SENATE FLOOR VERSION
March 28, 2012

ENGROSSED HOUSE
BILL NO. 2212 By: Faught of the House

and

Aldridge of the Senate

An Act relating to sunset; amending 59 O.S. 2011, Section 1103, which relates to the Waterworks and Wastewater Works Advisory Council; re-creating the Council; and modifying the termination date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1103, is amended to read as follows:

Section 1103. A. The Waterworks and Wastewater Works Advisory Council is hereby re-created, to continue until July 1, ~~2012~~ 2015, in accordance with the provisions of the Oklahoma Sunset Law. The Advisory Council shall consist of nine (9) members appointed as follows:

1. The Governor shall appoint three members as follows:

a. one member who holds a certificate under the terms and conditions of which he could lawfully be the operator of a municipal waterworks for an initial term of three (3) years,

b. one member representing higher education and the Environmental Training Center for the State of Oklahoma for an initial term of two (2) years, and

c. one member appointed from a list of six or more nominees submitted by the Oklahoma Municipal League;

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

a. two members appointed from a list of twelve or more nominees submitted by the Oklahoma Water and Pollution Control Association, and

b. one member appointed from a list of twelve or more nominees submitted by the Oklahoma Rural Water Association;

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

a. one member who holds a certificate under the terms and conditions of which he could lawfully be the operator of a municipal waterworks for an initial term of three (3) years,

b. one member who holds a certificate under the terms and conditions of which he could lawfully be the operator of a municipal wastewater works for an initial term of two (2) years, and

c. one member appointed from a list of twelve or more nominees submitted by the Oklahoma Rural Water Association.

B. Persons serving on the Waterworks and Wastewater Works Advisory Council as of June 30, 1993, shall continue to serve on such Council for terms stated below unless a vacancy is created by resignation, death or any other cause resulting in an unexpired term. Such vacancy shall be filled by appointment as provided in subsection A of this section for a term of three (3) years. Members continuing to serve are:

1. One member appointed from a list of six or more nominees submitted by the Oklahoma Municipal League, whose term shall expire June 30, 1994, and whose successor shall be appointed by the Governor;

2. One member appointed from a list of twelve or more nominees submitted by the Oklahoma Water and Pollution Control Association, whose term shall expire June 30, 1994, and whose successor shall be appointed by the President Pro Tempore of the Senate;

3. One member appointed from a list of twelve or more nominees submitted by the Oklahoma Water and Pollution Control Association, whose term shall expire June 30, 1995, and whose successor shall be appointed by the President Pro Tempore of the Senate;

4. One member appointed from a list of twelve or more nominees submitted by the Oklahoma Rural Water Association, whose term shall

expire June 30, 1996, and whose successor shall be appointed by the President Pro Tempore of the Senate; and

5. One member appointed from a list of twelve or more nominees submitted by the Oklahoma Rural Water Association, whose term shall expire June 30, 1994, and whose successor shall be appointed by the Speaker of the House of Representatives.

C. Each member shall be appointed to serve a term of office of three (3) years, except that the term of those first appointed shall expire as specified in subsection A above. Any vacancy shall be filled pursuant to subsection A of this section.

D. The Council shall elect a chair and vice-chair from among its members. Five members shall constitute a quorum. 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 members.

E. Of the nominees on each list referenced in subsection A of this section, one-third (1/3) shall be individuals certified as competent to operate a municipal waterworks and one-third (1/3) shall be individuals certified as competent to operate municipal wastewater works.

F. Members of the Council shall serve without compensation but may be reimbursed expenses incurred in the performance of their duties as provided by the State Travel Reimbursement Act. The

Council is authorized to utilize the conference rooms of the Department and obtain administrative assistance from the Department as required.

G. The Council shall not recommend rules for promulgation of the Environmental Quality Board unless all applicable requirements of the Administrative Procedures Act have been followed including requirements relating to, but not limited to, notice, rule impact statement and rulemaking hearings. The Council shall perform the duties specified in subsection I of Section 2-2-201 of Title 27A of the Oklahoma Statutes for the Department of Environmental Quality Advisory Councils and shall perform other duties as may be assigned to it by the Department.

COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 3-26-12 - DO PASS.