

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 704

By: Schulz and Sparks of the  
Senate

3  
4 and

Liebmann of the House

5  
6  
7 ( conservation districts - Conservation Commission -  
8 emergency )

9  
10  
11 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

12  
13 "An Act relating to conservation districts; amending  
14 27A O.S. 2001, Section 3-2-106, which relates to  
powers and duties of the Conservation Commission;  
15 authorizing the Commission to cooperate with county  
commissioners on certain projects; amending 27A O.S.  
16 2001, Section 3-3-105, which relates to powers and  
duties of conservation districts; authorizing  
17 districts to cooperate with county commissioners on  
certain projects; and declaring an emergency.

18  
19  
20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 27A O.S. 2001, Section 3-2-106, is  
22 amended to read as follows:  
23  
24

1 Section 3-2-106. A. In addition to other powers and duties  
2 specified by law and except as otherwise provided by law, the  
3 Oklahoma Conservation Commission shall have the power and duty to:

4 1. Offer the assistance as may be appropriate to the directors  
5 of conservation districts in the carrying out of any of their powers  
6 and programs and to:

7 a. assist and guide districts in the preparation and  
8 carrying out of programs for resource conservation  
9 authorized under the Conservation District Act,

10 b. review district programs,

11 c. coordinate the programs of the several districts and  
12 resolve any conflicts in such programs, and

13 d. facilitate, promote, assist, harmonize, coordinate and  
14 guide the resource conservation programs and  
15 activities of districts as they relate to other  
16 special purpose districts, counties and other public  
17 agencies;

18 2. Keep the directors of each of the several districts informed  
19 of the activities and experience of all other districts, and to  
20 facilitate an interchange of advice and experience between such  
21 districts and cooperation between them;

22 3. Review agreements, or forms of agreements, proposed to be  
23 entered into by districts with other districts or with any state,  
24 federal, or interstate, or other public or private agency,

1 organization or individual, and advise the districts concerning such  
2 agreements or forms of agreements;

3 4. Secure the cooperation and assistance of the United States  
4 and any of its agencies, and of agencies of this state, in the work  
5 of such districts and to accept donations, grants, gifts and  
6 contributions in money, services or otherwise from the United States  
7 or any of its agencies or from the state or any of its agencies in  
8 order to carry out the purposes of the Conservation District Act;

9 5. Disseminate information throughout the state concerning the  
10 activities and programs of the conservation districts and to make  
11 available information concerning the needs and the work of the  
12 conservation districts and Commission to the Governor, the  
13 Legislature, executive agencies of the government of this state,  
14 political subdivisions of this state, cooperating federal agencies  
15 and the general public;

16 6. Serve along with conservation districts as the official  
17 state agencies for cooperating with the Natural Resources  
18 Conservation Service of the United States Department of Agriculture  
19 and carrying on conservation operations within the boundaries of  
20 conservation districts;

21 7. Cooperate with and give such assistance as they deem  
22 necessary and proper to conservancy districts, watershed  
23 associations and other special purpose districts in the State of  
24 Oklahoma for the purpose of cooperating with the United States

1 through the Secretary of Agriculture in the furtherance of  
2 conservation pursuant to the provisions of the Federal Watershed  
3 Protection and Flood Prevention Act, as amended;

4 8. Recommend the inclusion in annual and longer term budgets  
5 and appropriation legislation of the State of Oklahoma of funds  
6 necessary for appropriation by the Legislature to finance the  
7 activities of the Commission and the conservation districts and to:

- 8 a. administer the provisions of the Conservation District  
9 Act hereafter enacted by the Legislature appropriating  
10 funds for expenditure in connection with the  
11 activities of conservation districts,
- 12 b. distribute to conservation districts funds, equipment,  
13 supplies and services received by the Commission for  
14 that purpose from any source, subject to such  
15 conditions as shall be made applicable thereto in any  
16 state or federal statute or local ordinance making  
17 available such funds, property or services,
- 18 c. issue regulations establishing guidelines and suitable  
19 controls to govern the use by conservation districts  
20 of such funds, property and services; and to review  
21 all budgets, administrative procedures and operations  
22 of such districts and advise the districts concerning  
23 their conformance with applicable laws and  
24 regulations;

