

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1168

By: Stone

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5  
6 AS INTRODUCED

7 An Act relating to community gardens; creating the  
8 Garden and Egg Exchange Health Cooperative Act of  
9 2015; authorizing owners of private land to enter  
10 into an agreement with the Oklahoma Tax Commission to  
11 utilize land as community gardens; providing purpose;  
12 requiring the Commission to develop website for  
13 applicants to reserve public and private land for  
14 community gardening purposes; requiring certain  
15 information be submitted; providing duration of  
16 reservation; prohibiting permanent structures on  
17 public land; requiring permission for permanent  
18 structures on private land; requiring certain acreage  
19 for certain land; eliminating liability; defining  
20 term; requiring Commission to promulgate rules;  
21 providing for codification; and providing an  
22 effective date.

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

24 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:

A. This section shall be known and may be cited as the "Garden  
and Egg Exchange Health Cooperative Act of 2015".

B. Owners of private land may enter into an agreement with the  
Oklahoma Tax Commission so that privately owned land may be utilized

1 as community gardens under such terms and conditions as may be  
2 agreed upon between the land owners and the Oklahoma Tax Commission.  
3 Private lands utilized as community gardens under this section shall  
4 be used for the production of fresh food, chicken eggs, herbs,  
5 fruits, flowers or vegetables for local consumption and distribution  
6 to charity, provided that production is not for the purpose of  
7 commercial endeavors. Private landowners entering into agreement  
8 with the Commission shall provide location and description of the  
9 parcels of land, contact information and any other information the  
10 Commission requires.

11 C. The Oklahoma Tax Commission shall develop an online website  
12 to list the location and availability of both public and private  
13 land to be utilized as community gardens as well as an application  
14 process on the Tax Commission's website. Through the website,  
15 community groups and individuals may apply to reserve available  
16 public and private land for community gardening, free of charge.  
17 The applicant shall submit the following information to the Tax  
18 Commission in accordance with the online application process:

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

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

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

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

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

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

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

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

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

1 H. The State of Oklahoma and any private landowner who makes  
2 land available for gardening shall not be liable for any accident or  
3 injury resulting from any community gardening activity during the  
4 time the land is reserved for community gardening.

5 I. For purposes of this section, "community group" means any  
6 group of people consisting of more than one person who are residents  
7 of Oklahoma.

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

10 SECTION 2. This act shall become effective November 1, 2015.

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