

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 1027

By: Dahm of the Senate

and

Gann of the House

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10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to environment and natural resources;  
12                   amending 27A O.S. 2011, Section 2-2-201, as last  
13                   amended by Section 1, Chapter 91, O.S.L. 2014 (27A  
14                   O.S. Supp. 2018, Section 2-2-201), which relates to  
15                   environmental quality boards and councils; providing  
16                   sunset date for councils; and providing an effective  
17                   date.

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

19                   SECTION 1.           AMENDATORY           27A O.S. 2011, Section 2-2-201, as  
20                   last amended by Section 1, Chapter 91, O.S.L. 2014 (27A O.S. Supp.  
21                   2018, Section 2-2-201), is amended to read as follows:

22                   Section 2-2-201.   A.   There are hereby created until July 1,  
23                   2020, pursuant to the provisions of the Oklahoma Sunset Law:

- 24                   1.   The Water Quality Management Advisory Council;
2.   The Hazardous Waste Management Advisory Council;

1 3. The Solid Waste Management Advisory Council; and

2 4. The Radiation Management Advisory Council.

3 B. 1. Except as provided for in paragraph 2 of this  
4 subsection, each Council created pursuant to subsection A of this  
5 section shall consist of nine (9) members. Three members shall be  
6 appointed by the Governor, three members shall be appointed by the  
7 Speaker of the House of Representatives and three members shall be  
8 appointed by the President Pro Tempore of the Senate. Appointments  
9 shall be for three-year terms. Members of the Advisory Councils  
10 shall serve at the pleasure of and may be removed from office by the  
11 appointing authority. Members shall continue to serve until their  
12 successors are appointed. Any vacancy shall be filled in the same  
13 manner as the original appointments. Five members shall constitute  
14 a quorum.

15 2. a. The Solid Waste Management Advisory Council shall  
16 consist of ten (10) members. Four members shall be  
17 appointed by the Governor, three members shall be  
18 appointed by the Speaker of the House of  
19 Representatives and three members shall be appointed  
20 by the President Pro Tempore of the Senate.  
21 Appointments shall be for three-year terms. Members  
22 of the Solid Waste Management Advisory Council shall  
23 serve at the pleasure of and may be removed from  
24 office by the appointing authority. Members shall

1 continue to serve until their successors are  
2 appointed. Any vacancy shall be filled in the same  
3 manner as the original appointments. Six members  
4 shall constitute a quorum.

5 b. The Water Quality Management Advisory Council shall  
6 consist of twelve (12) members. Four members shall be  
7 appointed by the Governor, four members shall be  
8 appointed by the President Pro Tempore of the Senate,  
9 and four members shall be appointed by the Speaker of  
10 the House of Representatives. Appointments shall be  
11 for three-year terms. Members shall serve at the  
12 pleasure of and may be removed by the appointing  
13 authority. Members may be eligible for ~~re-appointment~~  
14 reappointment and shall continue to serve until their  
15 successors are appointed. Vacancies shall be filled  
16 in the same manner as their original appointments.  
17 Seven members shall constitute a quorum.

18 3. Each Council shall elect a chair and a vice-chair from among  
19 its members. Each Council shall meet as required for rule  
20 development, review and recommendation and for such other purposes  
21 specified by law. Special meetings may be called by the chair or by  
22 the concurrence of any three members.  
23  
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1 C. 1. All members of the Water Quality Management Advisory  
2 Council shall be knowledgeable of water quality and of the  
3 environment. The Council shall be composed as follows:

4 a. the Governor shall appoint four members as follows:

- 5 (1) one member representing the field of engineering,
- 6 (2) one member representing a statewide nonprofit  
7 environmental organization,
- 8 (3) one member representing the general public, and
- 9 (4) one member representing a commercial or publicly  
10 owned laboratory accredited by the Department for  
11 both the Drinking Water and the General  
12 Environmental Laboratory classifications of  
13 accreditation,

14 b. the President Pro Tempore of the Senate shall appoint  
15 four members as follows:

- 16 (1) one member representing an industry located in  
17 this state,
- 18 (2) one member representing an oil field-related  
19 industry,
- 20 (3) one member representing the field of geology, and
- 21 (4) one member who holds a certificate under the  
22 Waterworks and Wastewater Works Operator  
23 Certification Act and who is the operator of a  
24

1                   municipal waterworks or wastewater works  
2                   facility, and

3           c.    the Speaker of the House of Representatives shall  
4           appoint four members as follows:

5                   (1)   one member representing a political subdivision  
6                   of the state who shall be a member of the local  
7                   governmental body of a city or town,

8                   (2)   one member representing a rural water district  
9                   organized pursuant to the laws of this state,

10                  (3)   one member representing the field of agriculture,  
11                  and

12                  (4)   one member who holds a certificate under the  
13                  Waterworks and Wastewater Works Operator  
14                  Certification Act and who is the operator of a  
15                  waterworks or wastewater works for a rural water  
16                  or sewer district organized pursuant to law.

