

1 **SENATE FLOOR VERSION**

2 March 1, 2023

3 SENATE BILL NO. 512

By: McCortney and Kidd of the  
Senate

4 and

5 McCall of the House

6  
7  
8 [ Department of Environmental Quality - Division of  
9 Mines - transfer - state environmental agencies -  
10 violations - certificates - permits - examinations -  
11 inspections - bonds - reclamation - appeals - mining  
12 - restoration - penalties - limitations - appeals -  
rules and regulations - public funds -  
confidentiality - tax credit - exemptions - mines -  
repealer - codification - recodification - effective  
date -

emergency ]

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14  
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

19 A. There is hereby created within the Department of  
20 Environmental Quality a Division of Mines, which shall fulfill the  
21 role of the Department of Mines created by Section 25 of Article VI  
22 of the Oklahoma Constitution.

23 B. The Department of Mines is hereby consolidated into the  
24 Department of Environmental Quality as the Division of Mines

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

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

17 D. All functions, powers, duties, and obligations previously  
18 assigned to the consolidated agency are hereby transferred to the  
19 Department of Environmental Quality.

20 E. All rules, regulations, acts, orders, determinations, and  
21 decisions of the consolidated agency pertaining to the functions and  
22 powers transferred and assigned to the Department of Environmental  
23 Quality pursuant to this act, in force at the time of such transfer,  
24 assignment, assumption, or devolution shall continue in force and

1 effect as rules, regulations, acts, orders, determinations, and  
2 decisions of the consolidated agency until duly modified or  
3 abrogated by the appropriate body or until otherwise provided by  
4 law.

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

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

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

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

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

4           3. "Environment" includes the air, land, wildlife, and waters  
5 of the state;

6           4. "Federal Safe Drinking Water Act" means the federal law at  
7 42 U.S.C., Section 300 et seq., as amended;

8           5. "Groundwater protection agencies" include the:

9           a. Oklahoma Water Resources Board,

10           b. Oklahoma Corporation Commission,

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

13           d. Department of Environmental Quality, and

14           e. Conservation Commission, ~~and~~

15           ~~f. Department of Mines;~~

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

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

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

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

13          10. "Pollution" means the presence in the environment of any  
14 substance, contaminant or pollutant, or any other alteration of the  
15 physical, chemical or biological properties of the environment or  
16 the release of any liquid, gaseous or solid substance into the  
17 environment in quantities which are or will likely create a nuisance  
18 or which render or will likely render the environment harmful or  
19 detrimental or injurious to public health, safety or welfare, or to  
20 domestic, commercial, industrial, agricultural, recreational, or  
21 other legitimate beneficial uses, or to livestock, wild animals,  
22 birds, fish or other aquatic life, or to property;

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

4 12. "State agencies with limited environmental  
5 responsibilities" means:

- 6 a. the Department of Public Safety,
- 7 b. the Department of Labor, and
- 8 c. the Department of Civil Emergency Management;

9 13. "State environmental agency" includes the:

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

17 14. "Storm water" means rain water runoff, snow melt runoff,  
18 and surface runoff and drainage;

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

22 16. "Waste" means any liquid, gaseous or solid or semi-solid  
23 substance, or thermal component, whether domestic, municipal,  
24 commercial, agricultural or industrial in origin, which may pollute

1 or contaminate or tend to pollute or contaminate, any air, land or  
2 waters of the state;

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

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

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

22 20. "Waters of the state" means all streams, lakes, ponds,  
23 marshes, watercourses, waterways, wells, springs, irrigation  
24 systems, drainage systems, storm sewers and all other bodies or

1 accumulations of water, surface and underground, natural or  
2 artificial, public or private, which are contained within, flow  
3 through, or border upon this state or any portion thereof, and shall  
4 include under all circumstances the waters of the United States  
5 which are contained within the boundaries of, flow through or border  
6 upon this state or any portion thereof. Provided, waste treatment  
7 systems, including treatment ponds or lagoons designed to meet  
8 federal and state requirements other than cooling ponds as defined  
9 in the Clean Water Act or rules promulgated thereto and prior  
10 converted cropland are not waters of the state; and

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

15 SECTION 3. AMENDATORY 27A O.S. 2021, Section 1-3-101, as  
16 last amended by Section 4, Chapter 185, O.S.L. 2022 (27A O.S. Supp.  
17 2022, Section 1-3-101), is amended to read as follows:

18 Section 1-3-101. A. The provisions of this section specify the  
19 jurisdictional areas of responsibility for each state environmental  
20 agency and state agencies with limited environmental responsibility.  
21 The jurisdictional areas of environmental responsibility specified  
22 in this section shall be in addition to those otherwise provided by  
23 law and assigned to the specific state environmental agency;  
24 provided that any rule, interagency agreement or executive order



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

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

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

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

21 3. Technical lead agency for point source, nonpoint source and  
22 storm water pollution control programs funded under Section 106 of  
23 the federal Clean Water Act, for areas within the Department's  
24 jurisdiction as provided in this subsection;

- 1 4. Surface water and groundwater quality and protection and  
2 water quality certifications;
- 3 5. Waterworks and wastewater works operator certification;
- 4 6. Public and private water supplies;
- 5 7. Underground injection control pursuant to the federal Safe  
6 Drinking Water Act and 40 CFR Parts 144 through 148, except for:
- 7 a. Class II injection wells,
- 8 b. Class V injection wells utilized in the remediation of  
9 groundwater associated with underground or aboveground  
10 storage tanks regulated by the Corporation Commission,
- 11 c. those wells used for the recovery, injection or  
12 disposal of mineral brines as defined in the Oklahoma  
13 Brine Development Act regulated by the Commission, and
- 14 d. any aspect of any CO<sub>2</sub> sequestration facility including  
15 any associated CO<sub>2</sub> injection well, over which the  
16 Commission is given jurisdiction pursuant to the  
17 Oklahoma Carbon Capture and Geologic Sequestration  
18 Act;
- 19 8. Notwithstanding any other provision in this section or other  
20 environmental jurisdiction statute, sole and exclusive jurisdiction  
21 for air quality under the federal Clean Air Act and applicable state  
22 law, except for indoor air quality and asbestos as regulated for  
23 worker safety by the federal Occupational Safety and Health Act and  
24 by Chapter 11 of Title 40 of the Oklahoma Statutes;

1           9. Hazardous waste and solid waste including industrial,  
2 commercial and municipal waste;

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

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

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

17           13. Emergency response as specified by law;

18           14. Environmental laboratory services and laboratory  
19 certification;

20           15. Hazardous substances other than branding, package and  
21 labeling requirements;

22           16. Freshwater wellhead protection;

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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 Oklahoma Water Quality  
14 Standards, their accompanying use support assessment protocols,  
15 anti-degradation policies generally affecting Oklahoma Water Quality  
16 Standards application and implementation including but not limited  
17 to mixing zones, low flows and variances or any modification or  
18 change thereof pursuant to Section 1085.30 of Title 82 of the  
19 Oklahoma Statutes, and the Implementation Plan pursuant to Section  
20 1-1-202 of this title for its jurisdictional area of environmental  
21 responsibility; ~~and~~

22 22. Development and utilization of policies and requirements  
23 necessary for the implementation of Oklahoma Groundwater Quality  
24 Standards to the extent that the implementation of such standards

1 are within the scope of the Department's jurisdiction including but  
2 not limited to the establishment of points of compliance when  
3 warranted;

4 23. Mining regulation; and

5 24. Mining reclamation of active mines.

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

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

12 2. Weather modification;

13 3. Dam safety;

14 4. Flood plain management;

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

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

22 7. Water well drillers/pump installers licensing;

23 8. Technical lead agency for clean lakes eligible for funding  
24 under Section 314 of the federal Clean Water Act or other applicable

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

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

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

15 11. Development of classifications and identification of  
16 permitted uses of groundwater, in recognized water rights, and  
17 associated groundwater recharge areas;

18 12. Establishment and implementation of a statewide beneficial  
19 use monitoring program for waters of the state in coordination with  
20 the other state environmental agencies;

21 13. Coordination with other state environmental agencies and  
22 other public entities of water resource investigations conducted by  
23 the federal United States Geological Survey for water quality and  
24 quantity monitoring in the state; and

1 14. Development and submission of a report concerning the  
2 status of water quality monitoring in this state pursuant to Section  
3 1-1-202 of this title.

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

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

8 a. point source discharges and nonpoint source runoff  
9 from agricultural crop production, agricultural  
10 services, livestock production, silviculture, feed  
11 yards, livestock markets and animal waste,

12 b. pesticide control,

13 c. forestry and nurseries,

14 d. fertilizer,

15 e. facilities which store grain, feed, seed, fertilizer  
16 and agricultural chemicals,

17 f. dairy waste and wastewater associated with milk  
18 production facilities,

19 g. groundwater protection for activities subject to the  
20 jurisdictional areas of environmental responsibility  
21 of the Department,

22 h. utilization and enforcement of Oklahoma Water Quality  
23 Standards and implementation documents,  
24

- 1 i. development and promulgation of a Water Quality  
2 Standards Implementation Plan pursuant to Section 1-1-  
3 202 of this title for its jurisdictional areas of  
4 environmental responsibility, and  
5 j. storm water discharges for activities subject to the  
6 jurisdictional areas of environmental responsibility  
7 of the Department.

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

- 12 a. (1) commercial manufacturers of fertilizers, grain  
13 and feed products, and chemicals, and over  
14 manufacturing of food and kindred products,  
15 tobacco, paper, lumber, wood, textile mill and  
16 other agricultural products,  
17 (2) slaughterhouses, but not including feedlots at  
18 these facilities, and  
19 (3) aquaculture and fish hatcheries  
20 including, but not limited to, discharges of  
21 pollutants and storm water to waters of the state,  
22 surface impoundments and land application of wastes  
23 and sludge, and other pollution originating at these  
24 facilities, and



1           b. facilities which store grain, feed, seed, fertilizer,  
2           and agricultural chemicals that are required by  
3           federal NPDES regulations to obtain a permit for storm  
4           water discharges shall only be subject to the  
5           jurisdiction of the Department of Environmental  
6           Quality with respect to such storm water discharges.

7           E. Corporation Commission.

8           1. The Corporation Commission is hereby vested with exclusive  
9           jurisdiction, power and authority, and it shall be its duty to  
10          promulgate and enforce rules, and issue and enforce orders governing  
11          and regulating:

12           a. the conservation of oil and gas,

13           b. field operations for geologic and geophysical  
14           exploration for oil, gas and brine including seismic  
15           survey wells, stratigraphic test wells and core test  
16           wells,

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

19           d. the exploration, drilling, development, production and  
20           operation of wells used in connection with the  
21           recovery, injection or disposal of mineral brines,

22           e. reclaiming facilities only for the processing of salt  
23           water, crude oil, natural gas condensate and tank  
24           bottoms or basic sediment from crude oil tanks,

1 pipelines, pits and equipment associated with the  
2 exploration, drilling, development, producing or  
3 transportation of oil or gas,

4 f. underground injection control pursuant to the federal  
5 Safe Drinking Water Act and 40 CFR Parts 144 through  
6 148 of:

7 (1) Class II injection wells,

8 (2) Class V injection wells utilized in the  
9 remediation of groundwater associated with  
10 underground or aboveground storage tanks  
11 regulated by the Commission,

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

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

20 Any substance that the United States Environmental  
21 Protection Agency allows to be injected into a Class  
22 II well may continue to be so injected,

23 g. tank farms for storage of crude oil and petroleum  
24 products which are located outside the boundaries of

1 refineries, petrochemical manufacturing plants,  
2 natural gas liquid extraction plants, or other  
3 facilities which are subject to the jurisdiction of  
4 the Department of Environmental Quality with regard to  
5 point source discharges,

6 h. the construction and operation of pipelines and  
7 associated rights-of-way, equipment, facilities or  
8 buildings used in the transportation of oil, gas,  
9 petroleum, petroleum products, anhydrous ammonia or  
10 mineral brine, or in the treatment of oil, gas or  
11 mineral brine during the course of transportation but  
12 not including line pipes in any:

13 (1) natural gas liquids extraction plant,

14 (2) refinery,

15 (3) reclaiming facility other than for those  
16 specified within subparagraph e of this  
17 subsection,

18 (4) mineral brine processing plant, and

19 (5) petrochemical manufacturing plant,

20 i. the handling, transportation, storage and disposition  
21 of saltwater, mineral brines, waste oil and other  
22 deleterious substances produced from or obtained or  
23 used in connection with the drilling, development,  
24 producing and operating of oil and gas wells, at:

1 (1) any facility or activity specifically listed in  
2 paragraphs 1 and 2 of this subsection as being  
3 subject to the jurisdiction of the Commission,  
4 and

5 (2) other oil and gas extraction facilities and  
6 activities,

7 j. spills of deleterious substances associated with  
8 facilities and activities specified in paragraph 1 of  
9 this subsection or associated with other oil and gas  
10 extraction facilities and activities,

11 k. subsurface storage of oil, natural gas and liquefied  
12 petroleum gas in geologic strata,

13 l. groundwater protection for activities subject to the  
14 jurisdictional areas of environmental responsibility  
15 of the Commission,

16 m. utilization and enforcement of Oklahoma Water Quality  
17 Standards and implementation documents, and

18 n. development and promulgation of a Water Quality  
19 Standards Implementation Plan pursuant to Section 1-1-  
20 202 of this title for its jurisdictional areas of  
21 environmental responsibility.

22 2. The exclusive jurisdiction, power and authority of the  
23 Commission shall also extend to the construction, operation,  
24 maintenance, site remediation, closure and abandonment of the

1 facilities and activities described in paragraph 1 of this  
2 subsection.

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

11 4. The Commission and the Department of Environmental Quality  
12 are hereby authorized to obtain authorization from the Environmental  
13 Protection Agency to administer, within their respective  
14 jurisdictions, any and all programs regulating oil and gas  
15 discharges into the waters of this state. For purposes of the  
16 federal Clean Water Act, any facility or activity which is subject  
17 to the jurisdiction of the Commission pursuant to paragraph 1 of  
18 this subsection and any other oil and gas extraction facility or  
19 activity which requires a permit for the discharge of a pollutant or  
20 storm water to waters of the United States shall be subject to the  
21 direct jurisdiction and permitting authority of the Oklahoma agency  
22 having received delegation of this program from the Environmental  
23 Protection Agency.

24 5. The Commission shall have jurisdiction over:

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

16 b. aboveground storage tanks that contain antifreeze,  
17 motor oil, motor fuel, gasoline, kerosene, diesel, or  
18 aviation fuel and that are not located at refineries  
19 or at the upstream or intermediate shipment points of  
20 pipeline operations including, but not limited to,  
21 tanks from which these materials are dispensed into  
22 vehicles, or tanks used in wholesale or bulk  
23 distribution activities, as well as leaks from pumps,  
24 hoses, dispensers, and other ancillary equipment

1 associated with the tanks, whether above the ground or  
2 below; provided, that any point source discharge of a  
3 pollutant to waters of the United States during site  
4 remediation or the off-site disposal of contaminated  
5 soil, media, or debris shall be regulated by the  
6 Department of Environmental Quality, and

7 c. the Petroleum Storage Tank Release Environmental  
8 Cleanup Indemnity Fund, the Oklahoma Petroleum Storage  
9 Tank Release Indemnity Program, and the Oklahoma  
10 Leaking Underground Storage Tank Trust Fund.

11 6. The Department of Environmental Quality shall have sole  
12 jurisdiction to regulate the transportation, discharge or release of  
13 deleterious substances or solid or hazardous waste or other  
14 pollutants from rolling stock and rail facilities. The Department  
15 of Environmental Quality shall not have any jurisdiction with  
16 respect to pipeline transportation of carbon dioxide.

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

20 a. refineries, petrochemical manufacturing plants and  
21 natural gas liquid extraction plants,

22 b. manufacturing of equipment and products related to oil  
23 and gas,  
24

1 c. bulk terminals, aboveground and underground storage  
2 tanks not subject to the jurisdiction of the  
3 Commission pursuant to this subsection, and

4 d. other facilities, activities and sources not subject  
5 to the jurisdiction of the Commission or the Oklahoma  
6 Department of Agriculture, Food, and Forestry as  
7 specified by this section.

8 8. The Department of Environmental Quality shall have sole  
9 environmental jurisdiction to regulate air emissions from all  
10 facilities and sources subject to operating permit requirements  
11 under Title V of the federal Clean Air Act as amended.

12 F. Oklahoma Conservation Commission. The Oklahoma Conservation  
13 Commission shall have the following jurisdictional areas of  
14 environmental responsibility:

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

17 2. Monitoring, evaluation and assessment of waters to determine  
18 the condition of streams and rivers being impacted by nonpoint  
19 source pollution. In carrying out this area of responsibility, the  
20 Oklahoma Conservation Commission shall serve as the technical lead  
21 agency for nonpoint source categories as defined in Section 319 of  
22 the federal Clean Water Act or other subsequent federal or state  
23 nonpoint source programs, except for activities related to  
24



1 industrial and municipal storm water or as otherwise provided by  
2 state law;

- 3 3. Wetlands strategy;
- 4 4. Abandoned mine reclamation;
- 5 5. Cost-share program for land use activities;
- 6 6. Assessment and conservation plan development and  
7 implementation in watersheds of clean lakes, as specified by law;
- 8 7. Complaint data management;
- 9 8. Coordination of environmental and natural resources  
10 education;
- 11 9. Federal upstream flood control program;
- 12 10. Groundwater protection for activities subject to the  
13 jurisdictional areas of environmental responsibility of the  
14 Commission;
- 15 11. Development and promulgation of a Water Quality Standards  
16 Implementation Plan pursuant to Section 1-1-202 of this title for  
17 its jurisdictional areas of environmental responsibility;
- 18 12. Utilization of Oklahoma Water Quality Standards and  
19 Implementation documents; and
- 20 13. Verification and certification of carbon sequestration  
21 pursuant to the Oklahoma Carbon Sequestration Enhancement Act. This  
22 responsibility shall not be superseded by the Oklahoma Carbon  
23 Capture and Geologic Sequestration Act.

24

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

3        ~~1. Mining regulation;~~

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

5        ~~3. Groundwater protection for activities subject to the~~  
6 ~~jurisdictional areas of environmental responsibility of the~~  
7 ~~Commission; and~~

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

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

14        1. Investigating wildlife kills;

15        2. Wildlife protection and seeking wildlife damage claims; and

16        3. Development and promulgation of a Water Quality Standards  
17 Implementation Plan pursuant to Section 1-1-202 of this title for  
18 its jurisdictional areas of environmental responsibility.

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

22        1. Hazardous waste, substances and material transportation  
23 inspections as authorized by the Oklahoma Motor Carrier Safety and  
24 Hazardous Materials Transportation Act; and

1           2. Inspection and audit activities of hazardous waste and  
2 materials carriers and handlers as authorized by the Oklahoma Motor  
3 Carrier Safety and Hazardous Materials Transportation Act.

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

6           1. Regulation of asbestos in the workplace pursuant to Chapter  
7 11 of Title 40 of the Oklahoma Statutes;

8           2. Asbestos monitoring in public and private buildings; and

9           3. Indoor air quality as regulated under the authority of the  
10 Oklahoma Occupational Health and Safety Standards Act, except for  
11 those indoor air quality issues specifically authorized to be  
12 regulated by another agency.

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

15           ~~¶~~ J. Oklahoma Department of Emergency Management. The  
16 Oklahoma Department of Emergency Management shall have the following  
17 jurisdictional areas of environmental responsibilities:

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

21           2. Administer and enforce the planning requirements of Title  
22 III of the Superfund Amendments and Reauthorization Act of 1986 and  
23 develop such other emergency operations plans that will enable the  
24 state to prepare for, respond to, recover from and mitigate

1 potential environmental emergencies and disasters pursuant to the  
2 Oklahoma Hazardous Materials Planning and Notification Act;

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

6 4. Administer and facilitate hazardous materials training for  
7 state and local emergency planners and first responders pursuant to  
8 the Oklahoma Emergency Resources Management Act of 1967; and

9 5. Maintain a computerized emergency information system  
10 allowing state and local access to information regarding hazardous  
11 materials' location, quantity and potential threat.

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

14 Section 2-1-102. As used in the Oklahoma Environmental Quality  
15 Code:

16 1. "Administrative hearing" means an individual proceeding,  
17 held by the Department when authorized by the provisions of this  
18 Code and conducted pursuant to the Administrative Procedures Act,  
19 this Code and rules promulgated thereunder, for a purpose specified  
20 by this Code. "Administrative hearing" includes "administrative  
21 permit hearing", "enforcement hearing" and "administrative  
22 enforcement hearing" within the context of this Code. An  
23 "administrative hearing" shall be a quasi-judicial proceeding;

24

1           2. "Administrative Procedures Act" means the Oklahoma  
2 Administrative Procedures Act;

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

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

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

6           6. "Enforcement hearing" means an individual proceeding  
7 conducted pursuant to the Administrative Procedures Act, this Code  
8 and rules promulgated thereunder, for the purpose of enforcing the  
9 provisions of this Code, rules promulgated thereunder and orders,  
10 permits or licenses issued pursuant thereto. The term  
11 "administrative hearing" shall mean the same as "enforcement  
12 hearing" when held for enforcement purposes. An "enforcement  
13 hearing" shall be a quasi-judicial proceeding;

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

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

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

24

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

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

9        12. "Pollution" means the presence in the environment of any  
10 substance, contaminant or pollutant, or any other alteration of the  
11 physical, chemical or biological properties of the environment or  
12 the release of any liquid, gaseous or solid substance into the  
13 environment in quantities which are or will likely create a nuisance  
14 or which render or will likely render the environment harmful or  
15 detrimental or injurious to public health, safety or welfare, or to  
16 domestic, commercial, industrial, agricultural, recreational, or  
17 other legitimate beneficial uses, or to livestock, wild animals,  
18 birds, fish or other aquatic life, or to property;

19        13. "Public meeting" means a formal public forum, held by the  
20 Department when authorized by the provisions of this Code, and  
21 conducted by a presiding officer pursuant to the requirements of  
22 this Code and rules promulgated thereunder, at which an opportunity  
23 is provided for the presentation of oral and written views within  
24 reasonable time limits as determined by the presiding officer.

1 Views expressed at a "public meeting" shall be limited to the topic  
2 or topics specified by this Code for such meeting. "Public meeting"  
3 shall mean a "public hearing" when held pursuant to requirements of  
4 the Code of Federal Regulations or the Oklahoma Pollutant Discharge  
5 Elimination System Act, and shall be synonymous with "formal public  
6 meeting" and "informal public meeting" as used within the context of  
7 this Code and rules promulgated thereunder. A "public meeting"  
8 shall not be a quasi-judicial proceeding;

9 14. "State environmental agency" includes the:

- 10 a. Oklahoma Water Resources Board,
- 11 b. Oklahoma Corporation Commission,
- 12 c. ~~State~~ Oklahoma Department of Agriculture, Food, and  
13 Forestry,
- 14 d. Oklahoma Conservation Commission,
- 15 e. Department of Wildlife Conservation,
- 16 f. ~~Department of Mines,~~
- 17 ~~g.~~ Department of Public Safety,
- 18 ~~h.~~ g. Department of Labor,
- 19 ~~i.~~ h. Department of Environmental Quality, and
- 20 ~~j.~~ i. Oklahoma Department of ~~Civil~~ Emergency Management;
- 21 and

22 15. "Waters of the state" means all streams, lakes, ponds,  
23 marshes, watercourses, waterways, wells, springs, irrigation  
24 systems, drainage systems, storm sewers and all other bodies or

1 accumulations of water, surface and underground, natural or  
2 artificial, public or private, which are contained within, flow  
3 through, or border upon this state or any portion thereof, and shall  
4 include under all circumstances the waters of the United States  
5 which are contained within the boundaries of, flow through or border  
6 upon this state or any portion thereof.

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

9 Section 2-3-110. A. The Department of Environmental Quality  
10 Executive Director shall submit an application to the Speaker of the  
11 House of Representatives and the President Pro Tempore of the Senate  
12 for the sale of the headquarters building and connected  
13 appurtenances of the Department located at 707 N. Robinson in  
14 downtown Oklahoma City. The Commissioners of the Land Office shall  
15 be responsible for the sale of the building. The funds from the  
16 sale of the building shall be deposited in the Commissioners of the  
17 Land Office Revolving Fund created pursuant to Section 1011 of Title  
18 64 of the Oklahoma Statutes. However, the sale of the building  
19 shall not proceed if the Commissioners of the Land Office determine  
20 the proceeds offered for the building are not financially  
21 sufficient.

22 B. The Department of Environmental Quality, Oklahoma Tourism  
23 and Recreation Department, State Department of Health, Oklahoma Tax  
24 Commission, Oklahoma Water Resources Board, and Oklahoma Department



1 of Labor ~~and Department of Mines~~, in addition to the other powers  
2 and duties vested by Oklahoma law, shall be authorized to relocate  
3 agency offices to a site in Oklahoma County including but not  
4 limited to buildings or units, as defined by the Unit Ownership  
5 Estate Act provided in Section 503 of Title 60 of the Oklahoma  
6 Statutes, owned by the Commissioners of the Land Office.

