

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1461 _____
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: Kenton Patzkowsky _____

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1461

By: Patzkowsky

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to the Woody Invasion Cost-Share Program; authorizing the Oklahoma Conservation Commission to create and administer program; stating purpose; providing that when sufficient funds are available in the Fund the Commission shall develop and disseminate the program guidelines to the conservation districts in the program designated areas; defining terms; providing considerations to be considered when developing guidelines; requiring submission of certain information; requiring certain actions; encouraging the Oklahoma Conservation Commission and the conservation districts to work cooperatively with other entities and agencies; requiring that at the conclusion of each cost-share program year, the Oklahoma Conservation Commission to prepare and post on the agency website the statistical data, funds expended, and acres covered by county of the cost-share practices for that program year as well as sharing that information with the Secretaries of Agriculture and Energy and Environment; creating the Oklahoma Conservation Commission Woody Invasion Cost-Share Fund; providing for composition of fund; providing for depositing and expenditure of monies; limiting expenses for administration; providing for liability of state; repealing 2 O.S. 2021, Section 16-73, which relates to research and control of the plant species Tamarix spp; 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 3-3-130 of Title 27A, unless
4 there is created a duplication in numbering, reads as follows:

5 A. The Oklahoma Conservation Commission is hereby authorized to
6 establish and administer a Woody Invasion Cost-Share Program as
7 funds become available. The cost-share program shall provide monies
8 to eligible persons.

9 B. The cost-share program shall focus on reducing the
10 detrimental effects of native Juniperus species (Juniperus spp.) and
11 non-native, invasive salt cedars (Tamarix spp.) and sustaining the
12 gains achieved through the implementation of cost-share practices.

13 C. The purpose of the Woody Invasion cost-share program is to
14 incentivize landowners to apply effective methods to reduce the rate
15 of expansion, and restore, monitor, and maintain grasslands and for
16 the protection of the states' waters, soils, wildlife, and natural
17 resources.

18 D. When sufficient funds are available in the Woody Invasion
19 Cost-Share Fund, the Commission shall develop and disseminate the
20 program guidelines to the conservation districts in the program
21 designated areas. The guidelines shall contain incentives to
22 eligible persons for initiating and continuing woody invasion plant
23 eradication, prevention, monitoring, and maintenance practices as
24 set out in the eligible person's conservation plan.

1 E. To implement the program, the Commission shall require
2 conservation districts to enter into contracts for eligible projects
3 on eligible land detailing the eligible person's responsibilities.

4 F. For purposes of the conservation cost-share program:

5 1. "Brush management" means the removal, reduction or
6 manipulation of woody (non-herbaceous or succulent) plants by
7 mechanical methods, chemical treatment, biological methods,
8 prescribed burning, or combinations of these methods to achieve the
9 desired plant community.

10 2. "Eligible person" means any individual, partnership,
11 corporation, legally recognized Indian tribe, including land held in
12 Trust, estate, or trust who as an owner, lessee, tenant, or operator
13 participates in the care and/or management of land within a
14 conservation district.

15 3. "Eligible land" means:

- 16 a. privately owned land within the state,
- 17 b. land owned by the state or a political subdivision of
18 the state,
- 19 c. land temporarily owned by the United States or a
20 corporation wholly owned by it, which was not acquired
21 or reserved for conservation purposes, including lands
22 administered by the Farm Service Agency, the United
23 States Department of Defense, or by any other
24 government agency, and

1 4. "Eligible projects" means conservation practices determined
2 to be needed by a conservation district to:

- 3 a. improve or protect soil and water resources,
- 4 b. protect rangelands and grasslands,
- 5 c. preserve wildlife and natural resources, and
- 6 d. accomplish the objectives and purpose of this cost-
7 share program.

8 5. "Woody invasion" plants covered by this cost-share means
9 native Juniperus species (Juniperus spp.) and non-native, invasive
10 salt cedars (Tamarix spp.) or similarly detrimental species.

11 SECTION 2. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 3-3-131 of Title 27A, unless
13 there is created a duplication in numbering, reads as follows:

14 When developing the guidelines for a Woody Invasion Cost-Share
15 program, the Oklahoma Conservation Commission shall consider:

16 1. Maximizing distances from seed sources to minimize exposure
17 to cleared area;

18 2. Implementing follow-up treatments to remove seedlings and
19 deplete seedbanks after seed sources are eliminated;

20 3. Monitoring areas previously treated;

21 4. Identifying high-risk areas and evaluating if the cost-share
22 program for the specific program year combats significant issues;

23 5. Targeting areas burned by wildfire with rapid and intensive
24 management to restore large landscapes quickly and cost-effectively;

1 6. Reviewing the most current science and recommendations in
2 the area of woody invasion encroachment, eradication, and
3 management;

4 7. Utilizing the modern canopy and grassland mapping tools
5 available to focus on high-risk and vulnerability areas;

6 8. Reviewing approved cost-share methods available through
7 USDA-NRCS to combat the expansion of woody invasion plants; and

8 9. Evaluating if other federal, state, or tribal programs can
9 be enhanced by the inclusion of practices in the Commission's Woody
10 Invasion Cost-Share program for the year being planned.

