

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1831

By: Taylor

AS INTRODUCED

An Act relating to the termination of certain governmental entities; amending Section 9, Chapter 398, O.S.L. 1992, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as amended by Section 5, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1994, Section 2-3-101), which relates to the Environmental Management Oversight Task Force; amending 62 O.S. 1991, Section 41.5k, as amended by Section 8, Chapter 268, O.S.L. 1992, Section 1, Chapter 268, O.S.L. 1992 and Section 2, Chapter 268, O.S.L. 1992, as last amended by Section 1, Chapter 21, O.S.L. 1994 (62 O.S. Supp. 1994, Sections 41.5k, 41.5m and 41.5n), which relate to the Industry Advisory Committee; repealing Section 1, Chapter 304, O.S.L. 1993 (36 O.S. Supp. 1994, Section 6581), which relates to the Committee on Uniform Health Care Claim Forms; repealing 62 O.S. 1991, Sections 41.5b and 41.5c, which relate to the Industry Advisory Committee; repealing 65 O.S. 1991, Sections 6-101, 6-102, 6-103, 6-104, 6-105 and 6-106, which relate to the Interstate Library Compact; repealing Section 13, Chapter 273, O.S.L. 1993 (68 O.S. Supp. 1994, Section 2946.3), which relates to the Ad Valorem Transition Oversight

Committee; repealing Section 1, Chapter 284, O.S.L. 1994 (74 O.S. Supp. 1994, Section 1311.2), which relates to the Task Force on Temporary Employee Health Benefits; repealing Sections 17 and 18, Chapter 255, O.S.L. 1992, which relate to the Interim Task Force on Welfare and Medicaid Reform; repealing Section 349, Chapter 145, O.S.L. 1993, as amended by Section 54, Chapter 324, O.S.L. 1993, which relates to the Environmental Management Oversight Task Force; repealing Section 13, Chapter 359, O.S.L. 1993, which relates to the Study Committee on Health Insurance for Education Entities; repealing Section 1, Chapter 217, O.S.L. 1994, which relates to the School Boards 2000 Task Force; repealing Section 6, Chapter 362, O.S.L. 1994, which relates to the Rural Library/Rural School Teamwork Task Force; repealing Sections 1, 2, 3 and 4 of House Joint Resolution No. 1054, p. _____, O.S.L. 1994, which relates to the Task Force on Essential Government Functions and Public Finance; and providing an effective date.

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

SECTION 1. AMENDATORY Section 9, Chapter 398, O.S.L. 1992, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as amended by Section 5, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1994, Section 2-3-101), is amended to read as follows:

Section 2-3-101. A. 1. There is hereby created the Department of Environmental Quality.

B. Within its jurisdictional areas of environmental responsibility, the Department of Environmental Quality, through its duly designated employees or representatives, shall have the power and duty to:

1. Perform such duties as required by law; and

2. Be the official agency of the State of Oklahoma, as designated by law, to cooperate with federal agencies for point source pollution, solid waste, hazardous materials, pollution, Superfund, water quality, hazardous waste, radioactive waste, air quality, drinking water supplies, wastewater treatment and any other program authorized by law or executive order.

C. Any employee of the Department in a technical, supervisory or administrative position relating to the review, issuance or enforcement of permits pursuant to this Code who is an owner, stockholder, employee or officer of, or who receives compensation from, any corporation, partnership, or other business or entity which is subject to regulation by the Department of Environmental Quality shall disclose such interest to the Executive Director. Such disclosure shall be submitted for Board review and shall be made a part of the Board minutes available to the public. This subsection shall not apply to financial interests occurring by reason of an employee's participation in the Oklahoma State Employees Deferred Compensation Plan or publicly traded mutual funds.

D. The Executive Director, Deputy Director, and all other positions and employees of the Department at the Division Director level or higher shall be in the unclassified service.

E. The following programs are hereby established within the Department of Environmental Quality:

1. An air quality program which shall be responsible for air quality;

2. Water programs which shall be responsible for water quality, including, but not limited to point source and nonpoint source pollution within the jurisdiction of the Department, public and private water supplies, public and private wastewater treatment, water protection and discharges to waters of the state;

3. Waste management programs which shall be responsible for hazardous waste, solid waste, radiation, and municipal, industrial, commercial and other waste; and

4. Special projects and services programs which shall be responsible for duties related to planning, interagency coordination, technical assistance programs, laboratory services and laboratory certification, recycling, education and dissemination of information.