7 C. The new office location or locations shall be occupied by  
8 the Department of Environmental Quality, Oklahoma Tourism and  
9 Recreation Department, State Department of Health, Oklahoma Tax  
10 Commission, Oklahoma Water Resources Board, and Oklahoma Department  
11 of Labor ~~and Department of Mines~~ and shall consist of sufficient  
12 square footage to accommodate staff offices, program areas, staff  
13 conference areas, records and computer areas, general storage areas,  
14 security equipment storage areas, main room, reception areas and  
15 other necessary areas for operation of the state agencies.

16 D. The Department of Environmental Quality, Oklahoma Tourism  
17 and Recreation Department, State Department of Health, Oklahoma Tax  
18 Commission, Oklahoma Water Resources Board, and Oklahoma Department  
19 of Labor ~~and Department of Mines~~ are authorized to purchase real  
20 estate including but not limited to buildings or units, for no more  
21 than appraised value or, in the alternative, the Executive Director  
22 of the Department of Environmental Quality, Executive Director of  
23 the Oklahoma Tourism and Recreation Department, Oklahoma Tax  
24 Commission, Oklahoma Water Resources Board, and Commissioner of

1 Labor ~~and Oklahoma Mining Commission~~ are authorized to enter into a  
2 lease-purchase agreement for the acquisition of such buildings or  
3 units from the person or entity that will develop or build the  
4 buildings or units. In order to maintain the value of the purchased  
5 or lease-purchase property, each state agency identified in this  
6 section may establish a Capital Account Fund for the purpose of  
7 paying any proportionate share of common area maintenance, repair  
8 and maintenance of agency unit(s), fixtures and appliances contained  
9 therein, improvements and betterments for agency unit(s) and all  
10 required maintenance and repair work. The fund shall be a  
11 continuing fund, not subject to fiscal year limitations, and shall  
12 consist of monies transferred from the agency's standard  
13 appropriations. All monies accruing to the credit of the fund are  
14 hereby appropriated and may be budgeted and expended by the agency  
15 for the purpose described in this section. For the purposes of the  
16 purchase or build-out of the new office location, the state agencies  
17 identified in this section are hereby exempted from the requirements  
18 of the Public Competitive Bidding Act of 1974 as provided in  
19 Sections 101 through 139 of Title 61 of the Oklahoma Statutes. The  
20 state agencies identified in this section shall, either individually  
21 or through the Commissioners of the Land Office, be required to  
22 collect multiple bids from qualified contractors for the build-out  
23 of new office locations.

24

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

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

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

10 2. Satisfies the criteria of paragraph 1 or 2 of subsection C  
11 of Section 1020.2 of Title 82 of the Oklahoma Statutes; or

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

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

19 B. Due to the inadequacy of existing technical resources,  
20 analytic tools and regulatory systems for purposes of the effective  
21 implementation of statutes relating to the operation of mines that  
22 overlies a sensitive sole source groundwater basin or subbasin, the  
23 Legislature hereby declares and establishes a moratorium on the  
24 Department of Environmental Quality permitting of any discharge from

1 a subject mine to streams fed or supported by water emanating from  
2 sensitive sole source groundwater basins or subbasins.

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

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

6 2. The Department of Environmental Quality promulgates final  
7 rules to provide for effective interagency consultation and  
8 coordination of activities among the Department, and the Oklahoma  
9 Water Resources Board ~~and the Department of Mines~~ on all  
10 administrative matters relating to the operation of mines at  
11 locations that overlie a sensitive sole source groundwater basin or  
12 subbasin.

13 D. Notwithstanding the moratorium, the Department of  
14 Environmental Quality may issue any new permits, permit  
15 modifications, permit amendments, permit revisions or permit  
16 renewals necessary to maintain compliance or remedy identified  
17 compliance issues pursuant to ~~Title 27A of the Oklahoma Statutes~~  
18 this title to operators of any mines lawfully engaged in mining, as  
19 defined in paragraph 3 of Section 723 of Title 45 of the Oklahoma  
20 Statutes.

21 E. The Department of Environmental Quality is hereby authorized  
22 and instructed to promulgate rules to implement the provisions of  
23 this section.

24

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

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

6 Section 4-1-102. For purposes of the Oklahoma Emergency  
7 Response Act:

8 1. "State environmental agency" includes:

9 a. the Oklahoma Water Resources Board,

10 b. the Corporation Commission,

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

13 d. the Oklahoma Conservation Commission,

14 e. the Department of Wildlife Conservation,

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

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

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

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

19 ~~j.~~ i. the Department of Civil Emergency Management;

20 2. "Lead official" means the person designated by the contact  
21 agency to be the official in charge of the on-site management of the  
22 emergency;

23 3. "Emergency" means a sudden and unforeseeable occurrence or  
24 condition either as to its onset or as to its extent, of such

1 severity or magnitude that immediate emergency response or action is  
2 necessary to preserve the health and safety of the public or  
3 environment or to preserve property;

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

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

11 6. "Extreme emergency" means any emergency which requires  
12 immediate protective actions;

13 7. "Protective actions" are those steps deemed necessary by  
14 first responders to an extreme emergency to preserve the health and  
15 safety of the emergency responders, the public and the protection of  
16 the environment and property during an incident involving the  
17 release of a dangerous substance. Protective actions include but  
18 are not limited to area isolation, evacuation, dilution, cooling,  
19 encapsulation, chemical treatment and diking;

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

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

	Location	Contact Agency
4		
5	a. Inside corporate municipal	Municipal Fire
6	limits	Department
7	b. Outside corporate	Closest Municipal
8	limits on private property	Fire Department
9	c. Outside corporate limits	Oklahoma Highway
10	on federal/state highway,	Patrol;
11	public property, county road,	
12	or a railroad;	

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

17 11. "Facility" means:

- 18 a. any building, structure, installation, equipment, pipe
- 19 or pipeline, including any pipe into a sewer or
- 20 publicly owned treatment works, well, pit, pond,
- 21 lagoon, impoundment, ditch, landfill, storage
- 22 container, motor vehicle, rolling stock, or aircraft,
- 23 or
- 24

- 1           b. any site or area where a hazardous substance has been  
2           deposited, stored, disposed of, or placed, or  
3           otherwise came to be located, or
- 4           c. any vessel, including every description of watercraft  
5           or other artificial conveyance used, or capable of  
6           being used, as a means of transportation on water.

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

9           Section 7-401a. A. Any person, firm or corporation who  
10 violates any provision of or fails to perform any duty imposed by a  
11 state environmental regulatory agency pursuant to the Oklahoma  
12 Statutes or rules promulgated thereto, which violation causes the  
13 death of fish or other wildlife, shall in addition to the penalties  
14 provided by law be liable to pay the state an amount equal to the  
15 sum of money reasonably necessary to restock such waters. Such  
16 liability shall include replacement cost of fish killed, based on  
17 the most recent fish values as officially published by the American  
18 Fishery Society, Southern Division, all other costs required for  
19 such restocking, including but not limited to shipment and handling,  
20 or replenish such wildlife and all cost incurred in investigating,  
21 locating or establishing the responsible person, firm or corporation  
22 as determined by the Oklahoma Wildlife Conservation Commission.

23           B. Such amount may be recovered by a state environmental  
24 regulatory agency on behalf of the state in a civil action brought



1 in the district court with all such monies being provided to the  
2 Oklahoma Wildlife Conservation Commission. The Oklahoma Wildlife  
3 Conservation Commission shall reimburse the state environmental  
4 regulatory agency issuing the violation for all expenses incurred.

5 C. For purposes of this section, a "state environmental  
6 regulatory agency" is defined as the ~~State~~ Oklahoma Department of  
7 Agriculture, Food, and Forestry, the Oklahoma Corporation  
8 Commission, the Department of Environmental Quality, ~~the Department~~  
9 ~~of Mines~~ and the Department of Public Safety.

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

12 Section 1.2. A. Whenever the ~~Board~~ Department of Environmental  
13 Quality determines there are reasonable grounds to believe there has  
14 been a violation of any order of the ~~Board~~ Department adopted  
15 pursuant to ~~Title 45 of the Oklahoma Statutes~~ this title, it shall  
16 give written notice to the alleged violator specifying the cause of  
17 the complaint. Such notice shall require that the matters  
18 complained of be corrected within a specified time or that the  
19 alleged violator appear before the ~~Board~~ Department at a time and  
20 place specified in the notice to answer the charges. The notice  
21 shall be delivered to the alleged violator in accordance with the  
22 provisions of subsection C of this section not less than twenty (20)  
23 days before the time set for the hearing.

24

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

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

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

23       The Attorney General, on the request of the ~~Board~~ Department,  
24 shall bring an action against any person violating any order or

1 determination of the Board adopted pursuant to ~~Title 45 of the~~  
2 ~~Oklahoma Statutes~~ this title.

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

5 Section 1.3. A. All hearings required by the ~~Board~~ Department  
6 of Environmental Quality may be conducted by the ~~Board~~ Department  
7 itself at ~~aregular~~ a regular or special meeting of the ~~Board~~  
8 Department or the ~~Board~~ Department may designate hearing officers  
9 who shall have the power and authority to conduct such hearings in  
10 the name of the ~~Board~~ Department at any time and place.

11 B. Any person aggrieved by a final order or other final  
12 determination of the ~~Board~~ Department may, or the Attorney General  
13 on behalf of the state may, petition for a judicial review for  
14 rehearing, reopening or reconsideration of the matter, as provided  
15 for in Section 317 of Title 75 of the Oklahoma Statutes.

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

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

1 The ~~Board~~ Department may require the maintenance of records  
2 relating to mining. Copies of such records shall be submitted to  
3 the ~~Board~~ Department on request.

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

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

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

14 Section 1a. A. The ~~Oklahoma Mining Commission~~ Department of  
15 Environmental Quality shall be the policy-determining agency for the  
16 ~~Department~~ Division of Mines and shall determine the broad plans and  
17 programs for the accomplishment of duties and responsibilities  
18 vested by law in said ~~Commission,~~ ~~the Chief Mine Inspector~~  
19 Department and the ~~Department~~ Division of Mines, ~~and may in the~~  
20 ~~absence of an appointed Chief Mine Inspector,~~ fix the duties and  
21 responsibilities of personnel employed by the ~~Department~~ Division  
22 including, ~~in the absence of an appointed Chief Mine Inspector,~~ the  
23 Division Director of the ~~Department~~ Division of Mines. ~~It~~ The  
24 Department shall have the authority to delegate to ~~its chairman,~~ ~~to~~

1 one or more agents or employees, such powers and duties as it may  
2 deem proper. ~~Each member of the Commission shall be reimbursed for~~  
3 ~~actual and necessary travel expenses necessarily incurred in the~~  
4 ~~discharge of official duties as provided in the State Travel~~  
5 ~~Reimbursement Act.~~

6 B. In addition to other powers and duties specified by law, the  
7 ~~Oklahoma Mining Commission~~ Department shall have the power and duty  
8 to:

9 1. acquire by gift, devise, purchase or otherwise, absolutely  
10 or in trust, and to hold and, unless otherwise restricted by the  
11 terms of the gift or devise, any real property or real estate or  
12 other interest therein as may be necessary in carrying into effect  
13 the purpose of this act; and

14 2. enter into contracts and to execute all instruments  
15 necessary to fulfill its duties, respecting the protection,  
16 preservation, maintenance and operation of such buildings and sites  
17 as it may select.

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

20 Section 1c. Subject to the policies, rules and regulations of  
21 the ~~Oklahoma Mining Commission~~ Department of Environmental Quality,  
22 the Executive Director of the Department shall:

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

4 2. Prepare and submit plans for administering the programs of  
5 the ~~Commission~~ Department to be administered by the Division;

6 3. Prepare a personnel schedule, employ personnel, define  
7 duties, appoint technicians and consultants, and fix salaries or  
8 compensation, ~~upon approval by the Commission;~~ and

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

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

13 Section 1d. A. The Division Director of the ~~Department~~  
14 Division of Mines with the approval of the ~~Commission~~ Executive  
15 Director of the Department of Environmental Quality shall have and  
16 is authorized to exercise the following duties:

17 1. To appoint a miner certification advisory council or other  
18 such advisory council as may be required to accomplish government  
19 functions; and

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

22 B. Any advisory councils shall meet at such times and places as  
23 the members may deem most convenient for the transaction of  
24 business. A majority of such councils shall constitute a quorum.

1 Each member of such councils shall be reimbursed for actual and  
2 necessary expenses incurred in the discharge of official duties with  
3 approval of the Division Director and the ~~Commission~~ Department as  
4 provided in the State Travel Reimbursement Act.

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

7 Section 1e. A. There is hereby established the Oklahoma Miner  
8 Training Institute. The Oklahoma Miner Training Institute shall  
9 administer miner safety training programs and economic development  
10 programs to assist the mining industry in this state.

11 B. The ~~Oklahoma Mining Commission~~ Department of Environmental  
12 Quality shall contract with the Board of Regents of Eastern Oklahoma  
13 State College in Wilburton for facilities, faculty and services  
14 necessary for the operation of the Institute including, but not  
15 limited to, the services of a Director of the Institute and for the  
16 development of appropriate curriculum and other services to be  
17 offered by the Institute. The Regents of Eastern Oklahoma State  
18 College shall appoint a Director for the Oklahoma Miner Training  
19 Institute.

20 C. The Director of the Oklahoma Miner Training Institute shall  
21 have knowledge, training, experience and ability consistent with the  
22 functions of the Oklahoma Miner Training Institute. Further, the  
23 Director shall have been a resident and a qualified elector of this  
24

1 state for a period of at least three (3) years prior to his  
2 selection as Director.

3 D. The ~~Oklahoma Mining Commission~~ Department shall act in an  
4 advisory capacity concerning the operations of the Oklahoma Miner  
5 Training Institute.

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

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

9 1. Conduct miner safety training programs consistent with the  
10 needs of the mining industry within this state and the training  
11 requirements of the ~~Oklahoma Mining Commission~~ Department of  
12 Environmental Quality; and

13 2. Assist and cooperate with the ~~Oklahoma Mining Commission~~  
14 Department by conducting examinations of students of the Oklahoma  
15 Miner Training Institute applying for certificates of competency  
16 issued by the ~~Oklahoma Mining Commission~~; and

17 ~~3. Assist the Oklahoma Mining Commission in developing ways to~~  
18 ~~expand existing markets and create new markets for coal and noncoal~~  
19 ~~mining operations and to further the economic development of the~~  
20 ~~mining industry~~ Department.

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

23 Section 2. A. No person shall act as a mine superintendent,  
24 mine foreman, fire boss, shot-firer, certified surface blaster,



1 hoisting engineer or miner without first having obtained a  
2 certificate of competency from the ~~Oklahoma Mining Commission~~  
3 Department of Environmental Quality. No person shall employ such  
4 mine superintendent, mine foreman, fire boss, shot-firer, certified  
5 surface blaster, hoisting engineer or miner who does not hold such  
6 certificate. Any person who violates the provisions of this  
7 subsection, upon conviction, shall be fined not more than One  
8 Thousand Five Hundred Dollars (\$1,500.00) or be imprisoned in the  
9 county jail for a term not more than six (6) months, or both.

10 B. The examination for a certificate of competency as mine  
11 superintendent, mine foreman, fire boss, shot-firer, certified  
12 surface blaster or hoisting engineer shall be administered by only  
13 employees or advisors of the Department ~~of Mines~~ who also hold equal  
14 or higher certificates of competency. The examination shall be  
15 sufficient to determine that such applicant fully understands the  
16 requirements of the coal mining laws of this state.

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

22 C. The Department shall hold ~~monthly~~ examinations for  
23 certificates of competency as underground miners. Applicants for  
24 such certificate may be granted a temporary permit by the ~~Commission~~

1 Department until an examination is held by the Department in the  
2 region in which the applicant resides. Applicants must successfully  
3 answer a written or oral examination pertaining to such requirements  
4 and qualifications of underground miners as are determined necessary  
5 by the ~~Commission~~ Department.

6 D. Certificates of competency shall be granted by the ~~Oklahoma~~  
7 ~~Mining Commission~~ Department to persons who have given the  
8 Department satisfactory evidence of their ability to perform the  
9 duties and skills as are required ~~for the Council~~. Previous  
10 experience and record of service of the applicant shall have equal  
11 weight with the examination.

12 E. The minimum experience necessary for certificates of  
13 competency are as follows:

- 14 1. Shot-firer - 1 year's practical underground  
15 experience.
- 16 2. Certified surface blaster - 1 year's practical  
17 experience.
- 18 3. Hoisting engineer - 1 year's practical  
19 hoisting experience.
- 20 4. Fire boss - 2 years' practical underground  
21 experience.
- 22 5. Mine foreman - 3 years' practical underground  
23 experience.
- 24 6. Superintendent - 5 years' practical underground

1 experience.

2 7. Practical miner - 1 year's practical experience  
3 as a miner or the equivalent  
4 experience as defined by the  
5 ~~Commission~~ Department.

6 Provided that the underground experience requirement for mine  
7 foreman and the superintendent shall not apply to those positions in  
8 surface mining.

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

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

14 Section 3. The ~~Chief Mine Inspector~~ Division Director of the  
15 Division of Mines within the Department of Environmental Quality  
16 shall be a citizen of the United States and shall have been a  
17 resident of the State of Oklahoma for the three (3) years prior to  
18 his or her appointment to office. In addition, the ~~Chief Mine~~  
19 ~~Inspector~~ Division Director shall ~~have had eight (8) years'~~ include  
20 consideration of actual experience as a practical miner. For the  
21 purposes of this section, employment as an inspector for the  
22 ~~Department~~ Division of Mines shall be considered practical mining  
23 experience. The ~~Chief Mine Inspector~~ Division Director shall be  
24 appointed by the Governor ~~by and with the consent of the Senate for~~

1 ~~a term of four (4) years to run concurrently with the term of the~~  
2 ~~Governor. At any time that such office becomes vacant, the Governor~~  
3 ~~shall appoint with the consent of the Senate a successor to complete~~  
4 ~~the unfinished term of office~~ Executive Director of the Department,  
5 shall serve at the pleasure of the Executive Director, and may be  
6 removed or replaced without cause. Compensation for the Division  
7 Director shall be determined by the Executive Director.

8       The Executive Director of the Department may appoint a Deputy  
9 Division Director. The Deputy Chief Mine Inspector Division  
10 Director shall possess the same residency requirements necessary for  
11 the Chief Mine Inspector Division Director. The Deputy Chief Mine  
12 Inspector shall be appointed by and shall serve at the pleasure of  
13 the Governor and Division Director may be removed or replaced  
14 without cause. Compensation for the Deputy shall be determined by  
15 the Executive Director. The Deputy shall be under the direction of  
16 the Chief Mine Inspector Division Director. The Except as otherwise  
17 directed by the Executive Director, the Deputy Chief Mine Inspector  
18 Division Director shall assume all of the duties and  
19 responsibilities of the Chief Mine Inspector Division Director in  
20 the his or her absence of the Chief Mine Inspector.

21       ~~The assistant mine~~ Mine inspectors shall be appointed by and at  
22 all times be under the direction of the ~~Chief Mine Inspector~~  
23 Division Director. The ~~assistant~~ mine inspectors appointed to  
24 inspect underground mining operations shall have a minimum of three

1 (3) years' practical mining experience, and shall have obtained as a  
2 minimum a certificate of competency as a mine foreman.

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

5 Section 5. Certifications required by this title shall be  
6 ~~issued under the signature and seal of the Oklahoma Mining~~  
7 ~~Commission~~ by the Department of Environmental Quality. Such  
8 certificates shall bear the date of issuance, full name and age of  
9 the recipient and shall designate the position for which the  
10 recipient is certified by the ~~Commission~~ Division of Mines.

11 Applications for certificates of competency shall be accompanied  
12 with the following fees:

- 13 1. Superintendent \$20.00
- 14 2. Mine foreman 15.00
- 15 3. Fire boss 10.00
- 16 4. Shot-firer 10.00
- 17 5. Certified surface blaster 10.00
- 18 6. Hoisting engineer 10.00
- 19 7. Practical miner 5.00

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

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

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

4 The Division Director of the Division of Mines within the  
5 Department shall ~~advise the Oklahoma Mining Commission as far in~~  
6 ~~advance as possible the date and place of an examination to be held~~  
7 ~~by the Department, and shall, as soon as examination is completed,~~  
8 ~~furnish the Commission~~ schedule examinations and compile a list of  
9 the names of all persons who took the examination and persons  
10 successfully completing said examination shall be duly notified.

11 SECTION 22. AMENDATORY 45 O.S. 2021, Section 34, is  
12 amended to read as follows:

13 Section 34. The ~~Chief Mine Inspector~~ Division Director of the  
14 Division of Mines within the Department of Environmental Quality  
15 shall have an office ~~at the seat of government~~ in which he or she  
16 shall keep the maps and plans of all mines in the state and all  
17 records, correspondence, papers, apparatus and other property  
18 belonging to the state pertaining to his or her office. All such  
19 property shall be kept in accessible and convenient form, in a fire  
20 proof vault convenient to his or her office and furnished by the  
21 state, for reference by persons entitled to examine ~~them~~ the  
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 23. 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 24. 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 25. 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 26. AMENDATORY 45 O.S. 2021, Section 48, is  
19 amended to read as follows:

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

24



1 SECTION 27. 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 within  
17 the 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 28. 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.

24

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.

23 G. 1. Upon the receipt of such application, bond or security  
24 and fee due from the operator, the Department may issue a permit to



1 the applicant which shall entitle the applicant to engage in mining  
2 on the land therein described in accordance with the rules  
3 promulgated by the Department, for the life expectancy of the  
4 operation unless the operator is in violation of any state statute  
5 or rule of the Department in which case the Department shall take  
6 appropriate action against the operator.

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

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

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

18 b. The advertisement shall contain, at a minimum, the  
19 following:

20 (1) the name and business address of the applicant,

21 (2) a description which clearly shows or describes

22 the precise location and boundaries of the

23 proposed permit area and is sufficient to enable

24 local residents to readily identify the proposed

1 permit area. It may include towns, bodies of  
2 water, local landmarks, and any other information  
3 which would identify the location,

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

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

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

15 (6) such other information as is required by the  
16 Department.

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

21 3. The Department shall notify the surface owners of any  
22 hearings in connection with applications or permits in the same  
23 manner as the operator is notified.  
24

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

16           5. Upon completion of findings after the hearing, the  
17 Department shall determine whether to issue or deny the permit, and  
18 shall notify all parties of its decision.

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

22           I. Each application for a new operation shall contain, where  
23 applicable, a list of all other licenses and permits needed by the  
24

1 applicant to conduct the proposed mining operation. This list shall  
2 identify each license and permit by:

- 3 1. Type of permit or license;
- 4 2. Name and address of issuing authority;
- 5 3. Identification number or a copy of the application for  
6 permits or licenses or, if issued, a copy of the permit or license;  
7 and
- 8 4. If a decision has been made, the date of approval or  
9 disapproval by each issuing authority.

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

17 Identifications of all permits and licenses shall include local  
18 government agencies with jurisdiction over or an interest in the  
19 area of the proposed mining operation including, but not limited to,  
20 planning agencies, water and sewer authorities; and all state and  
21 federal government agencies with authority to issue permits and  
22 licenses applicable to the proposed mining operation, including all  
23 state environmental agencies, U.S. Army Corps of Engineers, U.S.

24

1 Department of Agriculture Natural Resources Conservation Service  
2 district office, and federal fish and wildlife agencies.

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

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

16 L. Permits issued to an operator may be transferable to another  
17 operator, provided the new operator can demonstrate to the  
18 Department, prior to the transfer of ownership, that conditions and  
19 obligations required for the permit will be met and the new operator  
20 has submitted a performance bond or other guarantee, or has obtained  
21 the bond coverage of the original permittee.

22 M. The perimeter of the permit area shall be clearly marked by  
23 durable and recognizable markers or by other means approved by the  
24 Department.

1 N. The Department shall determine the blasting distance to  
2 transmission lines by rule.

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

20 2. The provisions of paragraph 1 of this subsection shall not  
21 apply to existing permitted operations, revisions or amendments  
22 thereto, or any application on file with the Department prior to May  
23 25, 2005. In addition, the provisions of paragraph 1 of this  
24 subsection shall not apply to any future operation on property

1 directly adjacent to property on which a permitted operation is  
2 located, provided that the operation is permitted and the adjacent  
3 property is owned or leased by the operator on ~~the effective date of~~  
4 ~~this act~~ May 25, 2005. For purposes of this subsection, properties  
5 separated by a public road shall be considered to be adjacent.

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

12 Q. Any person having an interest in or who is or may be  
13 adversely affected by the decision on a permit or bond release  
14 application, or any federal, state or local agency, shall have the  
15 right to request in writing that the Department hold ~~an informal~~  
16 ~~conference~~ a formal hearing on the application. The Department  
17 shall hold the ~~informal conference~~ hearing within a reasonable time  
18 following the receipt of the written request at a location in the  
19 vicinity of the proposed or active surface mining or reclamation  
20 operation.

21 SECTION 29. AMENDATORY 45 O.S. 2021, Section 725, is  
22 amended to read as follows:

23

24

1 Section 725. A. All affected land other than lands affected by  
2 coal mining operations shall be reclaimed as provided in this  
3 section.

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

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

18 D. The operator may construct earth dams to form lakes in pits  
19 resulting from surface mining operations, provided that the  
20 formation of lakes shall not interfere with other mining operations  
21 or damage property of others.

