

SHORT TITLE: Environment and Natural Resources; requiring agencies to complete complaint investigations within certain time period; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 832

By: Easley

AS INTRODUCED

An Act relating to environment and natural resources; amending Section 11, Chapter 398, O.S.L. 1992, as amended by Section 5, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 1-1-203), which relates to state environmental agencies' rules for permits and complaints; requiring agencies to complete certain complaint investigations within certain time period; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 11, Chapter 398, O.S.L. 1992, as amended by Section 5, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 1-1-203), is amended to read as follows:

Section 1-1-203. A. Each state environmental agency, within its areas of environmental jurisdiction, shall promulgate, by rule, time periods for issuance or denial of permits and licenses that are required by law. Any such matter requiring an individual proceeding shall be resolved in accordance with the rules of the agency and any applicable statutes. The rules shall provide that such time periods shall only be extended by agreement with the licensee or permittee or if circumstances outside the agency's control prevent that agency from meeting its time periods. If the agency fails to issue or deny a permit or license within the required time periods because of

circumstances outside of the agency's control, the agency shall state in writing the reasons such licensing or permitting is not ready for issuance or denial.

B. Each state environmental agency shall promulgate rules establishing time periods for complaint resolution as required by law. Provided, however, each state environmental agency shall be required to complete its investigation and document the ultimate resolution of such complaint within ninety (90) days of receiving such complaint. Complaints received by any state environmental agency concerning a site or facility permitted by or which clearly falls within the jurisdiction of another state environmental agency shall be immediately referred to the appropriate state environmental agency for investigation and resolution. Such investigation shall be made by the appropriate division and employees of the appropriate state environmental agency.

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.

44-2-1850

MJM