

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1314

By: Wilcoxson

AS INTRODUCED

An Act relating to schools and tourism; amending 74 O.S. 2001, Sections 1840, 1841, 1844 and 1845, which relate to the "Oklahoma State Register of Natural Heritage Areas Act"; clarifying statutory reference; transferring certain duties; providing for recodification; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 1840, is amended to read as follows:

Section 1840. This act shall be known and may be cited as the "Oklahoma State Register of Natural Heritage Areas Act".

SECTION 2. AMENDATORY 74 O.S. 2001, Section 1841, is amended to read as follows:

Section 1841. A. There is hereby created a "State Register of Natural Heritage Areas".

B. The Oklahoma ~~Tourism and Recreation Department~~ Biological Survey shall establish a listing of sites, districts, areas, or objects above or below the surface of the earth whether on land or in the waters of this state, which have unique and diverse ecological, geological, or other special natural characteristics of significant scientific, educational, or passive recreational value to the citizens of this state. ~~Such~~ The listing shall constitute the State Register of Natural Heritage Areas.

C. Listing a privately owned property in the State Register shall in no way violate or abridge the right of the landowner to use, modify, or dispose of ~~said~~ the property.

SECTION 3. AMENDATORY 74 O.S. 2001, Section 1844, is amended to read as follows:

Section 1844. In performing its duties pursuant to the provisions of the Oklahoma State Register of Natural Heritage Areas Act, the Oklahoma ~~Tourism and Recreation Department~~ Biological Survey shall:

1. Identify potential natural areas for inclusion in the State Register. Any person or organization may recommend the inclusion of any area within this state to the ~~Department~~ Survey;

2. Notify the landowners of a potential natural area of the recommendation of ~~said~~ the area, explain the scope and intent of the State Register, and request permission to evaluate the site of ~~said~~ the area;

3. Evaluate the site of the potential natural area, upon receiving permission from the landowners, to determine whether ~~said~~ the area satisfies the criteria listed in ~~Section 6 of this act~~ Section 1845 of Title 74 of the Oklahoma Statutes;

4. Invite the landowners of a natural area site which satisfies ~~said~~ the criteria to register the site in the State Register. To register a site, a nonbinding agreement stating the intent of the landowners to protect the characteristics of the natural area site is signed by the landowners and the Director of the Oklahoma ~~Tourism and Recreation Department~~ Biological Survey. Upon the signing of ~~said~~ the agreement, the Director shall present a plaque and a certificate of registration to the landowners acknowledging their generosity and civic-mindedness;

5. Protect the rights of the landowners by publicly listing a registered natural area only with the consent of the landowners and by removing a natural area from the State Register at the request of the landowners;

6. Assist the landowners of registered natural areas by providing information concerning such areas and by providing or

arranging for technical assistance and resource planning which may be requested;

7. Review periodically each registered natural area and remove from the State Register any area which has had its natural character or quality degraded through significant natural or man-made changes; and

8. Publish an annual report on the state and condition of the registered natural areas which shall be available to the public.

SECTION 4. AMENDATORY 74 O.S. 2001, Section 1845, is amended to read as follows:

Section 1845. All potential natural areas recommended for inclusion in the State Register shall be evaluated by the Oklahoma ~~Tourism and Recreation Department~~ Biological Survey, as required by Section 1844 of this title, according to the following criteria:

1. The diversity of flora and fauna;
2. The quality and viability of the occurrence of the element of natural diversity;
3. The absence of damaging land uses and the extent of historic disturbances;
4. The potential for sustained protection and management of the element of natural diversity;
5. The presence of additional elements of natural diversity not adequately represented in other registered natural areas; and
6. The significance of the educational and scientific values of the element of natural diversity.

SECTION 5. RECODIFICATION 74 O.S. 2001, Sections 1840 through 1845, shall be recodified as Sections 3315 through 3315.5 of Title 70 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 6. 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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