

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2108

By: Cargill

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5
6 AS INTRODUCED

7 An Act relating to environment and natural resources;
8 creating the Oklahoma Forever Land Trust Act;
9 creating the Oklahoma Forever Advisory Council;
10 stating membership of Council; providing for
11 appointments, terms of office, officers, meetings,
12 staff support, and travel reimbursement; stating
13 duties of the Council; requiring disclosure of
14 certain interests; providing procedures and criteria
15 for listing a project; stating legislative findings;
16 encouraging certain partnerships; requiring public
17 agencies to coordinate land acquisition programs;
18 requiring long-term financial commitment to managing
19 public lands; requiring a competitive selection
20 process for projects; requiring funds to be used to
21 implement certain goals and objectives; directing
22 distribution of funds; requiring funds to be expended
23 in a certain manner; directing certain state agencies
24 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;
requiring a report for each listed proposed project;
listing contents of the reports; creating the

1 Oklahoma Forever Trust Fund; stating purpose of the
2 fund; directing distribution by the Director of the
3 Department of Environmental Quality; providing for
4 codification; providing an effective date; and
5 declaring an emergency.

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

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

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

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

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

17 B. 1. The Council shall be composed of nine (9) voting
18 members, four of whom shall be appointed by the Governor. The four
19 appointees shall be from scientific disciplines related to land,
20 water, or environmental sciences. They shall serve four-year terms,
21 except that initially, to provide for staggered terms, two of the
22 appointees shall serve two-year terms. All subsequent appointments
23 shall be for four-year terms. No appointee shall serve more than
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1 six (6) years. The Governor may at any time fill a vacancy for the
2 unexpired term of a member appointed under this paragraph.

3 2. The five remaining appointees shall be composed of the
4 Secretary of Environment, the Director of Forestry for the Oklahoma
5 Department of Agriculture, Food, and Forestry, the Director of the
6 Department of Wildlife Conservation, the Executive Director of the
7 Oklahoma Historical Society, and the Executive Director of the
8 Oklahoma Tourism and Recreation Department, or their respective
9 designees.

10 C. The Governor shall appoint the chair of the Council, and a
11 vice-chair shall be elected from among the members.

12 D. The Council shall hold periodic meetings at the request of
13 the chair.

14 E. The Department of Environmental Quality shall provide
15 primary staff support to the Council.

16 F. The members of the Council shall receive no compensation for
17 serving on the Council but may receive travel reimbursement for
18 necessary travel expenses incurred in the performance of their
19 duties by the appointing authority or agency in accordance with the
20 State Travel Reimbursement Act.

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

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

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

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

20 A. The Legislature finds and declares that:

21 1. The continued alteration and development of natural areas in
22 Oklahoma to accommodate a growing population have contributed to the
23 degradation of water resources, the fragmentation and destruction of
24 wildlife habitats, the loss of outdoor recreation space, the loss of

1 historically significant sites, and the diminishment of natural
2 areas, wetlands, and forests;

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

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

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

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

19 6. Acquisition of lands, in fee simple or in any lesser
20 interest, should be based on a comprehensive assessment of the
21 natural resources in Oklahoma and planned so as to protect the
22 integrity of ecological systems and provide multiple benefits,
23 including preservation of historical sites, fish and wildlife

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1 habitat, recreation space for urban as well as rural areas, and
2 water recharge.

3 B. The Legislature recognizes that acquisition is only one way
4 to achieve the goals listed in subsection A of this section and
5 encourages the development of creative partnerships between
6 governmental agencies and private landowners. Land protection
7 agreements and similar tools shall be used, where appropriate, to
8 bring environmentally sensitive tracts under an acceptable level of
9 protection at a lower financial cost to the public, and to provide
10 private landowners with the opportunity to enjoy and benefit from
11 their property.

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

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

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1 E. With limited dollars available for restoration and
2 acquisition of land and water areas and for providing long-term
3 management and capital improvements, a competitive selection process
4 shall be used to select those projects best able to meet the goals
5 of the Oklahoma Forever Land Trust program and maximize the
6 efficient use of funding for the program.

