

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2840

By: Gann

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to sunset; amending 27A O.S. 2011,
10 Section 2-2-201, as last amended by Section 1,
11 Chapter 430, O.S.L. 2019 (27A O.S. Supp. 2019,
12 Section 2-2-201), which relates to advisory councils;
13 re-creating the councils; and modifying termination
14 date.

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

16 SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-2-201, as
17 last amended by Section 1, Chapter 430, O.S.L. 2019 (27A O.S. Supp.
18 2019, Section 2-2-201), is amended to read as follows:

19 Section 2-2-201. A. There are hereby ~~created~~ re-created until
20 July 1, ~~2020~~ 2021, pursuant to the provisions of the Oklahoma Sunset
21 Law:

- 22 1. The Water Quality Management Advisory Council;
23 2. The Hazardous Waste Management Advisory Council;
24 3. The Solid Waste Management Advisory Council; and

1 4. The Radiation Management Advisory Council.

2 B. 1. Except as provided for in paragraph 2 of this
3 subsection, each Council created pursuant to subsection A of this
4 section shall consist of nine (9) members. Three members shall be
5 appointed by the Governor, three members shall be appointed by the
6 Speaker of the House of Representatives and three members shall be
7 appointed by the President Pro Tempore of the Senate. Appointments
8 shall be for three-year terms. Members of the Advisory Councils
9 shall serve at the pleasure of and may be removed from office by the
10 appointing authority. Members shall continue to serve until their
11 successors are appointed. Any vacancy shall be filled in the same
12 manner as the original appointments. Five members shall constitute
13 a quorum.

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

1 appointed. Any vacancy shall be filled in the same
2 manner as the original appointments. Six members
3 shall constitute a quorum.

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

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

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

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

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

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

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

23 c. the Speaker of the House of Representatives shall
24 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 (1) one member representing the faculty of an
2 institution of higher learning of university
3 status and shall be experienced in matters of
4 scientific knowledge and competent in matters of
5 radiation management and protection,

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

7 (3) one member representing the field of industrial
8 radiography, and

9 c. the Speaker of the House of Representatives shall
10 appoint three members as follows:

11 (1) one member representing the transportation
12 industry,

13 (2) one member representing the petroleum industry
14 who is trained and experienced in radiation
15 management and protection, and

16 (3) one member representing a medical institution
17 within this state who shall be experienced in
18 matters of radiation management and protection.

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

22 G. 1. The Air Quality Council created pursuant to Section 6,
23 Chapter 215, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-1807.1)
24 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~~ 15 of the year of expiration, and shall continue until

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

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 rulemaking
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.

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8 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated
9 02/25/2020 - DO PASS, As Amended.
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