

ENROLLED HOUSE
BILL NO. 1235

By: Leist, Matlock, Bonny,
Maddux (Elmer), Begley,
Campbell, Culver,
Dunegan, Fields, Glover,
Hutchison, Kirby, Lucas,
Mass, Mitchell, Rhodes
(Dusty), Sadler, Smith
(Bill), Reese, Widener
and Kouba of the House

and

Shurden, Bell, Capps,
Gustafson, Helton, Kerr,
Lawler, Price and
Wilkerson of the Senate

An Act relating to agriculture and acquisition of land; amending 2 O.S. 1991, Section 9-212, which relates to powers of the State Board of Agriculture; clarifying language; amending 80 O.S. 1991, Section 1, which relates to state consent to acquisition of land by the United States; requiring approval of Legislature for certain acquisitions for wetland purposes; providing exemption; providing that certain classifications of certain land shall constitute acquisition of easement; placing certain restrictions on acquisition of such easements; and declaring an emergency.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 9-212, is amended to read as follows:

Section 9-212. ~~(a)~~ A. Any person violating the provisions of the Oklahoma ~~Agricultural Code~~ Feed Yards Act or any rule or regulation of the Board promulgated thereto shall, upon conviction, be deemed guilty of a misdemeanor and upon conviction thereof may be punished by a fine not exceeding One Hundred Dollars (\$100.00).

~~(b)~~ B. Any owner or operator who fails to take such action as may be reasonable and necessary to avoid pollution of any stream, lake, river or creek, except as otherwise provided by law, or who violates any rule or regulation of the Board adopted to prevent water pollution from feed yards pursuant to this act shall, upon conviction, be deemed guilty of a misdemeanor, and upon conviction thereof may be punished by a fine of Two Hundred Dollars (\$200.00) to Ten Thousand Dollars (\$10,000.00) for each violation, by imprisonment in the county jail for not more than six (6) months for each violation, or by the assessment of a civil penalty up to Ten Thousand Dollars (\$10,000.00) for each violation or by any of such fine, imprisonment, and civil penalty.

~~(c)~~ C. For the purposes of this section, each day upon which a violation is committed or is permitted to continue shall be deemed a separate offense.

~~(d)~~ D. In addition to other penalties as may be imposed by law, any person who knowingly makes any false statement, representation or certification in any water pollution form, notice or report, or who knowingly renders inaccurate any monitoring device or method required to be maintained by any water pollution regulations adopted by the Board, shall, upon conviction, be guilty of a misdemeanor and may be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) for each such violation.

SECTION 2. AMENDATORY 80 O.S. 1991, Section 1, is amended to read as follows:

Section 1. A. The consent of this state is hereby given, in accordance with Section 8 of Article I of the Constitution of the United States, to the acquisition by the United States, by purchase, condemnation or otherwise, of any land in this state required for sites for custom houses, post offices, arsenals, forts, magazines, dockyards, military reserves, irrigation or drainage projects, municipal water facilities or for needful public buildings.

The consent of this state is also given to the acquisition of land by the United States, by condemnation only with the consent of the owner, or purchase, gift or exchange, for the purpose of consolidation within existing boundaries of national forests within this state.

B. Land outside of any incorporated municipality, which is being considered for acquisition by the United States for any other purpose, whether by fee or easement, may be acquired only after consent of a majority of the Legislature of the State of Oklahoma.

C. Any land which has been classified as a wetland by the Secretary of the Army and which is being considered for acquisition by fee, over the objection of the landowner, may be acquired only after consent of a majority of the Legislature of this state. Provided, the Oklahoma Department of Transportation and the Oklahoma Turnpike Authority shall be exempt from this requirement.

D. Any restricted use of land in this state as a result of the classification of such land as a wetland by the Secretary of the Army shall constitute an acquisition of an easement pursuant to the provisions of this section and such easement, if over the objection of the landowner, may be acquired only after approval of a wetlands plan by the Legislature of this state which includes just compensation by the acquiring authority.

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

Passed the House of Representatives the 14th day of April, 1993.

Speaker of the House of Representatives

Passed the Senate the 6th day of April, 1993.

President of the Senate