



Oklahoma Progress Government Relations, L.L.C. Legislative Update

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Sierra Club Legislative Update: May 22, 2009

First, I want to thank all of you for allowing me the opportunity to represent the Sierra Club of Oklahoma at the State Legislature! It has been an honor working with the legislative committee and the general membership in advancing environmentally responsible legislation, while developing partnerships with a variety of organizations and elected officials. I look forward to working with the general membership to develop a legislative agenda for the 2010 session.

As the legislative session wraps up, we have an opportunity to review the legislation addressing issues of concern identified by the legislative committee. Concerns over drastically declining revenue collections prevented many progressive energy and environmental initiatives from advancing this session. Unfortunately, next year the State is expected to suffer from equally drastic shortfalls, if not worse. Therefore, it is our responsibility to work with legislators and other interested parties to develop policies and programs in a progressive manner that do not rely upon tax credits or serious government expenditures.

At the beginning of the legislative session, the legislative committee identified the following topics as most important to the organization:

- Oklahoma Energy Development
- Water Resource Planning, Conservation, and Quality
- Agricultural Regulations/Poultry Litter Application Issues
- Public Transportation

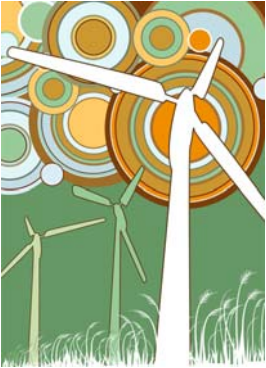
While certain bills adverse to the Chapter's interests passed this session, through coalition building and effective lobbying we were able to have a relatively successful 2009 legislative session. One thing is for certain, the Sierra Club of Oklahoma is building many positive relationships across the state with a broad spectrum of interests. Let's continue to develop these positive relationships and enhance the Sierra Club's role as an environmental steward in this State!

A review of the session follows in the next pages.





Oklahoma Energy Development



HB 2247 could expand wind and solar investment in Oklahoma



*“Base load capacity is not the reason for pursuing nuclear energy in Oklahoma.”
-Oklahoma Utility Attorney*

The Sierra Club is committed to developing and supporting legislation that enhances sound clean renewable energy production and energy conservation programs. A variety of progressive renewable energy bills were introduced this session, but very few survived the legislative process. Fortunately, House Speaker Chris Bengé (R-Tulsa) stood firm in his support for the renewable energy industry in Oklahoma, passing a number of measures aimed at supporting renewable energy use and economic development. Notable legislation passed this session includes:

[HB 1747](#) by Rep. Blackwell (R-Goodland) authorizes the Corporation Commission to hire an electric transmission specialist to develop transmission lines in accordance with the Southwest Power Pool to further western wind development.

[HB 1952](#) by Speaker Bengé (R-Tulsa) provides more streamlined procedures for conversions to compressed natural gas for the Fleet Management Division.

[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..

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

[SB 833](#) by Sen. Bingman (R-Sapulpa) requires energy efficiency and conservation plans in public agencies.

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

While the aforementioned bills are a step in the right direction, the bills with the biggest potential impact on clean energy development and energy conservation failed to make it past the conference committee process, becoming a victim of politics between the two chambers of the legislature. Hopefully, the legislature will advance these issues next session, recognizing the importance of such measures as **HB 2247**, which provides a 40% tax credit for the residential installation of small wind turbines or solar panels; **HB 2031**, which set forth a sales tax holiday for the purchase of Energy Star products; and **HB 1948** which provides a 5% tax credit for the installation of a geothermal energy system.

Many legislators deserve to be commended for their support of clean renewable energy development AND for their opposition to providing incentives to the nuclear energy industry by voting against HB 1750 and SB 831!!! Encourage your legislators to continue to support clean green energy and oppose coal and nuclear!

During the interim there will be many events and efforts to encourage clean energy development in Oklahoma. Please participate in as many events as possible!



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

[Gazette Nuclear Article](#)

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. At the eleventh hour, legislation addressing in state water priorities over out of state water sales finally made it through both chambers.

[HB 1483](#) by Rep. DeWitt (R-Branam) sets forth procedures for determining in-state priorities for water applications prior to any out of state water sale. All parties, with the exception of the North Texas Tarrant County interests, came together to address the water issue by allowing the moratorium to end at either the November 2009 date or the end of the water planning process, which will be ultimately decided by the Courts. Most importantly, the legislation requires any potential sale of water that is identified as Oklahoma's through the Red River Compact to receive the approval of the Oklahoma State Legislature. Ultimately, the bill creates a definite process for appropriating/selling water to out of state interests while first preserving the natural resource interests of communities within our state's borders. The Legislature should be commended for acting on this issue in such an expedient manner.

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



HB 1483 addressed the water sale issue

Agricultural Issues

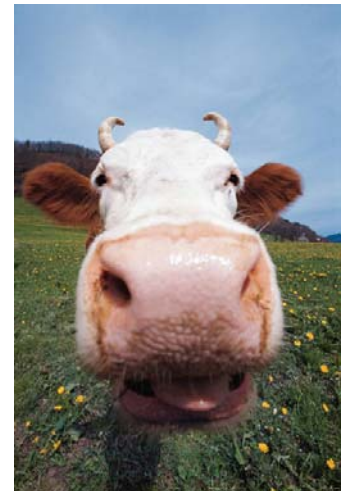
A variety of efforts were pushed through the legislature to loosen agricultural restrictions this session; however, we were able to lessen the potential negative impact of many bills this session, as follows:

[HB 1482](#) exempts agricultural operations that lawfully operate for 2 years or more from civil nuisance liability, regardless of subsequent expansions to unconnected parcels of property or implementation of new technology.

[HB 1872](#) originally provided for exemptions from liability for swine waste producers who sold the waste to a third party; however, as negotiated, the bill removed the liability exemptions and merely set forth reporting requirements for any purchaser of swine waste.

[HB 1885](#) originally created resource management plans for agricultural operations, which if adhered to, would exempt the operation from subsequent environmental liability. However, the bill was modified to require certain organizations to survey ag producers and their interest in adopting such plans.

[HB 2151](#) preempts municipalities and local governments from promulgating rules or ordinances concerning the care and handling of livestock, ultimately wresting such authority with the State Department of Agriculture. After negotiations, the bill was clarified not to impact a municipality's authority to implement land use or human health ordinances.





Oklahoma Mass Transportation



Representative Scott Martin (R-Norman) successfully passed [HCR 1030](#) 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.

Representative T.W. Shannon (R-Lawton) passed [HCR 1056](#) which requests ODOT to commission a study evaluating the Oklahoma short line rail system.

Encourage your legislators to support rail transportation in Oklahoma as a form of environmentally friendly transit and economic development opportunities.

Development & Miscellaneous Tracked Legislation

[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 opposed this bill because of its restrictive nature and it failed to advance this session.

[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.

[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. The bill was signed into law by the Governor.

[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. Referred to conference committee.



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*Your Voice at the
Oklahoma State
Legislature!*