

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2100

By: Leist

COMMITTEE SUBSTITUTE

An Act relating to environment and natural resources and environmental specialists; amending Section 10, Chapter 398, O.S.L. 1992, as amended by Section 15, Chapter 145, O.S.L. 1993 and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-2-201), which relates to Advisory Councils; providing for termination of certain terms; providing for removal; amending 63 O.S. 1991, Section 1-2201, as amended by Section 291, Chapter 145, O.S.L. 1993 and as renumbered by Section 360, Chapter 145, O.S.L. 1993, 1-2202, as amended by Section 296, Chapter 145, O.S.L. 1993 and as renumbered by Section 360, Chapter 145, O.S.L. 1993, and Sections 290, 292, 293, 294, 295, 297, 298, 300, 301 and 302, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Sections 1150.1, 1150.2, 1150.3, 1150.4, 1150.5, 1150.6, 1150.7, 1150.8, 1150.9, 1150.11, 1150.12 and 1150.13), which relate to the Oklahoma Sanitarian Registration Act; changing the name of the act to the Oklahoma Environmental Specialist Registration Act; modifying definitions; providing for continuing education; providing for fees; clarifying and updating language; changing makeup of Advisory Council; providing for appointment; providing for qualifications; reducing certain terms; modifying duties; authorizing specialization registration and examination; providing for reciprocity; making certain actions unlawful; repealing Section 299, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1150.10), which relates to determination of fees; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 10, Chapter 398, O.S.L. 1992, as amended by Section 15, Chapter 145, O.S.L. 1993 and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-2-201), is amended to read as follows:

Section 2-2-201. A. There are hereby created:

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

3. The Solid Waste Management Advisory Council;
4. The Radiation Management Advisory Council; and
5. The Laboratory Services Advisory Council.

B. 1. Each Council created pursuant to subsection A of this section shall consist of nine (9) members. Three members shall be appointed by the Governor, three members shall be appointed by the Speaker of the House of Representatives and three members shall be appointed by the President Pro Tempore of the Senate. The initial appointments for each gubernatorial and legislative member shall be for progressive terms of one (1) through three (3) years so that only one term expires each calendar year; subsequent appointments shall be for three-year terms. Members of the Advisory Councils shall serve at the pleasure of and may be removed from office by the appointing authority. Members shall continue to serve until their successors are appointed. Any vacancy shall be filled in the same manner as the original appointments. Five members shall constitute a quorum.

2. Each Council shall elect a chair and a vice-chair from among its members. Each Council shall meet as required for rule development, review and recommendation and for such other purposes specified by law. Special meetings may be called by the chair or by the concurrence of any three (3) members.

C. 1. All members of the Water Quality Management Advisory Council shall be knowledgeable of water quality and of the environment. The Council shall be composed as follows:

- a. the Governor shall appoint three members as follows:
 - (1) one member representing the field of engineering,
 - (2) one member representing a statewide nonprofit environmental organization, and
 - (3) one member representing the general public,
- b. the President Pro Tempore of the Senate shall appoint three members as follows:
 - (1) one member representing an industry located in this state,

(2) one member representing an oil field-related industry, and

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

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

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

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

(3) one member representing the field of agriculture.

2. The jurisdictional areas of the Water Quality Management Advisory Council shall include Article VI of this chapter, water quality and protection and related activities and such other areas as designated by the Board.

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

a. the Governor shall appoint three members as follows:

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

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

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

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

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

(2) one member representing the general public, and

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

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

(1) one member representing the field of engineering,

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

(3) one member representing the field of geology.

2. The jurisdictional areas of the Hazardous Waste Management Advisory Council shall include Article VII of this chapter, the Oklahoma Hazardous Waste Reduction Program, and such other areas as designated by the Board.

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

a. the Governor shall appoint three members as follows:

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

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

(3) one member representing the general public,

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

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

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

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

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

(1) one member representing the solid waste disposal industry in this state,

(2) one member representing the field of engineering, and

- (3) one member representing the transportation industry.

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

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

- a. the Governor shall appoint three members as follows:
 - (1) one member representing an industry located in this state which uses sources of radiation in its manufacturing or processing business,
 - (2) one member representing a statewide nonprofit environmental organization, and
 - (3) one member representing the engineering profession who shall be a professional engineer employed and experienced in matters of radiation management and protection,
- b. the President Pro Tempore of the Senate shall appoint three members as follows:
 - (1) one member representing the faculty of an institution of higher learning of university status and shall be experienced in matters of scientific knowledge and competent in matters of radiation management and protection,
 - (2) one member representing the general public, and
 - (3) one member representing the field of industrial radiography, and
- c. the Speaker of the House of Representatives shall appoint three members as follows:
 - (1) one member representing the transportation industry,
 - (2) one member representing the petroleum industry who is trained and experienced in radiation management and protection, and

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

2. The jurisdictional areas of the Radiation Management Advisory Council shall include Article IX of this chapter and such other areas as designated by the Board.

