

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1695

By: Bass

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5
6 AS INTRODUCED

7 An Act relating to funding for conservation projects;
8 stating legislative findings; requesting legislative
9 consideration of certain funding issues relating to
10 flood control and dam rehabilitation projects;
11 providing for noncodification; and declaring an
12 emergency.

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

14 SECTION 1. NEW LAW A new section of law not to be
15 codified in the Oklahoma Statutes reads as follows:

16 A. The Legislature hereby finds the following conservation
17 needs are urgent and it is necessary and appropriate for the state
18 to implement a funding source to finance these projects, which may
19 include the issuance of a new bond program, on behalf of the
20 citizens of our state. The Governor and members of the Legislature
21 should give serious consideration to developing a conservation bond
22 program to address the following requests for funding and otherwise
23 appropriate funding for these issues in this year's state budget:

24 1. Thirty Million Dollars (\$30,000,000.00) to address backlog
and ongoing Operation and Maintenance needs for dams;

1 2. Thirty-two Million Dollars (\$32,000,000.00) to match federal
2 funds, thirty-five percent (35%) state and sixty-five percent (65%)
3 federal, for rehabilitation of dams;

4 3. Eight Million Dollars (\$8,000,000.00) to restore
5 conservation systems resulting from flood events in 2007;

6 4. One Million Dollars (\$1,000,000.00) to establish an
7 equipment revolving fund for conservation districts;

8 5. Two Million One Hundred Thousand Dollars (\$2,100,000.00)
9 needed to help county commissioners with roadside erosion damages;
10 and

11 6. Ten Million Dollars (\$10,000,000.00) to plan, design and
12 initiate construction of flood protections measures for the City of
13 Kingfisher, Oklahoma.

14 B. Operation and Maintenance: Oklahoma's 2,105 flood water
15 retarding dams represent a Two-Billion-Dollar public infrastructure
16 that provides more than Seventy-five Million Dollars
17 (\$75,000,000.00) in benefits annually to the state. Conservation
18 districts have a legally binding agreement with the federal
19 government to have specified annual operation and maintenance (O&M)
20 performed at the expense of the district. Lack of adequate funding
21 for several years has resulted in a backlog of required O&M. The
22 estimated cost to fund the backlog and meet ongoing O&M needs for
23 the next five (5) years is Thirty Million Dollars (\$30,000,000.00).
24 This investment in the state's flood control infrastructure will

1 prevent loss of life, property, roads, and bridges that can occur in
2 a flood event when improperly maintained dams fail. Up-to-date O&M
3 is also required before a watershed dam can qualify for federal
4 rehabilitation funding.

5 C. Rehabilitation: The state mandated dam safety criteria for
6 Oklahoma's 2,105 watershed dams is an ever-increasing concern as
7 uncontrolled residential and business development occurs within the
8 breach inundation area of a dam. Development below the dam results
9 in the reclassification of a dam to a high-hazard class, thus
10 requiring state mandated modifications. The federal Watershed
11 Rehabilitation Program offers sixty-five percent (65%) cost share to
12 match the state's thirty-five percent (35%) share to rehabilitate a
13 dam to meet dam safety criteria. Currently, Oklahoma has 188 high-
14 hazard dams requiring rehabilitation. The state's share for dam
15 rehabilitation for the next five (5) years is estimated at Thirty-
16 two Million Dollars (\$32,000,000.00). This amount will provide
17 match for an additional Fifty-eight Million Dollars (\$58,000,000.00)
18 in federal funds to total Eighty-seven Million Dollars
19 (\$87,000,000.00) and will allow rehabilitation of an additional
20 fifty-five dams. Considering ten completed dam rehabilitations,
21 four dams currently under rehabilitation construction and another
22 ten dams to be contracted from funds already committed, this would
23 bring the total of completed dam rehabilitations to seventy-nine, or
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1 forty-two percent (42%) of the 188 high-hazard dams needing
2 rehabilitation.

3 D. Conservation system restoration: Conservation systems and
4 practices destroyed, damaged or needed as a result of 2007 flood
5 events are estimated at a minimum of Eight Million Dollars
6 (\$8,000,000.00). This amount is needed over the next two (2) years
7 to effectively rebuild, repair or construct ponds, terraces,
8 waterways, reestablish vegetation and to implement other
9 conservation practices. Technical assistance and cost-share funding
10 will be required to effectively address this need.

11 E. Equipment Revolving Fund: A shortage of contactors to put
12 conservation practices in place, as well as water quality protection
13 needs, justifies the establishment of an equipment revolving fund of
14 One Million Dollars (\$1,000,000.00). The fund would allow
15 conservation districts to borrow the funds needed to purchase
16 equipment that in turn would be leased to producers to provide an
17 erosion prevention or water quality protection benefit. The
18 purchase loan would be repaid by the conservation district to the
19 fund through rental fees paid by producers using the equipment.

20 F. Roadside Erosion: Conservation districts and the
21 Conservation Commission estimate that Two Million One Hundred
22 Thousand Dollars (\$2,100,000.00) is needed to work cooperatively
23 with county commissioners to facilitate drainage for conservation
24 systems and reduce erosion in roadside right of ways. Technical

1 assistance and cost-share funding will be needed to effectively
2 address this need.

3 G. Flood protection for Kingfisher: The City of Kingfisher has
4 long been plagued by the ravages of flooding. Funds are needed for
5 the Conservation Commission in cooperation with the city, county and
6 the Kingfisher County Conservation District to plan and begin
7 construction of a comprehensive system that will protect the city
8 from flooding. Ten Million Dollars (\$10,000,000.00) will provide
9 funds for planning, design and initial construction of such a
10 system. It will also provide seed money to attract federal dollars
11 needed to complete construction.

12 SECTION 2. It being immediately necessary for the preservation
13 of the public peace, health and safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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