F. Within the Department there are hereby created:

1. The Office of Complaints, Investigation and Mediation which shall be responsible for intake processing, investigation, mediation and conciliation of inquiries and complaints received by the Department and which shall provide for the expedient resolution of complaints within the jurisdiction of the Department;

2. The Office of Business Assistance which shall be responsible for advising and providing to licensees, permittees and those persons desiring to obtain a license or permit, the necessary forms and the information necessary to comply with the Oklahoma Environmental Quality Code. The Office of Business Assistance shall intercede with other divisions or offices of the Department to assist businesses and other state agencies in complying with state statutes and rules governing environmental areas;

3. The Office of Local Government Assistance which shall be responsible for advising and providing to licensees, permittees and those persons associated with and representing local political subdivisions desiring a license or permit, the necessary forms and the information necessary to comply with the Oklahoma Environmental

Quality Code. The Office of Local Government Assistance shall intercede with other divisions or offices of the Department to assist municipalities in complying with state statutes and rules governing environmental areas;

4. The Office of Citizen Assistance which shall be responsible for advising and providing assistance to persons desiring information concerning the Department's rules, laws, procedures, licenses or permits, and forms used to comply with the Oklahoma Environmental Quality Code; and

5. The Office of Administrative Hearings which shall have primary responsibility for conducting individual proceedings including, but not limited to, maintenance of records, giving required notices, docketing and scheduling, and for conducting, upon request, administrative rulemaking hearings. The Office of Administrative Hearings shall be maintained separate and apart from any legal division or office of General Counsel of the Department.

G. 1. The Department shall prepare and submit an annual report assessing the status of the Department's programs to the Board, the Governor, the President Pro Tempore of the State Senate, and the Speaker of the Oklahoma House of Representatives by January 1 of each year. The annual status report shall include: the number of environmental inspections made within the various regulatory areas under the Department's jurisdiction; the number of permit applications submitted within the various regulatory areas under the Department's jurisdiction; the number of permits issued within the various regulatory areas under the Department's jurisdiction; the number and type of complaints filed with the Department; the number of resolved and unresolved Department complaints; a list of any permits and complaints which failed to be either completed or resolved within the Department's established time frames and an explanation of why the Department was unable to meet said time frames; the number and kinds of services provided corporations,

businesses, cities, towns, schools, citizen groups and individuals by the Offices of Business Assistance, Local Government Assistance, and Citizen Assistance; a summary of the Department's environmental education efforts; the number and type of administrative hearings held and their outcomes; a detailed description of any promulgated and pending emergency or permanent rules requested by the Department and the current status of pending rules within the rulemaking process; the number of notices of violations issued by the Department within the various regulatory areas under its jurisdiction; the amount of penalties collected by the Department within the various regulatory areas under its jurisdiction; and any other information which the Department believes is pertinent.

2. Beginning January 1, 1995, and on or before January 1 of every year thereafter, the Department shall prepare an Oklahoma Environmental Quality Report which outlines the Department's two-year needs for providing environmental services within its jurisdictional areas. The report shall reflect any new federal mandates, such mandates' estimated costs, and any state statutory or constitutional changes recommended by the Department within its jurisdictional areas. The Oklahoma Environmental Quality Report shall be reviewed, amended, and approved by the Board. The Department shall transmit an approved copy of the Oklahoma Environmental Quality Report to the Governor, President Pro Tempore of the State Senate, and Speaker of the House of Representatives.

3. The Executive Director shall establish such divisions and such other programs and offices as the Executive Director may determine necessary to implement and administer programs and functions within the jurisdiction of the Department pursuant to the Oklahoma Environmental Quality Code. ~~In establishing such divisions and offices the Executive Director shall consult with and advise the Environmental Management Oversight Task Force as created by Section 349 of this act.~~

H. 1. The Department may contract with the other state environmental agencies or the local conservation districts to provide environmental services to the maximum extent possible. Such contracts may include duties related to providing information to the public regarding state environmental services, resources, permitting requirements and procedures based upon the ability, education and training of state environmental agency or local conservation district employees.

