

*Southern States Energy Board*

*2009*

*Legislative Digest*

*A Guide to  
Energy and Environment Legislation  
in the South*







Southern States Energy Board

2009

# Legislative Digest

*A Guide to Energy and Environment Legislation  
In the South*

**August 2009**

Covering measures in 16 states and two U.S. territories  
With an introduction by  
Representative Rocky Adkins, Kentucky  
SSEB Vice-Chairman

# Acknowledgments

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The Southern States Energy Board's *Legislative Digest 2009* is compiled each year in collaboration with member states and territories. We would like to thank the Board members, legislative research staff, and state administrative officials and their staffs for assisting us in compiling and reviewing the *Digest*

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## **Representative Rocky Adkins**

State Representative Rocky Adkins currently serves as House Majority Floor Leader after being chosen for the post by his Democratic colleagues in November, 2003. A long-time veteran of the Kentucky House of Representatives, he is now serving in his 23rd year as a Legislator.

A native of Sandy Hook, Kentucky, Representative Adkins is a graduate of Elliott County High School and Morehead State University, where he also received his Master's Degree in Secondary Education.

In 1986, Representative Adkins was elected to the 99th House District at the age of 26, making him one of the youngest members ever elected to serve in the Kentucky legislature. Representative Adkins quickly accumulated legislative responsibilities and served on a number of influential committees, including the House Appropriations & Revenue Committee and the Budget Review Subcommittee on Transportation.

A leader in the field of energy independence, Representative Adkins has introduced several ground-breaking pieces of legislation that will help our nation achieve energy self sufficiency in the coming years. His legislation includes incentives for the conversion for coal to transportation fuels, use of agricultural products for energy such as biodiesel, biomass, ethanol and cellulose, and greater utilization of renewable energy sources such as wind, solar and hydro.

Representative Adkins' legislative initiatives also promote conservation and incentives for energy efficient home building and construction. He was appointed Vice Chair of the Southern States Energy Board in 2008 by then Chairman Governor Joe Manchin who called Representative Adkins, "the South's lead legislator on energy."

Representative Adkins is a 12-year survivor of cancer and he actively raises funds for research by sponsoring an annual golf tournament entitled the "Rocky Adkins Charity Golf Outing Cure for Cancer." The tournaments have raised more than \$1 million since 1995.





# Introduction

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## Representative Rocky Adkins

It is my privilege to present the following **Energy and Environmental Legislative Digest of 2009**. For more than four decades, the Southern States Energy Board has published this *Digest*, and each year the Board endeavors to ensure that the information representing the legislative trends in the South is accurate and complete.

A compendium of energy and environmental legislation enacted by the Board's 18 member states and territories during the 2009 legislative session, this document thoroughly examines legislation passed state by state. In addition, it also features regional issue trends, highlighting six specific topics identified as predominant legislative concerns throughout the South. All this combines to make the *Digest* the predominant research manual for ideas and guidance when developing new legislation. Please note that at the time of publication, the North Carolina and Virgin Islands legislatures were still in session. As such, all bills from those jurisdictions included are pending unless otherwise noted.

The issue trends are presented first, and include: Carbon Capture and Sequestration, Alternative Fuels, Alternative Energy, Energy Efficiency, Land Conservation and Water Quality and Management.

More precise state by state bill summaries follow and are categorized for easy comparison. Energy measures are divided among the following categories: Alternative Energy Development, Coal and Minerals, Emergency Management and Homeland Security, Energy Efficiency, Natural Gas and Petroleum, Reorganization and Coordination, and Utilities.

Many acts could easily fit into several of these categories as they seek to dramatically improve our energy independence. This year energy related matters accounted for 42 percent of the total legislation summarized in this document. The largest topic area this year was Alternative Energy Development with the passage of 76 bills.

Environmental measures are divided into the following categories: Air Quality and Pollution Control, Coastal Zone Management, Emergency Management and Homeland Security, Environmental Health Services, Hazardous Waste and Substance Management, Inland Water Resource Management and Conservation, Radioactive Waste, Reorganization and Coordination, Solid Waste, and Water Quality and Pollution Control. About 58 percent of the total legislation featured in this *Digest* was related to the environment. The largest two categories were Land Management and Conservation and Water Quality and Pollution Control. These two categories combined for 135 pieces of legislation. Energy and environmental legislation was passed in every category, save Radioactive Waste.

While the statistics are interesting, good governance actually gets down to individual pieces of legislation. That said, I would like to take a moment now to highlight just a few pieces of legislation passed in our member states.

Thirty four bills related to energy and the environment were passed in **Alabama** this year. House Bill 185 creates the Green Fleets Review Committee to ensure compliance with the fleet fuel economy standards set for light-duty, medium-duty, and heavy-duty vehicles. House Bill 808 declares it illegal for any person to accumulate, process, transport or dispose of scrap tires without authorization.

**Arkansas** enacted 30 pieces of energy and environment legislation. Act 737 exempts biomass which is used primarily for the purpose of biofuel production from being subject to a severance tax. Act 1476 changes distribution practices for money received by the Treasurer of State from the federal government for a sale, lease, royalty, bonus or rental of oil, gas or mineral lands belonging to the federal government and located in this state.