1           9. Enlist the cooperation and collaboration of state, federal,  
2 regional, interstate, local, public and private agencies with the  
3 conservation districts and to facilitate arrangements under which  
4 the conservation districts may serve county governing bodies and  
5 other agencies as their local operating agencies in the  
6 administration of any activity concerned with the conservation of  
7 renewable natural resources;

8           10. Pursuant to procedures developed mutually by the Commission  
9 and federal, state and local agencies that are authorized to plan or  
10 administer activities significantly affecting the conservation of  
11 renewable natural resources, receive from such agencies for review  
12 and comment suitable descriptions of their plans, programs and  
13 activities for purposes of coordination with district conservation  
14 programs and to arrange for and participate in conferences necessary  
15 to avoid conflict among such plans and programs, to call attention  
16 to omissions and to avoid duplication of effort;

17           11. Compile information and make studies, summaries and  
18 analyses of district programs in relation to each other and to other  
19 resource conservation programs on a statewide basis;

20           12. Except as otherwise assigned by law, carry out the policies  
21 of this state in programs at the state level for the conservation of  
22 the renewable natural resources of this state and represent the  
23 state in matters affecting such resources;

24

1 13. Assist conservation districts in obtaining legal services  
2 from state and local legal officers;

3 14. Require annual reports from conservation districts, the  
4 form and content of which shall be developed by the Commission in  
5 consultation with the district directors;

6 15. Establish by regulations, with the assistance and advice of  
7 the State Auditor and Inspector, adequate and reasonably uniform  
8 accounting and auditing procedures which shall be used by  
9 conservation districts;

10 16. Conduct workshops for district directors to instruct them  
11 on the subjects of district finances, the Conservation District Law  
12 and related laws, and their duties and responsibilities as  
13 directors;

14 17. Assist and supervise districts in carrying out their  
15 responsibilities in accordance with the Oklahoma laws;

16 18. Have power, by administrative order, upon the written  
17 request of the board of directors of the conservation district or  
18 districts involved, with a showing that such request has been  
19 approved by a majority vote of the members of each of the boards  
20 involved, to:

21 a. transfer lands from one district established under the  
22 provisions of the Conservation District Act to  
23 another,

24

1           b.    divide a single district into two or more districts,  
2                each of which shall thereafter operate as a separate  
3                district under the provisions of the Conservation  
4                District Act, and

5           c.    consolidate two or more districts established under  
6                the provisions of the Conservation District Act, which  
7                consolidated area shall operate thereafter as a single  
8                district under the provisions of the Conservation  
9                District Act;

10          19.   Except as otherwise provided by law, act as the management  
11          agency having jurisdiction over and responsibility for directing  
12          nonpoint source pollution prevention programs outside the  
13          jurisdiction or control of cities or towns in Oklahoma. The  
14          Commission, otherwise, shall be responsible for all identified  
15          nonpoint source categories except silviculture, urban storm water  
16          runoff and industrial runoff;

17          20.   Administer cost-share programs for the purpose of carrying  
18          out conservation or best management practices on the land to benefit  
19          the public through the prevention or reduction of soil erosion and  
20          nonpoint source pollution and through general resource management.  
21          The Commission is not authorized to implement mandatory compliance  
22          with management practices, except as otherwise provided by law, to  
23          abate agricultural nonpoint source pollution;

1        21. Plan watershed-based nonpoint source pollution control  
2 activities, including the development and implementation of  
3 conservation plans for the improvement and protection of the  
4 resources of the state;

5        22. Provide assistance to the Oklahoma Water Resources Board on  
6 lake projects through stream and river monitoring, assessing  
7 watershed activities impacting lake water quality and assisting in  
8 the development of a watershed management plan;

9        23. Maintain the activities of the state's nonpoint source  
10 working group;

11       24. Prepare, revise and review Oklahoma's nonpoint source  
12 management program and nonpoint source assessment report in  
13 coordination with other state environmental agencies and compile a  
14 comprehensive assessment for the state every five (5) years. Such  
15 management program and assessment report shall be distributed to the  
16 Governor, Secretary of Environment, the President Pro Tempore of the  
17 Senate and the Speaker of the House of Representatives;

