

ENROLLED SENATE  
BILL NO. 326

BY: WILLIAMS (Penny), HOBSON,  
CAPPS, HANEY and EASLEY of  
the SENATE

and

THOMPSON of the HOUSE

AN ACT RELATING TO WATERS AND WATER RIGHTS AND SCHOOLS; AMENDING 82 O.S. 1981, SECTIONS 932, AS LAST AMENDED BY SECTION 33, CHAPTER 333, O.S.L. 1983 (82 O.S. SUPP. 1990, SECTION 932), WHICH RELATES TO THE STATE DEPARTMENT OF POLLUTION CONTROL; AMENDING THE MEMBERSHIP OF THE POLLUTION CONTROL COORDINATING BOARD; MODIFYING TERM OF MEMBERSHIP; REQUIRING THE STATE DEPARTMENT OF POLLUTION CONTROL TO DESIGN AND IMPLEMENT AN ENVIRONMENTAL EDUCATION PROGRAM; SPECIFYING REQUIREMENTS OF PROGRAM AND MATERIALS; REQUIRING STATE DEPARTMENT OF POLLUTION CONTROL TO DEVELOP AND MANAGE AN INFORMATION CLEARINGHOUSE; AUTHORIZING THE STATE DEPARTMENT OF EDUCATION TO MAKE CERTAIN PROGRAM MATERIALS AVAILABLE; EXPRESSING LEGISLATIVE INTENT TO APPOINT A TASK FORCE TO STUDY CERTAIN ENVIRONMENTAL ISSUES AND MAKE APPROPRIATE RECOMMENDATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR NONCODIFICATION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 82 O.S. 1981, Section 932, as last amended by Section 33, Chapter 333, O.S.L. 1983 (82 O.S. Supp. 1990, Section 932), is amended to read as follows:

Section 932. A. There is hereby re-created the State Department of Pollution Control. It shall be the duty of the Department to establish and maintain a coordinated, continuing surveillance of the waters, air and other natural resources of this state hereinafter referred to as the "environment" of this state for the purposes of controlling the quality of the environment and for preventing and abating any pollution thereof, whether the source of such pollution is within or without this state, through an enforcement of laws relating thereto and a maximum utilization of existing resources and facilities of state agencies having pollution control responsibilities under existing and subsequently enacted laws. No projects, under grant, contract, or otherwise, with the federal government shall be undertaken by the Department, unless such projects are assigned to the Department by the Pollution Control Coordinating Board.

B. The Department of Pollution Control shall be administered by the Pollution Control Coordinating Board, ~~hereby re-created. The Pollution Control Coordinating Board~~ which shall be composed of eleven (11) members, as follows: The State Commissioner of Health;

the President of the State Board of Agriculture; the Director of the Oklahoma Water Resources Board; the Director of the Department of Wildlife Conservation; the Chairman of the Oklahoma Corporation Commission; the ~~Chief Mine Inspector~~ Director of the Oklahoma Department of Mines; the Executive Director of the Oklahoma Conservation Commission; the Governor's Cabinet Secretary of Environment; and ~~four~~ three members at large appointed by the Governor with the advice and consent of the Senate. The appointed members shall be knowledgeable and experienced in environmental activities and shall serve at the pleasure of the Governor for terms of three (3) years with the term of only one such member to expire each year. The Governor shall designate one of each such members terms to expire in 1991, 1992 and 1993. Whenever the Governor's Cabinet Secretary of Environment is one of the seven state agency heads already designated above as members of the Board, the Governor shall appoint a fourth member at large with the advice and consent of the Senate. Such member shall be knowledgeable and experienced in environmental activities and shall serve at the pleasure of the Governor.

C. Necessary travel and other expenses incurred by members of the Board of the Department of Pollution Control in the discharge of their official duties as members of said Board shall be paid out of funds of the state agencies which the members respectively represent, in such amount and in such manner as is otherwise provided for by law for such members. Members not reimbursed by other state agencies for travel and other expenses shall be reimbursed out of the funds of the Department of Pollution Control.

D. The Governor shall appoint one of the members to serve as chairman and one of the members to serve as vice-chairman at the pleasure of the Governor. Each agency member is authorized to appoint from among his agency staff an alternate with voting powers to serve when necessary, in his absence, at Board meetings. The Office of Public Affairs shall provide office and conference rooms and facilities within the State Capitol complex, for the Department of Pollution Control.

E. The Board shall hold at least ten (10) regular monthly meetings each calendar year and such other special meetings as may be called by either the chairman or, in writing to all members, by two or more other members of the Board; provided, special meetings may be called on notice given at least five (5) days in advance of the date of such meetings, until otherwise provided by rule of the Board. At any regular or special meeting of the Board, or at any hearing conducted, six members shall constitute a quorum, and a concurring vote of at least six members of the Board will be necessary to perform any business of the Board.

F. The Attorney General of the State of Oklahoma shall serve as legal counsel for the Department of Pollution Control and shall assist the Board in its performance of the powers and duties designated by this act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 934.2 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. The State Department of Pollution Control shall design and implement a statewide general public environmental education program, in cooperation with other appropriate state agencies, including but not limited to, the members of the Pollution Control Coordinating Board, the Oklahoma State Regents for Higher Education, the State Department of Education and the Oklahoma Educational Television Authority. The statewide general public environmental education program shall:

1. Place particular emphasis on air pollution, water pollution, solid waste and controlled industrial waste management, energy conservation, soil conservation, and flora and fauna conservation;

2. Develop increased public awareness of and interest in environmentally sound management practices at the individual, local, and state levels;

3. Encourage better informed decisions on environmental issues by business, industry and the public; and

4. Disseminate practical information about ways in which individuals, institutions, and organizations can improve the state environment and quality of life.

B. Public environmental education materials prepared by the State Department of Pollution Control should be easily adaptable by public school systems, political subdivisions, industry and other social service organizations.

C. The State Department of Pollution Control shall furnish to the State Department of Education the educational program developed pursuant to this section.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 934.3 of Title 82, unless there is created a duplication in numbering, reads as follows:

The State Department of Pollution Control shall develop and manage a publicly accessible information clearinghouse for materials concerning environmental issues and policies. The clearinghouse may include, but shall not be limited to: computer data bases, fact sheets, market information, audio-visual materials, technical reports, brochures, newsletters, and public service announcements.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-103.10 of Title 70, unless there is created a duplication in numbering, reads as follows:

The State Department of Education may make the program materials concerning environmental issues and policies provided by the State Department of Pollution Control and developed pursuant to this act available to the public schools of this state.

SECTION 5. It is the intent of the Legislature that a task force comprised of legislative members, representatives from various environmental interest groups, environmental professionals, representatives of industries subject to environmental regulation, and other appropriate persons be appointed to study the regulation and management of the environment by the agencies of this state. The membership of the task force shall be determined by the President Pro Tempore of the Senate and the Speaker of the House of Representatives who shall choose an appropriate number of members from the aforementioned groups. Said task force shall review the recent enactments of the Legislature in this area along with the existing statutes and make such recommendations to the Legislature as it deems appropriate.

SECTION 6. The provisions of Section 5 of this act shall not be codified in the Oklahoma Statutes.

SECTION 7. This act shall become effective July 1, 1991.

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

Passed the Senate the 29th day of May, 1991.

President of the Senate

Passed the House of Representatives the 31st day of May, 1991.

Speaker of the House of  
Representatives