

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1451

By: Ballenger and Rice of the  
Senate

3  
4 and

5 Hickman and Brown of the  
6 House

7  
8  
9 ( environment and natural resources - Oklahoma Energy  
10 Efficiency and Emission Reduction Program - Central  
11 Interstate Low-Level Radioactive Waste Compact  
12 Commission - effective date -  
13 emergency )

14  
15 AUTHORS: Remove Hickman as principal House author and substitute  
16 Richardson as principal House author, show Brown as first  
Coauthor and add Collins and Faught as Coauthors

17 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
18 entire bill and insert

19  
20 "An Act relating to environment and natural  
21 resources; creating the Oklahoma Energy Efficiency and Emission Reduction Program; stating purpose of  
22 the Program; stating legislative findings;  
23 specifying use of funds for matching grants;  
24 limiting amount of grants to certain percentage of  
project costs; directing the Department of  
Environmental Quality to enter into a contract or  
memorandum of agreement with grantees; specifying

1 certain conditions and safeguards; requiring grant  
2 recipients to make certain reports and notice;  
3 requiring the Department to make certain  
4 determination; limiting award to a single entity;  
5 limiting administrative and technical assistance  
6 costs; directing the Department to issue an annual  
7 report; specifying contents of the report; amending  
8 27A O.S. 2001, Section 2-8-202, which relates to the  
9 Central Interstate Low-Level Radioactive Waste  
10 Compact Commission; clarifying statutory language;  
11 authorizing the Department of Environmental Quality  
12 to use available funds to pay certain annual fees to  
13 the Commission; prohibiting the sale of motor fuel  
14 mixed with ethanol or methanol from a motor fuel  
15 pump without certain labeling; specifying label  
16 requirements; requiring certain labeling for motor  
17 fuel containing certain percentage of ethanol or  
18 methanol; requiring person selling motor fuel mixed  
19 with ethanol or methanol to provide certain  
20 information upon request; providing for posting of  
21 additional additive information; directing the  
22 Corporation Commission to promulgate rules;  
23 providing for codification; providing an effective  
24 date; 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 2-3-109 of Title 27A, unless  
there is created a duplication in numbering, reads as follows:

A. There is hereby created the "Oklahoma Energy Efficiency and  
Emission Reduction Program", to be administered by the Department of  
Environmental Quality. The purpose of the Oklahoma Energy  
Efficiency and Emission Reduction Program is to fund activities and  
projects designed to reduce regional air pollution.

1 B. The Oklahoma Legislature finds that any activity or project  
2 that reduces regional air pollution is desirable and advantageous  
3 and serves a compelling public interest. Further, improved air  
4 quality enhances the health and quality of life for the citizens of  
5 Oklahoma, helps maintain the abundant natural beauty and resources  
6 of the state, and fosters the economic well-being of the state by  
7 reducing the potential that the federal government will designate  
8 some or all of the state as in air-quality "nonattainment" status,  
9 resulting in extremely burdensome additional regulatory  
10 requirements.

11 C. 1. Any funds made available for the Oklahoma Energy  
12 Efficiency and Emission Reduction Program shall be used by the  
13 Department for matching grants to governmental and nongovernmental  
14 entities in Oklahoma to encourage the implementation of recognized  
15 air pollution reduction measures, including, but not limited to, the  
16 retrofitting of truck and bus fleets or locomotives to use cleaner  
17 fuels and the installation and implementation of energy efficiency  
18 measures.

19 2. Grants awarded under the Program shall be limited to ninety-  
20 five percent (95%) of the direct project costs in the case of  
21 governmental entities and seventy-five percent (75%) of the direct  
22 project costs in the case of nongovernmental entities.

23 3. In making grant awards, the Department shall enter into a  
24 contract or memorandum of agreement with the grantee that includes

1 conditions and safeguards to ensure that the matching funds are  
2 expended for the purposes specified and that the state receives a  
3 clear benefit from the expenditure. In addition to any other  
4 conditions and safeguards deemed necessary and appropriate:

5 a. the Department shall require grant recipients to  
6 submit a report within a reasonable time after  
7 construction, installation, or implementation of the  
8 project that summarizes the results, including  
9 emissions reductions achieved and "lessons learned".

10 Information from the reports may be used by the  
11 Department in evaluation of future grant applications  
12 or proposals for the Oklahoma Energy Efficiency and  
13 Emission Reduction Program or any similar grant  
14 program and to determine the viability of other  
15 projects or programs that may be proposed to control  
16 or reduce air pollution in the state, and

17 b. to secure the maximum possible benefit by increasing  
18 awareness of the Oklahoma Energy Efficiency and  
19 Emission Reduction Program, the Department may require  
20 any grant recipient to post notice in a conspicuous  
21 place of participation in the Program and the nature  
22 of the funded project.

23 4. Before making any grants, the Department shall determine to  
24 its satisfaction that the proposed project will significantly reduce

1 air pollution within the state. The Department is authorized to set  
2 a deadline for grant applications, and if the total grant funding  
3 sought exceeds the amount available under the Program, the  
4 Department shall give priority to those projects that appear to  
5 achieve the maximum public health benefit for citizens of the state.

