STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

HOUSE BILL 2899 By: Morrissette

AS INTRODUCED

An Act relating to community gardens; creating the Garden and Egg Exchange Health Cooperatives Act of 2014; authorizing certain groups to apply for a permit for certain gardening purposes upon vacant private or public land; allowing owners of public land to make land available for certain purposes; directing Oklahoma Tax Commission to develop certain application process; providing application requirements; requiring certain maintenance of land; providing duration of permit; prohibiting erection of permanent structures; authorizing fee; requiring shelter for certain animals; providing immunity from liability for certain persons; providing for 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:

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

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

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

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

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

1. Any identifying name of the group;

2. The not-for-profit status of the group, if applicable;

3. The name of a contact person for the group;

4. A legal mailing address and phone number for the contact person;

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

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

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

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

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

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

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

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

H. Gardens that contain both a garden and a chicken and egg cooperative must contain at least one (1) acre for every twelve laying hens and enough shelter to adequately and humanely protect the laying hens, unless otherwise prohibited by existing statute, ordinance or municipal code.

I. The State of Oklahoma and any private landowner who makes land available for gardening shall not be liable for any accident or injury resulting from any unauthorized activity conducted by the

permit holders during the time the land is used for gardening by a permit holder.

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

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

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

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