18       25. Under the direction of the Office of the Secretary of the  
19 Environment, develop and implement the state's nonpoint source water  
20 quality monitoring strategy in coordination with other environmental  
21 agencies;

22       26. Monitor, evaluate and assess waters of the state to  
23 determine the condition of streams and rivers impacted by nonpoint  
24 source pollution. In carrying out this area of responsibility, the

1 Conservation Commission shall serve as the technical lead agency for  
2 nonpoint source pollution categories as defined in Section 319 of  
3 the Federal Clean Water Act or other subsequent federal or state  
4 nonpoint source programs;

5 27. Administer the Blue Thumb Program;

6 28. Enter into agreements or contracts for services with any of  
7 the substate planning districts recognized by the Oklahoma  
8 Department of Commerce;

9 29. Cooperate with the federal government, or any agency  
10 thereof, to participate in and coordinate with federal programs that  
11 will yield additional federal funds to the state for programs within  
12 the jurisdiction of the Conservation Commission. This participation  
13 shall be subject to the availability of state funds; ~~and~~

14 30. Implement pilot projects and programs, subject to the  
15 availability of funds, that will demonstrate the latest technologies  
16 and applications in conservation programs that may provide direct or  
17 residual benefits to conservation practices in the state; and

18 31. Cooperate with county commissioners to obtain their  
19 assistance, subject to the availability of funds, for roadside  
20 erosion control, for the new construction, the operation and  
21 maintenance, and the rehabilitation of upstream flood control  
22 structures, and for invasive species control.

23

24

1 B. Nothing in ~~this act~~ the Conservation District Act shall take  
2 away any of the present duties or responsibilities delegated by law  
3 or constitution to other environmental agencies.

4 SECTION 2. AMENDATORY 27A O.S. 2001, Section 3-3-105, is  
5 amended to read as follows:

6 Section 3-3-105. A. In addition to other powers and duties  
7 provided by law, a conservation district and the directors thereof  
8 shall have the power and duty to:

9 1. Obtain such information as may be necessary to the proper  
10 carrying out of duties and powers prescribed in the Conservation  
11 District Act, by making surveys and investigations relating to the  
12 conservation of renewable natural resources, and the preventive and  
13 control measures and works of improvement needed; provided, however,  
14 that such surveys and investigations shall not be undertaken except  
15 in cooperation with the State Conservation Commission or with the  
16 government of this state or any of its agencies, or with the United  
17 States or any of its agencies;

18 2. Conduct operations for the conservation of renewable natural  
19 resources within the district on lands owned or controlled by this  
20 state or any of its agencies, with the cooperation of the agency  
21 administering and having jurisdiction thereof, and on any other  
22 lands within the district upon obtaining the consent of the owner of  
23 such lands or the necessary rights or interests in such lands, in  
24 order to demonstrate by example the means, methods, and measures by

1 | which the conservation of renewable natural resources may be carried  
2 | out;

3 |       3. Carry out preventive and control measures and works of  
4 | improvement for the conservation of renewable natural resources  
5 | within the district including, but not limited to, engineering  
6 | operations, methods of cultivation, the growing of vegetation and  
7 | changes in use of land on lands owned or controlled by this state or  
8 | any of its agencies, with the cooperation of the agency  
9 | administering and having jurisdiction thereof, and on any other  
10 | lands within the district upon obtaining the consent of the owner of  
11 | such lands or the necessary rights or interests in such lands;

12 |       4. Cooperate or enter into agreements with, and, within the  
13 | limits of appropriations duly made available to it by law, to  
14 | furnish financial or other aid to any agency, governmental or  
15 | otherwise, or any owner or occupier of lands within the district,  
16 | subject to such conditions as the directors may deem necessary to  
17 | advance the purposes of the Conservation District Act;

18 |       5. Obtain options upon and to acquire, by purchase, exchange,  
19 | lease, gift, grant, bequest, devise or otherwise, any property, real  
20 | or personal, or rights or interests therein; to maintain, administer  
21 | and improve any properties acquired; and to:

22 |           a. receive income from such properties and to expend such  
23 |           income in carrying out the purposes and provisions of  
24 |           the Conservation District Act, and

