

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1766

By: Wyrick

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5
6 AS INTRODUCED

7 An Act relating to conservation districts; amending
8 27A O.S. 2001, Section 3-2-106, which relates to
9 powers and duties of the Oklahoma Conservation
10 Commission; authorizing Commission to establish
11 certain Equipment Revolving Fund; stating purpose;
12 authorizing Commission to establish Conservation
13 District Consolidation Fund; stating purpose;
14 amending 27A O.S. 2001, Section 3-3-102, which
15 relates to conservation district officers; removing
16 secretary position; amending 27A O.S. 2001, Section
17 3-3-103, which relates to district employees;
18 authorizing the districts to hire employees on at-
19 will basis; stating legal representation by certain
20 public officials; amending 27A O.S. 2001, Section 3-
21 3-108, which relates to conservation programs;
22 removing reference to certain alternative programs;
23 stating conservation districts responsibilities for
24 certain flood control activities; amending 27A O.S.
2001, Section 3-3-201, as amended by Section 6,
Chapter 479, O.S.L. 2003 (27A O.S. Supp. 2007,
Section 3-3-201), which relates to conservation
district directors; providing terms of office;
providing per diem payments; amending 27A O.S. 2001,
Section 3-3-301, which relates to conservation
district elections; modifying date of annual
elections; amending 27A O.S. 2001, Section 3-3-302,
which relates to conservation district elections;
modifying time of filing period; amending 27A O.S.
2001, Section 3-3-303, which relates to election
candidates; modifying time period for candidate
filings; amending 27A O.S. 2001, Section 3-3-304,
which relates to election of directors; authorizing
the Commission to prescribe ballots and declare
elections; authorizing districts to participate in
certain public employee health and dental insurance

1 plans; authorizing payment of employee premiums;
2 authorizing transferring employees to retain certain
3 benefits; repealing 27A O.S. 2001, Section 3-3-110,
4 which relates to legal representation for districts;
5 providing for codification; and declaring an
6 emergency.

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

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

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

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

- 16 a. assist and guide districts in the preparation and
17 carrying out of programs for resource conservation
18 authorized under the Conservation District Act,
- 19 b. review district programs,
- 20 c. coordinate the programs of the several districts and
21 resolve any conflicts in such programs, and
- 22 d. facilitate, promote, assist, harmonize, coordinate and
23 guide the resource conservation programs and
24 activities of districts as they relate to other

1 special purpose districts, counties and other public
2 agencies;

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

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

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

18 5. Disseminate information throughout the state concerning the
19 activities and programs of the conservation districts and to make
20 available information concerning the needs and the work of the
21 conservation districts and Commission to the Governor, the
22 Legislature, executive agencies of the government of this state,
23 political subdivisions of this state, cooperating federal agencies
24 and the general public;

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

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

13 8. Recommend the inclusion in annual and longer term budgets
14 and appropriation legislation of the State of Oklahoma of funds
15 necessary for appropriation by the Legislature to finance the
16 activities of the Commission and the conservation districts and to:

17 a. administer the provisions of the Conservation District
18 Act hereafter enacted by the Legislature appropriating
19 funds for expenditure in connection with the
20 activities of conservation districts,

21 b. distribute to conservation districts funds, equipment,
22 supplies and services received by the Commission for
23 that purpose from any source, subject to such
24 conditions as shall be made applicable thereto in any

1 state or federal statute or local ordinance making
2 available such funds, property or services,

3 c. issue regulations establishing guidelines and suitable
4 controls to govern the use by conservation districts
5 of such funds, property and services; and to review
6 all budgets, administrative procedures and operations
7 of such districts and advise the districts concerning
8 their conformance with applicable laws and
9 regulations;

10 9. Enlist the cooperation and collaboration of state, federal,
11 regional, interstate, local, public and private agencies with the
12 conservation districts and to facilitate arrangements under which
13 the conservation districts may serve county governing bodies and
14 other agencies as their local operating agencies in the
15 administration of any activity concerned with the conservation of
16 renewable natural resources;

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

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

6 12. Except as otherwise assigned by law, carry out the policies
7 of this state in programs at the state level for the conservation of
8 the renewable natural resources of this state and represent the
9 state in matters affecting such resources;

10 13. Assist conservation districts in obtaining legal services
11 from state and local legal officers;

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

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

19 16. Conduct workshops for district directors to instruct them
20 on the subjects of district finances, the Conservation District Law
21 and related laws, and their duties and responsibilities as
22 directors;

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

1 18. Have power, by administrative order, upon the written
2 request of the board of directors of the conservation district or
3 districts involved, with a showing that such request has been
4 approved by a majority vote of the members of each of the boards
5 involved, to:

