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Fallin vetoes carbon emissions proposal

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Gov. Mary Fallin vetoed a bill Friday that requires the state of Oklahoma to develop a State Implementation Plan (SIP) to comply with the U.S. Environmental Protection Agency's (EPA) proposed rules regarding carbon emissions. The governor said the bill, which has been described as an attempt to fight overbearing EPA regulations, inadvertently does the opposite, at great expense to the state.

The bill, [SB0676](#), was described by some proponents as a counter to proposed EPA regulations that mandate a 30 percent reduction in carbon dioxide emissions from power plants in each state. The EPA has asked each state to develop a SIP - a state-based plan for compliance.

Fallin noted in her veto message, "The development of such a state plan involves dozens of state and private entities and thousands of hours of study and negotiations. It is a massive undertaking and requires the commitment of untold amounts of financial and time resources. It is also an unnecessary one, given that the Legislature, Attorney General and I are in agreement that the state should, in fact, not implement a SIP."

Fallin, along with Attorney General Scott Pruitt and some members of the Oklahoma Legislature questioned the legality of the EPA's new edicts.

According to a press release from the governor's office, the bill assumes the Department of Environmental Quality (DEQ) will develop a SIP to comply with EPA rules. The bill then gives Attorney General Scott Pruitt an opportunity to reject that SIP if he finds it to be unconstitutional, which he has publicly indicated he is likely to do.

Fallin issued an executive order Tuesday prohibiting the state of Oklahoma or its agencies from submitting a SIP. The executive order said the EPA's proposed rules would have "disastrous consequences for families and businesses," would replace Oklahoma's authority with that of federal bureaucrats, and would be subject to legal



challenge. It also requested that Oklahoma Attorney General Scott Pruitt "take such action as is necessary to enforce the rights of the State of Oklahoma and its citizens from such federal actions as may impact the freedoms of its people."

The Senate accepted House amendment and passed the bill 38 to 7 the same day. It had passed the House 61 to 21 on April 23, the final day for bills to be heard in the opposite chamber. The bill's emergency clause failed in the House.

During the bill's Senate consideration, Sen. Kay Floyd, D-Oklahoma City, questioned the House's removal of language that would have given the Legislature the authority to review the DEQ's plan and approve it. Treat said the Legislature currently does not have that authority, and while he hoped it would as a result of the bill, the provisions of the bill put in a place a system that currently does not exist and was an improvement.

Fallin says she understands the intent of the Legislature and the attorney general, who pushed for the bill.

"I stand with our Legislature and our attorney general in opposing the EPA's unconstitutional and ill-conceived power-grab," said Fallin. "However, we do not need to spend a lot of time and money to develop a plan that we have no intention of implementing and every intention of rejecting, which is what this bill requires. The executive order issued earlier this week offers the state the clearest path to fighting these EPA carbon mandates."

SB0676  , by Sen. Greg Treat, R-Oklahoma City, and Echols, requires the Department of Environmental Quality (DEQ) to submit for prior approval by the Legislature any state implementation plan required under Section 111(d) of the Federal Clean Air Act to regulate carbon dioxide emissions from fossil fuel-fired electric generating units, operating on the effective date of this act, before submitting any such plan to the EPA. It requires that the DEQ prepare a report that assess the effects of the state implementation plan on the state's electric power sector, electric consumers within the state, fiscal impact to state revenue, economic development impacts to the state, current and future employment numbers, and impact to local governments. The bill

requires that the DEQ transmit to Legislature a copy of any state implementation plan no later than April 1 of each year following the adoption of the plan.