

1 ENGROSSED HOUSE  
2 BILL NO. 1543

By: Patzkowsky of the House

3 and

4 Green of the Senate

5  
6  
7 An Act relating to the Oklahoma Conservation  
8 Commission; amending 27A O.S. 2021, Section 3-2-106,  
9 which relates to the powers and duties of the  
10 Commission; providing that the Commission may enter  
11 into contracts and agreements and execute certain  
12 instruments in certain circumstances; updating  
13 language to include tribes; removing the ability of  
14 the Commission to establish and maintain a  
15 Conservation District Consolidation Fund; and  
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 27A O.S. 2021, Section 3-2-106, is  
19 amended to read as follows:

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

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

- a. assist and guide districts in the preparation and carrying out of programs for resource conservation authorized under the Conservation District Act,
- b. review district programs,
- c. coordinate the programs of the several districts and resolve any conflicts in such programs, and
- d. facilitate, promote, assist, harmonize, coordinate, and guide the resource conservation programs and activities of districts as they relate to other special purpose districts, counties, and other public agencies;

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

3. Enter into contracts and agreements and execute such instruments in the judgment of the Commission as are necessary, beneficial, or convenient toward the exercise of any of the Commission's powers conferred upon it by law. This includes, but is not limited to, creating shared positions, administering statewide programs with districts, and exploring funding sources for conservation programs, practices, and pilot projects;

4. Review agreements, or forms of agreements, proposed to be entered into by districts with other districts or with any state,

1 federal, ~~or~~ tribal, interstate, or other public or private agency,  
2 organization, or individual, and advise the districts concerning the  
3 agreements or forms of agreements;

4 ~~4.~~ 5. Secure the cooperation and assistance of the United  
5 States and any of its agencies, ~~and of any tribe~~, agencies of this  
6 state, other entities, or individuals in the work of the Commission  
7 or districts and to accept;

8 6. Accept donations, grants, gifts and contributions in money,  
9 services, or otherwise from the United States or any of its agencies  
10 ~~or from~~, tribes, the state or any of its agencies, other entities,  
11 or individuals in order to carry out the purposes of the  
12 Conservation District Act;

13 ~~5.~~ 7. Disseminate information throughout the state concerning  
14 the activities and programs of the conservation districts and ~~to~~  
15 make available information concerning the needs and the work of the  
16 conservation districts and Commission to the Governor, the  
17 Legislature, executive agencies of the government of this state,  
18 political subdivisions of this state, cooperating federal agencies,  
19 and the general public;

20 ~~6.~~ 8. Serve along with conservation districts as the official  
21 state agencies for cooperating with the Natural Resources  
22 Conservation Service of the United States Department of Agriculture  
23 and carrying on conservation operations within the boundaries of  
24 conservation districts;

1        ~~7.~~ 9. Cooperate with and give such assistance as it deems  
2 necessary and proper to conservancy districts, watershed  
3 associations, and other special purpose districts in the State of  
4 Oklahoma for the purpose of cooperating with the United States  
5 through the Secretary of Agriculture in the furtherance of  
6 conservation pursuant to the provisions of the Federal Watershed  
7 Protection and Flood Prevention Act, as amended;

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

- 12            a. administer the provisions of the Conservation District  
13            Act hereafter enacted by the Legislature appropriating  
14            funds for expenditure in connection with the  
15            activities of conservation districts,
- 16            b. distribute to conservation districts funds, equipment,  
17            supplies, and services received by the Commission for  
18            that purpose from any source, subject to such  
19            conditions as shall be made applicable thereto in any  
20            state or federal statute or local ordinance making  
21            available such funds, property, or services,
- 22            c. issue ~~rules establishing~~ guidelines and suitable  
23            controls to govern the use by conservation districts  
24            of funds, property, and services, and

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

5       ~~9.~~ 11. Enlist the cooperation and collaboration of state,  
6 federal, tribal, regional, interstate, local, public, and private  
7 agencies with the conservation districts and ~~to~~ facilitate  
8 arrangements under which the conservation districts may serve county  
9 governing bodies and other agencies as their local operating  
10 agencies in the administration of any activity concerned with the  
11 conservation of renewable natural resources;

12       ~~10.~~ 12. Pursuant to procedures developed mutually by the  
13 Commission and federal, tribal, state, and local agencies that are  
14 authorized to plan or administer activities significantly affecting  
15 the conservation of renewable natural resources, receive from these  
16 agencies for review and comment suitable descriptions of their  
17 plans, programs, and activities for purposes of coordination with  
18 district conservation programs and to arrange for and participate in  
19 conferences necessary to avoid conflict among plans and programs, to  
20 call attention to omissions, and to avoid duplication of effort;

21       ~~11.~~ 13. Compile information and make studies, summaries, and  
22 analyses of district programs in relation to each other and to other  
23 resource conservation programs on a statewide basis;

1       ~~12.~~ 14. Except as otherwise assigned by law, carry out the  
2 policies of this state in programs at the state level for the  
3 conservation of the renewable natural resources of this state and  
4 represent the state in matters affecting such resources;

