~~

4 ~~18.~~ The Office of Attorney General:

5 The actual and necessary expenses of travel, lodging and  
6 subsistence incurred by its employees in the performance of their  
7 duties for the purpose of representing the state, the Legislature,  
8 any state board, agency or commission, or any employee or official  
9 of the state entitled to representation, at any proceeding including  
10 depositions, held before any court, administrative body or any  
11 representative thereof, and the actual and necessary expenses  
12 incurred by employees as a result of conducting investigations shall  
13 be reimbursed to the employee incurring the expenses. The expenses  
14 shall be approved by the Attorney General prior to reimbursement.

15 ~~19.~~ 18. District Attorneys Council:

16 The actual and necessary expenses of travel, lodging and  
17 subsistence incurred by each district attorney and other employees  
18 of the district attorney authorized by the district attorney in the  
19 performance of their duties for any district other than the district  
20 for which they are employed for the purpose of representing the  
21 state, any county, or any employee or official of the state entitled  
22 to representation at any proceeding including depositions held  
23 before any court, administrative body or any representative of a  
24 court or administrative body, and the actual and necessary expenses

1 incurred as a result of conducting investigations shall be  
2 reimbursed to each employee incurring the expenses. Reimbursement  
3 of the expenses shall be in accordance with rules adopted by the  
4 District Attorneys Council. Prior to reimbursement, expenses  
5 claimed shall be reviewed by the Council and individually approved  
6 or disapproved.

7 ~~20.~~ 19. The Department of Securities:

8 The actual and necessary expenses of travel, lodging and  
9 subsistence incurred by the Administrator and other employees of the  
10 Department of Securities in the performance of their duties for the  
11 purpose of representing the Department of Securities, at any  
12 proceeding including depositions, held before any court,  
13 administrative body or any representative thereof, conducting on-  
14 site examinations, or conducting investigations, shall be reimbursed  
15 to each employee incurring the expenses. The expenses shall be  
16 approved by the Administrator of the Department of Securities prior  
17 to reimbursement.

18 ~~21.~~ 20. Corporation Commission:

19 The actual and necessary travel expenses incurred by the staff  
20 of the Public Utility Division as a result of conducting audits  
21 and/or reviews of utility service providers shall be reimbursed to  
22 each such employee incurring the expense. Reimbursement of the  
23 expenses shall be as set forth in procedures established by the  
24 appointing authority.

~~22.~~ 21. The Department of Human Services:

Employees of the Department of Human Services shall be reimbursed for their actual and necessary expenses of travel, lodging and subsistence incurred in the performance of their duties for the purpose of escorting and transporting children or adults in the care or custody of the Department:

- a. for out-of-state visitation, care, treatment and placement of a child welfare client,
- b. for out-of-state treatment for or placement of an adult protective services client,
- c. for out-of-state treatment for or placement of a resident of a state resource center, or
- d. for out-of-state treatment for or placement of an individual with a developmental disability who is living in the community in community residential services.

Expenses claimed shall be approved by the appropriate Division Administrator or Associate Director prior to reimbursement.

~~23.~~ 22. The Banking Department:

The actual and necessary expenses of travel and lodging incurred by the Commissioner and other employees of the Banking Department in the performance of their duties for the Banking Department shall be paid or reimbursed by the Banking Department to each employee

1 incurring the expenses. The expenses shall be approved by the  
2 Banking Commissioner prior to payment or reimbursement.

3 ~~24.~~ 23. Oklahoma Office of Homeland Security:

4 The actual and necessary expenses of travel, lodging, and  
5 subsistence incurred by the Oklahoma Homeland Security Director, as  
6 a result of the duties and responsibilities of the Director, shall  
7 be paid or reimbursed by the Oklahoma Office of Homeland Security.

8 ~~25.~~ 24. The Grand River Dam Authority:

9 The actual and necessary expenses of travel and lodging incurred  
10 by the Board of Directors and other employees of the district in the  
11 performance of their duties for the Grand River Dam Authority shall  
12 be paid or reimbursed by the district to each Director or employee  
13 incurring the expenses. The expenses shall be approved by the  
14 General Manager of the Grand River Dam Authority prior to payment or  
15 reimbursement.

16 ~~26.~~ 25. The Native American Cultural and Educational Authority:

17 The actual and necessary expenses incurred by the Directors and  
18 employees of the Native American Cultural and Educational Authority  
19 in performances of duties. The expenses shall be approved by the  
20 Director prior to payment or reimbursement.

21 ~~27.~~ 26. Oklahoma Department of Career and Technology Education:

22 The actual and necessary expenses incurred by the Director and  
23 other employees of the Department, authorized by the Director, for  
24 the purpose of business recruitment, training, and the provision of

1 technical assistance shall be reimbursed. Reimbursement of expenses  
2 shall be in accordance with rules adopted by the State Board of  
3 Career and Technology Education. Expenses claimed, prior to the  
4 reimbursement, will be reviewed by the Board and individually  
5 approved or disapproved.

6 C. The agencies listed in subsection B of this section shall be  
7 required to report annually the actual expenses excepted or exempted  
8 from Sections 500.1 through 500.18 of this title to the Governor,  
9 the President Pro Tempore of the Senate, and the Speaker of the  
10 House of Representatives. The report shall be submitted no later  
11 than the first day of September following the end of each fiscal  
12 year.

13 SECTION 78. AMENDATORY 82 O.S. 2021, Section 1020.2, is  
14 amended to read as follows:

15 Section 1020.2 A. It is hereby declared to be the public  
16 policy of this state, in the interest of the agricultural stability,  
17 domestic, municipal, industrial and other beneficial uses, general  
18 economy, health and welfare of the state and its citizens, to  
19 utilize the ground water resources of the state, and for that  
20 purpose to provide reasonable regulations for the allocation for  
21 reasonable use based on hydrologic surveys of fresh ground water  
22 basins or subbasins to determine a restriction on the production,  
23 based upon the acres overlying the ground water basin or subbasin.

1 B. The provisions of Section 1020.1 et seq. of this title shall  
2 not apply to the taking, using or disposal of salt water associated  
3 with the exploration, production or recovery of oil and gas. The  
4 provisions of this act shall not apply to the taking, using or  
5 disposal of water trapped in producing mines outside of a sensitive  
6 sole source groundwater basin or subbasin.

7 C. Except as provided for in subsection E of this section, the  
8 provisions of this act shall not apply to the taking, using or  
9 disposal of water trapped in producing mines:

10 1. That overlie a sensitive sole source groundwater basin or  
11 subbasin and have been permitted by the ~~Oklahoma~~ Department of ~~Mines~~  
12 Environmental Quality as of August 1, 2011;

13 2. That overlie a sensitive sole source groundwater basin or  
14 subbasin for which an initial application for a permit shall have  
15 been filed with the Oklahoma Department of Mines as of August 1,  
16 2011; or

17 3. That overlie a sensitive sole source groundwater basin or  
18 subbasin and for which a permit revision is approved by the ~~Oklahoma~~  
19 Department of ~~Mines~~ Environmental Quality.

