

OKLAHOMA HOUSE OF REPRESENTATIVES  
COMMITTEE REPORT

AGRICULTURE AND RURAL DEVELOPMENT COMMITTEE

HB4403

By: Pittman of the House

Title: Agriculture; Oklahoma Agriculture Act of 2022; effective date.

Coauthored By:

Recommendation: **DO PASS AS AMENDED BY CS**

Amendments:

1. Committee Substitute Attached

\_\_\_\_\_  
Chr.  
Representative Dell Kerbs

YEAS: 10

Burns, Caldwell (T), Dobrinski, Hardin (D), Kerbs, Lowe (D), Patzkowsky, Pittman, Ranson, Sterling

NAYS: 2

Grego, West (R)

CONSTITUTIONAL PRIVILEGE: 0

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 4403

6 By: Pittman

7 COMMITTEE SUBSTITUTE

8 An Act relating to agriculture; creating the Oklahoma  
9 Urban and Community Forestry Act; defining terms;  
10 providing purpose; providing the Oklahoma Department  
11 of Agriculture, Food, and Forestry may establish and  
12 maintain an urban and community forestry program;  
13 providing that the Department may assist cities,  
14 counties, and federally recognized tribes in  
15 establishing and maintaining urban and community  
16 forestry programs; providing that the Department may  
17 advise and encourage different entities in the  
18 development and coordination of policies, programs  
19 and activities for the promotion of urban and  
20 community forestry; providing that the Department may  
21 appoint a committee or council to advise in  
22 establishing and carrying out an urban and community  
23 forestry program; providing that the Department may  
24 assist municipal and county tree maintenance  
programs; providing for private property owners to  
opt out of urban and community forestry programs;  
providing the Department guidelines for receiving and  
disbursing federal funds and other gifts, grants,  
bequests, endowments and donations; providing the  
Department may charge fees for attendance of  
workshops, conferences and other publications or  
materials; providing that the Department may enter  
into agreements and contract with cities, counties,  
tribes, and other entities; providing Department  
guidelines for entering into agreements with  
nonprofit organizations; providing that the  
Department shall encourage urban planting and care,  
through various programs; requiring the Department to  
conduct an analyses of the needs and opportunities  
related to urban forestry in the state by assessing

1 tree canopy cover and urban forestry inventory data;  
2 requiring the Department to identify priority regions  
3 for the implementation of urban forestry programs;  
4 providing that the Department may consult with  
5 external experts; requiring the Department to consult  
6 with appropriate tribes in watersheds where urban  
7 forestry work is occurring; requiring the Department  
8 to identify areas where urban forestry will generate  
9 the greatest confluence of benefits in relation to  
10 canopy needs and health disparities; requiring a  
11 certain percentage of resources are used to benefit  
12 vulnerable populations and or for highly impacted  
13 communities; providing that the Department shall  
14 conduct a statewide inventory of urban and community  
15 forests; requiring the Department to provide certain  
16 assistances for the promotion of urban and community  
17 forestry; providing that the Department may use  
18 existing urban and community forestry inventory tools  
19 or develop new tools to collect urban and community  
20 forest tree data; providing that the Department shall  
21 strive to enable cities urban forest managers to  
22 access carbon markets; providing guidance to  
23 communities developing urban forestry management  
24 plans; providing guidance for communities developing  
urban forestry ordinances; providing that the  
Department may consult with the Oklahoma Department  
of Commerce for certain issues; providing that the  
Department may use existing or develop additional  
tools to facilitate urban forestry programs;  
requiring the Department to encourage communities to  
include participation and input by vulnerable  
populations; providing requirements for delivery of  
resources; requiring the Department to manage the  
application and evaluation of candidates for  
evergreen community designation; requiring the  
Department to develop the criteria for evergreen  
community designation program; providing requirements  
for designation of evergreen community; requiring the  
Department to develop signage and logos for an  
evergreen community; providing that the Department  
can consult with the Oklahoma Department of Commerce  
in implementing evergreen communities; providing for  
codification; and providing an effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified  
3 in the Oklahoma Statutes as Section 3031 of Title 2, unless there is  
4 created a duplication in numbering, reads as follows:

5 This act shall be known and may be cited as the "Oklahoma Urban  
6 and Community Forestry Act".

7 SECTION 2. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 3032 of Title 2, unless there is  
9 created a duplication in numbering, reads as follows:

10 As used in this act:

11 1. "Department" means the Oklahoma Department of Agriculture,  
12 Food, and Forestry;