**Florida** passed 18 bills related to energy and the environment. House Bill 255 enacts the Pest Control Compact into law and joins Arkansas with all other states in the compact for the purpose of establishing and operating an Insurance Fund, from which individual states may obtain financial support for pest eradication and control programs of benefit to them in other states. They may contribute to the Fund in accordance with their relative interest. House Bill 515 creates a tiered tax rate structure for oil production tax on tertiary oil of one percent of the gross value of oil when the value of oil is \$60 per barrel and below; seven percent of the gross value when the value of oil is above \$60 and below \$80 per barrel; and nine percent of the gross value when the value of oil \$80 per barrel and above.

**Georgia** passed 23 measures related to energy and the environment. Senate Bill 31 allows a utility to recover the costs of financing associated with the construction of a nuclear generating plant from its customers. This is to be done using a separate rate tariff allocated on an equal percentage basis to standard base tariffs. Senate Resolution 107 urges the United States Congress to assist Georgia in its water needs by helping facilitate the building of reservoirs on Chattahoochee National Forest land to supplement water inflow and maintain adequate water levels in Lake Lanier.

The **Commonwealth of Kentucky** enacted nine energy and environment bills. House Bill 452 declares that it is the public policy of the Commonwealth to provide for the safety of underground coal miners employed in areas near or adjacent to oil and gas exploration activities, while furthering the policy of exploration and development of oil and gas resources. House Bill 485 removes the \$125 per annum fee on registering pesticides and allows the fee to be set by administrative regulation. It also removes the caps on the amount that can be spent on programs funded by the fees.

**Louisiana** passed 59 measures related to energy and the environment. House Bill 733 creates a tax credit for “green job industries,” meaning those industries involving energy efficiency and renewable energy, energy-efficient building construction and retrofitting, renewable electric power, energy efficient and advanced drive train vehicles, biofuels, deconstruction and materials use, energy efficiency assessment for residential, commercial or industrial sectors and manufacturers that produce products using environmentally sustainable processes and materials approved by a nationally recognized high performance environmental building rating system, or that have the ENERGY STAR designation from the United States Environmental Protection Agency. Any such rating system that uses a credit system which is disadvantageous to materials or products manufactured or produced in the state of Louisiana shall not be used. House Bill 661 enacts the Louisiana Geologic Sequestration of Carbon Dioxide Act to provide for a coordinated statewide program related to the storage of carbon dioxide and to fulfill the state's primary responsibility for assuring compliance with the federal Safe Drinking Water Act.

Forty seven bills related to energy and the environment were passed by **Maryland's** legislators this year. Senate Bill 14 and House Bill 314 authorize the Maryland Environmental Service to engage in energy projects, meaning any service, facility, system or property for use in connection with energy conservation or the production, generation or distribution of energy from a renewable or other energy source. Senate Bill 549 and House Bill 771 clarify that it is the policy of the state to encourage the retention and sustainable management of the state's privately owned forest lands. This is to be achieved by affording due consideration and retention of forests in the state through existing land conservation programs; by enhancing the retention of privately owned forest lands through educational outreach efforts to landowners; by developing financial incentives for retaining and managing forests sustainably and in a manner that is consistent with a forest stewardship plan; by promoting renewable energy policies and markets with increased emphasis on the use of in-state produced woody biomass; by recognizing the economic importance of a viable forest products industry; by developing fiber products and Maryland's green infrastructure; and by developing programs with sustainable forestry components, including a forest mitigation banking system, a carbon credit or carbon sequestration program, a clean water credit trading system, an environmental services credit trading program and a renewable energy credit trading system.

**Mississippi** enacted 29 pieces of legislation related to energy and the environment. Senate Bill 2796 establishes a process for the development of state policy for Recycling and Asset Disposition (READ) Services targeting state agency-generated obsolete electronic equipment. The policy will attempt to achieve the maximum benefit from use of state agency-owned electronic equipment; ensure a data security process that prevents the inadvertent release of sensitive state-owned electronic information to unauthorized parties during the disposal process; achieve maximum benefit from sale and/or recycling of surplus state agency electronic equipment; and protect the public health, safety and the environment by mandating that steps be taken to address the solid waste management of electronic equipment and solid waste statewide. House Bill 1639 provides an ad valorem tax exemption for a portion of the assessed value of all property used in a gasification process facility which is part of an electric generating facility. For the exemption, the facility must convert Mississippi feedstock to a synthesis gas which serves as a primary fuel source of the electric generating facility.

**Missouri** passed seven energy and the environment bills. Senate Bill 376 requires the Missouri Public Service Commission to provide timely cost recovery for utilities, ensure that utility financial incentives are aligned with helping customers use energy more efficiently and provide timely earnings opportunities associated with cost-effective, verifiable efficiency savings. House Bill 250 states access to public land owned, managed or funded by the state of Missouri for horse and mule use shall not be denied on trails and roads that are currently designated by the state as land upon which horses or mules can be ridden. Access can be denied, however, where conditions are not suitable because of public safety concerns, necessary maintenance or for reasons related to the mission of the agency that owns or manages the land. In these circumstances, a written statement must be posted at the trailhead stating the cause and estimated duration of the closure.

**North Carolina** has 127 measures related to energy and the environment enacted or pending during the time of publication. If enacted, House Bill 1440 would encourage the development of renewable energy markets and industries by requiring electric public utilities, electric membership corporations and municipalities that sell power to retail electric power customers to connect renewable electricity facilities to the grid and to purchase all the electric power produced at these facilities at certain feed-in rates established by the North Carolina Utilities Commission. House Bill 1441 would require the Department of Environment and Natural Resources to develop, maintain and publish a greenhouse gas emissions inventory and to develop, implement, monitor and report on a plan to reduce greenhouse gas emissions statewide. The bill also requires the state to reduce greenhouse gas emissions statewide.