20 Provided that the use of mine pit water, pursuant to a site-  
21 specific water management and conservation plan prepared in  
22 consultation with the Oklahoma Water Resources Board, by mines that  
23 are exempted from this act by the terms of this subsection and in  
24 furtherance of mine operations and associated manufacturing and

1 commercial activities on the mine site, shall be considered as  
2 permitted beneficial uses for all purposes under the laws of the  
3 state.

4 D. 1. Except with respect to the mines exempted from the terms  
5 of this act under subsections B and C of this section, the Oklahoma  
6 Water Resources Board, in coordination with the ~~Oklahoma~~ Department  
7 of ~~Mines~~ Environmental Quality, shall promulgate rules for the  
8 taking, using or disposal of water collecting in producing mine pits  
9 and emanating from a sensitive sole source groundwater basin or  
10 subbasin.

11 2. The rules promulgated by the Oklahoma Water Resources Board  
12 shall require, subject to a de minimis exemption to be promulgated  
13 therein, the development by the mine operator of provisions relating  
14 to the augmentation (a beneficial use) of stream flow or  
15 groundwater, and of site-specific water management and conservation  
16 plans, which plans shall establish threshold hydrologic monitoring,  
17 management and mitigation requirements that are based on relevant  
18 hydrologic surveys and investigations of the sensitive sole source  
19 groundwater basin or subbasin. Such plans submitted to the Oklahoma  
20 Water Resources Board shall be subject to the provisions of the  
21 Oklahoma Open Records Act.

22 3. The rules promulgated by the Oklahoma Water Resources Board  
23 shall contain provisions relating to augmentation of stream flow or  
24 groundwater, or both, to offset consumptive use of groundwater

1 collecting in the producing mine pit that emanates from a sensitive  
2 sole source groundwater basin or subbasin in amounts greater than  
3 the equal proportionate share of the maximum annual yield of the  
4 groundwater basin or subbasin established by the Oklahoma Water  
5 Resources Board that may be allocated to the owner or operator of  
6 the producing mine based on groundwater rights owned or leased by  
7 the owner or operator.

8 E. 1. By no later than January 1, 2013, the operator of a mine  
9 that is exempted from this act by the provisions of subsection C of  
10 this section shall adopt and implement a plan to monitor and report  
11 to the Board the accumulation and disposition of pit water during  
12 the previous calendar year. The operator shall also file with the  
13 Board interim quarterly reports containing information about the  
14 accumulation and disposition of pit water during the previous  
15 quarter. The first interim quarterly report for calendar year 2013  
16 shall be sent to the Board by June 30, 2013, and the annual report  
17 for the calendar year 2013 shall be sent to the Board by March 31,  
18 2014. Thereafter, the annual report for each calendar year shall be  
19 sent to the Board by March 31st of the following year. The  
20 monitoring plan will provide for the measurement or reasonable  
21 estimation of groundwater and surface water volumes, separately  
22 stated, entering the pit, of the water diverted from the pit, of the  
23 disposition of the water from the pit, and of the consumptive use,  
24 as defined in this section, of the mine pit water by the mine

1 operator. The reports received by the Board will be subject to the  
2 provisions of the Oklahoma Open Records Act. If an operator of a  
3 mine that is exempted from this act by the provisions of subsection  
4 C of this section fails to timely submit an interim quarterly report  
5 or annual report, the exemption of subsection C of this section  
6 shall no longer apply to the mine and the rules promulgated pursuant  
7 to subsection D of this section shall become applicable, provided  
8 that such rules shall contain provisions to allow the operator to  
9 show cause why the exemption contained in subsection C of this  
10 section should continue to apply.

11 2. If, at any time after March 31, 2015, the amount of  
12 groundwater from the pit (plus amounts of groundwater from permitted  
13 wells, if any) consumptively used in the preceding twelve (12)  
14 months by the mine operator at a mine described in paragraph 1 of  
15 this subsection exceeds the annual amount that is equivalent to the  
16 equal proportionate share of the maximum annual yield of the  
17 groundwater basin or subbasin that could be allocated to the owner  
18 or operator of the producing mine based on groundwater rights owned  
19 or leased by the owner or operator, then the exemption of subsection  
20 C of this section shall no longer apply and the provisions of  
21 subsection D of this section shall become applicable to the mine  
22 unless the mine operator submits a site-specific water management  
23 and conservation plan demonstrating, to the satisfaction of the  
24

1 Board, that such consumptive use of groundwater in amounts greater  
2 than the equivalent equal proportionate share either is:

- 3 a. offset by augmentation of stream water flow or  
4 augmentation of groundwater by recharge, or
- 5 b. not likely to reduce the natural flow of springs or  
6 streams emanating from a sensitive sole source  
7 groundwater basin or subbasin, or
- 8 c. satisfied by the owner or operator acquiring  
9 sufficient groundwater rights within ninety (90) days  
10 of the reported exceedance.

11 The plan submitted to the Board will be subject to the provisions of  
12 the Oklahoma Open Records Act. If the exemption of subsection C of  
13 this section no longer applies, the rules promulgated by the  
14 Oklahoma Water Resources Board pursuant to subsection D of this  
15 section shall provide a period of at least ninety (90) days to come  
16 into compliance.

17 3. If an operator of a mine that is exempt pursuant to  
18 subsection C of this section operates in compliance with a site-  
19 specific water management and conservation plan that complies with  
20 rules promulgated by the Board pursuant to subsection D of this  
21 section, the Board cannot otherwise require the operator of such  
22 mine to take an action or refrain from taking an action that would  
23 effectively prohibit any mining operation or practice that is  
24

1 otherwise allowed by the ~~Oklahoma~~ Department of ~~Mines~~ Environmental  
2 Quality.

3 F. For purposes of this section, "consumptive use" or  
4 "consumptively used" means diversion of water from a mine pit that  
5 is not returned to the groundwater basin or subbasin, or to a mine  
6 pit or holding basin, or to a definite stream, or to the land  
7 surface from which surface runoff flows into a mine pit. The term  
8 "consumptive use" includes the estimated moisture content driven off  
9 or carried away with the mined material transported off the mining  
10 site, plus the amount of evaporation from the mine pit that exceeds  
11 the amount of direct precipitation and surface runoff into the mine  
12 pit, plus any amounts for other proposed beneficial uses off the  
13 mining site.

14 G. Augmentation of stream flow or groundwater, pursuant to a  
15 site-specific water management and conservation plan prepared in  
16 consultation with the Oklahoma Water Resources Board, shall be  
17 considered a beneficial use and not waste, and shall not count  
18 against permitted surface water or groundwater usage, provided that  
19 taking, using or disposal of water from a producing mine for stream  
20 augmentation pursuant to a site-specific water management and  
21 conservation plan prepared in consultation with the Oklahoma Water  
22 Resources Board, may be claimed in annual water use reports as a  
23 beneficial use for purposes of the maintenance of the right to use  
24 surface water under any permit applicable to such mine. The mine

1 pit shall be considered a diversion point authorized by the surface  
2 water use permit issued to the mine operator whenever there is  
3 consumptive use of surface water or the surface water is used for  
4 stream augmentation.