2. The Department, in conjunction with the state environmental agencies, may develop a program for the purpose of training state environmental agency or local conservation district employees to provide any needed environmental services.

3. Environmental services to be provided by other state environmental agencies or by local conservation districts shall not include the investigation of complaints regarding, or inspections of, permitted sites or facilities, unless otherwise authorized by law.

4. In order to promote efficiency in state government and maximize services to rural citizens, the Department of Environmental Quality and the Oklahoma State Department of Health may contract between the agencies to provide services as may be needed. In performing any services pursuant to such a contract, the Oklahoma Department of Health shall be deemed to be a state environmental agency for purposes of fulfilling environmental program and function duties and responsibilities specified by such contracts between the Oklahoma Department of Health and the Department of Environmental Quality.

5. The Department of Environmental Quality may contract as needed with the City-County Health Department of Oklahoma County and the Tulsa City-County Health Department for performance of environmental services within the jurisdictional areas of responsibility of the Department of Environmental Quality.

SECTION 2. AMENDATORY 62 O.S. 1991, Section 41.5k, as amended by Section 8, Chapter 268, O.S.L. 1992 (62 O.S. Supp. 1994, Section 41.5k), is amended to read as follows:

Section 41.5k A. There is hereby established the Joint Legislative Committee on Data Processing and Telecommunication. Such committee shall be composed of three (3) members of the Senate and three (3) members of the House of Representatives, who shall be appointed every two (2) years by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, respectively. The chairmanship of the committee shall alternate every two (2) years between the Senate and House of Representatives at the beginning of each odd-numbered year.

B. The committee shall meet at least quarterly and at such other times as called by the chairman thereof for the purposes of:

1. Reviewing and making recommendations regarding state plans, standards and rules developed under the administrative control of the Director of State Finance as prescribed in Sections 41.5a through 41.5g of this title;

2. Providing a forum for the Office of State Finance, ~~the Industry Advisory Committee,~~ the State Data Processing and Telecommunications Advisory Committee and state agencies, as necessary to accomplish the legislative intent of this legislation;

3. Coordinating and reporting to the Legislature the development and progress of the long-range plans, proposed systems and joint projects required to accomplish the statewide objectives; and

4. Reviewing agency budget requests for new and expanded programs in the areas of data processing and telecommunications and making such recommendations as it deems necessary to the appropriations committees of the Legislature.

SECTION 3. AMENDATORY Section 1, Chapter 268, O.S.L. 1992 (62 O.S. Supp. 1994, Section 41.5m), is amended to read as follows:

Section 41.5m A. There is hereby created a wide area telecommunications network to be known and referred to as the "Oklahoma Government Telecommunications Network (OGTN)". The OGTN shall consist of the telecommunications systems and networks of educational entities and agencies of state government.

B. Notwithstanding the provisions of subsection A of this section:

1. The Oklahoma State Regents for Higher Education may continue to operate, maintain and enhance the State Regents Educational Telecommunications Network; provided, however, the Oklahoma State Regents for Higher Education shall submit all plans for the enhancement of the State Regents Educational Telecommunications Network to the Office of State Finance for review and approval within the context of the statewide telecommunications network provided for in subsection C of this section and shall participate with the Office of State Finance in joint efforts to provide services for the OGTN; and

2. The Department of Public Safety may continue to operate, maintain and enhance the statewide law enforcement data communications network provided for in Section 2-124 of Title 47 of the Oklahoma Statutes; provided, however, the Department of Public Safety shall submit all plans for the enhancement of the statewide law enforcement data communications network to the Office of State Finance for review and approval and shall participate with the Office of State Finance in joint efforts to provide services for the OGTN.

C. The Office of State Finance shall be responsible for developing, operating and maintaining the OGTN. The purposes of the OGTN shall include the following:

1. Development of a comprehensive, unified statewide telecommunications network to effectively and efficiently meet the communication needs of educational entities and agencies of state government;

2. Effective and efficient utilization of existing telecommunications systems operated by educational entities and agencies of state government; and

3. Elimination and prevention of unnecessarily duplicative telecommunications systems operated by educational entities and agencies of state government.

