

1 ENGROSSED HOUSE
2 BILL NO. 1461

By: Patzkowsky of the House

3 and

4 Pederson of the Senate

5
6 [Woody Invasion Cost Share Program - Oklahoma
7 Conservation Commission - program - purpose - funds
8 - guidelines - districts - terms - information -
9 agency website - acres - secretaries - research -
10 control - plant species - codification - repealer -
11 effective date]
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3-3-130 of Title 27A, unless
16 there is created a duplication in numbering, reads as follows:

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

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

1 C. The purpose of the Woody Invasion cost-share program is to
2 incentivize landowners to apply effective methods to reduce the rate
3 of expansion, and restore, monitor, and maintain grasslands and for
4 the protection of the states' waters, soils, wildlife, and natural
5 resources.

6 D. When sufficient funds are available in the Woody Invasion
7 Cost-Share Fund, the Commission shall develop and disseminate the
8 program guidelines to the conservation districts in the program
9 designated areas. The guidelines shall contain incentives to
10 eligible persons for initiating and continuing woody invasion plant
11 eradication, prevention, monitoring, and maintenance practices as
12 set out in the eligible person's conservation plan.

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

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

17 1. "Brush management" means the removal, reduction or
18 manipulation of woody (non-herbaceous or succulent) plants by
19 mechanical methods, chemical treatment, biological methods,
20 prescribed burning, or combinations of these methods to achieve the
21 desired plant community.

22 2. "Eligible person" means any individual, partnership,
23 corporation, legally recognized Indian tribe, including land held in
24 Trust, estate, or trust who as an owner, lessee, tenant, or operator

1 participates in the care and/or management of land within a
2 conservation district.

3 3. "Eligible land" means:

- 4 a. privately owned land within the state,
- 5 b. land owned by the state or a political subdivision of
6 the state,
- 7 c. land temporarily owned by the United States or a
8 corporation wholly owned by it, which was not acquired
9 or reserved for conservation purposes, including lands
10 administered by the Farm Service Agency, the United
11 States Department of Defense, or by any other
12 government agency, and

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

- 15 a. improve or protect soil and water resources,
- 16 b. protect rangelands and grasslands,
- 17 c. preserve wildlife and natural resources, and
- 18 d. accomplish the objectives and purpose of this cost-
19 share program.

20 5. "Woody invasion" plants covered by this cost-share means
21 native Juniperus species (Juniperus spp.) and non-native, invasive
22 salt cedars (Tamarix spp.) or similarly detrimental species.
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1 SECTION 2. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 3-3-131 of Title 27A, unless
3 there is created a duplication in numbering, reads as follows:

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

6 1. Maximizing distances from seed sources to minimize exposure
7 to cleared area;

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

10 3. Monitoring areas previously treated;

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

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

15 6. Reviewing the most current science and recommendations in
16 the area of woody invasion encroachment, eradication, and
17 management;

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

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

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

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

4 A. The Oklahoma Conservation Commission shall require
5 applicants to submit information, forms and reports as necessary to
6 properly and efficiently administer the Woody Invasion Cost-Share
7 program.

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

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

16 2. Enter into a contract with a conservation district detailing
17 the responsibilities of the person for the initial cost-share
18 program year as well as continuing responsibilities that are
19 required to keep the woody species from regrowing and expanding on
20 the land.

21 C. Applications for funds shall be approved or denied by the
22 conservation district in accordance with promulgated criteria
23 prepared by the Commission.

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

4 The Oklahoma Conservation Commission and the state conservation
5 districts are encouraged to work cooperatively with federal and
6 state agencies, Indian tribes, Oklahoma State University extension,
7 burn associations, and other entities to reduce the footprint of
8 woody invasive plants and the impacts the plants have on state
9 waters and natural resources. This may include developing cost-
10 share practices that work in conjunction with other programs to
11 combat expansion and regrowth of these woody species.

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

15 Upon the conclusion of each cost-share program year, the
16 Oklahoma Conservation Commission shall prepare and post on the
17 agency website the statistical data, funds expended, and acres
18 covered by county of the cost-share practices for that program year.
19 This same information shall also be shared with the state cabinet
20 Secretaries of Agriculture and Energy and Environment.

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

1 A. There is hereby created within the State Treasury a cost-
2 share fund for the Oklahoma Conservation Commission to be designated
3 the "Woody Invasion Cost-Share Fund". The fund shall be a
4 continuing fund, not subject to fiscal year limitations, and shall
5 consist of all monies received by the Oklahoma Conservation
6 Commission to implement and maintain the cost-share program.

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

8 1. Money received by the Conservation Commission in the form of
9 gifts, grants, reimbursements, donations, industry contributions,
10 state appropriations, funds allocated by federal agencies for cost-
11 share programs and such other monies specifically designated for the
12 cost-share program. All monies accruing to the credit of the fund
13 are hereby appropriated and may be budgeted and expended by the
14 Commission for the cost-share program; and

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

17 C. All donations or other proceeds received by the Commission
18 pursuant to the provisions of this section shall be deposited with
19 the State Treasurer to be credited to the Woody Invasion Cost-Share
20 Fund. Expenditures from the fund shall be made upon warrants issued
21 by the State Treasurer against claims filed as prescribed by law
22 with the Director of the Office of Management and Enterprise
23 Services for approval and payment.

1 D. The monies deposited in the Woody Invasion Cost-Share Fund
2 shall at no time become part of the general budget of the
3 Conservation Commission or any other state agency. Except for any
4 administration costs incurred in development and implementation of
5 the cost-share program, no monies from the fund shall be transferred
6 for any purpose to any other state agency or any account of the
7 Oklahoma Conservation Commission.

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

11 Nothing in this act or in the contract executed pursuant to
12 Section 3 of this act shall be interpreted or construed to
13 constitute a financial or general obligation of the state. No state
14 revenue shall be used to guarantee or pay for any damages to
15 property or injury to persons as a result of the provisions of this
16 act or the contract.

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

19 SECTION 9. This act shall become effective November 1, 2023.
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1 Passed the House of Representatives the 13th day of March, 2023.

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4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ____ day of _____, 2023.

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9 Presiding Officer of the Senate