17           2.    The jurisdictional areas of the Water Quality Management  
18    Advisory Council shall include Article VI of this chapter, Article  
19    IV of this chapter, waterworks and wastewater activities, water  
20    quality and protection and related activities and such other areas  
21    as designated by the Board.

22           D.   1.   All members of the Hazardous Waste Management Advisory  
23    Council shall be knowledgeable of hazardous waste and of the  
24    environment.   The Council shall be composed as follows:

1 a. the Governor shall appoint three members as follows:

2 (1) one member representing an industry located in  
3 this state,

4 (2) one member representing a statewide nonprofit  
5 environmental organization, and

6 (3) one member representing a political subdivision  
7 of the state who shall be a member of the local  
8 governing body of a city or town,

9 b. the President Pro Tempore of the Senate shall appoint  
10 three members as follows:

11 (1) one member representing a political subdivision  
12 of the state who shall be a member of the local  
13 governmental body of a city or town,

14 (2) one member representing the general public, and

15 (3) one member representing industry generating  
16 hazardous waste, and

17 c. the Speaker of the House of Representatives shall  
18 appoint three members as follows:

19 (1) one member representing the field of engineering,

20 (2) one member representing the hazardous waste  
21 industry, and

22 (3) one member representing the field of geology.

23 2. The jurisdictional areas of the Hazardous Waste Management  
24 Advisory Council shall include Article VII of this chapter, the

1 Oklahoma Hazardous Waste Reduction Program, and such other areas as  
2 designated by the Board.

3 E. 1. All members of the Solid Waste Management Advisory  
4 Council shall be knowledgeable of solid waste and of the  
5 environment. The Council shall be composed as follows:

6 a. the Governor shall appoint four members as follows:

7 (1) one member representing a statewide nonprofit  
8 environmental organization,

9 (2) one member shall be a county commissioner,

10 (3) one member representing the general public, and

11 (4) one member representing the solid waste  
12 incineration, waste-to-energy industry in this  
13 state,

14 b. the President Pro Tempore of the Senate shall appoint  
15 three members as follows:

16 (1) one member representing an industry located in  
17 this state generating solid waste,

18 (2) one member representing a political subdivision  
19 of this state who shall be a member of the local  
20 governmental body of a city or town, and

21 (3) one member representing the field of geology, and

22 c. the Speaker of the House of Representatives shall  
23 appoint three members as follows:  
24

- 1 (1) one member representing the solid waste disposal
- 2 industry in this state,
- 3 (2) one member representing the field of engineering,
- 4 and
- 5 (3) one member representing the transportation
- 6 industry.

7 2. The jurisdictional areas of the Solid Waste Management  
8 Advisory Council shall include Article X of this chapter, the  
9 Oklahoma Used Tire Recycling Act and such other areas as designated  
10 by the Board.

11 F. 1. All members of the Radiation Management Advisory Council  
12 shall be knowledgeable of radiation hazards and radiation  
13 protection. The Council shall be composed as follows:

14 a. the Governor shall appoint three members as follows:

- 15 (1) one member representing an industry located in
- 16 this state which uses sources of radiation in its
- 17 manufacturing or processing business,
- 18 (2) one member representing a statewide nonprofit
- 19 environmental organization, and
- 20 (3) one member representing the engineering
- 21 profession who shall be a professional engineer
- 22 employed and experienced in matters of radiation
- 23 management and protection,

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1           b.    the President Pro Tempore of the Senate shall appoint  
2                   three members as follows:

3                   (1)   one member representing the faculty of an  
4                           institution of higher learning of university  
5                           status and shall be experienced in matters of  
6                           scientific knowledge and competent in matters of  
7                           radiation management and protection,

8                   (2)   one member representing the general public, and

9                   (3)   one member representing the field of industrial  
10                           radiography, and

11           c.    the Speaker of the House of Representatives shall  
12                   appoint three members as follows:

13                   (1)   one member representing the transportation  
14                           industry,

15                   (2)   one member representing the petroleum industry  
16                           who is trained and experienced in radiation  
17                           management and protection, and

18                   (3)   one member representing a medical institution  
19                           within this state who shall be experienced in  
20                           matters of radiation management and protection.

21           2.    The jurisdictional areas of the Radiation Management  
22    Advisory Council shall include Article IX of this chapter and such  
23    other areas as designated by the Board.  
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1 G. 1. The Air Quality Council created pursuant to Section 6,  
2 Chapter 215, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-1807.1)  
3 shall remain in effect as the Air Quality Advisory Council and carry  
4 on the powers and duties assigned to it by law. Future appointments  
5 to the Council shall be made according to the provisions of this  
6 section.