During the 2009 legislative session, **Oklahoma** passed 38 pieces of legislation related to energy and the environment. Senate Bill 953 creates the Oklahoma Clean Energy Independence Commission which will seek to make significant contributions to the nation's efforts towards clean energy independence within

the next five years. Senate Bill 610 establishes the Oklahoma Carbon Capture and Geologic Sequestration Act to begin efforts to enhance the production of oil and natural gas, further the production of natural resources and provide opportunities for economic growth and development for the state through carbon capture and geologic sequestration.

**Puerto Rico** enacted two measures related to energy and the environment. House Bill 1741 sets up a plastic bag recycling program where businesses are required to make a collection point available for customers to return their plastic bags which are then picked up by the recycling/waste agency.

**South Carolina** passed 14 pieces of legislation related to energy and the environment. House Bill 3794 requires the Department of Natural Resources to acquire sufficient wildlife habitat to establish wildlife management areas for the protection, propagation and promotion of fish and wildlife, and for public hunting, fishing and other natural resource dependent recreational use. House Bill 3550 adopts the 2006 edition of the International Energy Conservation Code as the energy standard and requires all new and renovated buildings and additions constructed within the state to comply with this standard.

**Tennessee** passed 40 pieces of energy and the environment legislation. House Bill 2300 enacted the Responsible Mining Act of 2009, which requires that no permit shall be issued that would allow removal of coal from the earth by surface mining methods or surface access points to underground mining within 100 feet of the ordinary high water mark of any stream or allow overburden or waste materials from removal of coal from the earth by surface mining of coal to be disposed of within 100 feet of the ordinary high water mark of a stream. Senate Bill 1559 prohibits the Commissioner of the Environment and Conservation Committee from issuing a permit for the disposal of coal ash or for the expansion of an existing coal ash disposal facility, unless the plans for the disposal facility include a liner and a final cap.

Legislators in **Texas** enacted 73 bills related to energy and the environment. House Bill 1937 gives cities a new tool to help homeowners make their homes more energy efficient or to install renewable energy devices on their homes. This legislation authorizes a municipality to create a district where property owners and authorized municipal officials may enter into contracts for the assessment of properties in order to finance energy efficiency improvements. It also allows a municipality to impose an assessment only with the consent of the owner of the assessed property at the time of the assessment. This allows the homeowner to pay for the cost of the energy efficient improvements or renewable device installation by paying through their property taxes. Senate Bill 184 requires the Texas Commission on Environmental Quality to develop and present a report to the legislature by December 31, 2010, that outlines strategies to reduce greenhouse gas emissions which, over the lifetime of the strategy, will result in no financial cost to businesses and consumers of the state.

The ***Virgin Islands*** introduced six measures in the energy and the environment area at the time of publication. Senate Bill 28-0079 authorizes the Virgin Islands Water and Power Authority to issue bonds in the amount of \$400,000,000 dollars for each electric power generating plant to be erected and built on the islands of St. Croix, St. Thomas and St. John, provided that the plant uses modern technologies that incorporate renewable energy sources, net and smart metering. Senate Bill 28-0077 creates the Tree Conservation Act to protect threatened and endangered, indigenous trees from extinction and to encourage the planting of large indigenous and culturally significant trees. This legislation also ensures that trees are removed or replaced so that there is no net loss of the trees and that trees are cared for according to the American National Standards Institute guidelines.

The ***Commonwealth of Virginia*** passed 81 pieces of energy and environment legislation. House Bill 2177 authorizes localities to ban the disposal of certain rechargeable batteries in any waste-to-energy or solid waste disposal facility within its jurisdiction, provided the locality has implemented a recycling program that is capable of handling all rechargeable batteries generated within that jurisdiction. Senate Bill 1248 authorizes investor-owned electric utilities to recover, through a rate adjustment clause, the projected and actual costs of designing, implementing and operating energy efficiency programs and fair and effective peak-shaving programs. The utility may earn a general rate of return on energy efficiency programs. The State Corporation Commission may allow for the recovery of reductions in revenue related to energy efficiency programs, to the extent the revenue is not recovered through off-system sales.

***West Virginia*** enacted 18 bills related to energy and the environment. House Bill 103 and Senate Bill 297 requires every electric utility doing business in West Virginia to meet the alternative and renewable energy portfolio standards of at least 25 percent of the electric energy sold by the electric utility to retail customers in the preceding calendar year. In order to meet these standards, an electric utility must own an amount of credits equal to a certain percentage of electricity sold by the electric utility in the preceding year to retail customers. Each credit shall equal one megawatt hour of electricity. House Bill 2860 creates a permitting and regulatory framework for the capture and sequestration of carbon dioxide. The injection of carbon dioxide for the purpose of enhancing the recovery of oil or other minerals, however, is not subject to the provisions.

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**Representative Rocky Adkins**  
**Commonwealth of Kentucky**  
**SSEB Vice-Chair**

# **Categories of Energy Legislation**

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The following categories are utilized in the *Digest* to best organize the wide array of legislation found in the South. The purpose of this section is to familiarize the reader with the possible categorical legislative trends in the southern region. Legislation is first categorized by state and then by category.

## **Alternative Energy Development**

The category of *Alternative Energy Development* includes legislation related to the barriers and costs associated with the development and use of alternative energy sources, uses and technologies.