G. 1. All members of the Laboratory Services Advisory Council shall be knowledgeable of laboratory services and certification standards. The Council shall be composed as follows:

- a. the Governor shall appoint three members as follows:
 - (1) one member representing a private laboratory within the state certified by the Department,
 - (2) one member representing the field of hydro-geology, and
 - (3) one member representing permit holders required to routinely submit laboratory analyses results to the Department,
- b. the President Pro Tempore of the Senate shall appoint three members as follows:
 - (1) one member representing a private laboratory within the state certified by the Department,
 - (2) one member representing a public laboratory within the state certified by the Department, and
 - (3) one member representing the field of microbiology, and
- c. the Speaker of the House of Representatives shall appoint three members as follows:
 - (1) one member representing a private laboratory within the state certified by the Department,
 - (2) one member representing permit holders required to routinely submit laboratory analyses results to the Department, and
 - (3) one member representing the field of environmental chemistry.

2. The jurisdictional areas of the Laboratory Services Advisory Council shall include Article IV of this chapter and such other areas designated by the Board.

H. 1. The Air Quality Council created pursuant to Section 6, Chapter 215, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-1807.1) shall remain in effect as the Air Quality Advisory Council and carry on the powers and duties assigned to it by law. The current members of the Air Quality Council shall remain on the Council until the expiration of their individual terms of office or until such offices are vacated. Future appointments to the Council shall be made according to the provisions of this section.

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

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

- a. one member shall be selected from the engineering profession, and, as such, shall be a professional engineer and experienced in matters of air pollution equipment and control, who shall not be an employee of any unit of government,
- b. one member shall be selected from industry in general, and, as such, shall be employed as a manufacturing executive carrying on a manufacturing business within this state,
- c. one member shall be selected from a faculty of an institution of higher learning of university status and shall be experienced in matters of scientific knowledge and competent in matters of air pollution control and evaluation,
- d. one member shall be selected from the transportation industry,
- e. one member shall be selected from the petroleum industry, and, as such, shall be employed by a petroleum company carrying on a petroleum refining business within the state, and, as such, shall be

trained and experienced in matters of scientific knowledge of causes as well as effects of air pollution,

- f. one member shall be selected from agriculture, and, as such, shall be engaged in or employed by a basic agricultural business or the processing of agricultural products,
- g. one member shall be selected from the political subdivisions of the state, and, as such, shall be a member of the local government body of a city or town,
- h. one member, whose first term shall expire on June 15, 1998, shall be selected from the general public, and
- i. one member, whose first term shall expire on June 15, 1999, shall be selected from the electric utilities industry, and as such, shall be knowledgeable in matters of air pollution and control.

4. Each member shall be appointed to serve a term of office of seven (7) years, except that the term of those first appointed shall expire as follows:

One at the end of one (1) year after date of appointment;

One at the end of two (2) years after date of appointment;

One at the end of three (3) years after date of appointment;

One at the end of four (4) years after date of appointment;

One at the end of five (5) years after date of appointment;

One at the end of six (6) years after date of appointment;

and

One at the end of seven (7) years after date of appointment;

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

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

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

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

1. Have authority to recommend to the Board rules on behalf of the Department. The Department shall not have standing to recommend to the Board permanent rules or changes to such rules within the jurisdiction of a Council which have not previously been submitted to the appropriate Council for action;

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

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

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

- a. pass nonbinding resolutions expressing the sense of the Council, and
- b. make recommendations to the Board or Department concerning the need and the desirability of conducting meetings, workshops and seminars; and

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

J. The Councils shall not recommend rules for promulgation by the Environmental Quality Board unless all applicable requirements of the Administrative Procedures Act have been followed, including but not limited to notice, rule impact statement and rule-making hearings.