22 E. The operator shall cover the exposed face of a mineral seam,  
23 where significant concentrations of acid-forming materials are  
24



1 present, to a depth of not less than three (3) feet with earth that  
2 will support plant life or with a permanent water impoundment.

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

13 G. All affected land except that which is to be covered with  
14 water or used for homesites or industrial purposes shall be  
15 revegetated by the planting of seeds, plants, trees, shrubs or other  
16 plantings appropriate to the use to be made of the land as  
17 determined by the operator. No planting of any kind shall be  
18 required on any affected land so long as the chemical and physical  
19 characteristics of the soil of such affected land are toxic,  
20 deficient in plant nutrients or composed of sand, gravel, shale or  
21 stone to such an extent as to seriously inhibit plant growth. The  
22 Department may prescribe by rules and regulations the required  
23 density of such plantings, and may make replanting requirements.

24

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

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

14 SECTION 30. AMENDATORY 45 O.S. 2021, Section 727, is  
15 amended to read as follows:

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

20 SECTION 31. AMENDATORY 45 O.S. 2021, Section 728, is  
21 amended to read as follows:

22 Section 728. A. Any bond required to be filed with the  
23 Department of Environmental Quality by the operator shall be in such  
24 form as the Division Director of the Division of Mines within the

1 Department prescribes, payable to the State of Oklahoma, conditioned  
2 that the operator shall faithfully perform all requirements of the  
3 Mining Lands Reclamation Act and comply with all rules of the  
4 Department made in accordance with the provisions of the Mining  
5 Lands Reclamation Act. Such bond shall be signed by the operator as  
6 principal, and by a good and sufficient corporate surety, licensed  
7 to do business in the state, as surety.

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

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

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

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

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

20           F. Such bond or security shall remain in effect until the mined  
21 acres have been reclaimed, approved and released by the Department.  
22 If the Department determines that grading has been satisfactorily  
23 completed pursuant to the Mining Lands Reclamation Act, the  
24 Department may release up to eighty percent (80%) of the penal sum

1 of the bond filed for each acre of land graded. The remaining  
2 portion of the bond shall continue in effect until the completion of  
3 the requirements pursuant to Section 725 of this title.

4 SECTION 32. AMENDATORY 45 O.S. 2021, Section 729, is  
5 amended to read as follows:

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

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

19 If upon such hearing the Department shall determine that a  
20 violation has occurred, the Department shall make detailed findings  
21 of fact and conclusions of law. The surety, if applicable, may  
22 perform for the operator.

23 If the operator or surety, if applicable, fails to perform the  
24 corrective work required by the Department or fails to properly

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

10 If the Department determines that an entity or individual has  
11 mined without a permit in violation of Section 724 of this title,  
12 the Department shall assess a fine of up to Ten Thousand Dollars  
13 (\$10,000.00) against the entity, individuals, or agents of said  
14 entity. Any agent is jointly and severally liable with its  
15 principal for such violation and any resulting fines.

16 The Department may pursue civil action for relief, including a  
17 permanent or temporary injunction, restraining order, or any other  
18 appropriate order in the district court for the district in which  
19 the illegal mining operation is located, in which the entity,  
20 individuals, or agents of said entity, have their principal offices,  
21 or in Oklahoma County, to enforce any Department action against the  
22 entity, individual, or agents. Further, the Department shall be  
23 entitled to recover penalties or fines assessed for mining without a  
24 permit from the entity, individuals or agents conducting said mining

1 in violation of this title. The Department shall also be entitled  
2 to reasonable attorneys fees incurred in enforcing this provision.  
3 All monies collected pursuant to this section shall be deposited in  
4 the Department of ~~Mines~~ Environmental Quality Revolving Fund.

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

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

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

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

18 SECTION 33. AMENDATORY 45 O.S. 2021, Section 731, is  
19 amended to read as follows:

20 Section 731. The operator shall submit to the Department of  
21 Environmental Quality, no later than September 1 following the end  
22 of each permit year, a map in a form approved by the Department  
23 showing the location of the pit or pits by section, township, range  
24 and county, with such other description as will identify the land

1 which the operator has affected by mining during such permit year  
2 and has completed mining operations thereon, with a legend upon such  
3 map showing the number of acres of affected land. Such map shall  
4 also show in acres the extent of the reclamation accomplished on the  
5 affected land, including grading and revegetation efforts, as of the  
6 end of the permit year, and shall show by appropriate designation  
7 any deviation from the plan of reclamation filed under subsection  
8 (c) of Section 724 of this title and the reasons therefor.

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

17 SECTION 34. AMENDATORY 45 O.S. 2021, Section 732, is  
18 amended to read as follows:

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

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



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

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

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

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

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

13       SECTION 35.        AMENDATORY        45 O.S. 2021, Section 733, is  
14 amended to read as follows:

15       Section 733. At the request of the Department of Environmental  
16 Quality, the Attorney General shall provide such legal assistance as  
17 may be needed in interpreting, enforcing and carrying out the  
18 provisions of this act including but not limited to institution of  
19 and prosecuting legal actions and proceedings for injunctive relief  
20 and this improvement shall include the provisions of Section ~~17~~  
21 ~~hereof~~ 737 of this title.

22       SECTION 36.        AMENDATORY        45 O.S. 2021, Section 734, is  
23 amended to read as follows:

24

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

5 SECTION 37. AMENDATORY 45 O.S. 2021, Section 735, is  
6 amended to read as follows:

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

16 SECTION 38. AMENDATORY 45 O.S. 2021, Section 738, is  
17 amended to read as follows:

18 Section 738. All final decisions and orders of the Department  
19 of Environmental Quality shall be subject to judicial review of the  
20 acts of administrative agencies.

21 SECTION 39. AMENDATORY 45 O.S. 2021, Section 742.1, is  
22 amended to read as follows:

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

1 It is the intent of the Oklahoma Legislature that the Coal  
2 Reclamation Act of 1978, Sections ~~742~~ 742.1 et seq. of ~~Title 45 of~~  
3 ~~the Oklahoma Statutes~~ this title, and this Coal Reclamation Act of  
4 1979, be read together as the law regulating the reclamation of  
5 lands affected by surface coal mining operations and the surface  
6 effects of underground coal mining, to bring Oklahoma into  
7 compliance with Public Law 95-87, the "Surface Mining Control and  
8 Reclamation Act of 1977".

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

13 The Oklahoma Legislature finds and declares that coal mining  
14 operations presently contribute significantly to the nation's energy  
15 requirements, that Oklahoma's coal production is part of those  
16 energy requirements, and that the cooperative effort established by  
17 this act is necessary to prevent or mitigate adverse environmental  
18 effects of all surface mining operations.

19 It is the purpose of this act to protect the rights of surface  
20 owners and the environment, and to require reclamation of lands  
21 affected by surface and underground coal mining in a manner  
22 compatible with the social, environmental and aesthetic needs of  
23 this state. If reclamation is not feasible, surface mining  
24 operations should not be conducted. It is the intent of the

1 | Legislature ~~to insure the existence of an expanding and economically~~  
2 | ~~healthy coal mining industry~~ and that there be public participation  
3 | in the development of rules and regulations appropriate to the State  
4 | of Oklahoma and that the Department of ~~Mines~~ Environmental Quality  
5 | exercise the full reach of its powers to insure the protection of  
6 | the public interest through the effective control of surface mining  
7 | operations.

8 | SECTION 40. AMENDATORY 45 O.S. 2021, Section 742.2, is  
9 | amended to read as follows:

10 | Section 742.2. As used in this act:

11 | 1. "Acid drainage" means water with a pH of less than 6.0  
12 | Standard Units and in which total acidity exceeds total alkalinity,  
13 | discharged from active, inactive, or abandoned mines and from areas  
14 | affected by surface coal mining and reclamation operations~~;~~;

15 | 2. "Acid-forming materials" means earth materials that contain  
16 | sulfide minerals or other materials which, if exposed to air, water,  
17 | or weathering processes, will result in the formation of acids that  
18 | may create acid drainage~~;~~;

19 | 3. "Adjacent area" means land located outside the affected  
20 | area, permit area, or mine plan area, depending on the context in  
21 | which "adjacent area" is used, where air, surface or ground water,  
22 | fish, wildlife, vegetation or other resources protected by this act  
23 | may be adversely impacted by surface coal mining and reclamation  
24 | operations~~;~~;

1        4. "Affected area" means, with respect to surface mining  
2 activities, any land or water upon or in which those activities are  
3 conducted or located. With respect to underground mining  
4 activities, "affected area" means any water or surface land upon or  
5 in which those activities are conducted or located, and land or  
6 water which is located above underground mine workings-;

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

16        6. "Aquifer" means a zone, stratum, or group of strata confined  
17 or unconfined, including perched conditions, that can store and  
18 transmit water in sufficient quantities for a specific use-;

19        7. "Auger mining" means a method of mining coal at a cliff or  
20 highwall by drilling holes laterally into an exposed coal seam from  
21 the highwall and transporting the coal along an auger bit to the  
22 surface-;

23  
24

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

4 9. "Coal exploration" means the gathering of surface or  
5 subsurface geologic, physical, or chemical data by mapping,  
6 trenching, drilling, geophysical or other techniques necessary to  
7 determine the quality and quantity of overburden and coal of an area  
8 and the gathering of environmental data to establish the conditions  
9 of the area beginning before surface coal mining and reclamation  
10 operations-; i

11 10. "Coal processing plant" means a collection of facilities  
12 where run-of-the-mine coal is prepared for market by chemical or  
13 physical processing, and separated from its impurities. The  
14 processing plant may consist of, but not be limited to, the  
15 following support facilities: loading facilities; storage and  
16 stockpile facilities; shed, shops and other buildings; water  
17 treatment and water storage facilities; settling basins and  
18 impoundments; coal processing and other waste disposal areas; roads,  
19 railroads and other transport facilities; and utilities-; i

20 11. "Consolidated material" means material of sufficient  
21 hardness or ability to resist weathering and to inhibit erosion or  
22 sloughing-; i

23 12. "Department" means the ~~office of the Chief Mine Inspector~~  
24 Department of Environmental Quality and the Division of Mines within

1 the Department, including all employees, agents, deputies, and  
2 representatives of the Department, ~~herein called the Department of~~  
3 ~~Mines and Mining~~, or such department, bureau or commission as may  
4 lawfully succeed to the powers and duties of such department, having  
5 primary responsibility for administering all titles of the Surface  
6 Mining Law;i

7 13. "Director" means the Chief Mine Inspector of the State of  
8 Oklahoma or such officer, bureau or commission as may lawfully  
9 succeed to the powers and duties of such Chief Mine Inspector or  
10 such employee, agent, deputy or representative of the Chief Mine  
11 Inspector as shall be designated by the Chief Mine Inspector to  
12 perform any actions required by this act;i

13 14. "Disturbed area" means an area where vegetation, topsoil,  
14 or overburden is removed by surface coal mining operations or upon  
15 which topsoil, spoil, coal processing waste or noncoal waste is  
16 placed. Those areas are "disturbed" until reclamation of those  
17 areas is complete and the bond or other assurance of performance is  
18 released;i

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

22 a. Permanent diversion means a diversion remaining after  
23 surface coal mining and reclamation are completed and  
24 which has been approved for retention by the

1 Department and other appropriate state and federal  
2 agencies,

3 b. Temporary diversion means a diversion which is used  
4 during coal exploration or surface coal mining and  
5 reclamation operations, and not approved by the  
6 Department to remain after reclamation as part of the  
7 approved postmining land use;

8 16. "Ephemeral stream" means a stream which flows only in  
9 direct response to precipitation in the immediate watershed or in  
10 response to the melting of snow and ice, and which has a channel  
11 bottom that is always above the local water table;

12 17. "Ground water" means subsurface water that fills available  
13 openings in rock or soil materials such that they may be considered  
14 water-saturated;

15 18. "Head-of-hollow fill" means a fill structure consisting of  
16 any material, other than coal processing waste and organic material,  
17 placed in the uppermost reaches of a hollow where side slopes of the  
18 existing hollow measured at the steepest point are greater than  
19 twenty (20) degrees or the average slope of the profile of the  
20 hollow from the toe of the fill to the top of the fill is greater  
21 than ten (10) degrees. In fills with less than two hundred fifty  
22 thousand (250,000) cubic yards of material, associated with contour  
23 mining, the top surface of the fill will be at the elevation of the  
24 coal seam. In all other head-of-hollow fills, the top surface of



1 the fill, when completed, is at approximately the same elevation as  
2 the adjacent ridge line, and no significant area of natural drainage  
3 occurs above the fill draining into the fill area-; i

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

6 20. "Hydrologic balance" means the relationship between the  
7 quality and quantity of inflow to, outflow from and storage in a  
8 hydrologic unit such as a drainage basin, aquifer, soil zone, lake,  
9 or reservoir. It encompasses the quantity and quality relationships  
10 between precipitation, runoff, evaporation, and the change in ground  
11 and surface water storage-; i

12 21. "Hydrologic regime" means the entire state of water  
13 movement in a given area. It is a function of the climate, and  
14 includes the phenomena by which water first occurs as atmospheric  
15 water vapor, passes into a liquid or solid form and falls as  
16 precipitation, moves along or into the ground surface, and returns  
17 to the atmosphere as vapor by means of evaporation and  
18 transpiration-; i

19 22. "Imminent danger to the health and safety of the public"  
20 means the existence of any condition or practice, or any violation  
21 of a permit or other requirements of this act in a surface coal  
22 mining and reclamation operation, which condition, practice, or  
23 violation could reasonably be expected to cause substantial physical  
24 harm to persons outside the permit area before such condition,

1 practice, or violation can be abated. A reasonable expectation of  
2 death or serious injury before abatement exists if a rational  
3 person, subjected to the same condition or practice giving rise to  
4 the peril, would not expose oneself to the danger during the time  
5 necessary for abatement-; i

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

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

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

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

24

1       27. "Other minerals" means clay, stone, sand, gravel,  
2 metalliferous and nonmetalliferous ores, and any other solid  
3 material or substances of commercial value excavated in solid form  
4 from natural deposits on or in the earth, exclusive of coal and  
5 those minerals which occur naturally in liquid or gaseous form-; i

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

11       29. "Peak" means an upward projecting point of overburden  
12 created in the surface mining process-; i

13       30. "Perennial stream" means a stream or part of a stream that  
14 flows continuously during all of the calendar year as a result of  
15 groundwater discharge or surface runoff-; i

16       31. "Performance bond" means the indemnity instrument in a sum  
17 certain, supported by a surety's guarantee, pledge of collateral or  
18 other acceptable contractual guarantee, by which the permit  
19 applicant assures faithful performance of all the applicable permit  
20 requirements of this act and the rules and regulations promulgated  
21 thereunder-; i

22       32. "Permit" means a permit to conduct surface coal mining and  
23 reclamation operations issued by the Department pursuant to state  
24 law-; i

1 33. "Permit area" means the area, including all natural and  
2 human resources, included within the boundaries specified in a  
3 permit, whether or not the areas will be impacted by surface coal  
4 mining and reclamation operations, which are designated on the  
5 approved maps submitted by the applicant with his permit application  
6 and covered by the performance and reclamation bonds as required;i

7 34. "Permittee" means a person holding a "permit" to conduct  
8 surface coal mining and reclamation operations issued by the  
9 Department pursuant to state law;i

10 35. "Pit" means a tract of land from which overburden or  
11 minerals have been or are being removed in the process of surface  
12 mining;i

13 36. "Prime farmland" means lands which meet the criteria of the  
14 Department, which shall prescribe criteria at least as stringent as  
15 criteria prescribed by the United States Secretary of Agriculture on  
16 the basis of such factors as moisture availability, temperature  
17 regime, chemical balance, permeability, surface layer composition,  
18 susceptibility to flooding, and erosion characteristics, and which  
19 historically have been used for intensive agricultural purposes;i

20 37. "Reclamation" means, through the process of backfilling,  
21 regrading, topsoil replacement, reutilization, and revegetation  
22 activities, the bringing back of land to its approximate original  
23 contours and configuration, and resulting in an equal or better land  
24

1 use category, and shall be consistent with the existing surrounding  
2 environment-;

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

9 39. "Refuse" means all waste material directly connected with  
10 the production, cleaning or preparation of coal or other minerals  
11 which have been mined by either underground or surface mining  
12 method-;

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

15 41. "Ridge" means a lengthened elevation of overburden created  
16 in the surface mining process-;

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

19 a. An environmental harm is any adverse impact on land,  
20 air, or water resources, including but not limited to,  
21 plant and animal life,

22 b. An environmental harm is imminent if a condition,  
23 practice or violation exists which:

24 (1) is causing such harm or,

1 (2) may reasonably be expected to cause such harm at  
2 any time before the end of the reasonable  
3 abatement time that would be set under Section  
4 775 of this title,

5 c. An environmental harm is significant if that harm is  
6 appreciable and not immediately reparable;i

7 43. "Slope" means average inclination of a surface, measured  
8 from the horizontal; normally expressed as a unit of vertical  
9 distance to a given number of units of horizontal distance (e.g.,  
10 one unit vertical (1v) to five units horizontal (5h) = 11.3  
11 degrees)i

12 44. "Soil horizons" means contrasting layers of soil lying one  
13 below the other, parallel or near parallel to the land surface.  
14 Soil horizons are differentiated on the basis of field  
15 characteristics and laboratory data. The three (3) major soil  
16 horizons are:

17 a. "A horizon". The uppermost layer in the soil profile  
18 often called the surface soil. It is the part of the  
19 soil in which organic matter is most abundant and  
20 where leaching of soluble or suspended particles is  
21 the greatest,

22 b. "B horizon". The layer immediately beneath the A  
23 horizon and often called the subsoil. This middle  
24

1 layer commonly contains more clay, iron or aluminum  
2 than the A or C horizons, and

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

6 45. "Spoil" means displaced overburden-;i

7 46. "Strip mining" means those mining operations carried out by  
8 removing the overburden lying above natural deposits of coal and  
9 other minerals, and mining directly from such natural deposits  
10 thereby exposed, but excludes auger mining, quarrying, dredging,  
11 pumping or the use of hydraulic methods-;i

12 47. "Substantially disturb" means, for purposes of coal  
13 exploration, to significantly impact upon land, air or water  
14 resources by such activities as blasting, mechanical excavation of  
15 land, drilling or altering coal or water exploratory holes or wells,  
16 construction or creation of roads and other access routes, and the  
17 placement of structures, excavated earth or other debris upon the  
18 surface of land-;i

19 48. "Surface coal mining and reclamation operations" means  
20 surface mining operations and all activities necessary and incident  
21 to the reclamation of such operations-;i

22 49. "Surface coal mining operations" means:

23 a. Activities conducted on the surface of lands in  
24 connection with a surface coal mine or surface

1 operations and surface impacts incident to an  
2 underground coal mine. Such activities include  
3 excavation for the purpose of obtaining coal,  
4 including such common methods as contour, strip,  
5 auger, mountaintop removal, box cut, open pit, and  
6 area mining, the uses of explosives and blasting, in  
7 situ distillation or retorting, leaching or other  
8 chemical or physical processing, and the cleaning,  
9 concentrating, or other processing or preparation,  
10 loading of coal at or near the mine site. Such  
11 activities do not include the extraction of coal  
12 incidental to the extraction of other minerals where  
13 coal does not exceed sixteen and two-thirds percent  
14 (16 2/3%) of the tonnage of minerals removed for the  
15 purposes of commercial use or sale or coal  
16 exploration, subject to Section 745.11 of this title,  
17 and

- 18 b. The areas upon which such activities occur or where  
19 such activities disturb the natural land surface.  
20 Such areas shall also include any adjacent land, the  
21 use of which is incidental to any such activities, all  
22 lands affected by the construction of new roads or  
23 improvement or use of existing roads to gain access to  
24 the site of such activities and for haulage and



1 excavations, workings, impoundments, dams, ventilation  
2 shafts, entryways, refuse banks, dumps, stockpiles,  
3 overburden piles, spoil banks, culm banks, tailings,  
4 holes or depressions, repair areas, storage areas,  
5 processing areas, shipping areas and other areas upon  
6 which are sited structures, facilities, or other  
7 property or materials on the surface, resulting from  
8 or incident to such activities-; i

9 50. "Surface water" means water, either flowing or standing, on  
10 the surface of the earth-; i

11 51. "Topsoil" means the "A" soil horizon, which is the  
12 uppermost layer of the three (3) major soil horizons-; i

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

- 14 a. Surface operations incident to underground extraction  
15 of coal or in situ processing, such as construction,  
16 use, maintenance, and reclamation of roads, above-  
17 ground repair areas, storage areas, processing areas,  
18 shipping areas, areas upon which are sited support  
19 facilities including hoist and ventilating ducts,  
20 areas utilized for the disposal and storage of waste,  
21 and areas on which materials incident to underground  
22 mining operations are placed, and  
23 b. Underground operations such as underground  
24 construction, operation, and reclamation of shafts,

1 adits, underground support facilities, in situ  
2 processing, and underground mining, hauling, storage,  
3 and blasting, and

4 c. The areas in which activities enumerated above occur  
5 or where such activities disturb the natural land  
6 surface;

7 53. "Unwarranted failure to comply" means the failure of a  
8 permittee to prevent the occurrence of any violation of his permit  
9 or any requirement of this act due to indifference, lack of  
10 diligence, or lack of reasonable care, or the failure to abate any  
11 violation of such permit or the act due to indifference, lack of  
12 diligence, or lack of reasonable care; and

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

16 SECTION 41. AMENDATORY 45 O.S. 2021, Section 745.1, is  
17 amended to read as follows:

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

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

13           C. Any operator desiring to engage in underground mining shall  
14 make written application to the Department for a permit within two  
15 (2) months after approval of the state program. Application for  
16 such permit shall be made upon a form furnished by the Department,  
17 which form shall require all pertinent information including, but  
18 not limited to, all information required by federal law and  
19 regulations for underground coal mining, taking into account the  
20 distinct differences between surface coal mining and underground  
21 coal mining.

22           D. Each application for a permit under subsections B and C of  
23 this section shall be accompanied by a plan for the reclamation of  
24

1 the affected land that meets the requirements of the Coal  
2 Reclamation Act of 1979.

3 E. Each application for a permit or permit renewal under  
4 subsections B and C of this section shall be accompanied by a fee of  
5 Five Hundred Dollars (\$500.00) for each permit year, payable at the  
6 rate of Five Hundred Dollars (\$500.00) per year on the anniversary  
7 date of the year in which the permit or permit renewal was issued.  
8 Such fee shall be deposited in the Department of ~~Mines~~ Environmental  
9 Quality Revolving Fund and used to offset the cost of reviewing,  
10 administering and enforcing such permit issued pursuant to a state  
11 or federal program. Once mining operations have permanently  
12 terminated, no further permit fee shall be required of the operator.

13 F. The provisions of the Coal Reclamation Act of 1979 shall not  
14 apply to the extraction of coal by a landowner for his own  
15 noncommercial use from land owned or leased by him, or the  
16 extraction of coal as an incidental part of federal, state or local  
17 government-financed highway or other construction under regulations  
18 established by the Department.

