

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1375

By: Adair

AS INTRODUCED

An Act relating to waters and water rights; amending 82 O.S. 1991, Sections 1451, 1452, 1453, 1454, as amended by Section 336, Chapter 145, O.S.L. 1993, 1455, 1456, 1457, as amended by Section 335, Chapter 145, O.S.L. 1993, 1458, 1460, 1461, as amended by Section 4, Chapter 331, O.S.L. 1993, 1462, 1462A, 1462B, 1462C, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, as amended by Section 1, Chapter 61, O.S.L. 1993, 1471 (82 O.S. Supp. 1996, Sections 1454, 1457, 1461 and 1470), which relate to the Scenic Rivers Act; clarifying and updating language; defining terms; providing for operating areas of designated scenic river areas; expanding duties and powers of Scenic Rivers Commission; adding to lists of agencies and persons relating to enforcement of Scenic Rivers Act and maintenance of and improving water quality; requiring promulgation of rules; providing for content; designating each Scenic Rivers Commission to be an environmental agency; increasing membership; providing for elections of certain members; providing qualification of voters; specifying locations; providing for qualifications of members; removing obsolete language; providing for Commission

administrators as certain officers; clarifying responsibilities and areas of jurisdiction of Commissions; authorizing changing and collection of certain fees; adding to powers and duties; providing for certain violations; providing for fines and punishment; providing for civil penalties; providing for certain considerations; amending Section 3, Chapter 145, O.S.L. 1993, and Section 6, Chapter 398, O.S.L. 1992, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 24, Chapter 140, O.S.L. 1994 (27A O.S. Supp. 1996, Sections 1-1-201 and 1-3-101), which relate to the Oklahoma Environmental Quality Act; modifying definition which relates to the jurisdiction areas of state environmental agencies; specifying jurisdiction of Scenic Rivers Commission; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 82 O.S. 1991, Section 1451, is amended to read as follows:

Section 1451. ~~This~~ Sections 1 through 25 of this act shall be known and may be cited as the "Scenic Rivers Act".

SECTION 2. AMENDATORY 82 O.S. 1991, Section 1452, is amended to read as follows:

Section 1452. ~~(a)~~ A. The Oklahoma Legislature finds that some of the free-flowing streams and rivers of Oklahoma possess such unique natural scenic beauty, water conservation, fish, wildlife and outdoor recreational values of present and future benefit to the

people of the state that it is the policy of the Legislature to preserve these areas for the benefit of the people of Oklahoma. For this purpose there are hereby designated certain "scenic river areas" to be preserved as a part of Oklahoma's diminishing resource of free-flowing rivers and streams.

~~(b)~~ B. The areas of the state designated as "scenic river areas" shall include:

~~(1)~~ 1. The Flint Creek and the Illinois River above the confluence of the Barren Fork Creek in Cherokee, Adair and Delaware Counties;

~~(2)~~ 2. The Barren Fork Creek in Adair and Cherokee Counties from the present alignment of Highway 59 West to the Illinois River;

~~(3)~~ 3. The Upper Mountain Fork River above the 600-foot elevation level of Broken Bow Reservoir in McCurtain and LeFlore Counties;

~~(4)~~ 4. Big Lee's Creek, sometimes referred to as Lee Creek, located in Sequoyah County, above the 420-foot MSL elevation, excluding that portion necessary for a dam to be built in the State of Arkansas with a crest elevation of no more than the 420-foot MSL elevation. The Oklahoma Water Resources Board shall make such classifications, designations or adjustments to Oklahoma's water quality standards as required to allow the impoundment of water by said dam; and

~~(5)~~ 5. Little Lee's Creek, sometimes referred to as Little Lee Creek, located in Adair and Sequoyah Counties, beginning approximately four (4) miles east-southeast of Stilwell, Oklahoma, and ending at its conjunction with Big Lee's Creek approximately two (2) miles southwest of Short, Oklahoma.

~~(c) The term "scenic river area" as used in this act is defined as the stream or river and the public use and access areas located within the area designated.~~

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1452.1 of Title 82, unless there is created a duplication in numbering, reads as follows:

As used in the Scenic Rivers Act:

1. "Operating area" means the region subject to a Commission's jurisdiction for management and planning pursuant to this act and shall include a Commission's designated scenic river area(s), tributaries and surrounding lands included within the watershed of designated scenic river areas;

2. "Scenic river area" means an area including the river or stream designated pursuant to this act and associated public use and access areas which are owned, leased or operated by a Scenic Rivers Commission on behalf of the State of Oklahoma; and

3. "Commission" or "Scenic Rivers Commission" means any scenic rivers commission authorized pursuant to Section 1461 of this title, each of which shall act as a separate state environmental agency as to its operating area.

SECTION 4. AMENDATORY 82 O.S. 1991, Section 1453, is amended to read as follows:

Section 1453. A. Once an area is designated as a "scenic river area", it is ~~an expression of legislative~~ the intent of the Legislature that ~~the~~:

1. The stream or river in the area designated be preserved in its free-flowing condition ~~and that the~~; and

2. The stream or river shall not be impounded by any large dam or structure except as specifically authorized by the Legislature.

B. No agency or official of state government shall authorize or concur in plans of local, state or federal agencies for the construction, operation, or maintenance of any dam or related project in any "scenic river area", without legislative consent, except as needed by the municipalities located in the counties or the immediate vicinity of the "scenic river area", for their own

municipal or domestic water supply ~~and where~~ if such structures will not significantly interfere with the preservation of the stream as a scenic free-flowing stream.

SECTION 5. AMENDATORY 82 O.S. 1991, Section 1454, as amended by Section 336, Chapter 145, O.S.L. 1993 (82 O.S. Supp. 1996, Section 1454), is amended to read as follows:

Section 1454. A. It is recognized by the Legislature that an effective program for preserving the scenic beauty of the free-flowing streams and rivers designated as "scenic river areas" necessarily involves the cooperation and support of the people in the operating areas of designated "scenic river areas", as well as the people using the "scenic river areas", and the agencies of state government administering these areas.

B. The primary purpose of the Scenic Rivers Act is to encourage the preservation of the areas designated as "scenic river areas" in their natural scenic state.

C. In order to assist in the public use and enjoyment of such areas, any Scenic Rivers Commission, the ~~Department of Oklahoma~~ Tourism and Recreation Department and the Oklahoma Wildlife Conservation Commission may acquire, develop and maintain public access points, easements or park areas in or near "scenic river areas"; ~~however, such.~~ Such acquisitions shall be by private treaty only, and the use of the power of eminent domain for these purposes is specifically prohibited by the Scenic Rivers Act.