- 6 a. transfer lands from one district established under the
7 provisions of the Conservation District Act to
8 another,
- 9 b. divide a single district into two or more districts,
10 each of which shall thereafter operate as a separate
11 district under the provisions of the Conservation
12 District Act, and
- 13 c. consolidate two or more districts established under
14 the provisions of the Conservation District Act, which
15 consolidated area shall operate thereafter as a single
16 district under the provisions of the Conservation
17 District Act;

18 19. Except as otherwise provided by law, act as the management
19 agency having jurisdiction over and responsibility for directing
20 nonpoint source pollution prevention programs outside the
21 jurisdiction or control of cities or towns in Oklahoma. The
22 Commission, otherwise, shall be responsible for all identified
23 nonpoint source categories except silviculture, urban storm water
24 runoff and industrial runoff;

1 20. Establish and maintain an Equipment Revolving Fund for the
2 purpose of loaning conservation districts funds to purchase
3 equipment to be used for the installation of conservation practices.
4 The fund shall consist of all monies appropriated to, deposited in
5 or credited to the fund;

6 21. Establish and maintain a Conservation District
7 Consolidation Fund for the purpose of providing financial assistance
8 to conservation districts who choose to consolidate as outlined in
9 subparagraph c of paragraph 18 of this subsection. The fund shall
10 consist of all monies appropriated to, deposited in or credited to
11 the fund;

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

19 ~~21.~~ 23. Plan watershed-based nonpoint source pollution control
20 activities, including the development and implementation of
21 conservation plans for the improvement and protection of the
22 resources of the state;

23 ~~22.~~ 24. Provide assistance to the Oklahoma Water Resources
24 Board on lake projects through stream and river monitoring,

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

3 ~~23.~~ 25. Maintain the activities of the state's nonpoint source
4 working group;

5 ~~24.~~ 26. 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.~~ 27. Under the direction of the Office of the Secretary of
13 the Environment, develop and implement the state's nonpoint source
14 water quality monitoring strategy in coordination with other
15 environmental agencies;

16 ~~26.~~ 28. 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.~~ 29. Administer the Blue Thumb Program;

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1 ~~28.~~ 30. Enter into agreements or contracts for services with
2 any of the substate planning districts recognized by the Oklahoma
3 Department of Commerce;

4 ~~29.~~ 31. 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.~~ 32. 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.

13 B. Nothing in this act shall take away any of the present
14 duties or responsibilities delegated by law or constitution to other
15 environmental agencies.

16 SECTION 2. AMENDATORY 27A O.S. 2001, Section 3-3-102, is
17 amended to read as follows:

18 Section 3-3-102. A. At the first meeting following each annual
19 election, the board of directors shall organize and shall select and
20 designate a ~~chairman~~ chair, ~~vice-chairman~~ vice-chair and a
21 ~~secretary-treasurer. The secretary-treasurer may be a director.~~
22 ~~The secretary-treasurer shall give a good and sufficient bond paid~~
23 ~~for by the district for the faithful performance of his duties.~~
24 Notice of the new organization shall be filed with the Conservation

1 Commission ~~no later than May 1 of each year~~ annually as prescribed
2 by the Commission.

3 B. A majority of the directors shall constitute a quorum and
4 the concurrence of a majority in any matter within their duties
5 shall be required for its determination.

6 SECTION 3. AMENDATORY 27A O.S. 2001, Section 3-3-103, is
7 amended to read as follows:

8 Section 3-3-103. A. The directors of a district may employ a
9 secretary, technical experts and such other ~~assistants~~ employees as
10 necessary and determine their duties and compensation. The
11 ~~Commission may, upon the request and with the approval of the~~
12 ~~directors of a district, employ and/or assign technical experts for~~
13 ~~work within the district and may require as a condition to the~~
14 ~~assignment of technical experts to work in such district that said~~
15 ~~district share in the payment of the salary and expenses of the~~
16 ~~technical experts so assigned.~~ Employees of a conservation district
17 are at-will employees.

18 B. The district attorney within whose jurisdiction a majority
19 of the area of the district is situated shall act as legal advisor
20 for the board of directors and shall afford the board like
21 representation as is now provided for other county officers. The
22 directors may call upon the Attorney General of the state for such
23 legal services as they may require, or may employ their own counsel.

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1 C. The directors may delegate, to their chairman, to one or
2 more directors, or to one or more agents or employees such powers
3 and duties as they may deem proper.

4 ~~B.~~ D. The directors shall furnish to the commission copies of
5 such ordinances, rules, regulations, orders, contracts, forms and
6 other documents as they shall adopt or employ, and such other
7 information concerning their activities as it may require in the
8 performance of its duties under the Conservation District Act.