5 SECTION 79. AMENDATORY 82 O.S. 2021, Section 1020.9C, is  
6 amended to read as follows:

7 Section 1020.9C A. For the purposes of this section, a  
8 "subject mine" shall mean a mine, as defined in paragraph 2 of  
9 Section 723 of Title 45 of the Oklahoma Statutes, that overlies a  
10 sensitive sole source groundwater basin or subbasin, exclusive of  
11 any mine that meets at least one of the following conditions:

12 1. As of November 1, 2019, was engaged in the permitted  
13 extraction of minerals from natural deposits; or

14 2. Satisfies the criteria of paragraph 1 or 2 of subsection C  
15 of Section 1020.2 of ~~Title 82 of the Oklahoma Statutes~~ this title;  
16 or

17 3. Is not to be permitted to operate for a period of more than  
18 five (5) years, with no extensions or renewals; or

19 4. The operation of which will not result in more than five (5)  
20 acre-feet per year of groundwater emanating from a sensitive sole  
21 source groundwater basin or subbasin to infiltrate its pit, as that  
22 term is defined in paragraph 12 of Section 723 of Title 45 of the  
23 Oklahoma Statutes.

1 B. Due to the inadequacy of existing technical resources,  
2 analytic tools and regulatory systems for purposes of the effective  
3 implementation of statutes relating to the operation of mines that  
4 may affect sensitive sole source groundwater basins or subbasins,  
5 the Legislature hereby declares and establishes a moratorium on the  
6 following actions:

7 1. The Oklahoma Water Resources Board shall not issue any  
8 permit or other administrative authorization for the appropriation,  
9 diversion, withdrawal or removal of water from or for the  
10 dewatering, in part or in full, of a pit, as defined in paragraph 12  
11 of Section 723 of Title 45 of the Oklahoma Statutes, of a subject  
12 mine; and

13 2. The Board shall not issue, allocate or recognize, pursuant  
14 to subsection D of Section 1020.2 of ~~Title 82 of the Oklahoma~~  
15 ~~Statutes~~ this title, Section 785:30-15-5 of the Oklahoma  
16 Administrative Code or any other provision of law, any offset to the  
17 consumptive use of water of a subject mine where such offset is  
18 based on a claimed augmentation of stream flow or groundwater.

19 C. The moratorium shall be in effect until such time as the  
20 Board, working in coordination with the Department of Environmental  
21 ~~Quality, the Department of Mines,~~ and East Central University and in  
22 cooperation with federal and tribal governmental agencies with  
23 interests in a subject mine that overlies a sensitive sole source  
24 groundwater basin or subbasin:

1        1. Completes the Enhanced Monitoring and Evaluation of  
2 Hydrologic Trends for the Eastern Arbuckle-Simpson Aquifer, South-  
3 Central Oklahoma and, based thereon, develops modeling and other  
4 technical tools capable of accurately measuring and projecting, as a  
5 matter both of incremental and cumulative effect, whether a proposed  
6 withdrawal of groundwater from a sensitive sole source groundwater  
7 basin or subbasin would degrade or interfere with springs and  
8 streams emanating therefrom;

9        2. Promulgates final rules to integrate the use of such studies  
10 and tools to administrative implementation of:

11            a. waste, degradation and interference analyses required  
12 by subparagraphs c and d of paragraph 1 and  
13 subparagraphs c and d of paragraph 2 of subsection A  
14 of Section 1020.9 of ~~Title 82 of the Oklahoma Statutes~~  
15 this title,

16            b. uniform minimum standards and requirements for the  
17 development of, and annual reporting regarding  
18 compliance with, site-specific water management and  
19 conservation plans pursuant to Section 1020.2 of ~~Title~~  
20 ~~82 of the Oklahoma Statutes~~ this title, with  
21 particular regard to methodologies for calculating  
22 amounts claimed in consumptive use of water and any  
23 claimed augmentation of stream flow or groundwater,  
24 and

1 c. consultation, review and approval of such site-  
2 specific water management and conservation plans, with  
3 specific provisions for making such consultations,  
4 reviews and approvals subject to Article 2 of the  
5 Administrative Procedures Act; and

6 3. Promulgates final rules to provide for effective interagency  
7 consultation and coordination of activities among the Board,~~the~~  
8 ~~Department of Mines~~ and the Department of Environmental Quality on  
9 all administrative matters relating to the operation of mines at  
10 locations that overlies a sensitive sole source groundwater basin or  
11 subbasin.

12 D. The Board is hereby authorized and instructed to promulgate  
13 rules to implement the provisions of this section.

14 E. The Board is hereby authorized to cooperate with federal,  
15 tribal and any other agency in this state in performing its  
16 responsibilities under this section.

17 SECTION 80. REPEALER 45 O.S. 2021, Sections 1, 1b, 3.1,  
18 32, 41, 46, and 938, are hereby repealed.

19 SECTION 81. RECODIFICATION 45 O.S. 2021, Section 1.2, as  
20 amended by Section 9 of this act, shall be recodified as Section  
21 3001.1 of Title 27A of the Oklahoma Statutes, unless there is  
22 created a duplication in numbering.

23 SECTION 82. RECODIFICATION 45 O.S. 2021, Section 1.3, as  
24 amended by Section 10 of this act, shall be recodified as Section

1 3001.2 of Title 27A of the Oklahoma Statutes, unless there is  
2 created a duplication in numbering.

3 SECTION 83. RECODIFICATION 45 O.S. 2021, Section 1.4, as  
4 amended by Section 11 of this act, shall be recodified as Section  
5 3001.3 of Title 27A of the Oklahoma Statutes, unless there is  
6 created a duplication in numbering.

7 SECTION 84. RECODIFICATION 45 O.S. 2021, Section 1.5, as  
8 amended by Section 12 of this act, shall be recodified as Section  
9 3001.4 of Title 27A of the Oklahoma Statutes, unless there is  
10 created a duplication in numbering.

11 SECTION 85. RECODIFICATION 45 O.S. 2021, Section 1a, as  
12 amended by Section 13 of this act, shall be recodified as Section  
13 3001.5 of Title 27A of the Oklahoma Statutes, unless there is  
14 created a duplication in numbering.

15 SECTION 86. RECODIFICATION 45 O.S. 2021, Section 1c, as  
16 amended by Section 14 of this act, shall be recodified as Section  
17 3001.6 of Title 27A of the Oklahoma Statutes, unless there is  
18 created a duplication in numbering.

19 SECTION 87. RECODIFICATION 45 O.S. 2021, Section 1d, as  
20 amended by Section 15 of this act, shall be recodified as Section  
21 3001.7 of Title 27A of the Oklahoma Statutes, unless there is  
22 created a duplication in numbering.

23 SECTION 88. RECODIFICATION 45 O.S. 2021, Section 1e, as  
24 amended by Section 16 of this act, shall be recodified as Section

1 3001.8 of Title 27A of the Oklahoma Statutes, unless there is  
2 created a duplication in numbering.

3 SECTION 89. RECODIFICATION 45 O.S. 2021, Section 1f, as  
4 amended by Section 17 of this act, shall be recodified as Section  
5 3001.9 of Title 27A of the Oklahoma Statutes, unless there is  
6 created a duplication in numbering.

