

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 1815

By: Newton

AS INTRODUCED

An Act relating to the Conservation Commission; amending 27A O.S. 2021, Section 3-1-103, which relates to definitions; alphabetizing statutory definitions; amending 27A O.S. 2021, Section 3-2-106, which relates to powers and duties of the Oklahoma Conservation Commission; modifying powers and duties of the Oklahoma Conservation Commission; and providing an effective date.

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

SECTION 1. AMENDATORY 27A O.S. 2021, Section 3-1-103, is amended to read as follows:

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

1. ~~"District" or "conservation district" means a governmental subdivision of this state, and a public body corporate and politic, organized in accordance with the provisions of the Conservation District Act, for the purposes, with the powers, and subject to the restrictions hereinafter set forth~~ "Agency of this state" includes the government of this state and any subdivision, agency or instrumentality, corporate or otherwise, of the government of this state;

1 2. ~~"Director" means a member of the governing body of a~~
2 ~~conservation district, elected or appointed in accordance with the~~
3 ~~provisions of the Conservation District Act~~ "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 3. ~~"Commission" means the Oklahoma Conservation Commission~~
9 "Blue Thumb Program" means a nonpoint source educational program
10 emphasizing water quality education, including volunteer monitoring;

11 4. ~~"State" means the State of Oklahoma~~ "Commission" means the
12 Oklahoma Conservation Commission;

13 5. ~~"Agency of this state" includes the government of this state~~
14 ~~and any subdivision, agency or instrumentality, corporate or~~
15 ~~otherwise, of the government of this state~~ "Conservation" includes
16 conservation, development, improvement, maintenance, preservation,
17 protection and wise use of land, water and related natural
18 resources; the control and prevention of floodwater and sediment
19 damages; and the disposal of excess surface waters;

20 6. ~~"United States" or "agencies of the United States" includes~~
21 ~~the United States of America, and any department, agency or~~
22 ~~instrumentality of the federal government~~ "Cost-share program" means
23 the assumption by the state of a proportional share of the cost of
24

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

3 7. ~~"Government" or "governmental" includes the government of~~
4 ~~this state, the government of the United States, and any~~
5 ~~subdivision, agency or instrumentality, corporate or otherwise, of~~
6 ~~either of them~~ "Director" means a member of the governing body of a
7 conservation district, elected or appointed in accordance with the
8 provisions of the Conservation District Act;

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

21 "District" or "conservation district" means a governmental
22 subdivision of this state, and a public body corporate and politic,
23 organized in accordance with the provisions of the Conservation
24

1 District Act, for the purposes, with the powers, and subject to the
2 restrictions hereinafter set forth;

3 9. "District cooperator" means any person that has entered into
4 a cooperative agreement with a conservation district for the purpose
5 of protecting, conserving and practicing wise use of the renewable
6 natural resources under his or her control;

7 10. ~~"Renewable natural resources", "natural resources" or~~
8 ~~"resources" include land, soil, water, vegetation, trees, natural~~
9 ~~beauty, scenery and open space~~ "Due notice" which shall be in
10 conformance with the Administrative Procedures Act means notice
11 published at least twice, with an interval of at least seven (7)
12 days between the two publication dates, in a newspaper or other
13 publication of general circulation within the district, or, if no
14 such publication of general circulation is available, by posting at
15 five conspicuous places within the district, such posting to
16 include, where possible, posting at public places where it may be
17 customary to post notices concerning county or municipal affairs
18 generally. At any hearing held pursuant to such notice, at the time
19 and place designated in such notice, adjournment may be made from
20 time to time without the necessity of renewing such notice for such
21 adjourned dates;

22 11. ~~"Conservation" includes conservation, development,~~
23 ~~improvement, maintenance, preservation, protection and wise use of~~
24 ~~land, water and related natural resources; the control and~~

