

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3219

By: Kern

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5  
6 AS INTRODUCED

7 An Act relating to environment and natural resources;  
8 ordering a legislative referendum pursuant to the  
9 Oklahoma Constitution; creating the Oklahoma  
10 Environmental Authority Act; stating legislative  
11 findings; making legislative declaration that certain  
12 environmental regulation activities are not subject  
13 to federal laws or regulation; authorizing state  
14 environmental agencies to cooperate with federal  
15 environmental agencies; prohibiting enforcement of  
16 certain federal laws and regulations; providing for  
17 codification; providing an effective date; providing  
18 ballot title; and directing filing.

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

20 SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma  
21 Constitution, there is hereby ordered the following legislative  
22 referendum which shall be filed with the Secretary of State and  
23 addressed to the Governor of the state, who shall submit the same to  
24 the people for their approval or rejection at the General Election,  
to be held on November 2, 2010.

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-1-208 of Title 27A, unless  
3 there is created a duplication in numbering, reads as follows:

4 This act shall be known and may be cited as the "Oklahoma  
5 Environmental Authority Act".

6 SECTION 3. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 1-1-209 of Title 27A, unless  
8 there is created a duplication in numbering, reads as follows:

9 The Legislature finds that the:

10 1. Tenth Amendment to the United States Constitution guarantees  
11 and reserves to the states and their people all powers and rights  
12 not granted to the federal government elsewhere in the Constitution  
13 and reserves to the people and the State of Oklahoma certain powers  
14 as they were understood at the time that Oklahoma was admitted to  
15 statehood. The guarantee of those powers is a matter of contract  
16 between the state and people of Oklahoma and the United States as of  
17 the time that the compact with the United States was agreed upon and  
18 adopted by Oklahoma and the United States;

19 2. Ninth Amendment to the United States Constitution guarantees  
20 and reserves to the people powers and rights not granted in the  
21 Constitution and reserves to the people of Oklahoma certain rights  
22 as they were understood at the time that Oklahoma was admitted to  
23 statehood. The guarantee of those rights is a matter of contract  
24 between the people and the State of Oklahoma and the United States

1 as of the time that the compact with the United States was agreed  
2 upon and adopted by Oklahoma and the United States; and

3 3. Regulation of intrastate commerce is vested in the states  
4 under the Ninth and Tenth Amendments to the United States  
5 Constitution.

6 SECTION 4. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 1-1-210 of Title 27A, unless  
8 there is created a duplication in numbering, reads as follows:

9 A. The Legislature of the State of Oklahoma declares that the  
10 regulation of the transportation and disposal of hazardous waste;  
11 the regulation of the release of emissions, substances and  
12 pollutants into the air in the state; the regulation of the release  
13 of pollutants into bodies of water in the state; the regulation of  
14 public water supplies in the state; the regulation of wastewater  
15 systems in the state; and the regulation of production, exploration,  
16 drilling, development, operation, transportation and processing of  
17 oil, natural gas, petroleum, and petroleum products and products,  
18 materials or substances used in the production, exploration,  
19 drilling, development, operation, transportation and processing of  
20 oil and natural gas that originate and remain inside the State of  
21 Oklahoma and have not been proven and adjudicated by the Oklahoma  
22 court system or the federal court system to specifically be causing,  
23 or to have caused, quantifiable harm to any persons or places beyond  
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1 the borders of Oklahoma shall be intrastate commerce and shall not  
2 be subject to federal law or federal regulation.

3 B. Each state environmental agency and each state agency with  
4 limited environmental responsibilities, within its areas of  
5 environmental jurisdiction, may cooperate with federal environmental  
6 agencies in the regulation of the transportation and disposal of  
7 hazardous waste; the regulation of the release of emissions,  
8 substances and pollutants into the air in the state; the regulation  
9 of the release of pollutants into bodies of water in the state; the  
10 regulation of public water supplies in the state; the regulation of  
11 wastewater systems in the state; and the regulation of production,  
12 exploration, drilling, development, operation, transportation and  
13 processing of oil, natural gas, petroleum, and petroleum products  
14 and products, materials or substances used in the production,  
15 exploration, drilling, development, operation, transportation and  
16 processing of oil and natural gas but shall not be required to  
17 enforce federal laws or regulations relating to such environmental  
18 resources and activities.

19 SECTION 5. This act shall become effective December 1, 2010,  
20 upon approval by the people.

21 SECTION 6. The Ballot Title for the proposed act shall be in  
22 the following form:

23 BALLLOT TITLE  
24 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

1 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

2 This measure would create the Oklahoma Environmental Authority  
3 Act. The measure makes certain legislative findings. The  
4 measure declares that the regulation of hazardous waste, air  
5 pollution, water pollution, oil, natural gas, petroleum and  
6 petroleum products are not subject to federal laws or  
7 regulation. It allows state environmental agencies to work with  
8 federal environmental agencies. It prohibits state agencies  
9 from enforcing federal environmental laws and regulations. This  
10 measure would be effective December 1, 2010.

11 SHALL THE PROPOSAL BE APPROVED?

12 FOR THE PROPOSAL - YES \_\_\_\_\_

13 AGAINST THE PROPOSAL - NO \_\_\_\_\_

14 SECTION 7. The Chief Clerk of the House of Representatives,  
15 immediately after the passage of this act, shall prepare and file  
16 one copy thereof, including the Ballot Title set forth in SECTION 6  
17 hereof, with the Secretary of State and one copy with the Attorney  
18 General.

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