

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2084

By: Dollens

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5
6 AS INTRODUCED

7 An Act relating to woody biomass; creating the
8 Oklahoma Woody Biomass Energy Initiative Act of 2019;
9 making legislative findings; defining terms; creating
10 the Woody Biomass Energy Initiative Council;
11 establishing termination date; providing for
12 membership; requiring appointments by certain date;
13 providing for meetings, a quorum, vacancies and
14 staffing; prohibiting compensation or travel
15 reimbursement; requiring Council to comply with
16 certain acts; specifying duties; authorizing the
17 Council to apply for and use certain funds; providing
18 for codification; and providing an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 18-409 of Title 2, unless there
22 is created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as the "Oklahoma Woody
24 Biomass Energy Initiative Act of 2019".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 18-410 of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Legislature makes the following findings:

5 1. That Oklahoma has an abundance of "biomass", which is
6 defined as organic material that is available on a renewable or
7 recurring basis, including:

8 a. materials, precommercial thinnings or invasive
9 species from National Forest System land,
10 Department of Defense lands or public lands, as
11 defined by law, that:

12 (1) are byproducts of preventive treatments or are
13 removed to reduce hazardous fuels, to reduce
14 or contain disease or insect infestation or to
15 restore ecosystem health,

16 (2) would not otherwise be used for higher-
17 value products, and

18 (3) are harvested in accordance with applicable
19 law and a state or federally approved
20 sustainable forest management plan,

21 b. plant material from nonfederal land or land belonging
22 to a Native American or Native Tribe that is held in
23 trust by the United States or subject to a
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1 restriction against alienation imposed by the United
2 States, including:

- 3 (1) feed grains,
- 4 (2) other agricultural commodities,
- 5 (3) other plants and trees harvested in accordance
6 with applicable law and a state or federally
7 approved sustainable forest management plan,
8 and
- 9 (4) algae, and

10 c. residual material from nonfederal land or land
11 belonging to a Native American or Native Tribe that
12 is held in trust by the United States or subject to
13 a restriction against alienation imposed by the
14 United States, including:

- 15 (1) crop residue,
- 16 (2) other vegetative material, including wood
17 waste and wood residues,
- 18 (3) animal waste and byproducts, including fats,
19 oils, greases and manure,
- 20 (4) gas derived from the biodegradation of
21 solid waste, and
- 22 (5) the organic portion of municipal solid
23 materials, including all cellulosic residuals
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1 segregated from waste material, food waste,
2 wastewater treatment plants and yard waste;

3 2. That for purposes of the Oklahoma Woody Biomass Energy
4 Initiative Act of 2019, "woody biomass" means a material
5 derived from trees, shrubs, bushes, grasses, including
6 switchgrass, or products made from woody plants;

7 3. That the Eastern redcedar tree is a native tree which, due
8 to conditions, is encroaching upon ecosystems outside of its
9 historic habitat, resulting in loss of water, grazing lands and
10 wildlife habitat, fire loss and allergic illness;

11 4. The objectives of the provisions of the Woody Biomass
12 Energy Initiative Act are to assist state and private land owners
13 with the control of the Eastern redcedar tree and to use the
14 removed trees as fuel;

15 5. That woody biomass is a renewable energy source which can
16 be used to diversify the energy portfolio of the state when
17 converted to fuel known as biofuel;

18 6. Based on a per million British Thermal Unit (BTU) by fuel
19 type, the rates for biofuel from woody biomass averaged in 2010
20 Two Dollars and fifty cents (\$2.50) for wood chips with forty
21 percent (40%) moisture as compared with electricity which averaged
22 Sixteen Dollars and fifty cents (\$16.50);

23 7. In order for biofuel projects to be successful, there
24 must be a sustainable supply of woody biomass;

1 8. That harvested woody biomass can be produced for use as
2 chips, pellets and other forms which have energy values higher
3 than all traditional fuel sources, with Eastern redcedar having a
4 considerable higher BTU value;

5 9. That nearly every state in the United States now has some
6 type of public woody biomass project operating in either pilot
7 project or full functioning form, with most focusing on the use
8 of woody biomass as an economical energy resource or as a means
9 to reduce energy costs for public facilities and state agencies;
10 and

11 10. That in Oklahoma, woody biomass could be used to reduce
12 energy costs for public facilities such as the state
13 correctional facilities.