1 ~~prevention of floodwater and sediment damages; and the disposal of~~
2 ~~excess surface waters~~ "Government" or "governmental" includes the
3 government of this state, the government of the United States, and
4 any subdivision, agency or instrumentality, corporate or otherwise,
5 of either of them;

6 12. ~~"Cost-Share program" means the assumption by the state of a~~
7 ~~proportional share of the cost of installing conservation~~
8 ~~structures, conservation practices or best management practices on~~
9 ~~lands for public and environmental benefits~~ "Nonpoint source" shall
10 have the same meaning as such word is defined by the Oklahoma
11 Environmental Quality Act;

12 13. ~~"Best management practices" means a control method or~~
13 ~~combination of control methods that is determined to be the most~~
14 ~~effective and practicable means of preventing soil loss from erosion~~
15 ~~or reducing the amount of nonpoint source pollution from a given~~
16 ~~land use~~ "Nonpoint source working group" means an advisory group
17 established by the Conservation Commission to provide input into the
18 state's nonpoint source management and assessment program and is
19 open to federal, state and local environmental agencies and natural
20 resource agencies and other interested groups;

21 14. ~~"Nonpoint source" shall have the same meaning as such word~~
22 ~~is defined by the Oklahoma Environmental Quality Act~~ "Pollution"
23 shall have the same meaning as such word is defined by the Oklahoma
24 Environmental Quality Act;

1 15. ~~"Pollution" shall have the same meaning as such word is~~
2 ~~defined by the Oklahoma Environmental Quality Act~~ "Renewable natural
3 resources", "natural resources" or "resources" include land, soil,
4 water, vegetation, trees, natural beauty, scenery and open space;

5 16. ~~"Nonpoint source working group" means an advisory group~~
6 ~~established by the Conservation Commission to provide input into the~~
7 ~~state's nonpoint source management and assessment program and is~~
8 ~~open to federal, state and local environmental agencies and natural~~
9 ~~resource agencies and other interested groups~~ "Soil science" means
10 the science which:

11 a. is the study of physical, chemical, and biological
12 processes taking place in both naturally occurring and
13 reconstructed unconsolidated material formed by the
14 alteration of parent rock due to exposure at the
15 earth's surface, and

16 b. includes sampling, measuring, identification,
17 characterization, classification, and mapping of soil
18 materials and migration of water solute, air and other
19 gaseous components in the unsaturated portion of the
20 earth;

21 17. ~~"Watershed" means an area of land that drains to a given~~
22 ~~point~~ "Soil scientist" means a person who:

23 a. has earned a baccalaureate or higher degree in a field
24 of soil science from an institution of higher

1 education which is accredited by a regional or
2 national accrediting agency, with a minimum of thirty
3 (30) semester hours or forty-five (45) quarter hours
4 of undergraduate work in a field of biological,
5 physical, or earth science with a minimum of fifteen
6 (15) semester hours of core soil science courses, and

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

14 18. ~~"Blue Thumb Program" means a nonpoint source educational~~
15 ~~program emphasizing water quality education, including volunteer~~
16 ~~monitoring~~ "State" means the State of Oklahoma;

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

18 a. ~~is the study of physical, chemical, and biological~~
19 ~~processes taking place in both naturally occurring and~~
20 ~~reconstructed unconsolidated material formed by the~~
21 ~~alteration of parent rock due to exposure at the~~
22 ~~earth's surface, and~~
23 b. ~~includes sampling, measuring, identification,~~
24 ~~characterization, classification, and mapping of soil~~

1 ~~materials and migration of water solute, air and other~~
2 ~~gaseous components in the unsaturated portion of the~~
3 ~~earth~~ "Watershed" means an area of land that drains to
4 a given point; and

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

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

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

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

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

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

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

24

1 3. Enter into contracts and agreements and execute instruments
2 deemed necessary, beneficial, or convenient by the Commission for
3 the exercise of its legally conferred powers. This includes, but is
4 not limited to, creating shared positions, administering statewide
5 and locally emphasized programs, and exploring funding sources for
6 conservation programs, practices, and pilot projects;

