

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2613

By: DeWitt

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5  
6 AS INTRODUCED

7 An Act relating to consolidation of state agencies;  
8 transferring certain powers and duties of the Scenic  
9 Rivers Commission to the Oklahoma Conservation  
10 Commission; specifying the transfer of certain  
11 property, assets, liabilities, fund balance, and  
12 obligations; providing for transfer of employees and  
13 procedures related to leave and benefits; requiring  
14 conveyances by specified date; providing for transfer  
15 of monies; providing for succession to certain  
16 rights; providing for continued effect of  
17 administrative rules; providing for fee amounts;  
18 providing for effect of certain records; defining  
19 certain employees; authorizing employment of seasonal  
20 employees; prescribing procedures related to seasonal  
21 employees; prescribing penalties for certain  
22 statements or representations; authorizing  
23 administrative fines; authorizing administrative law  
24 judges or hearing officer; imposing criminal  
penalties for certain noncompliance; providing  
criminal penalties not exclusive; providing for  
payment of attorney fees and costs; providing for  
apportionment of fees, fines and monies; authorizing  
emergency orders; prescribing procedures related  
thereto; authorizing certain notices; creating Scenic  
River Advisory Council; providing for membership;  
prescribing terms; imposing duties; providing for  
reimbursement; providing for selection of chair;  
authorizing meetings; providing for vacancies and  
procedures related thereto; authorizing powers to the  
Oklahoma Conservation Commission; authorizing  
administrative rules; authorizing fees; making  
legislative findings; providing for appointment of  
peace officers; prescribing powers of officers;  
authorizing retention of certain items; providing for  
seasonal personnel; authorizing contracts; amending

1 27A O.S. 2011, Sections 3-1-103, 3-2-106 and 3-3-114,  
2 which relate to the Oklahoma Conservation Commission;  
3 defining terms; modifying powers and duties of the  
4 Commission; modifying definitions; amending 82 O.S.  
5 2011, Sections 1451, 1452, 1454, 1455, 1462B, 1462C,  
6 1464, 1465, 1466 and 1467, which relate to the Scenic  
7 Rivers Act; modifying short title; modifying  
8 definition; modifying the acquisitions of certain  
9 access points; modifying penalties; modifying petty  
10 cash fund; modifying revolving fund; modifying  
11 violations; modifying reference to Scenic River  
12 areas; repealing 82 O.S. 2011, Sections 1457, 1458,  
13 1460, 1461, 1462, 1462A, 1463, 1468, 1469, 1470 and  
14 1471, which relate to the Scenic Rivers Act;  
15 providing for codification; providing for  
16 recodification; providing an effective date; and  
17 declaring an emergency.

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

19 SECTION 1. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 3-2-111 of Title 27A, unless  
21 there is created a duplication in numbering, reads as follows:

22 A. Effective July 1, 2012, all powers, duties, functions, and  
23 responsibilities of the Scenic Rivers Commission relating to the  
24 public use and enjoyment, ownership and control of public access  
points to the scenic river areas, issuance of use permits and  
licenses, law enforcement on and around the scenic rivers,  
activities which impact the proper protection of the aesthetic,  
scenic, historic, archeological and scientific features of the  
scenic river areas, land use, and other standards and management  
matters that are within the jurisdiction of the Oklahoma Tourism and

1 Recreation Commission shall be transferred to the Oklahoma  
2 Conservation Commission, including the transfer of all real  
3 property, buildings, furniture, equipment, vehicles, supplies,  
4 records, personnel, assets, current and future liabilities, fund  
5 balances, encumbrances, obligations, and indebtedness associated  
6 with the Scenic Rivers Commission.

7       B. Effective July 1, 2012, all powers, duties, functions, and  
8 responsibilities of the Scenic Rivers Commission relating to the  
9 water quality, public and private water supplies from scenic rivers,  
10 public and private wastewater treatment matters impacting scenic  
11 rivers, water protection and discharges to scenic rivers, activities  
12 which impact the proper protection of the environmental features of  
13 the scenic river areas, and any other environmental standards and  
14 management matters that are within the jurisdiction of the Oklahoma  
15 Conservation Commission shall be transferred to the Oklahoma  
16 Conservation Commission, including the transfer of all real  
17 property, buildings, furniture, equipment, vehicles, supplies,  
18 records, personnel, assets, current and future liabilities, fund  
19 balances, encumbrances, and obligations associated with the Scenic  
20 Rivers Commission.

21       C. For purposes of this section, the Scenic Rivers Commission  
22 shall mean the Scenic Rivers Commission as created in Section 1461  
23 of Title 82 of the Oklahoma Statutes which has an operating area for  
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1 the Illinois and Flint Creeks within Adair, Cherokee and Delaware  
2 Counties and for the Barren Fork Creek within Cherokee County.

3 D. All employees of the Scenic Rivers Commission on the  
4 effective date of this act, including related liabilities for sick  
5 leave, annual leave, holidays, unemployment benefits, and workers'  
6 compensation benefits accruing prior to July 1, 2012, to these  
7 personnel shall be transferred to the Oklahoma Conservation  
8 Commission as of July 1, 2012. It is the intent of the Legislature  
9 that, to the extent possible, the Oklahoma Conservation Commission  
10 ensures that the employees retain pay and benefits, as much as  
11 possible, including longevity, dependent insurance benefits,  
12 seniority, rights, and other privileges or benefits.

13 E. Appropriate conveyances and other documents shall be  
14 executed by January 1, 2013, to effectuate the transfer of property  
15 owned by the Scenic Rivers Commission to the Oklahoma Conservation  
16 Commission.

17 F. Any monies donated or accruing to or in the name of the  
18 Scenic Rivers Commission after July 1, 2012, for the purpose of  
19 pollution control, protection, and conservation within the Illinois  
20 River basin or other designated scenic river shall be transferred to  
21 the Oklahoma Conservation Commission.

22 G. Any other monies from appropriations, fees, licenses, fines,  
23 penalties, or other similar types of monies that accrue in any funds  
24 or accounts after July 1, 2012, in the name of the Scenic Rivers

1 Commission or maintained for the benefit of the Scenic Rivers  
2 Commission are also transferred to the Oklahoma Conservation  
3 Commission.

4 H. The Oklahoma Conservation Commission shall succeed to any  
5 contractual rights, easement rights, lease rights, and  
6 responsibilities incurred by the Scenic Rivers Commission.

7 I. All rules of the Scenic Rivers Commission that are in effect  
8 on July 1, 2012, shall be enforceable by the Oklahoma Conservation  
9 Commission until the Commission establishes rules.

10 J. All fee amounts established in Section 1470 of Title 82 of  
11 the Oklahoma Statutes shall remain in effect until the Oklahoma  
12 Conservation Commission establishes and promulgates rules.