7 SECTION 90. RECODIFICATION 45 O.S. 2021, Section 2, as  
8 amended by Section 18 of this act, shall be recodified as Section  
9 3002 of Title 27A of the Oklahoma Statutes, unless there is created  
10 a duplication in numbering.

11 SECTION 91. RECODIFICATION 45 O.S. 2021, Section 3, as  
12 amended by Section 19 of this act, shall be recodified as Section  
13 3003 of Title 27A of the Oklahoma Statutes, unless there is created  
14 a duplication in numbering.

15 SECTION 92. RECODIFICATION 45 O.S. 2021, Section 5, as  
16 amended by Section 20 of this act, shall be recodified as Section  
17 3005 of Title 27A of the Oklahoma Statutes, unless there is created  
18 a duplication in numbering.

19 SECTION 93. RECODIFICATION 45 O.S. 2021, Section 6, as  
20 amended by Section 21 of this act, shall be recodified as Section  
21 3006 of Title 27A of the Oklahoma Statutes, unless there is created  
22 a duplication in numbering.

23 SECTION 94. RECODIFICATION 45 O.S. 2021, Section 34, as  
24 amended by Section 23 of this act, shall be recodified as Section

1 3034 of Title 27A of the Oklahoma Statutes, unless there is created  
2 a duplication in numbering.

3 SECTION 95. RECODIFICATION 45 O.S. 2021, Section 44, as  
4 amended by Section 24 of this act, shall be recodified as Section  
5 3044 of Title 27A of the Oklahoma Statutes, unless there is created  
6 a duplication in numbering.

7 SECTION 96. RECODIFICATION 45 O.S. 2021, Section 45, as  
8 amended by Section 25 of this act, shall be recodified as Section  
9 3045 of Title 27A of the Oklahoma Statutes, unless there is created  
10 a duplication in numbering.

11 SECTION 97. RECODIFICATION 45 O.S. 2021, Section 46.1,  
12 as amended by Section 26 of this act, shall be recodified as Section  
13 3046.1 of Title 27A of the Oklahoma Statutes, unless there is  
14 created a duplication in numbering.

15 SECTION 98. RECODIFICATION 45 O.S. 2021, Section 48, as  
16 amended by Section 27 of this act, shall be recodified as Section  
17 3048 of Title 27A of the Oklahoma Statutes, unless there is created  
18 a duplication in numbering.

19 SECTION 99. RECODIFICATION 45 O.S. 2021, Section 723, as  
20 amended by Section 28 of this act, shall be recodified as Section  
21 3723 of Title 27A of the Oklahoma Statutes, unless there is created  
22 a duplication in numbering.

23 SECTION 100. RECODIFICATION 45 O.S. 2021, Section 724,  
24 as amended by Section 29 of this act, shall be recodified as Section

1 3724 of Title 27A of the Oklahoma Statutes, unless there is created  
2 a duplication in numbering.

3 SECTION 101. RECODIFICATION 45 O.S. 2021, Section 725,  
4 as amended by Section 30 of this act, shall be recodified as Section  
5 3725 of Title 27A of the Oklahoma Statutes, unless there is created  
6 a duplication in numbering.

7 SECTION 102. RECODIFICATION 45 O.S. 2021, Section 727,  
8 as amended by Section 31 of this act, shall be recodified as Section  
9 3727 of Title 27A of the Oklahoma Statutes, unless there is created  
10 a duplication in numbering.

11 SECTION 103. RECODIFICATION 45 O.S. 2021, Section 728,  
12 as amended by Section 32 of this act, shall be recodified as Section  
13 3728 of Title 27A of the Oklahoma Statutes, unless there is created  
14 a duplication in numbering.

15 SECTION 104. RECODIFICATION 45 O.S. 2021, Section 729,  
16 as amended by Section 33 of this act, shall be recodified as Section  
17 3729 of Title 27A of the Oklahoma Statutes, unless there is created  
18 a duplication in numbering.

19 SECTION 105. RECODIFICATION 45 O.S. 2021, Section 731,  
20 as amended by Section 34 of this act, shall be recodified as Section  
21 3731 of Title 27A of the Oklahoma Statutes, unless there is created  
22 a duplication in numbering.

23 SECTION 106. RECODIFICATION 45 O.S. 2021, Section 732,  
24 as amended by Section 35 of this act, shall be recodified as Section

1 3732 of Title 27A of the Oklahoma Statutes, unless there is created  
2 a duplication in numbering.

3 SECTION 107. RECODIFICATION 45 O.S. 2021, Section 733,  
4 as amended by Section 36 of this act, shall be recodified as Section  
5 3733 of Title 27A of the Oklahoma Statutes, unless there is created  
6 a duplication in numbering.

7 SECTION 108. RECODIFICATION 45 O.S. 2021, Section 734,  
8 as amended by Section 37 of this act, shall be recodified as Section  
9 3734 of Title 27A of the Oklahoma Statutes, unless there is created  
10 a duplication in numbering.

11 SECTION 109. RECODIFICATION 45 O.S. 2021, Section 735,  
12 as amended by Section 38 of this act, shall be recodified as Section  
13 3735 of Title 27A of the Oklahoma Statutes, unless there is created  
14 a duplication in numbering.

15 SECTION 110. RECODIFICATION 45 O.S. 2021, Section 738,  
16 as amended by Section 39 of this act, shall be recodified as Section  
17 3738 of Title 27A of the Oklahoma Statutes, unless there is created  
18 a duplication in numbering.

19 SECTION 111. RECODIFICATION 45 O.S. 2021, Section 742.1,  
20 as amended by Section 40 of this act, shall be recodified as Section  
21 3742.1 of Title 27A of the Oklahoma Statutes, unless there is  
22 created a duplication in numbering.

23 SECTION 112. RECODIFICATION 45 O.S. 2021, Section 742.2,  
24 as amended by Section 41 of this act, shall be recodified as Section

1 3742.2 of Title 27A of the Oklahoma Statutes, unless there is  
2 created a duplication in numbering.

3 SECTION 113. RECODIFICATION 45 O.S. 2021, Section 745.1,  
4 as amended by Section 42 of this act, shall be recodified as Section  
5 3745.1 of Title 27A of the Oklahoma Statutes, unless there is  
6 created a duplication in numbering.

7 SECTION 114. RECODIFICATION 45 O.S. 2021, Section 753,  
8 as amended by Section 43 of this act, shall be recodified as Section  
9 3753 of Title 27A of the Oklahoma Statutes, unless there is created  
10 a duplication in numbering.

11 SECTION 115. RECODIFICATION 45 O.S. 2021, Section 767,  
12 as amended by Section 44 of this act, shall be recodified as Section  
13 3767 of Title 27A of the Oklahoma Statutes, unless there is created  
14 a duplication in numbering.

15 SECTION 116. RECODIFICATION 45 O.S. 2021, Section 768,  
16 as amended by Section 45 of this act, shall be recodified as Section  
17 3768 of Title 27A of the Oklahoma Statutes, unless there is created  
18 a duplication in numbering.