14 B. There is hereby created to continue until July 1, 2022,
15 the Woody Biomass Energy Initiative Council.

16 C. The Council shall be composed of members as follows:

17 1. A member of the House of Representatives, appointed by the
18 Speaker of the House of Representatives;

19 2. A member of the State Senate, appointed by the President
20 Pro Tempore of the State Senate;

21 3. A member from the Oklahoma State University
22 Department of Natural Resource Ecology and Management,
23 appointed by the Governor;

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1 4. A member from the Biobased Products and Energy Center at
2 Oklahoma State University, appointed by the Governor;

3 5. Two members who are engaged in the business of
4 manufacturing or selling biofuel furnaces, one member to be
5 appointed by the Speaker of the House of Representatives and one
6 member to be appointed by the President Pro Tempore of the State
7 Senate;

8 6. The Executive Director of the Department of
9 Environmental Quality, or designee;

10 7. An employee in the Forestry Services Division of the
11 Oklahoma Department of Agriculture, Food, and Forestry, appointed
12 by the Commissioner of Agriculture;

13 8. The Director of the Department of Corrections, or designee;

14 9. The Executive Director of the Oklahoma Department of
15 Commerce, or designee;

16 10. A member of the Corporation Commission, or designee;

17 11. The Executive Director of the Oklahoma
18 Conservation Commission, or designee;

19 12. A member appointed by and representing the Natural
20 Resources Conservation Service of the United States Department
21 of Agriculture;

22 13. A member appointed by and representing the United
23 States Environmental Protection Agency;

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1 14. A member appointed by and representing the United
2 States Department of Energy; and

3 15. Four members appointed by the Governor familiar with
4 the process of obtaining energy-related grants from public and
5 private sources.

6 D. Appointments to the Council shall be made by February 1,
7 2020.

8 Meetings of the Council shall be held at least quarterly.
9 Members shall serve at the pleasure of their appointing
10 authorities. A majority of the members of the Council shall
11 constitute a quorum to transact business, but no vacancy shall
12 impair the right of the remaining members to exercise all of the
13 powers of the Council. A vacancy on the Council shall be filled by
14 the original appointing authority. Contingent upon the
15 availability of funding, the Oklahoma Department of Agriculture,
16 Food, and Forestry shall provide staff, support and information as
17 requested by the Council.

18 E. Members of the Council shall receive no compensation or
19 travel reimbursement for serving on the Council.

20 F. The Council shall act in accordance with the provisions
21 of the Oklahoma Open Meeting Act and the Oklahoma Open Records
22 Act.

23 G. The Council shall:
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- 1 1. Develop an Oklahoma Renewable Woody Biomass Energy
2 Usage Plan which will:
- 3 a. include appropriate harvesting and fuel burning
4 guidelines and techniques that are in compliance
5 with any laws governing the use of biomass for
6 energy production,
 - 7 b. take into consideration all environmental quality
8 and energy standards,
 - 9 c. include a funding plan for utilization,
 - 10 d. identify state lands suitable for use in
11 the production of biomass,
 - 12 e. identify available private resources to implement
13 the plan, and
 - 14 f. take into consideration the use of inmate labor on
15 public lands to harvest Eastern redcedar and other
16 woody biomass pursuant to Section 222 of Title 57 of
17 the Oklahoma Statutes.
- 18 2. Investigate the feasibility of constructing and installing
19 woody biomass furnaces in correctional facilities operated by the
20 Department of Corrections, public schools and other state agencies,
21 which furnaces can use woody biomass harvested exclusively within
22 Oklahoma from state and private lands;
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1 3. Investigate the feasibility of using woody biomass for
2 the purpose of cogeneration or gasification methods, as well as
3 other emerging applications; and

4 4. Make recommendations to the Legislature and the Governor
5 on the findings of the Council.

6 H. The Council is hereby authorized to make application for,
7 seek and utilize any funds received including, but not limited to,
8 any state or federal funds, grants, including renewable energy
9 grants available through the United States Department of Energy and
10 the United States Department of Agriculture, or private donations.

11 SECTION 3. This act shall become effective November 1, 2019.

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