13 2. "Evergreen community" means a city, county, or area of  
14 tribal land that has developed an excellent urban forest management  
15 program;

16 3. "Highly impacted community" means a community designated by  
17 the State Department of Health based on cumulative impact analyses  
18 or a community located in census tracts that are fully or partially  
19 on "Indian country" as defined in 18 U.S.C., Section 1151;

20 4. "Management plan" means an urban forest management plan  
21 developed pursuant to this act;

22 5. "Tree canopy" means the layer of leaves, branches, and stems  
23 of trees that cover the ground when viewed from above and that can  
24 be measured as a percentage of a land area shaded by trees;

1       6. "Tribes" means any federally recognized Indian tribes whose  
2 traditional lands and territories include parts of the state;

3       7. "Urban and community forest" or "urban forest" is that land  
4 in and around human settlements ranging from small communities to  
5 metropolitan areas, occupied or potentially occupied by trees and  
6 associated vegetation. Urban and community forestland may be  
7 planted or unplanted, used or unused, and includes public and  
8 private lands, lands along transportation and utility corridors, and  
9 forested watershed lands within populated areas;

10       8. "Urban and community forest assessment" or "urban forest  
11 assessment" means an analysis of the urban and community forest  
12 inventory to:

- 13           a. establish the scope and scale of forest-related  
14               benefits and services,
- 15           b. determine the economic valuation of such benefits,  
16               highlight trends, and issues of concern,
- 17           c. identify high priority areas to be addressed,
- 18           d. outline strategies for addressing the critical issues  
19               and urban landscapes, and
- 20           e. identify opportunities for retaining trees, expanding  
21               forest canopy, and planting additional trees to  
22               sustain Oklahoma's urban and community forests;

23       9. "Urban and community forest inventory" or "urban forest  
24 inventory" means a management tool designed to gauge the condition,

1 management status, health, and diversity of an urban and community  
2 forest. An inventory may evaluate individual trees or groups of  
3 trees or canopy cover within urban and community forests, and will  
4 be periodically updated by the Department.

5 10. "Urban and community forestry" or "urban forestry" means  
6 the planning, establishment, protection, care, and management of  
7 trees and associated plants individually, in small groups, or under  
8 more naturally forested conditions within cities, counties, and  
9 tribal lands;

10 11. "Urban and community forestry ordinance" or "urban forestry  
11 ordinance" is an ordinance developed by a city, county, or tribe  
12 that promotes urban forestry management and care of trees; and

13 12. "Vulnerable populations" means communities that experience  
14 a disproportionate cumulative risk from environmental burdens due  
15 to:

16 a. adverse socioeconomic factors, including unemployment,  
17 high housing and transportation costs relative to  
18 income, access to food and health care, and linguistic  
19 isolation, and

20 b. sensitivity factors, such as low birth weight and  
21 higher rates of hospitalization.

22 SECTION 3. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 3033 of Title 2, unless there is  
24 created a duplication in numbering, reads as follows:

1 The purpose of this act is to:

2 1. Encourage planning for, planting, maintaining, and managing  
3 of trees in the state's cities, counties, and tribal lands and  
4 maximize the potential of tree and vegetative cover in improving the  
5 quality of the environment;

6 2. Encourage the coordination of activities by state and local  
7 agencies and federally recognized tribes, and maximize resident  
8 participation in the development and implementation of urban and  
9 community forestry-related programs, including through capacity  
10 building to facilitate participation from new partners;

11 3. Foster healthy economic activity for the state's urban and  
12 community forestry-related businesses through cooperative and  
13 supportive contracts with the private business sector;

14 4. Facilitate the creation of employment opportunities related  
15 to urban and community forestry activities, including opportunities  
16 for youth, especially in urban areas, to learn teamwork, resource  
17 conservation, environmental appreciation, and job skills;

18 5. Provide meaningful voluntary opportunities for the state's  
19 residents and organizations interested in urban and community  
20 forestry activities; and

21 6. Contribute to improved human health through targeted  
22 delivery of programs and activities in highly impacted communities  
23 with greater health disparities.