19 SECTION 42. AMENDATORY 45 O.S. 2021, Section 753, is  
20 amended to read as follows:

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

1           1. Adequate advance written notice to local governments and  
2 residents who might be affected by the use of such explosives by  
3 publication of the planned blasting schedule in a newspaper of  
4 general circulation in the locality, and by mailing a copy of the  
5 proposed blasting schedule to every resident living within one-half  
6 (1/2) mile of the proposed blasting site and by providing daily  
7 notice to resident/occupiers in such areas prior to any blasting;

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

13           3. Limiting the type of explosives and detonating equipment,  
14 the size, the timing and frequency of blasts based upon the physical  
15 conditions of the site so as to prevent injury to persons, damage to  
16 public and private property outside the permit area, adverse impacts  
17 on any underground mine, and change in the course, channel, or  
18 availability of ground or surface water outside the permit area;

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

21           5. Upon the request of a resident or owner of a man-made  
22 dwelling or structure within one-half (1/2) mile of any portion of  
23 the permitted area the applicant or permittee shall conduct a pre-  
24 blasting survey of such structures and submit the survey to the

1 Department and a copy to the resident or owner making the request.

2 The area of the survey shall be decided by the Department; and

3 6. For the purposes of this section:

4 a. for blasting operations using electronic-blasting  
5 detonators, a "loaded hole" is defined as one that  
6 contains explosives or blasting agents with a primer  
7 where the hole has been stemmed and has a short length  
8 of connecting wire sticking out but does not have a  
9 firing device connected,

10 b. for blasting operations not using electronic  
11 detonators, a hole with explosives and a blasting cap  
12 is considered a "loaded and charged hole",

13 c. for blasting operations using electronic-blasting  
14 detonators, a "charged hole" is defined as one that  
15 contains explosives or blasting agents with a primer  
16 where the hole has been tamped with a short length of  
17 connecting device sticking out and it does have a  
18 firing device connected,

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

24

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

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

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

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

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

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

15 4. For blasting operations using electronic blasting  
16 detonators, loaded holes shall be charged as near to blasting time  
17 as practical and in compliance with the known physical limitations  
18 and properties of the specific blasting materials and equipment  
19 specified by the manufacturer. Unless authorized by the appropriate  
20 regulatory authority, loaded holes shall be detonated within sixty  
21 (60) days from the date of loading;

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

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

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

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

6           9. During the loading of holes, only the work activities  
7 associated with the explosives operation will be permitted in the  
8 blasting site;

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

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

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

17           13. When a blast is about to be fired, ample warning shall be  
18 given to allow all persons to retreat to a safe place. Each mine  
19 shall have a definite plan of warning signals that can be clearly  
20 seen or heard by anyone in the blasting area. The operator shall  
21 inform all employees at the local mine as to the established  
22 procedure;

23

24



1 14. Enclosed blasting shelters constructed of strong materials  
2 shall be provided to protect all persons endangered by flying rock  
3 from blasting;

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

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

10 17. Blasted materials shall be examined for undetonated  
11 explosives after each blast and undetonated explosives found shall  
12 be disposed of safely;

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

23

24

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

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

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

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

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

15       37. Charging of holes shall be suspended and the persons  
16 withdrawn to a safe location upon the approach of an electrical  
17 storm;

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

21       39. Blasting switches shall be locked in the open position  
22 except when closed to fire the blast. Lead wires shall not be  
23 connected to the blasting switch until the shot is ready to be  
24 fired;

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

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

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

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

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

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

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

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

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

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

4 SECTION 43. AMENDATORY 45 O.S. 2021, Section 767, is  
5 amended to read as follows:

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

15 SECTION 44. AMENDATORY 45 O.S. 2021, Section 768, is  
16 amended to read as follows:

17 Section 768. A. Any person who is or may be adversely affected  
18 by a surface mining operation may notify the ~~Chief Mine Inspector~~  
19 Division Director of the Division of Mines within the Department of  
20 Environmental Quality or any representative of the ~~Chief Mine~~  
21 ~~Inspector~~ Division Director responsible for conducting the  
22 inspection, in writing, of any violation of this act which he has  
23 reason to believe exists at the surface mining site. If the person  
24 who is or may be adversely affected by surface mining operations

1 states in such writing that he desires the source of the complaint  
2 or writing kept confidential, the Department shall maintain such  
3 information in confidence. The ~~Chief Mine Inspector~~ Division  
4 Director shall, by regulation, establish procedures for informal  
5 review of any refusal by a representative of the ~~Chief Mine~~  
6 ~~Inspector~~ Division Director to issue a citation with respect to any  
7 such alleged violation. The ~~Chief Mine Inspector~~ Division Director  
8 shall furnish such persons requesting the review a written statement  
9 of the reasons for the ~~Chief Mine Inspector's~~ Division Director's  
10 final disposition of the case.

11 B. The ~~Chief Mine Inspector~~ Division Director shall also, by  
12 regulation, establish procedures to ensure that adequate and  
13 complete inspections are made. Any such person may notify the ~~Chief~~  
14 ~~Mine Inspector~~ Division Director of any failure to make such  
15 inspections, after which the ~~Chief Mine Inspector~~ Division Director  
16 shall determine whether adequate and complete inspections have been  
17 made. The ~~Chief Mine Inspector~~ Division Director shall furnish such  
18 persons a written statement of the reasons for the ~~Chief Mine~~  
19 ~~Inspector's~~ Division Director's determination that adequate and  
20 complete inspections have or have not been conducted.

21 SECTION 45. AMENDATORY 45 O.S. 2021, Section 769, is  
22 amended to read as follows:

23 Section 769. A. In the enforcement of a state program pursuant  
24 to this act any operator who violates any permit condition or who

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

15 B. A civil penalty shall be assessed by the Department only  
16 after the person charged with a violation described under subsection  
17 A of this section has been given an opportunity for a public  
18 hearing. Where such a public hearing has been held, the ~~Chief Mine~~  
19 ~~Inspector~~ Division Director of the Division of Mines within the  
20 Department shall make findings of fact, and he or she shall issue a  
21 written decision as to the occurrence of the violation and the  
22 amount of the penalty which is warranted, incorporating, when  
23 appropriate, an order therein requiring that the penalty be paid.  
24 When appropriate, the ~~Chief Mine Inspector~~ Division Director shall

1 consolidate such hearings with other proceedings under this act.  
2 Any hearing under this section shall be of record. Where the person  
3 charged with such a violation fails to avail himself of the  
4 opportunity for a public hearing, a civil penalty shall be assessed  
5 by the ~~Chief Mine Inspector~~ Division Director after the ~~Chief Mine~~  
6 ~~Inspector~~ Division Director has determined that a violation did  
7 occur, and the amount of the penalty which is warranted, and has  
8 issued an order requiring that the penalty be paid.

9 C. Upon the issuance of a notice or order charging that a  
10 violation of this act has occurred, the Department shall inform the  
11 operator within thirty (30) days of the proposed amount of said  
12 penalty. The person charged with the penalty shall then have thirty  
13 (30) days to pay the proposed penalty in full or, if the person  
14 wishes to contest either the amount of the penalty or the fact of  
15 the violation, forward the proposed amount to the Department for  
16 placement in an escrow account. If through administrative or  
17 judicial review of the proposed penalty, it is determined that no  
18 violation occurred, or that the amount of the penalty should be  
19 reduced, the Department shall within thirty (30) days remit the  
20 appropriate amount to the person, with interest at the rate of six  
21 percent (6%), or at the prevailing United States Department of the  
22 Treasury rate, whichever is greater. Failure to forward the money  
23 to the Department within thirty (30) days shall result in a waiver  
24



1 of all legal rights to contest the violation or the amount of the  
2 penalty.

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

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

16 F. Whenever a corporate permittee violates a condition of a  
17 permit issued pursuant to this act or fails or refuses to comply  
18 with any order issued under this act, or any order incorporated in a  
19 final decision issued by the ~~Chief Mine Inspector~~ Department of  
20 Environmental Quality under this act except an order incorporated in  
21 a decision issued under subsection B of this section, any director,  
22 officer or agent of such corporation who willfully and knowingly  
23 authorized, ordered or carried out such violation, failure or  
24 refusal shall be subject to the same civil penalties, fines and

1 imprisonment that may be imposed upon a person under subsections A  
2 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 act or any order ~~of~~ or decision issued by the Department  
8 under this act, shall, upon conviction, be punished by a fine of not  
9 more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for  
10 not more than one (1) year, or both.

11 H. Any operator 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 a civil penalty of not less than Seven  
14 Hundred Fifty Dollars (\$750.00) for each day during which such  
15 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, as provided by Section ~~53~~ 786 of this ~~act~~ title,  
20 which ordered the suspension of the abatement requirements of the  
21 citation because it was determined that the operator will suffer  
22 irreparable loss or damage from the application of the abatement  
23 requirements; or

24

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

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

11           SECTION 46.           AMENDATORY           45 O.S. 2021, Section 775, is  
12 amended to read as follows:

13           Section 775. Whenever the Department of Environmental Quality  
14 has reason to believe that any person is in violation of any  
15 requirement of this act or any permit condition required by this  
16 act, the Department shall immediately order inspection of the  
17 surface coal mining operation at which the alleged violation is  
18 occurring unless the information available to the Department is a  
19 result of a previous inspection of such surface coal mining  
20 operation. ~~When the inspection results from information provided to~~  
21 ~~the Department by any person, the Department shall notify such~~  
22 ~~person when the inspection is proposed to be carried out and such~~  
23 ~~person shall be allowed to accompany the inspector during the~~  
24 ~~inspection.~~

1 SECTION 47. AMENDATORY 45 O.S. 2021, Section 780, is  
2 amended to read as follows:

3 Section 780. A. The Attorney General, upon request of the  
4 Department, shall institute proceedings to recover any damages and  
5 expense which the Department may have sustained by reason of the  
6 default of the operator. Such proceedings shall be brought against  
7 the operator and surety either in Oklahoma County or the county in  
8 which the violation occurred.

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

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

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

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

22 4. Refuses to permit inspection of the mine by authorized  
23 representatives of the Department;

24

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

3 6. Refuses to permit access to, and copying of, such records as  
4 the Department determines necessary in carrying out the provisions  
5 of this act.

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

12 SECTION 48. AMENDATORY 45 O.S. 2021, Section 786, is  
13 amended to read as follows:

14 Section 786. A. A permittee issued a notice or order by the  
15 Department pursuant to the provisions of this act or any person  
16 having an interest which is or may be adversely affected by such  
17 notice or order or by any modification, vacation or termination of  
18 such notice or order, may apply to the ~~Chief Mine Inspector~~ Division  
19 Director of the Division of Mines within the Department of  
20 Environmental Quality for review of the notice or order within  
21 thirty (30) days of receipt thereof or within thirty (30) days of  
22 its modification, vacation or termination. Upon receipt of such  
23 application, the ~~Chief Mine Inspector~~ Division Director shall cause  
24 such investigation to be made as it deems appropriate. Such

1 investigation shall provide an opportunity for a public hearing, at  
2 the request of the applicant or the person having an interest which  
3 is or may be adversely affected, to enable the applicant or such  
4 person to present information relating to the issuance and  
5 continuance of such notice or order or the modification, vacation or  
6 termination thereof. The filing of an application for review under  
7 this subsection shall not operate as a stay of any order or notice.

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

11 B. Upon receiving the report of such investigation, the ~~Chief~~  
12 ~~Mine Inspector~~ Division Director shall make findings of fact, and  
13 shall issue a written decision, incorporating therein an order  
14 vacating, affirming, modifying or terminating the notice or order,  
15 or the modification, vacation or termination of such notice or order  
16 complained of and incorporate his findings therein. Where the  
17 application for review concerns an order for cessation of surface  
18 coal mining and reclamation operations issued pursuant to the  
19 provisions of this title, the ~~Chief Mine Inspector~~ Division Director  
20 shall issue the written decision within thirty (30) days of the  
21 receipt of the application for review, unless temporary relief has  
22 been granted by the ~~Chief Mine Inspector~~ Division Director pursuant  
23 to this section or by the court.

24

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

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

16 2. The applicant shows that there is substantial likelihood  
17 that the findings of the ~~Chief Mine Inspector~~ Division Director will  
18 be favorable to him; and

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

22 D. Following the issuance of an order to show cause as to why a  
23 permit should not be suspended or revoked, the ~~Chief Mine Inspector~~  
24 Division Director shall hold a public hearing after giving written

1 notice of the time, place and date. Any such hearing shall be of  
2 record. Within sixty (60) days following the public hearing, the  
3 ~~Chief Mine Inspector~~ Division Director shall issue and furnish to  
4 the permittee and all other parties to the hearing a written  
5 decision, and the reasons therefor, concerning suspension or  
6 revocation of the permit. If the ~~Chief Mine Inspector~~ Division  
7 Director revokes the permit, the permittee shall immediately cease  
8 surface coal mining operations on the permit area and shall complete  
9 reclamation within a period specified by the ~~Chief Mine Inspector~~  
10 Division Director, or the ~~Chief Mine Inspector~~ Division Director  
11 shall declare as forfeited the performance bonds for the operation.

12 E. Whenever an order is issued under this section, or as a  
13 result of any administrative proceeding under this act, at the  
14 request of any person, a sum equal to the aggregate amount of all  
15 costs and expenses, including attorney fees, as determined by the  
16 ~~Chief Mine Inspector~~ Division Director to have been reasonably  
17 incurred by such person for or in connection with his participation  
18 in such proceedings, including any judicial review of agency  
19 actions, may be assessed against any party or the Department as the  
20 court, resulting from judicial review or the ~~Chief Mine Inspector~~  
21 Division Director, resulting from administrative proceedings, deems  
22 proper.

23 SECTION 49. AMENDATORY 45 O.S. 2021, Section 787, is  
24 amended to read as follows:



1 Section 787. Any order or other action of the Department of  
2 Environmental Quality or the ~~Chief Mine Inspector~~ Division Director  
3 of the Division of Mines within the Department shall be appealable  
4 when entered, as provided in ~~Sections~~ Section 318 ~~et seq.~~ of Title  
5 75 of the Oklahoma Statutes.

6 SECTION 50. AMENDATORY 45 O.S. 2021, Section 852, is  
7 amended to read as follows:

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

16 SECTION 51. AMENDATORY 45 O.S. 2021, Section 901, is  
17 amended to read as follows:

18 Section 901. As used in this act:

19 1. "Active workings" means any place in a mine where miners are  
20 normally required to work or travel;

21 2. "American table of distances" means the 1971 edition of "The  
22 American Table of Distances for Storage of Explosives" published by  
23 the Institute of Makers of Explosives;

24 3. "ANFO" means ammonium nitrate fuel oil mixtures;

1 4. "Approved" means tested and accepted for a specific purpose  
2 by a nationally recognized safety agency;

3 5. "Barricaded" means obstructed to restrict the passage of  
4 persons, vehicles or flying materials;

5 6. "Berm" means a pile or mound of material capable of  
6 restraining a vehicle; also a shelf, ledge or material placed to  
7 contain loose slope material;

8 7. "Blasting agent" means a cap insensitive chemical  
9 composition or mixture consisting of fuel and oxidizer and no  
10 explosive ingredient but which can be made to detonate when  
11 initiated with a high strength explosive primer;

12 8. "Blasting area" means the area near blasting operations in  
13 which concussion or flying material can reasonably be expected to  
14 cause injury;

15 9. "Blasting cap" means a detonator containing a charge of  
16 detonating compound which is ignited by electric current or the  
17 spark of a fuse and is used for detonating explosives;

18 10. "Blasting circuit" means electric current used to fire  
19 electric detonators or to ignite an igniter cord by means of an  
20 electric starter;

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

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

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

6 14. "Certified person" means an individual who has  
7 satisfactorily passed the required ~~State~~ Department of Environmental  
8 Quality Mining Board examination, thereby earning a certificate of  
9 competency which will allow him to work in a particular position for  
10 which certification is necessary;

11 15. "Combustible" means capable of being ignited and consumed  
12 by fire;

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

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

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

20 19. "Detonator" means a device containing a small detonating  
21 charge that is used for detonating an explosive including, but not  
22 limited to, blasting caps, exploders, electric detonators and delay  
23 electric blasting caps;

24

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

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

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

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

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

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

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

19       27. "Flammable" means capable of being easily ignited and of  
20 burning rapidly as defined by the National Fire Protection  
21 Association;

22       28. "Highway" means any public road or travelway used by the  
23 general public;

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

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

11           31. "Inspector" means a mine inspector in the employ of the  
12 State of Oklahoma;

13           32. "Magazine" means a storage place for explosives or  
14 detonators;

15           33. "Major electrical installation" means an assemblage of  
16 stationary electrical equipment for the generation, transmission,  
17 distribution or conversion of electric power;

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

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

23

24

1 36. "Owner" means the owner, lessee, manager, superintendent,  
2 operator or agent, receiver or trustee operating any clay, coal or  
3 copper mine;

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

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

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

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

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

18 42. "Safety switch" means a sectionalizing switch that also  
19 provides shunt protection in blasting circuits between the blasting  
20 switch and the shot area;

21 43. "Scaling" means removal of insecure material from a face or  
22 highwall;

23 44. "Secondary safety connection" means a second connection  
24 between a conveyance and rope, intended to prevent the conveyance

1 from running away or falling in the event the primary connection  
2 fails;

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

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

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

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

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

20 50. "Substantial construction" means construction of such  
21 strength, material and workmanship that the object will withstand  
22 all reasonable shock, wear, usage and deterioration to which it will  
23 normally be subjected;

24

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

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

7 53. Voltage:

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

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

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

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

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

15 SECTION 52. AMENDATORY 45 O.S. 2021, Section 902, is  
16 amended to read as follows:

17 Section 902. It shall be unlawful for any person in the State  
18 of Oklahoma to act as superintendent, mine foreman or shot firer  
19 without first having obtained a certificate of competency from the  
20 ~~State Mining Board as herein provided for~~ Department of  
21 Environmental Quality pursuant to this section.

22 The examination given by the ~~State Mining Board~~ Department to an  
23 applicant for a certificate of competency as superintendent, mine  
24 foreman or shot firer shall include a written or oral or written and



1 oral examination to determine that he fully understands the  
2 requirements of the mining laws of Oklahoma.

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

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

21 SECTION 53. AMENDATORY 45 O.S. 2021, Section 903, is  
22 amended to read as follows:

23 Section 903. Certifications provided for in this act shall be  
24 issued ~~under the signature and seal of the State Mining Board~~ by the

1 Department of Environmental Quality; such certificates shall bear  
2 the date of issuance, full name, age and years of experience of  
3 recipient and shall designate the position for which the recipient  
4 is certified by the ~~Board~~ Department. Provided that all persons  
5 making applications to the ~~State Mining Board~~ Department for  
6 certificates of competency as mine superintendent, mine foreman or  
7 ~~shot firer~~ shot-firer shall accompany said application with a fee of  
8 Two Dollars and fifty cents (\$2.50) as a fee for such examination  
9 and shall pay an additional fee of Two Dollars and fifty cents  
10 (\$2.50) when said certificate is issued.

11 SECTION 54. AMENDATORY 45 O.S. 2021, Section 904, is  
12 amended to read as follows:

13 Section 904. The ~~Secretary of the Board~~ Department of  
14 Environmental Quality shall maintain a record of the names,  
15 addresses and other pertinent information of all persons to whom  
16 certificates are issued. Certificates of competency, when issued as  
17 provided for herein, shall entitle the holders thereof to accept and  
18 discharge the duties for which said certificates declare them  
19 qualified.

20 SECTION 55. AMENDATORY 45 O.S. 2021, Section 905, is  
21 amended to read as follows:

22 Section 905. The ~~State Mining Board~~ Department of Environmental  
23 Quality shall have power to revoke any certificates, by it granted,  
24 because of incompetency, intoxication or other sufficient cause,

1 provided that any person against whom charges are made shall have  
2 ten (10) days written notice from the ~~Board~~ Department and shall  
3 have opportunity to be heard by it in his or her own behalf.

4 SECTION 56. AMENDATORY 45 O.S. 2021, Section 906, is  
5 amended to read as follows:

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

12 SECTION 57. AMENDATORY 45 O.S. 2021, Section 907, is  
13 amended to read as follows:

14 Section 907. It shall be the duty of the Department of ~~Mines~~  
15 Environmental Quality to enter into and examine thoroughly each and  
16 every active strip or surface mine in the state four to six times  
17 annually and in response to compliance concerns to see that the  
18 provisions of this act are observed and strictly carried out. Mines  
19 with resident safety engineers supplying the Department with monthly  
20 self-monitoring reports shall be inspected a minimum of twice a  
21 year. ~~The Chief Mine Inspector or assistant inspectors, or both,~~  
22 Inspectors of the Department may enter, inspect and examine any  
23 strip or surface pit and the works and machinery belonging thereto  
24 at all times, either by night or by day. The owner and the

1 employees may each designate a person who shall accompany the  
2 inspector during the state inspection of the mine. After each  
3 inspection the inspector shall make a report in triplicate of the  
4 condition of the mine with recommendations and orders. One copy  
5 shall be placed on file in the office of the ~~Chief Mine Inspector~~  
6 Division Director of the Division of Mines within the Department,  
7 one copy shall remain with the inspector, and one copy shall be  
8 given to the operator who shall post it in a conspicuous place  
9 available for public inspection where it can be read and where it  
10 shall remain until the next state inspection report is issued.  
11 Within thirty (30) days after receiving the report of the inspector  
12 in which any important recommendations are made, the owner shall  
13 send a report to the ~~Chief Mine Inspector~~ Division Director stating  
14 what steps have been taken to comply with the recommendations.

15 SECTION 58. AMENDATORY 45 O.S. 2021, Section 911, is  
16 amended to read as follows:

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

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

24

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

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

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

8           5. Magazines shall be:

- 9           a. located in accordance with the current American Table  
10           of Distances for Storage of Explosives,
- 11           b. detached structures located away from power lines,  
12           fuel storage area and other possible sources of fire,
- 13           c. constructed substantially of noncombustible material  
14           or covered with fire-resistant material,
- 15           d. reasonably bullet-resistant,
- 16           e. electrically bonded and grounded if constructed of  
17           metal,
- 18           f. made of nonsparking materials on the inside, including  
19           floors,
- 20           g. provided with adequate and effectively screened  
21           ventilation openings near the floor and ceiling,
- 22           h. kept securely locked when unattended,

23

24

- 1 i. posted with suitable danger signs so located that a  
2 bullet passing through the face of a sign will not  
3 strike the magazine,  
4 j. used exclusively for storage of blasting agents,  
5 explosives, or detonators and kept free of all  
6 extraneous materials,  
7 k. kept clean and dry in the interior, and in good  
8 repair, and  
9 l. unheated, unless heated in a manner that does not  
10 create a fire or explosion hazard. Electrical heating  
11 devices shall not be used inside a magazine;

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

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

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

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

21 10. Ammonium nitrate fuel oil mixtures shall be physically  
22 separated from dynamite stored in the same magazine and in such a  
23 manner that oil does not contaminate the dynamite; and  
24

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

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

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

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

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

15 4. Vehicles containing explosives or detonators shall not be  
16 left unattended except in blasting areas where loading or charging  
17 is in progress;

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

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

23 7. Vehicles used to transport explosives other than Ammonium  
24 Nitrate Fuel Oil (ANFO) mixtures shall have substantially

1 constructed bodies, no sparking metal exposed in the cargo space,  
2 and the explosives shall not be piled higher than the side or end  
3 enclosures;

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

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

8 10. No person shall smoke while transporting or handling  
9 explosives or detonators;

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

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

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

17 14. Substantial nonconductive closed containers shall be used  
18 to carry explosives to blasting sites.

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

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

24 Such persons shall understand the hazards involved, and trainees



1 shall do such work only under the supervision of and in the  
2 immediate presence of certified persons;

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

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

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

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

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

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

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

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

20 10. No tamping shall be done directly on primer cartridges;

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

23 12. Approaches to areas in which charged holes are awaiting  
24 firing shall be guarded, or barricaded and posted, or flagged,

1 against unauthorized entry. If blasting is done after dark, red  
2 flashing lights shall be used at the approaches to the blasting  
3 area;

4 13. When a blast is about to be fired, ample warning shall be  
5 given to allow all persons to retreat to a safe place. Each mine  
6 shall have a definite plan of warning signals that can be clearly  
7 seen or heard by anyone in the blasting area. The operator shall  
8 inform all employees at the local mine as to the established  
9 procedure;

10 14. Enclosed blasting shelters constructed of strong materials  
11 shall be provided to protect all persons endangered by flying rock  
12 from blasting;

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

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

19 17. Blasted materials shall be examined for undetonated  
20 explosives after each blast and undetonated explosives found shall  
21 be disposed of safely;

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

22 37. Charging of holes shall be suspended and the persons  
23 withdrawn to a safe location upon the approach of an electrical  
24 storm;

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

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

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

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

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

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

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

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

23 46. When instantaneous blasting is performed, trunklines in  
24 multiple-row blasting shall make one or more complete loops with

1 crossties between loops at intervals of not over two hundred (200)  
2 feet;

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

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

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

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

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

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

18 3. Where pneumatic loading is employed, before any type of  
19 blasting operation using blasting agents is put into effect, an  
20 evaluation of the potential hazard of static electricity shall be  
21 made. Adequate steps, including the grounding of the conductive  
22 parts of pneumatic loading equipment, shall be taken to eliminate  
23 the hazard of static electricity before blasting agent preparation  
24 is commenced;

1 4. Pneumatic loading equipment shall not be grounded to water  
2 lines, air lines, rails or other permanent electrical grounding  
3 systems;

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

10 6. Plastic tubes shall not be used to protect pneumatically  
11 loaded blasting agent charges against water unless a positive  
12 grounding system is provided to drain electrostatic charges from the  
13 holes.

14 SECTION 59. AMENDATORY 45 O.S. 2021, Section 918, is  
15 amended to read as follows:

16 Section 918. The following rules and procedures shall be  
17 complied with in dealing with augering:

18 1. Planning: before augering is done, advance planning shall  
19 be made to ~~insure~~ ensure that no hazards shall be created affecting  
20 active underground workings. Auger mine workings and holes drilled  
21 shall be located so as to prevent:

22 ~~(1)~~

23 a. interference with the ventilation system of any  
24 underground mine, and

1                            ~~(2)~~

2            b.    inundation hazards from the surface to active  
3                            underground workings;

4    2.    Inspection:

5            a.    at least fifty (50) feet on each side of highwalls  
6                            being drilled shall be inspected for loose material  
7                            before drilling or other work in the area is begun,  
8                            and an inspection shall be made at least once during  
9                            each operating shift,

10           b.    when abandoned mines or abandoned parts of active  
11                            mines are penetrated by drilling, machinery shall be  
12                            stopped and tests shall be made at the collar of the  
13                            hole for explosive gas or oxygen or oxygen deficiency  
14                            by a certified person qualified to use approved  
15                            instruments to make such tests.    If tests show the  
16                            presence of gas or the lack of oxygen, the equipment  
17                            shall not be operated until the condition has been  
18                            corrected;

19    3.    Auger holes; persons not to enter:

20           a.    no person shall enter an auger hole for any purpose  
21                            without having first received permission from a  
22                            representative of the ~~Oklahoma~~ Department of ~~Mines~~  
23                            Environmental Quality,

24



- 1           b.    auger machines and other related equipment on which  
2                    persons are required to work during drilling  
3                    operations shall be protected against falling material  
4                    from highwalls by heavy gauge screen or equivalent  
5                    material subject to the approval of the mine  
6                    inspector. The protective screen shall permit workmen  
7                    to keep the highwall in view at all times,  
8            c.    no work shall be done on the highwall in the vicinity  
9                    of drilling equipment while it is in operation;

10       4.   Auger equipment; operation:

- 11           a.    persons shall stay clear of the auger train while it  
12                    is in motion, and they shall not pass over or under  
13                    the auger train except where crossing facilities are  
14                    provided;     
15            b.    persons must be in the clear while auger sections are  
16                    being swung into position,  
17            c.    auger operators shall not leave the controls of the  
18                    equipment while the auger is operating, and  
19            d.    when auger operations are performed after dark,  
20                    adequate illumination shall be provided;

21       5.   Auger Holes; blocking:  auger holes shall be securely  
22   blocked by spoil or other suitable material before they are  
23   abandoned.  
24

1 SECTION 60. AMENDATORY 45 O.S. 2021, Section 931, is  
2 amended to read as follows:

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

6 B. All operators of noncoal mining operations shall pay to the  
7 Department of ~~Mines~~ a fee of one and one-fourth cents (\$0.0125) per  
8 ton of mineral produced. For the purposes of this section,  
9 "mineral" shall be defined as provided in paragraph 4 of Section 723  
10 of this title.