19 SECTION 117. RECODIFICATION 45 O.S. 2021, Section 769,  
20 as amended by Section 46 of this act, shall be recodified as Section  
21 3769 of Title 27A of the Oklahoma Statutes, unless there is created  
22 a duplication in numbering.

23 SECTION 118. RECODIFICATION 45 O.S. 2021, Section 775,  
24 as amended by Section 47 of this act, shall be recodified as Section

1 3775 of Title 27A of the Oklahoma Statutes, unless there is created  
2 a duplication in numbering.

3 SECTION 119. RECODIFICATION 45 O.S. 2021, Section 780,  
4 as amended by Section 48 of this act, shall be recodified as Section  
5 3780 of Title 27A of the Oklahoma Statutes, unless there is created  
6 a duplication in numbering.

7 SECTION 120. RECODIFICATION 45 O.S. 2021, Section 786,  
8 as amended by Section 49 of this act, shall be recodified as Section  
9 3786 of Title 27A of the Oklahoma Statutes, unless there is created  
10 a duplication in numbering.

11 SECTION 121. RECODIFICATION 45 O.S. 2021, Section 787,  
12 as amended by Section 50 of this act, shall be recodified as Section  
13 3787 of Title 27A of the Oklahoma Statutes, unless there is created  
14 a duplication in numbering.

15 SECTION 122. RECODIFICATION 45 O.S. 2021, Section 852,  
16 as amended by Section 51 of this act, shall be recodified as Section  
17 3852 of Title 27A of the Oklahoma Statutes, unless there is created  
18 a duplication in numbering.

19 SECTION 123. RECODIFICATION 45 O.S. 2021, Section 901,  
20 as amended by Section 52 of this act, shall be recodified as Section  
21 3901 of Title 27A of the Oklahoma Statutes, unless there is created  
22 a duplication in numbering.

23 SECTION 124. RECODIFICATION 45 O.S. 2021, Section 902,  
24 as amended by Section 53 of this act, shall be recodified as Section

1 3902 of Title 27A of the Oklahoma Statutes, unless there is created  
2 a duplication in numbering.

3 SECTION 125. RECODIFICATION 45 O.S. 2021, Section 903,  
4 as amended by Section 54 of this act, shall be recodified as Section  
5 3903 of Title 27A of the Oklahoma Statutes, unless there is created  
6 a duplication in numbering.

7 SECTION 126. RECODIFICATION 45 O.S. 2021, Section 904,  
8 as amended by Section 55 of this act, shall be recodified as Section  
9 3904 of Title 27A of the Oklahoma Statutes, unless there is created  
10 a duplication in numbering.

11 SECTION 127. RECODIFICATION 45 O.S. 2021, Section 905,  
12 as amended by Section 56 of this act, shall be recodified as Section  
13 3905 of Title 27A of the Oklahoma Statutes, unless there is created  
14 a duplication in numbering.

15 SECTION 128. RECODIFICATION 45 O.S. 2021, Section 906,  
16 as amended by Section 57 of this act, shall be recodified as Section  
17 3906 of Title 27A of the Oklahoma Statutes, unless there is created  
18 a duplication in numbering.

19 SECTION 129. RECODIFICATION 45 O.S. 2021, Section 907,  
20 as amended by Section 58 of this act, shall be recodified as Section  
21 3907 of Title 27A of the Oklahoma Statutes, unless there is created  
22 a duplication in numbering.

23 SECTION 130. RECODIFICATION 45 O.S. 2021, Section 911,  
24 as amended by Section 59 of this act, shall be recodified as Section

1 3911 of Title 27A of the Oklahoma Statutes, unless there is created  
2 a duplication in numbering.

3 SECTION 131. RECODIFICATION 45 O.S. 2021, Section 918,  
4 as amended by Section 60 of this act, shall be recodified as Section  
5 3918 of Title 27A of the Oklahoma Statutes, unless there is created  
6 a duplication in numbering.

7 SECTION 132. RECODIFICATION 45 O.S. 2021, Section 931,  
8 as amended by Section 61 of this act, shall be recodified as Section  
9 3931 of Title 27A of the Oklahoma Statutes, unless there is created  
10 a duplication in numbering.

11 SECTION 133. RECODIFICATION 45 O.S. 2021, Section 938.1,  
12 as amended by Section 62 of this act, shall be recodified as Section  
13 3938.1 of Title 27A of the Oklahoma Statutes, unless there is  
14 created a duplication in numbering.

15 SECTION 134. RECODIFICATION 45 O.S. 2021, Section 950,  
16 as amended by Section 63 of this act, shall be recodified as Section  
17 3950 of Title 27A of the Oklahoma Statutes, unless there is created  
18 a duplication in numbering.

19 SECTION 135. RECODIFICATION 45 O.S. 2021, Section 1g,  
20 shall be recodified as Section 3001.10 of Title 27A of the Oklahoma  
21 Statutes, unless there is created a duplication in numbering.

22 SECTION 136. RECODIFICATION 45 O.S. 2021, Section 8,  
23 shall be recodified as Section 3008 of Title 27A of the Oklahoma  
24 Statutes, unless there is created a duplication in numbering.

1       SECTION 137.       RECODIFICATION       45 O.S. 2021, Section 9.1,  
2 shall be recodified as Section 3009.1 of Title 27A of the Oklahoma  
3 Statutes, unless there is created a duplication in numbering.

4       SECTION 138.       RECODIFICATION       45 O.S. 2021, Section 21.1,  
5 shall be recodified as Section 3021.1 of Title 27A of the Oklahoma  
6 Statutes, unless there is created a duplication in numbering.

7       SECTION 139.       RECODIFICATION       45 O.S. 2021, Section 33,  
8 shall be recodified as Section 3033 of Title 27A of the Oklahoma  
9 Statutes, unless there is created a duplication in numbering.

10       SECTION 140.       RECODIFICATION       45 O.S. 2021, Section 37,  
11 shall be recodified as Section 3037 of Title 27A of the Oklahoma  
12 Statutes, unless there is created a duplication in numbering.

13       SECTION 141.       RECODIFICATION       45 O.S. 2021, Section 40,  
14 shall be recodified as Section 3040 of Title 27A of the Oklahoma  
15 Statutes, unless there is created a duplication in numbering.

16       SECTION 142.       RECODIFICATION       45 O.S. 2021, Section 43,  
17 shall be recodified as Section 3043 of Title 27A of the Oklahoma  
18 Statutes, unless there is created a duplication in numbering.

19       SECTION 143.       RECODIFICATION       45 O.S. 2021, Sections 411,  
20 412, 413, 414, 415, 416, 417, 418, and 419, shall be recodified as  
21 Sections 3411, 3412, 3413, 3414, 3415, 3416, 3417, 3418, and 3419 of  
22 Title 27A of the Oklahoma Statutes, unless there is created a  
23 duplication in numbering.

24

1       SECTION 144.       RECODIFICATION       45 O.S. 2021, Section 421,  
2 shall be recodified as Section 3421 of Title 27A of the Oklahoma  
3 Statutes, unless there is created a duplication in numbering.

