

1 ENGROSSED SENATE
2 BILL NO. 1451

By: Ballenger and Rice of the
Senate

3 and

4 Hickman and Brown of the
5 House

6
7
8 [environment and natural resources - Oklahoma Energy
9 Efficiency and Emission Reduction Program - Central
10 Interstate Low-Level Radioactive Waste Compact
11 Commission - effective date -
12 emergency]

13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 2-3-109 of Title 27A, unless
17 there is created a duplication in numbering, reads as follows:

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

23 B. The Oklahoma Legislature finds that any activity or project
24 that reduces regional air pollution is desirable and advantageous

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

9 C. 1. The Oklahoma Legislature states its intent to fund the
10 Oklahoma Energy Efficiency and Emission Reduction Program initially
11 with an appropriation of Two Million Five Hundred Thousand Dollars
12 (\$2,500,000.00) from the General Revenue Fund of the State Treasury
13 for the fiscal year ending June 30, 2009.

14 2. Funds appropriated for the Oklahoma Energy Efficiency and
15 Emission Reduction Program shall be used by the Department for
16 matching grants to governmental and nongovernmental entities in
17 Oklahoma to encourage the implementation of recognized air pollution
18 reduction measures, including, but not limited to, the retrofitting
19 of truck and bus fleets to use cleaner fuels and the installation
20 and implementation of energy efficiency measures.

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

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

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

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

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

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

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

20 E. On or before September 1, 2009, and by September 1 each year
21 thereafter, the Department shall submit to the Governor, the Speaker
22 of the House of Representatives, and the President Pro Tempore of
23 the Senate a report on the Oklahoma Energy Efficiency and Emission
24 Reduction Program. The report shall outline program expenditures,

1 estimate emission reductions achieved, and health or environmental
2 benefits associated with those reductions for the previous fiscal
3 year, and any other information the Department determines is
4 necessary to aid the Governor and Legislature in evaluating the
5 program.

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

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

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

21 C. The annual fees of the State of Oklahoma due the Central
22 Interstate Low-Level Radioactive Waste Compact Commission shall be
23 apportioned among those generators disposing of low-level
24 radioactive waste as determined by the Central Interstate Low-Level

1 Radioactive Waste Compact Commission unless the Department
2 determines to use other funds available to it for that purpose.

3 SECTION 3. This act shall become effective July 1, 2008.

4 SECTION 4. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8 Passed the Senate the 3rd day of March, 2008.

9

10

Presiding Officer of the Senate

11

12 Passed the House of Representatives the ____ day of _____,
13 2008.

14

15

Presiding Officer of the House
of Representatives

16

17

18

19

20

21

22

23

24