SECTION 6. AMENDATORY 82 O.S. 1991, Section 1455, is amended to read as follows:

Section 1455. A. It is recognized by the Legislature that littering by people using the "scenic river areas" is one of the most immediate threats to the scenic beauty of our free-flowing streams and surrounding areas.

B. Any law enforcement, police or peace officer, game ~~wardens~~ or any other warden administrator or other personnel of the Scenic

Rivers Commission, personnel of the Wildlife Conservation Commission or other state environmental agency, ~~the~~ personnel of the Tourism and Recreation Department, any landowner in the area, or any other interested party may file a complaint to enforce the provisions of ~~this act~~ the Scenic Rivers Act.

C. Any person who deliberately places, throws, drops, deposits or discards any garbage, trash, waste, rubbish, refuse, debris or other deleterious substance on or near a scenic river area shall be subject to the provisions of Section 1761.1 of Title 21 of the Oklahoma Statutes.

SECTION 7. AMENDATORY 82 O.S. 1991, Section 1456, is amended to read as follows:

Section 1456. The property rights of private landowners in and around "scenic river areas" are the same as in any other area, ~~and the.~~ The unauthorized use of private property is trespassing and is subject to the penalties provided elsewhere in the statutes for such an offense.

SECTION 8. AMENDATORY 82 O.S. 1991, Section 1457, as amended by Section 335, Chapter 145, O.S.L. 1993 (82 O.S. Supp. 1996, Section 1457), is amended to read as follows:

Section 1457. The Executive Director of the Department of Environmental Quality, the Corporation Commission, the State Department of Agriculture, the Oklahoma Water Resources Board, the Oklahoma Wildlife Conservation Commission and the Conservation Commission are hereby given the authority to assist the Scenic Rivers Commission in maintaining and improving water quality and in preventing and eliminating the pollution of waters within a "scenic river area".

SECTION 9. AMENDATORY 82 O.S. 1991, Section 1458, is amended to read as follows:

Section 1458. Before any plans for additional proposed "scenic river areas" are brought to the Legislature for consideration, the

~~Industrial Development and Park Commission~~ Scenic Rivers Commission  
and the Oklahoma Tourism and Recreation Department shall give  
reasonable notice in newspapers of general circulation in every  
county in which land and streams are situated that would be affected  
by the proposed "scenic river area". ~~Said~~ The notice shall include  
a map or drawing of the proposed area and shall give the time and  
place of a meeting in each county affected, at which time and place  
the Commission shall present their plans for the proposed area.

SECTION 10. AMENDATORY 82 O.S. 1991, Section 1460, is  
amended to read as follows:

Section 1460. The Legislature finds that the protection and  
development of the state's scenic river areas and adjacent and  
contiguous lands and quality of outstanding resource waters included  
within each Commission's operating area should be provided for by  
properly planned and executed ~~regulations~~ rules promulgated by that  
Commission respecting public services, land use, occupancy,  
structures, lot and plot sizes, density of population and other  
activities as required for the proper protection of the aesthetic,  
scenic, historic, archeologic and scientific features of the said  
affected areas, or deemed necessary for the protection of the  
ecosystem and the environment from pollution, despoliation and  
destruction or waste of natural resources and all other factors  
adversely affecting the public health, safety and the general  
welfare so long as ~~said regulations~~ the rules comply with the exempt  
provisions of ~~this act~~ the Scenic Rivers Act pertaining to farming,  
ranching, forestry, silviculture and other agricultural uses.

SECTION 11. AMENDATORY 82 O.S. 1991, Section 1461, as  
amended by Section 4, Chapter 331, O.S.L. 1993 (82 O.S. Supp. 1996,  
Section 1461), is amended to read as follows:

Section 1461. A. 1. The creation of a Scenic Rivers  
Commission is hereby authorized for each designated scenic river

area or combination of areas for which operating areas for planning and management have been delineated.

2. Each Commission shall be ~~an~~ a state environmental agency ~~of~~ ~~the state~~ and shall be named to reflect the area or areas subject to its jurisdiction.

3. State funds for each Commission shall be provided for by a separate line-item appropriation through the state agency specifically named or by direct appropriation. If funded through the named state agency, said state agency shall disburse the funds to the appropriate Scenic Rivers Commission in the amount and pursuant to the conditions prescribed by the Legislature.

B. 1. There is hereby re-created, to continue until July 1, ~~1997~~ 2003, in accordance with the provisions of the Oklahoma Sunset Law, ~~Section 3901 et seq. of Title 74 of the Oklahoma Statutes~~ a Scenic Rivers Commission for the Illinois River and Flint Creek Scenic River Areas and those portions of Barren Fork Creek within Cherokee County.

~~B. 2.~~ 2. The operating area for the Scenic Rivers Commission for the Illinois River and Flint Creek will be limited to areas within Adair, Cherokee and Delaware Counties, and to areas within Cherokee County for Barren Fork Creek.

C. Each Commission shall consist of not less than seven ~~(7)~~ nor more than fifteen ~~(15)~~ members. The term of office for each member shall be four (4) years. Each Commission shall be composed of the following members:

1. a. The Governor shall appoint ~~two~~ three members ~~for~~ ~~initial terms of one (1) year~~, at least one of whom shall be a representative of the Oklahoma Conservation Commission or the Oklahoma Tourism and Recreation Commission;
- b. The President Pro Tempore of the Senate shall appoint ~~7~~ ~~for an initial term of one (1) year, one member who~~



two members, one of whom shall be a member of a statewide citizens' conservation or environmental group; and

c. The Speaker of the House of Representatives shall appoint ~~one member for a term of four (4) years who~~ two members, one of whom shall be a resident of one of the counties containing the scenic river area.

2. The additional members of the Commission shall be elected in a nonpartisan election to represent the persons residing in or owning property in counties affected by the designated scenic river areas.

