

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2899

By: Morrissette of the House

and

Paddack of the Senate

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10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to community gardens; creating the  
12                   Garden and Egg Exchange Health Cooperatives Act of  
13                   2014; authorizing certain groups to apply for a  
14                   permit for certain gardening purposes upon vacant  
15                   private or public land; allowing owners of public  
16                   land to make land available for certain purposes;  
17                   directing Oklahoma Tax Commission to develop certain  
18                   application process; providing application  
19                   requirements; requiring certain maintenance of land;  
20                   providing duration of permit; prohibiting erection of  
21                   permanent structures; authorizing fee; requiring  
22                   shelter for certain animals; providing immunity from  
23                   liability for certain persons; providing for  
24                   codification; and providing an effective date.

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

SECTION 1.           NEW LAW           A new section of law to be codified

in the Oklahoma Statutes as Section 21-1 of Title 2, unless there is  
created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Garden and Egg  
2 Exchange Health Cooperatives Act of 2014".

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

6 A. Any community group may make application to the Oklahoma Tax  
7 Commission for a permit for the production of fresh food, chicken  
8 eggs, herbs, fruits, flowers or vegetables upon a plot of vacant  
9 public or private land for local consumption and distribution to  
10 charity, provided that production is not for the purpose of  
11 commercial endeavors.

12 B. Owners of private land may make available to the Oklahoma  
13 Tax Commission parcels of land for the purposes set forth in  
14 subsection A of this section under such terms and conditions as may  
15 be agreed upon between the owners and the Oklahoma Tax Commission.

16 C. The Oklahoma Tax Commission shall develop an online public  
17 registration application process on the Tax Commission's website to  
18 allow community groups to apply for a permit. The applicant shall  
19 submit information to include:

- 20 1. Any identifying name of the group;
- 21 2. The not-for-profit status of the group, if applicable;
- 22 3. The name of a contact person for the group;
- 23 4. A legal mailing address and phone number for the contact  
24 person;

1 5. E-mail and social security number of the contact person;

2 6. Name and contact information for the property owner if the  
3 land to be used is private vacant land;

4 7. A legal description of the proposed garden site; and

5 8. Description of the condition of the proposed garden site.

6 D. Applicants shall submit a plan for the use of this land and  
7 agree to maintain the land in a condition consistent with the land  
8 use plan. Land use plans may include waste and gardening equipment  
9 disposal conditions. Landowners may pursue damages for misuse and  
10 violation of land use agreements.

11 E. The duration of the permit to use vacant land for gardening  
12 purposes shall be no less than one (1) year and no longer than three  
13 (3) years.

14 F. No permanent structures shall be erected upon approved  
15 public lands in association with conducting gardening activities,  
16 including but not limited to permanent dwellings for chickens.  
17 Permission to construct permanent structures for gardening  
18 activities on private vacant land may be granted to the permit  
19 holder by the landowner.

20 G. Permits for use of private vacant land may include a fee of  
21 One Dollar (\$1.00).

22 H. Gardens that contain both a garden and a chicken and egg  
23 cooperative must contain at least one (1) acre for every twelve  
24 laying hens and enough shelter to adequately and humanely protect

1 the laying hens, unless otherwise prohibited by existing statute,  
2 ordinance or municipal code.

3 I. The State of Oklahoma and any private landowner who makes  
4 land available for gardening shall not be liable for any accident or  
5 injury resulting from any activity conducted by the permit holders  
6 during the time the land is used for gardening by a permit holder.

7 J. For purposes of this section, "community group" means any  
8 group consisting of more than one person who are residents of  
9 Oklahoma.

10 K. The Oklahoma Tax Commission shall promulgate all necessary  
11 rules and regulations to implement the provisions of this section.

12 SECTION 3. This act shall become effective November 1, 2014.

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14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
15 02/25/2014 - DO PASS, As Amended and Coauthored.

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