13 SECTION 2. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 3-2-112 of Title 27A, unless  
15 there is created a duplication in numbering, reads as follows:

16 A. The records, files, and books of the Oklahoma Conservation  
17 Commission shall be receivable as evidence.

18 B. Duly certified copies of any book, record, file, or  
19 proceeding, or any part, shall be competent as a matter of evidence  
20 in court when certified as a copy by the officer in charge of the  
21 book, file, record, proceeding or part thereof or by the Executive  
22 Director of the Commission.

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1 SECTION 3. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3-2-113 of Title 27A, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. For the purposes and needs of the Oklahoma Conservation  
5 Commission, seasonal employees shall be unclassified employees  
6 employed by the Commission who work less than one thousand six  
7 hundred (1,600) hours in any twelve-month period.

8 B. The Commission may employ seasonal employees throughout the  
9 calendar year and these employees shall be in the unclassified  
10 service of the state as provided by the Oklahoma Personnel Act of  
11 the Oklahoma Statutes. These seasonal employees shall not be  
12 entitled to paid leave, paid holidays, retirement, health, dental or  
13 life insurance, and shall be exempt from any laws, rules, or  
14 practices providing for such benefits.

15 C. The Commission, in its annual budget request, shall include  
16 a summary of the use of seasonal employees, which shall include the  
17 number of workers employed under the provisions of this section and  
18 the total wages paid to these employees.

19 SECTION 4. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 3-2-114 of Title 27A, unless  
21 there is created a duplication in numbering, reads as follows:

22 In addition to other penalties as may be imposed by law, it is a  
23 violation of the Conservation District Act including the Scenic  
24 Rivers Act and the Oklahoma Carbon Sequestration Enhancement Act for

1 any person to knowingly make or provide any false statement,  
2 representation, or certification to the Oklahoma Conservation  
3 Commission or to knowingly render inaccurate any monitoring or  
4 measuring device or information thereof.

5 SECTION 5. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 3-2-405 of Title 27A, unless  
7 there is created a duplication in numbering, reads as follows:

8 A. After notice and opportunity for a hearing in accordance  
9 with the Administrative Procedures Act, if the Oklahoma Conservation  
10 Commission finds any person in violation of the Scenic Rivers Act or  
11 any rule promulgated or order issued pursuant thereto, the  
12 Commission shall have the authority to assess an administrative  
13 penalty of not less than Fifty Dollars (\$50.00) and not more than  
14 Five Hundred Dollars (\$500.00) for each violation. Each action or  
15 each day a violation continues may constitute a separate and  
16 distinct violation.

17 B. The Commission may appoint administrative law judges or  
18 hearing officers to conduct the hearings. Hearings shall be held at  
19 a location within the region in which the alleged violator resides  
20 or the violation occurred, or the central offices of the Oklahoma  
21 Conservation Commission in Oklahoma City, Oklahoma.

22 C. Any person who fails to comply with the provisions of the  
23 Scenic Rivers Act or rules promulgated by the Commission shall be  
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1 deemed guilty of a misdemeanor unless a violation is specifically  
2 identified with a penalty or as a felony.

3 D. Nothing in the Scenic Rivers Act shall preclude the  
4 Commission from seeking penalties in district court in the maximum  
5 amount allowed by law. The assessment of penalties in an  
6 administrative enforcement proceeding shall not prevent the  
7 subsequent assessment by a court of the maximum civil or criminal  
8 penalties for violations of the Scenic Rivers Act and rules  
9 promulgated pursuant thereto.

10 E. Any person assessed an administrative or civil penalty may be  
11 required to pay, in addition to the penalty amount and interest  
12 thereon, attorney fees and costs associated with the collection of  
13 the penalties.

14 F. All penalties, fees, fines, and monies collected shall be  
15 paid to the Commission.

16 G. Whenever the Commission finds that an emergency exists  
17 requiring immediate action to protect the public health, welfare, or  
18 the environment, the Executive Director of the Commission may  
19 without notice or hearing issue an order, effective upon issuance,  
20 reciting the existence of an emergency and requiring that action be  
21 taken as specified in the order to meet the emergency. Any person  
22 to whom an order is directed shall comply immediately but may  
23 request an administrative enforcement hearing within fifteen (15)  
24 days after the order is served. The hearing shall be held by the



1 Commission within ten (10) days after receipt of the request. On  
2 the basis of the hearing record, the Chairman of the Commission  
3 shall sustain or modify the original order.

4 H. The Commission shall have the authority to issue notices of  
5 violation, citations, compliance orders, conditional orders, or any  
6 other order authorized pursuant to the Oklahoma Conservation  
7 District Act including specifically, the Scenic Rivers Act or the  
8 Oklahoma Conservation District Act.

9 SECTION 6. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 3-2-408 of Title 27A, unless  
11 there is created a duplication in numbering, reads as follows:

12 A. There is hereby created the Scenic River Advisory Council.  
13 The Council shall consist of the following seven (7) members and  
14 shall be composed as follows:

- 15 1. The Governor shall appoint three members:
- 16 a. one member representing the recreation industry on or
  - 17 along a scenic river area,
  - 18 b. one member representing a conservation district in a
  - 19 scenic river area, and
  - 20 c. one member of a statewide citizens' conservation, local
  - 21 landowners, or environmental group;

22 2. The President Pro Tempore of the Senate shall appoint two  
23 members:

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- a. one member who shall be a resident of one of the counties containing a scenic river area, and
- b. one member who shall be a representative of the agriculture industry that is actively engaged in production agriculture and is a resident of one of the counties with a scenic river area; and

3. The Speaker of the House of Representatives shall appoint two members:

- a. one member representing a municipality, or a county board of commissioners, and
- b. one member of a statewide citizens' conservation, local landowners, or environmental group.

B. The term of office for each member shall be four (4) years.

C. The Scenic River Advisory Council shall advise and assist the Commission on scenic river matters and help identify existing opportunities, problems, or issues.

D. Members of the Council shall serve without compensation but shall be reimbursed for their actual and necessary expenses as provided in the State Travel Reimbursement Act. The Commission shall, subject to availability of appropriations, provide space for meetings of the Council and shall provide other assistance and staffing needs of the Council.

E. The Council shall select a chair to conduct the meetings and affairs of the Council.

1 F. The Council may hold public meetings each quarter or as  
2 needed. All Council meetings should encourage general public  
3 participation in the formation of plans, standards, procedures, and  
4 rules.

5 G. Vacancies on the Council shall be filled by the appointing  
6 authority. Members shall serve until their respective successors  
7 shall be appointed and qualify unless terminated by death or  
8 resignation. A replacement member shall serve for the remainder of  
9 the unexpired term of the member being replaced.

