

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1391

6 By: Richardson

7 COMMITTEE SUBSTITUTE

8 An Act relating to environment and natural resources;
9 creating the Blue Skyways Collaborative Grant
10 Program; stating purpose of the Program; stating
11 legislative findings; requiring funds appropriated
12 for the Program be used for matching grants for air
13 pollution reduction projects; limiting total amount
14 of each grant; requiring the Department of
15 Environmental Quality to enter into contracts or
16 agreements with grantees; specifying certain
17 conditions and safeguards for grants; directing the
18 Department to make certain findings before awarding
19 grants; authorizing the Department to prioritize
20 project applications based on health benefits;
21 limiting amount of single grant award; allowing
22 certain recipients to participate in future programs;
23 limiting administrative costs for the Program;
24 requiring the Department to issue an annual report;
specifying contents of the report; providing for
codification; providing an effective date; and
declaring an emergency.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 2-3-110 of Title 27A, unless
24 there is created a duplication in numbering, reads as follows:

1 A. There is hereby created the "Blue Skyways Collaborative
2 Grant Program". The purpose of the Blue Skyways Collaborative Grant
3 Program shall be to fund activities and projects designed to reduce
4 regional air pollution.

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

15 C. 1. Funds appropriated for the Blue Skyways Collaborative
16 Grant Program shall be used for matching grants to governmental and
17 nongovernmental entities in Oklahoma to encourage the implementation
18 of recognized air pollution reduction measures, including, but not
19 limited to, the retrofitting of truck and bus fleets to use cleaner
20 fuels and the installation and implementation of energy efficiency
21 measures.

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

3 3. In making grant awards, the Department of Environmental
4 Quality shall enter into a contract or memorandum of agreement with
5 the grantee that includes conditions and safeguards to ensure that
6 the matching funds are expended for the purposes specified and that
7 the state receives a clear benefit from the expenditure. In
8 addition to any other conditions and safeguards deemed necessary and
9 appropriate:

10 a. the Department shall require grant recipients to
11 submit a report within a reasonable time after
12 construction, installation, or implementation of the
13 project that summarizes the results, including
14 emissions reductions achieved and "lessons learned".
15 Information from the reports may be used by the
16 Department in evaluation of future grant applications
17 or proposals for the Blue Skyways Collaborative Grant
18 Program or any similar grant program and to determine
19 the viability of other projects or programs that may
20 be proposed to control or reduce air pollution in the
21 state, and

22 b. to secure the maximum possible benefit by increasing
23 awareness of the Blue Skyways Collaborative Grant
24 Program, the Department may require any grant

1 recipient to post notice in a conspicuous place of
2 participation in the Program and the nature of the
3 funded project.

4 4. Before making any grants, the Department shall determine to
5 its satisfaction that the proposed project will significantly reduce
6 air pollution within the state. The Department is authorized to set
7 a deadline for grant applications, and if the total grant funding
8 sought exceeds the amount available under the Program, the
9 Department shall give priority to those projects that appear to
10 achieve the maximum public health benefit for citizens of the state.

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

16 D. Not more than One Hundred Thousand Dollars (\$100,000.00) of
17 the amount appropriated by the Legislature for the Blue Skyways
18 Collaborative Grant Program shall be used by the Department for
19 personnel and other costs associated with administration and
20 management of the Program, and for providing technical assistance to
21 entities applying for and participating in the Program.

22 E. On or before September 1, 2008, and by September 1 each year
23 thereafter, the Department shall submit to the Governor, the Speaker
24 of the House of Representatives, and the President Pro Tempore of

1 the Senate a report on the Blue Skyways Collaborative Grant Program.
2 The report shall outline program expenditures, estimate emission
3 reductions achieved, and health or environmental benefits associated
4 with those reductions for the previous fiscal year, and any other
5 information the Department determines is necessary to aid the
6 Governor and Legislature in evaluating the program.

7 SECTION 2. This act shall become effective July 1, 2007.

8 SECTION 3. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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