

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB4399 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Ajay Pittman

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 4399

By: Pittman

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to agriculture; creating the Oklahoma Municipal Urban Agricultural Area Act; defining terms; providing for the establishment of urban agricultural area committees; providing for composition of committee; providing for election of a chair of the committee; providing for no compensation for committee members; providing guidelines for establishing a quorum of a committee; providing for role, duty, and purpose of the committee; providing for an application to establish an urban agricultural area; providing guidelines and requirements for applying for an urban agricultural area; providing that an urban agricultural area committee shall review the application prior to a municipality approving or denying the request; providing for review of urban agricultural areas by municipalities; providing for notice and public hearings for committee meetings; providing that after the conclusion of the public hearing a municipality may adopt an ordinance establishing an urban agricultural area; municipalities may modify water, electricity, or other utilities rates to qualified members in an urban agricultural area; prohibiting a municipality from enacting ordinances that would place unreasonable restrictions or regulations on urban agricultural areas; prohibiting local governments that provide certain public services from enacting special assessments and levies in urban agricultural areas; 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 3040 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
6 Municipal Urban Agricultural Area Act".

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3041 of Title 2, unless there is
9 created a duplication in numbering, reads as follows:

10 As used in this act:

11 1. "Agricultural product" means an agricultural, horticultural,
12 viticultural, aquacultural, or vegetable product, either in its
13 natural or processed state, that has been produced, processed, or
14 otherwise had value added to it in this state. Agricultural product
15 includes, but is not limited to, bees, honey, fish or other
16 aquacultural product, planting seed, livestock or livestock product,
17 forestry product, poultry or poultry product, and growing of grapes
18 that will be processed into wine;

19 2. "Aquaculture" means the controlled propagation, growth, and
20 harvest of aquatic organisms, including, but not limited to, fish,
21 shellfish, mollusks, crustaceans, algae, and other aquatic plants,
22 by an aquaculturist;

23 3. "Aquatic products" means any aquatic plants and animals or
24 their by-products that are produced, grown, managed, harvested, and

1 marketed on an annual, semiannual, biennial, or short-term basis in
2 permitted aquaculture facilities;

3 4. "Department" means the Oklahoma Department of Agriculture,
4 Food, and Forestry;

5 5. "Livestock" means cattle, calves, sheep, swine, ratite
6 birds, including, but not limited to, ostrich and emu, aquatic
7 products obtained through aquaculture, llamas, alpaca, buffalo, elk
8 documented as obtained from a legal source and not from the wild,
9 goats, horses and other equines, or rabbits raised in confinement
10 for human consumption;

11 6. "Locally grown" means a product that was grown or raised in
12 the same county or adjoining county in which the urban agricultural
13 area is located;

14 7. "Partner organization" means a nonprofit organization that
15 meets standards set forth by Section 501(c)(3) of the Internal
16 Revenue Code and whose mission includes supporting small, beginning,
17 limited resource, or socially disadvantaged farmers within
18 municipalities;

19 8. "Poultry" means any domesticated bird intended for human
20 consumption;

21 9. "Qualifying farmer" means an individual or entity that meets
22 at least one of the following:

- 23 a. is a small or medium sized farmer,
- 24 b. is a beginning farmer,

1 c. is a limited resource farmer, or

2 d. is a socially disadvantaged farmer;

3 10. "Small or medium sized farmer" means a farmer who has
4 received a Direct Farm Ownership Microloan or a Direct Farm
5 Operating Microloan through the United States Department of
6 Agriculture (USDA) Microloan Program;

7 11. "Beginning farmer" means a farmer that:

8 a. has not operated a farm, or who has not operated a
9 farm for more than ten (10) consecutive years. This
10 requirement applies to all members of an entity that
11 operates as a farmer, and

12 b. will materially and substantially participate in the
13 operation of the farm;

14 12. "Limited resource farmer" means a farmer that has:

15 a. direct or indirect gross farm sales that are less than
16 the current indexed value in each of the previous two
17 (2) years, and

18 b. a total household income at or below the national
19 poverty level for a family of four or less than fifty
20 percent (50%) of the county median household income in
21 each of the previous two (2) years;

22 13. "Socially disadvantaged farmer" means a farmer that is a
23 member of a socially disadvantaged group. A socially disadvantaged
24 group is a group whose members have been subject to racial or ethnic

1 prejudice because of their identity as members of a group, without
2 regard to their individual qualities. These groups consist of the
3 following:

- 4 a. American Indians and Alaskan Natives,
- 5 b. Asians,
- 6 c. Blacks or African Americans,
- 7 d. Native Hawaiians and other Pacific Islanders, and
- 8 e. Hispanics; and

9 14. "Urban agricultural area" means an area defined by a
10 municipality and entirely within that municipality's boundaries
11 within which one or more qualifying farmers are processing, growing,
12 raising, or otherwise producing locally grown agricultural products.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3042 of Title 2, unless there is
15 created a duplication in numbering, reads as follows:

16 Urban agricultural area committee.

17 A. The corporate authorities of a municipality which seek to
18 establish an urban agricultural area shall first establish an urban
19 agricultural area committee after it receives an application to
20 establish an urban agricultural area under Section 4 of this act.
21 There shall be five (5) members on the committee. One member of the
22 committee shall be a member of the municipality's board and shall be
23 appointed by the board. The remaining four members shall be
24 appointed by the president or mayor of the municipality. The four

1 members chosen by the president or mayor shall all be residents of
2 the municipality in which the urban agricultural area is to be
3 located, and at least one of the four members shall have experience
4 in or represent an organization associated with sustainable
5 agriculture, urban farming, community gardening, or any of the
6 activities or products authorized by this act for urban
7 agricultural areas.

