

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1192

By: Pope (Clay)

AS INTRODUCED

An Act relating to environment and natural resources; creating the Oklahoma Carbon Sequestration Enhancement Act; specifying legislative findings and intent; creating the Carbon Sequestration Advisory Committee; providing for membership and appointment; specifying compensation; providing for space; providing for powers and duties; requiring submission of a written report; specifying contents; requiring the Oklahoma Conservation Commission to assess agricultural lands in Oklahoma for past and future carbon sequestration; requiring publication of report; authorizing certain contracts and application of and acceptance of gifts; creating the Carbon Sequestration Assessment Cash Fund; providing for expenditures and deposits; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-4-101 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Oklahoma Carbon Sequestration Enhancement Act".

B. The Oklahoma Legislature finds that:

1. Increasing levels of carbon dioxide and other greenhouse gases in the atmosphere have led to growing interest in national and international forums for implementing measures to slow and reverse the buildup of such atmospheric constituents. These measures may include, but are not limited to, the establishment of systems of trading in credits for adoption of practices, technologies, or other measures which decrease net emissions of carbon dioxide and other greenhouse gases.

2. Improved agricultural production methods, soil conservation practices, and other methods of stewardship of soil resources have great potential to increase carbon sequestration on agricultural lands and help offset carbon dioxide emissions from other sectors of the economy.

3. It is in the interest of agricultural producers and the public in general that the Oklahoma Conservation Commission document and quantify carbon sequestration and greenhouse emissions reductions associated with agricultural practices, management systems, and land uses occurring on cropland and rangeland in this state.

C. It is the intent of the Legislature that efforts to quantify and verify carbon sequestration on agricultural land will enhance the ability of the state's agricultural landowners to participate in any system of carbon or greenhouse emissions marketing or trading.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-4-102 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Carbon Sequestration Advisory Committee. The Committee shall consist of the following members appointed by the Governor:

1. The Director of the Department of Agriculture or designee;
2. The Director of the Department of Environmental Quality or designee;
3. The Director of the Oklahoma Conservation Commission or designee;
4. One member representing the Natural Resources Conservation Service of the United States Department of Agriculture;
5. One member representing Oklahoma State University;
6. One member representing the Oklahoma Energy Board;
7. One member representing an entity which generates electrical energy;

8. Two members who are producers of field crops at least one of whom actively employs a minimum tillage management system in his or her farming operation;

9. Two members who are producers of livestock at least one of whom is actively involved in range management;

10. One member with expertise in greenhouse emissions marketing or trading;

11. One member representing natural resources districts; and

12. One member representing the ethanol industry.

B. Members of the Committee shall serve without compensation but shall be reimbursed for their actual and necessary expenses as provided in the State Travel Reimbursement Act. The Oklahoma Conservation Commission shall provide space for meetings of the Committee and shall provide other assistance and staffing needs of the Committee.

C. The Carbon Sequestration Advisory Committee shall:

1. Advise and assist the Oklahoma Conservation Commission in preparing any reports required by this section and in conducting the assessment pursuant to Section 3 of this act;

2. Recommend policies or programs to enhance the ability of Oklahoma agricultural landowners to participate in systems of carbon trading. Such recommendations shall include potential policies or programs designed to optimize economic benefits to agricultural producers participating in carbon trading transactions. Such policies or programs may include, but are not limited to, identifying existing, or the potential of creating, nonprofit organizations or other public or private entities capable of serving as assemblers of carbon credits or as intermediaries on behalf of producers in carbon trading systems;

3. Encourage the production of educational and advisory materials regarding carbon sequestration on agricultural lands and

participation in systems of carbon or greenhouse emissions trading;
and

4. Identify and recommend areas of research needed to better understand and quantify the processes of carbon sequestration on agricultural lands.

D. On or before December 1, 2002, the Oklahoma Conservation Commission, in consultation with the Carbon Sequestration Advisory Committee, shall prepare a report to the Legislature. The report shall include, but not be limited to:

1. The potential for, and potential forms of, greenhouse emissions regulation;

2. The potential for development of a system or systems of carbon emissions trading or markets for carbon sequestered on agricultural land;

3. Agricultural practices, management systems, or land uses which increase stored soil carbon and minimize carbon dioxide or other greenhouse emissions associated with agricultural production;

4. Methods for measuring and modeling net carbon sequestration and greenhouse emissions reduction associated with various agricultural practices, management systems, or land uses occurring on agricultural land;

5. Areas of scientific uncertainty with respect to quantifying and understanding greenhouse emission reductions or soil carbon sequestration associated with agricultural activities; and

6. Any recommendations of the Carbon Sequestration Advisory Committee developed pursuant to the Oklahoma Carbon Sequestration Enhancement Act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-4-103 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. 1. The Oklahoma Conservation Commission shall, in consultation with the Carbon Sequestration Advisory Committee,

assess agricultural lands in this state for past carbon sequestration and future carbon sequestration potential.

2. The assessment shall seek to quantify carbon sequestration associated with various agricultural practices, management systems, and land uses occurring on agricultural lands in this state.

3. On or before January 1, 2003, the Commission shall publish a report of the findings. The Commission may, from time to time, update such findings as advancements in understanding of the processes of carbon sequestration and new data become available.

B. The assessment shall be conducted in a manner that provides a means for owners of agricultural land to estimate past and future net carbon sequestration resulting from agricultural practices, conservation measures, management systems, and land uses occurring on their property.

C. The Commission may contract and cooperate with the Natural Resources Conservation Service of the United States Department of Agriculture to conduct assessment activities provided for in this section.

D. The Commission may apply for and accept grants, gifts, or other sources of public and private funds to carry out the purposes of the Oklahoma Carbon Sequestration Enhancement Act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-4-104 of Title 27A, unless there is created a duplication in numbering, reads as follows:

The "Carbon Sequestration Assessment Cash Fund" is hereby created. The fund shall be used to carry out the Oklahoma Carbon Sequestration Enhancement Act. The State Treasurer shall credit to the fund any money appropriated to the fund by the Legislature and any money received as gifts, grants, or other contributions from public or private sources obtained for the purposes of the Oklahoma Carbon Sequestration Enhancement Act.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

48-1-5134 KSM 6/12/15