## **Coal and Minerals**

The category of *Coal and Minerals* addresses all aspects of coal and mineral extraction, production and transportation. Legislation in this area encompasses mineral rights, mine safety and inspection, royalty distribution, and crushing operations. (See *Land Management and Conservation* under **Environmental Legislation** for new laws relating to land restoration.)

## **Emergency Management and Homeland Security**

The category of *Emergency Management and Homeland Security* addresses the role of state governments in response to natural or man-made emergencies involving critical energy infrastructure and supply. These emergencies may require intrastate, interstate and/or national response and includes intentional acts of terrorism.

## **Energy Efficiency**

The category of *Energy Efficiency* includes legislation pertaining to the development and promotion of energy efficient technologies and programs for buildings, homes, transportation, power systems and industry and related energy conservation issues.

## **Natural Gas and Petroleum**

The category of *Natural Gas and Petroleum* addresses regulations on all aspects of natural gas and petroleum exploration, development, production, importation, transportation, storage and marketing.

## **Reorganization and Coordination**

The category of *Reorganization and Coordination* is composed of legislation affecting the responsibilities or functions of existing state governmental agencies and departments that handle energy matters. Such legislation includes the creation of or changes in department or commission responsibilities and the requirements regarding notice to or coordination of agencies.

## **Utilities**

The category of *Utilities* focuses on legislation affecting water, gas and electric services provided by utility and power companies. The types of legislation enacted in this area deal with changes in rates, production, distribution, services, operations, least cost planning and the location of utility services.



# **Categories of Environmental Legislation**

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## **Air Quality and Pollution Control**

The category of *Air Quality and Pollution Control* includes legislation regarding various pollutants that are released and emitted into the atmosphere. Specifically, measures in this category include air quality control acts; emission standards; acid rain initiatives; and ozone non-attainment.

## **Coastal Zone Management**

The category of *Coastal Zone Management* involves the preservation and enhancement of both off-shore and on-shore environments, including coastal landforms and marine ecosystems. Measures within this category include, but are not restricted to shore erosion controls; protection of aquatic vegetation and offshore reefs; control of marine harvests; and, federal-state consistency provisions.

## **Emergency Management and Homeland Security**

The category of *Emergency Management and Homeland Security* addresses the role of state governments in response to natural or man-made emergencies which compromise environmental security and health. These emergencies may require intrastate, interstate and/or national response and includes intentional acts of terrorism.

## **Environmental Health Services**

The category of *Environmental Health Services* includes measures enacted to discourage and prevent activities which disrupt life-support systems for humans and other species; damage wildlife and human health; and, produce nuisances such as noise.

## **Hazardous Waste and Substance Management**

The category of *Hazardous Waste and Substance Management* contains legislation relating to toxic substances. The primary purpose of this legislation is to control the production, transportation, use and disposal of toxic substances and wastes. (See *Radioactive Waste* for new laws relating to radioactive materials; see *Solid Waste* for new laws relating to non-toxic materials.)

## **Inland Water Resource Management and Conservation**

The category of *Inland Water Resource Management and Conservation* consists of legislation related to the conservation, permitting, management and protection of inland water sources and/or reservoirs (e.g., lakes, rivers, streams and tributaries, groundwater, etc.). It includes measures that provide for the capture and control of the water supply, management and protection of wetlands and watersheds and the regulation of outdoor water activities such as fishing and

boating. The category also includes measures pertaining to the responsibility, function and jurisdiction of relative state and local government agencies.

### **Land Management and Conservation**

The category of *Land Management and Conservation* incorporates legislation concerning the management and protection of public and private lands and ecosystems. Legislation in this category includes land and growth management, land reclamation and restoration activities, including brownfield mitigation; soil erosion, abatement and prevention; environmental covenants; forestry and timber harvesting; hunting regulations; and, park management.

### **Radioactive Waste**

The category of *Radioactive Waste* focuses on legislation related to the proper handling, storage, transportation and disposal of high-level and low-level radioactive waste. High-level radioactive waste includes spent fuel and other high-level wastes generated from nuclear operations. Low-level radioactive waste includes any material discarded from a nuclear operation that has been exposed to radiation.

### **Reorganization and Coordination**

The category of *Reorganization and Coordination* is composed of legislation affecting the responsibilities and functions of existing state governmental agencies and departments that handle environmental matters. Such legislation includes the creation of or changes in department or commission responsibilities and regarding notice to or coordination of agencies.

### **Solid Waste**

The category of *Solid Waste* entails legislation relating to the treatment, disposal and/or recycling of refuse, scrap, tailings, chemical effluents, litter and agricultural or industrial wastes. While some legislation uses the term “solid waste” and “hazardous waste” interchangeably, this digest will use “solid waste” for those wastes that are non-toxic and “hazardous waste” for toxic materials. (See *Radioactive Waste* for all radioactive waste materials; see *Hazardous Waste and Substance Management* for regulation of toxic substances.)

### **Water Quality and Pollution Control**

The category of *Water Quality and Pollution Control* concerns the purity of water as a resource for public and industrial uses. Legislation within this category pertains to quality control measures that guard against the contamination of water supplied by lakes, rivers, streams and tributaries and/or groundwater. Furthermore, this category contains legislation relating to the recycling of contaminated water and/or sewage.

# Matrices and Graphs

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The matrices and graphs on the following pages illustrate energy and environmental quality legislative trends observed in SSEB member states during this year's legislative session. The matrices provide readers with a quick view of a state's activity in each area.