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

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

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

1 of fees collected on minerals produced on or after July 1, 1988, to  
2 the Oklahoma Miner Training Institute Revolving Fund, with the  
3 balance of the fees collected to be deposited in the Department of  
4 ~~Mines~~ Environmental Quality Revolving Fund.

5 SECTION 61. AMENDATORY 45 O.S. 2021, Section 938.1, is  
6 amended to read as follows:

7 Section 938.1. There is hereby created in the State Treasury a  
8 revolving fund for the Oklahoma Miner Training Institute to be  
9 designated the "Oklahoma Miner Training Institute Revolving Fund".  
10 The fund shall be a continuing fund, not subject to fiscal year  
11 limitations, and shall consist of all monies designated by Section  
12 931 of this title to be deposited in the fund. All monies accruing  
13 to the credit of said fund are hereby appropriated and may be  
14 budgeted and expended by the ~~Oklahoma Mining Commission~~ Department  
15 of Environmental Quality for the contract with the Board of Regents  
16 of Eastern Oklahoma State College for operation of the Oklahoma  
17 Miner Training Institute and associated expenses. Expenditures from  
18 said fund shall be made upon warrants issued by the State Treasurer  
19 against claims filed as prescribed by law with the Director of the  
20 Office of Management and Enterprise Services for approval and  
21 payment.

22 SECTION 62. AMENDATORY 45 O.S. 2021, Section 950, is  
23 amended to read as follows:

24

1 Section 950. A. For purposes of this section, a "subject mine"  
2 shall mean a mine, as defined in paragraph 2 of Section 723 of Title  
3 45 of the Oklahoma Statutes, proposed for a location overlying a  
4 sensitive sole source groundwater basin or subbasin, exclusive of  
5 any mine that meets at least one of the following conditions:

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

8 2. Satisfies the criteria of paragraph 1 or 2 of subsection C  
9 of Section 1020.2 of Title 82 of the Oklahoma Statutes; or

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

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

17 B. Due to the inadequacy of existing technical resources,  
18 analytic tools and regulatory systems for purposes of the effective  
19 implementation of statutes relating to the operation of mines that  
20 overlies a sensitive sole source groundwater basin or subbasin, the  
21 Legislature hereby declares and establishes a moratorium on the  
22 Department of ~~Mines~~ Environmental Quality issuing, in relation to  
23 any location overlying a sensitive sole source groundwater basin or  
24 subbasin or in which groundwater emanating from any sensitive sole

1 source groundwater basin or subbasin may collect within a pit, as  
2 defined in paragraph 12 of Section 723 of ~~Title 45 of the Oklahoma~~  
3 ~~Statutes~~ this title:

4 1. Any permit, pursuant to Section 724 of Title 45 of the  
5 Oklahoma Statutes, to any subject mine;

6 2. Any amendment or revision to any existing mining permit,  
7 that covers additional land which shall include extensions of  
8 boundaries shown in the initial permit, pursuant to subsection J of  
9 Section 724 of Title 45 of the Oklahoma Statutes, if such amendment  
10 or revision would increase the acreage under such permit for that  
11 mine location by more than one hundred percent (100%) or four  
12 hundred (400) acres, whichever is less, as compared to the acreage  
13 under permit for that mine location prior to ~~the effective date of~~  
14 ~~this act~~ November 1, 2019; provided, however, on or after November  
15 1, 2030, there shall be no limitation on an increase in acreage as  
16 specified in this paragraph.

17 C. Notwithstanding the moratorium, nothing in paragraph 2 of  
18 subsection B of this section shall preclude the Department of ~~Mines~~  
19 from issuing an amendment or revision to cover additional land,  
20 other changes to method or conduct of mining, reclamation operations  
21 contemplated by the original permit or other authorization to allow  
22 a change in mine ownership or to implement bonding under a permit  
23 issued prior to ~~the effective date of this act~~ November 1, 2019, nor  
24 shall any permit amendment or revision issued pursuant to this

1 section be deemed to render the permitted mine a subject mine for  
2 purposes of Title 27A, 45 or 82 of the Oklahoma Statutes.

3 D. Notwithstanding the moratorium or any other provision of  
4 law, the Department ~~of Mines~~ shall not require a permit for purposes  
5 of road or railroad construction in relation to mining activities by  
6 any mine.

7 E. The moratorium shall remain in effect until such time as:

8 1. The conditions of subsection C of Section ~~3 of this act~~  
9 1020.9c of Title 82 of the Oklahoma Statutes have been satisfied;

10 and

11 2. The Department of ~~Mines~~ promulgates final rules to provide  
12 for effective interagency consultation and coordination of  
13 activities among the Department, and the Oklahoma Water Resources  
14 Board ~~and the Department of Environmental Quality~~ on all  
15 administrative matters relating to the operation of mines at  
16 locations that overlie a sensitive sole source groundwater basin or  
17 subbasin.

18 F. The Department ~~of Mines~~ is hereby authorized and instructed  
19 to promulgate rules to implement the provisions of this section.

20 G. The Department ~~of Mines~~ is hereby authorized to cooperate  
21 with federal, tribal and any other agencies in this state in  
22 performing its responsibilities under this section.

23 SECTION 63. AMENDATORY 47 O.S. 2021, Section 156, is  
24 amended to read as follows:

1 Section 156. A. Unless otherwise provided for by law, no state  
2 board, commission, department, institution, official, or employee,  
3 except the following, shall purchase any passenger automobile or bus  
4 with public funds:

5 1. The Department of Public Safety;

6 2. The Department of Human Services;

7 3. The State Department of Rehabilitation Services;

8 4. The Department of Wildlife Conservation;

9 5. The Department of Corrections;

10 6. The State Department of Education;

11 7. The Oklahoma School of Science and Mathematics;

12 8. The Oklahoma State Bureau of Narcotics and Dangerous Drugs  
13 Control;

14 9. The Oklahoma State Bureau of Investigation;

15 10. The Transportation Commission;

16 11. The Oklahoma Department of Agriculture, Food, and Forestry;

17 12. The State Department of Health;

18 13. The Department of Mental Health and Substance Abuse  
19 Services;

20 14. The J.D. McCarty Center for Children with Developmental  
21 Disabilities;

22 15. The Military Department of the State of Oklahoma;

23 16. The Oklahoma Tourism and Recreation Department;

24 17. The Oklahoma Conservation Commission;

1 18. The Oklahoma Water Resources Board;

2 19. The Department of ~~Mines~~ Environmental Quality;

3 20. The Office of Juvenile Affairs;

4 21. The Oklahoma Department of Veteran Affairs;

5 22. The Oklahoma Supreme Court;

6 23. The District Attorneys Council and Oklahoma district  
7 attorneys, provided adequate funding exists;

8 24. The Oklahoma Boll Weevil Eradication Organization; and

9 25. The Oklahoma Horse Racing Commission.

10 B. 1. The Oklahoma School for the Deaf at Sulphur, the  
11 Oklahoma School for the Blind at Muskogee, and any state institution  
12 of higher education may purchase, own, or keep if now owned, or  
13 acquire by lease or gift, and use and maintain such station wagons,  
14 automobiles, trucks, or buses as are reasonably necessary for the  
15 implementation of the educational programs of said institutions.

16 2. No bus operated, owned, or used by such educational  
17 institutions shall be permitted to carry any person other than  
18 students, faculty members, employees, or volunteers of such  
19 institutions. The provisions of this section shall not be construed  
20 to prohibit:

21 a. the operation of intracampus buses or buses routed  
22 directly between portions of the campus of any  
23 institution not adjacent to each other, nor to  
24 prohibit the collection of fares from such students,



1 faculty members, or employees of such institutions,  
2 sufficient in amount to cover the reasonable cost of  
3 such transportation, or

4 b. the Oklahoma School for the Blind or the Oklahoma  
5 School for the Deaf from entering into agreements with  
6 local public school districts pursuant to the  
7 Interlocal Cooperation Act for the mutual use of the  
8 schools' and the districts' vehicles. Such use may  
9 include, but is not limited to, the transportation of  
10 students from local school districts with students  
11 from the Oklahoma School for the Blind or the Oklahoma  
12 School for the Deaf in vehicles owned by the Oklahoma  
13 School for the Blind or the Oklahoma School for the  
14 Deaf when traveling to school-related activities.

15 C. The J.D. McCarty Center for Children with Developmental  
16 Disabilities, the Oklahoma Department of Libraries, the Oklahoma  
17 Department of Veterans Affairs, and the Oklahoma Veterans Centers  
18 may own and maintain such passenger vehicles as those institutions  
19 have acquired prior to May 1, 1981.

20 D. The use of station wagons, automobiles, and buses, other  
21 than as provided for in this section, shall be permitted only upon  
22 written request for such use by heads of departments of the  
23 institution, approved in writing by the president of said  
24 institution or by some administrative official of said institution

1 authorized by the president to grant said approval. Such use shall  
2 be permitted only for official institutional business or activities  
3 connected therewith. Such use shall be subject to the provisions of  
4 Section 156.1 of this title forbidding personal use of such  
5 vehicles, and to the penalties therein declared.

6 E. Any person convicted of violating the provisions of this  
7 section shall be guilty of a misdemeanor and shall be punished by  
8 fine or imprisonment, or both, as provided for in Section 156.1 of  
9 this title.

10 F. For the purpose of this section and Section 156.3 of this  
11 title, a station wagon is classified as a passenger automobile and  
12 may not be purchased solely for the use of transporting property.  
13 Such vehicles shall include, but not be limited to, all vehicles  
14 which have no separate luggage compartment or trunk but which do not  
15 have open beds, whether the same are called station wagons, vans,  
16 suburbans, town and country, blazers, or any other names. All state  
17 boards, commissions, departments, and institutions may own and  
18 maintain station wagons purchased solely for the purpose of  
19 transporting property if acquired prior to July 1, 1985.

20 G. The provisions of this section and Section 156.1 of this  
21 title shall not apply to public officials who are statewide elected  
22 commissioners.

23 SECTION 64. AMENDATORY 51 O.S. 2021, Section 24A.27, is  
24 amended to read as follows:

1 Section 24A.27. A. Any state environmental agency or public  
2 utility shall keep confidential vulnerability assessments of  
3 critical assets in both water and wastewater systems. State  
4 environmental agencies or public utilities may use the information  
5 for internal purposes or allow the information to be used for survey  
6 purposes only. The state environmental agencies or public utilities  
7 shall allow any public body to have access to the information for  
8 purposes specifically related to the public bodies function.

9 B. For purposes of this section:

10 1. "State environmental agencies" includes the:

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

19 2. "Public Utility" means any individual, firm, association,  
20 partnership, corporation or any combination thereof, municipal  
21 corporations or their lessees, trustees and receivers, owning or  
22 operating for compensation in this state equipment or facilities  
23 for:  
24

- 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 65. 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;
2. "Certificate of operation" means a document issued by the Commissioner and affixed to an elevator that indicates that the elevator has been inspected and tested and found to be in compliance with all applicable standards of operation as determined by the Department of Labor;
3. "Certificate of operation - temporary" means a document issued by the Commissioner that permits temporary use of a noncompliant elevator by the general public for not more than thirty (30) days while minor repairs are being completed;
4. "Commissioner" means the Commissioner of Labor or his/her authorized representative;

1       5. "Chief elevator inspector" means the chief elevator  
2 inspector appointed under the Elevator Safety Act;

3       6. "Deputy inspector" means an inspector appointed by the chief  
4 elevator inspector subject to the approval of the Commissioner under  
5 the provisions of the Elevator Safety Act;

6       7. a. "Elevator" means any device for lifting or moving  
7 people, cargo, or freight within, or adjacent and  
8 connected to, a structure or excavation, and includes  
9 any escalator, power-driven stairway, moving walkway  
10 or stairway chair lift.

11       b. The term "elevator" does not mean any:

12           (1) amusement ride or device subject to inspection  
13 and regulation under the provisions of Section  
14 460 et seq. of Title 40 of the Oklahoma Statutes,

15           (2) mining equipment subject to inspection and  
16 regulation by the Department of ~~Mines~~  
17 Environmental Quality,

18           (3) aircraft, railroad car, boat, barge, ship, truck,  
19 or other self-propelled vehicle or component  
20 thereof,

21           (4) boiler grate stoker or other similar firing  
22 mechanism subject to inspection under the  
23 provisions of the Oklahoma Boiler and Pressure  
24 Vessel Safety Act,

1 (5) dumbwaiter, conveyor, chain or bucket hoist,  
2 construction hoist or similar devices used for  
3 the primary purpose of elevating or lowering  
4 materials, or

5 (6) elevator, conveyance, manlift or similar device  
6 in grain elevators, grain warehouses, seed  
7 processing facilities, feed mills and/or flour  
8 mills which is used by employees, but is not  
9 accessible to or used by customers or members of  
10 the general public.

11 This list is not exhaustive;

12 8. "Elevator apprentice" means an unlicensed person registered  
13 with the Department of Labor who works under the direct supervision  
14 of a licensed elevator mechanic, licensed elevator contractor, or  
15 licensed elevator inspector;

16 9. "Licensed elevator contractor" means a person or business  
17 entity that possesses a valid elevator contractor's license issued  
18 by the Department of Labor pursuant to the provisions of the  
19 Elevator Safety Act and is thus entitled to engage in the business  
20 of erecting, constructing, installing, altering, servicing,  
21 repairing, or maintaining elevators;

22 10. "Licensed elevator inspector" means a person who possesses  
23 a valid elevator inspector's license issued by the Department of  
24

1 Labor pursuant to the provisions of the Elevator Safety Act and is  
2 thus entitled to engage in the business of inspecting elevators;

3 11. "Licensed elevator mechanic" means a person who possesses a  
4 valid elevator mechanic's license issued by the Department of Labor  
5 in accordance with the provisions of the Elevator Safety Act and is  
6 thus, when employed by a licensed elevator contractor, entitled to  
7 install, construct, alter, service, repair, perform electrical work  
8 on, test, and maintain elevators; and

9 12. "Private residence" means a separate dwelling or a separate  
10 apartment in a multiple dwelling that is occupied by members of a  
11 single-family unit.

12 SECTION 66. AMENDATORY 63 O.S. 2021, Section 122.2, is  
13 amended to read as follows:

14 Section 122.2. The provisions of this section specify the  
15 jurisdictional areas of state agencies relating to the regulation of  
16 blasting and explosives. Agencies regulating explosives and  
17 blasting are directed to cooperate and coordinate with each other as  
18 necessary to carrying out the duties required to regulate  
19 explosives. Agencies regulating explosives may enter into  
20 interagency agreements with other state agencies and law enforcement  
21 agencies of any political subdivision of this state for the purpose  
22 of conducting investigations related to the regulation of explosives  
23 or criminal activity. The jurisdictional areas of responsibility  
24 specified in this section shall be in addition to those otherwise

1 provided by law and assigned to the specific state agency as  
2 follows:

3 ~~1. Department of Mines. The Department of Mines shall have the~~  
4 ~~following jurisdictional areas relating to the regulation of~~  
5 ~~blasting and explosives:~~

6 ~~a. the use of explosives and blasting activities for~~  
7 ~~surface and nonsurface mining operations pursuant to~~  
8 ~~Title 45 of the Oklahoma Statutes,~~

9 ~~b. except as otherwise provided by this part, the use of~~  
10 ~~explosives and blasting activities for nonmining~~  
11 ~~activities, and~~

12 ~~c. except as otherwise provided by this part, the~~  
13 ~~regulation of the use of explosives or of blasting~~  
14 ~~activity not subject to the specific statutory~~  
15 ~~authority of another state agency;~~

16 ~~2. State Fire Marshal. The State Fire Marshal shall have~~  
17 ~~regulatory jurisdictional responsibility relating to explosives as~~  
18 ~~follows:~~

19 ~~a. the regulation of the manufacture, sale,~~  
20 ~~transportation for hire or storage of explosives or~~  
21 ~~blasting agents for resale pursuant to Division 2 of~~  
22 ~~the Oklahoma Explosives and Blasting Regulation Act,~~

23

24



- 1           b.    the examination of buildings and premises and  
2                    reporting and orders authorized pursuant to Section  
3                    317 of Title 74 of the Oklahoma Statutes, and  
4           c.    licensure, regulation and enforcement of fire  
5                    extinguishers, pursuant to the Fire Extinguisher  
6                    Licensing Act;

7        ~~3.~~ 2.   The Department of Public Safety.   The Department of  
8 Public Safety shall have the regulatory jurisdictional  
9 responsibility relating to explosives as follows:

- 10           a.    the transportation of explosives or blasting agents  
11                    classified as hazardous materials pursuant to the  
12                    Oklahoma Motor Carrier Safety and Hazardous Materials  
13                    Transportation Act,  
14           b.    the construction or making of any explosive or  
15                    explosive device not subject to specific regulatory  
16                    authority of another state agency,  
17           c.    the intentional storage of any materials which are  
18                    intended to be used to construct or make any explosive  
19                    or explosive device not subject to specific regulatory  
20                    authority of another state agency, and  
21           d.    the intentional use of any explosive or explosive  
22                    device in any manner not subject to specific  
23                    regulatory authority of another state agency.

1 Provided, nothing in this provision shall be construed to expand  
2 jurisdiction of the Department of Public Safety to investigate any  
3 crime occurring within the jurisdiction of another law enforcement  
4 authority of any political subdivision of this state, and nothing  
5 shall prohibit, limit, or restrict any law enforcement officer,  
6 agency, or specialized law enforcement unit from investigating or  
7 otherwise performing any duty or responsibility for crimes within  
8 their respective jurisdiction relating to explosives, blasting  
9 agents, or hazardous materials; and

10 ~~4.~~ 3. Department of Environmental Quality. The Department of  
11 Environmental Quality shall have jurisdictional responsibility  
12 relating to the regulation and disposal of explosives or blasting  
13 agents classified as solid or hazardous waste pursuant to the  
14 Oklahoma Environmental Quality Code. The Department shall also have  
15 the following jurisdictional areas relating to the regulation of  
16 blasting and explosives:

- 17 a. the use of explosives and blasting activities for  
18 surface and nonsurface mining operations pursuant to  
19 Title 27A of the Oklahoma Statutes,  
20 b. except as otherwise provided by Section 122.1 et seq.  
21 of this title, the use of explosives and blasting  
22 activities for nonmining activities, and  
23 c. except as otherwise provided by Section 122.1 et seq.  
24 of this title, the regulation of the use of explosives

1           or of blasting activity not subject to the specific  
2           statutory authority of another state agency.

3           SECTION 67.        AMENDATORY        63 O.S. 2021, Section 123.1, is  
4 amended to read as follows:

5           Section 123.1. A. Pursuant to the Oklahoma Explosives and  
6 Blasting Regulation Act, except as otherwise provided by ~~this part~~  
7 Section 122.1 et seq. of this title, the Department of ~~Mines~~  
8 Environmental Quality shall be responsible for the administration,  
9 regulation and enforcement of all blasting operations or activities,  
10 and the storage and use of all blasting agents and explosives by any  
11 person, which is not located within the area of a mining operation  
12 or site.

13           B. Except as otherwise provided by ~~this part~~ Section 122.1 et  
14 seq. of this title, it shall be unlawful for any person to store or  
15 use any blasting agents or explosives, or conduct, supervise or  
16 control a blasting operation in this state without first complying  
17 with the provisions of the Oklahoma Explosives and Blasting  
18 Regulation Act and rules promulgated by the ~~Oklahoma Mining~~  
19 Commission Department.

20           C. Except as otherwise required by ~~this part~~ Section 122.1 et  
21 seq. of this title, by January 1, 1996:

22           1. Any person performing blasting activity shall be certified  
23 as a blaster by the Department ~~of Mines~~;

1           2. All blasting operations shall be conducted under the  
2 direction of a certified blaster. Blaster certification may be  
3 obtained from the Department upon application and proof of  
4 competency as determined by rules of the Department; and

5           3. Before January 1, 1996, all blasting operations and  
6 activities shall be conducted by competent, experienced persons who  
7 understand the hazards involved.

8           D. Any blaster certification issued by the Department shall be  
9 carried by the blaster or shall be on file at the blasting area  
10 during blasting operations.

11          E. A blaster and at least one other person shall be present at  
12 the firing of a blast.

13          SECTION 68.           AMENDATORY           63 O.S. 2021, Section 123.2, is  
14 amended to read as follows:

15          Section 123.2. A. Except as otherwise provided by ~~this part~~  
16 Section 122.1 et seq. of this title, it is a violation to  
17 manufacture, store, or use explosives or blasting agents without  
18 first obtaining a permit from the Department of ~~Mines~~ Environmental  
19 Quality.

20          B. Permits issued under ~~this division~~ Section 122.1 et seq. of  
21 this title shall not be transferable, and shall be readily available  
22 for inspection by representatives of the Department and law  
23 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~~ Section 123.1 et seq. of this title shall be valid for  
7 the calendar year after the date of issue unless revoked or  
8 suspended. Permits for continuous blasting operations may be  
9 renewed on each issuance date and a showing of compliance with the  
10 Oklahoma Explosives and Blasting Regulation Act and rules  
11 promulgated thereto.

12 2. Permits for one-time or limited-time permits shall be valid  
13 only for the time specified in the permit.

14 F. Any person holding a permit issued under ~~this division~~  
15 Section 123.1 et seq of this title shall keep such records as may be  
16 required by the Department. Records shall be maintained for not  
17 less than two (2) years following the year in which the record is  
18 made. All such records shall be open to inspection by the  
19 Department or its representatives during normal business hours.

20 SECTION 69. AMENDATORY 63 O.S. 2021, Section 123.2A, is  
21 amended to read as follows:

22 Section 123.2A. A. No person shall purchase blasting agents or  
23 explosives in this state without first obtaining a permit pursuant  
24 to the Oklahoma Explosives and Blasting Regulation Act or without

1 first obtaining written notification from the Department of ~~Mines~~  
2 Environmental Quality that the person is exempt from this permit  
3 requirement.

4 B. Distributors or sellers of blasting agents or explosives  
5 shall require presentation of either the permit or exemption  
6 notification required in subsection A of this section before the  
7 sale or transfer of blasting agents or explosives.

8 C. The ~~Oklahoma Mining Commission~~ Environmental Quality Board  
9 shall promulgate rules to implement this section.

10 SECTION 70. AMENDATORY 63 O.S. 2021, Section 123.3, is  
11 amended to read as follows:

12 Section 123.3. The Department of Environmental Quality shall  
13 enforce the provisions of ~~this division~~ Section 123.1 et seq. of  
14 this title and for such purposes shall:

15 1. Issue permits to applicants found by the Department, after  
16 inspection and investigation, to be qualified for such permit under  
17 the provisions of ~~this division~~ Section 123.1 et seq. of this title  
18 and the rules promulgated by the Department;

19 2. Deny, suspend, or revoke permits upon a finding of  
20 noncompliance or violation of the provisions of ~~this division~~  
21 Section 123.1 et seq. of this title or of the applicable rules of  
22 the Department;

23

24

1           3. Hold hearings upon the application of any person aggrieved  
2 by any order of the Department with respect to the denial,  
3 suspension, or revocation of any permit; and

4           4. Inspect, during normal business hours, any building,  
5 structure, or premises subject to the provisions of ~~this division~~  
6 Section 123.1 et seq. of this title, and, upon the discovery of any  
7 violation of ~~this division~~ Section 123.1 et seq. of this title or  
8 the applicable rules, issue such orders as are necessary for the  
9 safety of workers and the public, and, in the case of imminent  
10 hazard or emergency, apply for an injunction in the appropriate  
11 district court.

12           SECTION 71.           AMENDATORY           63 O.S. 2021, Section 123.4, is  
13 amended to read as follows:

14           Section 123.4. A. The Department of ~~Mines~~ Environmental  
15 Quality shall promulgate the necessary rules to implement the  
16 provisions of ~~this Division~~ Section 123.1 et seq. of this title.  
17 Rules promulgated by the Department shall include but not be limited  
18 to requirements for blasting plans, use of explosives, public  
19 notices, and records.

