

1 ENGROSSED HOUSE AMENDMENT
2 TO
3 ENGROSSED SENATE BILL NO. 1027 By: Dahm of the Senate
4 and
5 Gann of the House
6
7 An Act relating to Environment and Natural Resources;
8 amending 27A O.S. 2011, Section 2-2-201, as last
9 amended by Section 1, Chapter 91, O.S.L. 2014 (27A
10 O.S. Supp. 2018, Section 2-2-201), which relates to
11 Environmental Quality Boards and Councils; providing
12 sunset date for councils; and providing an effective
13 date.
14
15
16 AUTHOR: Add the following House Coauthor: Crosswhite Hader
17 AMENDMENT NO. 1. Replace the title, enacting clause and entire bill
18 and insert
19
20 "An Act relating to environment and natural
21 resources; amending 27A O.S. 2011, Section 2-2-201,
22 as last amended by Section 1, Chapter 91, O.S.L.
23 2014 (27A O.S. Supp. 2018, Section 2-2-201), which
24 relates to environmental quality boards and
councils; providing sunset date for councils; and
providing an effective date.

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

SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-2-201, as last amended by Section 1, Chapter 91, O.S.L. 2014 (27A O.S. Supp. 2018, Section 2-2-201), is amended to read as follows:

Section 2-2-201. A. There are hereby created until July 1, 2020, pursuant to the provisions of the Oklahoma Sunset Law:

1. The Water Quality Management Advisory Council;
2. The Hazardous Waste Management Advisory Council;
3. The Solid Waste Management Advisory Council; and
4. The Radiation Management Advisory Council.

B. 1. Except as provided for in paragraph 2 of this subsection, 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. 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. a. The Solid Waste Management Advisory Council shall consist of ten (10) members. Four members shall be appointed by the Governor, three members shall be

1 appointed by the Speaker of the House of
2 Representatives and three members shall be appointed
3 by the President Pro Tempore of the Senate.

4 Appointments shall be for three-year terms. Members
5 of the Solid Waste Management Advisory Council shall
6 serve at the pleasure of and may be removed from
7 office by the appointing authority. Members shall
8 continue to serve until their successors are
9 appointed. Any vacancy shall be filled in the same
10 manner as the original appointments. Six members
11 shall constitute a quorum.

12 b. The Water Quality Management Advisory Council shall
13 consist of twelve (12) members. Four members shall be
14 appointed by the Governor, four members shall be
15 appointed by the President Pro Tempore of the Senate,
16 and four members shall be appointed by the Speaker of
17 the House of Representatives. Appointments shall be
18 for three-year terms. Members shall serve at the
19 pleasure of and may be removed by the appointing
20 authority. Members may be eligible for ~~re-appointment~~
21 reappointment and shall continue to serve until their
22 successors are appointed. Vacancies shall be filled
23 in the same manner as their original appointments.
24 Seven members shall constitute a quorum.

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

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

9 a. the Governor shall appoint four members as follows:

- 10 (1) one member representing the field of engineering,
11 (2) one member representing a statewide nonprofit
12 environmental organization,
13 (3) one member representing the general public, and
14 (4) one member representing a commercial or publicly
15 owned laboratory accredited by the Department for
16 both the Drinking Water and the General
17 Environmental Laboratory classifications of
18 accreditation,

19 b. the President Pro Tempore of the Senate shall appoint
20 four members as follows:

- 21 (1) one member representing an industry located in
22 this state,
23 (2) one member representing an oil field-related
24 industry,

- (3) one member representing the field of geology, and
- (4) one member who holds a certificate under the Waterworks and Wastewater Works Operator Certification Act and who is the operator of a municipal waterworks or wastewater works facility, and

c. the Speaker of the House of Representatives shall appoint four 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,
- (3) one member representing the field of agriculture, and
- (4) one member who holds a certificate under the Waterworks and Wastewater Works Operator Certification Act and who is the operator of a waterworks or wastewater works for a rural water or sewer district organized pursuant to law.

2. The jurisdictional areas of the Water Quality Management Advisory Council shall include Article VI of this chapter, Article IV of this chapter, waterworks and wastewater activities, water

1 quality and protection and related activities and such other areas
2 as designated by the Board.