7 4. 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 the
11 agreements or forms of agreements;

12 ~~4.~~ 5. Secure the cooperation and assistance of the United
13 States and any of its agencies, and of agencies of this state, other
14 entities, or individuals in the work of the Commission or districts
15 and to accept donations, grants, gifts and contributions in money,
16 services or otherwise from the United States or any of its agencies
17 or from the state or any of its agencies ~~in order~~ , other entities,
18 or individuals to carry out the purposes of the Conservation
19 District Act;

20 ~~5.~~ 6. Disseminate information throughout the state concerning
21 the activities and programs of the conservation districts and to
22 make available information concerning the needs and the work of the
23 conservation districts and Commission to the Governor, the
24 Legislature, executive agencies of the government of this state,

1 political subdivisions of this state, cooperating federal agencies
2 and the general public;

3 ~~6.~~ 7. Serve along with conservation districts as the official
4 state agencies for cooperating with the Natural Resources
5 Conservation Service of the United States Department of Agriculture
6 and carrying on conservation operations within the boundaries of
7 conservation districts;

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

15 ~~8.~~ 9. Recommend the inclusion in annual and longer term budgets
16 and appropriation legislation of the State of Oklahoma of funds
17 necessary for appropriation by the Legislature to finance the
18 activities of the Commission and the conservation districts and to:

- 19 a. administer the provisions of the Conservation District
20 Act hereafter enacted by the Legislature appropriating
21 funds for expenditure in connection with the
22 activities of conservation districts,
23 b. distribute to conservation districts funds, equipment,
24 supplies and services received by the Commission for

1 that purpose from any source, subject to such
2 conditions as shall be made applicable thereto in any
3 state or federal statute or local ordinance making
4 available such funds, property or services,

5 c. issue rules establishing guidelines and suitable
6 controls to govern the use by conservation districts
7 of funds, property and services, and

8 d. review all budgets, administrative procedures and
9 operations of such districts and advise the districts
10 concerning their conformance with applicable laws and
11 regulations;

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

19 ~~10.~~ 11. Pursuant to procedures developed mutually by the
20 Commission and federal, state and local agencies that are authorized
21 to plan or administer activities significantly affecting the
22 conservation of renewable natural resources, receive from these
23 agencies for review and comment suitable descriptions of their
24 plans, programs and activities for purposes of coordination with

1 district conservation programs and to arrange for and participate in
2 conferences necessary to avoid conflict among plans and programs, to
3 call attention to omissions and to avoid duplication of effort;

4 ~~11.~~ 12. Compile information and make studies, summaries, and
5 analyses of district programs in relation to each other and to other
6 resource conservation programs on a statewide basis;

7 ~~12.~~ 13. Except as otherwise assigned by law, carry out the
8 policies of this state in programs at the state level for the
9 conservation of the renewable natural resources of this state and
10 represent the state in matters affecting such resources;

11 ~~13.~~ 14. Assist conservation districts in obtaining legal
12 services from state and local legal officers;

13 ~~14.~~ 15. Require annual reports from conservation districts, the
14 form and content of which shall be developed by the Commission in
15 consultation with the district directors;

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

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

24

1 ~~17.~~ 18. Assist and supervise districts in carrying out their
2 responsibilities in accordance with the Oklahoma laws;

3 ~~18.~~ 19. Have power, by administrative order, upon the written
4 request of the board of directors of the conservation district or
5 districts involved, with a showing that such request has been
6 approved by a majority vote of the members of each of the boards
7 involved, to:

8 a. transfer lands from one district established under the
9 provisions of the Conservation District Act to
10 another,

11 b. divide a single district into two or more districts,
12 each of which shall thereafter operate as a separate
13 district under the provisions of the Conservation
14 District Act, and

15 c. consolidate two or more districts established under
16 the provisions of the Conservation District Act, which
17 consolidated area shall operate thereafter as a single
18 district under the provisions of the Conservation
19 District Act;