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

SECTION 2. AMENDATORY Section 290, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1150.1), is amended to read as follows:

Section 1150.1 Sections ~~290~~ 1150.2 through ~~302~~ 1150.13 of this ~~act~~ title shall be known and may be cited as the Oklahoma ~~Sanitarian~~ Environmental Specialist Registration Act.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 1-2201, as amended by Section 291, Chapter 145, O.S.L. 1993, and as renumbered by Section 360, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1150.2), is amended to read as follows:

Section 1150.2 For the purposes of the Oklahoma ~~Sanitarian~~ Environmental Specialist Registration Act:

1. "~~Sanitarian~~ Environmental specialist" means a person uniquely qualified by education in the sciences, specialized training, and creditable field experience to effectively plan,

organize, manage, execute and evaluate one or more of the many diverse elements comprising the fields of public health and environment. The term ~~sanitarian~~ environmental specialist may be interpreted to include environmental sanitarian, ~~or~~ environmental health specialist, sanitarian or other similar term;

2. "Board" means the State Board of Health of the State of Oklahoma;

3. "Commissioner" means the State Commissioner of Health of the State of Oklahoma;

4. "Department" means the Oklahoma State Department of Health;

5. "Person" means ~~and includes individuals, firms, partnerships, associations, and corporations; and also means and includes the State of Oklahoma, counties, districts, municipalities, and all subdivisions, districts, officers, agencies, departments, institutions, or instrumentalities of any thereof, whether governmental or proprietary~~ an individual;

~~5.~~ 6. "Registration" means a certificate issued pursuant to the Oklahoma ~~Sanitarian~~ Environmental Specialist Registration Act;

~~6.~~ 7. "Council" means the ~~Sanitarian~~ Environmental Specialist Registration Advisory Council; and

~~7.~~ 8. "Executive Director" means the Executive Director of the Department of Environmental Quality.

SECTION 4. AMENDATORY Section 292, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1150.3), is amended to read as follows:

Section 1150.3 A. The State Board of Health in conjunction with the ~~Sanitarian~~ Environmental Specialist Registration Advisory Council is hereby authorized to promulgate rules governing the examination and registration of ~~sanitarians~~ environmental specialists, and the defining of categories and limitations for such registration.

B. The Board upon recommendation of the Council may require continuing education as a condition for renewal of any registration issued pursuant to the provisions of the Oklahoma Environmental Specialist Registration Act.

C. Fees required by the Oklahoma Environmental Specialist Registration Act shall be determined by the Board pursuant to Article I of the Administrative Procedures Act.

SECTION 5. AMENDATORY Section 293, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1150.4), is amended to read as follows:

Section 1150.4 A. It is the intent of the Legislature that the Council and the registration of ~~sanitarians~~ environmental specialists pursuant to the provisions of the Oklahoma ~~Sanitarian Environmental Specialist~~ Registration Act shall constitute a section of the Occupational Licensing Division of the Oklahoma State Department of Health.

B. Fees collected pursuant to the provisions of the Oklahoma ~~Sanitarian~~ Environmental Specialist Registration Act shall be paid into the Public Health Special Fund to be expended by the Department to implement the Oklahoma Environmental Specialist Registration Act.

SECTION 6. AMENDATORY Section 294, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1150.5), is amended to read as follows:

Section 1150.5 A. There is hereby created the "~~Sanitarian~~ Environmental Specialist Registration Advisory Council", which shall consist of nine (9) members appointed as follows:

~~1. One member shall be the Commissioner of Health or designated representative;~~

~~2. One member shall be the Executive Director of the Department of Environmental Quality or designee;~~

~~3. One member shall be the Administrator of the Office of Personnel Management or designee;~~

~~4. One member shall be a registered sanitarian who shall be appointed by the City-County Health Department of Oklahoma County;~~

~~5. One member shall be a registered sanitarian who shall be appointed by the Tulsa City-County Health Department;~~

~~6. Two members shall be registered sanitarians employed by state government who shall be appointed by the Commissioner; and~~

~~7. Two members shall be registered sanitarians who shall be appointed by the Executive Director of the Department of Environmental Quality, one who is employed by private industry and one who is employed by the Indian Health Service of the Public Health Service.~~

1. The Governor shall appoint three members as follows:

- a. one member representing the Office of Personnel Management for an initial term of three (3) years,
- b. one member shall be a registered environmental specialist representing the Oklahoma State Department of Health for an initial term of two (2) years, and
- c. one member shall represent the Department of Environmental Quality for an initial term of one (1) year;

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

- a. one member shall be a registered environmental specialist appointed from a list of six or more nominees submitted by the City-County Health Department of Oklahoma County for an initial term of three (3) years,
- b. one member shall be a registered environmental specialist appointed from a list of six or more nominees submitted by the City-County Health Department of Tulsa County for an initial term of two (2) years, and
- c. one member shall be a registered environmental specialist appointed from a list of six or more nominees who is employed by the Indian Health Service of the Public Health Service for an initial term of one (1) year; and

3. The Speaker of the House of Representatives shall appoint three members as follows:

- a. one member shall represent the Oklahoma Department of Agriculture for an initial term of three (3) years,
- b. one member shall be a registered environmental specialist appointed from a list of six or more nominees submitted by the Oklahoma Society of Environmental Health Professionals for an initial term of two (2) years,
- c. one member shall be a registered environmental specialist representing private industry for an initial term of one (1) year.