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

6 a. the Governor shall appoint three members as follows:

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

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

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

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

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

19 (2) one member representing the general public, and

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

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

24 (1) one member representing the field of engineering,

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

3 (3) one member representing the field of geology.

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

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

11 a. the Governor shall appoint four members as follows:

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

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

15 (3) one member representing the general public, and

16 (4) one member representing the solid waste
17 incineration, waste-to-energy industry in this
18 state,

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

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

- 1 (2) one member representing a political subdivision
2 of this state who shall be a member of the local
3 governmental body of a city or town, and
4 (3) one member representing the field of geology, and
5 c. the Speaker of the House of Representatives shall
6 appoint three members as follows:
7 (1) one member representing the solid waste disposal
8 industry in this state,
9 (2) one member representing the field of engineering,
10 and
11 (3) one member representing the transportation
12 industry.

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

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

- 20 a. the Governor shall appoint three members as follows:
21 (1) one member representing an industry located in
22 this state which uses sources of radiation in its
23 manufacturing or processing business,
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- 1 (2) one member representing a statewide nonprofit
2 environmental organization, and
- 3 (3) one member representing the engineering
4 profession who shall be a professional engineer
5 employed and experienced in matters of radiation
6 management and protection,
- 7 b. the President Pro Tempore of the Senate shall appoint
8 three members as follows:
- 9 (1) one member representing the faculty of an
10 institution of higher learning of university
11 status and shall be experienced in matters of
12 scientific knowledge and competent in matters of
13 radiation management and protection,
- 14 (2) one member representing the general public, and
- 15 (3) one member representing the field of industrial
16 radiography, and
- 17 c. the Speaker of the House of Representatives shall
18 appoint three members as follows:
- 19 (1) one member representing the transportation
20 industry,
- 21 (2) one member representing the petroleum industry
22 who is trained and experienced in radiation
23 management and protection, and
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1 (3) one member representing a medical institution
2 within this state who shall be experienced in
3 matters of radiation management and protection.

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

7 G. 1. The Air Quality Council created pursuant to Section 6,
8 Chapter 215, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-1807.1)
9 shall remain in effect as the Air Quality Advisory Council and carry
10 on the powers and duties assigned to it by law. Future appointments
11 to the Council shall be made according to the provisions of this
12 section.

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

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

- 18 a. one member shall be selected from the engineering
19 profession, and, as such, shall be a professional
20 engineer and experienced in matters of air pollution
21 equipment and control, who shall not be an employee of
22 any unit of government,
23 b. one member shall be selected from industry in general,
24 and, as such, shall be employed as a manufacturing

1 executive carrying on a manufacturing business within
2 this state,

3 c. one member shall be selected from a faculty of an
4 institution of higher learning of university status
5 and shall be experienced in matters of scientific
6 knowledge and competent in matters of air pollution
7 control and evaluation,

8 d. one member shall be selected from the transportation
9 industry,

10 e. one member shall be selected from the petroleum
11 industry, and, as such, shall be employed by a
12 petroleum company carrying on a petroleum refining
13 business within the state, and, as such, shall be
14 trained and experienced in matters of scientific
15 knowledge of causes as well as effects of air
16 pollution,

17 f. one member shall be selected from agriculture, and, as
18 such, shall be engaged in or employed by a basic
19 agricultural business or the processing of
20 agricultural products,

21 g. one member shall be selected from the political
22 subdivisions of the state, and, as such, shall be a
23 member of the local government body of a city or town,
24

- 1 h. one member, whose first term shall expire on June 15,
2 1998, shall be selected from the general public, and
3 i. one member, whose first term shall expire on June 15,
4 1999, shall be selected from the electric utilities
5 industry, and as such, shall be knowledgeable in
6 matters of air pollution and control.

7 4. Each member shall be appointed to serve a term of office of
8 seven (7) years.

9 The terms of all members shall be deemed to have expired on June
10 15th of the year of expiration, and shall continue until successors
11 have been duly appointed and qualified. If a vacancy occurs, the
12 Governor shall appoint a person for the remaining portion of the
13 unexpired term created by the vacancy. Five members of the Council
14 shall constitute a quorum.

