

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 630

By: Helton

AS INTRODUCED

An Act relating to public lands; amending 64 O.S. 2001, Section 92, which relates to the sale of oil, gas or mineral leases; modifying publication of notice requirements; amending 64 O.S. 2001, Section 281, which relates to terms and conditions of public competitions; modifying publication of notice requirements; requiring Commissioners of the Land Office to pay licensing fees for certain employees; making destruction or injury of historic sites on certain lands to be felony; making removal of artifacts from certain lands to be felony; making entry on certain lands for certain purposes to be misdemeanor; providing penalties; providing exceptions; defining term; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 64 O.S. 2001, Section 92, is amended to read as follows:

Section 92. The Commissioners of the Land Office are hereby authorized to sell oil and gas or other mineral leases on any of the public lands under their control and supervision whether the same was acquired by federal grant, donation, foreclosure or otherwise. ~~Prior to every sale of oil and gas or other mineral lease covering such lands, the~~ The Commissioners of the Land Office shall ~~cause notice of such sale to be published for thirty (30) days in a newspaper of general circulation in the county where such lands are situated and in~~ publish notice of the lease sale one time not less than thirty (30) days prior to the lease sale date in two newspapers authorized by law to publish legal notices. One of the newspapers shall be published in the county where the land is located or other newspaper as authorized by Section 106 of Title 25 of the Oklahoma

Statutes. The other shall be a newspaper of general circulation in ~~the State of Oklahoma~~ this state. The leasing shall require and the advertisement shall specify in each case a fixed royalty to be paid by the successful bidder, in addition to any bonus offered for the lease, and all proceeds from leases shall be covered into the fund to which that shall properly belong, and no transfer or assignment of any lease shall be valid or confer any right in the assignee without the consent of the Commissioners of the Land Office in writing; provided, however, that agricultural lessees in possession of such lands shall be reimbursed by the mining lessees for all damage done to said agricultural lessees' interest therein by reason of such mining operations. The Commissioners of the Land Office have the right to reject any and all bids for such leases.

SECTION 2. AMENDATORY 64 O.S. 2001, Section 281, is amended to read as follows:

Section 281. The Commissioners of the Land Office are authorized to lease for oil and gas purposes any of the school or other lands owned by the State of Oklahoma, which such Commissioners may deem valuable for oil and gas. Each such lease shall be a commence-type lease and shall provide for a term not less than one ~~(1)~~ year and not to exceed five (5) years and as long thereafter as oil or gas may be produced therefrom in paying quantities, upon such terms and conditions and in such quantities as the Commissioners shall by rules and regulations prescribe. Each such lease shall provide for the delivery to the state of a royalty of not less than one-eighth (1/8) part of the oil or gas produced from the leased premises or in lieu thereof the payment to the state of the market value of said royalty interest, as the Commissioners may elect. The leases shall be offered by public competition after notice of the lease auction published one time not less than thirty (30) days prior to the lease auction date in two newspapers authorized by law to publish legal notices. One of the newspapers shall be published

in the county where the land is located or other newspaper as authorized by Section 106 of Title 25 of the Oklahoma Statutes. The other shall be a newspaper of general circulation in this state.

~~Such leasing shall be made public competition after not less than fifteen (15) days' notice by publication in two (2) newspapers authorized by law to publish legal notices, one (1) of which newspapers shall be published at the State Capital, and the other in the county where the land is situated, such leasing shall be let by sealed bids and each lease awarded to the highest responsible bidder, such oil and gas leases may be assigned only with the consent and approval of the Commissioners of the Land Office.~~
Provided that; provided, the Commissioners have the right to reject any and all bids.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16 of Title 64, unless there is created a duplication in numbering, reads as follows:

The Commissioners of the Land Office shall be responsible for and pay the fee for obtaining a real estate appraiser license for any employee who is required to obtain such license to perform job duties.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 88.1 of Title 64, unless there is created a duplication in numbering, reads as follows:

A. Any person, business, corporation, entity, or any agency or institution of the state or a political subdivision who knowingly removes, alters, digs into, or excavates by use of any human powered, mechanical, hydraulic, or other means, or damages, defaces, or destroys any historic or prehistoric archaeological resource or site or removes any archaeological object from land owned by the Commissioners of the Land Office, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than the greater of three times the value of the damage or

artifact recovered or Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for not more than five (5) years, or by both such fine and imprisonment. This subsection shall not apply to any person, business, corporation, entity, or any agency or institution of the state or a political subdivision having obtained a written permit from the Secretary of the Commissioners of the Land Office for such activities.

B. Any person entering onto real property owned by the Commissioners of the Land Office for the purpose of committing any of the acts set forth in subsection A of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

C. For purposes of this section, "archaeological resource" means all sites, objects, structures, artifacts, implements, and locations of prehistorical or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material that are located in, on, or under the surface of any lands or waters owned by or under the possession, custody, or control of the Commissioners of the Land Office.

SECTION 5. This act shall become effective July 1, 2003.

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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