10 SECTION 7. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 3-2-409 of Title 27A, unless  
12 there is created a duplication in numbering, reads as follows:

13 A. In addition to other powers and duties specified by law and  
14 except as otherwise provided by law, the Oklahoma Conservation  
15 Commission shall have the authority, powers and duty to:

16 1. Prepare and establish minimum standards for planning and  
17 other ordinances and rules for the implementation of the Scenic  
18 Rivers Act by counties, municipalities, or any other local  
19 authorities in the scenic river area. These standards shall:

20 a. be developed and executed in a manner as to protect  
21 and enhance the values which caused the area to be  
22 named a scenic river area without, insofar as is  
23 consistent with the protection and enhancement,  
24 limiting other uses that do not substantially

1 interfere with the protection, public use, and  
2 enjoyment of these values,

3 b. emphasize protecting the aesthetic, scenic, historic,  
4 archeological, and scientific features of the scenic  
5 river area with due consideration being given to the  
6 orderly development of the lands adjacent and  
7 contiguous to the scenic river area, and

8 c. not be less rigid or exacting than those established  
9 by any other federal or state agency having  
10 jurisdiction in respect to the subject covered by the  
11 particular standard;

12 2. Promulgate rules for the collection and administration of  
13 the fees and fines imposed pursuant to the provisions of the Scenic  
14 Rivers Act;

15 3. Promulgate rules and issue orders as necessary to protect  
16 the public interest and to achieve the purposes of the Scenic Rivers  
17 Act;

18 4. Establish fees for use of camping sites located in public  
19 use and access areas controlled by the Commission. The fees charged  
20 by the Commission shall not exceed the rate charged by the Oklahoma  
21 Tourism and Recreation Department for camping sites. The Commission  
22 is authorized to promulgate rules to implement the fees;

23 5. Establish fees for the licensing of both private and  
24 commercial flotation devices on Oklahoma designated scenic rivers;

1       6. Engage in or supervise the conduct of studies, make a plan  
2 or plans, receive, disburse, and allocate monies granted or  
3 appropriated to it, and do all things, whether expressly enumerated  
4 in the Scenic Rivers Act or not, which may be lawful and necessary  
5 and proper for the accomplishment of the purposes of the Scenic  
6 Rivers Act;

7       7. Act in cooperation with all federal, state, and local  
8 governments and agencies thereof to implement the purposes of the  
9 Scenic Rivers Act;

10       8. Prepare and adopt a management plan or plans to guide and  
11 control private activities and public programs and to include  
12 varying degrees of protection and development based on the special  
13 attributes of the area;

14       9. Provide, where appropriate in the discretion of the  
15 Commission, for the review and consideration by the Commission of  
16 the impact on the natural and aesthetic environment within the  
17 Commission's operating area related to any existing or proposed  
18 action by public agencies, private individuals or any other  
19 activity;

20       10. Accept real and personal property that is granted,  
21 bequeathed, devised, or conveyed to the Commission to implement the  
22 purposes of the Scenic Rivers Act, upon such trusts and conditions  
23 as may be prescribed by the grantors or divisors, upon approval of  
24 the Commission;

1           11. Enter into contracts to implement the purposes of the  
2 Scenic Rivers Act and may accept gifts and grants, whether the  
3 grants be of federal or other funds or real or personal property;

4           12. Identify public and private nuisances which are adverse to  
5 the purposes of the Scenic Rivers Act and take such action as  
6 permitted by law to remove the public nuisances;

7           13. Own and control public access points to the scenic river  
8 area, issue use permits, and purchase easements and fee title to  
9 land within the Commission's operating area. Legal title to  
10 property shall be held in the name of the Oklahoma Conservation  
11 Commission as an agency of the State of Oklahoma;

12           14. Review any action taken by any local, municipal, or county  
13 authority within the operating area of the Commission in an  
14 administrative adjudicatory proceeding brought upon the petition of  
15 any officer or agency of this state or of any person acting in  
16 behalf of the public interest, to determine whether such action  
17 conforms to the standards promulgated by the Commission or has an  
18 adverse effect upon the proper achievement of the purposes of the  
19 Scenic Rivers Act. Upon a finding that such action does not so  
20 conform or does have such adverse effect, the Commission may order  
21 that the action be nullified, superseded, or amended to the extent  
22 necessary to produce such conformity or eliminate such adverse  
23 effect. The Commission may issue such orders as may be necessary  
24 and proper to effectuate its primary order;

1       15. Bring an action in the district court of any county of the  
2 state where service can be obtained on one or more of the  
3 defendants, to enjoin the acts or practices which appear to  
4 constitute a violation of any provision of the Scenic Rivers Act or  
5 any rule or order promulgated and to enforce compliance with the  
6 provisions of the Scenic Rivers Act or any rule or order. Upon a  
7 proper showing, a restraining order, permanent or temporary  
8 injunction, writ of mandamus, or other appropriate remedies  
9 including damages shall be granted. The court may not require the  
10 Commission to post a bond; and

11       16. Suspend the effectiveness of any action taken by a  
12 municipality or county within the designated operating area of such  
13 Commission when, in the exercise of alleged local functions, it  
14 appears the action has or may have an adverse effect upon the proper  
15 achievement of the purposes of the Scenic Rivers Act, whereupon all  
16 proceedings thereunder shall be held in abeyance upon receipt of  
17 written notice from the Executive Director pending a final  
18 determination of the Commission in regard to such action. If it is  
19 determined that such adverse effects exist, the Commission may  
20 nullify, supersede, or amend said action only to the extent  
21 necessary to achieve the purposes of the Scenic Rivers Act.

22       B. The Legislature finds that the protection and development of  
23 the state's scenic river areas and adjacent and contiguous lands and  
24 quality of outstanding resource waters included within the

1 Commission's jurisdiction should be provided for by properly planned  
2 and executed rules promulgated by the Commission that respect public  
3 services, land use, occupancy, structures, lot and plot sizes,  
4 density of population and other activities as required for the  
5 proper protection of the aesthetic, scenic, historic, archeological  
6 and scientific features of the affected areas, or deemed necessary  
7 for the protection of the ecosystem and the environment from  
8 pollution, despoliation and destruction or waste of natural  
9 resources and all other factors adversely affecting the public  
10 health, safety and the general welfare so long as the rules comply  
11 with the exempt provisions of the Scenic Rivers Act pertaining to  
12 farming, ranching, forestry, silviculture and other agricultural  
13 uses.

14 SECTION 8. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 3-2-410 of Title 27A, unless  
16 there is created a duplication in numbering, reads as follows:

17 A. The Oklahoma Conservation Commission may appoint  
18 commissioned peace officers certified by the Council on Law  
19 Enforcement Education and Training to secure scenic river areas,  
20 including all roadways and adjacent areas, and any other related  
21 areas as determined by the Commission.