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

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

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

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

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

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

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

22 a. pass nonbinding resolutions expressing the sense of
23 the Council, and
24

1 b. make recommendations to the Board or Department
2 concerning the need and the desirability of conducting
3 meetings, workshops and seminars; and

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

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

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

19 SECTION 2. This act shall become effective November 1, 2019."
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1 Passed the House of Representatives the 3rd day of April, 2019.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2019.

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9 Presiding Officer of the Senate
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1 ENGROSSED SENATE
2 BILL NO. 1027

By: Dahm of the Senate

3 and

4 Gann of the House

5
6 An Act relating to Environment and Natural Resources;
7 amending 27A O.S. 2011, Section 2-2-201, as last
8 amended by Section 1, Chapter 91, O.S.L. 2014 (27A
9 O.S. Supp. 2018, Section 2-2-201), which relates to
Environmental Quality Boards and Councils; providing
sunset date for councils; and providing an effective
date.

10
11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 3. AMENDATORY 27A O.S. 2011, Section 2-2-201, as
14 last amended by Section 1, Chapter 91, O.S.L. 2014 (27A O.S. Supp.
15 2018, Section 2-2-201), is amended to read as follows:

16 Section 2-2-201. A. There are hereby created until July 1,
17 2022:

- 18 1. The Water Quality Management Advisory Council;
19 2. The Hazardous Waste Management Advisory Council;
20 3. The Solid Waste Management Advisory Council; and
21 4. The Radiation Management Advisory Council.

22 B. 1. Except as provided for in paragraph 2 of this
23 subsection, each Council created pursuant to subsection A of this
24 section shall consist of nine (9) members. Three members shall be

1 appointed by the Governor, three members shall be appointed by the
2 Speaker of the House of Representatives and three members shall be
3 appointed by the President Pro Tempore of the Senate. Appointments
4 shall be for three-year terms. Members of the Advisory Councils
5 shall serve at the pleasure of and may be removed from office by the
6 appointing authority. Members shall continue to serve until their
7 successors are appointed. Any vacancy shall be filled in the same
8 manner as the original appointments. Five members shall constitute
9 a quorum.

10 2. a. The Solid Waste Management Advisory Council shall
11 consist of ten (10) members. Four members shall be
12 appointed by the Governor, three members shall be
13 appointed by the Speaker of the House of
14 Representatives and three members shall be appointed
15 by the President Pro Tempore of the Senate.
16 Appointments shall be for three-year terms. Members
17 of the Solid Waste Management Advisory Council shall
18 serve at the pleasure of and may be removed from
19 office by the appointing authority. Members shall
20 continue to serve until their successors are
21 appointed. Any vacancy shall be filled in the same
22 manner as the original appointments. Six members
23 shall constitute a quorum.

1 b. The Water Quality Management Advisory Council shall
2 consist of twelve (12) members. Four members shall be
3 appointed by the Governor, four members shall be
4 appointed by the President Pro Tempore of the Senate,
5 and four members shall be appointed by the Speaker of
6 the House of Representatives. Appointments shall be
7 for three-year terms. Members shall serve at the
8 pleasure of and may be removed by the appointing
9 authority. Members may be eligible for re-appointment
10 and shall continue to serve until their successors are
11 appointed. Vacancies shall be filled in the same
12 manner as their original appointments. Seven members
13 shall constitute a quorum.

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

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

22 a. the Governor shall appoint four members as follows:

23 (1) one member representing the field of engineering,
24

- (2) one member representing a statewide nonprofit environmental organization,
- (3) one member representing the general public, and
- (4) one member representing a commercial or publicly owned laboratory accredited by the Department for both the Drinking Water and the General Environmental Laboratory classifications of accreditation,

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

- (1) one member representing an industry located in this state,
- (2) one member representing an oil field-related industry,
- (3) one member representing the field of geology, and
- (4) one member who holds a certificate under the Waterworks and Wastewater Works Operator Certification Act and who is the operator of a municipal waterworks or wastewater works facility, and

c. the Speaker of the House of Representatives shall appoint four 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,
- (3) one member representing the field of agriculture, and
- (4) one member who holds a certificate under the Waterworks and Wastewater Works Operator Certification Act and who is the operator of a waterworks or wastewater works for a rural water or sewer district organized pursuant to law.

