

1 ENGROSSED HOUSE  
2 BILL NO. 2802

By: Kendrix of the House

3 and

4 Bergstrom of the Senate

5  
6  
7 An Act relating to sunset; amending 27A O.S. 2021,  
8 Section 2-2-201, which relates to certain advisory  
9 councils; re-creating councils; and modifying  
10 termination dates.

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

12 SECTION 1. AMENDATORY 27A O.S. 2021, Section 2-2-201, is  
13 amended to read as follows:

14 Section 2-2-201. A. There are hereby re-created until July 1,  
15 ~~2023~~ 2026, pursuant to the provisions of the Oklahoma Sunset Law:

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

20 B. 1. Except as provided for in paragraph 2 of this  
21 subsection, each Council created pursuant to subsection A of this  
22 section shall consist of nine (9) members. Three members shall be  
23 appointed by the Governor, three members shall be appointed by the  
24 Speaker of the House of Representatives and three members shall be

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

8       2.   a.   The Solid Waste Management Advisory Council shall  
9               consist of ten (10) members. Four members shall be  
10              appointed by the Governor, three members shall be  
11              appointed by the Speaker of the House of  
12              Representatives and three members shall be appointed  
13              by the President Pro Tempore of the Senate.

14             Appointments shall be for three-year terms. Members  
15             of the Solid Waste Management Advisory Council shall  
16             serve at the pleasure of and may be removed from  
17             office by the appointing authority. Members shall  
18             continue to serve until their successors are  
19             appointed. Any vacancy shall be filled in the same  
20             manner as the original appointments. Six members  
21             shall constitute a quorum.

22            b.   The Water Quality Management Advisory Council shall  
23                consist of twelve (12) members. Four members shall be  
24                appointed by the Governor, four members shall be

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

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

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

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

- 20 (1) one member representing the field of engineering,
  - 21 (2) one member representing a statewide nonprofit  
22 environmental organization,
  - 23 (3) one member representing the general public, and
- 24

1           (4) one member representing a commercial or publicly  
2           owned laboratory accredited by the Department for  
3           both the Drinking Water and the General  
4           Environmental Laboratory classifications of  
5           accreditation,

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

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

10          (2) one member representing an oil-field-related  
11          industry,

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

13          (4) one member who holds a certificate under the  
14          Waterworks and Wastewater Works Operator  
15          Certification Act and who is the operator of a  
16          municipal waterworks or wastewater works  
17          facility, and

18       c.   the Speaker of the House of Representatives shall  
19       appoint four members as follows:

20          (1) one member representing a political subdivision  
21          of the state who shall be a member of the local  
22          governmental body of a city or town,

23          (2) one member representing a rural water district  
24          organized pursuant to the laws of this state,

1 (3) one member representing the field of agriculture,  
2 and

3 (4) one member who holds a certificate under the  
4 Waterworks and Wastewater Works Operator  
5 Certification Act and who is the operator of a  
6 waterworks or wastewater works for a rural water  
7 or sewer district organized pursuant to law.

8 2. The jurisdictional areas of the Water Quality Management  
9 Advisory Council shall include Article VI of this chapter, Article  
10 IV of this chapter, waterworks and wastewater activities, water  
11 quality and protection and related activities and such other areas  
12 as designated by the Board.

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

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

17 (1) one member representing an industry located in  
18 this state,

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

21 (3) one member representing a political subdivision  
22 of the state who shall be a member of the local  
23 governing body of a city or town,  
24

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

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

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

7               (3)   one member representing industry generating  
8                   hazardous waste, and

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

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

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

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

15           2.    The jurisdictional areas of the Hazardous Waste Management  
16   Advisory Council shall include Article VII of this chapter, the  
17   Oklahoma Hazardous Waste Reduction Program, and such other areas as  
18   designated by the Board.

