

SB 704

Senate Bill No. 704
As Amended

SENATE BILL NO. 704 - By: SCHULZ of the Senate and LIEBMANN of the House.

[conservation districts - Conservation Commission - emergency]

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

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

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

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

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

b. review district programs,

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

1 d. facilitate, promote, assist, harmonize, coordinate and
2 guide the resource conservation programs and
3 activities of districts as they relate to other
4 special purpose districts, counties and other public
5 agencies;

6 2. Keep the directors of each of the several districts informed
7 of the activities and experience of all other districts, and to
8 facilitate an interchange of advice and experience between such
9 districts and cooperation between them;

10 3. Review agreements, or forms of agreements, proposed to be
11 entered into by districts with other districts or with any state,
12 federal, or interstate, or other public or private agency,
13 organization or individual, and advise the districts concerning such
14 agreements or forms of agreements;

15 4. Secure the cooperation and assistance of the United States
16 and any of its agencies, and of agencies of this state, in the work
17 of such districts and to accept donations, grants, gifts and
18 contributions in money, services or otherwise from the United States
19 or any of its agencies or from the state or any of its agencies in
20 order to carry out the purposes of the Conservation District Act;

21 5. Disseminate information throughout the state concerning the
22 activities and programs of the conservation districts and to make
23 available information concerning the needs and the work of the

1 conservation districts and Commission to the Governor, the
2 Legislature, executive agencies of the government of this state,
3 political subdivisions of this state, cooperating federal agencies
4 and the general public;

5 6. Serve along with conservation districts as the official
6 state agencies for cooperating with the Natural Resources
7 Conservation Service of the United States Department of Agriculture
8 and carrying on conservation operations within the boundaries of
9 conservation districts;

10 7. Cooperate with and give such assistance as they deem
11 necessary and proper to conservancy districts, watershed
12 associations and other special purpose districts in the State of
13 Oklahoma for the purpose of cooperating with the United States
14 through the Secretary of Agriculture in the furtherance of
15 conservation pursuant to the provisions of the Federal Watershed
16 Protection and Flood Prevention Act, as amended;

17 8. Recommend the inclusion in annual and longer term budgets
18 and appropriation legislation of the State of Oklahoma of funds
19 necessary for appropriation by the Legislature to finance the
20 activities of the Commission and the conservation districts and to:

21 a. administer the provisions of the Conservation District
22 Act hereafter enacted by the Legislature appropriating

1 funds for expenditure in connection with the
2 activities of conservation districts,
3 b. distribute to conservation districts funds, equipment,
4 supplies and services received by the Commission for
5 that purpose from any source, subject to such
6 conditions as shall be made applicable thereto in any
7 state or federal statute or local ordinance making
8 available such funds, property or services,
9 c. issue regulations establishing guidelines and suitable
10 controls to govern the use by conservation districts
11 of such funds, property and services; and to review
12 all budgets, administrative procedures and operations
13 of such districts and advise the districts concerning
14 their conformance with applicable laws and
15 regulations;
16 9. Enlist the cooperation and collaboration of state, federal,
17 regional, interstate, local, public and private agencies with the
18 conservation districts and to facilitate arrangements under which
19 the conservation districts may serve county governing bodies and
20 other agencies as their local operating agencies in the
21 administration of any activity concerned with the conservation of
22 renewable natural resources;

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

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

13 12. Except as otherwise assigned by law, carry out the policies
14 of this state in programs at the state level for the conservation of
15 the renewable natural resources of this state and represent the
16 state in matters affecting such resources;

17 13. Assist conservation districts in obtaining legal services
18 from state and local legal officers;

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

22 15. Establish by regulations, with the assistance and advice of
23 the State Auditor and Inspector, adequate and reasonably uniform

1 accounting and auditing procedures which shall be used by
2 conservation districts;

3 16. Conduct workshops for district directors to instruct them
4 on the subjects of district finances, the Conservation District Law
5 and related laws, and their duties and responsibilities as
6 directors;

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

9 18. Have power, by administrative order, upon the written
10 request of the board of directors of the conservation district or
11 districts involved, with a showing that such request has been
12 approved by a majority vote of the members of each of the boards
13 involved, to:

14 a. transfer lands from one district established under the
15 provisions of the Conservation District Act to
16 another,

17 b. divide a single district into two or more districts,
18 each of which shall thereafter operate as a separate
19 district under the provisions of the Conservation
20 District Act, and

21 c. consolidate two or more districts established under
22 the provisions of the Conservation District Act, which
23 consolidated area shall operate thereafter as a single

1 district under the provisions of the Conservation
2 District Act;

3 19. Except as otherwise provided by law, act as the management
4 agency having jurisdiction over and responsibility for directing
5 nonpoint source pollution prevention programs outside the
6 jurisdiction or control of cities or towns in Oklahoma. The
7 Commission, otherwise, shall be responsible for all identified
8 nonpoint source categories except silviculture, urban storm water
9 runoff and industrial runoff;