3. The additional members of the Scenic Rivers Commission created pursuant to subsection B of this section shall be elected in a nonpartisan election to represent the following:

a. the registered voters who reside or own property within six hundred ~~and~~ sixty (660) feet of the Illinois River, or Flint Creek ~~and Barren Fork Creek~~ within ~~Cherokee~~ Delaware County, shall elect one member ~~for a term of two (2) years to represent the county in which they live or own property.~~ them,

b. the registered voters who reside or own property within six hundred sixty (660) feet of the Illinois River in Adair County, Oklahoma, shall elect one member to represent them,

c. the registered voters who reside or own property within six hundred sixty (660) feet of the Illinois River above its confluence with the Barren Fork Creek or those portions of the Barren Fork Creek in Cherokee County shall elect one member to represent them,

d. the registered voters who reside or own property within six hundred ~~and~~ sixty (660) feet of:

(1) the Illinois River, above its confluence with the Barren Fork Creek located in Adair, Cherokee and Delaware Counties, or

(2) Flint Creek and located within Delaware County or Barren Fork Creek within Cherokee County, shall elect two at-large members for terms of four (4) years to represent them, and

e. all members elected under subparagraphs a, b and c of this paragraph shall reside or own property within the county they represent. All at-large members elected under subparagraph d shall reside or own property within Adair, Delaware or Cherokee Counties.

~~3.~~ 4. Thereafter, vacancies shall be filled by the procedure described in paragraphs 1, 2 and 4 ~~3~~ of this subsection, ~~and the terms of the members shall be for four (4) years and members shall~~ serve until their respective successors shall be appointed and qualify, or be elected, unless terminated by death or resignation. Each Scenic Rivers Commission shall establish procedures consistent with the requirements of this section for replacing members who fail to attend meetings or otherwise become unable to function due to disability, death, or resignation. The replacement shall serve for the remainder of the unexpired term of the member being replaced.

~~4. Commission members appointed by a board of county commissioners shall cease to be members upon the expiration of their present term of office, and no further appointments shall be made by a board of county commissioners. Any vacancy that occurs in the office of a member appointed by a board of county commissioners shall not be filled. Upon the expiration of the term of office of the members of the Commission appointed by a board of county commissioners, the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives shall each appoint one~~

~~member to the Commission in addition to the members provided for in paragraph 1 of this subsection.~~

D. 1. Each Commission shall be organized in cooperation with local governments in accordance with procedures provided for in the Scenic Rivers Act, ~~Section 1451 et seq. of this title.~~

2. An interim commission consisting of the members appointed by the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall provide for the election of additional members as provided for in paragraph 2 of subsection C of this section.

E. 1. Each Commission shall be invested with the power to:

- a. prepare and establish minimum standards for planning and other ordinances and ~~regulations~~ rules for the implementation of the Scenic Rivers Act by counties, municipalities, or any other local authorities in the ~~designated~~ Commissions' operating area ~~and shall make,~~ and
- b. promulgate such rules ~~and regulations~~ and issue such orders as necessary to protect the public interest and to achieve the purposes of the Scenic Rivers Act.

2. The standards shall be developed and executed in such manner as to protect and enhance the values which caused the area to be named a scenic river area without, insofar as is consistent with said protection and enhancement, limiting other uses that do not substantially interfere with the protection, public use, and enjoyment of these values.

3. Primary emphasis in the standards shall be given to protecting the aesthetic, scenic, historic, archeologic, and scientific features of the scenic river area with due consideration being given to the orderly development of the lands adjacent and contiguous to the scenic river area.

4. Standards set pursuant to the provisions of the Scenic Rivers Act shall not be less rigid or exacting than those established by any other federal or state agency having jurisdiction in respect to the subject covered by the particular standard.

F. Each Commission may engage in or supervise the conduct of studies, make a plan or plans, receive, disburse, and allocate monies granted or appropriated to it, and do all things, whether expressly enumerated in the Scenic Rivers Act or not, which may be lawful and necessary and proper for the accomplishment of the purposes of the Scenic Rivers Act. Nothing in this section shall be interpreted as giving the Commission the power of eminent domain.

~~F.~~ G. Each Commission, in addition, shall have the following powers and responsibilities:

1. Appoint and fix the salary of an administrator experienced in land resource planning and management who shall serve at the pleasure of the Commission and in accordance with its policies, budgets, powers, and responsibilities. Such administrator may be commissioned by a Scenic Rivers Commission as a ranger, by the Oklahoma Wildlife Conservation Commission as a warden and by the Oklahoma Tourism and Recreation Department as a park ranger. The administrator may select, appoint, and employ individuals to fill personnel positions authorized, budgeted, and deemed necessary by the Commission to implement the purposes of the Scenic Rivers Act;

2. Act in cooperation with all federal, state, and local governments and agencies thereof to implement the purposes of the Scenic Rivers Act;

3. Elect from the Commission membership a chairman and such other officers as the Commission deems necessary to conduct the affairs of the Commission. The officers shall be permitted to succeed themselves once for a total of two (2) consecutive years of service in any office. The Commission shall hold meetings not less than once each quarter, at such times as may be fixed by call of its

chairman or as determined by majority vote in advance of the meeting. It is the responsibility of the Commissioners to encourage general public participation in the formation and adoption of plans, standards, procedures, and regulations. The meetings of the Commission shall be open to the public. Minutes of each meeting shall be kept and filed in the office of the Commission and shall be available for public inspection during reasonable office hours;

4. ~~Adopt and publish~~ Promulgate rules and issue orders necessary to the exercise of the powers of the Commission and to achieve the purposes of the Scenic Rivers Act;

5. ~~Provide rules and regulations governing the procedures necessary to implement the provisions of the Scenic Rivers Act;~~

~~6.~~ Prepare and adopt a management plan or plans to guide and control private activities and public programs and to include varying degrees of protection and development based on the special attributes of the area;

~~7.~~ 6. Provide, where appropriate in the discretion of the Commission, for the review and consideration by the Commission of the impact on the natural and aesthetic environment ~~of~~ within the Commissions' operating area ~~of~~ related to any existing or proposed action by public agencies ~~or~~, private individuals ~~within the operating area of the Commission~~ or any other activity;

~~8.~~ 7. Accept, in the name of and through the Commission, real and personal property that is granted, bequeathed, devised, or conveyed to the Commission to implement the purposes of the Scenic Rivers Act, upon such trusts and conditions as may be prescribed by the grantors or divisors, upon approval of the Commission;

~~9.~~ 8. Enter into contracts on behalf of the Commission to implement the purposes of the Scenic Rivers Act and may accept gifts and grants, whether the grants be of federal or other funds or real or personal property of any;

~~10.~~ 9. Identify public and private nuisances which are adverse to the purposes of the Scenic Rivers Act and take such action as permitted by law to remove the public nuisances;

~~11.~~ 10. Own and control public access points to the scenic river area, issue use permits, charge and collect reasonable fees for camping and other uses of lands owned, leased or operated by the Commission, and purchase easements and fee title to land within the Commission's operating area. Legal title to property shall be held in the name of the individual Scenic Rivers Commission as an agency of the State of Oklahoma;