4       SECTION 145.       RECODIFICATION       45 O.S. 2021, Sections 423  
5 and 424, shall be recodified as Sections 3423 and 3424 of Title 27A  
6 of the Oklahoma Statutes, unless there is created a duplication in  
7 numbering.

8       SECTION 146.       RECODIFICATION       45 O.S. 2021, Section 430,  
9 shall be recodified as Section 3430 of Title 27A of the Oklahoma  
10 Statutes, unless there is created a duplication in numbering.

11       SECTION 147.       RECODIFICATION       45 O.S. 2021, Sections 434,  
12 435, 436, and 437, shall be recodified as Sections 3434, 3435, 3436,  
13 and 3437 of Title 27A of the Oklahoma Statutes, unless there is  
14 created a duplication in numbering.

15       SECTION 148.       RECODIFICATION       45 O.S. 2021, Sections 441  
16 and 442, shall be recodified as Sections 3441 and 3442 of Title 27A  
17 of the Oklahoma Statutes, unless there is created a duplication in  
18 numbering.

19       SECTION 149.       RECODIFICATION       45 O.S. 2021, Sections 477  
20 and 478, shall be recodified as Sections 3477 and 3478 of Title 27A  
21 of the Oklahoma Statutes, unless there is created a duplication in  
22 numbering.

23       SECTION 150.       RECODIFICATION       45 O.S. 2021, Sections 501,  
24 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514,

1 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, and 525, shall be  
2 recodified as Sections 3501, 3502, 3503, 3504, 3505, 3506, 3507,  
3 3508, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518,  
4 3519, 3520, 3521, 3522, 3523, 3524, and 3525 of Title 27A of the  
5 Oklahoma Statutes, unless there is created a duplication in  
6 numbering.

7 SECTION 151. RECODIFICATION 45 O.S. 2021, Section 527,  
8 shall be recodified as Section 3527 of Title 27A of the Oklahoma  
9 Statutes, unless there is created a duplication in numbering.

10 SECTION 152. RECODIFICATION 45 O.S. 2021, Section 528.1,  
11 shall be recodified as Section 3528.1 of Title 27A of the Oklahoma  
12 Statutes, unless there is created a duplication in numbering.

13 SECTION 153. RECODIFICATION 45 O.S. 2021, Section 528.2,  
14 shall be recodified as Section 3528.2 of Title 27A of the Oklahoma  
15 Statutes, unless there is created a duplication in numbering.

16 SECTION 154. RECODIFICATION 45 O.S. 2021, Section 528.3,  
17 shall be recodified as Section 3528.3 of Title 27A of the Oklahoma  
18 Statutes, unless there is created a duplication in numbering.

19 SECTION 155. RECODIFICATION 45 O.S. 2021, Section 529,  
20 shall be recodified as Section 3529 of Title 27A of the Oklahoma  
21 Statutes, unless there is created a duplication in numbering.

22 SECTION 156. RECODIFICATION 45 O.S. 2021, Section 580,  
23 shall be recodified as Section 3580 of Title 27A of the Oklahoma  
24 Statutes, unless there is created a duplication in numbering.

1       SECTION 157.       RECODIFICATION       45 O.S. 2021, Section 603,  
2 shall be recodified as Section 3603 of Title 27A of the Oklahoma  
3 Statutes, unless there is created a duplication in numbering.

4       SECTION 158.       RECODIFICATION       45 O.S. 2021, Section 604,  
5 shall be recodified as Section 3604 of Title 27A of the Oklahoma  
6 Statutes, unless there is created a duplication in numbering.

7       SECTION 159.       RECODIFICATION       45 O.S. 2021, Section 612,  
8 shall be recodified as Section 3612 of Title 27A of the Oklahoma  
9 Statutes, unless there is created a duplication in numbering.

10       SECTION 160.       RECODIFICATION       45 O.S. 2021, Sections 614,  
11 615, and 616, shall be recodified as Sections 3614, 3615, and 3616  
12 of Title 27A of the Oklahoma Statutes, unless there is created a  
13 duplication in numbering.

14       SECTION 161.       RECODIFICATION       45 O.S. 2021, Sections 721  
15 and 722, shall be recodified as Sections 3721 and 3722 of Title 27A  
16 of the Oklahoma Statutes, unless there is created a duplication in  
17 numbering.

18       SECTION 162.       RECODIFICATION       45 O.S. 2021, Section 726,  
19 shall be recodified as Section 3726 of Title 27A of the Oklahoma  
20 Statutes, unless there is created a duplication in numbering.

21       SECTION 163.       RECODIFICATION       45 O.S. 2021, Section 730,  
22 shall be recodified as Section 3730 of Title 27A of the Oklahoma  
23 Statutes, unless there is created a duplication in numbering.

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1       SECTION 164.       RECODIFICATION       45 O.S. 2021, Sections 736  
2 and 737, shall be recodified as Sections 3736 and 3737 of Title 27A  
3 of the Oklahoma Statutes, unless there is created a duplication in  
4 numbering.

5       SECTION 165.       RECODIFICATION       45 O.S. 2021, Sections  
6 740.1, 740.2, 740.3, 740.4, 740.5, 740.6, and 740.7, shall be  
7 recodified as Sections 3740.1, 3740.2, 3740.3, 3740.4, 3740.5,  
8 3740.6, and 3740.7 of Title 27A of the Oklahoma Statutes, unless  
9 there is created a duplication in numbering.

10       SECTION 166.       RECODIFICATION       45 O.S. 2021, Sections 744  
11 and 745, shall be recodified as Sections 3744 and 3745 of Title 27A  
12 of the Oklahoma Statutes, unless there is created a duplication in  
13 numbering.

14       SECTION 167.       RECODIFICATION       45 O.S. 2021, Section 745.2,  
15 shall be recodified as Section 3745.2 of Title 27A of the Oklahoma  
16 Statutes, unless there is created a duplication in numbering.

17       SECTION 168.       RECODIFICATION       45 O.S. 2021, Section 745.3,  
18 shall be recodified as Section 3745.3 of Title 27A of the Oklahoma  
19 Statutes, unless there is created a duplication in numbering.

20       SECTION 169.       RECODIFICATION       45 O.S. 2021, Section 745.4,  
21 shall be recodified as Section 3745.4 of Title 27A of the Oklahoma  
22 Statutes, unless there is created a duplication in numbering.

23

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1       SECTION 170.       RECODIFICATION       45 O.S. 2021, Section 745.5,  
2 shall be recodified as Section 3745.5 of Title 27A of the Oklahoma  
3 Statutes, unless there is created a duplication in numbering.

4       SECTION 171.       RECODIFICATION       45 O.S. 2021, Section 745.6,  
5 shall be recodified as Section 3745.6 of Title 27A of the Oklahoma  
6 Statutes, unless there is created a duplication in numbering.

7       SECTION 172.       RECODIFICATION       45 O.S. 2021, Section 745.7,  
8 shall be recodified as Section 3745.7 of Title 27A of the Oklahoma  
9 Statutes, unless there is created a duplication in numbering.

10       SECTION 173.       RECODIFICATION       45 O.S. 2021, Section 745.8,  
11 shall be recodified as Section 3745.8 of Title 27A of the Oklahoma  
12 Statutes, unless there is created a duplication in numbering.