2. The jurisdictional areas of the Water Quality Management Advisory Council shall include Article VI of this chapter, Article IV of this chapter, waterworks and wastewater activities, 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,

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

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

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

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

11 (2) one member representing the general public, and

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

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

16 (1) one member representing the field of engineering,

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

19 (3) one member representing the field of geology.

20 2. The jurisdictional areas of the Hazardous Waste Management
21 Advisory Council shall include Article VII of this chapter, the
22 Oklahoma Hazardous Waste Reduction Program, and such other areas as
23 designated by the Board.
24

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

4 a. the Governor shall appoint four members as follows:

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

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

8 (3) one member representing the general public, and

9 (4) one member representing the solid waste
10 incineration, waste-to-energy industry in this
11 state,

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

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

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

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

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

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

- 1 (2) one member representing the field of engineering,
2 and
3 (3) one member representing the transportation
4 industry.

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

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

12 a. the Governor shall appoint three members as follows:

- 13 (1) one member representing an industry located in
14 this state which uses sources of radiation in its
15 manufacturing or processing business,
16 (2) one member representing a statewide nonprofit
17 environmental organization, and
18 (3) one member representing the engineering
19 profession who shall be a professional engineer
20 employed and experienced in matters of radiation
21 management and protection,

22 b. the President Pro Tempore of the Senate shall appoint
23 three members as follows:
24

- (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. 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

1 on the powers and duties assigned to it by law. Future appointments
2 to the Council shall be made according to the provisions of this
3 section.

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

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

- 9 a. one member shall be selected from the engineering
10 profession, and, as such, shall be a professional
11 engineer and experienced in matters of air pollution
12 equipment and control, who shall not be an employee of
13 any unit of government,
- 14 b. one member shall be selected from industry in general,
15 and, as such, shall be employed as a manufacturing
16 executive carrying on a manufacturing business within
17 this state,
- 18 c. one member shall be selected from a faculty of an
19 institution of higher learning of university status
20 and shall be experienced in matters of scientific
21 knowledge and competent in matters of air pollution
22 control and evaluation,
- 23 d. one member shall be selected from the transportation
24 industry,

1 e. one member shall be selected from the petroleum
2 industry, and, as such, shall be employed by a
3 petroleum company carrying on a petroleum refining
4 business within the state, and, as such, shall be
5 trained and experienced in matters of scientific
6 knowledge of causes as well as effects of air
7 pollution,

8 f. one member shall be selected from agriculture, and, as
9 such, shall be engaged in or employed by a basic
10 agricultural business or the processing of
11 agricultural products,

12 g. one member shall be selected from the political
13 subdivisions of the state, and, as such, shall be a
14 member of the local government body of a city or town,

15 h. one member, whose first term shall expire on June 15,
16 1998, shall be selected from the general public, and

17 i. one member, whose first term shall expire on June 15,
18 1999, shall be selected from the electric utilities
19 industry, and as such, shall be knowledgeable in
20 matters of air pollution and control.

21 4. Each member shall be appointed to serve a term of office of
22 seven (7) years.

23 The terms of all members shall be deemed to have expired on June
24 15th of the year of expiration, and shall continue until successors

1 have been duly appointed and qualified. If a vacancy occurs, the
2 Governor shall appoint a person for the remaining portion of the
3 unexpired term created by the vacancy. Five members of the Council
4 shall constitute a quorum.

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

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

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

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

24

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

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

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

11 a. pass nonbinding resolutions expressing the sense of
12 the Council, and

13 b. make recommendations to the Board or Department
14 concerning the need and the desirability of conducting
15 meetings, workshops and seminars; and

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

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

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

7 SECTION 4. This act shall become effective November 1, 2019.

8 Passed the Senate the 7th day of March, 2019.

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10 _____
11 Presiding Officer of the Senate

12 Passed the House of Representatives the ____ day of _____,
13 2019.

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15 _____
16 Presiding Officer of the House
17 of Representatives
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