



Oklahoma Progress Government Relations, L.L.C.

Legislative Update

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Sierra Club Legislative Priorities: April 9, 2009

The last two weeks at the Oklahoma Legislature have been extremely challenging for advocates of environmental quality in Oklahoma. Thank you to everyone who contacted their elected officials regarding our action alert items! While our efforts have not gone unnoticed, the Oklahoma Farm Bureau continues to gain legislative approval for its egregious agenda, while conflict between the House and Senate has prevented many excellent bills from advancing in the Senate. An update on our priority bills follows:

Nuclear Energy: [HB 1750](#) by Rep. Martin (R-Norman) was laid out in the Senate Energy and Environment Committee and is dormant for the remainder of this session! While this is a major victory in the fight for genuine renewable energy development in Oklahoma,

[SB 831](#) remains alive in the House. Negotiations continue between representatives from the electric utilities, industrial electric consumers, elected officials and the Sierra Club. Many issues remain before this bill will receive a hearing on the House floor, primarily related to cost recovery procedures and waste storage.

Agriculture: [HB 1482](#) by Rep. DeWitt (R-Braman) exempts farms or ranches in operation for 2 years or more from any nuisance liability, EVEN if the operation is expanded to other property! After entering negotiations with the Farm Bureau and Rep. DeWitt to require expansions to be contiguous, our recommendations were ignored and the bill hit the Senate floor the next day, passing overwhelmingly. Senate Democratic Leader, Charlie Laster (D-Shawnee) opposed the bill, but the Democrats broke ranks with leadership and sided with the Oklahoma Farm Bureau on this issue. I've contacted the Governor's office seeking a veto, but without major Democratic support, no veto will be forthcoming. [HB 1482](#) now heads to the Governor's desk for signature. Sen. John Sparks' (D-Norman) version, [SB 912](#), remains in the House, but is redundant as [HB 1482](#) has passed the Senate. IF [SB 912](#) receives House floor consideration serious Democratic opposition could encourage a gubernatorial veto; however, it is unlikely the Republicans will even set it on the House Calendar.

[HB 2151 & SB 452](#) by Rep. Armes (R-Faxum) and Sen. Schulz (R-Altus) eliminate local governmental authority over the care and handling of livestock, placing ultimate authority

with the Department of Agriculture. Both bills were amended preserving local governmental authority over zoning, land use controls, and number of livestock within municipal limits, but concerns remained regarding animal care/cruelty issues. [HB 2151](#) passed the Senate floor overwhelmingly and moves to conference committee for joint consideration. [SB 452](#) was gutted and used as a veterinary care bill with no further impact on livestock regulations.

[HB 1872](#) by Rep. Hickman (R-Woodward) exempts large hog farms from liability related to swine waste once it is sold to another party for application to their crops. Currently, hog operations are perpetually liable for the swine waste, but this would limit liability to the purchaser of the swine waste. The bill passed the Senate this week and moves to the Governor's office for signature. I've contacted the Governor's office and requested veto here as well.



Green Bills: [HB 2031](#) "Energy Star Tax Holiday" by Rep. Steele (R-Shawnee) provides sales tax exemptions for Energy Star and conservation products on Memorial Day weekend. Due to political wrangling between the House and Senate, the bill did not receive a hearing in the Senate Finance committee and is currently dormant.

[HB 1682](#) "Green Jobs Act" by Rep. Scott (D-Tulsa) creates renewable energy job training programs through CareerTech and Technology Centers, subject to available funding. Unfortunately, due to the same political wrangling, Sen. Mike Johnson refused to hear the bill in the Senate Appropriations committee and it is currently dormant until next session.

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Oklahoma Energy Development

Support:

[HB 1374](#) "Renewable Energy Incentives for Schools" by Rep. Walker (D-Elk City), provides tax credits up to \$400,000 for donations to public schools for investment in renewable energy systems and a separate credit for the same amount for investments in CNG conversions for bus fleets. Bill dormant pursuant to rules.

[HB 1747](#) by Rep. Blackwell (R-Goodland) has been structured as a shell bill for the hiring of an individual in the Corporation Commission to act as the contact person for the Southwest Power Pool on all issues related to transmission. Passed as amended in Senate, now moves to conference committee.

[HB 1948](#) Geothermal tax credits by Speaker Bengé (R-Tulsa). 5% of geothermal system's cost allowed as tax credit. Reported from Senate Finance awaiting floor vote.

[HB 1953](#) the "Oklahoma Wind Power Act" by Speaker Bengé (R-Tulsa) establishes wind industry jobs as eligible positions for the Oklahoma Quality Jobs Act. Reported from Senate Finance awaiting floor vote

[HB 2118](#) "Oklahoma Clean Energy Finance Program" by Rep. Brown (D-

Tahlequah) dormant after not receiving a floor hearing in the House.

[HB 2247](#) by Rep. Terrill (R-Moore) provides tax credits in the amount of 40% of expenditure on a wind system for a home or business up to 100kW and 40% solar tax credit. Advanced through Senate Finance awaiting floor vote.

[SB 293](#) by Sen. Burrage (D-Claremore) authorizes municipal owned utilities, public trusts, or GRDA to expend funds for consumer energy conservation programs. Passed House floor and moves to conference committee.

[SB 481](#) by Sen. Lamb (R-Edmond) extends tax credits for energy efficiency home construction of any size. Passed House Appropriations this morning, awaits floor vote.

[SB 833](#) by Sen. Bingman (R-Sapulpa) requires energy efficiency programs in public agencies. Passed through House Appropriations, moves to floor vote.