8 B. The members of the committee annually shall elect a chair
9 from among the members. The members shall serve without
10 compensation, but may be reimbursed for actual and necessary
11 expenses incurred in the performance of their official duties.

12 C. A majority of the members shall constitute a quorum of the
13 committee for the purpose of conducting business and exercising the
14 powers of the committee and for all other purposes. Action may be
15 taken by the committee upon a vote of a majority of the members
16 present.

17 D. The role of the committee shall be to conduct the
18 activities necessary to advise the corporate authorities of the
19 municipality on the designation, modification, and termination of an
20 urban agricultural area and any other advisory duties as determined
21 by the corporate authorities of the municipality. The role of the
22 committee after the designation of an urban agricultural area shall
23 be to review and assess an urban agricultural area's activities.

1 SECTION 4. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 3043 of Title 2, unless there is
3 created a duplication in numbering, reads as follows:

4 A. A qualified farmer or partner organization may submit to
5 the municipal clerk an application to establish an urban
6 agricultural area. The application shall demonstrate or identify:

7 1. That the applicant is a qualified farmer;

8 2. The number of jobs to be created, maintained, or supported
9 within the proposed urban agricultural area;

10 3. The types of products to be produced; and

11 4. The geographic description of the area that will be included
12 in the urban agricultural area.

13 B. An urban agricultural area committee shall review and
14 modify the application as necessary before the municipality either
15 approves or denies the request to establish an urban agricultural
16 area.

17 C. Approval of the urban agricultural area by a municipality
18 shall be reviewed every five (5) years after the development of the
19 urban agricultural area. After twenty-five (25) years, the urban
20 agricultural area shall dissolve. If the municipality finds during
21 its review that the urban agricultural area is not meeting the
22 requirements set out in this act, the municipality may dissolve the
23 urban agricultural area by ordinance or resolution.

1 SECTION 5. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 3044 of Title 2, unless there is
3 created a duplication in numbering, reads as follows:

4 Prior to the adoption of an ordinance designating an urban
5 agricultural area, the urban agricultural area committee shall fix a
6 time and place for a public hearing and notify each taxing unit of
7 local government located wholly or partially within the boundaries
8 of the proposed urban agricultural area. The committee shall
9 publish notice of the hearing in a newspaper of general circulation
10 in the area to be affected by the designation at least twenty (20)
11 days prior to the hearing but not more than thirty (30) days prior
12 to the hearing. The notice shall state the time, location, date,
13 and purpose of the hearing. At the public hearing, any interested
14 person or affected taxing unit of local government may file with the
15 committee written objections or comments and may be heard orally in
16 respect to any issues listed in the notice. The committee shall
17 hear and consider all objections, comments, and other evidence
18 presented at the hearing. The hearing may be continued to another
19 date without further notice other than a motion to be entered upon
20 the minutes fixing the time and place of the subsequent hearing.

21 Following the conclusion of the public hearing required under
22 this section, the corporate authorities of the municipality may
23 adopt an ordinance establishing and designating an urban
24 agricultural area.

1 SECTION 6. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 3045 of Title 2, unless there is
3 created a duplication in numbering, reads as follows:

4 A municipality may authorize an entity providing water,
5 electricity, or other utilities to an urban agricultural area to
6 allow qualified farmers and partner organizations in the urban
7 agricultural area to:

8 1. Pay wholesale or otherwise reduced rates for service to
9 property within the urban agricultural area that is used for
10 processing, growing, raising, or otherwise producing agricultural
11 products; or

12 2. Pay reduced or waived connection charges for service to
13 property within the urban agricultural area that is used for
14 processing, growing, raising, or otherwise producing agricultural
15 products.

16 SECTION 7. NEW LAW A new section of law to be codified

17 in the Oklahoma Statutes as Section 3046 of Title 2, unless there is
18 created a duplication in numbering, reads as follows:

19 A. A municipality may not exercise any of its powers to enact
20 ordinances within an urban agricultural area in a manner that would
21 unreasonably restrict or regulate farming practices in contravention
22 of the purposes of this act unless the restrictions or regulations
23 bear a direct relationship to public health or safety.

1 B. A unit of local government providing public services, such
2 as sewer, water, lights, or non-farm drainage, may not impose
3 benefit assessments or special ad valorem levies on land within an
4 urban agricultural area on the basis of frontage, acreage, or value
5 unless the benefit assessments or special ad valorem levies were
6 imposed prior to the formation of the urban agricultural area or
7 unless the service is provided to the landowner on the same basis as
8 others having the service.

9 SECTION 8. This act shall become effective November 1, 2022.

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