22 B. All persons appointed by the Commission as peace officers  
23 shall be and have the full powers and authority of peace officers of  
24 the State of Oklahoma in securing scenic river areas, including all



1 roadways and adjacent areas to the rivers, and any other related  
2 areas as determined by the Commission.

3 C. All peace officers appointed by the Commission shall be in  
4 the unclassified service.

5 D. Any peace officer who has completed twenty (20) years of  
6 service or retires from the Commission may maintain possession of  
7 their badge and assigned firearm. In addition, the Commission can  
8 approve at its discretion the ability of a peace officer to retain  
9 possession of their badge and assigned firearm in other  
10 circumstances.

11 E. The Commission through its Executive Director is authorized  
12 to employ seasonal personnel, including commissioned peace officers  
13 certified by the Council on Law Enforcement Education and Training  
14 throughout the calendar year to secure scenic river areas, including  
15 all roadways and adjacent areas to the rivers. Project labor  
16 employed by the Commission for a period of time necessary to  
17 complete a project shall be in the unclassified service of the state  
18 as provided by the Oklahoma Personnel Act. These employees shall  
19 not be entitled to paid leave, paid holidays, retirement, health,  
20 dental or life insurance, and shall be exempt from any laws, rules,  
21 or practices providing these benefits.

22 F. The Commission may contract with the Oklahoma Tourism and  
23 Recreation Department, the local sheriff's office, Oklahoma Highway  
24

1 Patrol, or other law enforcement agencies for the ranger personnel  
2 necessary to secure scenic river areas.

3 SECTION 9. AMENDATORY 27A O.S. 2011, Section 3-1-103, is  
4 amended to read as follows:

5 Section 3-1-103. As used in the Conservation District Act:

6 1. ~~"District" or "conservation district" means a governmental~~  
7 ~~subdivision of this state, and a public body corporate and politic,~~  
8 ~~organized in accordance with the provisions of the Conservation~~  
9 ~~District Act, for the purposes, with the powers, and subject to the~~  
10 ~~restrictions hereinafter set forth~~ "Administrative hearing",  
11 "administrative permit hearing", "enforcement hearing", and  
12 "administrative enforcement hearing" means a quasi-judicial  
13 individual proceeding, held by the Oklahoma Conservation Commission,  
14 when authorized by the provisions of the Conservation District Act,  
15 and conducted pursuant to:

16 a. the Administrative Procedures Act, and

17 b. rules promulgated thereunder;

18 2. ~~"Director" means a member of the governing body of a~~  
19 ~~conservation district, elected or appointed in accordance with the~~  
20 ~~provisions of the Conservation District Act~~ "Administrative  
21 Procedures Act" means the Oklahoma Administrative Procedures Act;

22 3. ~~"Commission" means the Oklahoma Conservation Commission~~  
23 "Agency of this state" includes the government of this state and any  
24

1 subdivision, agency or instrumentality, corporate or otherwise, of  
2 the government of this state;

3 4. ~~"State" means the State of Oklahoma~~ "Best management  
4 practices" means a control method or combination of control methods  
5 that is determined to be the most effective and practicable means of  
6 preventing soil loss from erosion or reducing the amount of nonpoint  
7 source pollution from a given land use;

8 5. ~~"Agency of this state" includes the government of this state~~  
9 ~~and any subdivision, agency or instrumentality, corporate or~~  
10 ~~otherwise, of the government of this state~~ "Blue Thumb Program"  
11 means a nonpoint source educational program emphasizing water  
12 quality education, including volunteer monitoring;

13 6. ~~"United States" or "agencies of the United States" includes~~  
14 ~~the United States of America, and any department, agency or~~  
15 ~~instrumentality of the federal government~~ "Commercial flotation  
16 device" means a canoe, boat, kayak, inner tube, raft or other  
17 similar device suitable for the transportation of a person or  
18 persons on waterways that is available for hire by the public for  
19 use on waterways within the jurisdiction of the Oklahoma  
20 Conservation Commission;

21 7. ~~"Government" or "governmental" includes the government of~~  
22 ~~this state, the government of the United States, and any~~  
23 ~~subdivision, agency or instrumentality, corporate or otherwise, of~~  
24

1 ~~either of them~~ "Commission" means the Oklahoma Conservation  
2 Commission;

3 8. ~~"Due notice" which shall be in conformance with the~~  
4 ~~Administrative Procedures Act means notice published at least twice,~~  
5 ~~with an interval of at least seven (7) days between the two~~  
6 ~~publication dates, in a newspaper or other publication of general~~  
7 ~~circulation within the district, or, if no such publication of~~  
8 ~~general circulation is available, by posting at five conspicuous~~  
9 ~~places within the district, such posting to include, where possible,~~  
10 ~~posting at public places where it may be customary to post notices~~  
11 ~~concerning county or municipal affairs generally. At any hearing~~  
12 ~~held pursuant to such notice, at the time and place designated in~~  
13 ~~such notice, adjournment may be made from time to time without the~~  
14 ~~necessity of renewing such notice for such adjourned dates~~

15 "Conservation" includes conservation, development, improvement,  
16 maintenance, preservation, protection and wise use of land, water  
17 and related natural resources; the control and prevention of  
18 floodwater and sediment damages, and the disposal of excess surface  
19 waters;

20 9. ~~"District cooperator" means any person that has entered into~~  
21 ~~a cooperative agreement with a conservation district for the purpose~~  
22 ~~of protecting, conserving and practicing wise use of the renewable~~  
23 ~~natural resources under his or her control~~ "Cost-Share program"  
24 means the assumption by the state of a proportional share of the

1 cost of installing conservation structures, conservation practices  
2 or best management practices on lands or roadways for public and  
3 environmental benefits;;

4 10. ~~"Renewable natural resources", "natural resources" or~~  
5 ~~"resources" include land, soil, water, vegetation, trees, natural~~  
6 ~~beauty, scenery and open space~~ "Director" means a member of the  
7 governing body of a conservation district, elected or appointed in  
8 accordance with the provisions of the Conservation District Act;

9 11. ~~"Conservation" includes conservation, development,~~  
10 ~~improvement, maintenance, preservation, protection and wise use of~~  
11 ~~land, water and related natural resources; the control and~~  
12 ~~prevention of floodwater and sediment damages; and the disposal of~~  
13 ~~excess surface waters~~ "District" or "conservation district" means a  
14 governmental subdivision of this state, and a public body corporate  
15 and politic, organized in accordance with the provisions of the  
16 Conservation District Act, for the purposes, with the powers, and  
17 subject to the restrictions hereinafter set forth;