D. In developing, operating and maintaining the OGTN, the Office of State Finance shall:

1. Develop a statewide master plan for meeting the communications needs of educational entities and of agencies of state government. To facilitate the development of a statewide master plan as provided for in this paragraph:

a. the Oklahoma State Regents for Higher Education shall submit a report annually to the Director of State Finance identifying the telecommunications plans of each member of The Oklahoma State System of Higher Education. For purposes of developing such report, each member shall cooperate with and submit to the State Regents a plan of its telecommunications needs, including, but not limited to, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records, and the use of telecommunications equipment or services,

b. the State Superintendent of Public Instruction shall submit a report annually to the Director of State Finance identifying the telecommunications plans of the public common school system of the state. For

purposes of developing such report, the respective public elementary and secondary schools shall cooperate with and submit to the State Superintendent a plan of their telecommunications needs, including, but not limited to, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records, and the use of telecommunications equipment or services,

- c. the State Director of Vocational and Technical Education shall submit a report annually to the Director of State Finance identifying the telecommunications plans of area vocational-technical school districts. For purposes of developing such report, each area vocational-technical school district as defined in Section 14-108 of Title 70 of the Oklahoma Statutes shall cooperate with and submit to the State Director of Vocational and Technical Education a plan of its telecommunications needs, including, but not limited to, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records, and the use of telecommunications equipment or services,
- d. the chief administrative officer of each state agency of the executive branch shall submit a plan annually to the Director of State Finance identifying the telecommunications needs of the state agency, including, but not limited to, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records, and the use of telecommunications equipment or services, and

e. the Director of the Oklahoma Department of Libraries shall submit a report annually to the Director of State Finance identifying the telecommunications plans of public libraries and public library systems. For purposes of developing such report, the chief administrative officer of any public library or public library system not otherwise required to submit a plan of its telecommunications needs pursuant to the provisions of this paragraph shall cooperate with and submit annually to the Director of the Oklahoma Department of Libraries a plan of its telecommunications needs, including, but not limited to, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records and the use of telecommunications equipment or services. To assure inclusion in the report of the plans of the telecommunications needs of any library that is a part of any member of The Oklahoma State System of Higher Education, a public elementary or secondary school, or area vocational-technical school district, all such plans relating to libraries received by the Oklahoma State Regents for Higher Education, the State Superintendent of Higher Education, and the State Director of Vocational and Technical Education shall be submitted to the Director of the Oklahoma Department of Libraries by the respective recipients thereof as soon as practicable after receipt. The Director of the Oklahoma Department of Libraries shall certify to the Office of State Finance that such plans are consistent with the plan developed by the Oklahoma

Library Technology Network or explain any inconsistencies therewith;

2. Identify the most cost-effective means of meeting the telecommunications needs of educational entities and of agencies of state government;

3. Develop minimum mandatory standards and protocols for equipment, facilities and services of the OGTN;

4. Evaluate the advantages and disadvantages of utilizing equipment, facilities, and services of both private entities and those owned and operated by the state;

5. Recommend a fee structure to provide for the operation and maintenance of the OGTN; and

6. Seek the advice of the State Data Processing and Telecommunications Advisory Committee created by Section ~~2~~ 41.5n of this act and the ~~Industry Advisory Committee created pursuant to Section 41.5b of Title 62 of the Oklahoma Statutes~~ title.

SECTION 4. AMENDATORY Section 2, Chapter 268, O.S.L. 1992, as last amended by Section 1, Chapter 21, O.S.L. 1994 (62 O.S. Supp. 1994, Section 41.5n), is amended to read as follows:

Section 41.5n A. There is hereby created, to continue until July 1, 1998, in accordance with the provisions of the Oklahoma Sunset Law, Section 3901 et seq. of Title 74 of the Oklahoma Statutes, a State Data Processing and Telecommunications Advisory Committee. The Committee shall assist the Office of State Finance in addressing the state's data processing and telecommunications needs. The Committee shall consist of twenty-six (26) members, nine of whom shall be voting members and seventeen of whom shall be ex officio nonvoting members. Voting members shall include three members of the House of Representatives appointed by the Speaker of the House of Representatives, three members of the State Senate appointed by the President Pro Tempore of the Senate, two members appointed by the Governor, and the Director of the Office of State

