

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 182

By: Muegge

AS INTRODUCED

An Act relating to conservation and farmland protection; creating the Oklahoma Farmland Protection Act; providing short title; stating purpose; authorizing the Oklahoma Conservation Commission to approve easement acquisitions; requiring easements to be held for certain time period; stating principles for certain activities; authorizing Commission to expend funds for certain purposes; requiring Commission to promulgate rules; authorizing Commission to employ 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:

ARTICLE X.

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1501-1001 of Title 82, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Farmland Protection Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1501-1002 of Title 82, unless there is created a duplication in numbering, reads as follows:

To protect the state's prime and unique farmland, there is hereby created a public trust within the Oklahoma Conservation Commission for the purpose of securing long-term conservation easements.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1501-1003 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Conservation Commission is hereby authorized to approve the purchase of easements, from willing sellers and donors, for the purpose of protecting prime and unique farmland. Easements may be held jointly by the State of Oklahoma and any political subdivision of the state. Easements acquired under the provisions of this act shall be held for a minimum of thirty (30) years. 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. Protection of prime and unique farmland; and
2. Maintaining a viable farming operation.

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 prior to any easement acquisition.

D. The scope and 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 values, found within family farms and ranches;
2. The threat of conversion of the property from traditional agricultural use;

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

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

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

6. Regional balance of approved easements;

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

8. Whether the landowner is a resident of this state.

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1501-1004 of Title 82, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Conservation Commission is hereby authorized to employ such staff as necessary to administer the program created pursuant to this act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1501-1005 of Title 82, 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 Conservation Commission. The application shall include:

1. The proposed scope and terms of the easement;

2. The name of the title holder of the land;

3. A description of the land proposed for the easement acquisition;

4. The total dollar amount of compensation requested for the proposed easement;

5. A description of how the proposed easement meets the criteria set forth in this act; and

6. Other information as requested by the Commission.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1501-1006 of Title 82, unless there is created a duplication in numbering, reads as follows:

State funds allocated to the Oklahoma Conservation Commission for farmland protection shall be used for:

1. The purchase of easements by the Oklahoma Conservation 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 administrative costs borne by the state.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1501-1007 of Title 82, 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 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1501-1008 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Conservation Commission 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 Conservation Commission may specify a geographic area or for use of the donation if they so desire.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1501-1009 of Title 82, unless there is created a duplication in numbering, reads as follows:

There is created in the State Treasury a revolving fund for the Oklahoma Conservation Commission to be designated the "Oklahoma Farmland Protection Revolving Fund". The fund shall be a continuing fund, an interest bearing 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 Conservation 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 10. This act shall become effective July 1, 2001.

SECTION 11. 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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