9 SECTION 4. AMENDATORY 27A O.S. 2001, Section 3-3-108, is
10 amended to read as follows:

11 Section 3-3-108. A. 1. Each district organized under the
12 Conservation District Act shall prepare and keep current a long-
13 range program for the conservation of all the renewable natural
14 resources of the district. Such program shall be directed toward
15 conservation of resources for their best uses and in a manner that
16 will best meet the needs of the district and the state, and be
17 consistent with the best uses of the renewable natural resources of
18 the state.

- 19 2. The program shall include:
- 20 a. an inventory of all renewable natural resources in the
 - 21 district,
 - 22 b. a compilation of current resource needs,
 - 23 c. projections of future resource requirements,
 - 24 d. priorities for various resource activities,

- 1 e. projected timetables, and
2 f. ~~descriptions of available alternatives, and~~
3 ~~g.~~ provisions for coordination with other resource
4 programs.

5 B. The district shall also prepare an annual work plan, which
6 shall describe the action programs, services, facilities, materials,
7 working arrangements and estimated funds needed to carry out the
8 parts of the long-range program that are of the highest priorities.

9 C. 1. Every district shall publish an annual report of its
10 plans, programs, activities, budget, receipts and expenditures.

11 2. The report shall include therein:

- 12 a. descriptions of its official Resources Conservation
13 Program,
14 b. the current annual program related thereto, and
15 c. the status of all activities initiated under the
16 program.

17 3. Each district:

- 18 a. shall submit copies of each annual report to the
19 Governor of the state and to the State Conservation
20 Commission, which shall furnish a copy thereof to the
21 appropriate state legislative officers, in accordance
22 with regulations concerning such reports to be issued
23 by the Commission,
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1 b. shall make copies of such reports, and summaries and
2 digests thereof, available to all federal, state and
3 local cooperating agencies and shall make suitable
4 distribution to the general public, and

5 c. may publish such additional information and reports as
6 may be necessary and appropriate.

7 D. Every district shall, through public hearings, publications
8 and other means, keep the general public, and all operators or
9 occupiers of land within the district, informed of the works and
10 activities planned and administered by the district, of the purposes
11 these will serve, of the income and expenditures of the district,
12 the purposes for which such funds are expended, and of the results
13 achieved annually by the district.

14 E. Each district shall submit to the Commission its proposed
15 long-range program and annual work plans for adoption, rejection,
16 modification or revision.

17 SECTION 5. AMENDATORY 27A O.S. 2001, Section 3-3-201, as
18 amended by Section 6, Chapter 479, O.S.L. 2003 (27A O.S. Supp. 2007,
19 Section 3-3-201), is amended to read as follows:

20 Section 3-3-201. A. The governing body of the district shall
21 consist of five (5) directors, elected or appointed as provided in
22 the Conservation District Act.

1 B. 1. Three directors shall be elected for a term of three (3)
2 years and shall be elected for staggered terms ~~as provided by the~~
3 ~~Conservation District Act~~ beginning July 1 and ending June 30.

4 2. The three elected directors' positions shall be designated
5 as position number one, position number two and position number
6 three by the Commission.

7 3. To be eligible for election as a director of a conservation
8 district, a person must be a registered voter in said district, and
9 must be a cooperator of said district.

10 C. Two directors for each district shall be appointed by the
11 Commission to serve a term of two (2) years beginning July 1 and
12 ending June 30. The Commission shall issue a certificate of
13 appointment to all appointed directors. Initially one director shall
14 serve for a period of one (1) year and one director for a period of
15 two (2) years.

16 D. ~~A director shall hold office until the director's successor~~
17 ~~or replacement has been elected or appointed, and qualified.~~

18 ~~E.~~ Any director may be removed from office by the Commission,
19 upon notice and hearing, for neglect of duty or for malfeasance in
20 office.

21 ~~F.~~ E. All vacancies in the office of an elected or appointed
22 director shall be filled for the unexpired term by the Commission.

1 ~~G.~~ F. Directors shall be entitled to be reimbursed by the
2 district for actual expenses incurred in the official performance of
3 their duties.

4 ~~H.~~ G. District directors may be paid a per diem ~~of Twenty five~~
5 ~~Dollars (\$25.00) per meeting~~ for attending monthly district board
6 meetings ~~and for such other area and state meetings as are called by~~
7 in an amount established by the Oklahoma Conservation Commission.

8 I. If any director shall, during his or her term of office as
9 director, be elected or appointed to any county or state elective
10 office, or if he or she shall file as a candidate for the nomination
11 to be elected to any such other office, his or her office as
12 director shall become vacant and the vacancy shall be filled by
13 appointment of the Commission. Provided, that a district director
14 may also serve on a board of education of a school district.