~~12.~~ 11. Review any action taken by any local, municipal, or county authority within the operating area of the Commission in an administrative adjudicatory proceeding brought upon the petition of any officer or agency of this state, including the administrator, or of any person acting in behalf of the public interest, to determine whether such action conforms to the standards promulgated by the Commission or has an adverse effect upon the proper achievement of the purposes of the Scenic Rivers Act and, upon finding that such action does not so conform or does have such adverse effect, order that the action be nullified, superseded, or amended to the extent necessary to produce such conformity or eliminate such adverse effect, and may issue such orders as may be necessary and proper to effectuate its primary order;

~~13.~~ 12. Hire an attorney or request legal assistance from the district attorney or the State Attorney General when appropriate and if there is no conflict in the legal interest of the parties;

~~14.~~ 13. Bring an action in the district court of any county of the state where service can be obtained on one or more of the defendants or, as otherwise provided by law, initiate proceedings before any state or federal agency, or file suit in federal district court, to enjoin the acts or practices which appear to constitute a violation of any provision of the Scenic Rivers Act, to enforce the

Oklahoma Water Quality Standards or any permit, rule or order promulgated ~~to implement the provisions of the Scenic Rivers Act,~~ and to enforce compliance with the provisions of the Scenic Rivers Act or any rule or order of the Commission, and applicable provisions of state or federal law, as necessary to achieve the purposes of this act. Upon a proper showing, a restraining order, permanent or temporary injunction, writ of mandamus, or other appropriate remedies including damages shall be granted. The court may not require the administrator or Commission to post a bond; and

~~15.~~ 14. Suspend the effectiveness of any action taken by a municipality or county within the designated operating area of such Commission when, in the exercise of alleged local functions, it appears the action has or may have an adverse effect upon the proper achievement of the purposes of the Scenic Rivers Act, whereupon all proceedings thereunder shall be held in abeyance upon receipt of written notice from the administrator pending a final determination of the Commission in regard to such action. If it is determined that such adverse effects exist, the Commission may nullify, supersede, or amend said action only to the extent necessary to achieve the purposes of the Scenic Rivers Act.

~~G.~~ H. A Commission member to whom some private benefit, direct or indirect, financial or otherwise, may come as the result of some public action should not be a participant in that action. The possibility, not the actuality, of a conflict of interest should govern. A Commission member experiencing a conflict of interest should declare his interest publicly, abstain from voting on the matter should he have a vote, and refrain from deliberation on the matter. In addition, the Commission member should not discuss the matter with any fellow member for the purpose of influencing a decision thereon.

~~H.~~ I. The rules and orders of the Commission shall be adopted and issued in compliance with all applicable provisions of ~~Sections~~

~~301 through 326 of Title 75 of the Oklahoma Statutes~~ the Administrative Procedures Act.

SECTION 12. AMENDATORY 82 O.S. 1991, Section 1462, is amended to read as follows:

Section 1462. The Oklahoma Tourism and Recreation Department shall:

1. Establish procedures for organizing and certifying Scenic Rivers Commissions to administer a resource management program for designated scenic river areas and adjacent lands, consistent with the purposes of the Scenic Rivers Act, ~~Section 1451 et seq. of this title.~~ No Commission shall be certified as an agency of the state to exercise the powers provided for in the Scenic Rivers Act until an interim commission has formulated procedures for holding an election for the additional Commission members. No Scenic Rivers Commission shall be established unless otherwise provided for in the Scenic Rivers Act or recommended for organization by one of the following methods:

- a. a resolution signed by two or more counties or one county and a city or conservation district of an adjoining county statutorily defined as part of the designated scenic river area, or
- b. a resolution signed by at least one county statutorily defined as part of the designated scenic river area and a state agency, or
- c. a petition signed by five hundred (500) registered voters residing in any county statutorily defined as a part of the designated scenic river area;

2. Disburse line-item or other state appropriations to certified Scenic Rivers Commissions established in accordance with the Scenic Rivers Act and provide upon request, if funds and resources are available, technical assistance to said Commissions in



the planning and administration of resource management programs within its operating areas;

3. Prepare procedures for review and comment by appropriate state and local agencies on proposed management plans, standards, and developments identified by a Scenic Rivers Commission as having a significant impact within its operating area; and

4. Establish, as provided in subsection D of Section 1461 of this title, a Scenic Rivers Commission for the Flint Creek, Illinois River Scenic River Areas, and those portions of Barren Fork Creek within Cherokee County.

SECTION 13. AMENDATORY 82 O.S. 1991, Section 1462A, is amended to read as follows:

Section 1462A. A. The Director of State Finance is hereby authorized, upon request by the ~~Department of Oklahoma~~ Tourism and Recreation Department, to establish a special fund in the State Treasury for each Scenic Rivers Commission.

B. Said fund shall consist of all monies received by the Commission under statutory authority or appropriated for its use. The fund shall be a continuing fund not subject to fiscal year limitations.

C. Monies accruing to the credit of the fund shall be expended pursuant to laws of the state in carrying out the duties and responsibilities of the Commission, and without legislative appropriation.

D. Warrants for expenditure from the fund shall be made pursuant to claims prepared by the Administrator of the Scenic Rivers Commission, signed by the approving officer of the Oklahoma ~~Department of~~ Tourism and Recreation Department and approved by the Director of State Finance for payment.

SECTION 14. AMENDATORY 82 O.S. 1991, Section 1462B, is amended to read as follows:

Section 1462B. A. The Director of State Finance is hereby authorized, upon request by the ~~Department of Oklahoma~~ Tourism and Recreation Department, to establish a Petty Cash Fund for each Scenic Rivers Commission in an amount not to exceed Five Hundred Dollars (\$500.00).

B. The fund shall be established and replenished from any monies available to a Scenic Rivers Commission for operating expenses.

C. The Director of State Finance shall prescribe all forms, systems and procedures for administering a Petty Cash Fund so established.

SECTION 15. AMENDATORY 82 O.S. 1991, Section 1462C, is amended to read as follows:

Section 1462C. A. The ~~Legislature hereby declares that the~~ fees collected pursuant to the provisions of subsection B of Section 1470 of this title shall be used to purchase additional public access areas along the Flint Creek and Illinois River Scenic River Areas and those portions of Barren Fork Creek within Cherokee County or for the general operations of the Commission.