The bar graphs on "Energy Legislation" and "Environmental Legislation" show the number of states enacting legislation by category during the year. A list of abbreviations used in the graphs is provided. Readers should refer to the definition section for more information on the criteria used in placing legislation in categories.

# **Matrices and Graphs Abbreviations**

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## **Energy Legislation**

AED	Alternative Energy Development
CM	Coal and Minerals
EMHS	Emergency Management and Homeland Security
EE	Energy Efficiency
NGP	Natural Gas and Petroleum
RC	Reorganization and Coordination
U	Utilities

## **Environmental Legislation**

AQPC	Air Quality and Pollution Control
CZM	Coastal Zone Management
EMHS	Emergency Management and Homeland Security
EHS	Environmental Health Services
HWSM	Hazardous Waste and Substance Management
IWRMC	Inland Water Resource Management and Conservation
LMC	Land Management and Conservation
RW	Radioactive Waste
RC	Reorganization and Coordination
SW	Solid Waste
WQPC	Water Quality and Pollution Control

## **Legislation Prefix**

SCR	Senate Concurrent Resolution
SJR	Senate Joint Resolution
SR	Senate Resolution
HB	House Bill
HCR	House Concurrent Resolution
HJR	House Joint Resolution
HR	House Resolution

## Matrix of 2009 Energy Legislation

Types of Legislation	AL	AR	FL	GA	KY	LA	MD	MS	MO	NC	OK	PR	SC	TN	TX	VI	VA	WV
AED	▶	▶	▶	▶	▶	▶	▶	▶		▶	▶			▶	▶	▶	▶	▶
CM		▶			▶	▶	▶	▶	▶	▶				▶	▶			▶
EMHS		▶				▶								▶				
EE	▶	▶	▶	▶	▶	▶	▶	▶	▶	▶	▶		▶	▶	▶		▶	
NGP	▶	▶	▶	▶	▶	▶	▶	▶		▶	▶			▶	▶		▶	▶
RC						▶	▶			▶				▶	▶		▶	
U		▶	▶	▶			▶	▶	▶	▶	▶			▶	▶	▶	▶	▶

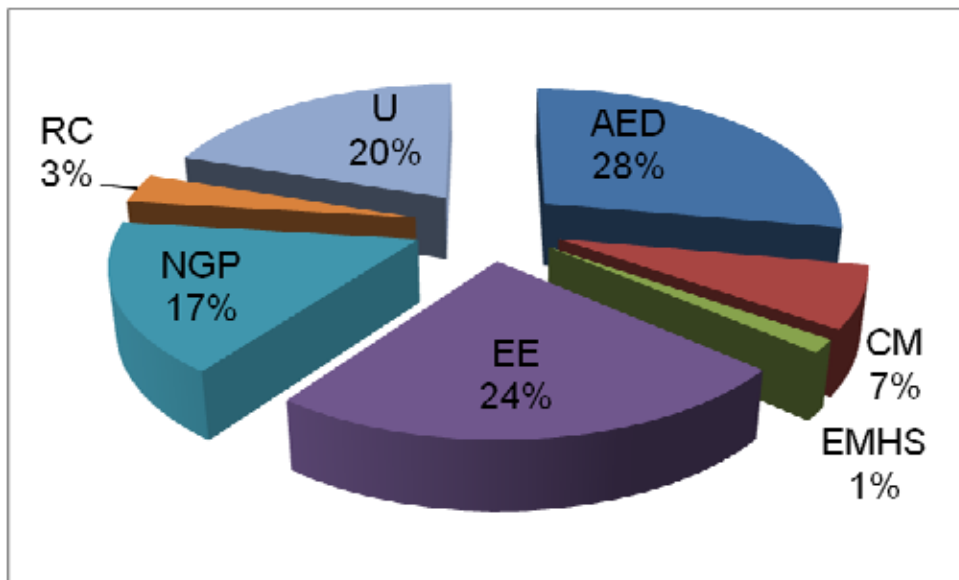
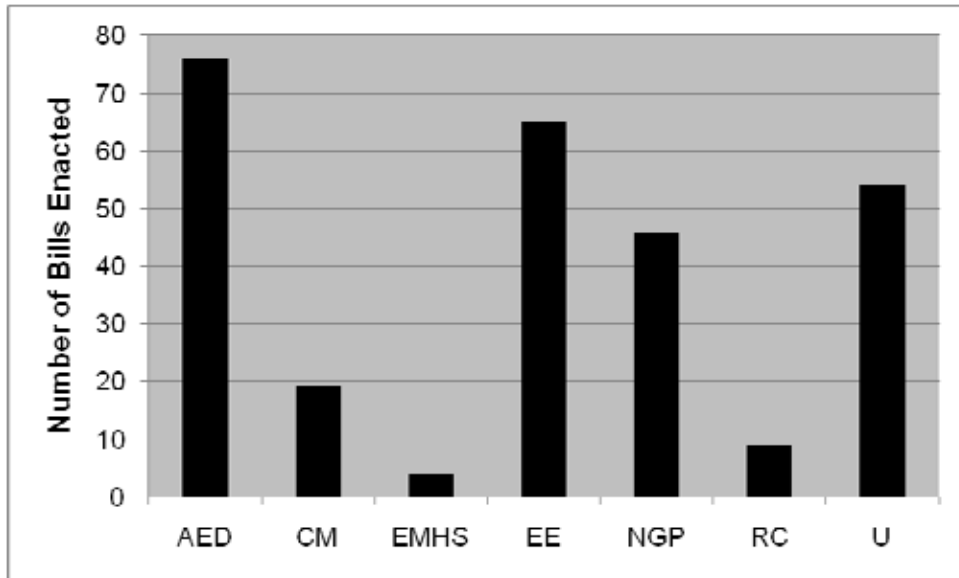
AED            Alternative Energy Development  
 CM             Coal and Minerals  
 EMHS         Emergency Management and Homeland Security  
 EE             Energy Efficiency  
 NGP          Natural Gas and Petroleum  
 RC             Reorganization and Coordination  
 U              Utilities