20           B. The Department ~~of Mines~~ may establish a schedule of fees to  
21 be charged for applications for or issuance of new and renewed  
22 certifications and permits required pursuant to ~~this division~~  
23 Section 123.1 et seq. of this title. The fees shall be subject to  
24 the following provisions:

1 1. The Department shall follow the procedures required by the  
2 Administrative Procedures Act for promulgating rules in establishing  
3 or amending any such schedule of fees;

4 2. The Department shall base its schedule of fees upon the  
5 reasonable costs of operating the programs specified by ~~this~~  
6 ~~division~~ Section 123.1 et seq. of this title; and

7 3. The fees authorized by this section shall not be implemented  
8 by emergency rule but shall be adopted by permanent rules, which  
9 shall be submitted to the Legislature for review pursuant to Section  
10 308 of Title 75 of the Oklahoma Statutes prior to implementation.

11 SECTION 72. AMENDATORY 63 O.S. 2021, Section 123.5, is  
12 amended to read as follows:

13 Section 123.5. A. In the enforcement of the Oklahoma  
14 Explosives and Blasting Regulation Act pursuant to ~~this division~~  
15 Section 123.1 et seq. of this title, any person who violates any  
16 permit condition or who violates any other provision of the Oklahoma  
17 Explosives and Blasting Regulation Act or rules promulgated thereto  
18 pursuant to ~~this division~~ Section 123.1 et seq. of this title may be  
19 assessed an administrative penalty by the Department of  
20 Environmental Quality. Such penalty shall not exceed Five Thousand  
21 Dollars (\$5,000.00) for each violation. Each day of continuing  
22 violation may be deemed a separate violation for purposes of penalty  
23 assessments. In determining the amount of the penalty,  
24 consideration shall be given to the person's history of previous



1 violations regarding explosives and blasting operation; the  
2 seriousness of the violation, including any irreparable harm to the  
3 environment and any hazard to the health or safety of the public;  
4 whether the person was negligent; and the demonstrated good faith of  
5 the person charged in attempting to achieve rapid compliance after  
6 notification of the violation.

7       B. An administrative penalty shall be assessed by the  
8 Department only after the person charged with a violation described  
9 under subsection A of this section has been given an opportunity for  
10 a hearing pursuant to Article II of the Administrative Procedures  
11 Act. Where such a hearing has been held, the Department shall make  
12 findings of fact, and shall issue a written decision as to the  
13 occurrence of the violation and the amount of the penalty which is  
14 warranted, incorporating, when appropriate, an order therein  
15 requiring that the penalty be paid. When appropriate, the  
16 Department shall consolidate such hearings with other proceedings  
17 under the Oklahoma Explosives and Blasting Regulation Act. Any  
18 hearing under this section shall be of record. Where the person  
19 charged with such a violation fails to avail himself of the  
20 opportunity for a hearing, an administrative penalty shall be  
21 assessed by the Department after determining that a violation did  
22 occur, and the amount of the penalty which is warranted, and issuing  
23 an order requiring that the penalty be paid.

24

1 C. Upon the issuance of a notice or order charging that a  
2 violation of the Oklahoma Explosives and Blasting Regulation Act has  
3 occurred, the Department shall inform the operator within thirty  
4 (30) days of the proposed amount of said penalty. The person  
5 charged with the penalty shall then have thirty (30) days to pay the  
6 proposed penalty in full or, if the person wishes to contest either  
7 the amount of the penalty or the fact of the violation, forward the  
8 proposed amount to the Department for placement in an escrow  
9 account. If through administrative or judicial review of the  
10 proposed penalty, it is determined that no violation occurred, or  
11 that the amount of the penalty should be reduced, the Department  
12 shall within thirty (30) days remit the appropriate amount to the  
13 person.

14 D. Administrative penalties owed under the Oklahoma Explosives  
15 and Blasting Regulation Act may be recovered in a civil action  
16 brought by the Attorney General or any district attorney in the  
17 district in which the violation occurred at the request of the  
18 Department in the appropriate district court. Such action, also,  
19 may be brought by the Department.

20 E. Any person who willfully and knowingly violates a condition  
21 of a permit issued pursuant to this division or fails or refuses to  
22 comply with any order issued under ~~this division~~ Section 123.1 et  
23 seq. of this title, or any order incorporated in a final decision  
24 issued by the Department under ~~this division~~ Section 123.1 et seq.

1 of this title, shall, upon conviction, be punished by a fine of not  
2 more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for  
3 not more than one (1) year, or both.

4 F. Whenever a corporate permittee violates a condition of a  
5 permit issued pursuant to ~~this division~~ Section 123.1 et seq. of  
6 this title or fails or refuses to comply with any order issued under  
7 this division, or any order incorporated in a final decision issued  
8 by the Executive Director of the Department ~~of Mines~~ under ~~this~~  
9 ~~division~~ Section 123.1 et seq. of this title, any director, officer  
10 or agent of such corporation who willfully and knowingly authorized,  
11 ordered or carried out such violation, failure or refusal shall be  
12 subject to the same administrative penalties, fines and imprisonment  
13 that may be imposed upon a person under subsections A and E of this  
14 section.

15 G. Whoever knowingly makes any false statement, representation  
16 or certification, or knowingly fails to make any statement,  
17 representation or certification in any application, record, report,  
18 plan or other document filed or required to be maintained pursuant  
19 to ~~this division~~ Section 123.1 et seq. of this title or any order of  
20 decision issued by the Department under ~~this division~~ Section 123.1  
21 et seq. of this title, shall, upon conviction, be punished by a fine  
22 of not more than Ten Thousand Dollars (\$10,000.00) or by  
23 imprisonment for not more than one (1) year, or both.

1 H. Any person who fails to correct a violation for which a  
2 citation has been issued within the period permitted for its  
3 correction shall be assessed an administrative penalty of not less  
4 than Seven Hundred Fifty Dollars (\$750.00) for each day during which  
5 such failure or violation continues.

6 The period permitted for corrections of violations shall not end  
7 until:

8 1. The entry of a final order by the Department after an  
9 expedited hearing which ordered the suspension of the abatement  
10 requirements of the citation because it was determined that the  
11 person will suffer irreparable loss or damage from the application  
12 of the abatement requirements; or

13 2. The entry of an order by a court in any review proceedings  
14 initiated by the person in which the court orders the suspension of  
15 the abatement requirements.

16 I. Any person who shall, except as permitted by law, willfully  
17 resist, prevent, impede or interfere with the Department or any of  
18 the agents or employees thereof in the performance of duties  
19 pursuant to this division shall, upon conviction, be punished by a  
20 fine of not more than Five Thousand Dollars (\$5,000.00), or by  
21 imprisonment for not more than one (1) year, or both.

22 SECTION 73. AMENDATORY 63 O.S. 2021, Section 123.7, is  
23 amended to read as follows:

24

1 Section 123.7. Any fees, administrative penalties or any other  
2 monies obtained by the Department of ~~Mines~~ Environmental Quality  
3 pursuant to the Oklahoma Explosives and Blasting Regulation Act  
4 shall be deposited in the Department of ~~Mines~~ Environmental Quality  
5 Revolving Fund and shall be expended by the Department ~~of Mines~~ for  
6 implementation and enforcement of ~~this part~~ Section 122.1 et seq. of  
7 this title or as otherwise deemed necessary by the Department for  
8 complying with its responsibilities and duties according to law.

9 SECTION 74. AMENDATORY 63 O.S. 2021, Section 123.8, is  
10 amended to read as follows:

11 Section 123.8. A. 1. The provisions of the Oklahoma  
12 Explosives and Blasting Regulation Act shall not apply to:

- 13 a. persons engaged in shooting wells or seismographic  
14 operations for the purpose of oil or gas production,
- 15 b. mining operations regulated by Title ~~45~~ 27A of the  
16 Oklahoma Statutes, and
- 17 c. persons using explosives or blasting agents for  
18 noncommercial use on their own land, owned in fee or  
19 by contract, for the removal of trees, rocks and dams  
20 or for other normal agricultural purposes.

21 2. Any person exempted from the provisions of the Oklahoma  
22 Explosives and Blasting Regulation Act pursuant to this subsection  
23 shall be liable for all damages caused by the use of explosives, or  
24

1 blasting agents and blasting operations, which damages shall be  
2 recoverable in any court of competent jurisdiction.

3 B. In addition, the provisions of the Oklahoma Explosives and  
4 Blasting Regulation Act shall not apply to:

5 1. Any municipalities or counties in this state using any  
6 blasting agents, explosives or conducting, supervising or  
7 controlling a blasting operation in this state. Any such  
8 municipality or county shall comply with rules promulgated by the  
9 ~~Oklahoma Mining Commission~~ Environmental Quality Board;

10 2. The Department of Transportation in the conducting,  
11 supervision or controlling of any blasting operation in this state,  
12 provided the Department shall comply with rules promulgated by the  
13 ~~Oklahoma Mining Commission~~ Board; and

14 3. Duly qualified and certified bomb technicians of a federally  
15 accredited bomb squad of municipal, county, state, and federal law  
16 enforcement agencies for the transportation, storage or disposal of  
17 any explosive chemical, compound or device, when such technician is  
18 performing responsibilities for the preservation of public peace,  
19 safety, or criminal investigation; and

20 4. Any employee of the Oklahoma Department of Agriculture,  
21 Food, and Forestry and the United States Department of Agriculture,  
22 Animal and Plant Health Inspection Service, Wildlife Services who is  
23 trained and certified by the United States Department of Agriculture

24

1 in the safe handling and use of explosive materials in the course of  
2 the official duties of the employee.

3 SECTION 75. AMENDATORY 68 O.S. 2021, Section 2357.11, is  
4 amended to read as follows:

5 Section 2357.11. A. For purposes of this section, the term  
6 "person" means any legal business entity including limited and  
7 general partnerships, corporations, sole proprietorships, and  
8 limited liability companies, but does not include individuals.

9 B. 1. Except as otherwise provided by this section, for tax  
10 years beginning on or after January 1, 1993, and ending on or before  
11 December 31, 2021, there shall be allowed a credit against the tax  
12 imposed by Section 1803 or Section 2355 of this title or Section 624  
13 or 628 of Title 36 of the Oklahoma Statutes for every person in this  
14 state furnishing water, heat, light or power to the state or its  
15 citizens, or for every person in this state burning coal to generate  
16 heat, light or power for use in manufacturing operations located in  
17 this state.

18 2. For tax years beginning on or after January 1, 1993, and  
19 ending on or before December 31, 2005, and for the period of January  
20 1, 2006, through June 30, 2006, the credit shall be in the amount of  
21 Two Dollars (\$2.00) per ton for each ton of Oklahoma-mined coal  
22 purchased by such person.

23 3. For the period of July 1, 2006, through December 31, 2006,  
24 and, except as provided in subsection N of this section, for tax

1 years beginning on or after January 1, 2007, and ending on or before  
2 December 31, 2021, the credit shall be in the amount of Two Dollars  
3 and eighty-five cents (\$2.85) per ton for each ton of Oklahoma-mined  
4 coal purchased by such person.

5 4. In addition to the credit allowed pursuant to the provisions  
6 of paragraph 3 of this subsection, for the period of July 1, 2006,  
7 through December 31, 2006, and except as provided in subsections M  
8 and N of this section, for tax years beginning on or after January  
9 1, 2007, and ending on or before December 31, 2021, there shall be  
10 allowed a credit in the amount of Two Dollars and fifteen cents  
11 (\$2.15) per ton for each ton of Oklahoma-mined coal purchased by  
12 such person. The credit allowed pursuant to the provisions of this  
13 paragraph may not be claimed or transferred prior to January 1,  
14 2008.

15 C. For tax years beginning on or after January 1, 1995, and  
16 ending on or before December 31, 2005, and for the period beginning  
17 January 1, 2006, through June 30, 2006, there shall be allowed, in  
18 addition to the credits allowed pursuant to subsection B of this  
19 section, a credit against the tax imposed by Section 1803 or Section  
20 2355 of this title or Section 624 or 628 of Title 36 of the Oklahoma  
21 Statutes for every person in this state which:

22 1. Furnishes water, heat, light or power to the state or its  
23 citizens, or burns coal to generate heat, light or power for use in  
24 manufacturing operations located in this state; and



1           2. Purchases at least seven hundred fifty thousand (750,000)  
2 tons of Oklahoma-mined coal in the tax year.

3           The additional credit allowed pursuant to this subsection shall  
4 be in the amount of Three Dollars (\$3.00) per ton for each ton of  
5 Oklahoma-mined coal purchased by such person.

6           D. Except as otherwise provided by this section, for tax years  
7 beginning on or after January 1, 2001, and ending on or before  
8 December 31, 2021, there shall be allowed a credit against the tax  
9 imposed by Section 1803 or Section 2355 of this title or Section 624  
10 or 628 of Title 36 of the Oklahoma Statutes for every person in this  
11 state primarily engaged in mining, producing or extracting coal, and  
12 holding a valid permit issued by the Oklahoma Department of ~~Mines~~  
13 Environmental Quality. For tax years beginning on or after January  
14 1, 2001, and ending on or before December 31, 2005, and for the  
15 period beginning January 1, 2006, through June 30, 2006, the credit  
16 shall be in the amount of ninety-five cents (\$0.95) per ton and for  
17 the period of July 1, 2006, through December 31, 2006, and for tax  
18 years beginning on or after January 1, 2007, except as provided in  
19 subsection N of this section, the credit shall be in the amount of  
20 Five Dollars (\$5.00) for each ton of coal mined, produced or  
21 extracted in on, under or through a permit in this state by such  
22 person.

23           E. In addition to the credit allowed pursuant to the provisions  
24 of subsection D of this section and except as otherwise provided in

1 subsection F of this section, for tax years beginning on or after  
2 January 1, 2001, and ending on or before December 31, 2005, and for  
3 the period of January 1, 2006, through June 30, 2006, there shall be  
4 allowed a credit against the tax imposed by Section 1803 or Section  
5 2355 of this title or Section 624 or 628 of Title 36 of the Oklahoma  
6 Statutes for every person in this state primarily engaged in mining,  
7 producing or extracting coal, and holding a valid permit issued by  
8 the ~~Oklahoma~~ Department of ~~Mines~~ in the amount of ninety-five cents  
9 (\$0.95) per ton for each ton of coal mined, produced or extracted  
10 from thin seams in this state by such person; provided, the credit  
11 shall not apply to such coal sold to any consumer who purchases at  
12 least seven hundred fifty thousand (750,000) tons of Oklahoma-mined  
13 coal per year.

14 F. In addition to the credit allowed pursuant to the provisions  
15 of subsection D of this section and except as otherwise provided in  
16 subsection G of this section, for tax years beginning on or after  
17 January 1, 2005, and ending on or before December 31, 2005, and for  
18 the period of January 1, 2006, through June 30, 2006, there shall be  
19 allowed a credit against the tax imposed by Section 1803 or Section  
20 2355 of this title or that portion of the tax imposed by Section 624  
21 or 628 of Title 36 of the Oklahoma Statutes, which is actually paid  
22 to and placed into the General Revenue Fund, in the amount of  
23 ninety-five cents (\$0.95) per ton for each ton of coal mined,  
24

1 produced or extracted from thin seams in this state by such person  
2 on or after July 1, 2005.

3 G. The credits provided in subsections D and E of this section  
4 shall not be allowed for coal mined, produced or extracted in any  
5 month in which the average price of coal is Sixty-eight Dollars  
6 (\$68.00) or more per ton, excluding freight charges, as determined  
7 by the Tax Commission.

8 H. The additional credits allowed pursuant to subsections B, C,  
9 D and E of this section but not used shall be freely transferable  
10 after January 1, 2002, but not later than December 31, 2013, by  
11 written agreement to subsequent transferees at any time during the  
12 five (5) years following the year of qualification; provided, the  
13 additional credits allowed pursuant to the provisions of paragraph 4  
14 of subsection B of this section but not used shall be freely  
15 transferable after January 1, 2008, but not later than December 31,  
16 2013, by written agreement to subsequent transferees at any time  
17 during the five (5) years following the year of qualification. An  
18 eligible transferee shall be any taxpayer subject to the tax imposed  
19 by Section 1803 or Section 2355 of this title or Section 624 or 628  
20 of Title 36 of the Oklahoma Statutes. The person originally allowed  
21 the credit and the subsequent transferee shall jointly file a copy  
22 of the written credit transfer agreement with the Tax Commission  
23 within thirty (30) days of the transfer. The written agreement  
24 shall contain the name, address and taxpayer identification number

1 of the parties to the transfer, the amount of credit being  
2 transferred, the year the credit was originally allowed to the  
3 transferring person and the tax year or years for which the credit  
4 may be claimed. The Tax Commission may promulgate rules to permit  
5 verification of the validity and timeliness of a tax credit claimed  
6 upon a tax return pursuant to this subsection but shall not  
7 promulgate any rules which unduly restrict or hinder the transfers  
8 of such tax credit.

9 I. The additional credit allowed pursuant to subsection F of  
10 this section but not used shall be freely transferable on or after  
11 July 1, 2006, but not later than December 31, 2013, by written  
12 agreement to subsequent transferees at any time during the five (5)  
13 years following the year of qualification. An eligible transferee  
14 shall be any taxpayer subject to the tax imposed by Section 1803 or  
15 Section 2355 of this title or Section 624 or 628 of Title 36 of the  
16 Oklahoma Statutes. The person originally allowed the credit and the  
17 subsequent transferee shall jointly file a copy of the written  
18 credit transfer agreement with the Tax Commission within thirty (30)  
19 days of the transfer. The written agreement shall contain the name,  
20 address and taxpayer identification number of the parties to the  
21 transfer, the amount of credit being transferred, the year the  
22 credit was originally allowed to the transferring person and the tax  
23 year or years for which the credit may be claimed. The Tax  
24 Commission may promulgate rules to permit verification of the

1 validity and timeliness of a tax credit claimed upon a tax return  
2 pursuant to this subsection but shall not promulgate any rules which  
3 unduly restrict or hinder the transfers of such tax credit.

4 J. Any person receiving tax credits pursuant to the provisions  
5 of this section shall apply the credits against taxes payable or,  
6 subject to the limitation that credits earned after December 31,  
7 2013, shall not be transferred, shall transfer the credits as  
8 provided in this section or, for credits earned on or after January  
9 1, 2014, shall receive a refund pursuant to the provisions of  
10 subsection L of this section. Credits shall not be used to lower  
11 the price of any Oklahoma-mined coal sold that is produced by a  
12 subsidiary of the person receiving a tax credit under this section  
13 to other buyers of the Oklahoma-mined coal.

14 K. Except as provided by paragraph 2 of subsection L of this  
15 section, the credits allowed by subsections B, C, D, E and F of this  
16 section, upon election of the taxpayer, shall be treated and may be  
17 claimed as a payment of tax, a prepayment of tax or a payment of  
18 estimated tax for purposes of Section 1803 or 2355 of this title or  
19 Section 624 or 628 of Title 36 of the Oklahoma Statutes.

20 L. 1. With respect to credits allowed pursuant to the  
21 provisions of subsections B, C, D, E and F of this section earned  
22 prior to January 1, 2014, but not used in any tax year may be  
23 carried over in order to each of the five (5) years following the  
24 year of qualification.

1           2. With respect to credits allowed pursuant to the provisions  
2 of subsections B, C, D, E and F of this section which are earned but  
3 not used, based upon activity occurring on or after January 1, 2014,  
4 the Oklahoma Tax Commission shall, at the taxpayer's election,  
5 refund directly to the taxpayer eighty-five percent (85%) of the  
6 face amount of such credits. The direct refund of the credits  
7 pursuant to this paragraph shall be available to all taxpayers,  
8 including, without limitation, pass-through entities and taxpayers  
9 subject to Section 2355 of this title. The amount of any direct  
10 refund of credits actually received at the eighty-five percent (85%)  
11 level by the taxpayer pursuant to this paragraph shall not be  
12 subject to the tax imposed by Section 2355 of this title. If the  
13 pass-through entity does not file a claim for a direct refund, the  
14 pass-through entity shall allocate the credit to one or more of the  
15 shareholders, partners or members of the pass-through entity;  
16 provided, the total of all credits refunded or allocated shall not  
17 exceed the amount of the credit or refund to which the pass-through  
18 entity is entitled. For the purposes of this paragraph, "pass-  
19 through entity" means a corporation that for the applicable tax year  
20 is treated as an S corporation under the Internal Revenue Code of  
21 1986, as amended, general partnership, limited partnership, limited  
22 liability partnership, trust or limited liability company that for  
23 the applicable tax year is not taxed as a corporation for federal  
24 income tax purposes.

1 M. No credit otherwise authorized by the provisions of this  
2 section may be claimed for any event, transaction, investment,  
3 expenditure or other act occurring on or after July 1, 2010, for  
4 which the credit would otherwise be allowable. The provisions of  
5 this subsection shall cease to be operative on July 1, 2012.  
6 Beginning July 1, 2012, the credit authorized by this section may be  
7 claimed for any event, transaction, investment, expenditure or other  
8 act occurring on or after July 1, 2012, according to the provisions  
9 of this section.

10 N. Except as otherwise provided by this section, any credits  
11 calculated pursuant to paragraphs 3 or 4 of subsection B or  
12 subsection D of this section for activities occurring on or after  
13 January 1, 2016, the amount of credit allowed shall be equal to  
14 seventy-five percent (75%) of the amount otherwise provided.

15 O. For tax years beginning on or after January 1, 2018, the  
16 total amount of credits authorized by this section used to offset  
17 tax or paid as a refund shall be adjusted annually to limit the  
18 annual amount of credits to Five Million Dollars (\$5,000,000.00).  
19 The Tax Commission shall annually calculate and publish a percentage  
20 by which the credits authorized by this section shall be reduced so  
21 the total amount of credits used to offset tax or paid as a refund  
22 does not exceed Five Million Dollars (\$5,000,000.00) per year. The  
23 formula to be used for the percentage adjustment shall be Five

24

1 Million Dollars (\$5,000,000.00) divided by the credits claimed in  
2 the second preceding year.

3 P. Pursuant to subsection O of this section, in the event the  
4 total tax credits authorized by this section exceed Five Million  
5 Dollars (\$5,000,000.00) in any calendar year, the Tax Commission  
6 shall permit any excess over Five Million Dollars (\$5,000,000.00)  
7 but shall factor such excess into the percentage adjustment formula  
8 for subsequent years.

9 Q. Any credits authorized by this section not used or unable to  
10 be used because of the provisions of subsection O or P of this  
11 section may be carried over until such credits are fully used.

12 SECTION 76. AMENDATORY 74 O.S. 2021, Section 500.18, as  
13 amended by Section 1, Chapter 325, O.S.L. 2022 (74 O.S. Supp. 2022,  
14 Section 500.18), is amended to read as follows:

15 Section 500.18. A. Except for members of the Legislature, the  
16 Governor and the Lieutenant Governor, provisions of Sections 500.1  
17 through 500.18 of this title shall be mandatory for all officials  
18 and employees of all departments, boards, commissions and  
19 institutions of the state, regardless of the provisions of any other  
20 act of the Legislature, except as provided by this section. The  
21 enactment of any measure in the future providing for travel  
22 reimbursement of state officers and employees on the basis of  
23 "actual and necessary" expenses or in any other manner inconsistent  
24 with Sections 500.1 through 500.18 of this title shall be deemed to



1 provide for reimbursement in accordance with Sections 500.1 through  
2 500.18 of this title unless a contrary intent is explicitly  
3 expressed in this section. Sections 500.1 through 500.18 of this  
4 title shall not apply, however, to travel reimbursements made by  
5 political subdivisions of this state, except as otherwise provided  
6 by law.

7 B. The agencies listed below are authorized certain exceptions  
8 and/or exemptions to the provisions of Sections 500.1 through 500.18  
9 of this title to the extent specified:

10 1. Oklahoma Department of Agriculture, Food, and Forestry:

11 a. The actual and reasonable expenses of travel and  
12 subsistence in pursuing and developing markets for  
13 Oklahoma agricultural products incurred by the  
14 Commissioner, Deputy Commissioner and such employees  
15 designated by the State Board of Agriculture within  
16 the marketing development programs of the Oklahoma  
17 Department of Agriculture, Food, and Forestry shall be  
18 reimbursed to the employee incurring such expenses.  
19 Reimbursement of such expenses shall be in accordance  
20 with rules adopted by the Board. Expenses claimed  
21 shall, prior to reimbursement, be reviewed by the  
22 Board at a regular meeting and individually approved  
23 or disapproved.

24

1           b.    The actual and necessary expenses of out-of-state  
2                travel and subsistence incurred by employees of the  
3                Forestry Division authorized to evaluate and acquire  
4                federal excess property or surplus property in other  
5                states for use in its fire protection program shall be  
6                reimbursed to the employee incurring such expenses.

7           2.    Department of Public Safety:

8           When traveling with the Governor or at the Governor's request,  
9           personnel assigned by the Commissioner for executive security and  
10           pilots on executive assignment shall be allowed their actual and  
11           necessary traveling expenses, upon claims approved by the  
12           Commissioner.

13           3.    Department of Corrections:

14           The Department of Corrections shall be exempt from limitations  
15           of reimbursement for rented automobiles, as set forth in Section  
16           500.5 of this title, when the rental is by a Correctional Officer or  
17           Transportation Officer for the limited purpose of transporting  
18           inmates. Reimbursement for the expense shall be on the basis of  
19           actual cost.