1 SECTION 4. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3034 of Title 2, unless there is  
3 created a duplication in numbering, reads as follows:

4 A. The Department may establish and maintain a program in  
5 urban and community forestry to accomplish the following:

6 1. Encourage planning for, planting, maintaining, and managing  
7 of trees in the state's cities, counties, and tribal lands and  
8 maximize the potential of tree and vegetative cover in improving the  
9 quality of the environment;

10 2. Encourage the coordination of activities by state and local  
11 agencies and federally recognized tribes, and maximize resident  
12 participation in the development and implementation of urban and  
13 community forestry-related programs, including through capacity  
14 building to facilitate participation from new partners;

15 3. Foster healthy economic activity for the state's urban and  
16 community forestry-related businesses through cooperative and  
17 supportive contracts with the private business sector;

18 4. Facilitate the creation of employment opportunities related  
19 to urban and community forestry activities, including opportunities  
20 for youth, especially in urban areas, to learn teamwork, resource  
21 conservation, environmental appreciation, and job skills;

22 5. Provide meaningful voluntary opportunities for the state's  
23 residents and organizations interested in urban and community  
24 forestry activities; and



1           6. Contribute to improved human health through targeted  
2 delivery of programs and activities in highly impacted communities  
3 with greater health disparities.

4           B. The Department may assist cities, counties, and federally  
5 recognized tribes in establishing and maintaining urban and  
6 community forestry programs and encourage appropriate and improved  
7 tree management and care.

8           C. The Department may advise, encourage, and assist cities,  
9 counties, tribes, and other public and private entities in the  
10 development and coordination of policies, programs, and activities  
11 for the promotion of urban and community forestry.

12           D. The Department may appoint a committee or council to advise  
13 the Department in establishing and carrying out a program in urban  
14 and community forestry.

15           E. The Department may assist municipal and county tree  
16 maintenance programs by making surplus equipment available on loan  
17 where feasible for urban and community forestry programs and  
18 cooperative projects.

19           F. An owner of private property may opt out of a voluntary  
20 urban and community forestry program established by a city, county,  
21 or federally recognized tribe pursuant to this act. The property  
22 owner opting out must provide notice to the city, county, or  
23 federally recognized tribe in either written or electronic form.

1 SECTION 5. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3035 of Title 2, unless there is  
3 created a duplication in numbering, reads as follows:

4 The Department may:

5 1. Receive and disburse any and all moneys contributed,  
6 allotted, or paid by the United States under authority of any act of  
7 congress for the purposes of this act;

8 2. Receive such gifts, grants, bequests, and endowments and  
9 donations of labor, material, seedlings, and equipment from public  
10 or private sources as may be made for the purpose of carrying out  
11 the provisions of this act, and may spend the gifts, grants,  
12 bequests, endowments, and donations as well as other monies from  
13 public or private sources;

14 3. Charge fees for attendance at workshops and conferences, and  
15 for various publications and other materials that the Department may  
16 prepare; and

17 4. Enter into agreements and contracts with cities, counties,  
18 tribes, nonprofit organizations, and others having urban and  
19 community forestry-related responsibilities.

20 SECTION 6. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 3036 of Title 2, unless there is  
22 created a duplication in numbering, reads as follows:

23 The Department may enter into agreements with one or more  
24 nonprofit organizations whose primary purpose is urban tree

1 planting. The agreements must be directed at furthering public  
2 education about and support for urban tree planning, planting,  
3 establishment, care, and long-term maintenance, and for obtaining  
4 voluntary activities by the local community organizations in tree  
5 planting programs. The agreements must ensure these programs are  
6 consistent with the purposes of the urban and community forestry  
7 program under this act.

8 SECTION 7. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 3037 of Title 2, unless there is  
10 created a duplication in numbering, reads as follows:

11 The Department shall encourage urban planting and care through  
12 establishment and long-term management of trees, encouraging  
13 varieties that are site-appropriate and provide the best combination  
14 of energy and water conservation, fire safety and other safety,  
15 wildlife habitat, stormwater management, and aesthetic value. The  
16 Department may provide technical assistance in developing programs  
17 in tree planting for energy conservation in areas of the state where  
18 such programs are most cost-effective. The Department must conduct  
19 analyses and prioritize target regions for delivery of programs,  
20 policies, and activities that include criteria related to human  
21 health as provided in Section 8 of this act.

22 SECTION 8. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 3038 of Title 2, unless there is  
24 created a duplication in numbering, reads as follows:

1 A. The Department must conduct analyses of the needs and  
2 opportunities related to urban forestry in the state by assessing  
3 tree canopy cover and urban forestry inventory data.

4 1. The Department must utilize existing recent tree canopy  
5 study and inventory data when available.

6 2. The Department may add additional canopy analysis in regions  
7 where adequate data is not available through internal analysis and  
8 the use of research consultants as needed.