## Matrix of 2009 Environmental Legislation

Types of Legislation	AL	AR	FL	GA	KY	LA	MD	MS	MO	NC	OK	PR	SC	TN	TX	VI	VA	WV
AQPC	▶			▶		▶	▶			▶	▶			▶	▶			▶
CZM				▶		▶	▶	▶		▶					▶	▶	▶	
EMHS	▶		▶			▶		▶		▶			▶		▶			
EHS	▶	▶				▶				▶				▶			▶	
HWSM	▶			▶		▶	▶	▶		▶					▶		▶	
IWRMC	▶		▶	▶	▶	▶	▶	▶		▶	▶		▶	▶	▶		▶	
LMC	▶		▶	▶	▶	▶	▶	▶	▶	▶	▶		▶	▶	▶	▶	▶	▶
RW																		
RC		▶	▶		▶	▶	▶	▶		▶	▶		▶	▶	▶		▶	▶
SW	▶	▶		▶		▶	▶	▶		▶	▶	▶	▶	▶	▶	▶	▶	▶
WQPC	▶	▶	▶	▶		▶	▶	▶	▶	▶	▶		▶	▶	▶		▶	

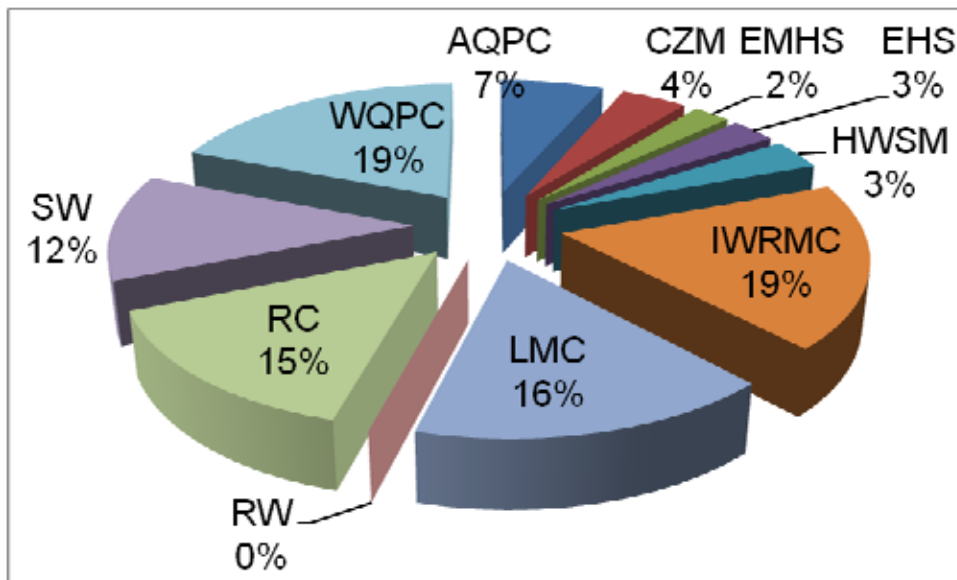
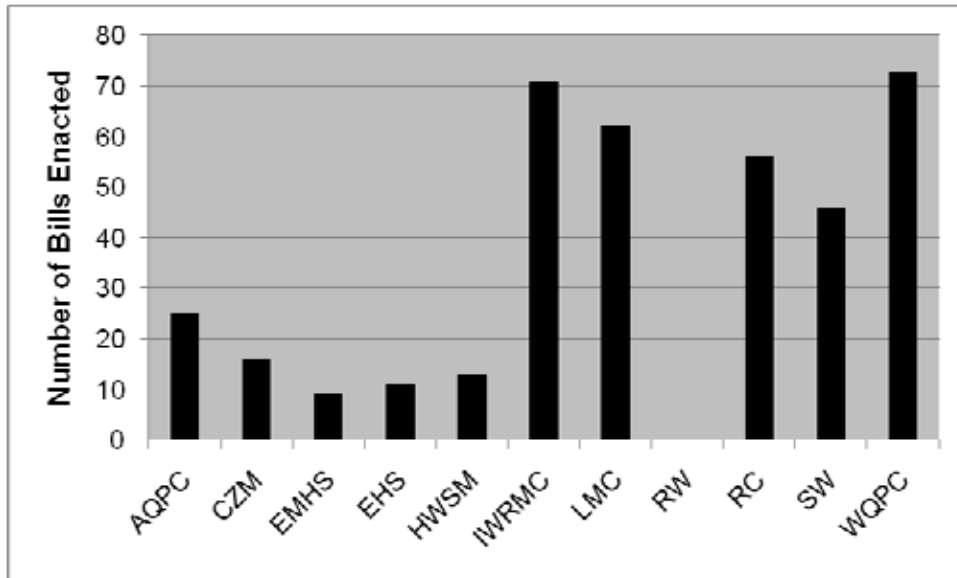
AQPC            Air Quality and Pollution Control  
 CZM             Coastal Zone Management  
 EMHS         Emergency Management and Homeland Security  
 EHS             Environmental Health Services  
 HWSM         Hazardous Waste and Substance Management  
 IWRMC         Inland Water Resource Management and Conservation  
 LMC             Land Management and Conservation  
 RW              Radioactive Waste  
 RC             Reorganization and Coordination  
 SW              Solid Waste  
 WQPC          Water Quality and Pollution Control