20           4.    Oklahoma Tourism and Recreation Department:

21           The Oklahoma Tourism and Recreation Commission and Department  
22           staff who promote in-state and out-of-state business for Oklahoma's  
23           state-operated or state-owned parks, lodges, and golf courses and  
24           the tourism and recreation industry may be reimbursed for the actual

1 and necessary expense of travel, subsistence and entertainment for  
2 this purpose. The Director of the Oklahoma Tourism and Recreation  
3 Department may reimburse the Publisher of Oklahoma Today magazine  
4 and its staff for expenses for meals and other entertainment in  
5 order to gain advertising and promotion for Oklahoma Today magazine.

6 5. Oklahoma Department of Commerce:

7 a. The actual and necessary expenses incurred by the  
8 Director and other employees of the Department  
9 authorized by the Director for the purpose of business  
10 recruitment shall be reimbursed. Reimbursement of  
11 expenses shall be in accordance with rules adopted by  
12 the Director of the Oklahoma Department of Commerce.  
13 Expenses claimed shall, prior to reimbursement, be  
14 reviewed by the Director and individually approved or  
15 disapproved.

16 b. The Department, at the discretion of the Director, may  
17 charter aircraft for the purposes of carrying out its  
18 duties and responsibilities related to business  
19 recruitment and performing the duties of the Director.  
20 The cost of such charter shall be exempt from the  
21 provisions of Section 500.6 of this title. Claims  
22 filed with the Office of Management and Enterprise  
23 Services shall bear the following certification:  
24

1 The best interests of the citizens of Oklahoma were  
2 better served in that conventional ground  
3 transportation was not practical or feasible for this  
4 trip, aircraft from the Department of Public Safety  
5 were not available for this trip, and no other claim  
6 has been or will be filed as a payment for the cost of  
7 transportation in connection with this trip.

8 c. The Oklahoma Department of Commerce may reimburse the  
9 Oklahoma Film and Music Office staff for the actual  
10 and necessary expenses for meals and other  
11 entertainment in order to promote the film and music  
12 industries in this state. Reimbursement of all actual  
13 and necessary expenses shall be in accordance with  
14 rules adopted by the Oklahoma Department of Commerce.

15 6. Office of Management and Enterprise Services:

16 The actual and necessary expenses of travel and subsistence  
17 incurred by the Director, any state employee approved by his or her  
18 appointing authority, or state officials, for travel outside the  
19 state in performance of duties related to bond financing shall be  
20 reimbursed to the employee or state official incurring such  
21 expenses. Reimbursement for lodging expenses shall be supported by  
22 three telephone bids from hotels within a reasonable distance of the  
23 activity for which the travel was approved.

24 7. Oklahoma Futures:

1 The actual and necessary expenses incurred by the members of  
2 Oklahoma Futures in the performance of their duties shall be  
3 reimbursed to the members incurring such expenses. Reimbursement of  
4 all actual and necessary expenses shall be in accordance with rules  
5 adopted by Oklahoma Futures.

6 8. Oklahoma Development Finance Authority:

7 The actual and necessary expenses incurred by the members and  
8 employees of the Oklahoma Development Finance Authority in the  
9 performance of their duties shall be reimbursed to the person  
10 incurring such expenses. Reimbursement of all actual and necessary  
11 expenses shall be in accordance with the bylaws of the Authority.

12 9. Oklahoma Center for the Advancement of Science and  
13 Technology:

14 The actual and necessary expenses incurred by the members and  
15 employees of the Oklahoma Center for the Advancement of Science and  
16 Technology in the performance of their duties shall be reimbursed to  
17 the person incurring such expenses. Reimbursement of all actual and  
18 necessary expenses shall be in accordance with the bylaws of the  
19 Center.

20 10. Center for International Trade Development:

21 The actual and necessary expenses of travel, lodging and  
22 subsistence incurred by the Director and authorized employees of the  
23 Center for International Trade Development for performance of their  
24 duties for the purpose of business recruitment and assistance shall

1 be reimbursed to the person incurring such expenses. Reimbursement  
2 of such expenses shall be in accordance with the rules adopted by  
3 the Director of the Center for International Trade Development.  
4 Expenses claimed shall be reviewed and individually approved or  
5 disapproved, prior to reimbursement, first by the Director, and  
6 finally by either the Vice President, Business and Finance of  
7 Oklahoma State University or the President of Oklahoma State  
8 University.

9 11. Oklahoma State Bureau of Investigation:

10 The actual and necessary expenses incurred by the Director and  
11 other employees of the Bureau authorized by the Director as a result  
12 of conducting investigations shall be reimbursed to each such  
13 employee incurring the expenses. Reimbursement of the expenses  
14 shall be in accordance with rules adopted by the Director of the  
15 Oklahoma State Bureau of Investigation. Prior to reimbursement,  
16 expenses claimed shall be reviewed by the Director and individually  
17 approved or disapproved.

18 12. Department of Human Services:

19 The actual and necessary expenses of travel, lodging and  
20 subsistence incurred by employees of the Legal Division in the  
21 performance of their duties for the purpose of representing the  
22 Department of Human Services or any of its officials, employees,  
23 institutions or hospitals at any proceeding including depositions,  
24 held before any court, administrative body or representative

1 thereof, shall be reimbursed to the employee incurring such  
2 expenses. Expenses claimed shall be approved by the General Counsel  
3 and the Director of Human Services prior to reimbursement.

4 13. Oklahoma Health Care Authority:

5 The actual and necessary expenses of travel, lodging and  
6 subsistence incurred by employees of the Legal Division in the  
7 performance of their duties for the purpose of representing the  
8 Authority or any of its officials or employees, at any proceeding  
9 including depositions, held before any court, administrative body or  
10 representative thereof, shall be reimbursed to the employee  
11 incurring such expenses. Expenses claimed shall be approved by the  
12 Administrator prior to reimbursement.

13 14. Oklahoma State Bureau of Narcotics and Dangerous Drugs  
14 Control:

15 The actual and necessary expenses incurred by the Director and  
16 other employees of the Bureau authorized by the Director as a result  
17 of conducting investigations shall be reimbursed to each employee  
18 incurring the expenses. Reimbursement of the expenses shall be in  
19 accordance with rules adopted by the Director of the Oklahoma State  
20 Bureau of Narcotics and Dangerous Drugs Control. Prior to  
21 reimbursement, expenses claimed shall be reviewed by the Director  
22 and individually approved or disapproved.

23 15. University Hospitals:  
24

1       The actual and necessary expenses of travel, lodging and  
2 subsistence incurred by employees of the Legal Office in the  
3 performance of their duties for the purpose of representing the  
4 University Hospitals or any of its officials, employees,  
5 institutions or hospitals at any proceeding including depositions,  
6 held before any court, administrative body or representative  
7 thereof, shall be reimbursed to the employee incurring such  
8 expenses. Expenses shall be approved by the Chief Executive Officer  
9 of the University Hospitals or by the University Hospitals  
10 Authority.

11       16. Oklahoma Historical Society:

12       The actual and necessary expenses of travel, subsistence and  
13 entertainment incurred by the Executive Director, Deputy Director  
14 and any employees designated by the Executive Committee of the  
15 Oklahoma Historical Society Board of Directors in pursuing and  
16 developing programs and projects for the preservation and marketing  
17 of Oklahoma history shall be reimbursed to the person incurring the  
18 expenses. Reimbursement of expenses shall be in accordance with  
19 rules adopted by the Oklahoma Historical Society Board of Directors.  
20 Prior to reimbursement, expenses claimed shall be reviewed by the  
21 Executive Committee at a regularly scheduled meeting and each claim  
22 shall be individually approved or disapproved.

23       17. ~~The Oklahoma Department of Mines:~~

24



1       ~~The actual and necessary expenses of travel, lodging and~~  
2 ~~subsistence incurred by employees of the Department in the~~  
3 ~~performance of their duties for the purpose of representing the~~  
4 ~~Department or any of its officials or employees, at any proceeding,~~  
5 ~~hearing or meeting with federal agencies, boards, commissions,~~  
6 ~~congressional representatives, congressional committees or staff,~~  
7 ~~shall be reimbursed to the employee incurring such expenses.~~  
8 ~~Expenses claimed shall be approved by the Executive Director prior~~  
9 ~~to reimbursement.~~

10       ~~18.~~ The Office of Attorney General:

11       The actual and necessary expenses of travel, lodging and  
12 subsistence incurred by its employees in the performance of their  
13 duties for the purpose of representing the state, the Legislature,  
14 any state board, agency or commission, or any employee or official  
15 of the state entitled to representation, at any proceeding including  
16 depositions, held before any court, administrative body or any  
17 representative thereof, and the actual and necessary expenses  
18 incurred by employees as a result of conducting investigations shall  
19 be reimbursed to the employee incurring the expenses. The expenses  
20 shall be approved by the Attorney General prior to reimbursement.

21       ~~19.~~ 18. District Attorneys Council:

22       The actual and necessary expenses of travel, lodging and  
23 subsistence incurred by each district attorney and other employees  
24 of the district attorney authorized by the district attorney in the

1 performance of their duties for any district other than the district  
2 for which they are employed for the purpose of representing the  
3 state, any county, or any employee or official of the state entitled  
4 to representation at any proceeding including depositions held  
5 before any court, administrative body or any representative of a  
6 court or administrative body, and the actual and necessary expenses  
7 incurred as a result of conducting investigations shall be  
8 reimbursed to each employee incurring the expenses. Reimbursement  
9 of the expenses shall be in accordance with rules adopted by the  
10 District Attorneys Council. Prior to reimbursement, expenses  
11 claimed shall be reviewed by the Council and individually approved  
12 or disapproved.

13 ~~20.~~ 19. The Department of Securities:

14 The actual and necessary expenses of travel, lodging and  
15 subsistence incurred by the Administrator and other employees of the  
16 Department of Securities in the performance of their duties for the  
17 purpose of representing the Department of Securities, at any  
18 proceeding including depositions, held before any court,  
19 administrative body or any representative thereof, conducting on-  
20 site examinations, or conducting investigations, shall be reimbursed  
21 to each employee incurring the expenses. The expenses shall be  
22 approved by the Administrator of the Department of Securities prior  
23 to reimbursement.

24 ~~21.~~ 20. Corporation Commission:

1 The actual and necessary travel expenses incurred by the staff  
2 of the Public Utility Division as a result of conducting audits  
3 and/or reviews of utility service providers shall be reimbursed to  
4 each employee incurring the expense. Reimbursement of the expenses  
5 shall be as set forth in procedures established by the appointing  
6 authority.

7 ~~22.~~ 21. The Department of Human Services:

8 Employees of the Department of Human Services may be reimbursed  
9 for their actual and necessary expenses of travel, lodging and meals  
10 and incidentals incurred in the performance of their duties for the  
11 purpose of escorting and transporting children or adults in the care  
12 or custody of the Department, subject to approval by the Department:

- 13 a. for out-of-state visitation, care, treatment and  
14 placement of a child welfare client,
- 15 b. for out-of-state treatment for or placement of an  
16 adult protective services client,
- 17 c. for out-of-state treatment for or placement of a  
18 resident of a state resource center,
- 19 d. for out-of-state treatment for or placement of an  
20 individual with a developmental disability who is  
21 living in the community in community residential  
22 services, or

23

24

1 e. for meals and incidental expenses necessary for the  
2 care of children or adults in the care or custody of  
3 the Department.

4 Expenses claimed shall be approved by the appropriate Division  
5 Director or Deputy prior to reimbursement.

6 ~~23.~~ 22. The Banking Department:

7 The actual and necessary expenses of travel and lodging incurred  
8 by the Commissioner and other employees of the Banking Department in  
9 the performance of their duties for the Banking Department shall be  
10 paid or reimbursed by the Banking Department to each employee  
11 incurring the expenses. The expenses shall be approved by the  
12 Banking Commissioner prior to payment or reimbursement.

13 ~~24.~~ 23. Oklahoma Office of Homeland Security:

14 The actual and necessary expenses of travel, lodging, and  
15 subsistence incurred by the Oklahoma Homeland Security Director, as  
16 a result of the duties and responsibilities of the Director, shall  
17 be paid or reimbursed by the Oklahoma Office of Homeland Security.

18 ~~25.~~ 24. The Grand River Dam Authority:

19 The actual and necessary expenses of travel and lodging incurred  
20 by the Board of Directors and other employees of the district in the  
21 performance of their duties for the Grand River Dam Authority shall  
22 be paid or reimbursed by the district to each Director or employee  
23 incurring the expenses. The expenses shall be approved by the  
24

1 General Manager of the Grand River Dam Authority prior to payment or  
2 reimbursement.

3 ~~26.~~ 25. The Native American Cultural and Educational Authority:

4 The actual and necessary expenses incurred by the Directors and  
5 employees of the Native American Cultural and Educational Authority  
6 in performances of duties. The expenses shall be approved by the  
7 Director prior to payment or reimbursement.

8 ~~27.~~ 26. Oklahoma Department of Career and Technology Education:

9 The actual and necessary expenses incurred by the Director and  
10 other employees of the Department, authorized by the Director, for  
11 the purpose of business recruitment, training, and the provision of  
12 technical assistance shall be reimbursed. Reimbursement of expenses  
13 shall be in accordance with rules adopted by the State Board of  
14 Career and Technology Education. Expenses claimed, prior to the  
15 reimbursement, will be reviewed by the Board and individually  
16 approved or disapproved.

17 ~~28.~~ 27. Oklahoma Military Department:

18 The actual and necessary travel expenses incurred by the  
19 Director, other employees of the Department and persons performing  
20 substantial and necessary services to the state in support of the  
21 Oklahoma National Guard shall be reimbursed to the individual  
22 incurring such expenses. The expenses claimed shall be approved by  
23 the Director or Chief Financial Officer prior to reimbursement.

24

1 C. The agencies listed in subsection B of this section shall be  
2 required to report annually the actual expenses excepted or exempted  
3 from Sections 500.1 through 500.18 of this title to the Governor,  
4 the President Pro Tempore of the Senate, and the Speaker of the  
5 House of Representatives. The report shall be submitted no later  
6 than the first day of September following the end of each fiscal  
7 year.

8 SECTION 77. AMENDATORY 82 O.S. 2021, Section 1020.2, is  
9 amended to read as follows:

10 Section 1020.2. A. It is hereby declared to be the public  
11 policy of this state, in the interest of the agricultural stability,  
12 domestic, municipal, industrial and other beneficial uses, general  
13 economy, health and welfare of the state and its citizens, to  
14 utilize the ground water resources of the state, and for that  
15 purpose to provide reasonable regulations for the allocation for  
16 reasonable use based on hydrologic surveys of fresh ground water  
17 basins or subbasins to determine a restriction on the production,  
18 based upon the acres overlying the ground water basin or subbasin.

19 B. The provisions of Section 1020.1 et seq. of this title shall  
20 not apply to the taking, using or disposal of salt water associated  
21 with the exploration, production or recovery of oil and gas. The  
22 provisions of this act shall not apply to the taking, using or  
23 disposal of water trapped in producing mines outside of a sensitive  
24 sole source groundwater basin or subbasin.

1 C. Except as provided for in subsection E of this section, the  
2 provisions of this act shall not apply to the taking, using or  
3 disposal of water trapped in producing mines:

4 1. That overlie a sensitive sole source groundwater basin or  
5 subbasin and ~~have been~~ were permitted by the Oklahoma Department of  
6 Mines as of August 1, 2011;

7 2. That overlie a sensitive sole source groundwater basin or  
8 subbasin for which an initial application for a permit shall have  
9 been filed with the Oklahoma Department of Mines as of August 1,  
10 2011; or

11 3. That overlie a sensitive sole source groundwater basin or  
12 subbasin and for which a permit revision is approved by the ~~Oklahoma~~  
13 Department of ~~Mines~~ Environmental Quality.

14 Provided that the use of mine pit water, pursuant to a site-  
15 specific water management and conservation plan prepared in  
16 consultation with the Oklahoma Water Resources Board, by mines that  
17 are exempted from this act by the terms of this subsection and in  
18 furtherance of mine operations and associated manufacturing and  
19 commercial activities on the mine site, shall be considered as  
20 permitted beneficial uses for all purposes under the laws of the  
21 state.

22 D. 1. Except with respect to the mines exempted from the terms  
23 of this act under subsections B and C of this section, the Oklahoma  
24 Water Resources Board, in coordination with the Oklahoma Department

1 of ~~Mines~~ Environmental Quality, shall promulgate rules for the  
2 taking, using or disposal of water collecting in producing mine pits  
3 and emanating from a sensitive sole source groundwater basin or  
4 subbasin.

5       2. The rules promulgated by the Oklahoma Water Resources Board  
6 shall require, subject to a de minimis exemption to be promulgated  
7 therein, the development by the mine operator of provisions relating  
8 to the augmentation (a beneficial use) of stream flow or  
9 groundwater, and of site-specific water management and conservation  
10 plans, which plans shall establish threshold hydrologic monitoring,  
11 management and mitigation requirements that are based on relevant  
12 hydrologic surveys and investigations of the sensitive sole source  
13 groundwater basin or subbasin. Such plans submitted to the Oklahoma  
14 Water Resources Board shall be subject to the provisions of the  
15 Oklahoma Open Records Act.

16       3. The rules promulgated by the Oklahoma Water Resources Board  
17 shall contain provisions relating to augmentation of stream flow or  
18 groundwater, or both, to offset consumptive use of groundwater  
19 collecting in the producing mine pit that emanates from a sensitive  
20 sole source groundwater basin or subbasin in amounts greater than  
21 the equal proportionate share of the maximum annual yield of the  
22 groundwater basin or subbasin established by the Oklahoma Water  
23 Resources Board that may be allocated to the owner or operator of  
24



1 the producing mine based on groundwater rights owned or leased by  
2 the owner or operator.

3 E. 1. By no later than January 1, 2013, the operator of a mine  
4 that is exempted from this act by the provisions of subsection C of  
5 this section shall adopt and implement a plan to monitor and report  
6 to the Board the accumulation and disposition of pit water during  
7 the previous calendar year. The operator shall also file with the  
8 Board interim quarterly reports containing information about the  
9 accumulation and disposition of pit water during the previous  
10 quarter. The first interim quarterly report for calendar year 2013  
11 shall be sent to the Board by June 30, 2013, and the annual report  
12 for the calendar year 2013 shall be sent to the Board by March 31,  
13 2014. Thereafter, the annual report for each calendar year shall be  
14 sent to the Board by March 31st of the following year. The  
15 monitoring plan will provide for the measurement or reasonable  
16 estimation of groundwater and surface water volumes, separately  
17 stated, entering the pit, of the water diverted from the pit, of the  
18 disposition of the water from the pit, and of the consumptive use,  
19 as defined in this section, of the mine pit water by the mine  
20 operator. The reports received by the Board will be subject to the  
21 provisions of the Oklahoma Open Records Act. If an operator of a  
22 mine that is exempted from this act by the provisions of subsection  
23 C of this section fails to timely submit an interim quarterly report  
24 or annual report, the exemption of subsection C of this section

1 shall no longer apply to the mine and the rules promulgated pursuant  
2 to subsection D of this section shall become applicable, provided  
3 that such rules shall contain provisions to allow the operator to  
4 show cause why the exemption contained in subsection C of this  
5 section should continue to apply.

6       2. If, at any time after March 31, 2015, the amount of  
7 groundwater from the pit (plus amounts of groundwater from permitted  
8 wells, if any) consumptively used in the preceding twelve (12)  
9 months by the mine operator at a mine described in paragraph 1 of  
10 this subsection exceeds the annual amount that is equivalent to the  
11 equal proportionate share of the maximum annual yield of the  
12 groundwater basin or subbasin that could be allocated to the owner  
13 or operator of the producing mine based on groundwater rights owned  
14 or leased by the owner or operator, then the exemption of subsection  
15 C of this section shall no longer apply and the provisions of  
16 subsection D of this section shall become applicable to the mine  
17 unless the mine operator submits a site-specific water management  
18 and conservation plan demonstrating, to the satisfaction of the  
19 Board, that such consumptive use of groundwater in amounts greater  
20 than the equivalent equal proportionate share either is:

- 21           a. offset by augmentation of stream water flow or
- 22                   augmentation of groundwater by recharge, or

23  
24

1           b.   not likely to reduce the natural flow of springs or  
2                   streams emanating from a sensitive sole source  
3                   groundwater basin or subbasin, or

4           c.   satisfied by the owner or operator acquiring  
5                   sufficient groundwater rights within ninety (90) days  
6                   of the reported exceedance.

7 The plan submitted to the Board will be subject to the provisions of  
8 the Oklahoma Open Records Act. If the exemption of subsection C of  
9 this section no longer applies, the rules promulgated by the  
10 Oklahoma Water Resources Board pursuant to subsection D of this  
11 section shall provide a period of at least ninety (90) days to come  
12 into compliance.

13           3. If an operator of a mine that is exempt pursuant to  
14 subsection C of this section operates in compliance with a site-  
15 specific water management and conservation plan that complies with  
16 rules promulgated by the Board pursuant to subsection D of this  
17 section, the Board cannot otherwise require the operator of such  
18 mine to take an action or refrain from taking an action that would  
19 effectively prohibit any mining operation or practice that is  
20 otherwise allowed by the Oklahoma Department of ~~Mines~~ Environmental  
21 Quality.

22           F. For purposes of this section, "consumptive use" or  
23 "consumptively used" means diversion of water from a mine pit that  
24 is not returned to the groundwater basin or subbasin, or to a mine

1 pit or holding basin, or to a definite stream, or to the land  
2 surface from which surface runoff flows into a mine pit. The term  
3 "consumptive use" includes the estimated moisture content driven off  
4 or carried away with the mined material transported off the mining  
5 site, plus the amount of evaporation from the mine pit that exceeds  
6 the amount of direct precipitation and surface runoff into the mine  
7 pit, plus any amounts for other proposed beneficial uses off the  
8 mining site.

9 G. Augmentation of stream flow or groundwater, pursuant to a  
10 site-specific water management and conservation plan prepared in  
11 consultation with the Oklahoma Water Resources Board, shall be  
12 considered a beneficial use and not waste, and shall not count  
13 against permitted surface water or groundwater usage, provided that  
14 taking, using or disposal of water from a producing mine for stream  
15 augmentation pursuant to a site-specific water management and  
16 conservation plan prepared in consultation with the Oklahoma Water  
17 Resources Board, may be claimed in annual water use reports as a  
18 beneficial use for purposes of the maintenance of the right to use  
19 surface water under any permit applicable to such mine. The mine  
20 pit shall be considered a diversion point authorized by the surface  
21 water use permit issued to the mine operator whenever there is  
22 consumptive use of surface water or the surface water is used for  
23 stream augmentation.

24

1 SECTION 78. AMENDATORY 82 O.S. 2021, Section 1020.9C, is  
2 amended to read as follows:

3 Section 1020.9C. A. For the purposes of this section, a  
4 "subject mine" shall mean a mine, as defined in paragraph 2 of  
5 Section 723 of Title 45 of the Oklahoma Statutes, that overlies a  
6 sensitive sole source groundwater basin or subbasin, exclusive of  
7 any mine that meets at least one of the following conditions:

8 1. As of November 1, 2019, was engaged in the permitted  
9 extraction of minerals from natural deposits; or

10 2. Satisfies the criteria of paragraph 1 or 2 of subsection C  
11 of Section 1020.2 of ~~Title 82 of the Oklahoma Statutes~~ this title;  
12 or

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

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

20 B. Due to the inadequacy of existing technical resources,  
21 analytic tools and regulatory systems for purposes of the effective  
22 implementation of statutes relating to the operation of mines that  
23 may affect sensitive sole source groundwater basins or subbasins,  
24

1 the Legislature hereby declares and establishes a moratorium on the  
2 following actions:

3 1. The Oklahoma Water Resources Board shall not issue any  
4 permit or other administrative authorization for the appropriation,  
5 diversion, withdrawal or removal of water from or for the  
6 dewatering, in part or in full, of a pit, as defined in paragraph 12  
7 of Section 723 of Title 45 of the Oklahoma Statutes, of a subject  
8 mine; and

9 2. The Board shall not issue, allocate or recognize, pursuant  
10 to subsection D of Section 1020.2 of ~~Title 82 of the Oklahoma~~  
11 ~~Statutes~~ this title, Section 785:30-15-5 of the Oklahoma  
12 Administrative Code or any other provision of law, any offset to the  
13 consumptive use of water of a subject mine where such offset is  
14 based on a claimed augmentation of stream flow or groundwater.

