

EHB 1392

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THE STATE SENATE
Monday, April 7, 2008

ENGROSSED
House Bill No. 1392
As Amended

ENGROSSED HOUSE BILL NO. 1392 - By: Richardson, Armes, Covey,
Harrison, Hyman, Renegar, Smithson and Sullivan of the House and
Justice of the Senate.

(agriculture - resource stewardship plan - codification -
effective date -
emergency)

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2-18.3 of Title 2, unless there
is created a duplication in numbering, reads as follows:

A. The Oklahoma Department of Agriculture, Food, and Forestry
in consultation with the Oklahoma Conservation Commission, shall
have the authority to integrate all individual farm and ranch plans
in the unincorporated areas of this state that have been written to
address local sources of non-point-source water pollution in
watersheds having state-developed watershed-based plans or with
total maximum daily load limitations into what shall be known as a
"resource stewardship plan."

B. A resource stewardship plan shall include those plans within
a given watershed management area developed to comply with state

1 AFO/CAFO rules, those plans developed to support watershed
2 strategies and programs under Section 319 of the Federal Clean Water
3 Act and natural resource stewardship planning as developed through
4 United States Department of Agriculture conservation program
5 authorities. Resource stewardship plans shall address non-point-
6 source water pollution in subwatersheds of larger watersheds covered
7 under watershed-based plans as described in federal guidance for the
8 implementation of Section 319 of the Clean Water Act. Resource
9 stewardship plans shall be voluntary in nature and shall be
10 requested by the owner or operator of the land.

11 C. A resource stewardship plan shall include scientific
12 solutions designed to abate and control non-point-source pollution
13 from current or potential pollution risks associated with land
14 management practices or land use practices.

15 D. A landowner who has been issued a resource stewardship plan
16 and is complying with the plan shall be considered in compliance
17 with the law and not polluting the resources addressed in the plan
18 with pollutants addressed in the plan.

19 E. Environmental agencies in this state with jurisdiction over
20 non-point-source pollution shall cooperate in the development of the
21 resource stewardship plan.

22 F. Resource stewardship plans shall be written based upon
23 availability of funding and neither state agencies nor conservation

1 districts shall be held liable for plans uncompleted due to lack of
2 funding.

3 G. The Oklahoma Department of Agriculture, Food, and Forestry,
4 the Oklahoma Conservation Commission, and the Oklahoma State
5 University Extension Service shall provide educational programs to
6 support and optimize the benefits of resource stewardship plans,
7 subject to funding.

8 H. All plans shall be reviewed and updated in a manner
9 prescribed by statute or rule. In the event that Oklahoma Water
10 Quality Standards are not attained despite the implementation of the
11 resource stewardship plan, the watershed-based plan indicates
12 further non-point-source pollution controls are needed, or the
13 Oklahoma Water Quality Standards change to cause waters formerly
14 attaining Oklahoma Water Quality Standards to be in nonattainment of
15 those standards, the resource stewardship plans will be reviewed and
16 updated in a manner and time frame specified by rule.

17 I. The Department of Agriculture, Food, and Forestry in
18 consultation with the Oklahoma Conservation Commission shall
19 promulgate rules in accordance with this section.

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 2-18.4 of Title 2, unless there
22 is created a duplication in numbering, reads as follows:

1 There is hereby created in the State Treasury a revolving fund
2 for the Oklahoma Conservation Commission to be designated the
3 "Resource Stewardship Plan Creation Fund." The fund shall be a
4 continuing fund, not subject to fiscal year limitations, and shall
5 consist of all monies received from state, federal, or private
6 sources for the generation and educational support of resource
7 stewardship plans as provided for in Section 1 of this act. All
8 monies accruing to the credit of the fund are hereby appropriated
9 and may be budgeted and expended by the Oklahoma Conservation
10 Commission to match all appropriated federal or other programs
11 designed to address non-point-source pollution issues. A minimum of
12 ten percent (10%) of funds shall be used for education and outreach
13 programs in support of the generation and implementation of resource
14 stewardship plans. Expenditures from the fund shall be made upon
15 warrants issued by the State Treasurer against claims filed as
16 prescribed by law with the Director of State Finance for approval
17 and payment.

18 SECTION 3. This act shall become effective July 1, **2008**.

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

23 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 4-2-08 - DO PASS, As
24 Amended.