9 3. In collaboration with local governments, the Department may  
10 conduct prioritized inventories of urban forests where adequate data  
11 is not available.

12 B. The Department must identify priority regions for the  
13 implementation of urban forestry programs. Priority must be  
14 determined through the use and review of analyses and tools  
15 including, but not limited to, the following:

16 1. Canopy analysis and inventory of urban and community  
17 forestry data as determined in paragraph 1 of subsection A of this  
18 section;

19 2. Health disparity mapping tools that identify highly  
20 impacted communities. Communities should be identified at the  
21 census tract level; and

22 3. The Department's twenty-year forest health strategic plan.

23 C. The Department may consult with external experts as part of  
24 the review and analysis that will determine priority regions for the

1 purposes of this act. Consultation may be conducted with experts  
2 such as: Other state agencies; a statewide organization representing  
3 urban and community forestry programs; health experts; and other  
4 technical experts as needed.

5 D. The Department must consult with the appropriate tribes in  
6 watersheds where urban forestry work is taking place.

7 E. The Department shall, through its analysis and  
8 consultation, seek to identify areas where urban forestry will  
9 generate the greatest confluence of benefits in relation to canopy  
10 needs and health disparities.

11 F. The Department must ensure a minimum of fifty (50%) percent  
12 of the resources used in delivering the policies, programs, and  
13 activities of this act are benefiting vulnerable populations and are  
14 delivered in or within one-quarter (1/4) mile of highly impacted  
15 communities as identified by the tools described in paragraph 2 of  
16 subsection B of this section, and scale these resources so the most  
17 resources are allocated to the highest impacted communities within  
18 these areas. This includes resources for establishing and  
19 maintaining new trees as well as maintenance of existing tree  
20 canopy.

21 G. The Department shall conduct a statewide inventory of urban  
22 and community forests using urban forest inventory and assessment  
23 protocols established by the United States forest service to produce  
24 statistically relevant estimates of the quantity, health,

1 composition, and benefits of urban trees and forests. Inventory  
2 data must be maintained and periodically updated.

3 SECTION 9. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 3039 of Title 2, unless there is  
5 created a duplication in numbering, reads as follows:

6 A. The Department must provide technical assistance and  
7 capacity-building resources and opportunities to cities, counties,  
8 federally recognized tribes, and other public and private entities  
9 in the development and coordination of policies, programs, and  
10 activities for the promotion of urban and community forestry.

11 B. The Department may use existing urban and community forestry  
12 inventory tools or develop additional tools to assist cities,  
13 counties, federally recognized tribes, and other public and private  
14 entities to collect urban and community forest tree data that  
15 informs urban and community forestry management, planning, and  
16 policy development.

17 C. The Department shall strive to enable Oklahoma's cities'  
18 urban forest managers to access carbon markets by working to ensure  
19 tools developed under this section are compatible with existing and  
20 developing urban forest carbon market reporting protocols.

21 D. The Department may use existing tools to assist communities  
22 to develop urban forestry management plans. Management plans may  
23 include, but not be limited to, the following elements:

24

- 1        1. Inventory and assessment of the jurisdiction's urban and  
2 community forests utilized as a dynamic management tool to set  
3 goals, implement programs, and monitor outcomes that may be adjusted  
4 over time;
- 5        2. Canopy cover goals;
- 6        3. Reforestation and tree canopy expansion goals within the  
7 city's, town's, and county's boundaries;
- 8        4. Restoration of public forests;
- 9        5. Achieving forest stand and diversity goals;
- 10       6. Maximizing vegetated stormwater management with trees and  
11 other vegetation that reduces runoff, increases soil infiltration,  
12 and reduces stormwater pollution;
- 13       7. Environmental health goals specific to air quality, habitat  
14 for wildlife, and energy conservation;
- 15       8. Vegetation management practices and programs to prevent  
16 vegetation from interfering with or damaging utilities and public  
17 facilities;
- 18       9. Prioritizing planting sites;
- 19       10. Standards for tree selection, siting, planting, and  
20 pruning;
- 21       11. Scheduling maintenance and stewardship for new and  
22 established trees;
- 23       12. Staff and volunteer training requirements emphasizing  
24 appropriate expertise and professionalism;

- 1 13. Guidelines for protecting existing trees from construction-  
2 related damage and damage related to preserving territorial views;
- 3 14. Integrating disease and pest management;
- 4 15. Wood waste utilization;
- 5 16. Community outreach, participation, education programs, and  
6 partnerships with nongovernment organizations;
- 7 17. Time frames for achieving plan goals, objectives, and  
8 tasks;
- 9 18. Monitoring and measuring progress toward those benchmarks  
10 and goals;
- 11 19. Emphasizing landscape and revegetation plans in residential  
12 and commercial development areas where tree retention objectives are  
13 challenging to achieve; and
- 14 20. Maximizing building heating and cooling energy efficiency  
15 through appropriate siting of trees for summer shading, passive  
16 solar heating in winter, and for wind breaks.