18 12. ~~"Cost-Share program" means the assumption by the state of a~~  
19 ~~proportional share of the cost of installing conservation~~  
20 ~~structures, conservation practices or best management practices on~~  
21 ~~lands for public and environmental benefits~~ "District cooperator"  
22 means any person that has entered into a cooperative agreement with  
23 a conservation district for the purpose of protecting, conserving  
24

1 and practicing wise use of the renewable natural resources under his  
2 or her control;

3 13. ~~"Best management practices" means a control method or~~  
4 ~~combination of control methods that is determined to be the most~~  
5 ~~effective and practicable means of preventing soil loss from erosion~~  
6 ~~or reducing the amount of nonpoint source pollution from a given~~  
7 ~~land use~~ "Due notice" which shall be in conformance with the  
8 Administrative Procedures Act means a notice published at least  
9 twice, with an interval of at least seven (7) days between the two  
10 publication dates, in a newspaper or other publication of general  
11 circulation within the district, or, if no such publication of  
12 general circulation is available, by posting at five conspicuous  
13 places within the district, such posting to include, where possible,  
14 posting at public places where it may be customary to post notices  
15 concerning county or municipal affairs generally. At any hearing  
16 held pursuant to such notice, at the time and place designated in  
17 such notice, adjournment may be made from time to time without the  
18 necessity of renewing such notice for such adjourned dates;

19 14. ~~"Nonpoint source" shall have the same meaning as such word~~  
20 ~~is defined by the Oklahoma Environmental Quality Act~~ "Government" or  
21 "governmental" includes the government of this state, the government  
22 of the United States, and any subdivision, agency or  
23 instrumentality, corporate or otherwise, of either of them;

24

1 15. ~~"Pollution"~~ "Nonpoint source" shall have the same meaning  
2 as such word is defined by the Oklahoma Environmental Quality Act;

3 16. "Nonpoint source working group" means an advisory group  
4 established by the Conservation Commission to provide input into the  
5 state's nonpoint source management and assessment program and is  
6 open to federal, state and local environmental agencies and natural  
7 resource agencies and other interested groups;

8 17. ~~"Watershed" means an area of land that drains to a given~~  
9 ~~point~~ "Person" means the state, any municipality, political  
10 subdivision, institution, individual, public or private corporation,  
11 partnership, association, firm, company, public trust, joint-stock  
12 company, trust, estate, state or federal agency, other governmental  
13 entity, or any other legal entity or an agent, employee  
14 representative, assignee or successor thereof;

15 18. ~~"Blue Thumb Program" means a nonpoint source educational~~  
16 ~~program emphasizing water quality education, including volunteer~~  
17 ~~monitoring~~ "Pollution" shall have the same meaning as such word is  
18 defined by the Oklahoma Environmental Quality Act;

19 19. ~~"Soil science" means the science which:~~

20 a. ~~is the study of physical, chemical, and biological~~  
21 ~~processes taking place in both naturally occurring and~~  
22 ~~reconstructed unconsolidated material formed by the~~  
23 ~~alteration of parent rock due to exposure at the~~  
24 ~~earth's surface, and~~

1           ~~b. includes sampling, measuring, identification,~~  
2           ~~characterization, classification, and mapping of soil~~  
3           ~~materials and migration of water solute, air and other~~  
4           ~~gaseous components in the unsaturated portion of the~~  
5           ~~earth; and "Renewable natural resources", "natural~~  
6           ~~resources" or "resources" includes land, soil, water,~~  
7           ~~vegetation, trees, natural beauty, scenery and open~~  
8           ~~space;~~

9       20. ~~"Soil scientist" means a person who:~~

- 10           ~~a. has earned a baccalaureate or higher degree in a field~~  
11           ~~of soil science from an institution of higher~~  
12           ~~education which is accredited by a regional or~~  
13           ~~national accrediting agency, with a minimum of thirty~~  
14           ~~(30) semester hours or forty-five (45) quarter hours~~  
15           ~~of undergraduate work in a field of biological,~~  
16           ~~physical, or earth science with a minimum of fifteen~~  
17           ~~(15) semester hours of core soil science courses, and~~  
18           ~~b. has a specific and continuous record of related and~~  
19           ~~verifiable soil science work experience for two (2)~~  
20           ~~years. Publications in a soil science publication or~~  
21           ~~prior qualifications as an expert witness in~~  
22           ~~administrative or judicial proceeding, hearing or~~  
23           ~~trial shall be prima facie verification of experience~~  
24           ~~related to soil science "Scenic river area" means the~~



1 stream or river and the public use and access areas  
2 located within the area designated, as used in the  
3 Scenic Rivers Act;

4 21. "Soil science" means the science which:

5 a. is the study of physical, chemical, and biological  
6 processes taking place in both naturally occurring and  
7 reconstructed unconsolidated material formed by the  
8 alteration of parent rock due to exposure at the  
9 earth's surface, and

10 b. includes sampling, measuring, identification,  
11 characterization, classification, and mapping of soil  
12 materials and migration of water solute, air, and  
13 other gaseous components in the unsaturated portion of  
14 the earth;

15 22. "Soil scientist" means a person who:

16 a. has earned a baccalaureate or higher degree in a field  
17 of soil science from an institution of higher  
18 education which is accredited by a regional or  
19 national accrediting agency, with a minimum of thirty  
20 (30) semester hours or forty-five (45) quarter hours  
21 of undergraduate work in a field of biological,  
22 physical, or earth science with a minimum of fifteen  
23 (15) semester hours of core soil science courses, and,

1           b. has a specific and continuous record of related and  
2           verifiable soil science work experience for two (2)  
3           years. Publications in a soil science publication or  
4           prior qualifications as an expert witness in  
5           administrative or judicial proceeding, hearing or  
6           trial shall be prima facie verification of experience  
7           related to soil science;

8           23. "State" means the State of Oklahoma;

9           24. "United States" or "agencies of the United States" includes  
10          the United States of America, and any department, agency, or  
11          instrumentality of the federal government; and

12          25. "Watershed" means an area of land that drains to a given  
13          point.

