

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 676

By: Treat

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5
6 AS INTRODUCED

7 An Act relating to environment and natural resources;
8 prohibiting adoption of certain state implementation
9 plans regulating emissions from fossil fuel-fired
10 generating units without prior legislative approval;
11 defining terms; requiring certain report to be
12 prepared by the Department of Environmental Quality;
13 requiring annual report by certain date; requiring
14 legislative approval; providing for codification; and
15 declaring an emergency.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 2-5-120.1 of Title 27A, unless
19 there is created a duplication in numbering, reads as follows:

20 As used in this act:

21 1. "Covered electric generating unit" means an existing fossil
22 fuel-fired electric generating unit located in this state which is
23 subject to regulation under the federal emission guidelines issued
24 by the United State Environmental Protection Agency (EPA);

2. "Federal emission guidelines" means any final rules,
regulations, guidelines or requirements adopted by the EPA for

1 regulating carbon dioxide or other emissions from covered electric
2 generating units under Section 111(d) of the Federal Clean Air Act
3 or amendments thereto; and

4 3. "State implementation plan" means a plan created by the
5 Department of Environmental Quality (DEQ) required to be adopted for
6 implementation under federal emission guidelines.

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 2-5-120.2 of Title 27A, unless
9 there is created a duplication in numbering, reads as follows:

10 The Department of Environmental Quality (DEQ) is hereby required
11 to submit for prior approval by the Legislature as provided in
12 Section 4 of this act, any state implementation plan required under
13 Section 111(d) of the Federal Clean Air Act to regulate carbon
14 dioxide emissions from fossil fuel-fired electric generating units,
15 operating on the effective date of this act, before submitting any
16 such plan to the EPA.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 2-5-120.3 of Title 27A, unless
19 there is created a duplication in numbering, reads as follows:

20 In developing a state implementation plan as required by the
21 EPA, DEQ shall prepare a report that assesses the effects of the
22 state implementation plan on:

23 1. The state's electric power sector, including the type and
24 amount of electric generating capacity within the state that is

1 likely to retire or be replaced by another fuel, stranded
2 investments in electric generating capacity, and potential risks to
3 electric service reliability within the state;

4 2. Electric consumers within the state, including any
5 disproportionate impacts to energy price increases on residential
6 consumers;

7 3. Fiscal impact to state revenue;

8 4. Economic development impacts to the state, including
9 potential effects on businesses and manufacturing industries
10 dependent on currently available electric power;

11 5. Current and future employment numbers; and

12 6. Impact to local governments, including potential impacts
13 resulting from changes in tax revenue.

14 SECTION 4. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 2-5-120.4 of Title 27A, unless
16 there is created a duplication in numbering, reads as follows:

17 A. Not later than April 1 of each year, following the adoption
18 of any state implementation plan, DEQ shall transmit to the
19 Legislature a copy of the state implementation plan and the
20 accompanying report developed in accordance with Section 3 of this
21 act.

22 B. Upon receiving the state implementation plan and
23 accompanying report, the Legislature shall vote on a concurrent
24 resolution to approve the state implementation plan before the end

1 of the current legislative session. The concurrent resolution shall
2 be deemed approved by the Legislature when a majority of votes in
3 each chamber are made in favor of the measure.

4 C. If either chamber fails to approve the state implementation
5 plan as required by this act, DEQ may submit a revised version of
6 the state implementation plan, with an accompanying revised report,
7 to the Legislature for approval in accordance with the procedures
8 specified in this section.

9 D. If a federal rule or regulation is promulgated regarding the
10 regulation of carbon dioxide or other emissions from existing fossil
11 fuel-fired generating units pursuant to Section 111(d) of the
12 Federal Clean Air Act or any amendments thereto when the Legislature
13 is not in session, DEQ shall request an extension from the EPA in
14 order to comply with the requirements of this act.

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

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