B. 1. For these purposes, there is hereby created in the State Treasury a revolving fund for the Scenic Rivers Commission, to be designated the "Scenic Rivers Commission Revolving Fund".

2. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Scenic Rivers Commission, from all canoe fees. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Scenic Rivers Commission for the purpose of performing the duties imposed by law upon the Scenic Rivers Commission.

3. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 16. AMENDATORY 82 O.S. 1991, Section 1463, is amended to read as follows:

Section 1463. A. Each Scenic Rivers Commission may be dissolved by a joint resolution passed by the boards of county commissioners of all counties that make up a part of the affected area and an affirmative vote of two-thirds (2/3) of the members of the Scenic Rivers Commission.

B. Upon the dissolution of a Commission, the title to all real property and other property and funds shall vest in the State of Oklahoma.

SECTION 17. AMENDATORY 82 O.S. 1991, Section 1464, is amended to read as follows:

Section 1464. A. Nothing in ~~this act~~ the Scenic Rivers Act shall be construed to unduly restrict or adversely affect the use of property within the jurisdiction of any Scenic Rivers Commission for farming, ranching, forestry, silviculture and other agricultural uses so long as they are not inconsistent with the purposes of this act.

B. Present farming, ranching, forestry, silviculture and other agricultural uses and practices, including existing building and replacement structures, are hereby exempt from the provisions of any Scenic Rivers Commission. ~~Nor shall this act~~

C. The Scenic Rivers Act shall not be construed in any way to affect existing rights between a landowner and utility or pipeline companies.

SECTION 18. AMENDATORY 82 O.S. 1991, Section 1465, is amended to read as follows:

Section 1465. A. All cities and incorporated towns and counties that make up a part of a jurisdiction of a certified Scenic Rivers Commission are hereby invested with full power to plan, zone and enact all ordinances and regulations that are necessary and proper to carry out the purposes of ~~this act~~ the Scenic Rivers Act.

B. The cities, incorporated towns and counties shall follow their respective general procedures in the conduct of legislative functions.

C. In exercising planning and zoning functions, said cities, incorporated towns and counties shall utilize the organization and procedures available to cities and incorporated towns under the general planning and zoning laws of the state. Provided that, when a county exercises the powers provided by ~~this act~~ the Scenic Rivers Act, the board of county commissioners of that county shall perform the obligations and exercise the powers in the same manner as a local legislative body or mayor of a city, incorporated town or municipality.

SECTION 19. AMENDATORY 82 O.S. 1991, Section 1466, is amended to read as follows:

Section 1466. Each county, city, incorporated town or other governmental entity that makes up a part of the ~~territorial jurisdiction~~ operating area of a Scenic Rivers Commission is hereby authorized to grant or otherwise provide funds for the operation of the Commission.

SECTION 20. AMENDATORY 82 O.S. 1991, Section 1467, is amended to read as follows:

Section 1467. A. Any person who willfully violates any rule, ~~regulation~~ or order issued ~~under this act~~ pursuant to the Scenic Rivers Act, except such rules, ~~regulations~~ or orders as relate solely to procedural matters, upon conviction thereof, shall be guilty of a misdemeanor.

B. In addition to any other penalties provided by law, any person who violates any provision of this act, Oklahoma Water Quality Standards, or any Commission rule, permit or order shall be subject to civil penalties in an amount of One Thousand Dollars (\$1,000.00) per day for each separate violation. In assessing such penalties, the court shall take into consideration the economic

benefit, if any, received by the violation, the nature and extent of any actual or potential harm, the history of compliance and any other factors which the court may deem appropriate. All penalties assessed and paid pursuant to this section shall be deposited in the Scenic Rivers Commission Revolving Fund created pursuant to Section 1462C of this title.

SECTION 21. AMENDATORY 82 O.S. 1991, Section 1468, is amended to read as follows:

Section 1468. Action taken hereunder by any Scenic Rivers Commission or by its administrator may be reviewed in the district court of the county in which the ~~Commission~~ office of the Commission is located or the county in which the property affected is located and in accordance with the standards established by the Administrative Procedures Act of this state.

SECTION 22. AMENDATORY 1469 O.S. 1991, Section 1469, is amended to read as follows:

Section 1469. It is hereby declared to be the policy of the State of Oklahoma to develop in an orderly and expeditious manner the Scenic Rivers Commissions contemplated in the Scenic Rivers Act, ~~Section 1451 et seq. of this title.~~ For such purposes, the provisions of ~~this act~~ the Scenic Rivers Act shall apply only to the Illinois River, Flint Creek, those portions of Barren Fork Creek within Cherokee County and the operating areas ~~surrounding and contiguous thereto, delineated herein and in other provisions of law of the Scenic Rivers Commission established pursuant to subsection B of Section 1461 of this title.~~

SECTION 23. AMENDATORY 82 O.S. 1991, Section 1470, as amended by Section 1, Chapter 61, O.S.L. 1993 (82 O.S. Supp. 1996, Section 1470), is amended to read as follows:

Section 1470. A. 1. The Scenic Rivers Commission for the Flint Creek, Illinois River and those portions of Barren Fork Creek within Cherokee County is authorized and directed to charge an

annual use fee of Five Dollars (\$5.00) per commercially owned and operated flotation device.

2. The operation of a commercial flotation device without displaying a proper Oklahoma Scenic Rivers Commission license is subject to a fine not to exceed One Hundred Dollars (\$100.00). ~~Said~~ The penalty will be assessed upon the owner or operator of the commercial flotation device business and not upon the individual renting the commercial flotation device.

B. 1. In addition to the annual use fee imposed on a commercially owned and operated flotation device, there shall be imposed a user fee of One Dollar (\$1.00) per trip per flotation device to be paid by the individual renting the commercial flotation device. ~~Said~~ The fee shall be paid into the Scenic Rivers Commission Revolving Fund.

2. This per-trip user fee shall also be levied on privately owned canoes except as stated by subsection E of this section. If a commercial operator fails to remit such user fees on schedule as required by the Scenic Rivers Commission, such operator shall be assessed an additional fee of One Hundred Dollars (\$100.00) per week for each week he remains in arrearage.

C. The Scenic Rivers Commission for the Flint Creek, Illinois River and those portions of Barren Fork Creek within Cherokee County Scenic River Areas shall promulgate rules and regulations for the collection and administration of the fees imposed pursuant to the provisions of this section in accordance with the Administrative Procedures Act, ~~Sections 301 through 326 of Title 75 of the Oklahoma Statutes.~~

D. The Oklahoma Tax Commission shall conduct an annual on-the-scene audit of all commercial flotation device businesses to determine if all fees required are being properly collected and reported. Such audit shall be conducted at least once each three (3) years.