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 3-3-132 of Title 27A, unless
13 there is created a duplication in numbering, reads as follows:

14 A. The Oklahoma Conservation Commission shall require
15 applicants to submit information, forms and reports as necessary to
16 properly and efficiently administer the Woody Invasion Cost-Share
17 program.

18 B. Persons may apply to a conservation district for cost-share
19 funds for eligible brush management initiatives in the State of
20 Oklahoma, in accordance with the cost-share program year guidelines
21 prepared yearly by the Commission. To be eligible for reimbursement
22 for a Woody Invasion Cost-Share project, an eligible person shall:

1 1. Develop and file for review and approval with the
2 conservation district a multi-year conservation plan that details
3 brush management practices; and

4 2. Enter into a contract with a conservation district detailing
5 the responsibilities of the person for the initial cost-share
6 program year as well as continuing responsibilities that are
7 required to keep the woody species from regrowing and expanding on
8 the land.

9 C. Applications for funds shall be approved or denied by the
10 conservation district in accordance with promulgated criteria
11 prepared by the Commission.

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 3-3-133 of Title 27A, unless
14 there is created a duplication in numbering, reads as follows:

15 The Oklahoma Conservation Commission and the state conservation
16 districts are encouraged to work cooperatively with federal and
17 state agencies, Indian tribes, Oklahoma State University extension,
18 burn associations, and other entities to reduce the footprint of
19 woody invasive plants and the impacts the plants have on state
20 waters and natural resources. This may include developing cost-
21 share practices that work in conjunction with other programs to
22 combat expansion and regrowth of these woody species.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-3-134 of Title 27A, unless
3 there is created a duplication in numbering, reads as follows:

4 Upon the conclusion of each cost-share program year, the
5 Oklahoma Conservation Commission shall prepare and post on the
6 agency website the statistical data, funds expended, and acres
7 covered by county of the cost-share practices for that program year.
8 This same information shall also be shared with the state cabinet
9 Secretaries of Agriculture and Energy and Environment.

10 SECTION 6. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 3-3-135 of Title 27A, unless
12 there is created a duplication in numbering, reads as follows:

13 A. There is hereby created within the State Treasury a cost-
14 share fund for the Oklahoma Conservation Commission to be designated
15 the "Woody Invasion Cost-Share Fund". The fund shall be a
16 continuing fund, not subject to fiscal year limitations, and shall
17 consist of all monies received by the Oklahoma Conservation
18 Commission to implement and maintain the cost-share program.

19 B. The Woody Invasion Cost-Share Fund shall consist of:

20 1. Money received by the Conservation Commission in the form of
21 gifts, grants, reimbursements, donations, industry contributions,
22 state appropriations, funds allocated by federal agencies for cost-
23 share programs and such other monies specifically designated for the
24 cost-share program. All monies accruing to the credit of the fund

1 are hereby appropriated and may be budgeted and expended by the
2 Commission for the cost-share program; and

3 2. Interest attributable to investment of money in the Woody
4 Invasion Cost-Share Fund.

5 C. All donations or other proceeds received by the Commission
6 pursuant to the provisions of this section shall be deposited with
7 the State Treasurer to be credited to the Woody Invasion Cost-Share
8 Fund. Expenditures from the fund shall be made upon warrants issued
9 by the State Treasurer against claims filed as prescribed by law
10 with the Director of the Office of Management and Enterprise
11 Services for approval and payment.

12 D. The monies deposited in the Woody Invasion Cost-Share Fund
13 shall at no time become part of the general budget of the
14 Conservation Commission or any other state agency. Except for any
15 administration costs incurred in development and implementation of
16 the cost-share program, no monies from the fund shall be transferred
17 for any purpose to any other state agency or any account of the
18 Oklahoma Conservation Commission.

19 SECTION 7. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 3-3-136 of Title 27A, unless
21 there is created a duplication in numbering, reads as follows:

22 Nothing in this act or in the contract executed pursuant to
23 Section 3 of this act shall be interpreted or construed to
24 constitute a financial or general obligation of the state. No state

1 revenue shall be used to guarantee or pay for any damages to
2 property or injury to persons as a result of the provisions of this
3 act or the contract.

4 SECTION 8. REPEALER 2 O.S. 2021, Section 16-73, is
5 hereby repealed.

6 SECTION 9. This act shall become effective November 1, 2023.

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8 59-1-7306 JL 02/07/23

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