

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1461

By: Patzkowsky of the House

and

7 **Pederson** of the Senate

8
9 COMMITTEE SUBSTITUTE

10 [Woody Invasion Cost Share Program - Oklahoma

11 Conservation Commission - program - purpose - funds

12 - guidelines - districts - terms - information -

13 agency website - acres - secretaries - research -

14 control - plant species - codification - effective

15 date]

16
17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

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

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

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

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

21 1. "Brush management" means the removal, reduction or
22 manipulation of woody (non-herbaceous or succulent) plants by
23 mechanical methods, chemical treatment, biological methods,
24

1 prescribed burning, or combinations of these methods to achieve the
2 desired plant community.

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

8 3. "Eligible land" means:

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

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

- 20 a. improve or protect soil and water resources,
- 21 b. protect rangelands and grasslands,
- 22 c. preserve wildlife and natural resources, and
- 23 d. accomplish the objectives and purpose of this cost-
24 share program.

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

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

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

9 1. Maximizing distances from seed sources to minimize exposure
10 to cleared area;

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

13 3. Monitoring areas previously treated;

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

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

18 6. Reviewing the most current science and recommendations in
19 the area of woody invasion encroachment, eradication, and
20 management;

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

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

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

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

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

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

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

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

1 C. Applications for funds shall be approved or denied by the
2 conservation district in accordance with promulgated criteria
3 prepared by the Commission.

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

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

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

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

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

2 in the Oklahoma Statutes as Section 3-3-135 of Title 27A, unless
3 there is created a duplication in numbering, reads as follows:

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

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

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

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

20 C. All donations or other proceeds received by the Commission
21 pursuant to the provisions of this section shall be deposited with
22 the State Treasurer to be credited to the Woody Invasion Cost-Share
23 Fund. Expenditures from the fund shall be made upon warrants issued
24 by the State Treasurer against claims filed as prescribed by law

1 with the Director of the Office of Management and Enterprise
2 Services for approval and payment.

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

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

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

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

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

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23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
24 03/02/2023 - DO PASS, As Amended and Coauthored.