E. Property owners adjacent to the rivers under the operating area of the Scenic Rivers Commission may own and operate one canoe for their individual use without paying the use fee. ~~The Commission may contract with the Oklahoma Tourism and Recreation Department or the sheriff's office of Cherokee County, Adair County, or Delaware County for the ranger personnel necessary to secure said scenic river area.~~

F. The administrator of the Scenic Rivers Commission is hereby authorized to be commissioned as a ~~state park ranger,~~ game warden or other law enforcement officer and, after completion of all required training ~~for the purpose of supervision of park,~~ is authorized to supervise all rangers and other law enforcement personnel employed by the Commission and ~~such administrator may be utilized for any law enforcement purpose~~ undertake such actions as may be necessary.

G. For the purposes of this section, the term commercial flotation device shall mean a canoe, boat, raft, inner tube or other similar device suitable for the transportation of a person or persons on waterways which is available for hire by the public for use on waterways within the operating area of the Oklahoma Scenic Rivers Commission.

SECTION 24. AMENDATORY 82 O.S. 1991, Section 1471, is amended to read as follows:

Section 1471. Fees assessed in subsection B of Section 1470 of ~~Title 82 of the Oklahoma Statutes~~ this title shall be collected for the months May 1 through October 1.

SECTION 25. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1472 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. The administrator, with the approval of the Scenic Rivers Commission, is authorized to hire and commission rangers, or to contract for such rangers and law enforcement personnel with the Oklahoma Tourism and Recreation Department, the Department of

Wildlife Conservation, or with the office of the sheriff in any county within the operating area of the Commission, in order to secure the operating area of the Commission.

B. Rangers employed pursuant to a contract with another entity shall be treated as employees of the Commission and shall be subject to all guidelines, policies and requirements applicable thereto, except as otherwise provided by such contract or law. The administrator shall participate in hiring all contract rangers and shall have final authority to terminate, suspend or take disciplinary action regarding contract rangers.

C. All rangers employed by the Commission, including those under contract, when commissioned shall have, in addition to any other powers provided for by law or by executive order, all the powers of peace officers, except the serving of civil process, and shall have the same powers within the Commission operating area for criminal matters, enforcement of the laws and Commission permits, rules and orders, as sheriffs, highway patrolmen and police officers have in their respective jurisdictions. Such rangers shall also possess all immunities and matters of defense now available or hereafter made available to sheriffs, highway patrolmen and police officers in any suit brought against them in consequence of acts done in the pursuit of their employment, provided however, they shall comply with the provisions of Section 3311 of Title 70 of the Oklahoma Statutes. Rangers shall have jurisdiction over the entire operating area of the Commission including, but not limited to, commercial canoe operations located therein.

D. Rangers, when first appointed by the Commission, shall be required to serve a probationary period of twelve (12) months, during which their services may be terminated at any time in accordance with Commission procedure and at the discretion of the administrator of the Commission. Retention of the employee, after



the probationary period, shall entitle the employee to be classified as a permanent employee.

E. Nothing in this section shall be construed to prevent the calling in of county sheriffs, highway patrol, or other law enforcement personnel for assistance should the need arise.

SECTION 26. AMENDATORY Section 3, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1996, Section 1-1-201), is amended to read as follows:

Section 1-1-201. As used in the Oklahoma Environmental Quality Act:

1. "Clean Water Act" means the federal Water Pollution Control Act, 33 U.S.C., Section 1251 et seq., as amended;

2. "Discharge" includes but is not limited to a discharge of a pollutant, and means any addition of any pollutant to waters of the state from any point source;

3. "Environment" includes the air, land, wildlife, and waters of the state;

4. "Nonpoint source" means the contamination of the environment with a pollutant for which the specific point of origin may not be well defined;

5. "N.P.D.E.S." or "National Pollutant Discharge Elimination System" means the system for the issuance of permits under the Federal Water Pollution Control Act, 33 U.S.C., Section 1251 et seq., as amended;

6. "Point source" means any discernible, confined and discrete conveyance or outlet including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure container, rolling stock or vessel or other floating craft from which pollutants are or may be discharged into waters of the state. The term "point source" shall not include agricultural storm water discharge and return flows from irrigated agriculture;

7. "Pollutant" includes but is not limited to dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agribusiness waste;

8. "Pollution" means the presence in the environment of any substance, contaminant or pollutant, or any other alteration of the physical, chemical or biological properties of the environment or the release of any liquid, gaseous or solid substance into the environment in quantities which are or will likely create a nuisance or which render or will likely render the environment harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, or to property;

9. "Source" means any and all points of origin of any wastes, pollutants or contaminants whether publicly or privately owned or operated;

10. "State environmental agency" includes the:

- a. Oklahoma Water Resources Board,
- b. Oklahoma Corporation Commission,
- c. State Department of Agriculture,
- d. Oklahoma Conservation Commission,
- e. Department of Wildlife Conservation,
- f. Department of Mines,
- g. Department of Public Safety,
- h. Department of Labor,
- i. Department of Environmental Quality, ~~and~~
- j. Department of Civil Emergency Management, and
- k. each Scenic Rivers Commission established pursuant to the Scenic Rivers Act;

11. "Storm water" means rain water runoff, snow melt runoff, and surface runoff and drainage;

12. "Waste" means any liquid, gaseous or solid or semi-solid substance, or thermal component, whether domestic, municipal, commercial, agricultural or industrial in origin, which may pollute or contaminate or tend to pollute or contaminate, any air, land or waters of the state;

13. "Wastewater" includes any substance, including sewage, that contains any discharge from the bodies of human beings or animals, or pollutants or contaminating chemicals or other contaminating wastes from domestic, municipal, commercial, industrial, agricultural, manufacturing or other forms of industry; and

14. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, and shall include under all circumstances the waters of the United States which are contained within the boundaries of, flow through or border upon this state or any portion thereof.

SECTION 27. AMENDATORY Section 6, Chapter 398, O.S.L. 1992, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 24, Chapter 140, O.S.L. 1994 (27A O.S. Supp. 1996, Section 1-3-101), is amended to read as follows:

Section 1-3-101. A. The provisions of this section specify the jurisdictional areas of responsibility for each state environmental agency. The jurisdictional areas of responsibility specified in this section shall be in addition to those otherwise provided by law and assigned to the specific state environmental agency; provided that any rule, interagency agreement or executive order enacted or entered into prior to the effective date of this section which

conflicts with the assignment of jurisdictional responsibilities specified by this section is hereby superceded. The provisions of this subsection shall not nullify any financial obligation arising from services rendered pursuant to any interagency agreement or executive order entered into prior to July 1, 1993, nor nullify any obligations or agreements with private persons or parties entered into with any state environmental agency before July 1, 1993.