5       ~~13.~~ 15. Assist conservation districts in obtaining legal  
6 services from state and local legal officers;

7       ~~14.~~ 16. Require annual reports from conservation districts, the  
8 form and content of which shall be developed by the Commission in  
9 consultation with the district directors;

10       ~~15.~~ 17. Establish by rules, with the assistance and advice of  
11 the State Auditor and Inspector, adequate and reasonably uniform  
12 accounting and auditing procedures ~~which~~ that shall be used by  
13 conservation districts;

14       ~~16.~~ 18. Conduct workshops for district directors to instruct  
15 them on the subjects of district finances, the Conservation District  
16 Law and related laws, and their duties and responsibilities as  
17 directors;

18       ~~17.~~ 19. Assist and supervise districts in carrying out their  
19 responsibilities in accordance with ~~the~~ Oklahoma laws;

20       ~~18.~~ 20. Have power, by administrative order, upon the written  
21 request of the board of directors of the conservation district or  
22 districts involved, with a showing that such request has been  
23 approved by a majority vote of the members of each of the boards  
24 involved, to:

- 1           a.    transfer lands and assign easements from one district  
2                    established under the provisions of the Conservation  
3                    District Act to another,
- 4           b.    divide a single district into two or more districts,  
5                    each of which shall thereafter operate as a separate  
6                    district under the provisions of the Conservation  
7                    District Act, and
- 8           c.    consolidate two or more districts established under  
9                    the provisions of the Conservation District Act, which  
10                   consolidated area shall operate thereafter as a single  
11                   district under the provisions of the Conservation  
12                   District Act;

13        ~~19.~~ 21. Except as otherwise provided by law, act as the  
14 management agency having jurisdiction over and responsibility for  
15 directing nonpoint source pollution prevention programs outside the  
16 jurisdiction or control of cities or towns in Oklahoma. The  
17 Commission, otherwise, shall be responsible for all identified  
18 nonpoint source categories except silviculture, urban ~~storm water~~  
19 stormwater runoff and industrial runoff;

20        ~~20.~~ 22. Establish and maintain an Equipment Revolving Fund for  
21 the purpose of loaning conservation districts funds to purchase  
22 equipment to be used for the installation of conservation practices.  
23 The fund shall consist of all monies appropriated to, deposited in  
24 or credited to the fund;

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

7       ~~22.~~ 23. Administer cost-share programs ~~for the purpose of~~  
8 ~~carrying to carry~~ out conservation or best management practices on  
9 the land to benefit the public through the prevention or reduction  
10 of soil erosion and nonpoint source pollution and ~~through~~ general  
11 resource management. The Commission is not authorized to implement  
12 mandatory compliance with management practices, except as otherwise  
13 provided by law, to abate agricultural nonpoint source pollution;

14       ~~23.~~ 24. Plan watershed-based nonpoint source pollution control  
15 activities, including the development and implementation of  
16 conservation plans for the improvement and protection of the  
17 resources of the state;

18       ~~24. Provide assistance to~~ 25. Assist the Oklahoma Water  
19 Resources Board on lake projects through stream and river  
20 monitoring, assessing watershed activities impacting lake water  
21 quality, and assisting in the development of a watershed management  
22 plan;

23       ~~25.~~ 26. Maintain the activities of the state's nonpoint source  
24 working group;



1       ~~26.~~ 27. Prepare, revise, and review Oklahoma's nonpoint source  
2 management program and nonpoint source assessment report in  
3 coordination with other state environmental agencies and compile a  
4 comprehensive assessment for the state every five (5) years. The  
5 management program and assessment report shall be distributed to the  
6 Governor, Secretary of Energy and Environment, the President Pro  
7 Tempore of the Oklahoma State Senate, and the Speaker of the  
8 Oklahoma House of Representatives;

9       ~~27.~~ 28. Under the direction of the Office of the Secretary of  
10 ~~the~~ Energy and Environment, develop and implement the state's  
11 nonpoint source water quality monitoring strategy in coordination  
12 with other environmental agencies;

13       ~~28.~~ 29. Monitor, evaluate, and assess the waters of the state  
14 to determine the condition of streams and rivers impacted by  
15 nonpoint source pollution. In carrying out this area of  
16 responsibility, the Conservation Commission shall serve as the  
17 technical lead agency for nonpoint source pollution categories as  
18 defined in Section 319 of the Federal Clean Water Act or other  
19 subsequent federal or state nonpoint source programs;

20       ~~29.~~ 30. Administer the Blue Thumb Program;

21       ~~30.~~ 31. Enter into agreements or contracts for services with  
22 any of the substate planning districts recognized by the Oklahoma  
23 Department of Commerce;

1       ~~31.~~ 32. 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.~~ 33. 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.~~ 34. Promulgate rules necessary, expedient, or appropriate  
11 to carry out the purposes, objectives, or provisions or appropriate  
12 to the performance of the Conservation District Act and the Oklahoma  
13 Carbon Sequestration Enhancement Act and:

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

22           b. shall promulgate all rules establishing fees in  
23                accordance with the Administrative Procedures Act,  
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