

ENGROSSED SENATE AMENDMENTS
TO
ENGROSSED HOUSE
BILL NO. 1633

By: Sweeden and Braddock of the
House

and

Harrison of the Senate

An Act relating to agriculture; providing legislative intent for prescribed burning; * * * * requiring certain conduct and procedures for conducting a prescribed burn; providing for liability for certain burnings; updating language; providing that certain prescribed burning is not a public or private nuisance and is a property right; * * * * providing for noncodification; providing for codification; and declaring an emergency.

AMENDMENT NO. 1. Page 10, line 16 1/2, insert a new Section 6 to read

"SECTION 6. AMENDATORY 18 O.S. 1991, Section 955, as last amended by Section 6, Chapter 2, O.S.L. 1994 (18 O.S. Supp. 2000, Section 955), is amended to read as follows:

Section 955. A. No person, corporation, association or any other entity shall engage in farming or ranching, or own or lease any interest in land to be used in the business of farming or ranching, except the following:

1. Natural persons and the estates of such persons;
2. Trustees of trusts; provided that:
 - a. each beneficiary shall be a person or entity enumerated in paragraphs 1 through 5 of this subsection, and
 - b. there shall not be more than ten beneficiaries unless the beneficiaries in excess of ten are related as lineal descendants or are or have been related by marriage or adoption to lineal descendants, and

c. at least sixty-five percent (65%) of the trust's annual gross receipts shall be derived from farming or ranching, or from allowing others to extract minerals underlying lands held by the trust. If the trust cannot comply with the annual gross receipts test, the trust may furnish records of its gross receipts for each of the previous five (5) years, or for each year that it has been in existence if less than five (5) years, and the average of such annual gross receipts may be used for purposes of complying with this section;

3. Corporations, as provided for in Sections 951 through 954 of this title, or as otherwise permitted by law;

4. Partnerships and limited partnerships; provided that:

- a. each partner shall be a person or entity enumerated in paragraphs 1 through 5 of this subsection, and
- b. there shall not be more than ten partners unless said partners in excess of ten are related as lineal descendants or are or have been related by marriage or adoption to lineal descendants, and
- c. at least sixty-five percent (65%) of the partnership's annual gross receipts shall be derived from farming or ranching, or from allowing others to extract minerals underlying lands held by the partnership. If the partnership cannot comply with the annual gross receipts test, the partnership may furnish records of its gross receipts for each of the previous five (5) years, or for each year that it has been in existence if less than five (5) years, and the average of such annual gross receipts may be used for purposes of complying with this section;

5. Limited liability companies formed pursuant to the Oklahoma Limited Liability Company Act; provided that:

- a. each member shall be a person or entity enumerated in paragraphs 1 through 5 of this subsection, and
- b. there shall not be more than ~~ten~~ thirty members unless said members in excess of ~~ten~~ thirty are related as lineal descendants or are or have been related by marriage or adoption to lineal descendants, and
- c. at least sixty-five percent (65%) of the limited liability company's annual gross receipts shall be derived from farming or ranching, or from allowing others to extract minerals underlying lands held by the limited liability company. If the limited liability company cannot comply with the annual gross receipts test, the limited liability company may furnish records of its gross receipts for each of the previous five (5) years, or for each year that it has been in existence if less than five (5) years, and the average of such annual gross receipts may be used for purposes of complying with this section.

B. Any farming or ranching corporation, trust, partnership, limited partnership, limited liability company or other entity which violates any provisions of this section shall be fined an amount not to exceed Five Hundred Dollars (\$500.00). Any other person or entity who knowingly violates this section shall be deemed guilty of a misdemeanor.

C. The provisions of this act shall not apply to interests in land acquired prior to June 1, 1978."

and renumber subsequent sections

and when the title is restored, amend to conform

AMENDMENT NO. 2. Page 1, strike the title to read

"[agriculture - burning - repealing - noncodification -
codification -
emergency]"

Passed the Senate the 3rd day of April, 2001.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2001.

Presiding Officer of the House
of Representatives