

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1253

By: Muegge

AS INTRODUCED

An Act relating to conservation; creating the Oklahoma Heritage Trust Act; providing short title; stating purpose; creating Oklahoma Heritage Trust Commission; stating membership; providing terms of memberships; requiring certain elections; stating meeting requirements; providing for travel reimbursement; authorizing Commission to approve easement acquisitions; requiring easements to be held in perpetuity; stating principles for certain activities; authorizing Commission to expend funds for certain purposes; requiring Commission to promulgate rules; authorizing Commission to employ certain staff; requiring landowners to provide certain information; authorizing funds for certain uses; stating considerations for negotiations with landowners; authorizing Commission to accept certain donations for easements; providing for donations for specific areas; creating certain revolving fund; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-16-101 of Title 27A, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Heritage Trust Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-16-102 of Title 27A, unless there is created a duplication in numbering, reads as follows:

To preserve the viability of our state's bountiful natural resources and rich agricultural heritage and the values sustained by that heritage, there is hereby created a public trust for the purpose of securing long-term land conservation, protection of our

state's natural resources and productive use of the agricultural lands in this state for future generations.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-16-103 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Heritage Trust Commission which shall be composed of the following members:

1. The Director of the Oklahoma Conservation Commission, or a designee;

2. The Director of the Oklahoma Tourism and Recreation Department, or a designee;

3. The Commissioner of Agriculture, or a designee;

4. The Director of the Department of Wildlife Conservation;

5. The Executive Director of the Department of Environmental Quality;

6. The Executive Director of the Oklahoma Water Resources Board;

7. The Director of the Department of Transportation;

8. One member who shall be appointed by the Governor;

9. One member who shall be appointed by the President Pro Tempore of the Senate; and

10. One member who shall be appointed by the Speaker of the House of Representatives.

B. Terms of office for appointed members shall be four (4) years. Initial appointments shall be made in the following manner to provide for staggered terms: the Governor shall appoint a member to serve four (4) years; the President Pro Tempore of the Senate shall appoint a member to serve three (3) years; and the Speaker of the House of Representatives shall appoint a member to serve two (2) years.

C. Members of the Commission shall annually elect a chair and vice-chair. Appointments to the Commission shall be made no later

than September 1, 2000. The first meeting of the Commission shall be called by the Governor, no later than October 1, 2000. Meetings of the Commission shall be held as deemed necessary by the chair but shall be held at least quarterly.

D. Members of the Oklahoma Heritage Trust Commission shall serve without compensation, but shall be eligible for reimbursement for expenses in accordance with the provisions of the State Travel Reimbursement Act, which shall be paid by each member's appointing authority or agency.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-16-104 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Heritage Trust Commission shall approve the acquisition of easements, from willing sellers and donors, for the propose of conserving rural landscapes while providing for the continued working of family farms, ranches, and undeveloped natural areas. Easements may be held jointly between the State of Oklahoma and any political subdivision of the state. Easements acquired under the provisions of this act shall be held in perpetuity. No easement shall be acquired under short-term or renewable conditions.

B. Activities permitted on acquired easements shall be determined on an individual basis by the Commission who shall be guided by the following principles:

1. Conservation of family farms, ranches and undeveloped natural areas;
2. Conservation of rural landscapes and protection of our state's natural resources;
3. Conservation of native wild species and their habitats; and
4. Protection of native lands to be used for public recreation.

C. The Commission is authorized to expend funds to acquire easements on behalf of the State of Oklahoma and any political subdivision of the state. An affirmative vote of a majority of the

members of the Commission shall be required for approval of an easement acquisition.

D. The terms of the easement acquired under the provisions of this act shall be designed to promote the principles stated in subsection B of this section, and each contract shall specify the manner in which the easement will promote such principles.

E. The Commission shall promulgate rules establishing the criteria and policies for acquiring easements. In establishing such criteria and policies the Commission shall consider the following:

1. Important natural or public values, found within family farms, ranches and undeveloped natural areas;

2. The threat of conversion of the property from traditional agricultural use or development of pristine natural areas;

3. Promoting the use of public lands for public enjoyment and parklands for public recreation;

4. Cooperation and support of neighboring property owners and protection of individual property rights;

5. Positive impacts on long-term agricultural productivity and perpetuation both within and beyond the boundaries of the proposed easement;

6. Landscape and watershed integrity to conserve water quality and natural resources;

7. Habitats for wild species, including habitats for important, rare or sensitive species;

8. Potential social and economic impacts to local communities, governments and the state;

9. Regional balance of approved easements;

10. Potential for leveraging state funds allocated to the program with additional private or public funds;

11. Whether the landowner is a resident of this state; and

12. Provisions for compensating landowners who agree to allow public access on the easement; provided, however, the agreement to

allow public access shall not be a requirement for any proposed easement and may not result in a higher priority for any easement acquisition.

It shall not be a requirement for a proposed acquisition to meet each of the criteria set forth in this section.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-16-105 of Title 27A, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Heritage Trust Commission is hereby authorized to employ an Executive Director, who shall be the chief executive officer of the Oklahoma Heritage Trust Authority. The Executive Director shall be authorized to employ such other staff as is necessary with approval by the Commission.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-16-106 of Title 27A, unless there is created a duplication in numbering, reads as follows:

Any interested landowner in this state may seek to establish an easement under the provisions of this act by filing an application with the Oklahoma Heritage Trust Commission. The application shall include:

1. The name of the title holder of the land;
2. A description of the land proposed for the easement acquisition;
3. The total dollar amount of compensation requested for the proposed easement;
4. A description of how the proposed easement meets the criteria set forth in this act; and
5. Other information as requested by the Commission or the Authority.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-16-107 of Title 27A, unless there is created a duplication in numbering, reads as follows:

State funds allocated to the Oklahoma Heritage Trust Commission or the Oklahoma Heritage Trust Authority shall be used for:

1. The purchase of easements by the Oklahoma Heritage Trust Commission, on behalf of the State of Oklahoma and any political subdivision of the state;
2. The payment of easement transaction costs;
3. Contributions to secure additional non-state funding, donations, grants or gifts for easement acquisitions; and
4. Any administration costs borne by the state.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-16-108 of Title 27A, unless there is created a duplication in numbering, reads as follows:

The following considerations may be negotiated with landowners in return for establishing easements:

1. Lump-sum or annual cash payments; and
2. Retention of limited residential development rights by the easement seller. The nature and extent of the retained limited residential development rights must be consistent with the specific conditions of the easement agreement and the provisions of this act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-16-109 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Heritage Trust Commission and the Oklahoma Heritage Trust Authority may accept donations, grants, gifts or other private or public funds for the purpose of easement acquisitions pursuant to the provisions of this act, and for other purposes as deemed necessary by the Commission.

B. Any person or organization offering a donation, grant, gift or other source of financial support to the Oklahoma Heritage Trust Commission may specify a geographic area or for use of the donation if they so desire.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-16-110 of Title 27A, unless there is created a duplication in numbering, reads as follows:

There is created in the State Treasury a revolving fund for the Oklahoma Heritage Trust Commission to be designated the "Oklahoma Heritage Trust Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies appropriated and donations by any public or private source. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Heritage Trust Commission for purchasing easements and necessary administrative expenses. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Office of State Finance for approval and payment.

SECTION 11. This act shall become effective July 1, 2000.

SECTION 12. 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.

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