

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2108

6 By: Cargill

7 COMMITTEE SUBSTITUTE

8 An Act relating to environment and natural resources;
9 creating the Oklahoma Forever Land Trust Act;
10 creating the Oklahoma Forever Advisory Council;
11 stating membership of Council; providing for
12 appointments, terms of office, officers, meetings,
13 staff support, and travel reimbursement; stating
14 duties of the Council; requiring disclosure of
15 certain interests; providing procedures and criteria
16 for listing a project; stating legislative findings;
17 encouraging certain partnerships; requiring public
18 agencies to coordinate land acquisition programs;
19 requiring long-term financial commitment to managing
20 public lands; requiring a competitive selection
21 process for projects; requiring funds to be used to
22 implement certain goals and objectives; directing
23 distribution of funds; requiring funds to be expended
24 in a certain manner; directing certain state agencies
to develop acquisition and restoration lists; listing
required goals of funded projects or acquisitions;
requiring acquired land to be managed for multiple
objectives; defining multiple uses; allowing acquired
land to be designated as single use; providing for
submission of applications for land acquisitions;
directing the Council to evaluate proposals using
certain criteria; specifying conditions for project
proposal consideration; directing the Council to
develop a proposed project list; requiring the
Council to develop rules for evaluating and ranking
proposed projects; listing criteria for evaluating
and ranking proposed projects; giving priority to
projects that meet certain conditions; specifying
voting requirements; requiring the Council to review
and present the proposed project list for approval;

1 requiring a report for each listed proposed project;
2 listing contents of the reports; creating the
3 Oklahoma Forever Trust Fund; stating purpose of the
4 fund; directing distribution by the Secretary of
5 Environment; providing for codification; providing an
6 effective date; and declaring an emergency.

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

8 SECTION 1. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 2301 of Title 27A, unless there
10 is created a duplication in numbering, reads as follows:

11 This act shall be known and may be cited as the "Oklahoma
12 Forever Land Trust Act".

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 2302 of Title 27A, unless there
15 is created a duplication in numbering, reads as follows:

16 A. There is hereby created the Oklahoma Forever Advisory
17 Council.

18 B. The Council shall be composed of thirteen (13) voting
19 members as follows:

20 1. Three members shall be appointed by the Speaker of the House
21 of Representatives and three members shall be appointed by the
22 President Pro Tempore of the Senate. The six appointees shall be
23 from scientific disciplines related to land, water, or environmental
24 sciences. They shall serve four-year terms, except that initially,

1 to provide for staggered terms, four of the appointees shall serve
2 two-year terms. All subsequent appointments shall be for four-year
3 terms. No appointee shall serve more than six (6) years. The
4 Speaker of the House of Representatives and the President Pro
5 Tempore of the Senate may at any time fill a vacancy for the
6 unexpired term of a member appointed under this subsection.

7 2. One member shall be appointed by the Speaker of the House of
8 Representatives who shall represent a statewide health organization.
9 The member shall serve a four-year term. No appointee shall serve
10 more than four (4) years.

11 3. The six remaining members shall be composed of the Secretary
12 of Environment, the Director of Forestry for the Oklahoma Department
13 of Agriculture, Food, and Forestry, the Director of the Department
14 of Wildlife Conservation, the Executive Director of the Oklahoma
15 Historical Society, the Executive Director of the Oklahoma
16 Conservation Commission, and the Executive Director of the Oklahoma
17 Tourism and Recreation Department, or their respective designees.

18 C. The Speaker of the House of Representatives shall appoint
19 the chair of the Council and a vice-chair shall be elected from
20 among the members.

21 D. The Council shall hold periodic meetings at the request of
22 the chair.

23 E. The Secretary of Environment, the Oklahoma Department of
24 Agriculture, Food, and Forestry, the Department of Wildlife

1 Conservation, the Oklahoma Historical Society, the Oklahoma
2 Conservation Commission, and the Oklahoma Tourism and Recreation
3 Department shall provide primary staff support to the Council.

4 F. The members of the Council shall receive no compensation for
5 serving on the Council but may receive travel reimbursement for
6 necessary travel expenses incurred in the performance of their
7 duties by the appointing authority or agency in accordance with the
8 State Travel Reimbursement Act.

9 G. The Council shall competitively evaluate, select, and rank
10 proposed projects eligible for acquisition with proceeds from the
11 Oklahoma Forever Trust Fund.

12 H. An affirmative vote of seven or more members of the Council
13 shall be required in order to change a project boundary or to place
14 a proposed project on an acquisition list developed pursuant to
15 Section 3 of this act. Any member of the Council who, by family or
16 a business relationship, has a connection with all or a portion of
17 any proposed project shall declare the interest before voting on its
18 inclusion on a list.

19 I. A proposed project listed pursuant to Section 3 of this act
20 may be implemented only if adopted by the Council and approved by
21 the _____. The Council shall consider and evaluate in writing the
22 merits and demerits of each project that is proposed for funding
23 from the Forever Oklahoma Trust Fund and shall ensure that each
24 proposed project will meet a stated public purpose for the

1 restoration, conservation, or preservation of environmentally or
2 historically sensitive lands and water areas or for providing
3 outdoor recreational opportunities.

