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April 5, 2023

ENGROSSED HOUSE
BILL NO. 2802

By: Kendrix of the House

and

Bergstrom of the Senate

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

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

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

Section 2-2-201. A. There are hereby re-created until July 1, 2023 2026, 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

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

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

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

23 b. The Water Quality Management Advisory Council shall
24 consist of twelve (12) members. Four members shall be

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

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

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

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

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

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 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES
4 April 5, 2023 - DO PASS
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