B. Department of Environmental Quality. The Department of Environmental Quality shall have the following jurisdictional areas of environmental responsibility:

1. All point source discharges of pollutants and storm water to waters of the state which originate from municipal, industrial, commercial, mining, transportation and utilities, construction, trade, real estate and finance, services, public administration, manufacturing and other sources, facilities and activities, except as provided in subsections D and E of this section;

2. All nonpoint source discharges and pollution except as provided in subsections D, E and F of this section;

3. Surface water and groundwater quality and protection and water quality certifications;

4. Waterworks and wastewater works operator certification;

5. Public and private water supplies;

6. Underground injection control except for brine recovery, saltwater disposal or secondary or tertiary oil recovery;

7. Air quality under the Federal Clean Air Act and applicable state law, except for indoor air quality and asbestos as regulated for worker safety by the federal Occupational Safety and Health Act and by Chapter 11 of Title 40 of the Oklahoma Statutes;

8. Hazardous waste and solid waste, including industrial, commercial and municipal waste;

9. Superfund responsibilities of the state under the Comprehensive Environmental Response, Compensation and Liability Act

of 1980 and amendments thereto, except the planning requirements of Title III of the Superfund Amendment and Reauthorization Act of 1986;

10. Radioactive waste and all regulatory activities for the use of atomic energy and sources of radiation except for the use of sources of radiation by diagnostic x-ray facilities;

11. Water, waste, and wastewater treatment systems including but not limited to septic tanks or other public or private waste disposal systems;

12. Emergency response as specified by law;

13. Environmental laboratory services and laboratory certification;

14. Hazardous substances other than branding, package and labeling requirements;

15. Freshwater wellhead protection; and

16. Environmental regulation of any entity or activity, and the prevention, control and abatement of any pollution, not subject to the specific statutory authority of another state environmental agency.

C. Oklahoma Water Resources Board. The Oklahoma Water Resources Board shall have the following jurisdictional areas of environmental responsibility:

1. Water quantity including, but not limited to, water rights, surface water and underground water, planning, and interstate stream compacts;

2. Weather modification;

3. Dam safety;

4. Flood plain management;

5. State water/wastewater loans and grants revolving fund and other related financial aid programs;

6. Administration of the federal State Revolving Fund Program including, but not limited to, making application for and receiving

capitalization grant awards, wastewater prioritization for funding, technical project reviews, environmental review process, and financial review and administration;

7. Water well drillers/pump installers licensing;

8. Technical lead agency for clean lakes eligible for funding under Section 314 of the Federal Clean Water Act as specified by law; and

9. Statewide water quality standards.

D. State Department of Agriculture.

1. The State Department of Agriculture shall have the following jurisdictional areas of environmental responsibility except as provided in subsection B of this section and paragraphs 2 and 3 of this subsection:

- a. point and nonpoint source discharges from agricultural crop production, agricultural services, livestock production, silviculture, feed yards, livestock markets and animal waste,
- b. pesticide control,
- c. forestry and nurseries,
- d. fertilizer,
- e. facilities which store grain, feed, seed, fertilizer and agricultural chemicals, and
- f. dairy waste and wastewater associated with milk production facilities.

2. In addition to the areas of jurisdictional responsibility specified in subsection B of this section, the Department of Environmental Quality shall have environmental jurisdiction over:

- a. (1) commercial manufacturers of fertilizers, grain and feed products, and chemicals, and over manufacturing of food and kindred products, tobacco, paper, lumber, wood, textile mill and other agricultural products,

(2) slaughterhouses, but not including feedlots at such facilities, and

(3) animal aquiculture and fish hatcheries, including, but not limited to, discharges of pollutants and storm water to waters of the state, surface impoundments and land application of wastes and sludge, and other pollution originating at such facilities, and

b. facilities which store grain, feed, seed, fertilizer, and agricultural chemicals that are required by federal NPDES regulations to obtain a permit for storm water discharges shall only be subject to the jurisdiction of the Department of Environmental Quality with respect to such storm water discharges.

3. Any point source and nonpoint source discharges related to agriculture from sources specified in paragraph 1 of this subsection which require a federal National Pollutant Discharge Elimination Systems permit and which are not specified under paragraph 2 of this subsection as being subject to the jurisdiction of the Department of Environmental Quality shall continue to be subject to the direct jurisdiction of the federal Environmental Protection Agency for issuance and enforcement of such permit and shall not be required to be permitted by the Department of Environmental Quality or the Department of Agriculture.

E. Corporation Commission.

1. The Corporation Commission is hereby vested with exclusive jurisdiction, power and authority, and it shall be its duty to promulgate and enforce rules, and issue and enforce orders governing and regulating:

- a. the conservation of oil and gas,
- b. field operations for geologic and geophysical exploration for oil, gas and brine, including seismic

- survey wells, stratigraphic test wells and core test wells,
- c. the exploration, drilling, development, producing or processing for oil and gas on the lease site,
  - d. the exploration, drilling, development, production and operation of wells used in connection with the recovery, injection or disposal of mineral brines produced from geological strata lying below three hundred (300) feet in depth from the surface,
  - e. reclaiming facilities only for the processing of salt water, crude oil, natural gas condensate and tank bottoms or basic sediment from crude oil tanks, pipelines, pits and equipment associated with the exploration, drilling, development, producing or transportation of oil or gas,
  - f. injection wells known as Class II wells under the federal Underground Injection Control Program. Any substance that the United States Environmental Protection Agency allows to be injected into a Class II well may continue to be so injected,
  - g. tank farms for storage of crude oil and petroleum products which are located outside the boundaries of refineries, petrochemical manufacturing plants, natural gas liquid extraction plants, or other facilities which are subject to the jurisdiction of the Department of Environmental Quality with regard to point source discharges,
  - h. the construction and operation of pipelines and associated rights-of-way, equipment, facilities or buildings used in the transportation of oil, gas, petroleum, petroleum products, anhydrous ammonia or mineral brine, or in the treatment of oil, gas or



mineral brine during the course of transportation but not including line pipes in any:

- (1) natural gas liquids extraction plant,
  - (2) refinery,
  - (3) reclaiming facility other than for those specified within subparagraph e of this subsection,
  - (4) mineral brine processing plant, and
  - (5) petrochemical manufacturing plant,
- i. the handling, transportation, storage and disposition of saltwater, mineral brines, waste oil and other deleterious substances produced from or obtained or used in connection with the drilling, development, producing and operating of oil and gas wells, at:
- (1) any facility or activity specifically listed in paragraphs 1 and 2 of this subsection as being subject to the jurisdiction of the Commission, and
  - (2) other oil and gas extraction facilities and activities,
- j. spills of deleterious substances associated with facilities and activities specified in paragraph 1 of this subsection or associated with other oil and gas extraction facilities and activities, and
- k. subsurface storage of oil, natural gas and liquefied petroleum gas in geologic strata.