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 2303 of Title 27A, unless there
6 is created a duplication in numbering, reads as follows:

7 A. The Legislature finds and declares that:

8 1. The continued alteration and development of natural areas in
9 Oklahoma to accommodate a growing population have contributed to the
10 degradation of water resources, the fragmentation and destruction of
11 wildlife habitats, the loss of outdoor recreation space, the loss of
12 historically significant sites, and the diminishment of natural
13 areas, wetlands, and forests;

14 2. The potential development of natural areas in Oklahoma and
15 escalation of land values require a governmental effort to restore,
16 bring under public protection, or acquire lands and water areas to
17 preserve the invaluable quality of life in this state;

18 3. Groundwater, surface waters, and springs in Oklahoma are
19 under tremendous pressure due to population growth and economic
20 expansion and require special protection and restoration efforts to
21 ensure that sufficient quantities of water are available to meet the
22 current and future needs of the citizens of the state;

23 4. There is a need in urban Oklahoma for high-quality outdoor
24 recreational opportunities, greenways, trails, and open space;

1 5. Access to public lands to support a broad range of outdoor
2 recreational opportunities and the development of necessary
3 infrastructure, where compatible with the resource values of and
4 management objectives for such lands, promotes an appreciation for
5 the natural assets in Oklahoma and improves the quality of life; and

6 6. Acquisition of lands, in fee simple or in any lesser
7 interest, should be based on a comprehensive assessment of the
8 natural resources in Oklahoma and planned so as to protect the
9 integrity of ecological systems and provide multiple benefits,
10 including preservation of historical sites, fish and wildlife
11 habitat, recreation space for urban as well as rural areas, and
12 water recharge.

13 B. The Legislature recognizes that acquisition is only one way
14 to achieve the goals listed in subsection A of this section and
15 encourages the development of creative partnerships between
16 governmental agencies and private landowners. Land protection
17 agreements and similar tools shall be used, where appropriate, to
18 bring environmentally sensitive tracts under an acceptable level of
19 protection at a lower financial cost to the public, and to provide
20 private landowners with the opportunity to enjoy and benefit from
21 their property.

22 C. State agencies or other entities that receive funds under
23 this section shall take steps to better coordinate their
24 expenditures so that project acquisitions, when combined with other

1 public land acquisition programs, will form more complete patterns
2 of protection for natural areas and functioning ecosystems to better
3 accomplish the intent of this section.

4 D. A long-term financial commitment to managing public lands in
5 Oklahoma shall accompany any land acquisition program to ensure that
6 the natural resource values of the lands are protected, that the
7 public has the opportunity to enjoy the lands to their fullest
8 potential, and that the state achieves the full benefits of its
9 investment of public dollars.

10 E. With limited dollars available for restoration and
11 acquisition of land and water areas and for providing long-term
12 management and capital improvements, a competitive selection process
13 shall be used to select those projects best able to meet the goals
14 of the Oklahoma Forever Land Trust program and maximize the
15 efficient use of funding for the program.

16 F. Any proceeds from the Oklahoma Forever Trust Fund created in
17 Section 4 of this act shall be used to implement the goals and
18 objectives recommended by the Oklahoma Forever Advisory Council as
19 approved by the _____.

20 G. Proceeds from the Oklahoma Forever Trust Fund shall be
21 distributed by the Secretary of Environment in the following manner:

22 H. Any proceeds from the Oklahoma Forever Trust Fund
23 distributed pursuant to this section shall be expended in an
24 efficient and fiscally responsible manner.

1 I. Each state agency which receives proceeds from the Oklahoma
2 Forever Trust Fund shall develop individual acquisition or
3 restoration project lists.

4 J. Projects or acquisitions funded pursuant to the Oklahoma
5 Forever Land Trust Act shall contribute to the achievement of the
6 following goals:

7 1. Enhance the coordination and completion of land acquisition
8 projects;

9 2. Increase the protection of biodiversity in Oklahoma at the
10 species, natural community, and landscape levels;

11 3. Protect, restore, and maintain the quality and natural
12 functions of land, water, and wetlands systems of the state;

13 4. Ensure that sufficient quantities of water are available to
14 meet the current and future needs of natural systems and the
15 citizens of the state;

16 5. Increase natural resource-based public recreational and
17 educational opportunities;

18 6. Preserve significant archaeological or historic sites;

19 7. Increase the amount of forestland available for sustainable
20 management of natural resources; and

21 8. Increase the amount of open space available in urban areas.

22 K. All lands acquired pursuant to this section shall be managed
23 for multiple-use purposes, where compatible with the resources and
24 management objectives for the lands. As used in this section,

1 "multiple-use" may include outdoor recreational activities, water
2 resource development projects, and sustainable forestry management.

3 L. Upon a decision by the state agency or other governmental
4 entity in which title to lands acquired pursuant to this section
5 vests, the lands may be designated as single-use.