# Overall Energy Legislation



AED	Alternative Energy Development
CM	Coal and Minerals
EMHS	Emergency Management and Homeland Security
EE	Energy Efficiency
NGP	Natural Gas and Petroleum
RC	Reorganization and Coordination
U	Utilities

# Overall Environmental Legislation



AQPC	Air Quality and Pollution Control
CZM	Coastal Zone Management
EMHS	Emergency Management and Homeland Security
EHS	Environmental Health Services
HWSM	Hazardous Waste and Substance Management
IWRMC	Inland Water Resource Management and Conservation
LMC	Land Management and Conservation
RW	Radioactive Waste
RC	Reorganization and Coordination
SW	Solid Waste
WQPC	Water Quality and Pollution Control





# Regional Legislative Trends

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## Carbon Capture and Sequestration

Developing clean coal technology was a goal shared by several state legislatures during the 2009 legislative season. Carbon Capture and Sequestration (CCS) provides a solution to the growing challenge to reduce carbon emissions into the atmosphere by capturing carbon from power plants and other industrial sources and storing it underground.

This technology is in its infancy and states are determining the best way to regulate the capture and storage of carbon. To this end, **West Virginia** passed House Bill 260 (**Speaker Richard Thompson**) in order to create a permitting and regulatory framework for the capture and sequestration of carbon dioxide and to establish a Carbon Sequestration Working Group to develop a long-term CCS strategy for the state. The injection of carbon dioxide for the purpose of enhancing the recovery of oil or other minerals, however, is not subject to the provisions of this framework. **Oklahoma** passed Senate Bill 679 (**Sen. David Myers**), which recreates the Oklahoma Geologic Storage of Carbon Dioxide Task Force that will study any issues necessary to implement the transmission and storage of carbon dioxide in geologic formations, including insurance, liability and ownership relating to long-term carbon dioxide storage facilities. The **Texas** legislature passed Senate Bill 1387 (**Sen. Kel Seliger**) in order to provide a state-level regulatory framework for the storage and sequestration of CO<sub>2</sub> into geologic formations that may contain oil or gas. The bill gives the Railroad Commission of Texas jurisdiction over the injection of CO<sub>2</sub> into wells that are or may be productive of oil or gas and over storage in a salt brine formation existing above or below an oil or gas formation.

In addition to passing bills that address regulatory issues, both **Oklahoma** and **Texas** passed bills dealing with the implementation of CCS technology. **Oklahoma** passed Senate Bill 610 (**Sen. David Myers**) that establishes the Oklahoma Carbon Capture and Geologic Sequestration Act in order to begin efforts to capture, purify, compress, transport, inject and store carbon dioxide. This act was passed to enhance the production of oil and natural gas, further the production of natural resources and provide opportunities for economic growth and development for the state. **Texas** passed House Bill 1796 (**Rep. Warren Chisum**) in order to allow the General Land Office, in conjunction with the Bureau of Economic Geology, to build and operate a carbon dioxide repository on state-owned, offshore, submerged land. The legislation also sets requirements for the location of the site, scientific monitoring through the Bureau of Economic Geology, storage fees and an annual report by the land commissioner. The annual report is to include the volume of carbon dioxide stored; the total volume of carbon dioxide received for storage; and the volume of carbon dioxide received from each carbon dioxide producer.

The tremendous costs associated with these CCS projects presents an obstacle that state legislators must overcome by providing tax breaks and funding. **Mississippi's** House Bill 1459 (**Rep. Percy Watson**) provides a 1.5 percent carbon sequestration tax break for the sale of naturally occurring and anthropogenic carbon dioxide lawfully injected into the earth for use in an enhanced oil recovery project or for permanent sequestration in a geological formation. **Texas**, on the other hand, passed House Bill 469 (**Rep. Phil King**), which gives up to \$100 million in franchise tax credits to the first three clean coal projects that can successfully capture and sequester at least 70 percent of all carbon dioxide emissions, as well as meeting emission criteria for additional pollutants. The bill also provides for a 75 percent, 30-year severance tax exemption for enhanced oil recovery projects using sequestered carbon dioxide.

Ownership and long-term liability of the stored carbon dioxide is another difficult question answered by state legislators. **West Virginia** declared pore space to be an attribute to the surface estate as a part of House Bill 260 (**Speaker Richard Thompson**). **Louisiana's** House Bill 661 (**Rep. James Morris**) provides for a coordinated statewide program related to the storage of carbon dioxide and to fulfill the state's primary responsibility for assuring compliance with the federal Safe Drinking Water Act. The bill also states that ten years after completion of injection, the state will assume all liability, unless the CO<sub>2</sub> Geologic Trust Fund has been depleted.



## Alternative Fuels

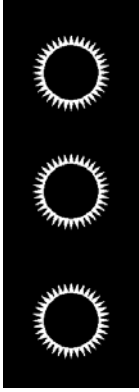
As the country moves from reliance on foreign oil and towards energy independence, finding alternative sources of fuel becomes an increasingly important task. Several state legislatures passed bills that will help facilitate the growth and development of alternative fuels.