2. The exclusive jurisdiction, power and authority of the Corporation Commission shall also extend to the construction, operation, maintenance, site remediation, closure and abandonment of the facilities and activities described in paragraph 1 of this subsection.

3. When a deleterious substance from a Commission regulated facility or activity enters a point source discharge of pollutants or storm water from a facility or activity regulated by the Department of Environmental Quality, the Department shall have sole jurisdiction over the point source discharge of the commingled pollutants and storm water from the two facilities or activities insofar as Department regulated facilities and activities are concerned.

4. For purposes of the Federal Clean Water Act, any facility or activity which is subject to the jurisdiction of the Corporation Commission pursuant to paragraph 1 of this subsection and any other oil and gas extraction facility or activity which requires a permit for the discharge of a pollutant or storm water to waters of the United States shall be subject to the direct jurisdiction of the federal Environmental Protection Agency and shall not be required to be permitted by the Department of Environmental Quality or the Corporation Commission for such discharge.

5. The Corporation Commission shall have jurisdiction over:

- a. underground storage tank regulation assigned to the Commission pursuant to other Oklahoma statutes, including but not limited to the Leaking Underground Storage Tank Trust Fund and Indemnity Fund programs, provided that any point source discharge of a pollutant to waters of the United States during site remediation shall be regulated by the Department of Environmental Quality, and
- b. aboveground storage tanks used in connection with the retail sale of flammable liquids into fuel tanks, provided that any point source discharge of a pollutant to waters of the United States during site remediation shall be regulated by the Department of Environmental Quality.

6. The Department of Environmental Quality shall have sole jurisdiction to regulate the transportation, discharge or release of deleterious substances or solid or hazardous waste or other pollutants from rolling stock and rail facilities.

7. The Department of Environmental Quality shall have sole environmental jurisdiction for point and nonpoint source discharges of pollutants and storm water to waters of the state from:

- a. refineries, petrochemical manufacturing plants and natural gas liquid extraction plants,
- b. manufacturing of oil and gas related equipment and products,
- c. bulk terminals, aboveground and underground storage tanks not subject to the jurisdiction of the Commission pursuant to this subsection,
- d. other facilities, activities and sources not subject to the jurisdiction of the Corporation Commission or the Department of Agriculture as specified by this section.

8. The Department of Environmental Quality shall have sole environmental jurisdiction to regulate air emissions from all facilities and sources subject to operating permit requirements under Title V of the Federal Clean Air Act as amended.

F. Conservation Commission. The Conservation Commission shall have the following jurisdictional areas of environmental responsibility:

1. Soil conservation and erosion control;
2. Monitoring, evaluation and assessment of waters to determine the extent of nonpoint source pollution and the development of conservation plans. Serve as the technical lead agency for Section 319 of the Federal Clean Water Act, except for activities related to industrial and municipal stormwater;
3. Wetlands strategy;

4. Abandoned mine reclamation;
  5. Cost share program for land use activities;
  6. Assessment and conservation plan development and implementation in watersheds of clean lakes, as specified by law;
  7. Complaint data management;
  8. Coordinate environmental and natural resources education;
- and
9. Federal upstream flood control program.

G. Department of Mines. The Department of Mines shall have the following jurisdictional areas of environmental responsibility:

1. Mining regulation; and
2. Mining reclamation of active mines.

H. Department of Wildlife Conservation. The Department of Wildlife Conservation shall have the following jurisdictional areas of environmental responsibilities:

1. Investigating wildlife kills; and
2. Wildlife protection and seeking wildlife damage claims.

I. Department of Public Safety. The Department of Public Safety shall have the following jurisdictional areas of environmental responsibilities:

1. Vehicle inspection for air quality;
2. Hazardous waste, substances and material transportation inspections as authorized by the Hazardous Materials Transportation Act; and
3. Inspection and audit activities of hazardous waste and materials carriers and handlers as authorized by the Hazardous Materials Transportation Act.

J. Department of Labor. The Department of Labor shall have the following jurisdictional areas of environmental responsibility:

1. Regulation of asbestos in the workplace pursuant to Chapter 11 of Title 40 of the Oklahoma Statutes;
2. Asbestos monitoring in public and private buildings; and

3. Indoor air quality as regulated under the authority of the Oklahoma Occupational Health and Safety Standards Act, except for those indoor air quality issues specifically authorized to be regulated by another agency.

Such programs shall be a function of the Department's occupational safety and health jurisdiction.

K. Department of Civil Emergency Management. The Department of Civil Emergency Management shall have the following jurisdictional areas of environmental responsibilities:

1. Coordination of all emergency resources and activities relating to threats to citizens' life and property pursuant to the Oklahoma Civil Defense and Emergency Resources Management Act;

2. Administer and enforce the planning requirements of Title III of the Superfund Amendments and Reauthorization Act of 1986 and develop such other emergency operations plans that will enable the state to prepare for, respond to, recover from and mitigate potential environmental emergencies and disasters pursuant to the Oklahoma Hazardous Materials Planning and Notification Act;

3. Administer and conduct periodic exercises of emergency operations plans provided for in this subsection pursuant to the Oklahoma Civil Defense and Emergency Resources Management Act;

4. Administer and facilitate hazardous materials training for state and local emergency planners and first responders pursuant to the Oklahoma Civil Defense and Emergency Resources Management Act; and

5. Maintain a computerized emergency information system allowing state and local access to information regarding hazardous materials' location, quantity and potential threat.

L. Scenic Rivers Commissions. Each Scenic Rivers Commission shall have the jurisdictional areas of environmental responsibilities as specifically designated to the Commission by the Scenic Rivers Act.

SECTION 28. This act shall become effective November 1, 1997.

46-1-5912

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