6 M. Beginning no later than July 1, 2007, and every year
7 thereafter, the Oklahoma Forever Advisory Council shall accept
8 applications from state agencies, local governments, nonprofit and
9 for-profit organizations, private land trusts, and individuals for
10 project proposals eligible for funding pursuant to this section.
11 The Council shall evaluate the proposals received pursuant to this
12 subsection to ensure that they meet at least one of the criteria
13 listed under subsection J of this section.

14 N. Proposed project applications shall contain, at a minimum,
15 the following:

16 1. A minimum of two (2) numeric performance measures that
17 directly relate to the overall goals adopted by the Council;

18 2. Proof that property owners within any proposed acquisition
19 area have been notified of their inclusion in the proposed project.

20 Any property owner may request removal of the property from further
21 consideration by submitting a request to the project sponsor or the
22 Oklahoma Forever Advisory Council by certified mail. Upon receiving
23 this request, the Council shall delete the property from the
24 proposed project list. The _____, at the time it votes to

1 approve the proposed project list, may add the property back on to
2 the proposed project list if it determines that the property is
3 critical to achieve the purposes of the project; and

4 3. The title to lands acquired under this section shall vest in
5 the _____.

6 O. The Oklahoma Forever Advisory Council shall develop a
7 proposed project list that shall represent those projects submitted
8 pursuant to subsection M of this section.

9 P. The Oklahoma Forever Advisory Council shall recommend rules
10 to competitively evaluate, select, and rank proposed projects. The
11 Council shall give weight to the following criteria for each
12 project:

13 1. Meets multiple goals described in subsection J of this
14 section;

15 2. Is part of an ongoing governmental effort to restore,
16 protect, or develop land areas or water resources;

17 3. Enhances or facilitates management of properties already
18 under public ownership;

19 4. Has significant archaeological or historic value;

20 5. Has funding sources for the management of the project that
21 are identified and assured through at least the first two (2) years
22 of the project;

23 6. Contributes to the solution of water resource problems on a
24 regional basis;

1 7. Has a significant portion of its land area in imminent
2 danger of development, in imminent danger of losing its significant
3 natural, historical, or recreational open space attributes, or in
4 imminent danger of subdivision which would result in multiple
5 ownership and make acquisition of the project costly or less likely
6 to be accomplished;

7 8. May be purchased at eighty percent (80%) of appraised value;

8 9. May be acquired, in whole or in part, using alternatives to
9 fee simple including, but not limited to, purchase of development
10 rights, hunting rights, agricultural or silvicultural rights,
11 mineral rights, or obtaining conservation or flowage easements; and

12 10. Is a joint acquisition, either among public agencies,
13 nonprofit organizations, or private entities, or by a public-private
14 partnership.

15 Q. The Oklahoma Forever Advisory Council shall give priority to
16 those projects for which matching funds are available and to
17 projects previously identified on an acquisition list pursuant to
18 this section that can be acquired at eighty percent (80%) or less of
19 the appraised value.

20 R. An affirmative vote of five or more members of the Oklahoma
21 Forever Advisory Council shall be required in order to place a
22 proposed project on the acquisition list developed pursuant to this
23 section.

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1 S. Each year the Oklahoma Forever Advisory Council shall review
2 the most current proposed project list and shall, by the first
3 Council meeting in May, present to the _____ for approval a
4 listing of proposed projects developed pursuant to this section.
5 The _____ may remove projects from the list, but may not add
6 projects or rearrange project rankings.

7 T. The Oklahoma Forever Advisory Council shall submit with the
8 list of proposed projects, a report that includes, but shall not be
9 limited to, the following information for each project listed:

- 10 1. The stated purpose for inclusion;
- 11 2. Projected costs to achieve the project goals;
- 12 3. An interim management budget;
- 13 4. Specific performance measures;
- 14 5. Plans for public access;
- 15 6. An identification of the essential parcel or parcels within
16 the project without which the project cannot be properly managed;
- 17 7. Where applicable, an identification of those projects or
18 parcels within projects which should be acquired in fee simple or in
19 less than fee simple;
- 20 8. An identification of those lands being purchased for
21 conservation purposes;
- 22 9. An estimate of land value based on county tax-assessed
23 values;
- 24 10. A map delineating project boundaries;

1 11. An assessment of the ecological value, outdoor recreational
2 value, historical value, forest resources, wildlife resources,
3 ownership pattern, utilization, and location of the project;

4 12. A discussion of whether alternative uses are proposed for
5 the property and what those uses are; and

6 13. A designation of the management agency or agencies.

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 2304 of Title 27A, unless there
9 is created a duplication in numbering, reads as follows:

10 A. There is hereby created the Oklahoma Forever Trust Fund to
11 carry out the purposes of the Oklahoma Forever Land Trust Act.

12 B. The Secretary of Environment shall distribute revenues from
13 the Oklahoma Forever Trust Fund to state agencies or other
14 governmental entities for the purpose of acquiring land for projects
15 or programs as set forth in Section 2 of this act.

16 SECTION 5. This act shall become effective July 1, 2007.

17 SECTION 6. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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