13       SECTION 174.       RECODIFICATION       45 O.S. 2021, Section 745.9,  
14 shall be recodified as Section 3745.9 of Title 27A of the Oklahoma  
15 Statutes, unless there is created a duplication in numbering.

16       SECTION 175.       RECODIFICATION       45 O.S. 2021, Section  
17 745.10, shall be recodified as Section 3745.10 of Title 27A of the  
18 Oklahoma Statutes, unless there is created a duplication in  
19 numbering.

20       SECTION 176.       RECODIFICATION       45 O.S. 2021, Section  
21 745.11, shall be recodified as Section 3745.11 of Title 27A of the  
22 Oklahoma Statutes, unless there is created a duplication in  
23 numbering.

24

1       SECTION 177.       RECODIFICATION       45 O.S. 2021, Section  
2 745.12, shall be recodified as Section 3745.12 of Title 27A of the  
3 Oklahoma Statutes, unless there is created a duplication in  
4 numbering.

5       SECTION 178.       RECODIFICATION       45 O.S. 2021, Section  
6 745.13, shall be recodified as Section 3745.13 of Title 27A of the  
7 Oklahoma Statutes, unless there is created a duplication in  
8 numbering.

9       SECTION 179.       RECODIFICATION       45 O.S. 2021, Section  
10 745.14, shall be recodified as Section 3745.14 of Title 27A of the  
11 Oklahoma Statutes, unless there is created a duplication in  
12 numbering.

13       SECTION 180.       RECODIFICATION       45 O.S. 2021, Section  
14 745.15, shall be recodified as Section 3745.15 of Title 27A of the  
15 Oklahoma Statutes, unless there is created a duplication in  
16 numbering.

17       SECTION 181.       RECODIFICATION       45 O.S. 2021, Section  
18 745.16.1, shall be recodified as Section 3745.16.1 of Title 27A of  
19 the Oklahoma Statutes, unless there is created a duplication in  
20 numbering.

21       SECTION 182.       RECODIFICATION       45 O.S. 2021, Section  
22 745.17, shall be recodified as Section 3745.17 of Title 27A of the  
23 Oklahoma Statutes, unless there is created a duplication in  
24 numbering.

1       SECTION 183.       RECODIFICATION       45 O.S. 2021, Section  
2       745.18, shall be recodified as Section 3745.18 of Title 27A of the  
3       Oklahoma Statutes, unless there is created a duplication in  
4       numbering.

5       SECTION 184.       RECODIFICATION       45 O.S. 2021, Section  
6       745.19, shall be recodified as Section 3745.19 of Title 27A of the  
7       Oklahoma Statutes, unless there is created a duplication in  
8       numbering.

9       SECTION 185.       RECODIFICATION       45 O.S. 2021, Section  
10       745.20, shall be recodified as Section 3745.20 of Title 27A of the  
11       Oklahoma Statutes, unless there is created a duplication in  
12       numbering.

13       SECTION 186.       RECODIFICATION       45 O.S. 2021, Section  
14       745.21, shall be recodified as Section 3745.21 of Title 27A of the  
15       Oklahoma Statutes, unless there is created a duplication in  
16       numbering.

17       SECTION 187.       RECODIFICATION       45 O.S. 2021, Section  
18       745.22, shall be recodified as Section 3745.22 of Title 27A of the  
19       Oklahoma Statutes, unless there is created a duplication in  
20       numbering.

21       SECTION 188.       RECODIFICATION       45 O.S. 2021, Section 746,  
22       shall be recodified as Section 3746 of Title 27A of the Oklahoma  
23       Statutes, unless there is created a duplication in numbering.

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1       SECTION 189.       RECODIFICATION       45 O.S. 2021, Sections 747,  
2       748, 749, and 750, shall be recodified as Sections 3747, 3748, 3749,  
3       and 3750 of Title 27A of the Oklahoma Statutes, unless there is  
4       created a duplication in numbering.

5       SECTION 190.       RECODIFICATION       45 O.S. 2021, Section 751,  
6       shall be recodified as Section 3751 of Title 27A of the Oklahoma  
7       Statutes, unless there is created a duplication in numbering.

8       SECTION 191.       RECODIFICATION       45 O.S. 2021, Section 752,  
9       shall be recodified as Section 3752 of Title 27A of the Oklahoma  
10       Statutes, unless there is created a duplication in numbering.

11       SECTION 192.       RECODIFICATION       45 O.S. 2021, Section 754,  
12       shall be recodified as Section 3754 of Title 27A of the Oklahoma  
13       Statutes, unless there is created a duplication in numbering.

14       SECTION 193.       RECODIFICATION       45 O.S. 2021, Section 754.1,  
15       shall be recodified as Section 3754.1 of Title 27A of the Oklahoma  
16       Statutes, unless there is created a duplication in numbering.

17       SECTION 194.       RECODIFICATION       45 O.S. 2021, Section 754.2,  
18       shall be recodified as Section 3754.2 of Title 27A of the Oklahoma  
19       Statutes, unless there is created a duplication in numbering.

20       SECTION 195.       RECODIFICATION       45 O.S. 2021, Section 755,  
21       shall be recodified as Section 3755 of Title 27A of the Oklahoma  
22       Statutes, unless there is created a duplication in numbering.

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1       SECTION 196.       RECODIFICATION       45 O.S. 2021, Section 756,  
2 shall be recodified as Section 3756 of Title 27A of the Oklahoma  
3 Statutes, unless there is created a duplication in numbering.

4       SECTION 197.       RECODIFICATION       45 O.S. 2021, Section 757,  
5 shall be recodified as Section 3757 of Title 27A of the Oklahoma  
6 Statutes, unless there is created a duplication in numbering.

7       SECTION 198.       RECODIFICATION       45 O.S. 2021, Section 760,  
8 shall be recodified as Section 3760 of Title 27A of the Oklahoma  
9 Statutes, unless there is created a duplication in numbering.

10       SECTION 199.       RECODIFICATION       45 O.S. 2021, Section 760.1,  
11 shall be recodified as Section 3760.1 of Title 27A of the Oklahoma  
12 Statutes, unless there is created a duplication in numbering.

13       SECTION 200.       RECODIFICATION       45 O.S. 2021, Section 760.2,  
14 shall be recodified as Section 3760.2 of Title 27A of the Oklahoma  
15 Statutes, unless there is created a duplication in numbering.

16       SECTION 201.       RECODIFICATION       45 O.S. 2021, Section 761,  
17 shall be recodified as Section 3761 of Title 27A of the Oklahoma  
18 Statutes, unless there is created a duplication in numbering.

19       SECTION 202.       RECODIFICATION       45 O.S. 2021, Section 765,  
20 shall be recodified as Section 3765 of Title 27A of the Oklahoma  
21 Statutes, unless there is created a duplication in numbering.

22       SECTION 203.       RECODIFICATION       45 O.S. 2021, Section 766,  
23 shall be recodified as Section 3766 of Title 27A of the Oklahoma  
24 Statutes, unless there is created a duplication in numbering.