7 2. The Council shall consist of nine (9) members who shall be  
8 residents of this state and appointed by the Governor with the  
9 advice and consent of the Senate.

10 3. Members of the Council shall have the qualifications as  
11 follows:

12 a. one member shall be selected from the engineering  
13 profession, and, as such, shall be a professional  
14 engineer and experienced in matters of air pollution  
15 equipment and control, who shall not be an employee of  
16 any unit of government,

17 b. one member shall be selected from industry in general,  
18 and, as such, shall be employed as a manufacturing  
19 executive carrying on a manufacturing business within  
20 this state,

21 c. one member shall be selected from a faculty of an  
22 institution of higher learning of university status  
23 and shall be experienced in matters of scientific  
24

1 knowledge and competent in matters of air pollution  
2 control and evaluation,

3 d. one member shall be selected from the transportation  
4 industry,

5 e. one member shall be selected from the petroleum  
6 industry, and, as such, shall be employed by a  
7 petroleum company carrying on a petroleum refining  
8 business within the state, and, as such, shall be  
9 trained and experienced in matters of scientific  
10 knowledge of causes as well as effects of air  
11 pollution,

12 f. one member shall be selected from agriculture, and, as  
13 such, shall be engaged in or employed by a basic  
14 agricultural business or the processing of  
15 agricultural products,

16 g. one member shall be selected from the political  
17 subdivisions of the state, and, as such, shall be a  
18 member of the local government body of a city or town,

19 h. one member, whose first term shall expire on June 15,  
20 1998, shall be selected from the general public, and

21 i. one member, whose first term shall expire on June 15,  
22 1999, shall be selected from the electric utilities  
23 industry, and as such, shall be knowledgeable in  
24 matters of air pollution and control.

1       4. Each member shall be appointed to serve a term of office of  
2 seven (7) years.

3       The terms of all members shall be deemed to have expired on June  
4 15th of the year of expiration, and shall continue until successors  
5 have been duly appointed and qualified. If a vacancy occurs, the  
6 Governor shall appoint a person for the remaining portion of the  
7 unexpired term created by the vacancy. Five members of the Council  
8 shall constitute a quorum.

9       5. The Council shall hold at least two regular meetings each  
10 calendar year at a place and time to be fixed by the Council. The  
11 Council shall select one of its members to serve as chair and  
12 another of its members to serve as vice-chair at the first regular  
13 meeting in each calendar year to serve as the chair and vice-chair  
14 for the ensuing year. Special meetings may be called, and any  
15 meeting may be canceled, by the chair, or by three members of the  
16 Council by delivery of written notice to each member of the Council.

17       6. The jurisdictional areas of the Air Quality Council shall  
18 include Article V of this chapter and such other areas as designated  
19 by the Board.

20       H. In addition to other powers and duties assigned to each  
21 Council pursuant to this Code, each Council shall, within its  
22 jurisdictional area:

23       1. Have authority to recommend to the Board rules on behalf of  
24 the Department. The Department shall not have standing to recommend

1 to the Board permanent rules or changes to such rules within the  
2 jurisdiction of a Council which have not previously been submitted  
3 to the appropriate Council for action;

4 2. Before recommending any permanent rules to the Board, give  
5 public notice, offer opportunity for public comment and conduct a  
6 public rulemaking hearing when required by the Administrative  
7 Procedures Act;

8 3. Have the authority to make written recommendations to the  
9 Board which have been concurred upon by at least a majority of the  
10 membership of the Council;

11 4. Have the authority to provide a public forum for the  
12 discussion of issues it considers relevant to its area of  
13 jurisdiction, and to:

14 a. pass nonbinding resolutions expressing the sense of  
15 the Council, and

16 b. make recommendations to the Board or Department  
17 concerning the need and the desirability of conducting  
18 meetings, workshops and seminars; and

19 5. Cooperate with each other Council, the public, the Board and  
20 the Executive Director in order to coordinate the rules within their  
21 respective jurisdictional areas and to achieve maximum efficiency  
22 and effectiveness in furthering the objectives of the Department.

23 I. The Councils shall not recommend rules for promulgation by  
24 the Environmental Quality Board unless all applicable requirements

1 of the Administrative Procedures Act have been followed, including  
2 but not limited to notice, rule impact statement and ~~rule-making~~  
3 rulemaking hearings.

4 J. Members of the Councils shall serve without compensation but  
5 may be reimbursed expenses incurred in the performance of their  
6 duties, as provided in the State Travel Reimbursement Act. The  
7 Councils are authorized to utilize the conference rooms of the  
8 Department of Environmental Quality and obtain administrative  
9 assistance from the Department, as required.

10 SECTION 2. This act shall become effective November 1, 2019.

11  
12 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated  
13 03/26/2019 - DO PASS, As Amended.  
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