

OKLAHOMA TAX COMMISSION

FISCAL IMPACT STATEMENT AND/OR ADMINISTRATIVE IMPACT STATEMENT SECOND REGULAR SESSION, FIFTY-FOURTH OKLAHOMA LEGISLATURE

DATE OF IMPACT STATEMENT: February 10, 2014

BILL NUMBER: HB 2899 STATUS AND DATE OF BILL: Introduced 01/14/2014

AUTHORS: House Morrisette Senate n/a

TAX TYPE (S): Other SUBJECT: Other

PROPOSAL: New Law

The measure creates the "Garden & Egg Exchange Health Cooperatives Act of 2014". [See attached for detailed description]

EFFECTIVE DATE: November 1, 2014

REVENUE IMPACT:

Insert dollar amount (plus or minus) of the expected change in state revenues due to this proposed legislation.

FY 15: None

FY 16: None

ADMINISTRATIVE IMPACT:

Insert the estimated cost or savings to the Tax Commission due to this proposed legislation.

FY 15: Minimal increase in OTC administrative costs

Feb. 12, 2014
DATE

Rick Miller
DIVISION DIRECTOR

msm

2-12-14
DATE

Reece Womack
REECE WOMACK, ECONOMIST

2/12/14
DATE

Dan Cook
FOR THE COMMISSION

Attachment to Fiscal/Administrative Impact for HB 2899 [Introduced] – Prepared 02/10/14.

The measure creates the “Garden & Egg Exchange Health Cooperatives Act of 2014” whereby any community group¹ may make application to the Tax Commission for a permit to produce fresh food, chicken eggs, herbs, fruits, flowers or vegetables upon public or private land for local consumption and distribution to charity, provided that production is not for the purpose of commercial endeavors. It also authorizes a permit fee of \$1.00. The OTC, as part of this application process, is required to develop on its website an online registration to allow community groups to apply for a permit. The information required to be submitted by the applicant is outlined in the measure.

Additionally, applicants are required pursuant to the provisions of this proposal to submit a plan for land usage and agree to maintain the land in a condition consistent with the land use plan.

The bill further provides that owners of private land may make available to the OTC parcels of land to be used by community groups for the noncommercial production of fresh food under terms and conditions as may be agreed upon between the land owners and the OTC.

The measure also provides that no permanent structures shall be erected upon approved public lands in association with conducting gardening activities² and gardens that contain both a garden and a chicken and egg cooperative must contain at least one 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. During the time the land is used for gardening by a permit holder, 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

The OTC is mandated to promulgate all necessary rules to implement the provisions of this section.

The measure will have no impact on state revenues.

There is no current data on how many participants would be interested in donating land or how many community groups would be interested in such a program and the measure does not stipulate if the \$1.00 permit fee is to be retained by the OTC or how it is to be apportioned. Expenses associated with issuing the gardening permit and establishing the online permit registration results in a minimal increase in administrative costs to the OTC.

¹ “Community group” means any group consisting of more than one person who are residents of Oklahoma.

² Permission to construct permanent structures for gardening activities on private vacant land may be granted the permit holder by the landowner.