

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2802

By: Kendrix of the House

and

**Bergstrom** of the Senate

8  
9                               COMMITTEE SUBSTITUTE

10           An Act relating to sunset; amending 27A O.S. 2021,  
11           Section 2-2-201, which relates to certain advisory  
12           councils; re-creating councils; and modifying  
13           termination dates.

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

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

17           Section 2-2-201.   A.   There are hereby re-created until July 1,  
18 ~~2023~~ 2026, pursuant to the provisions of the Oklahoma Sunset Law:

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

23           B.   1.   Except as provided for in paragraph 2 of this  
24 subsection, each Council created pursuant to subsection A of this

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

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

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

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

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

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

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



(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       15 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;

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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 03/02/2023 - DO PASS, As Amended and Coauthored.  
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