1       SECTION 204.       RECODIFICATION       45 O.S. 2021, Section 770,  
2 shall be recodified as Section 3770 of Title 27A of the Oklahoma  
3 Statutes, unless there is created a duplication in numbering.

4       SECTION 205.       RECODIFICATION       45 O.S. 2021, Section 771,  
5 shall be recodified as Section 3771 of Title 27A of the Oklahoma  
6 Statutes, unless there is created a duplication in numbering.

7       SECTION 206.       RECODIFICATION       45 O.S. 2021, Section 772,  
8 shall be recodified as Section 3772 of Title 27A of the Oklahoma  
9 Statutes, unless there is created a duplication in numbering.

10       SECTION 207.       RECODIFICATION       45 O.S. 2021, Section 773,  
11 shall be recodified as Section 3773 of Title 27A of the Oklahoma  
12 Statutes, unless there is created a duplication in numbering.

13       SECTION 208.       RECODIFICATION       45 O.S. 2021, Section 774,  
14 shall be recodified as Section 3774 of Title 27A of the Oklahoma  
15 Statutes, unless there is created a duplication in numbering.

16       SECTION 209.       RECODIFICATION       45 O.S. 2021, Section 776,  
17 shall be recodified as Section 3776 of Title 27A of the Oklahoma  
18 Statutes, unless there is created a duplication in numbering.

19       SECTION 210.       RECODIFICATION       45 O.S. 2021, Section 777,  
20 shall be recodified as Section 3777 of Title 27A of the Oklahoma  
21 Statutes, unless there is created a duplication in numbering.

22       SECTION 211.       RECODIFICATION       45 O.S. 2021, Section 778,  
23 shall be recodified as Section 3778 of Title 27A of the Oklahoma  
24 Statutes, unless there is created a duplication in numbering.

1       SECTION 212.       RECODIFICATION       45 O.S. 2021, Section 779,  
2 shall be recodified as Section 3779 of Title 27A of the Oklahoma  
3 Statutes, unless there is created a duplication in numbering.

4       SECTION 213.       RECODIFICATION       45 O.S. 2021, Section 781,  
5 shall be recodified as Section 3781 of Title 27A of the Oklahoma  
6 Statutes, unless there is created a duplication in numbering.

7       SECTION 214.       RECODIFICATION       45 O.S. 2021, Section 782,  
8 shall be recodified as Section 3782 of Title 27A of the Oklahoma  
9 Statutes, unless there is created a duplication in numbering.

10       SECTION 215.       RECODIFICATION       45 O.S. 2021, Section 783,  
11 shall be recodified as Section 3783 of Title 27A of the Oklahoma  
12 Statutes, unless there is created a duplication in numbering.

13       SECTION 216.       RECODIFICATION       45 O.S. 2021, Section 784,  
14 shall be recodified as Section 3784 of Title 27A of the Oklahoma  
15 Statutes, unless there is created a duplication in numbering.

16       SECTION 217.       RECODIFICATION       45 O.S. 2021, Section 785,  
17 shall be recodified as Section 3785 of Title 27A of the Oklahoma  
18 Statutes, unless there is created a duplication in numbering.

19       SECTION 218.       RECODIFICATION       45 O.S. 2021, Section 788,  
20 shall be recodified as Section 3788 of Title 27A of the Oklahoma  
21 Statutes, unless there is created a duplication in numbering.

22       SECTION 219.       RECODIFICATION       45 O.S. 2021, Section 789,  
23 shall be recodified as Section 3789 of Title 27A of the Oklahoma  
24 Statutes, unless there is created a duplication in numbering.

1       SECTION 220.       RECODIFICATION       45 O.S. 2021, Section 790,  
2 shall be recodified as Section 3790 of Title 27A of the Oklahoma  
3 Statutes, unless there is created a duplication in numbering.

4       SECTION 221.       RECODIFICATION       45 O.S. 2021, Section 791,  
5 shall be recodified as Section 3791 of Title 27A of the Oklahoma  
6 Statutes, unless there is created a duplication in numbering.

7       SECTION 222.       RECODIFICATION       45 O.S. 2021, Section 791.1,  
8 shall be recodified as Section 3791.1 of Title 27A of the Oklahoma  
9 Statutes, unless there is created a duplication in numbering.

10       SECTION 223.       RECODIFICATION       45 O.S. 2021, Section 792,  
11 shall be recodified as Section 3792 of Title 27A of the Oklahoma  
12 Statutes, unless there is created a duplication in numbering.

13       SECTION 224.       RECODIFICATION       45 O.S. 2021, Section 793,  
14 shall be recodified as Section 3793 of Title 27A of the Oklahoma  
15 Statutes, unless there is created a duplication in numbering.

16       SECTION 225.       RECODIFICATION       45 O.S. 2021, Section 851,  
17 shall be recodified as Section 3851 of Title 27A of the Oklahoma  
18 Statutes, unless there is created a duplication in numbering.

19       SECTION 226.       RECODIFICATION       45 O.S. 2021, Section 853,  
20 shall be recodified as Section 3853 of Title 27A of the Oklahoma  
21 Statutes, unless there is created a duplication in numbering.

22       SECTION 227.       RECODIFICATION       45 O.S. 2021, Sections 908,  
23 909, and 910, shall be recodified as Sections 3908, 3909, and 3910  
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1 of Title 27A of the Oklahoma Statutes, unless there is created a  
2 duplication in numbering.

3 SECTION 228. RECODIFICATION 45 O.S. 2021, Sections 912,  
4 913, 914, 915, 916, and 917, shall be recodified as Sections 3912,  
5 3913, 3914, 3915, 3916 and 3917 of Title 27A of the Oklahoma  
6 Statutes, unless there is created a duplication in numbering.

7 SECTION 229. RECODIFICATION 45 O.S. 2021, Section 919,  
8 shall be recodified as Section 3919 of Title 27A of the Oklahoma  
9 Statutes, unless there is created a duplication in numbering.

10 SECTION 230. RECODIFICATION 45 O.S. 2021, Sections 932,  
11 933, 934, 935, 936, and 937, shall be recodified as Sections 3932,  
12 3933, 3934, 3935, 3936, and 3937 of Title 27A of the Oklahoma  
13 Statutes, unless there is created a duplication in numbering.

14 SECTION 231. RECODIFICATION 45 O.S. 2021, Section 939,  
15 shall be recodified as Section 3939 of Title 27A of the Oklahoma  
16 Statutes, unless there is created a duplication in numbering.

17 SECTION 232. RECODIFICATION 45 O.S. 2021, Section 939.1,  
18 shall be recodified as Section 3939.1 of Title 27A of the Oklahoma  
19 Statutes, unless there is created a duplication in numbering.

20 SECTION 233. RECODIFICATION 45 O.S. 2021, Section 940,  
21 shall be recodified as Section 3940 of Title 27A of the Oklahoma  
22 Statutes, unless there is created a duplication in numbering.

23 SECTION 234. This act shall become effective July 1, 2022.

24

SECTION 235. It being immediately necessary for the  
preservation of the public peace, health or safety, an emergency is  
hereby declared to exist, by reason whereof this act shall take  
effect and be in full force from and after its passage and approval.

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