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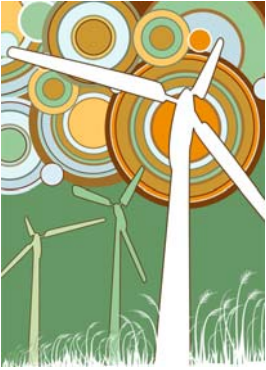
Legislative Update

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Legislative Priorities: March 12, 2009

After another challenging week on Capitol Hill, the Republican majority has reaffirmed its commitment to deregulation of the agricultural industry, strengthened its pursuit of nuclear energy development in Oklahoma, and continued to thwart the ability of local governments to exercise their fundamental regulatory authority. While our efforts have not gone unnoticed, the Oklahoma Farm Bureau continues to gain legislative approval for its egregious agenda. An update on our priority bills follows:

- **Nuclear Energy:** [SB 831](#) by Sen. Bingman (R-Sapulpa) cleared the Senate Floor on Tuesday, receiving 9 NO votes from Democrats and one the Floor Majority Whip, Sen. Branam (R-OKC) whom I've been working on for some time. Yesterday, after significant debate by Minority Leader Morgan, the House passed [HB 1750](#) on a vote of 41-19 (After discussions with Rep. Martin (R-Norman), the author of HB 1750, the Sierra Club has been asked to take a seat at the table to discuss the ultimate language of the nuclear legislation. I've recommended amendments which would require an ultimate determination of permanent spent fuel rod storage prior to approval of a new facility in Oklahoma, a ban on the development of a national waste storage facility in Oklahoma, and a cap on cost recovery capabilities by the utilities in relation to nuclear facilities. The working group is expected to meet on the issue next week and I will provide an update on all developments. Before any final recommended amendments, I'll work with the committee to draft or propose such changes.
- **Agriculture:** [HB 1482](#) by Rep. DeWitt (R-Braman) exempts farms or ranches in operation for 1 year or more from any nuisance liability, EVEN if the operation is expanded to other property! The bill passed the House and has advanced to the Senate. [SB 912](#) by Sen. Sparks (D-Norman) passed the Senate, but sets a 2 year statute of limitations, rather than 1 year (pursuant to earlier discussions with Sen. Sparks). I am currently working with the Oklahoma
- Association for Justice (Trial Lawyers) on amendments to the legislation which would require that any expansions exempted under the act must be contiguous and would reset the clock on the statute of limitations. As the bill has enjoyed complete support in both chambers, I'm working to educate the legislators on the negative implications of the bill. I am meeting with Farm Bureau attorneys next week to address our concerns. Please let me know if you have further comments or suggestions on this bill. We're hoping to add provisions requiring any expansions to be contiguous and reset the clock at the date of expansion. We will review this at the next meeting.
- [HB 2151 & SB 452](#) by Rep. Armes (R-Faxum) and Sen. Schulz (R-Altus) eliminate local governmental authority over agricultural operations, deferring to the state as the exclusive authority over such matters. SB 452 passed the Senate this week with a Floor Substitute which places all authority with the Dept. of Agriculture, rather than the legislature, which is considered even more egregious. SB 452 is up for a House Ag Committee meeting next Wednesday. On Wednesday, our coalition (Humane Society, SC, County Commissioners, Family Farms and OK Municipal League) met to discuss strategy and plan to issue a number of press releases, op ed pieces by rural mayors, and a sit down with Sen. Coffee's office to oppose the language in both bills.
- [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 has passed the House and advanced to the Senate. Please contact your Senator and oppose this free ride for the pork industry!



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 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 1682](#) "Green Jobs Act" by Rep. Scott (D-Tulsa) creates renewable energy job training programs through CareerTech and Technology Centers, subject to available funding. Passed House Floor and Advanced to Senate.

[HB 1747](#) by Rep. Blackwell (R-Goodland) makes the Corp. Comm. The bill 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 House Floor.

[HB 1948](#) Geothermal tax credits by Speaker Bengé (R-Tulsa). 5% of geothermal system's cost allowed as tax credit. Passed House Floor.

[HB 1953](#) the "Oklahoma Wind Power Act" by Speaker Bengé (R-Tulsa) establishes wind industry jobs as eligible positions for the Oklahoma Quality Jobs

[Nuclear Article 1](#)
[Nuclear Article 2](#)
[Nuclear Article 3](#)
[Oklahoma Gazette](#)

Act.

[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. Passed House on Monday.

[HB 2118](#) "Oklahoma Clean Energy Finance Program" by Rep. Brown (D-Tahlequah) dormant after not receiving a floor hearing.

[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. Passed House Floor and Advanced to Senate.

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

[SB 481](#) by Sen. Lamb (R-Edmond) extends tax credits for energy efficiency home construction of any size. Passed through Senate.

[SB 833](#) by Sen. Bingman (R-Sapulpa) requires energy efficiency programs in public agencies. Advanced to House.

[SB 953](#) by Sen. Myers (R-Ponca City) creates a Clean Energy Independence Commission. Advanced to House.



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. Set on the Senate Floor Agenda.

[SB 428](#) by Sen. Ellis (D-Valliant) prohibits glass bottles in a scenic river area. Advanced to the House.

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. Advanced to Senate.

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

[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. Advanced to House.



*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:

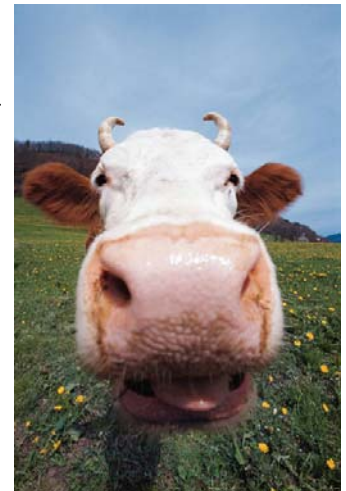
[HB 1482](#) and [SB 912](#) by Sen. Sparks (D-Norman) have each passed their respective chambers. See first page for further details.

[HB 1872](#) by Rep. Hickman (R-Fairview) relates to swine management plans and eliminates perpetual liability for swine effluent after sale to third party. Advanced to the Senate. After meeting with OK Pork Council and Rep. Hickman, bill amended to require third party to keep records for three years of soil testing, application of effluent and certification.

[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. Advanced to Senate.

[HB 2151](#) and [SB 452](#) have each passed their respective chambers. See first page for further details Committee.





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 to House. 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.

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 House Floor. I am working with the Oklahoma Municipal League to oppose this legislation, as it has a similar effect as HB 2151.

[HB 1952](#) by Speaker Bengé repeals certain exhaust emission standards for certain conversion kits. Advanced to Senate.

[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. Advanced to the House. We have opposed this bill and will continue tracking in conjunction with DEQ. (check)

[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. Advanced to House.

[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 Municipal League is opposing this bill, as should we because it limits municipal authority to regulate growth. Advanced to House.



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*Your Voice at the
Oklahoma State
Legislature!*

Continuing Issues

The nuclear energy issues and the local regulation of livestock have taken center stage in my representation of the Sierra Club at the Capitol. I've managed to form quite a coalition on both issues and am working to defeat both movements, or at least get some language that we're more agreeable with.

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 on both issues and more. There's a lot of session left and we'll continue working hard to monitor legislation and advance our interests.

Media Coverage

The nuclear issue is receiving major media attention. I've spoken with journalists from the Oklahoman, Journal Record, Tulsa World, OK Gazette, Urban Tulsa Weekly, and a variety of TV outlets. I'm cultivating these media relationships in the hopes that we'll be able to utilize them frequently to

advance our interests.

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

