

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1518

BY: BATES of the HOUSE

and

EASLEY of the SENATE

AS INTRODUCED

AN ACT RELATING TO PUBLIC HEALTH AND SAFETY; AMENDING SECTION 2, CHAPTER 162, O.S.L. 1984, AS LAST AMENDED BY SECTION 2, CHAPTER 236, O.S.L. 1987 (63 O.S. SUPP. 1990, SECTION 1-106.1), WHICH RELATES TO FEES CHARGED FOR CERTAIN LICENSES, PERMITS AND ENVIRONMENTAL AND OTHER HEALTH SERVICES; REQUIRING THE STATE BOARD OF HEALTH TO ACCREDIT AND ACCEPT PUBLIC WATER SUPPLY TESTS FROM CERTAIN LABORATORIES; PROVIDING THAT SUCH TESTS MAY BE IN LIEU OF ANY TEST PERFORMED BY THE STATE DEPARTMENT OF HEALTH; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 2, Chapter 162, O.S.L. 1984, as last amended by Section 2, Chapter 236, O.S.L. 1987 (63 O.S. Supp. 1990, Section 1-106.1), is amended to read as follows:

Section 1-106.1 A. The State Board of Health may establish a system of fees to be charged for environmental and other health services and for services rendered to members of the public in the

issuance and renewal of licenses and permits by the State Commissioner of Health and the State Department of Health. This provision is subject to the following limitations:

1. No schedule of fees may be established or amended by the Board except during such times as the Legislature is in session. The Board must follow the procedures required by Sections 301 through 325 of Title 75 of the Oklahoma Statutes for adoption of rules and regulations in establishing or amending any such schedule of fees; and

2. The Board shall charge fees only within the following ranges:

For license or permit issuance: \$50.00 to \$2,000.00

For license or permit renewal: \$10.00 to \$500.00

For environmental health services: \$25.00 to \$250.00

provided further, that any facility exempt from the requirement to obtain a permit based on date of construction or start-up may be assessed an annual permit renewal fee equivalent.

B. The Board's authority to establish such a fee schedule shall extend to all programs administered by the State Commissioner of Health and the State Department of Health, regardless of whether the statutes creating such programs are codified in the Oklahoma Public Health Code.

C. The Board shall base its schedule of licensing or permitting fees upon the reasonable costs of review and inspection services rendered in connection with each license and permit program, but shall be within the ranges specified in subsection A of this section. The Department shall establish a system of training for all personnel who render review and inspection services in order to assure uniform statewide application of rules and regulations and the Board shall also base the fee on reasonable costs associated with the training of those personnel. Such fees shall not be used in the operation of local health departments whose personnel do not

participate fully in applicable State Department of Health training and standardization programs.

D. The Board may exempt by rule and regulation any class of licensee or permittee or any class of facility or activity to be licensed or permitted from the requirements of the fee schedule if the Board determines that the creation of such a schedule for any such class would work an unreasonable economic hardship.

E. All statutory fees now in effect for issuance and renewal of any license or permit administered by the State Commissioner of Health and the State Department of Health shall remain in effect until such time as the Board acts to implement new fee schedules pursuant to the provisions of this act.

F. Unless a longer duration is specified for certain permits by the rules and regulations of the Board, licenses and permits issued by the Commissioner of Health shall be for a one-year period.

G. Notwithstanding the above limits, the State Board of Health may establish an annual fee for public water supply system regulatory services based on the size of the system and the resultant regulatory cost of the services to the state, provided that the fee may not result in an increase of more than ten cents (\$0.10) per month per residential user of the public water supply systems. The Board shall accredit and accept laboratory tests performed by laboratories which meet federal E.P.A. accreditation standards. A public water supply system operated by or on behalf of a municipality may submit tests of such system performed by an accredited laboratory in lieu of tests performed by the State Department of Health pursuant to any regulatory requirement of state or federal law.

SECTION 2. 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.

43-1-5216

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