15 C. The moratorium shall be in effect until such time as the  
16 Board, working in coordination with the Department of Environmental  
17 Quality, ~~the Department of Mines~~, and East Central University and in  
18 cooperation with federal and tribal governmental agencies with  
19 interests in a subject mine that overlies a sensitive sole source  
20 groundwater basin or subbasin:

21 1. Completes the Enhanced Monitoring and Evaluation of  
22 Hydrologic Trends for the Eastern Arbuckle-Simpson Aquifer, South-  
23 Central Oklahoma and, based thereon, develops modeling and other  
24 technical tools capable of accurately measuring and projecting, as a

1 matter both of incremental and cumulative effect, whether a proposed  
2 withdrawal of groundwater from a sensitive sole source groundwater  
3 basin or subbasin would degrade or interfere with springs and  
4 streams emanating therefrom;

5 2. Promulgates final rules to integrate the use of such studies  
6 and tools to administrative implementation of:

7 a. waste, degradation and interference analyses required  
8 by subparagraphs c and d of paragraph 1 and  
9 subparagraphs c and d of paragraph 2 of subsection A  
10 of Section 1020.9 of ~~Title 82 of the Oklahoma Statutes~~  
11 this title,

12 b. uniform minimum standards and requirements for the  
13 development of, and annual reporting regarding  
14 compliance with, site-specific water management and  
15 conservation plans pursuant to Section 1020.2 of ~~Title~~  
16 ~~82 of the Oklahoma Statutes~~ this title, with  
17 particular regard to methodologies for calculating  
18 amounts claimed in consumptive use of water and any  
19 claimed augmentation of stream flow or groundwater,  
20 and

21 c. consultation, review and approval of such site-  
22 specific water management and conservation plans, with  
23 specific provisions for making such consultations,  
24

1 reviews and approvals subject to Article 2 of the  
2 Administrative Procedures Act; and

3 3. Promulgates final rules to provide for effective interagency  
4 consultation and coordination of activities among the Board, ~~the~~  
5 ~~Department of Mines~~ and the Department of Environmental Quality on  
6 all administrative matters relating to the operation of mines at  
7 locations that overlie a sensitive sole source groundwater basin or  
8 subbasin.

9 D. The Board is hereby authorized and instructed to promulgate  
10 rules to implement the provisions of this section.

11 E. The Board is hereby authorized to cooperate with federal,  
12 tribal and any other agency in this state in performing its  
13 responsibilities under this section.

14 SECTION 79. REPEALER 45 O.S. 2021, Sections 1, 1b, 3.1,  
15 31, 32, 41, 46, 47, and 938, are hereby repealed.

16 SECTION 80. RECODIFICATION 45 O.S. 2021, Section 1.2, as  
17 amended by Section 9 of this act, shall be recodified as Section  
18 3001.1 of Title 27A of the Oklahoma Statutes, unless there is  
19 created a duplication in numbering.

20 SECTION 81. RECODIFICATION 45 O.S. 2021, Section 1.3, as  
21 amended by Section 10 of this act, shall be recodified as Section  
22 3001.2 of Title 27A of the Oklahoma Statutes, unless there is  
23 created a duplication in numbering.



1 SECTION 82. RECODIFICATION 45 O.S. 2021, Section 1.4, as  
2 amended by Section 11 of this act, shall be recodified as Section  
3 3001.3 of Title 27A of the Oklahoma Statutes, unless there is  
4 created a duplication in numbering.

5 SECTION 83. RECODIFICATION 45 O.S. 2021, Section 1.5, as  
6 amended by Section 12 of this act, shall be recodified as Section  
7 3001.4 of Title 27A of the Oklahoma Statutes, unless there is  
8 created a duplication in numbering.

9 SECTION 84. RECODIFICATION 45 O.S. 2021, Section 1a, as  
10 amended by Section 13 of this act, shall be recodified as Section  
11 3001.5 of Title 27A of the Oklahoma Statutes, unless there is  
12 created a duplication in numbering.

13 SECTION 85. RECODIFICATION 45 O.S. 2021, Section 1c, as  
14 amended by Section 14 of this act, shall be recodified as Section  
15 3001.6 of Title 27A of the Oklahoma Statutes, unless there is  
16 created a duplication in numbering.

17 SECTION 86. RECODIFICATION 45 O.S. 2021, Section 1d, as  
18 amended by Section 15 of this act, shall be recodified as Section  
19 3001.7 of Title 27A of the Oklahoma Statutes, unless there is  
20 created a duplication in numbering.

21 SECTION 87. RECODIFICATION 45 O.S. 2021, Section 1e, as  
22 amended by Section 16 of this act, shall be recodified as Section  
23 3001.8 of Title 27A of the Oklahoma Statutes, unless there is  
24 created a duplication in numbering.

1 SECTION 88. RECODIFICATION 45 O.S. 2021, Section 1f, as  
2 amended by Section 17 of this act, shall be recodified as Section  
3 3001.9 of Title 27A of the Oklahoma Statutes, unless there is  
4 created a duplication in numbering.

5 SECTION 89. RECODIFICATION 45 O.S. 2021, Section 2, as  
6 amended by Section 18 of this act, shall be recodified as Section  
7 3002 of Title 27A of the Oklahoma Statutes, unless there is created  
8 a duplication in numbering.

9 SECTION 90. RECODIFICATION 45 O.S. 2021, Section 3, as  
10 amended by Section 19 of this act, shall be recodified as Section  
11 3003 of Title 27A of the Oklahoma Statutes, unless there is created  
12 a duplication in numbering.

13 SECTION 91. RECODIFICATION 45 O.S. 2021, Section 5, as  
14 amended by Section 20 of this act, shall be recodified as Section  
15 3005 of Title 45 of the Oklahoma Statutes, unless there is created a  
16 duplication in numbering.

17 SECTION 92. RECODIFICATION 45 O.S. 2021, Section 6, as  
18 amended by Section 21 of this act, shall be recodified as Section  
19 3006 of Title 27A of the Oklahoma Statutes, unless there is created  
20 a duplication in numbering.

21 SECTION 93. RECODIFICATION 45 O.S. 2021, Section 34, as  
22 amended by Section 22 of this act, shall be recodified as Section  
23 3034 of Title 27A of the Oklahoma Statutes, unless there is created  
24 a duplication in numbering.

1 SECTION 94. RECODIFICATION 45 O.S. 2021, Section 44, as  
2 amended by Section 23 of this act, shall be recodified as Section  
3 3044 of Title 27A of the Oklahoma Statutes, unless there is created  
4 a duplication in numbering.

5 SECTION 95. RECODIFICATION 45 O.S. 2021, Section 45, as  
6 amended by Section 24 of this act, shall be recodified as Section  
7 3045 of Title 27A of the Oklahoma Statutes, unless there is created  
8 a duplication in numbering.

9 SECTION 96. RECODIFICATION 45 O.S. 2021, Section 46.1,  
10 as amended by Section 25 of this act, shall be recodified as Section  
11 3046.1 of Title 27A of the Oklahoma Statutes, unless there is  
12 created a duplication in numbering.

13 SECTION 97. RECODIFICATION 45 O.S. 2021, Section 48, as  
14 amended by Section 26 of this act, shall be recodified as Section  
15 3048 of Title 27A of the Oklahoma Statutes, unless there is created  
16 a duplication in numbering.

17 SECTION 98. RECODIFICATION 45 O.S. 2021, Section 723, as  
18 amended by Section 27 of this act, shall be recodified as Section  
19 3723 of Title 27A of the Oklahoma Statutes, unless there is created  
20 a duplication in numbering.

21 SECTION 99. RECODIFICATION 45 O.S. 2021, Section 724, as  
22 amended by Section 28 of this act, shall be recodified as Section  
23 3724 of Title 27A of the Oklahoma Statutes, unless there is created  
24 a duplication in numbering.

1 SECTION 100. RECODIFICATION 45 O.S. 2021, Section 725,  
2 as amended by Section 29 of this act, shall be recodified as Section  
3 3725 of Title 27A of the Oklahoma Statutes, unless there is created  
4 a duplication in numbering.

5 SECTION 101. RECODIFICATION 45 O.S. 2021, Section 727,  
6 as amended by Section 30 of this act, shall be recodified as Section  
7 3727 of Title 27A of the Oklahoma Statutes, unless there is created  
8 a duplication in numbering.

9 SECTION 102. RECODIFICATION 45 O.S. 2021, Section 728,  
10 as amended by Section 31 of this act, shall be recodified as Section  
11 3728 of Title 27A of the Oklahoma Statutes, unless there is created  
12 a duplication in numbering.

13 SECTION 103. RECODIFICATION 45 O.S. 2021, Section 729,  
14 as amended by Section 32 of this act, shall be recodified as Section  
15 3729 of Title 27A of the Oklahoma Statutes, unless there is created  
16 a duplication in numbering.

17 SECTION 104. RECODIFICATION 45 O.S. 2021, Section 731,  
18 as amended by Section 33 of this act, shall be recodified as Section  
19 3731 of Title 27A of the Oklahoma Statutes, unless there is created  
20 a duplication in numbering.

21 SECTION 105. RECODIFICATION 45 O.S. 2021, Section 732,  
22 as amended by Section 34 of this act, shall be recodified as Section  
23 3732 of Title 27A of the Oklahoma Statutes, unless there is created  
24 a duplication in numbering.

1 SECTION 106. RECODIFICATION 45 O.S. 2021, Section 733,  
2 as amended by Section 35 of this act, shall be recodified as Section  
3 3733 of Title 27A of the Oklahoma Statutes, unless there is created  
4 a duplication in numbering.

5 SECTION 107. RECODIFICATION 45 O.S. 2021, Section 734,  
6 as amended by Section 36 of this act, shall be recodified as Section  
7 3734 of Title 27A of the Oklahoma Statutes, unless there is created  
8 a duplication in numbering.

9 SECTION 108. RECODIFICATION 45 O.S. 2021, Section 735,  
10 as amended by Section 37 of this act, shall be recodified as Section  
11 3735 of Title 27A of the Oklahoma Statutes, unless there is created  
12 a duplication in numbering.

13 SECTION 109. RECODIFICATION 45 O.S. 2021, Section 738,  
14 as amended by Section 38 of this act, shall be recodified as Section  
15 3738 of Title 27A of the Oklahoma Statutes, unless there is created  
16 a duplication in numbering.

17 SECTION 110. RECODIFICATION 45 O.S. 2021, Section 742.1,  
18 as amended by Section 39 of this act, shall be recodified as Section  
19 3742.1 of Title 27A of the Oklahoma Statutes, unless there is  
20 created a duplication in numbering.

21 SECTION 111. RECODIFICATION 45 O.S. 2021, Section 742.2,  
22 as amended by Section 40 of this act, shall be recodified as Section  
23 3742.2 of Title 27A of the Oklahoma Statutes, unless there is  
24 created a duplication in numbering.

1 SECTION 112. RECODIFICATION 45 O.S. 2021, Section 745.1,  
2 as amended by Section 41 of this act, shall be recodified as Section  
3 3745.1 of Title 27A of the Oklahoma Statutes, unless there is  
4 created a duplication in numbering.

5 SECTION 113. RECODIFICATION 45 O.S. 2021, Section 753,  
6 as amended by Section 42 of this act, shall be recodified as Section  
7 3753 of Title 27A of the Oklahoma Statutes, unless there is created  
8 a duplication in numbering.

9 SECTION 114. RECODIFICATION 45 O.S. 2021, Section 767,  
10 as amended by Section 43 of this act, shall be recodified as Section  
11 3767 of Title 27A of the Oklahoma Statutes, unless there is created  
12 a duplication in numbering.

13 SECTION 115. RECODIFICATION 45 O.S. 2021, Section 768,  
14 as amended by Section 44 of this act, shall be recodified as Section  
15 3768 of Title 27A of the Oklahoma Statutes, unless there is created  
16 a duplication in numbering.

17 SECTION 116. RECODIFICATION 45 O.S. 2021, Section 769,  
18 as amended by Section 45 of this act, shall be recodified as Section  
19 3769 of Title 27A of the Oklahoma Statutes, unless there is created  
20 a duplication in numbering.

21 SECTION 117. RECODIFICATION 45 O.S. 2021, Section 775,  
22 as amended by Section 46 of this act, shall be recodified as Section  
23 3775 of Title 27A of the Oklahoma Statutes, unless there is created  
24 a duplication in numbering.

1 SECTION 118. RECODIFICATION 45 O.S. 2021, Section 780,  
2 as amended by Section 47 of this act, shall be recodified as Section  
3 3780 of Title 27A of the Oklahoma Statutes, unless there is created  
4 a duplication in numbering.

5 SECTION 119. RECODIFICATION 45 O.S. 2021, Section 786,  
6 as amended by Section 48 of this act, shall be recodified as Section  
7 3786 of Title 27A of the Oklahoma Statutes, unless there is created  
8 a duplication in numbering.

9 SECTION 120. RECODIFICATION 45 O.S. 2021, Section 787,  
10 as amended by Section 49 of this act, shall be recodified as Section  
11 3787 of Title 27A of the Oklahoma Statutes, unless there is created  
12 a duplication in numbering.

13 SECTION 121. RECODIFICATION 45 O.S. 2021, Section 852,  
14 as amended by Section 50 of this act, shall be recodified as Section  
15 3852 of Title 27A of the Oklahoma Statutes, unless there is created  
16 a duplication in numbering.

17 SECTION 122. RECODIFICATION 45 O.S. 2021, Section 901,  
18 as amended by Section 51 of this act, shall be recodified as Section  
19 3901 of Title 27A of the Oklahoma Statutes, unless there is created  
20 a duplication in numbering.

21 SECTION 123. RECODIFICATION 45 O.S. 2021, Section 902,  
22 as amended by Section 52 of this act, shall be recodified as Section  
23 3902 of Title 27A of the Oklahoma Statutes, unless there is created  
24 a duplication in numbering.

1 SECTION 124. RECODIFICATION 45 O.S. 2021, Section 903,  
2 as amended by Section 53 of this act, shall be recodified as Section  
3 3903 of Title 27A of the Oklahoma Statutes, unless there is created  
4 a duplication in numbering.

5 SECTION 125. RECODIFICATION 45 O.S. 2021, Section 904,  
6 as amended by Section 54 of this act, shall be recodified as Section  
7 3904 of Title 27A of the Oklahoma Statutes, unless there is created  
8 a duplication in numbering.

9 SECTION 126. RECODIFICATION 45 O.S. 2021, Section 905,  
10 as amended by Section 55 of this act, shall be recodified as Section  
11 3905 of Title 27A of the Oklahoma Statutes, unless there is created  
12 a duplication in numbering.

13 SECTION 127. RECODIFICATION 45 O.S. 2021, Section 906,  
14 as amended by Section 56 of this act, shall be recodified as Section  
15 3906 of Title 27A of the Oklahoma Statutes, unless there is created  
16 a duplication in numbering.

17 SECTION 128. RECODIFICATION 45 O.S. 2021, Section 907,  
18 as amended by Section 57 of this act, shall be recodified as Section  
19 3907 of Title 27A of the Oklahoma Statutes, unless there is created  
20 a duplication in numbering.

21 SECTION 129. RECODIFICATION 45 O.S. 2021, Section 911,  
22 as amended by Section 58 of this act, shall be recodified as Section  
23 3911 of Title 27A of the Oklahoma Statutes, unless there is created  
24 a duplication in numbering.



1 SECTION 130. RECODIFICATION 45 O.S. 2021, Section 918,  
2 as amended by Section 59 of this act, shall be recodified as Section  
3 3918 of Title 27A of the Oklahoma Statutes, unless there is created  
4 a duplication in numbering.

5 SECTION 131. RECODIFICATION 45 O.S. 2021, Section 931,  
6 as amended by Section 60 of this act, shall be recodified as Section  
7 3931 of Title 27A of the Oklahoma Statutes, unless there is created  
8 a duplication in numbering.

9 SECTION 132. RECODIFICATION 45 O.S. 2021, Section 938.1,  
10 as amended by Section 61 of this act, shall be recodified as Section  
11 3938.1 of Title 27A of the Oklahoma Statutes, unless there is  
12 created a duplication in numbering.

13 SECTION 133. RECODIFICATION 45 O.S. 2021, Section 950,  
14 as amended by Section 62 of this act, shall be recodified as Section  
15 3950 of Title 27A of the Oklahoma Statutes, unless there is created  
16 a duplication in numbering.

17 SECTION 134. RECODIFICATION 45 O.S. 2021, Section 1g,  
18 shall be recodified as Section 3001.10 of Title 27A of the Oklahoma  
19 Statutes, unless there is created a duplication in numbering.

20 SECTION 135. RECODIFICATION 45 O.S. 2021, Section 8,  
21 shall be recodified as Section 3008 of Title 27A of the Oklahoma  
22 Statutes, unless there is created a duplication in numbering.

23

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1 SECTION 136. 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 137. 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 138. 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 139. 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 140. 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 141. 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 142. 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 143. 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 144. RECODIFICATION 45 O.S. 2021, Section 423,  
5 shall be recodified as Section 3423 of Title 27A of the Oklahoma  
6 Statutes, unless there is created a duplication in numbering.

7 SECTION 145. RECODIFICATION 45 O.S. 2021, Section 430,  
8 shall be recodified as Section 3430 of Title 27A of the Oklahoma  
9 Statutes, unless there is created a duplication in numbering.

10 SECTION 146. RECODIFICATION 45 O.S. 2021, Sections 434,  
11 435, 436, and 437, shall be recodified as Sections 3434, 3435, 3436,  
12 and 3437 of Title 27A of the Oklahoma Statutes, unless there is  
13 created a duplication in numbering.

14 SECTION 147. RECODIFICATION 45 O.S. 2021, Sections 441  
15 and 442, shall be recodified as Sections 3441 and 3442 of Title 27A  
16 of the Oklahoma Statutes, unless there is created a duplication in  
17 numbering.

18 SECTION 148. RECODIFICATION 45 O.S. 2021, Sections 477  
19 and 478, shall be recodified as Sections 3477 and 3478 of Title 27A  
20 of the Oklahoma Statutes, unless there is created a duplication in  
21 numbering.

22 SECTION 149. RECODIFICATION 45 O.S. 2021, Sections 501,  
23 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514,  
24 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, and 525, shall be

1 recodified as Sections 3501, 3502, 3503, 3504, 3505, 3506, 3507,  
2 3508, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518,  
3 3519, 3520, 3521, 3522, 3523, 3524, and 3525 of Title 27A of the  
4 Oklahoma Statutes, unless there is created a duplication in  
5 numbering.

6 SECTION 150. RECODIFICATION 45 O.S. 2021, Section 527,  
7 shall be recodified as Section 3527 of Title 27A of the Oklahoma  
8 Statutes, unless there is created a duplication in numbering.

9 SECTION 151. RECODIFICATION 45 O.S. 2021, Sections  
10 528.1, 528.2, and 528.3, shall be recodified as Sections 3528.1,  
11 3528.2, and 3528.3 of Title 27A of the Oklahoma Statutes, unless  
12 there is created a duplication in numbering.

13 SECTION 152. RECODIFICATION 45 O.S. 2021, Section 529,  
14 shall be recodified as Section 3529 of Title 27A of the Oklahoma  
15 Statutes, unless there is created a duplication in numbering.

16 SECTION 153. RECODIFICATION 45 O.S. 2021, Section 580,  
17 shall be recodified as Section 3580 of Title 27A of the Oklahoma  
18 Statutes, unless there is created a duplication in numbering.

19 SECTION 154. RECODIFICATION 45 O.S. 2021, Sections 603  
20 and 604, shall be recodified as Sections 3603 and 3604 of Title 27A  
21 of the Oklahoma Statutes, unless there is created a duplication in  
22 numbering.

23

24

1 SECTION 155. RECODIFICATION 45 O.S. 2021, Section 612,  
2 shall be recodified as Section 3612 of Title 27A of the Oklahoma  
3 Statutes, unless there is created a duplication in numbering.

4 SECTION 156. RECODIFICATION 45 O.S. 2021, Sections 614,  
5 615, and 616, shall be recodified as Sections 3614, 3615, and 3616  
6 of Title 27A of the Oklahoma Statutes, unless there is created a  
7 duplication in numbering.

8 SECTION 157. RECODIFICATION 45 O.S. 2021, Sections 721  
9 and 722, shall be recodified as Sections 3721 and 3722 of Title 27A  
10 of the Oklahoma Statutes, unless there is created a duplication in  
11 numbering.

12 SECTION 158. RECODIFICATION 45 O.S. 2021, Section 726,  
13 shall be recodified as Section 3726 of Title 27A of the Oklahoma  
14 Statutes, unless there is created a duplication in numbering.

15 SECTION 159. RECODIFICATION 45 O.S. 2021, Section 730,  
16 shall be recodified as Section 3730 of Title 27A of the Oklahoma  
17 Statutes, unless there is created a duplication in numbering.

18 SECTION 160. RECODIFICATION 45 O.S. 2021, Section 736,  
19 shall be recodified as Section 3736 of Title 27A of the Oklahoma  
20 Statutes, unless there is created a duplication in numbering.

21 SECTION 161. RECODIFICATION 45 O.S. 2021, Sections  
22 740.1, 740.2, 740.3, 740.4, 740.5, 740.6, and 740.7, shall be  
23 recodified as Sections 3740.1, 3740.2, 3740.3, 3740.4, 3740.5,  
24

1 3740.6, and 3740.7 of Title 27A of the Oklahoma Statutes, unless  
2 there is created a duplication in numbering.

3 SECTION 162. RECODIFICATION 45 O.S. 2021, Sections 744  
4 and 745, shall be recodified as Sections 3744 and 3745 of Title 27A  
5 of the Oklahoma Statutes, unless there is created a duplication in  
6 numbering.

7 SECTION 163. RECODIFICATION 45 O.S. 2021, Sections  
8 745.2, 745.3, 745.4, 745.5, 745.6, 745.7, 745.8, 745.9, 745.10,  
9 745.11, 745.12, 745.13, 745.14, 745.15, 745.16.1, 745.17, 745.18,  
10 745.19, 745.20, 745.21, and 745.22, shall be recodified as Sections  
11 3745.2, 3745.3, 3745.4, 3745.5, 3745.6, 3745.7, 3745.8, 3745.9,  
12 3745.10, 3745.11, 3745.12, 3745.13, 3745.14, 3745.15, 3745.16,  
13 3745.17, 3745.18, 3745.19, 3745.20, 3745.21, and 3745.22 of Title  
14 27A of the Oklahoma Statutes, unless there is created a duplication  
15 in numbering.

16 SECTION 164. RECODIFICATION 45 O.S. 2021, Sections 746,  
17 747, 748, 749, 750, 751, 752, 754, 754.1, 754.2, 755, 756, and 757,  
18 shall be recodified as Sections 3746, 3747, 3748, 3749, 3750, 3751,  
19 3752, 3754, 3754.1, 3754.2, 3755, 3756, and 3757 of Title 27A of the  
20 Oklahoma Statutes, unless there is created a duplication in  
21 numbering.

22 SECTION 165. RECODIFICATION 45 O.S. 2021, Sections 760,  
23 760.1, 760.2, and 761, shall be recodified as Sections 3760, 3760.1,  
24

1 3760.2, and 3761 of Title 27A of the Oklahoma Statutes, unless there  
2 is created a duplication in numbering.

3 SECTION 166. RECODIFICATION 45 O.S. 2021, Sections 765  
4 and 766, shall be recodified as Sections 3765 and 3766 of Title 27A  
5 of the Oklahoma Statutes, unless there is created a duplication in  
6 numbering.

7 SECTION 167. RECODIFICATION 45 O.S. 2021, Sections 770,  
8 771, 772, 773, 774, 776, 777, 778, and 779, shall be recodified as  
9 Sections 3770, 3771, 3772, 3773, 3774, 3776, 3777, 3778, and 3779 of  
10 Title 27A of the Oklahoma Statutes, unless there is created a  
11 duplication in numbering.

12 SECTION 168. RECODIFICATION 45 O.S. 2021, Sections 781,  
13 782, 783, 784, 785, 788, and 789, shall be recodified as Sections  
14 3781, 3782, 3783, 3784, 3785, 3788, and 3789 of Title 27A of the  
15 Oklahoma Statutes, unless there is created a duplication in  
16 numbering.

17 SECTION 169. RECODIFICATION 45 O.S. 2021, Sections 790,  
18 791, 791.1, 792, and 793, shall be recodified as Sections 3790,  
19 3791, 3791.1, 3792, and 3793 of Title 27A of the Oklahoma Statutes,  
20 unless there is created a duplication in numbering.

21 SECTION 170. RECODIFICATION 45 O.S. 2021, Section 851,  
22 shall be recodified as Section 3851 of Title 27A of the Oklahoma  
23 Statutes, unless there is created a duplication in numbering.

24

1 SECTION 171. RECODIFICATION 45 O.S. 2021, Section 853,  
2 shall be recodified as Section 3853 of Title 27A of the Oklahoma  
3 Statutes, unless there is created a duplication in numbering.

4 SECTION 172. RECODIFICATION 45 O.S. 2021, Sections 908,  
5 909, and 910, shall be recodified as Sections 3908, 3909, and 3910  
6 of Title 27A of the Oklahoma Statutes, unless there is created a  
7 duplication in numbering.

8 SECTION 173. RECODIFICATION 45 O.S. 2021, Sections 912,  
9 913, 914, 915, 916, 917, and 919, shall be recodified as Sections  
10 3912, 3913, 3914, 3915, 3916, 3917, and 3919 of Title 27A of the  
11 Oklahoma Statutes, unless there is created a duplication in  
12 numbering.

13 SECTION 174. RECODIFICATION 45 O.S. 2021, Sections 932,  
14 933, 934, 935, 936, 937, 939, 939.1, and 940, shall be recodified as  
15 Sections 3932, 3933, 3934, 3935, 3936, 3937, 3939, 3939.1, and 3940  
16 of Title 27A of the Oklahoma Statutes, unless there is created a  
17 duplication in numbering.

18 SECTION 175. This act shall become effective July 1, 2023.

19 SECTION 176. It being immediately necessary for the  
20 preservation of the public peace, health or safety, an emergency is  
21 hereby declared to exist, by reason whereof this act shall take  
22 effect and be in full force from and after its passage and approval.

23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
24 March 1, 2023 - DO PASS