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

11 G. Proceeds from the Oklahoma Forever Trust Fund shall be
12 distributed by the Director of the Department of Environmental
13 Quality in the following manner:

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

17 I. Each state agency which receives proceeds from the Oklahoma
18 Forever Trust Fund shall develop individual acquisition or
19 restoration project lists.

20 J. Projects or acquisitions funded pursuant to the Oklahoma
21 Forever Land Trust Act shall contribute to the achievement of the
22 following goals:

23 1. Enhance the coordination and completion of land acquisition
24 projects;

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

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

5 4. Ensure that sufficient quantities of water are available to
6 meet the current and future needs of natural systems and the
7 citizens of the state;

8 5. Increase natural resource-based public recreational and
9 educational opportunities;

10 6. Preserve significant archaeological or historic sites;

11 7. Increase the amount of forestland available for sustainable
12 management of natural resources; and

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

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

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

22 M. Beginning no later than July 1, 2007, and every year
23 thereafter, the Oklahoma Forever Advisory Council shall accept
24 applications from state agencies, local governments, nonprofit and

1 for-profit organizations, private land trusts, and individuals for
2 project proposals eligible for funding pursuant to this section.
3 The Council shall evaluate the proposals received pursuant to this
4 subsection to ensure that they meet at least one of the criteria
5 listed under subsection J of this section.

6 N. Proposed project applications shall contain, at a minimum,
7 the following:

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

10 2. Proof that property owners within any proposed acquisition
11 area have been notified of their inclusion in the proposed project.
12 Any property owner may request removal of the property from further
13 consideration by submitting a request to the project sponsor or the
14 Oklahoma Forever Advisory Council by certified mail. Upon receiving
15 this request, the Council shall delete the property from the
16 proposed project list. The _____, at the time it votes to
17 approve the proposed project list, may add the property back on to
18 the proposed project list if it determines that the property is
19 critical to achieve the purposes of the project; and

20 3. The title to lands acquired under this section shall vest in
21 the _____.

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

1 P. The Oklahoma Forever Advisory Council shall recommend rules
2 to competitively evaluate, select, and rank proposed projects. The
3 Council shall give weight to the following criteria for each
4 project:

5 1. Meets multiple goals described in subsection J of this
6 section;

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

9 3. Enhances or facilitates management of properties already
10 under public ownership;

11 4. Has significant archaeological or historic value;

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

15 6. Contributes to the solution of water resource problems on a
16 regional basis;

17 7. Has a significant portion of its land area in imminent
18 danger of development, in imminent danger of losing its significant
19 natural, historical, or recreational open space attributes, or in
20 imminent danger of subdivision which would result in multiple
21 ownership and make acquisition of the project costly or less likely
22 to be accomplished;

23 8. May be purchased at eighty percent (80%) of appraised value;
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1 9. May be acquired, in whole or in part, using alternatives to
2 fee simple including, but not limited to, purchase of development
3 rights, hunting rights, agricultural or silvicultural rights,
4 mineral rights, or obtaining conservation or flowage easements; and

5 10. Is a joint acquisition, either among public agencies,
6 nonprofit organizations, or private entities, or by a public-private
7 partnership.

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

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

17 S. Each year the Oklahoma Forever Advisory Council shall review
18 the most current proposed project list and shall, by the first
19 Council meeting in May, present to the _____ for approval a
20 listing of proposed projects developed pursuant to this section.
21 The _____ may remove projects from the list, but may not add
22 projects or rearrange project rankings.

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

4 1. The stated purpose for inclusion;

5 2. Projected costs to achieve the project goals;

6 3. An interim management budget;

7 4. Specific performance measures;

8 5. Plans for public access;

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

11 7. Where applicable, an identification of those projects or
12 parcels within projects which should be acquired in fee simple or in
13 less than fee simple;

14 8. An identification of those lands being purchased for
15 conservation purposes;

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

18 10. A map delineating project boundaries;

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

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

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

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

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

6 B. The Director of the Department of Environmental Quality
7 shall distribute revenues from the Oklahoma Forever Trust Fund to
8 state agencies or other governmental entities for the purpose of
9 acquiring land for projects or programs as set forth in Section 2 of
10 this act.

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

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

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