Finance or the Director's designee. Ex officio nonvoting members shall include the chief administrative officer of each of the following state agencies or his or her designee:

1. State Department of Education;
2. Oklahoma State Regents for Higher Education;
3. Department of Public Safety;
4. Department of Human Services;
5. Department of Commerce;
6. Department of Libraries;
7. Oklahoma Educational Television Authority;
8. Oklahoma Corporation Commission;
9. State Department of Vocational and Technical Education;
10. Department of Corrections;
11. Oklahoma Tourism and Recreation Department;
12. State Department of Health;
13. Oklahoma Tax Commission;
14. Office of Personnel Management;
15. State Election Board; and
16. Department of Mental Health and Substance Abuse Services.

The remaining ex officio nonvoting position shall be rotated among other state agencies at the discretion of the Governor. The chairmanship of the Committee shall alternate every two (2) years among the House of Representatives, the Senate and the Director of the Office of State Finance at the beginning of each odd-numbered year. Meetings of the Committee shall be called by the Chairman not less than two times each year and shall be open to data processing and telecommunications managers from all state agencies. A majority of the voting members of the Committee shall constitute a quorum.

B. Members of the State Data Processing and Telecommunications Advisory Committee shall receive no compensation for serving on the Committee, but shall receive travel reimbursement as follows:

1. Legislative members of the Committee shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes; and

2. Nonlegislative members of the Committee shall be reimbursed by their respective agencies for their necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

C. The duties of the State Data Processing and Telecommunications Advisory Committee shall include:

1. Advising the Office of State Finance in the development of a statewide master plan for telecommunications and in the development of the Oklahoma Government Telecommunications Network created in Section 41.5m of this title;

2. Providing a forum for discussion of major issues facing state agencies in the areas of data processing and telecommunications;

~~3. Meeting jointly with the Industry Advisory Committee created pursuant to Section 41.5b of this title at least annually to ensure that the state's planned activities are consistent with the direction of industry data processing and telecommunications;~~

~~4.~~ Advising the Information Services Division of the Office of State Finance on the development and implementation of statewide data processing policies; and

~~5.~~ 4. Making recommendations to the Office of State Finance for expenditures for telecommunications as provided in Section 57.303 of this title and Section 43 of Article X of the Oklahoma Constitution; provided, however, no such recommendations shall become final and no such expenditures shall be made unless approved by the Contingency Review Board.

SECTION 5. REPEALER Section 1, Chapter 304, O.S.L. 1993 (36 O.S. Supp. 1994, Section 6581), is hereby repealed.

SECTION 6. REPEALER 62 O.S. 1991, Sections 41.5b and 41.5c, are hereby repealed.

SECTION 7. REPEALER 65 O.S. 1991, Sections 6-101, 6-102, 6-103, 6-104, 6-105 and 6-106, are hereby repealed.

SECTION 8. REPEALER Section 13, Chapter 273, O.S.L. 1993 (68 O.S. Supp. 1994, Section 2946.3), is hereby repealed.

SECTION 9. REPEALER Section 1, Chapter 284, O.S.L. 1994 (74 O.S. Supp. 1994, Section 1311.2), is hereby repealed.

SECTION 10. REPEALER Sections 17 and 18, Chapter 255, O.S.L. 1992, are hereby repealed.

SECTION 11. REPEALER Section 349, Chapter 145, O.S.L. 1993, as amended by Section 54, Chapter 324, O.S.L. 1993, is hereby repealed.

SECTION 12. REPEALER Section 13, Chapter 359, O.S.L. 1993, is hereby repealed.

SECTION 13. REPEALER Section 1, Chapter 217, O.S.L. 1994, is hereby repealed.

SECTION 14. REPEALER Section 6, Chapter 362, O.S.L. 1994, is hereby repealed.

SECTION 15. REPEALER Sections 1, 2, 3 and 4 of House Joint Resolution No. 1054, p. ____, O.S.L. 1994, are hereby repealed.

SECTION 16. This act shall become effective November 1, 1995.

45-1-5246 MAH