The appointed registered environmental specialist members shall have at least five (5) years of experience as registered ~~sanitarians~~ environmental specialists. Environmental specialist members of the Council shall be registered under the Environmental Specialist Registration Act.

B. ~~The~~ After expiration of the initial term of office, the term of office of each appointed member shall be for ~~four (4)~~ three (3) years. Each appointed member shall hold office until his successor is appointed and has qualified under the Oklahoma ~~Sanitarian~~ Environmental Specialist Registration Act.

C. Appointed members of the Council may be removed from office by the appointing authority.

D. The members of the Council shall serve without pay but may be reimbursed for actual expenses pursuant to the State Travel Reimbursement Act.

E. The Council shall elect from among its membership a chair, vice-chair and secretary to serve terms of not more than two (2) years ending on July 1 of the year designated by the Council. The chair or vice-chair shall preside at all meetings. The chair, vice-chair and secretary shall perform such duties as may be decided by the Council in order to effectively administer the Oklahoma Sanitarian Registration Act.

F. A majority of Council members present at a meeting shall constitute a quorum to transact official business.

G. The Council shall meet ~~within thirty (30) days after the effective date of this act and shall meet thereafter~~ at such times as the Council deems necessary to implement the Oklahoma ~~Sanitarian~~ Environmental Specialist Registration Act.

SECTION 7. AMENDATORY Section 295, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1150.6), is amended to read as follows:

Section 1150.6 The Council shall have the power and duty to:

1. Assist and advise the Board on all matters relating to the formulation of rules in accordance with the Oklahoma ~~Sanitarian~~ Environmental Specialist Registration Act;

2. Administer the examinations of applicants for registration pursuant to the Oklahoma ~~Sanitarian~~ Environmental Specialist Registration Act;

3. Determine qualifications of applicants pursuant to the Oklahoma ~~Sanitarian~~ Environmental Specialist Registration Act;

4. Prescribe and adopt forms for registration applications and initiate mailing of such application forms to all persons requesting such applications;

5. ~~Investigate~~ Recommend investigation of alleged violations of the provisions of the Oklahoma ~~Sanitarian~~ Environmental Specialist Registration Act ~~and or~~ of any rules promulgated by an investigation of the Board thereunder;

6. Assist the Board in establishing categories of registrations and application requirements for each category including but not limited to education, experience requirements, and examinations;

7. ~~Suspend, revoke or nonrenew~~ Recommend renewal of a registration on an annual basis;

8. Recommend the suspension, revocation or nonrenewal of any registration or deny registration pursuant to the Oklahoma Sanitarian Registration Act;

~~8.~~ 9. By January 1, ~~1994~~ of each year, submit a written report to the Speaker of the House of Representatives and President Pro Tempore of the Senate detailing specific recommendations on determining professional standards and

qualifications for categories of certification within the fields of public health and environment; and

~~9.~~ 10. Have such other powers and duties as is necessary to implement the Oklahoma Sanitarian Registration Act.

SECTION 8. AMENDATORY 63 O.S. 1991, Section 1-2202, as amended by Section 296, Chapter 145, O.S.L. 1993, and as renumbered by Section 360, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1150.7), is amended to read as follows:

Section 1150.7 A. Applicants for certificate of registration as ~~a sanitarian~~ an environmental specialist shall:

1. Have two (2) years of postgraduate, full-time experience working in the fields of public health or ~~environment~~ environmental protection;

2. Have a four-year baccalaureate degree with a major in public health, environmental health, environmental science, physical science, natural science, biological science, agricultural science, or equivalent, from an accredited college or university with at least thirty (30) semester hours of work in physical, natural and biological sciences, public health ~~and/or,~~ environmental health or environmental protection;

3. Pass an examination prescribed by the Council, demonstrating knowledge and understanding of the principles of sanitation and of the physical, biological and environmental sciences. Such examination may be general in nature or specific to an area of specialization; and

4. Pay applicable examination and registration fees.

B. Upon compliance with subsection A of this section, the Commissioner shall issue a certificate of registration as a ~~sanitarian~~ an environmental specialist. The area of specialization, if any, shall be designated on the certificate.

C. Applicants who meet all qualifications for registration as a sanitarian except for experience may, after passing an examination, paying a fee and upon approval by the Commissioner be granted a certificate as ~~a sanitarian-in-training~~ an environmental-specialist-in-training, which certificate shall

remain in effect, unless revoked by the Commissioner, for a period not to exceed thirty (30) months after date of issue.