15 SECTION 6. AMENDATORY 27A O.S. 2001, Section 3-3-301, is
16 amended to read as follows:

17 Section 3-3-301. A. There shall be an election each year in
18 every conservation district on the ~~second~~ first Tuesday in ~~March~~
19 June, which is hereby designated as Conservation District Day, to
20 elect one director in each district.

21 B. All registered voters in a district shall be eligible to
22 vote in such election.

23 SECTION 7. AMENDATORY 27A O.S. 2001, Section 3-3-302, is
24 amended to read as follows:

1 Section 3-3-302. Each district shall give due notice of the
2 filing period for election of district directors, during the first
3 three (3) weeks in ~~January~~ April, setting forth the period in which
4 notifications and declarations of candidacy are to be filed.

5 Due notice shall be given in each district of the election. The
6 last publication of said notice shall be not less than five (5) days
7 before the date of said election. Said notice shall set forth the
8 purpose, time, date and polling places for said election.

9 SECTION 8. AMENDATORY 27A O.S. 2001, Section 3-3-303, is
10 amended to read as follows:

11 Section 3-3-303. Any person found eligible by the Commission to
12 be elected a district director shall have his or her name placed on
13 the official ballot, upon filing with the Commission a notification
14 and declaration of candidacy, during the first two weeks in ~~February~~
15 May. The notification and declaration shall be in the form
16 prescribed by the Commission.

17 SECTION 9. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3-3-411 of Title 27A, unless
19 there is created a duplication in numbering, reads as follows:

20 Except as otherwise provided by state or federal law, a
21 conservation district's responsibility for constructing, improving,
22 repairing, operating or maintaining any structure for the purpose of
23 flood control pursuant to any contractual, statutory, regulatory or
24 other legal authority or obligation, shall not be deemed to include

1 maintaining, protecting or improving the quality of any soil, air,
2 groundwater or surface water or biota affected by, near or
3 comprising any part of said structure, including any water, soil or
4 sediment pooled, impounded or diverted by said structure, including
5 but not limited to, monitoring, limiting, or abating or otherwise
6 controlling or eliminating any point source or nonpoint source
7 pollution or any other biological, chemical, radiological or
8 physical contamination by any source or mechanism.

9 SECTION 10. AMENDATORY 27A O.S. 2001, Section 3-3-304,
10 is amended to read as follows:

11 Section 3-3-304. A. The Conservation Commission shall
12 designate the polling places in the district.

13 B. The names of all candidates who have filed a proper
14 notification and declaration and have been found eligible by the
15 Commission within the time herein designated shall be printed,
16 ~~arranged in the alphabetical order of the surnames, upon ballots,~~
17 ~~with a square before each name and a direction to insert an "X" mark~~
18 ~~in the square before one name to indicate the voter's preference on~~
19 a ballot prescribed by the Commission.

20 C. ~~The board of directors of said district shall certify the~~
21 ~~results of said election to the Commission, whereupon said~~
22 Commission shall declare the candidate receiving the largest number
23 of votes cast in such election, elected.

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1 D. When two or more candidates receive the same number of votes
2 cast, a runoff election shall be held within thirty (30) days from
3 date of the first election in the manner prescribed above.

4 E. The Commission shall prescribe regulations for holding
5 elections pursuant to the provisions of this section, pay for such
6 elections, supervise the conduct thereof and shall publish the
7 results thereof.

8 F. When only one qualified ~~person~~ candidate files a
9 notification and declaration of candidacy for the office of director
10 in a district as provided herein, no election shall be necessary and
11 the Commission shall declare such person elected.

12 G. The Commission shall issue a certificate to all elected
13 directors signifying their election to the office of director of
14 said district.

15 SECTION 11. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3-3-412 of Title 27A, unless
17 there is created a duplication in numbering, reads as follows:

18 Directors of a conservation district may elect to participate in
19 the health or dental insurance plan offered by the conservation
20 district to its employees as provided for in the State and Education
21 Employees Group Insurance Act. The conservation district director
22 shall pay the full cost of the insurance premium for such coverage
23 at the rate prescribed by and pursuant to the terms and conditions
24 of such health or dental plan.

1 SECTION 12. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-3-413 of Title 27A, unless
3 there is created a duplication in numbering, reads as follows:

4 A conservation district employee who transfers to a state agency
5 shall not lose the service time such employee has accrued for the
6 purposes of calculating longevity benefits and leave benefits.

7 SECTION 13. REPEALER 27A O.S. 2001, Section 3-3-110, is
8 hereby repealed.

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

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