

1 STATE OF OKLAHOMA

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

3 SENATE BILL 277

By: Pittman

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6 AS INTRODUCED

7 An Act relating to Citizens Land Banks; creating the
8 Citizens Land Banks Development Act; providing short
9 title; creating the Citizens Land Banks Development
10 Commission; stating purpose; stating membership;
11 providing for appointments; stating procedures for
12 Commission meetings; providing for travel
13 reimbursement; stating powers and duties; providing
14 for administration and staffing requirements by the
15 Secretary of Commerce and the Oklahoma Department of
16 Commerce; authorizing funding sources; creating
17 revolving fund; requiring certain annual report by
18 certain date; authorizing municipalities and counties
19 to create Citizens Land Banks; defining term; stating
20 procedures for local entities; stating powers of
21 local Citizens Land Banks; providing for
22 codification; and providing an effective date.
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 859.1 of Title 60, unless there
20 is created a duplication in numbering, reads as follows:

21 This act shall be known and may be cited as the "Citizens Land
22 Banks Development Act".
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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 859.2 of Title 60, unless there
3 is created a duplication in numbering, reads as follows:

4 The Citizens Land Banks Development Commission is hereby
5 established as an advisory commission in the executive branch. The
6 purpose of the Commission shall be to advise the Governor,
7 Legislature, and other governmental entities regarding the
8 development and use of Citizen Land Banks, as defined in this act.

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 859.3 of Title 60, unless there
11 is created a duplication in numbering, reads as follows:

12 A. The Citizens Land Banks Development Commission shall
13 consist of nine (9) nonlegislative citizen members, three each to be
14 appointed by the Governor, the President Pro Tempore of the Senate
15 and the Speaker of the House of Representatives. After initial
16 staggered terms, wherein each appointing authority shall determine
17 members to serve one-, two- or three-year terms, all members shall
18 be appointed for four-year terms. All members may be reappointed;
19 provided, no member shall serve more than two consecutive four-year
20 terms. Vacancies on the Commission shall be filled to serve the
21 unexpired term by the original appointing authority.

22 B. The Governor shall annually designate a member of the
23 Commission to serve as chair, and the Commission members may elect
24 from its membership a vice chair and any other officers it deems

1 necessary. A majority of the Commission shall constitute a quorum.
2 The Commission shall meet at the call of the chair, at the request
3 of a majority of the voting members or as called by the Governor.

4 C. Members of the Commission shall receive no compensation for
5 their service but may be reimbursed for actual and necessary travel
6 expenses incurred in the performance of their duties as provided by
7 the State Travel Reimbursement Act and paid by the member's
8 appointing authority.

9 SECTION 4. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 859.4 of Title 60, unless there
11 is created a duplication in numbering, reads as follows:

12 The Citizens Land Banks Development Commission shall have the
13 power and duties to:

14 1. Recommend policies regarding Citizens Land Banks including,
15 but not limited to, approval of Citizens Land Banks in this state
16 and establishment of guidelines for local referenda to determine the
17 participation plan for allocation, shareholder governance and
18 ownership rights, the issuance and cancellation of shares of
19 Citizens Land Banks, and the treatment of assets in the event of
20 their dissolution;

21 2. Recommend establishment of tax reforms that encourage the
22 use and effectiveness of Citizens Land Banks through exempting them
23 from all state and local taxes on their holdings of land, natural
24 resources, improvements, other tangible and intangible assets,

1 undistributed capital gains, and undistributed profits, provided at
2 least ninety percent (90%) of their annual profits are distributed
3 as taxable dividends, other forms of taxable distributions to
4 shareholders and workers, and debt service payments on their loans;

5 3. Assist local entities with problems, concerns, and issues
6 related to the development of Citizens Land Banks;

7 4. Undertake studies and gather information and data in order
8 to accomplish its purposes pursuant to this act and to formulate and
9 present its recommendations to the Governor and Legislature;

10 5. Apply for, accept, and expend gifts, grants, loans or
11 donations from public, quasi-public, or private sources, including
12 any matching funds, to enable it to carry out its purposes;

13 6. Encourage local or regional pilot programs involving the
14 delegation of eminent domain powers over land, natural resources,
15 and improvements in the community to the citizens residing in pilot
16 program areas through Citizens Land Banks; and

17 7. Account annually on its fiscal activities, including any
18 matching funds received or expended by the Commission.

19 SECTION 5. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 859.5 of Title 60, unless there
21 is created a duplication in numbering, reads as follows:

22 A. The Citizens Land Banks Commission, as a vital part of its
23 function, shall seek funding from local, state, federal, and private
24 sources to make grants, loans, and otherwise enhance the development

1 of Citizens Land Banks. The Secretary of Commerce and the Oklahoma
2 Department of Commerce shall advise the Commission regarding
3 available sources of funding for economic development and shall
4 assist the Commission in securing such funding. The Department of
5 Commerce shall provide staffing and administrative functions as
6 needed by the Commission and shall administer and account for any
7 funds received or expended on behalf of the Commission.

8 B. Any funds received under this section or otherwise received
9 by the Commission shall be deposited into the Citizens Land Banks
10 Revolving Fund, created pursuant to Section 6 of this act.

11 SECTION 6. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 859.6 of Title 60, unless there
13 is created a duplication in numbering, reads as follows:

14 There is hereby created in the State Treasury a revolving fund
15 for the Citizens Land Banks Development Commission to be designated
16 the "Citizens Land Banks Revolving Fund". The fund shall be a
17 continuing fund, not subject to fiscal year limitations, and shall
18 consist of all monies received by the Commission or the Oklahoma
19 Department of Commerce on the Commission's behalf, from any source
20 authorized by the provisions of the Citizens Land Banks Development
21 Act. All monies accruing to the credit of the fund are hereby
22 appropriated and may be budgeted and expended by the Commission or
23 the Department of Commerce on its behalf for the purpose of
24 implementing the provisions of the Citizens Land Banks Development

1 Act. Expenditures from the fund shall be made upon warrants issued
2 by the State Treasurer against claims filed as prescribed by law
3 with the Director of the Office of Management and Enterprise
4 Services for approval and payment.