SECTION 9. AMENDATORY Section 297, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1150.8), is amended to read as follows:

Section 1150.8 A. Examinations for licenses as ~~Registered Sanitarians~~ registered environmental specialists shall be uniform and practical in nature and shall be sufficiently strict to test the qualifications and fitness of the applicants for registration. Examinations shall be in whole or in part in writing. The Council shall conduct examinations twice a year and at such other times as it deems necessary. Examinations may be general or specific to an area of specialization.

B. Any applicant initially failing to pass the examination shall not be permitted to take another examination for a period of thirty (30) days. Any applicant subsequently failing to pass the examination shall not be permitted to take another examination for a period of ninety (90) days.

SECTION 10. AMENDATORY Section 298, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1150.9), is amended to read as follows:

Section 1150.9 A. The Commissioner shall issue a registration as a ~~sanitarian~~ an environmental specialist to any person who:

1. Has been certified by the Council as either having successfully passed the appropriate examination or having a valid license issued by another governmental entity with registration requirements similar to those provided in the Oklahoma ~~Sanitarian~~ Environmental Specialist Registration Act; and

2. Has paid the ~~license~~ registration fee and otherwise complied with the provisions of the Oklahoma ~~Sanitarian~~ Environmental Specialist Registration Act.

B. All ~~licenses~~ registrations shall be nontransferable and it shall be a misdemeanor for any person ~~licensed~~ registered under the provisions of the Oklahoma ~~Sanitarian~~ Environmental Specialist

Registration Act to loan or allow the use of such registration by any other person.

C. Until January 1, ~~1994~~ 1995, the Council shall, upon proper application, issue registrations as general environmental specialists without examinations and without payment of additional fees to persons who prior to October 1, 1993, hold unexpired registrations as ~~sanitarians~~ environmental specialists issued by the Commissioner, and who have otherwise complied with the requirements of the Oklahoma ~~Sanitarian~~ Environmental Specialist Registration Act. This registration must be produced as a prerequisite to obtaining a registration.

SECTION 11. AMENDATORY Section 300, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1150.11), is amended to read as follows:

Section 1150.11 The Commissioner shall, upon application therefor, and upon payment of the required fees, issue a certificate of registration as ~~a sanitarian~~ an environmental specialist to any person who holds a certificate of registration issued to him by the proper authority of any state, or territory, or possession of the United States, or any country, provided that ~~the:~~

1. The requirements for the registration of ~~sanitarians~~ environmental specialists under which the certificate was issued do not conflict with the provisions of this state's laws relative thereto and at the time said certificate was granted were a standard not lower than those specified in the Oklahoma ~~Sanitarian~~ Environmental Specialist Registration Act; and

2. That the applicant is still in good standing with the body issuing the certificate. No certificate shall be issued unless the holder of a certificate pursuant to the Oklahoma Environmental Specialist Registration Act would be issued a similar certificate by such other body under substantially the same conditions.

SECTION 12. AMENDATORY Section 301, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1150.12), is amended to read as follows:

Section 1150.12 Only a person who has qualified as a registered ~~sanitarian~~ environmental specialist and who holds a valid current registration certificate for use in this state shall have the right and privilege of using the title Registered Professional ~~Sanitarian~~ Environmental Specialist and to use the abbreviation ~~R.P.S.~~ R.P.E.S. after ~~his~~ their name. It shall be a misdemeanor for any person to represent themselves as an RPES who does not hold a valid certificate of registration.

SECTION 13. AMENDATORY Section 302, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1150.13), is amended to read as follows:

Section 1150.13 A. The Commissioner shall have the power to revoke the certificate of registration of any registrant pursuant to the provisions of this section.

B. The Commissioner shall suspend or revoke or not renew any registration for:

1. Fraud or deceit in obtaining a registration;
2. Making a material misstatement in the application for a ~~license or~~ registration, or the renewal of a ~~license or~~ registration;
3. Loaning or illegally using a registration;
4. Demonstrating incompetence, or any gross negligence or misconduct in ~~the~~ professional practice ~~of professional sanitation;~~ or
5. Violating any provisions of the Oklahoma Sanitarian Registration Act, or any rule, or order prescribed by the Board promulgated thereto.

C. Any person whose registration has been revoked by the Commissioner may apply for a new registration one (1) year from the date of such revocation.

SECTION 14. REPEALER Section 299, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1150.10), is hereby repealed.

SECTION 15. This act shall become effective July 1, 1994.

SECTION 16. 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
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effect and be in full force from and after its passage and approval.

44-2-8877

KSM