

1 ENGROSSED HOUSE  
2 BILL NO. 2108

By: Cargill, Luttrell and  
Martin (Scott) of the House

3 and

4 Ford of the Senate

5  
6  
7  
8 ( environment and natural resources - Oklahoma

9 Forever Advisory Council - codification - effective

10 date -

11 emergency )

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13  
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

23 A. There is hereby created the Oklahoma Forever Advisory  
24 Council.

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

3 1. Three members shall be appointed by the Speaker of the House  
4 of Representatives and three members shall be appointed by the  
5 President Pro Tempore of the Senate. The six appointees shall be  
6 from scientific disciplines related to land, water, or environmental  
7 sciences. They shall serve four-year terms, except that initially,  
8 to provide for staggered terms, four of the appointees shall serve  
9 two-year terms. All subsequent appointments shall be for four-year  
10 terms. No appointee shall serve more than six (6) years. The  
11 Speaker of the House of Representatives and the President Pro  
12 Tempore of the Senate may at any time fill a vacancy for the  
13 unexpired term of a member appointed under this subsection.

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

18 3. The six remaining members shall be composed of the Secretary  
19 of Environment, the Director of Forestry for the Oklahoma Department  
20 of Agriculture, Food, and Forestry, the Director of the Department  
21 of Wildlife Conservation, the Executive Director of the Oklahoma  
22 Historical Society, the Executive Director of the Oklahoma  
23 Conservation Commission, and the Executive Director of the Oklahoma  
24 Tourism and Recreation Department, or their respective designees.

1 C. The Speaker of the House of Representatives shall appoint  
2 the chair of the Council and a vice-chair shall be elected from  
3 among the members.

4 D. The Council shall hold periodic meetings at the request of  
5 the chair.

6 E. The Secretary of Environment, the Oklahoma Department of  
7 Agriculture, Food, and Forestry, the Department of Wildlife  
8 Conservation, the Oklahoma Historical Society, the Oklahoma  
9 Conservation Commission, and the Oklahoma Tourism and Recreation  
10 Department shall provide primary staff support to the Council.

11 F. The members of the Council shall receive no compensation for  
12 serving on the Council but may receive travel reimbursement for  
13 necessary travel expenses incurred in the performance of their  
14 duties by the appointing authority or agency in accordance with the  
15 State Travel Reimbursement Act.

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

19 H. An affirmative vote of seven or more members of the Council  
20 shall be required in order to change a project boundary or to place  
21 a proposed project on an acquisition list developed pursuant to  
22 Section 3 of this act. Any member of the Council who, by family or  
23 a business relationship, has a connection with all or a portion of  
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1 any proposed project shall declare the interest before voting on its  
2 inclusion on a list.

3 I. A proposed project listed pursuant to Section 3 of this act  
4 may be implemented only if adopted by the Council and approved by  
5 the \_\_\_\_\_. The Council shall consider and evaluate in writing the  
6 merits and demerits of each project that is proposed for funding  
7 from the Forever Oklahoma Trust Fund and shall ensure that each  
8 proposed project will meet a stated public purpose for the  
9 restoration, conservation, or preservation of environmentally or  
10 historically sensitive lands and water areas or for providing  
11 outdoor recreational opportunities.

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

15 A. The Legislature finds and declares that:

16 1. The continued alteration and development of natural areas in  
17 Oklahoma to accommodate a growing population have contributed to the  
18 degradation of water resources, the fragmentation and destruction of  
19 wildlife habitats, the loss of outdoor recreation space, the loss of  
20 historically significant sites, and the diminishment of natural  
21 areas, wetlands, and forests;

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

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

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

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

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

22 B. The Legislature recognizes that acquisition is only one way  
23 to achieve the goals listed in subsection A of this section and  
24 encourages the development of creative partnerships between

1 governmental agencies and private landowners. Land protection  
2 agreements and similar tools shall be used, where appropriate, to  
3 bring environmentally sensitive tracts under an acceptable level of  
4 protection at a lower financial cost to the public, and to provide  
5 private landowners with the opportunity to enjoy and benefit from  
6 their property.

7 C. State agencies or other entities that receive funds under  
8 this section shall take steps to better coordinate their  
9 expenditures so that project acquisitions, when combined with other  
10 public land acquisition programs, will form more complete patterns  
11 of protection for natural areas and functioning ecosystems to better  
12 accomplish the intent of this section.

13 D. A long-term financial commitment to managing public lands in  
14 Oklahoma shall accompany any land acquisition program to ensure that  
15 the natural resource values of the lands are protected, that the  
16 public has the opportunity to enjoy the lands to their fullest  
17 potential, and that the state achieves the full benefits of its  
18 investment of public dollars.

19 E. With limited dollars available for restoration and  
20 acquisition of land and water areas and for providing long-term  
21 management and capital improvements, a competitive selection process  
22 shall be used to select those projects best able to meet the goals  
23 of the Oklahoma Forever Land Trust program and maximize the  
24 efficient use of funding for the program.