19           E.    1.   All members of the Solid Waste Management Advisory  
20   Council shall be knowledgeable of solid waste 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 a statewide nonprofit  
24                   environmental organization,

- (2) one member shall be a county commissioner,
- (3) one member representing the general public, and
- (4) one member representing the solid waste incineration, waste-to-energy industry in this state,

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

- (1) one member representing an industry located in this state generating solid waste,
- (2) one member representing a political subdivision of this state who shall be a member of the local governmental body of a city or town, and
- (3) one member representing the field of geology, and

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

- (1) one member representing the solid waste disposal industry in this state,
- (2) one member representing the field of engineering, and
- (3) one member representing the transportation industry.

2. The jurisdictional areas of the Solid Waste Management Advisory Council shall include Article X of this chapter, the

1 Oklahoma Used Tire Recycling Act and such other areas as designated  
2 by the Board.

3 F. 1. All members of the Radiation Management Advisory Council  
4 shall be knowledgeable of radiation hazards and radiation  
5 protection. 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 which uses sources of radiation in its  
9 manufacturing or processing business,

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

12 (3) one member representing the engineering  
13 profession who shall be a professional engineer  
14 employed and experienced in matters of radiation  
15 management and protection,

16 b. the President Pro Tempore of the Senate shall appoint  
17 three members as follows:

18 (1) one member representing the faculty of an  
19 institution of higher learning of university  
20 status and shall be experienced in matters of  
21 scientific knowledge and competent in matters of  
22 radiation management and protection,

23 (2) one member representing the general public, and  
24



1 (3) one member representing the field of industrial  
2 radiography, and

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

5 (1) one member representing the transportation  
6 industry,

7 (2) one member representing the petroleum industry  
8 who is trained and experienced in radiation  
9 management and protection, and

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

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

16 G. 1. The Air Quality Council ~~created pursuant to Section 6,~~  
17 ~~Chapter 215, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-1807.1)~~  
18 shall remain in effect as the Air Quality Advisory Council and carry  
19 on the powers and duties assigned to it by law. Future appointments  
20 to the Council shall be made according to the provisions of this  
21 section.

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

1        3. Members of the Council shall have the qualifications as  
2 follows:

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

1 knowledge of causes as well as effects of air  
2 pollution,

3 f. one member shall be selected from agriculture, and, as  
4 such, shall be engaged in or employed by a basic  
5 agricultural business or the processing of  
6 agricultural products,

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

10 h. one member, whose first term shall expire on June 15,  
11 1998, shall be selected from the general public, and

12 i. one member, whose first term shall expire on June 15,  
13 1999, shall be selected from the electric utilities  
14 industry, and as such, shall be knowledgeable in  
15 matters of air pollution and control.

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

18 The terms of all members shall be deemed to have expired on June  
19 15 of the year of expiration, and shall continue until successors  
20 have been duly appointed and qualified. If a vacancy occurs, the  
21 Governor shall appoint a person for the remaining portion of the  
22 unexpired term created by the vacancy. Five members of the Council  
23 shall constitute a quorum.

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

9        6. The jurisdictional areas of the Air Quality Council shall  
10 include Article V of this chapter and such other areas as designated  
11 by the Board.

12        H. In addition to other powers and duties assigned to each  
13 Council pursuant to this Code, each Council shall, within its  
14 jurisdictional area:

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

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

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

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

7            a. pass nonbinding resolutions expressing the sense of  
8            the Council, and

9            b. make recommendations to the Board or Department  
10            concerning the need and the desirability of conducting  
11            meetings, workshops and seminars; and

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

16        I. The Councils shall not recommend rules for promulgation by  
17 the Environmental Quality Board unless all applicable requirements  
18 of the Administrative Procedures Act have been followed, including  
19 but not limited to notice, rule impact statement and rulemaking  
20 hearings.

21        J. Members of the Councils shall serve without compensation but  
22 may be reimbursed expenses incurred in the performance of their  
23 duties, as provided in the State Travel Reimbursement Act. The  
24 Councils are authorized to utilize the conference rooms of the

1 Department of Environmental Quality and obtain administrative  
2 assistance from the Department, as required.

3 Passed the House of Representatives the 9th day of March, 2023.

4

5

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

6

7

8 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2023.

9

10

\_\_\_\_\_  
Presiding Officer of the Senate

11

12

13

14

15

16

17

18

19

20

21

22

23

24