[SB 953](#) by Sen. Myers (R-Ponca City) creates a Clean Energy Independence Commission. Advanced through House Energy committee and is on House floor agenda.



HB 1374, 2118, and 2247 could expand wind investment in Oklahoma



"We do not believe it is realistic to expect that there are new reactor and fuel cycle technologies that simultaneously overcome the problems of cost, safety, waste, and proliferation."



HB 1750 and SB 831 threaten to introduce nuclear energy in Oklahoma

Oklahoma Mass Transportation

The only bill to receive a committee hearing related to public transportation, most notably rail transit, is [SJR 35](#) by Sen. Sparks (D-Norman) which offers support for the Amtrack feasibility study for rail transit from Oklahoma City to Kansas City. Advanced through House Rules Committee awaiting floor action. Unfortunately, all other bills related to rail transit never made it out of committee. Hopefully, rail provisions will enter other bills or appropriations measures as an effort to capture federal stimulus funding.

PLEASE JOIN SIERRA CLUB AND OTHER ACTIVISTS FOR LOBBY DAY APRIL 14 9:00AM - STATE CAPITOL 2ND FLOOR ROTUNDA (more on Page 4)



Water Rights, Conservation & Planning Process

Over 40 bills were introduced at the start of this legislative session, but the water issue has really taken a back seat to energy issues and budgetary concerns. According to Secretary of Environment Strong, most of the water legislation will be slowed down until more progress is made on the water litigation. A handful of water bills have been reserved to address the issue.

Support:

[SB 655](#) by Sen. Schulz (R-Altus) establishes in state water use as prioritized over out of state sales of water and uses. Passed House Appropriations Committee and set on Floor agenda.

[SB 428](#) by Sen. Ellis (D-Valliant) prohibits glass bottles in a scenic river area. Signed into law by Governor.

Tracking:

[HB 1439](#) by Rep. Renegar (D-McAlester) creates the Oklahoma Water Basin Protection Act. Dormant pursuant to the rules.

[HB 1483](#) by Rep. DeWitt (R-Braman) originally was used to define degradation of groundwater sources, but is being used as a shell bill to address water priority issues for instate uses before out of state water sales. Reported from Senate Energy and Environment Committee.

[SB 842](#) by Sen. Branam (R-OKC) and Rep. Blackwell (R-Goodland) is a shell bill to address water diversion issues. Dormant.

[SB 957](#) by Sen. Bingman (R-Sapulpa) modifies language relating to the state water plan and creates an advisory board to OWRB to process citizen concerns and recommendations. Reported from House Energy committee.



*The Water Issue is
on Hold*

Agricultural Issues

Loosening of agricultural regulations are quickly being pushed through the House and given more scrutiny in the Senate.

Oppose:

[HB 1885](#) by Rep. Richardson (R-Minco) sets forth resource management plans and eliminates liability for non-point water pollution if plan is in compliance with state law. Reported from Senate Appropriations.

See First Page for priority bills.



Development

[SB 805](#) by Sen. Lamb (R-Edmond) is the Oklahoma New Development Impact Fee Act, which authorizes municipalities to set forth new development fees and procedures for such. This bill sets forth procedures for authorizing development fees, but also places restrictions on a municipality's ability to levy such fees and the amounts. The Oklahoma Sierra Club opposes this bill because of its restrictive nature. Referred to House Appropriations.

**PLEASE JOIN SIERRA CLUB AND OTHER ACTIVISTS FOR LOBBY DAY
APRIL 14 9:00AM - STATE CAPITOL - 2ND FLOOR ROTUNDA
(more on Page 4)**

Miscellaneous Tracked Legislation

[HB 1001](#) by Rep. Reynolds (R-OKC) is the religious discrimination viewpoint bill, which allows teaching religious dogma in public schools in lieu of scientific methods. The bill is dormant pursuant to the rules, as it failed to receive a floor vote in the House.

[HB 1473](#) by Rep. Sanders (R-Dover) exempts land of five acres or more from land use and building construction ordinances if the property is annexed by a municipality. The bill passed the Senate unanimously and now moves to conference committee.

[SB 54](#) by Sen. Corn (D-Poteau) exempts spills and discharges occurring during the course of rail transit or at stationary utility facilities from the Oklahoma Highway Remediation and Cleanup Services Act. Reported from House Transportation committee and awaits floor action.

[SB 610](#) by Sen. Myers (R-Ponca City) creates the Geological Storage of Carbon Dioxide Act. DEQ and Corp Comm will oversee all rules and regulations affecting the issue. Reported from House Energy and Utilities Committee and awaits floor action.

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*Your Voice at the
Oklahoma State
Legislature!*

Continuing Issues

The nuclear energy issues and the nuisance bills have taken center stage in my representation of the Sierra Club at the Capitol. Through our coalitions, we've been able to mitigate language in the livestock preemption bills, the nuisance bills, and the nuclear bills. Keep up the hard work.

I will say that we are making headway at the Capitol with all organizations and interested parties, as we've been asked to take a seat at the table many issues. There's a lot of session left and we'll continue working hard to monitor legislation and advance our interests. I see this as a long process of building relationships. We must be patient and vigilant.

As always, I am grateful to be representing the Oklahoma Sierra Club and thank you for all of your work and support!

REMEMBER ...
SIERRA CLUB LOBBY DAY
OKLAHOMA STATE CAPITOL
TUESDAY APRIL 14TH
9:00 A.M. 2ND FLOOR ROTUNDA
Please sign-up online:
<http://bit.ly/MWvYt>
Questions? Contact David Glover
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