1 F. Any proceeds from the Oklahoma Forever Trust Fund created in  
2 Section 4 of this act shall be used to implement the goals and  
3 objectives recommended by the Oklahoma Forever Advisory Council as  
4 approved by the \_\_\_\_\_.

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

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

10 I. Each state agency which receives proceeds from the Oklahoma  
11 Forever Trust Fund shall develop individual acquisition or  
12 restoration project lists.

13 J. Projects or acquisitions funded pursuant to the Oklahoma  
14 Forever Land Trust Act shall contribute to the achievement of the  
15 following goals:

16 1. Enhance the coordination and completion of land acquisition  
17 projects;

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

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

22 4. Ensure that sufficient quantities of water are available to  
23 meet the current and future needs of natural systems and the  
24 citizens of the state;

1 5. Increase natural resource-based public recreational and  
2 educational opportunities;

3 6. Preserve significant archaeological or historic sites;

4 7. Increase the amount of forestland available for sustainable  
5 management of natural resources; and

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

7 K. All lands acquired pursuant to this section shall be managed  
8 for multiple-use purposes, where compatible with the resources and  
9 management objectives for the lands. As used in this section,  
10 "multiple-use" may include outdoor recreational activities, water  
11 resource development projects, and sustainable forestry management.

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

15 M. Beginning no later than July 1, 2007, and every year  
16 thereafter, the Oklahoma Forever Advisory Council shall accept  
17 applications from state agencies, local governments, nonprofit and  
18 for-profit organizations, private land trusts, and individuals for  
19 project proposals eligible for funding pursuant to this section.  
20 The Council shall evaluate the proposals received pursuant to this  
21 subsection to ensure that they meet at least one of the criteria  
22 listed under subsection J of this section.

23 N. Proposed project applications shall contain, at a minimum,  
24 the following:

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

3           2. Proof that property owners within any proposed acquisition  
4 area have been notified of their inclusion in the proposed project.  
5 Any property owner may request removal of the property from further  
6 consideration by submitting a request to the project sponsor or the  
7 Oklahoma Forever Advisory Council by certified mail. Upon receiving  
8 this request, the Council shall delete the property from the  
9 proposed project list. The \_\_\_\_\_, at the time it votes to  
10 approve the proposed project list, may add the property back on to  
11 the proposed project list if it determines that the property is  
12 critical to achieve the purposes of the project; and

13           3. The title to lands acquired under this section shall vest in  
14 the \_\_\_\_\_.

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

18           P. The Oklahoma Forever Advisory Council shall recommend rules  
19 to competitively evaluate, select, and rank proposed projects. The  
20 Council shall give weight to the following criteria for each  
21 project:

22           1. Meets multiple goals described in subsection J of this  
23 section;

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- 1        2. Is part of an ongoing governmental effort to restore,  
2 protect, or develop land areas or water resources;
- 3        3. Enhances or facilitates management of properties already  
4 under public ownership;
- 5        4. Has significant archaeological or historic value;
- 6        5. Has funding sources for the management of the project that  
7 are identified and assured through at least the first two (2) years  
8 of the project;
- 9        6. Contributes to the solution of water resource problems on a  
10 regional basis;
- 11       7. Has a significant portion of its land area in imminent  
12 danger of development, in imminent danger of losing its significant  
13 natural, historical, or recreational open space attributes, or in  
14 imminent danger of subdivision which would result in multiple  
15 ownership and make acquisition of the project costly or less likely  
16 to be accomplished;
- 17       8. May be purchased at eighty percent (80%) of appraised value;
- 18       9. May be acquired, in whole or in part, using alternatives to  
19 fee simple including, but not limited to, purchase of development  
20 rights, hunting rights, agricultural or silvicultural rights,  
21 mineral rights, or obtaining conservation or flowage easements; and
- 22       10. Is a joint acquisition, either among public agencies,  
23 nonprofit organizations, or private entities, or by a public-private  
24 partnership.

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

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

10 S. Each year the Oklahoma Forever Advisory Council shall review  
11 the most current proposed project list and shall, by the first  
12 Council meeting in May, present to the \_\_\_\_\_ for approval a  
13 listing of proposed projects developed pursuant to this section.  
14 The \_\_\_\_\_ may remove projects from the list, but may not add  
15 projects or rearrange project rankings.

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

- 19 1. The stated purpose for inclusion;
- 20 2. Projected costs to achieve the project goals;
- 21 3. An interim management budget;
- 22 4. Specific performance measures;
- 23 5. Plans for public access;

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1       6. An identification of the essential parcel or parcels within  
2 the project without which the project cannot be properly managed;

3       7. Where applicable, an identification of those projects or  
4 parcels within projects which should be acquired in fee simple or in  
5 less than fee simple;

6       8. An identification of those lands being purchased for  
7 conservation purposes;

8       9. An estimate of land value based on county tax-assessed  
9 values;

10      10. A map delineating project boundaries;

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

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

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

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

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

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

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

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

8 Passed the House of Representatives the 14th day of March, 2007.

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Presiding Officer of the House of  
Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2007.

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Presiding Officer of the Senate

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