

ENGROSSED HOUSE  
BILL NO. 3037

By: Perry

An Act relating to environment and natural resources; amending Section 5, Chapter 398, O.S.L. 1992, as amended by Section 6, Chapter 145, O.S.L. 1993 and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1995, Section 1-1-204), which relates to complaint investigation and response of state environmental agencies; giving authority for assessment of certain administrative penalties to state environmental agencies; requiring the adoption of certain rules for false complaints; and providing an effective date.

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

SECTION 1. AMENDATORY Section 5, Chapter 398, O.S.L. 1992, as amended by Section 6, Chapter 145, O.S.L. 1993 and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1995, Section 1-1-204), is amended to read as follows:

Section 1-1-204. A. Each state environmental agency shall develop, implement and utilize a complaint investigation and response process that will ensure all state environmental agencies with authority to investigate, mitigate and resolve complaints, respond to complaints in a timely manner by initiating appropriate action and informing the complainant regarding potential actions that may occur. Complainants shall also be notified, in writing:

1. Of the resolution of the complaint; and

2. Of the complainant's options for further resolution of the complaint if such complainant objects or disagrees with the actions or decision of the agency.

B. Each state environmental agency shall have the authority to assess an administrative penalty, after notice and an opportunity for a hearing pursuant to the Administrative Procedures Act, for any person whom the state environmental agency has determined to have knowingly filed a false complaint or knowingly misrepresented or omitted material information relating to the complaint. Each state environmental agency shall have the authority to promulgate rules establishing a penalty in an amount not more than Five Hundred Dollars (\$500.00) against any person who knowingly made such false complaint, misrepresentation or omission.

C. Rules to implement such system shall be promulgated by each state environmental agency.

~~C.~~ D. Effective January 1, 1993, all unexpended funds, property, records, personnel not to exceed four full-time-equivalent employees (FTE) and any outstanding financial obligations or encumbrances of the Pollution Control Coordinating Board and the Department of Pollution Control related to the acceptance of loans, funds and grants from private and governmental sources by the Board and Department are hereby transferred to the Office of the Secretary of the Environment. The State Treasurer and the Director of State Finance shall take all necessary actions to facilitate the transfer to the Office of the Secretary of the Environment, including, but not limited to, the establishment of agency codes, accounts and funds. Employees transferred pursuant to this subsection shall be employees of the Office of the Secretary of the Environment and shall not be attached to any state environmental agency.

SECTION 2. This act shall become effective November 1, 1996.

Passed the House of Representatives the 4th day of March, 1996.

Speaker

of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1996.

President

of the Senate