6 5. Not more than twenty-five percent (25%) of the total sum  
7 available for grants under the Program shall be awarded to any  
8 single entity. Application of this limit shall not preclude  
9 participation by the recipient in any similar grant program in the  
10 future.

11 D. If funds are appropriated by the Legislature for the  
12 Oklahoma Energy Efficiency and Emission Reduction Program, not more  
13 than One Hundred Thousand Dollars (\$100,000.00) annually of the  
14 funds shall be used by the Department for personnel and other costs  
15 associated with administration and management of the Program, and  
16 for providing technical assistance to entities applying for and  
17 participating in the Program.

18 E. On or before September 1, 2009, and by September 1 each year  
19 thereafter, the Department shall submit to the Governor, the Speaker  
20 of the House of Representatives, and the President Pro Tempore of  
21 the Senate a report on the Oklahoma Energy Efficiency and Emission  
22 Reduction Program. The report shall outline program expenditures,  
23 estimate emission reductions achieved, and health or environmental  
24 benefits associated with those reductions for the previous fiscal

1 year, and any other information the Department determines is  
2 necessary to aid the Governor and Legislature in evaluating the  
3 Program.

4 SECTION 2. AMENDATORY 27A O.S. 2001, Section 2-8-202, is  
5 amended to read as follows:

6 Section 2-8-202. A. The Environmental Quality Board, with the  
7 assistance of the Radiation Management Advisory Council, shall  
8 promulgate, in accordance with the Administrative Procedures Act,  
9 for the purpose of the compact, rules for the generating, storing,  
10 packaging and transporting of low-level radioactive waste generated  
11 within Oklahoma and the packaging and transporting of such waste  
12 passing through this state.

13 B. The Board rules shall be consistent with and may incorporate  
14 such standards of the U.S. Nuclear Regulatory Commission and of the  
15 U.S. Department of Transportation by reference. The Department of  
16 Environmental Quality shall administer and enforce the provisions of  
17 the Central Interstate Low-Level Radioactive Waste Compact and the  
18 rules of the Board.

19 C. The annual fees of the State of Oklahoma due the Central  
20 Interstate Low-Level Radioactive Waste Compact Commission shall be  
21 apportioned among those generators disposing of low-level  
22 radioactive waste as determined by the Central Interstate Low-Level  
23 Radioactive Waste Compact Commission unless the Department  
24 determines to use other funds available to it for that purpose.

1           SECTION 3.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 347 of Title 52, unless there is  
3 created a duplication in numbering, reads as follows:

4           A. No person shall sell or offer for sale motor fuel from a  
5 motor fuel pump supplied by a storage tank into which motor fuel  
6 that contains a mixture of at least one percent (1%) by volume of  
7 ethanol or methanol has been delivered within the sixty-day period  
8 preceding the date of sale or offer of sale unless the person  
9 prominently displays on the pump from which the mixture is sold a  
10 label that complies with subsection B of this section.

11           B. A label as required in subsection A of this section shall:

12           1. Be displayed on each face of the motor fuel pump on which  
13 the price of the motor fuel mixture sold from the pump is displayed;

14           2. State "Contains Ethanol" or "Contains Methanol", as  
15 applicable;

16           3. Appear in contrasting colors with block letters at least  
17 one-half (1/2) inch high and one-fourth (1/4) inch wide; and

18           4. Be displayed in a clear, conspicuous, and prominent manner,  
19 visible to customers using either side of the pump.

20           C. If a motor fuel pump is supplied by a storage tank into  
21 which motor fuel containing at least ten percent (10%) ethanol by  
22 volume or at least five percent (5%) methanol by volume is delivered  
23 in the sixty-day period preceding the date of the sale or offer of  
24 sale, the sign as required in subsection A of this section shall

1 also state the percentage of ethanol or methanol by volume, to the  
2 nearest whole percent, of the motor fuel having the highest  
3 percentage of ethanol or methanol delivered into that storage tank  
4 during that period.

5 D. On request by a motor fuel user, a person selling or  
6 offering for sale motor fuel from a motor fuel pump shall reveal:

7 1. The percentage of ethanol contained in the motor fuel being  
8 sold;

9 2. The percentage of methanol contained in the motor fuel being  
10 sold; and

11 3. If the motor fuel contains methanol, the types and  
12 percentages of associated cosolvents contained in the motor fuel  
13 being sold.

14 E. The provisions of this section shall not prohibit the  
15 posting of any other alcohol or additive information. Other alcohol  
16 or additive information and any relevant posting shall be subject to  
17 regulation by the Corporation Commission.

18 F. The Corporation Commission shall promulgate rules as  
19 necessary to implement the provisions of this section.

20 SECTION 4. This act shall become effective July 1, 2008.

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

1 Passed the House of Representatives the 22nd day of April, 2008.

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4 Presiding Officer of the House of  
Representatives  
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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2008.

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9 Presiding Officer of the Senate  
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