14          SECTION 10.           AMENDATORY           27A O.S. 2011, Section 3-2-106,  
15          is amended to read as follows:

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

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

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

- 1           b. review district programs,
- 2           c. coordinate the programs of the several districts and
- 3                 resolve any conflicts in such programs, and
- 4           d. facilitate, promote, assist, harmonize, coordinate and
- 5                 guide the resource conservation programs and
- 6                 activities of districts as they relate to other
- 7                 special purpose districts, counties and other public
- 8                 agencies;

9           2. Keep the directors of each of the several districts informed

10 of the activities and experience of all other districts, and to

11 facilitate an interchange of advice and experience between the

12 districts and cooperation between them;

13           3. Review Advise, consult, cooperate, and enter into agreements

14 or contracts with persons as defined in the Conservation District

15 Act and review agreements, or forms of agreements, proposed to be

16 entered into by districts with other districts or with any state,

17 federal, or interstate, or other public or private agency,

18 organization or individual, and advise the districts concerning the

19 agreements or forms of agreements;

20           4. Secure Acquire real and personal property, including but not

21 limited to monetary gifts, for the purpose of implementing the

22 Conservation District Act and the Scenic Rivers Act by gift,

23 donation, or purchase as the Commission deems suitable and desirable

24 for the above purposes. Legal title to property shall be held in

1 the name of the Oklahoma Conservation Commission as an agency of the  
2 State of Oklahoma. In addition, the Commission shall also be  
3 authorized to:

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

12      b. sell, exchange, or dispose of real and personal  
13      property;

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

21      6. Serve along with conservation districts as the official  
22      state agencies for cooperating with the Natural Resources  
23      Conservation Service of the United States Department of Agriculture  
24

1 and carrying on conservation operations within the boundaries of  
2 conservation districts;

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

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

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

18 b. distribute to conservation districts funds, equipment,  
19 supplies and services received by the Commission for  
20 that purpose from any source, subject to such  
21 conditions as shall be made applicable thereto in any  
22 state or federal statute or local ordinance making  
23 available such funds, property or services,

24

1 c. issue rules establishing guidelines and suitable  
2 controls to govern the use by conservation districts  
3 of funds, property and services, and

4 d. review all budgets, administrative procedures and  
5 operations of such districts and advise the districts  
6 concerning their conformance with applicable laws and  
7 regulations;

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

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

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

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

8 13. Assist conservation districts in obtaining legal services  
9 from state and local legal officers;

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

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

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

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

23 18. Have power, by administrative order, upon the written  
24 request of the board of directors of the conservation district or

1 districts involved, with a showing that such request has been  
2 approved by a majority vote of the members of each of the boards  
3 involved, to:

4 a. transfer lands from one district established under the  
5 provisions of the Conservation District Act to  
6 another,

7 b. divide a single district into two or more districts,  
8 each of which shall thereafter operate as a separate  
9 district under the provisions of the Conservation  
10 District Act, and

11 c. consolidate two or more districts established under  
12 the provisions of the Conservation District Act, which  
13 consolidated area shall operate thereafter as a single  
14 district under the provisions of the Conservation  
15 District Act;

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

23 20. Establish and maintain an Equipment Revolving Fund for the  
24 purpose of loaning conservation districts funds to purchase



1 equipment to be used for the installation of conservation practices.  
2 The fund shall consist of all monies appropriated to, deposited in  
3 or credited to the fund;

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

10 22. 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 23. 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 24. Provide assistance to the Oklahoma Water Resources Board on  
22 lake projects through stream and river monitoring, assessing  
23 watershed activities impacting lake water quality and assisting in  
24 the development of a watershed management plan;

1        25. Maintain the activities of the state's nonpoint source  
2 working group;

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

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

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

21       29. Administer the Blue Thumb Program;

22       30. Enter into agreements or contracts for services with any of  
23 the substate planning districts recognized by the Oklahoma  
24 Department of Commerce;

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

6           32. Implement pilot projects and programs, subject to the  
7 availability of funds, that will demonstrate the latest technologies  
8 and applications in conservation programs that may provide direct or  
9 residual benefits to conservation practices in the state; ~~and~~

10           33. Promulgate rules necessary, expedient, or appropriate to  
11 ~~carry the performance, enforcement or carrying out of any of the~~  
12 purposes, objectives, or provisions or appropriate to the  
13 performance of the Conservation District Act and the Oklahoma Carbon  
14 Sequestration Enhancement Act and:

15           a. may establish and collect fees for licenses, permits,  
16 certifications, verifications, registrations, and  
17 services provided ~~pursuant to the Conservation~~  
18 ~~District Act and the Oklahoma Carbon Sequestration~~  
19 ~~Enhancement Act~~, including any services for the  
20 certification or verification of sustainable  
21 agricultural production practices including but not  
22 limited to the Natural Resources Conservation Service  
23 Soil Condition Index, and

24

1           b.    shall promulgate all rules establishing fees in  
2                   accordance with the Administrative Procedures Act,  
3                   which fees shall be fair and equitable to all parties  
4                   concerned;

5           34.   Initiate and prosecute administrative, civil, or criminal  
6 actions and proceedings necessary under the Scenic Rivers Act;

7           35.   Prescribe forms of application, certification, licenses,  
8 permits, and other forms and blanks as may be necessary to carry out  
9 the provisions of the Conservation District Act, Scenic Rivers Act,  
10 and the Oklahoma Carbon Sequestration Enhancement Act; and

11           36.   Exercise all incidental powers that are necessary and  
12 proper to implement and administer the purposes of the Conservation  
13 District Act, Scenic Rivers Act, and the Oklahoma Carbon  
14 Sequestration Act.

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

18           SECTION 11.        AMENDATORY        27A O.S. 2011, Section 3-3-114,  
19 is amended to read as follows:

20           Section 3-3-114.   A.   The Oklahoma Conservation Commission is  
21 hereby authorized to establish and administer a conservation cost-  
22 share program as funds become available.   The conservation cost-  
23 share program shall provide monies to eligible persons for the  
24 purpose of implementing conservation or best management practices on

1 such eligible land as described in conservation management plans  
2 according to rules promulgated by the Commission.

3 B. The Commission shall promulgate rules governing the cost-  
4 share program.

5 C. To implement the program, the Commission shall require  
6 conservation districts to enter into contracts for approved projects  
7 on eligible land detailing the eligible person's responsibilities.

8 D. For purposes of the conservation cost-share program:

9 1. "Eligible person" means any individual, partnership, public  
10 or private corporation, association, firm, legally recognized Indian  
11 tribe, estate, ~~or~~ trust, institution, any other legal entity, or any  
12 local county government who as an owner, lessee, tenant, or operator  
13 participates in the care and/or management of land within a  
14 conservation district;

15 2. "Eligible land" means:

16 a. privately owned land within the state,

17 b. land owned by the state or a political subdivision of  
18 the state,

19 c. land owned by corporations which are partly owned by  
20 the United States,

21 d. land temporarily owned by the United States or a  
22 corporation wholly owned by it, which were not  
23 acquired or reserved for conservation purposes,  
24 including lands administered by the Farm Service

1 Agency, the U.S. Department of Defense, or by any  
2 other government agency,

3 e. any cropland farmed by private persons which is owned  
4 by the United States or a corporation wholly owned by  
5 it, ~~and~~

6 f. noncropland owned by the United States on which  
7 practices are performed by private persons where such  
8 practices directly conserve or benefit nearby or  
9 adjoining privately owned lands of the persons  
10 performing the practices and such persons maintain and  
11 use such federally owned noncropland under agreement  
12 with the federal agency having jurisdiction thereof, ~~and~~  
13 and

14 g. land owned or controlled by the county and maintained  
15 by the local county commissioners, specifically land  
16 contained in county road right-of-ways; and

17 3. "Eligible projects" means conservation practices determined  
18 to be needed by a conservation district to:

- 19 a. improve or protect water quality, or  
20 b. reduce soil erosion, or both.

