

1 **SENATE FLOOR VERSION**

2 March 3, 2025

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 753

6 By: Deevers

7 [invasive woody species control - rates -
8 inspections - violations - resources - contests of
9 findings - promulgation of rules - codification -
10 effective date]

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

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 3-9-100 of Title 27A, unless
14 there is created a duplication in numbering, reads as follows:

15 This act shall be known and may be cited as the "Oklahoma
16 Invasive Woody Species Stewardship for State-Leased Lands Act".

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3-9-101 of Title 27A, unless
19 there is created a duplication in numbering, reads as follows:

20 A. As used in this act:

21 1. "Invasive woody species" means a native or non-native tree
22 or shrub species that threatens and causes harm to the environment,
23 water resources, or economy. Invasive woody species include, but
24 are not limited to, *Juniperus virginiana* (Eastern Redcedar),

1 Juniperus scopulorum (Rocky Mountain juniper), Juniperus monosperma
2 (oneseed juniper), and Tamarix ramosissima (salt cedar); and

3 2. "Lessee" means any individual, organization, or entity
4 leasing state-owned land.

5 B. Upon origination of a new lease or renewal of a lease on
6 state-owned property after the effective date of this act, a lessee
7 shall be required to:

8 1. Remove no less than eighty-five percent (85%) of invasive
9 woody species on the leased property, as follows:

- 10 a. twenty-five percent (25%) by the end of the first
11 year,
- 12 b. forty-five percent (45%) by the end of the second
13 year,
- 14 c. sixty-five percent (65%) by the end of the third year,
15 and
- 16 d. eight-five percent (85%) by the end of the fourth
17 year.

18 Provided, however, if the lessee renews for a subsequent lease
19 for the property, the lessee shall remove no less than ninety-five
20 percent (95%) by the end of the first year of his or her renewed
21 lease;

22 2. Submit a management plan to the Oklahoma Conservation
23 Commission and the Commissioners of the Land Office outlining the
24 strategy the lessee intends to employ for the removal and ongoing

1 maintenance of invasive woody species on the property within ninety
2 (90) days of the origination date of the lease; and

3 3. Maintain the minimum removal requirement of invasive woody
4 species pursuant to paragraph 1 of this subsection throughout the
5 duration of the lease.

6 C. Lease rates shall be reduced to offset the documented costs
7 incurred by the requirements of this act. The reduction shall be
8 agreed upon between the lessee and the state upon approval and
9 review of anticipated costs prior to the origination of the lease.
10 A lessee may receive a credit against the lease imposed on the costs
11 incurred by the requirements of this act.

12 D. The Commissioners of the Land Office in coordination with
13 the Oklahoma Conservation Commission shall:

14 1. Provide the lessee with a description of the property with a
15 determination of growth by invasive woody species prior to
16 origination of the lease to assist with removal pursuant to
17 paragraph 1 of subsection B of this section;

18 2. Conduct annual inspections of leased lands to ensure
19 compliance with the management plan submitted by the lessee pursuant
20 to paragraph 2 of subsection B of this section. The lessee shall
21 make the leased property available for inspection upon notice from
22 the Commissioners of the Land Office; and

23 3. Provide an appraisal for all improvements associated with
24 the management plan pursuant to the provisions of Section 1062 of

1 Title 64 of the Oklahoma Statutes. The appraisers as a part of
2 their appraisal shall determine the fair market rental value of the
3 land. For purposes of this section, "fair market rental value" is
4 the annual price in cash a willing but not obligated lessee would
5 pay, and a willing but not obligated lease holder would charge, for
6 the same or similar lands for the highest and best legal use of the
7 property, agricultural or commercial.

8 a. In determining the fair market rental value, the
9 appraisers shall consider the following:

- 10 (1) present land use,
- 11 (2) acres of land in cultivation, pasture, timber,
12 and nonproductive,
- 13 (3) soil types and productivity,
- 14 (4) availability of water,
- 15 (5) improvements made pursuant to this act,
- 16 (6) cash rental price of comparable agricultural
17 land, and
- 18 (7) effective cash return on the lease holder's share
19 of crop rent from comparable agricultural land
20 for the five-year period preceding the appraisal.

21 b. The appraisers shall reconcile the variables to arrive
22 at their estimation of fair market rental value of the
23 land; provided, that they shall give weighted
24

1 preference to comparable cash rentals charged on other
2 lands of the same or similar quality in the area.

3 Appraisals conducted pursuant to this paragraph shall not exceed
4 those rates associated with the Conservation Stewardship Program
5 implemented by the United States Natural Resources Conservation
6 Service.

7 E. 1. Upon a first violation of this section, the
8 Commissioners of the Land Office shall provide a written notice to
9 the lessee specifying the violations and providing the lessee ninety
10 (90) days after notice to correct the violation.

11 2. If the lessee fails to comply with the contents of the
12 written notice pursuant to paragraph 1 of this subsection, the
13 Commissioners of the Land Office shall:

- 14 a. terminate the lease agreement,
- 15 b. evict the lessee from the property, and
- 16 c. require the lessee to pay restitution for any costs
17 incurred by the state due to the lessee's failure to
18 comply with the provisions of this act.

19 3. If any such costs associated with subparagraph c of
20 paragraph 2 of subsection E of this section are not paid within
21 ninety (90) days after being assessed by the state, the
22 Commissioners of the Land Office shall bring suit in district court
23 to recover any assessed payments.

1 F. The Commissioners of the Land Office shall allow the lessee
2 to contest the findings of the notice upon written notice by the
3 lessee to the Commissioners of Land Office within (30) days of
4 receiving the notice of violation.

5 G. For lessees who lose property by bid during auction, the new
6 lessee shall reimburse the previous lessee for all remaining credit
7 assessed during the initial term of the lease for removal of
8 invasive woody species during the previous lease term.

9 H. No additional state resources shall be allocated for
10 invasive woody species management on leased lands beyond those
11 provided through routine inspections and administrative functions
12 pursuant to this act.

13 I. The Commissioners of the Land Office shall promulgate any
14 rules necessary to implement the provisions of this act.

15 SECTION 3. This act shall become effective November 1, 2025.

16 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE
17 March 3, 2025 - DO PASS AS AMENDED BY CS

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