

1 **SENATE FLOOR VERSION**

2 February 22, 2012

3 As Amended

4 SENATE BILL NO. 1525

5 By: Jolley of the Senate

6 and

7 Armes of the House

8 [endangered species - Secretary of Environment -
9 develop habitat or candidate conservation plans -
10 stating purpose - codification - effective date]

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1-2-103 of Title 27A, unless
15 there is created a duplication in numbering, reads as follows:

16 A. As used in this section:

17 1. "Candidate conservation plan" means a plan to implement any
18 actions necessary for the conservation of one or more candidate
19 species or species likely to become a candidate species in the near
20 future;

21 2. "Candidate species" means a species identified by the United
22 States Department of the Interior as appropriate for listing as
23 threatened or endangered; and

1 3. "Endangered species", "federal permit", "habitat
2 conservation plan" and "mitigation fee" have the meanings assigned
3 by Section 83.011 of the federal Parks and Wildlife Code.

4 B. To promote compliance with federal law protection endangered
5 species and candidate species in a manner consistent with this
6 state's economic development and fiscal stability, the Secretary of
7 Environment may:

8 1. Develop or coordinate the development of a habitat
9 conservation plan or candidate conservation plan;

10 2. Apply for and hold a federal permit issued in connection
11 with a habitat developed by the Secretary or the development of
12 which is coordinated by the Secretary;

13 3. Enter into an agreement for the implementation of a
14 candidate conservation plan with the United States Department of the
15 Interior or assist another entity in entering into such an
16 arrangement;

17 4. Establish the habitat protection fund, to be held by the
18 Secretary, outside the treasury, to be used to support the
19 development or coordination of the development of a habitat
20 conservation plan or a candidate conservation plan, or to pay the
21 costs of monitoring or administering the implementation of such a
22 plan;

23 5. Impose or provide for the imposition of a mitigation fee in
24 connection with a habitat conservation plan or any fees necessary or

1 advisable for a candidate conservation plan developed by the
2 Secretary or the development of which is coordinated by the
3 Secretary; and

4 6. Implement, monitor, or support the implementation of a
5 habitat conservation plan or candidate conservation plan developed
6 by the Secretary or the development of which is coordinated by the
7 Secretary.

8 a. The Secretary of Environment may solicit and accept
9 appropriations, fees as authorized by this section,
10 and gifts or grants from any public or private source,
11 including the federal government, this state, a public
12 agency, or a political subdivision of this state, for
13 deposit to the credit of the fund established pursuant
14 to this section.

15 b. The Legislature finds that expenditures described
16 herein serve public purposes, including economic
17 development in this state.

18 c. The Secretary of Environment may establish a nonprofit
19 corporation or contract with a third party to perform
20 the functions assigned pursuant to this section.

21 C. 1. Upon consideration of the factors identified in
22 subsection B of this section, the Secretary of Environment may
23 designate one of the following agencies to undertake the functions
24 identified in this section:

- a. the Oklahoma Department of Agriculture, Food, and Forestry,
- b. the Department of Wildlife Conservation,
- c. the Department of Transportation,
- d. the Corporation Commission, and
- e. the Department of Environmental Quality.

2. In designating an agency pursuant to this subsection, the Secretary shall consider the following factors:

- a. the economic sectors impacted by the species of interest that will be included in the habitat conservation plan or candidate conservation plan,
- b. the identified threats to the species of interest, and
- c. the location of the species of interest.

D. The Secretary of Environment may enter into a memorandum of understanding or an interagency agreement with any of the agencies listed in subsection C of this section to implement the provisions of this section and to provide for the use of the habitat protection fund.

E. Information collected under this section by an agency, or an entity acting on the agency's behalf, from a private landowner or other participant or potential participant in a habitat conservation plan or proposed habitat conservation plan is not subject to the Oklahoma Open Records Act and may not be disclosed to any person, including a state or federal agency, if the information relates to

1 the specific location, species identification, or quantity of any
2 animal or plant life for which a plan is under consideration or
3 development or has been established under this section. The agency
4 may disclose information described by this section only to the
5 person who provided the information unless the person consents in
6 writing to full or specified partial disclosure of the information.

7 F. The Secretary of Environment or the governing bodies of the
8 agencies listed in subsection C of this section may promulgate rules
9 as necessary for the duties required by this section.

10 SECTION 2. This act shall become effective November 1, 2012.

11 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,
12 dated 2-20-12 - DO PASS, As Amended and Coauthored.

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