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

1 nonpoint source categories except silviculture, urban storm water
2 runoff and industrial runoff;

3 ~~20.~~ 21. Establish and maintain an Equipment Revolving Fund for
4 the purpose of loaning conservation districts funds to purchase
5 equipment to be used for the installation of conservation practices.
6 The fund shall consist of all monies appropriated to, deposited in
7 or credited to the fund;

8 ~~21.~~ 22. Establish and maintain a Conservation District
9 Consolidation Fund for the purpose of providing financial assistance
10 to conservation districts who choose to consolidate as outlined in
11 subparagraph c of paragraph 18 of this subsection. The fund shall
12 consist of all monies appropriated to, deposited in or credited to
13 the fund;

14 ~~22.~~ 23. Administer cost-share programs for the purpose of
15 carrying out conservation or best management practices on the land
16 to benefit the public through the prevention or reduction of soil
17 erosion and nonpoint source pollution and through general resource
18 management. The Commission is not authorized to implement mandatory
19 compliance with management practices, except as otherwise provided
20 by law, to abate agricultural nonpoint source pollution;

21 ~~23.~~ 24. Plan watershed-based nonpoint source pollution control
22 activities, including the development and implementation of
23 conservation plans for the improvement and protection of the
24 resources of the state;

1 ~~24.~~ 25. Provide assistance to the Oklahoma Water Resources
2 Board on lake projects through stream and river monitoring,
3 assessing watershed activities impacting lake water quality, and
4 assisting in the development of a watershed management plan;

5 ~~25.~~ 26. Maintain the activities of the state's nonpoint source
6 working group;

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

15 ~~27.~~ 28. Under the direction of the Office of the Secretary of
16 ~~the~~ Energy and Environment, develop and implement the state's
17 nonpoint source water quality monitoring strategy in coordination
18 with other environmental agencies;

19 ~~28.~~ 29. Monitor, evaluate, and assess the waters of the state
20 to determine the condition of streams and rivers impacted by
21 nonpoint source pollution. In carrying out this area of
22 responsibility, the Conservation Commission shall serve as the
23 technical lead agency for nonpoint source pollution categories as
24

1 defined in Section 319 of the Federal Clean Water Act or other
2 subsequent federal or state nonpoint source programs;

3 ~~29.~~ 30. Administer the Blue Thumb Program;

4 ~~30.~~ 31. Enter into agreements or contracts for services with
5 any of the ~~sub-state~~ sub-state planning districts recognized by the
6 Oklahoma Department of Commerce;

7 ~~31.~~ 32. Cooperate with the federal government, or any agency
8 thereof, to participate in and coordinate with federal programs that
9 will yield additional federal funds to the state for programs within
10 the jurisdiction of the Conservation Commission. This participation
11 shall be subject to the availability of state funds;

12 ~~32.~~ 33. Implement pilot projects and programs, subject to the
13 availability of funds, that will demonstrate the latest technologies
14 and applications in conservation programs that may provide direct or
15 residual benefits to conservation practices in the state; and

16 ~~33.~~ 34. Promulgate rules necessary, expedient, or appropriate
17 to carry out the purposes, objectives, or provisions or appropriate
18 to the performance of the Conservation District Act and the Oklahoma
19 Carbon Sequestration Enhancement Act and:

20 a. may establish and collect fees for services provided
21 pursuant to the Conservation District Act and the
22 Oklahoma Carbon Sequestration Enhancement Act,
23 including any services for the certification or
24 verification of sustainable agricultural production

1 practices including but not limited to the Natural
2 Resources Conservation Service Soil Condition Index,
3 and

4 b. shall promulgate all rules establishing fees in
5 accordance with the Administrative Procedures Act,
6 which fees shall be fair and equitable to all parties
7 concerned.

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

11 SECTION 3. This act shall become effective November 1, 2025.

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13 60-1-10620 JBH 01/08/25
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