21 SECTION 12. AMENDATORY 82 O.S. 2011, Section 1451, is  
22 amended to read as follows:

23 Section 1451. Sections ~~1452~~ 3-2-401 through ~~1471~~ 3-2-416 of  
24 this title shall be known and may be cited as the "Scenic Rivers

1 Act". The Scenic Rivers Act is a part of the Conservation District  
2 Act.

3 SECTION 13. AMENDATORY 82 O.S. 2011, Section 1452, is  
4 amended to read as follows:

5 Section 1452. A. The Oklahoma Legislature finds that some of  
6 the free-flowing streams and rivers of Oklahoma possess such unique  
7 natural scenic beauty, water conservation, fish, wildlife and  
8 outdoor recreational values of present and future benefit to the  
9 people of the state that it is the policy of the Legislature to  
10 preserve these areas for the benefit of the people of Oklahoma. For  
11 this purpose there are hereby designated certain "scenic river  
12 areas" to be preserved as a part of Oklahoma's diminishing resource  
13 of free-flowing rivers and streams.

14 B. The areas of the state designated as "scenic river areas"  
15 shall include:

16 1. The Flint Creek and the Illinois River above the confluence  
17 of the Barren Fork Creek in Cherokee, Adair and Delaware Counties;

18 2. The Barren Fork Creek in Adair and Cherokee Counties from  
19 the present alignment of Highway 59 West to the Illinois River;

20 3. The Upper Mountain Fork River above the 600-foot elevation  
21 level of Broken Bow Reservoir in McCurtain and LeFlore Counties;

22 4. Big Lee's Creek, sometimes referred to as Lee Creek, located  
23 in Sequoyah County, above the 420-foot MSL elevation, excluding that  
24 portion necessary for a dam to be built in the State of Arkansas

1 with a crest elevation of no more than the 420-foot MSL elevation.  
2 The Oklahoma Water Resources Board shall make such classifications,  
3 designations or adjustments to Oklahoma's water quality standards as  
4 required to allow the impoundment of water by said dam; and

5 5. Little Lee's Creek, sometimes referred to as Little Lee  
6 Creek, located in Adair and Sequoyah Counties, beginning  
7 approximately four (4) miles east-southeast of Stilwell, Oklahoma,  
8 and ending at its conjunction with Big Lee's Creek approximately two  
9 (2) miles southwest of Short, Oklahoma.

10 ~~C. The term "scenic river area" as used in the Scenic Rivers~~  
11 ~~Act is defined as the stream or river and the public use and access~~  
12 ~~areas located within the area designated.~~

13 SECTION 14. AMENDATORY 82 O.S. 2011, Section 1454, is  
14 amended to read as follows:

15 Section 1454. A. It is recognized by the Legislature that an  
16 effective program for preserving the scenic beauty of the free-  
17 flowing streams and rivers designated as "scenic river areas"  
18 necessarily involves the cooperation and support of the people in  
19 the operating areas of designated "scenic river areas", as well as  
20 the people using the "scenic river areas", and the agencies of state  
21 government administering these areas.

22 B. The primary purpose of the Scenic Rivers Act is to encourage  
23 the preservation of the areas designated as "scenic river areas" in  
24 their natural scenic state.



1 C. In order to assist in the public use and enjoyment of ~~such~~  
2 ~~the areas, any Scenic Rivers Commission, the Oklahoma Tourism and~~  
3 ~~Recreation Department and the Oklahoma Wildlife Conservation~~  
4 Commission may acquire, develop and maintain public access points,  
5 easements or park areas in or near "scenic river areas". ~~Such~~  
6 ~~acquisitions shall be by private treaty only, and the use of the~~  
7 ~~power of eminent domain for these purposes is specifically~~  
8 ~~prohibited by the Scenic Rivers Act.~~

9 SECTION 15. AMENDATORY 82 O.S. 2011, Section 1455, is  
10 amended to read as follows:

11 Section 1455. A. It is recognized by the Legislature that  
12 littering by people using the "scenic river areas" is one of the  
13 most immediate threats to the scenic beauty of our free-flowing  
14 streams and surrounding areas.

15 B. It is a violation of the Scenic Rivers Act for any person  
16 to:

17 1. Deliberately place, throw, drop, deposit or discard any  
18 garbage, trash, waste, rubbish, refuse, debris or other deleterious  
19 substance on or near a scenic river area; or

20 2. Use a glass container for any purpose in any boat, canoe,  
21 raft or inflatable watercraft in a scenic river area or on the Lower  
22 Mountain Fork River, south of the Broken Bow Lake Reregulation Dam  
23 to United States Highway 70.  
24

1        C. The Oklahoma Conservation Commission shall require all  
2 entities using scenic rivers for recreational activities, which are  
3 licensed by the Commission, to implement a program to control the  
4 amount of pollution entering an impaired scenic river watershed from  
5 recreational activities.

6        D. Any law enforcement, police or peace officer, game wardens  
7 ~~or any,~~ other personnel of the Wildlife Conservation Commission, ~~the~~  
8 and personnel of the Oklahoma Tourism and Recreation Department, any  
9 ~~landowner in the area, or any other interested party may file a~~  
10 ~~complaint to~~ enforce the provisions of the Scenic Rivers Act. Any  
11 landowner in the area, or any other interested party may file a  
12 complaint with the Oklahoma Conservation Commission to enforce the  
13 provisions of the Scenic Rivers Act.

14        E. Any person found in violation of this section may be subject  
15 to administrative fines as well as the provisions of Section 1761.1  
16 of Title 21 of the Oklahoma Statutes.

