

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1355

By: Murdock

4
5
6 AS INTRODUCED

7 An Act relating to the environment and natural
8 resources; amending 27A O.S. 2011, Section 2-3-202,
9 which relates to the powers of the Department of
10 Environmental Quality; limiting regulatory reach; and
11 providing an effective date.

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

13 SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-3-202, is
14 amended to read as follows:

15 Section 2-3-202. A. Within its jurisdictional areas of
16 responsibility, the Department, acting through the Executive
17 Director, or persons authorized by law, rule or designated by the
18 Executive Director to perform such acts, shall have the power and
19 duty to:

20 1. Access any premises at any reasonable time upon presentation
21 of identification for purposes of administering this Code, and the
22 right to apply to and obtain from a judge of the district court, an
23 administrative or other warrant as necessary to enforce such access;
24

1 2. Determine and assess administrative penalties, take or
2 request civil action, request criminal prosecution or take other
3 administrative or civil action as specifically authorized by this
4 Code or other law against any person or entity who has violated any
5 of the provisions of this Code, rules promulgated thereunder, or any
6 permit, license or order issued pursuant thereto;

7 3. Investigate or cause to be investigated alleged violations
8 of this Code, rules promulgated thereunder, or permits, licenses or
9 orders issued pursuant thereto;

10 4. Conduct investigations, inquiries and inspections, including
11 but not limited to, the review of records and the collection of
12 samples for laboratory analyses;

13 5. Conduct hearings and issue subpoenas according to the
14 Administrative Procedures Act, this Code and rules promulgated by
15 the Board, and file contempt proceedings against any person
16 disobeying or refusing to comply with such subpoena;

17 6. Advise, consult, cooperate and enter into agreements with
18 agencies of the state, municipalities and counties, industries,
19 other states and the federal government, and other persons;

20 7. Enter into agreements for, accept, administer and use,
21 disburse and administer grants of money, personnel and property from
22 the federal government or any department or agency thereof, or from
23 any state or state agency, or from any other source, to promote and
24

1 carry on in this state any program relating to environmental
2 services or pollution control;

3 8. Require the establishment and maintenance of records and
4 reports, and the installation, use, and maintenance of monitoring
5 equipment or methods, and the provision of such information to the
6 Department upon request;

7 9. Establish a system of training for all personnel who render
8 review and inspection services in order to assure uniform statewide
9 application of law and rules;

10 10. Enforce the provisions of this Code and rules promulgated
11 thereunder and orders, permits and licenses issued pursuant thereto;

12 11. Charge and receive fees pursuant to fee schedules
13 promulgated by the Board;

14 12. Register persons, property and activities as required by
15 this Code or rules promulgated by the Board;

16 13. Conduct studies, research and planning of programs and
17 functions, pursuant to the authority granted by this Code;

18 14. Collect and disseminate information and engage in
19 environmental education activities relating to the provisions of
20 this Code;

21 15. Provide a toll-free hot line for environmental complaints;

22 16. Enter into interagency agreements;

23 17. Sell films, educational materials and other items produced
24 by the Department and sell, exchange or otherwise dispose of

1 obsolete personal property belonging to the Department unless
2 otherwise required by terms of federal grants;

3 18. Provide administrative and support services to the Board
4 and the Councils as necessary to assist them in the performance of
5 their duties; and

6 19. Exercise all incidental powers which are necessary and
7 proper to implement and administer the purposes of this Code.

8 B. The provisions of this part shall extend to all programs
9 administered by the Department regardless of whether the statutes
10 creating such program are codified in Title 27A of the Oklahoma
11 Statutes.

12 C. The Department shall not have the authority to promulgate
13 rules or to institute regulations more stringent than those provided
14 by the Environmental Protection Agency or by federal laws.

15 SECTION 2. This act shall become effective November 1, 2017.

16

17 56-1-6443 JBH 01/17/17

18

19

20

21

22

23

24