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

17 21. Plan watershed-based nonpoint source pollution control
18 activities, including the development and implementation of
19 conservation plans for the improvement and protection of the
20 resources of the state;

21 22. Provide assistance to the Oklahoma Water Resources Board on
22 lake projects through stream and river monitoring, assessing

1 watershed activities impacting lake water quality and assisting in
2 the development of a watershed management plan;

3 23. Maintain the activities of the state's nonpoint source
4 working group;

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

12 25. Under the direction of the Office of the Secretary of the
13 Environment, develop and implement the state's nonpoint source water
14 quality monitoring strategy in coordination with other environmental
15 agencies;

16 26. Monitor, evaluate and assess waters of the state to
17 determine the condition of streams and rivers impacted by nonpoint
18 source pollution. In carrying out this area of responsibility, the
19 Conservation Commission shall serve as the technical lead agency for
20 nonpoint source pollution categories as defined in Section 319 of
21 the Federal Clean Water Act or other subsequent federal or state
22 nonpoint source programs;

23 27. Administer the Blue Thumb Program;

1 28. Enter into agreements or contracts for services with any of
2 the substate planning districts recognized by the Oklahoma
3 Department of Commerce;

4 29. Cooperate with the federal government, or any agency
5 thereof, to participate in and coordinate with federal programs that
6 will yield additional federal funds to the state for programs within
7 the jurisdiction of the Conservation Commission. This participation
8 shall be subject to the availability of state funds; ~~and~~

9 30. Implement pilot projects and programs, subject to the
10 availability of funds, that will demonstrate the latest technologies
11 and applications in conservation programs that may provide direct or
12 residual benefits to conservation practices in the state; and

13 31. Cooperate with county commissioners to obtain their
14 assistance, subject to the availability of funds, for roadside
15 erosion control, for the new construction, the operation and
16 maintenance, and the rehabilitation of upstream flood control
17 structures, and for invasive species control.

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

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

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

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

13 2. Conduct operations for the conservation of renewable natural
14 resources within the district on lands owned or controlled by this
15 state or any of its agencies, with the cooperation of the agency
16 administering and having jurisdiction thereof, and on any other
17 lands within the district upon obtaining the consent of the owner of
18 such lands or the necessary rights or interests in such lands, in
19 order to demonstrate by example the means, methods, and measures by
20 which the conservation of renewable natural resources may be carried
21 out;

22 3. Carry out preventive and control measures and works of
23 improvement for the conservation of renewable natural resources

1 within the district including, but not limited to, engineering
2 operations, methods of cultivation, the growing of vegetation and
3 changes in use of land on lands owned or controlled by this state or
4 any of its agencies, with the cooperation of the agency
5 administering and having jurisdiction thereof, and on any other
6 lands within the district upon obtaining the consent of the owner of
7 such lands or the necessary rights or interests in such lands;

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

14 5. Obtain options upon and to acquire, by purchase, exchange,
15 lease, gift, grant, bequest, devise or otherwise, any property, real
16 or personal, or rights or interests therein; to maintain, administer
17 and improve any properties acquired; and to:

18 a. receive income from such properties and to expend such
19 income in carrying out the purposes and provisions of
20 the Conservation District Act, and

21 b. sell, lease or otherwise dispose of any of its
22 property or interests therein, all in furtherance of
23 the purposes and provisions of the Conservation

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

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

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

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

22 9. Acquire by purchase, lease or otherwise, and to administer
23 any project or program concerned with the conservation of renewable

1 natural resources located within its boundaries undertaken by any
2 federal, state or other public agency; and to:

- 3 a. accept donations, gifts and contributions, in money,
4 services, materials or otherwise, from the United
5 States or any of its agencies, or from this state or
6 any of its agencies, or from any other source, and
- 7 b. use or expend such moneys, services, materials or
8 other contributions in carrying out the purposes of
9 the Conservation District Act, and
- 10 c. enter into contracts and negotiate with any agency of
11 the United States or the State of Oklahoma in any plan
12 related to the conservation of renewable natural
13 resources;

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

- 15 a. have a seal, which seal shall be judicially noticed,
- 16 b. make and execute contracts and other instruments
17 necessary or convenient to the exercise of its powers,
18 and
- 19 c. make, and from time to time amend and repeal, rules
20 and regulations not inconsistent with the Conservation
21 District Act to carry into effect its purposes and
22 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.

1 D. Soil and water conservation district directors have the
2 authority to accept appointment to serve as members of local,
3 municipal, county, regional and state planning agencies, boards,
4 commissions and authorities and districts may participate in the
5 funding thereof and performance of works and projects thereunder.

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

10 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,
11 dated 2-19-07 - DO PASS, As Amended and Coauthored.