17        ~~C. Any person who deliberately places, throws, drops, deposits~~  
18 ~~or discards any garbage, trash, waste, rubbish, refuse, debris or~~  
19 ~~other deleterious substance on or near a scenic river area shall be~~  
20 ~~subject to the provisions of Section 1761.1 of Title 21 of the~~  
21 ~~Oklahoma Statutes.~~

22        ~~D. The use of glass containers for any purpose shall be~~  
23 ~~prohibited in any boat, canoe, raft or inflatable watercraft in a~~  
24 ~~scenic river area or on the Lower Mountain Fork River, south of the~~

1 ~~Broken Bow Lake Reregulation Dam to United States Highway 70. Any~~  
2 ~~person found in violation of this subsection shall be subject to the~~  
3 ~~provisions of Section 1761.1 of Title 21 of the Oklahoma Statutes.~~

4 SECTION 16. AMENDATORY 82 O.S. 2011, Section 1462B, is  
5 amended to read as follows:

6 Section 1462B. A. The Director of the Office of State Finance  
7 is hereby authorized to establish a Petty Cash Fund for ~~each Scenic~~  
8 ~~Rivers~~ the Oklahoma Conservation Commission in an amount not to  
9 exceed Five Hundred Dollars (\$500.00).

10 B. The fund shall be established and replenished from any  
11 monies available to a ~~Scenic Rivers~~ the Commission for operating  
12 expenses.

13 C. The Director of the Office of State Finance shall prescribe  
14 all forms, systems and procedures for administering a Petty Cash  
15 Fund so established.

16 SECTION 17. AMENDATORY 82 O.S. 2011, Section 1462C, is  
17 amended to read as follows:

18 Section 1462C. A. The fees collected pursuant to the  
19 ~~provisions of subsection B of Section 1470 of this title shall~~  
20 Scenic Rivers Act may be used ~~to purchase additional public access~~  
21 ~~areas along the Flint Creek and Illinois River Scenic River Areas~~  
22 ~~within Adair, Cherokee and Delaware Counties and those portions of~~  
23 ~~Barren Fork Creek within Cherokee County or for the general~~  
24 ~~operations of the~~ for scenic river area functions including the

1 purchasing of additional public access areas for the general  
2 operations of the Oklahoma Conservation Commission.

3 B. 1. For these purposes, there is hereby created in the State  
4 Treasury a revolving fund for the ~~Scenic Rivers~~ Commission, to be  
5 designated the "Scenic Rivers ~~Commission~~ Revolving Fund".

6 2. The fund shall be a continuing fund, not subject to fiscal  
7 year limitations, and shall consist of all monies received by the  
8 ~~Scenic Rivers~~ Commission from all fees and fines collected pursuant  
9 to the Scenic Rivers Act. All monies accruing to the credit of ~~said~~  
10 this fund are hereby appropriated and may be budgeted and expended  
11 by the ~~Scenic Rivers~~ Commission for the purpose of performing the  
12 duties imposed by law upon the ~~Scenic Rivers~~ Commission.

13 3. Expenditures from ~~said~~ this fund shall be made upon warrants  
14 issued by the State Treasurer against claims filed as prescribed by  
15 law with the Director of the Office of State Finance for approval  
16 and payment.

17 SECTION 18. AMENDATORY 82 O.S. 2011, Section 1464, is  
18 amended to read as follows:

19 Section 1464. A. Nothing in the Scenic Rivers Act shall be  
20 construed to unduly restrict or adversely affect the use of property  
21 within the jurisdiction of ~~any Scenic Rivers~~ the Oklahoma  
22 Conservation Commission for farming, ranching, forestry,  
23 silviculture and other agricultural uses so long as they are not  
24 inconsistent with the purposes of the Scenic Rivers Act.

1 B. Present farming, ranching, forestry, silviculture and other  
2 agricultural uses and practices, including existing building and  
3 replacement structures, are hereby exempt from the provisions of ~~any~~  
4 ~~Scenic Rivers~~ the Commission.

5 C. The Scenic Rivers Act shall not be construed in any way to  
6 affect existing rights between a landowner and utility or pipeline  
7 companies.

8 SECTION 19. AMENDATORY 82 O.S. 2011, Section 1465, is  
9 amended to read as follows:

10 Section 1465. A. All cities and incorporated towns and  
11 counties that make up a part of a jurisdiction of a ~~certified Scenic~~  
12 ~~Rivers Commission~~ state designated scenic river area are hereby  
13 invested with full power to plan, zone and enact all ordinances and  
14 regulations that are necessary and proper to carry out the purposes  
15 of the Scenic Rivers Act.

16 B. The cities, incorporated towns and counties shall follow  
17 their respective general procedures in the conduct of legislative  
18 functions.

19 C. In exercising planning and zoning functions, ~~said~~ the  
20 cities, incorporated towns and counties shall utilize the  
21 organization and procedures available to cities and incorporated  
22 towns under the general planning and zoning laws of the state.  
23 Provided that, when a county exercises the powers provided by the  
24 Scenic Rivers Act, the board of county commissioners of that county

1 shall perform the obligations and exercise the powers in the same  
2 manner as a local legislative body or mayor of a city, incorporated  
3 town or municipality.

4 SECTION 20. AMENDATORY 82 O.S. 2011, Section 1466, is  
5 amended to read as follows:

6 Section 1466. Each county, city, incorporated town or other  
7 governmental entity that makes up a part of ~~the operating area of a~~  
8 ~~Scenic Rivers Commission~~ scenic river area is hereby authorized to  
9 grant or ~~otherwise~~ provide funds for the operation of the Oklahoma  
10 Conservation Commission.

11 SECTION 21. AMENDATORY 82 O.S. 2011, Section 1467, is  
12 amended to read as follows:

13 Section 1467. Any person who willfully violates any rule or  
14 order issued pursuant to the Scenic Rivers Act, ~~except such rules or~~  
15 ~~orders as relate solely to procedural matters,~~ upon conviction  
16 thereof, shall be guilty of a misdemeanor.

17 SECTION 22. RECODIFICATION 82 O.S. 2011, Sections 1451  
18 and 1452, as amended by Sections 12 and 13 of this act, 1453, 1454,  
19 as amended by Section 14 of this act, 1455, as amended by Section 15  
20 of this act, 1456, 1462B, 1462C and 1464, as amended by Sections 16,  
21 17 and 18 of this act, 1465, 1466 and 1467, as amended by Sections  
22 19, 20 and 21 of this act, shall be recodified as Sections 3-2-401,  
23 3-2-402, 3-2-403, 3-2-404, 3-2-406, 3-2-407, 3-2-411, 3-2-412, 3-2-

1 413, 3-2-414, 3-2-415 and 3-2-416 of Title 27A of the Oklahoma  
2 Statutes, unless there is created a duplication in numbering.

3 SECTION 23. REPEALER 82 O.S. 2011, Sections 1457, 1458,  
4 1460, 1461, 1462, 1462A, 1463, 1468, 1469, 1470 and 1471, are hereby  
5 repealed.

6 SECTION 24. This act shall become effective July 1, 2012.

7 SECTION 25. It being immediately necessary for the preservation  
8 of the public peace, health and safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

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