1           b.    sell, lease or otherwise dispose of any of its  
2                   property or interests therein, all in furtherance of  
3                   the purposes and provisions of the Conservation  
4                   District Act; provided that in all cases when lands or  
5                   interests therein are deemed by the directors to be  
6                   necessary for upstream flood control purposes to carry  
7                   out the purposes of the Conservation District Act and  
8                   which cannot otherwise be acquired, the district shall  
9                   be vested with the power of eminent domain and may  
10                  condemn and acquire such lands as provided by the laws  
11                  of this state governing the acquisition of lands by  
12                  railroad corporations;

13           6.    Make available, on such terms as it shall prescribe, to  
14   landowners and occupiers within the district, agricultural and  
15   engineering machinery and equipment, fertilizer, seeds and  
16   seedlings, and such other material or equipment as will assist such  
17   landowners and occupiers to carry on operations upon their lands for  
18   the conservation of renewable natural resources;

19           7.    Construct, improve, repair, operate and maintain such  
20   structures as may be necessary or convenient for the performance of  
21   any of the operations or activities authorized in the Conservation  
22   District Act;

23           8.    Develop resource conservation programs and annual work plans  
24   as provided in the Conservation District Act;

1           9. Acquire by purchase, lease or otherwise, and to administer  
2 any project or program concerned with the conservation of renewable  
3 natural resources located within its boundaries undertaken by any  
4 federal, state or other public agency; and to:

5           a. accept donations, gifts and contributions, in money,  
6 services, materials or otherwise, from the United  
7 States or any of its agencies, or from this state or  
8 any of its agencies, or from any other source, and

9           b. use or expend such moneys, services, materials or  
10 other contributions in carrying out the purposes of  
11 the Conservation District Act, and

12           c. enter into contracts and negotiate with any agency of  
13 the United States or the State of Oklahoma in any plan  
14 related to the conservation of renewable natural  
15 resources;

16       10. Sue and be sued in the name of the district; and to:

17           a. have a seal, which seal shall be judicially noticed,

18           b. make and execute contracts and other instruments  
19 necessary or convenient to the exercise of its powers,  
20 and

21           c. make, and from time to time amend and repeal, rules  
22 and regulations not inconsistent with the Conservation  
23 District Act to carry into effect its purposes and  
24 powers; and

1 11. Carry workers' compensation insurance, in its discretion,  
2 on any or all its employees, regardless of the nature of the work in  
3 which such employee or employees are engaged, such insurance to be  
4 carried with ~~the State Insurance Fund~~ CompSource Oklahoma, and to be  
5 paid for by each district out of the funds of such district; and

6 12. Cooperate with county commissioners to obtain their  
7 assistance, subject to the availability of funds for roadside  
8 erosion control, for the new construction, the operation and  
9 maintenance and the rehabilitation of upstream flood control  
10 structures, and for invasive species control.

11 B. As a condition to the extending of any benefits under the  
12 Conservation District Act to or the performance of work upon any  
13 lands not owned or controlled by this state or any of its agencies,  
14 the directors may require contributions in money, services,  
15 materials or otherwise to any operations conferring such benefits  
16 and may require land occupiers to enter into and perform such  
17 agreements or covenants as to the use of such lands as may be  
18 consistent with the purposes of the Conservation District Act.

19 C. No provisions with respect to the acquisition, operation or  
20 disposition of property by other public bodies shall be applicable  
21 to a district organized hereunder unless the Legislature shall  
22 specifically so state.

23 D. Soil and water conservation district directors have the  
24 authority to accept appointment to serve as members of local,

1 municipal, county, regional and state planning agencies, boards,  
2 commissions and authorities and districts may participate in the  
3 funding thereof and performance of works and projects thereunder.

4 SECTION 3. It being immediately necessary for the preservation  
5 of the public peace, health and safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval."

8 Passed the House of Representatives the 16th day of April, 2007.

9

10

11

\_\_\_\_\_  
Presiding Officer of the House of  
Representatives

12

13

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2007.

14

15

16

\_\_\_\_\_  
Presiding Officer of the Senate

17

18

19

20

21

22

23

24