17 E. The Department may use existing tools to assist communities  
18 to develop urban forestry ordinances. Ordinances may include, but  
19 not be limited to, the following elements:

- 20 1. Tree canopy cover, density, and spacing;
- 21 2. Tree conservation and retention;
- 22 3. Vegetated stormwater runoff management using native trees  
23 and appropriate nonnative, nonnaturalized vegetation;

24



- 1       4. Clearing, grading, protection of soils, reductions in soil
- 2 compaction, and use of appropriate soils with low runoff potential
- 3 and high infiltration rates;
- 4       5. Appropriate tree siting and maintenance for vegetation
- 5 management practices and programs to prevent vegetation from
- 6 interfering with or damaging utilities and public facilities;
- 7       6. Native species and nonnative, nonnaturalized species
- 8 diversity selection to reduce disease and pests in urban forests;
- 9       7. Tree maintenance;
- 10       8. Street tree installation and maintenance;
- 11       9. Tree and vegetation buffers for riparian areas, critical
- 12 areas, transportation and utility corridors, and commercial and
- 13 residential areas;
- 14       10. Tree assessments for new construction permitting;
- 15       11. Recommended forest conditions for different land use types;
- 16       12. Variances for hardship and safety;
- 17       13. Variances to avoid conflicts with renewable solar energy
- 18 infrastructure, passive solar building design, and locally grown
- 19 produce; and
- 20       14. Permits and appeals.
- 21       F. The Department may consult with the Oklahoma Department of
- 22 Commerce in the process of providing technical assistance on issues
- 23 including, but not limited to, intersections between urban forestry
- 24 programs and growth management act planning.

1 G. The Department may use existing and develop additional  
2 innovative tools to facilitate successful implementation of urban  
3 forestry programs including, but not limited to, comprehensive tool  
4 kit packages (tree kits) that can easily be shared, locally adapted,  
5 and used by cities, counties, tribes, and community stakeholders.

6 H. The Department must encourage communities to include  
7 participation and input by vulnerable populations through community  
8 organizations and members of the public for urban and community  
9 forestry plans in the regions where they are based.

10 I. Delivery of resources must be targeted based on the analysis  
11 and prioritization provided in Section 8 of this act.

12 SECTION 10. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 3040 of Title 2, unless there is  
14 created a duplication in numbering, reads as follows:

15 A. The Department shall manage the application and evaluation  
16 of candidates for evergreen community designation.

17 B. The Department shall develop the criteria for an evergreen  
18 community designation program. Under this program, the state may  
19 recognize as an evergreen community a city, county, or area of  
20 tribal land that has developed an excellent urban forest management  
21 program.

22 C. Designation as an evergreen community must include no fewer  
23 than two graduated steps. The Department may require additional  
24

1 graduated steps and establish the minimum requirements for each  
2 recognized step.

3 1. The first graduated step of designation as an evergreen  
4 community includes satisfaction of the following requirements:

5 a. the development and implementation of a tree board or  
6 tree Department,

7 b. the development of a tree care ordinance,

8 c. the implementation of an urban forestry program with  
9 an annual budget of at least Two Dollars (\$2.00) for  
10 every city resident,

11 d. official recognition of Arbor Day, and

12 e. the completion of or update to an existing urban  
13 forest inventory for the city, county, or tribal land,  
14 or the formal adoption of an inventory developed for  
15 the city, county, or tribe by the Department.

16 2. The second graduated step of designation as an evergreen  
17 community includes the adoption of an urban forestry management  
18 plan. The management plan must:

19 a. exceed the minimum standards determined by the  
20 Department, and

21 b. incorporate meaningful community engagement from  
22 vulnerable populations located in the area so needs  
23 and priorities of these communities inform  
24 implementation of the plan.

1 D. The Department shall develop gateway signage and logos for  
2 an evergreen community.

3 E. The Department may consult with the Oklahoma Department of  
4 Commerce in carrying out the requirements of this section.

5 SECTION 11. This act shall become effective November 1, 2022.

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7 58-2-10881 JL 03/02/22

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