5 SECTION 7. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 859.7 of Title 60, unless there
7 is created a duplication in numbering, reads as follows:

8 The chair shall submit to the Governor and the Legislature an
9 annual executive summary of the activity and work of the Citizens
10 Land Banks Development Commission no later than December 1 of each
11 year. Such report shall include the Commission's findings and
12 recommendations regarding the establishment and operation of
13 Citizens Land Banks. The Commission may make interim reports to the
14 Governor and Legislature as it deems necessary.

15 SECTION 8. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 859.8 of Title 60, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Any municipality or county or beneficiary public trust
19 thereof may consider petitions for creation of Citizens Land Banks
20 in accordance with the provisions of this act and requirements of
21 the Citizens Land Banks Development Commission. Such entities shall
22 be required to hold a public hearing prior to enacting any ordinance
23 or considering any such petitions.

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1 B. As used in this act, "Citizens Land Bank" means a for-
2 profit, citizen-owned real estate planning and development land bank
3 or corporation that may:

4 1. Receive title to land, natural resources, physical
5 infrastructure, facility or funds donated by the not-for-profit
6 organization, government entity or private donor;

7 2. Borrow money on behalf of its shareholders, who have their
8 principal residence situated in a local or regional area whose
9 future development will be controlled by a Citizens Land Bank, to
10 purchase land, plan its use, and develop the land, natural resources
11 and infrastructure for productive and environmentally suitable
12 purposes; and

13 3. Enable each citizen in the area to acquire free as a right
14 of citizenship an equal, lifetime, nontransferable private property
15 ownership stake in local land use and development, share in
16 appreciated land values and profit from land rentals, natural
17 resource extractions and user fees, and have equal voting power and
18 a voice as an owner in the governance of future land development in
19 the community.

20 C. Fifty-one percent (51%) of the registered voters whose
21 primary residence is within a district may, by petitioning the local
22 governing body or bodies in which the tract is located, propose the
23 creation of a Citizens Land Bank.

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1 D. A petition for the creation of a Citizens Land Bank, as
2 authorized in subsection C of this section, shall:

3 1. Set forth the name and describe the boundaries of the
4 proposed district to be managed by the corporation;

5 2. Describe the activities to be undertaken by the Citizens
6 Land Bank within the district;

7 3. Describe a proposed plan for providing and financing such
8 activities within the district;

9 4. Describe the benefits that may be expected from the
10 activities to be undertaken by the Citizens Land Bank;

11 5. Provide that the board members of the Citizens Land Bank
12 shall be selected under the provisions of this act and the
13 requirements of the Commission; and

14 6. Request the local governing body to establish the proposed
15 Citizens Land Bank for the purposes set forth in the petition.

16 SECTION 9. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 859.9 of Title 60, unless there
18 is created a duplication in numbering, reads as follows:

19 A. Any local governmental entity authorized to consider
20 petitions under the provisions of this act may, by ordinance or
21 resolution, create a Citizens Land Bank.

22 B. An ordinance or resolution creating a Citizens Land Bank
23 shall not be adopted or approved until a public hearing has been
24 held by the governing body on the question of its adoption and

1 approval. Notice of the public hearing shall be published once a
2 week for three (3) successive weeks in a newspaper of general
3 circulation within the locality. The petitioning registered voters
4 shall bear the expense of publishing the notice. The hearing shall
5 not be held sooner than ten (10) days after completion of the
6 notice.

7 C. After the public hearing and before adoption of the
8 ordinance or resolution, the local governing body shall mail a true
9 copy of its proposed ordinance or resolution creating the Citizens
10 Land Bank to the petitioning registered voters or their attorney in
11 fact. Unless waived in writing, any petitioning registered voter
12 shall have thirty (30) days from the mailing of the proposed
13 ordinance or resolution only upon certification by the petitioners
14 that the petition continues to meet the requirements of this act.
15 If all petitioning registered voters waive the right to withdraw
16 their signatures from the petition, the local governing body shall
17 adopt the ordinance or resolution upon compliance with the
18 provisions of this act and any other applicable provisions of law.

19 SECTION 10. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 859.10 of Title 60, unless there
21 is created a duplication in numbering, reads as follows:

22 Each Citizens Land Bank created pursuant to this act, in
23 addition to the powers provided in Section 8 of this act, may:

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1 1. Subject to any statutory or regulatory jurisdiction and
2 permitting authority of all applicable governmental bodies and
3 agencies thereof having authority with respect to any area included
4 therein, finance, fund, plan, establish, acquire, construct or
5 reconstruct, enlarge, extend, equip, operate, and maintain the
6 infrastructure improvements and other activities enumerated in the
7 ordinance or resolution establishing the district, as necessary to
8 meet the increased demands placed upon the locality as a result of
9 development within the district.

10 2. Purchase development rights that will be dedicated as
11 easements for conservation, open space or other purposes pursuant to
12 state or local law. For purposes of this paragraph "development
13 rights" means the level and quantity of development permitted by the
14 zoning ordinance expressed in terms of housing units per acre, floor
15 area ratio or equivalent local measure.

16 3. Subject to any statutory or regulatory jurisdiction and
17 permitting authority of all applicable governmental bodies and
18 agencies having authority with respect to any area included therein,
19 finance and fund the acquisition of land within the district.

20 SECTION 11. This act shall become effective November 1, 2015.

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