Some states increased the variety of materials that can be used to create alternative fuels. **Alabama** passed House Bill 186 (**Rep. Marc Keahey**) in order to create exceptions for ethyl alcohol, denatured alcohol and any plant and premises used in the manufacture of an alternative fuel source for motor vehicles. **Arkansas'** Act 1220 (**Sen. Larry Teague**) establishes that yard waste may be accepted by a permitted solid waste landfill that operates a landfill gas to energy system to provide renewable fuel sources. Additionally, the **Arkansas** legislature passed Act 977 (**Rep. Allen Maxwell**), which amended the Arkansas Alternative Fuels Development Act, changing the definitions of "Alternative Fuels" and "Biomass" and adding a definition for "Synthetic Transportation Fuel." Act 977 also increased the incentive from \$50,000 to \$300,000 or 50 percent of the project cost, whichever is less, for any alternative fuels distributor per alternative fuels distributor site per fiscal year. **Louisiana** enacted House Bill 624 (**Rep. Girod Jackson, III**), which encourages restaurants to provide their waste fats, oils, and grease to biodiesel manufacturers in order to encourage the production of biodiesel and to avoid the disposal of material that could be beneficially used.

Other states passed legislation specifically designed to increase the number of clean burning cars on the roads. **Mississippi** passed Senate Bill 3049 (**Sen. Terry Brown**) that requires the Bureau of Fleet Management to prepare a fiscal analysis of the cost effectiveness of using alternative fuel or energy source vehicles by state agencies and to submit a report of that analysis to the legislature by December 15, 2009. The bill also requires that by July 1, 2014, at least 75 percent of all bureau-owned vehicles must have a fuel economy estimate by the United States Environmental Protection Agency of 40 miles per gallon or higher for highway driving. The **Oklahoma** legislature passed House Bill 1949 (**Speaker Chris Benge**) which extends the duration of existing tax credits for investments in qualified clean-burning and electric motor vehicle property. The legislation also adds hydrogen fuel cell vehicles to the list of qualified clean-burning motor vehicles. Additionally, House Bill 1952 (**Speaker Chris Benge**) allows the Department of Central Services to construct, install, acquire, operate and provide alternative fueling infrastructure for use by state agencies or for leasing and transferring to political subdivisions of the state. **Tennessee's** Senate Bill 1931 (**Sen. Jamie Woodson**) requires all refiners and suppliers in this state to make available to any wholesaler all grades of gasoline and diesel in such condition that the wholesaler may blend ethanol or other biological products to create grades of petroleum products generally available for sale by retailers in this state. **North Carolina's** proposed House Bill 902 (**Rep.**

**Pricey Harrison)** would increase the purchase of biodiesel fuel to a minimum blend of B-20 for use in diesel engine school buses. The bill also requires local Boards of Education to report these purchases to the State Board of Education.

*Virginia* passed two sets of companion bills that will help increase the use of biofuels in that state. House Bill 2002 (**Del. John Cosgrove**) and Senate Bill 1427 (**Sen. Richard Saslaw**) increase reliance on and production of sustainably produced agricultural and feedstock biofuels. The change also supports the delivery infrastructure needed for statewide distribution to consumers. House Bill 2001 (**Del. John Cosgrove**) and Senate Bill 1186 (**Sen. Emmett Hanger, Jr.**) create the Biofuels Production Incentive Grant Program to help meet the increase in demand. These bills distinguish between advanced biofuels that are made from winter cover crops, cellulose, hemicellulose, lignin oil and algae and those standard biofuels made from agricultural feedstocks such as corn. The program will award a \$0.125 per gallon grant for advanced biofuels and a \$0.10 per gallon grant for standard biofuels.



## Alternative Energy

In the same way alternative sources of fuel are required to gain energy independence, developing alternative sources of energy is also a vital component. State legislators are faced with the difficult task of determining the best way to develop and use the unique resources available in their state.

Creating a regulatory framework and legislative policies to allow alternative sources of energy to come on line is an important first step toward energy independence. **Arkansas** passed Act 1301 (**Rep. Fred Allen**), which creates the Arkansas Alternative Energy Commission to study the feasibility of creating or expanding alternative energy sources in Arkansas, the effects of the use of alternative energy sources on the economic development of the state and other issues related to alternative energy production and use. **Georgia** passed two bills aimed at developing alternative sources of energy. House Resolution 338 (**Rep. Lynn Smith**) encourages and supports the development of Georgia's energy resources, both on land and offshore, in a balanced manner which promotes the state's economy and energy independence while respecting the natural environment and protecting it for future generations. To achieve this development, House Bill 473 (**Rep. Ben Harbin**) provides grants for clean energy property, which includes solar energy equipment, ENERGY STAR certified geothermal heat pump systems and energy efficient projects, such as lighting retrofit projects, energy efficient buildings and wind equipment.

The **Virgin Islands** enacted Senate Bill 28-0009 (**Sen. Louis Hill**), which amends the Virgin Islands Renewable and Alternative Energy Act of 2008 to encourage the development of renewable and alternative energy generation sources for large utility infrastructure development, as well as residential and commercial renewable energy use. Additionally, the bill creates the Solar and Wind Energy System Incentive Program to provide financial incentives for the purchase and installation of solar and wind energy systems. It also mandates that each government agency shall install solar water heating systems in order to accelerate the growth of a commercially viable solar energy industry and to make this system available to the public as an option to reduce the fossil fuel consumption.

Taking a more specific approach, **Virginia** passed Senate Bill 1349 (**Sen. Frank Wagner**) to establish the Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact in order to study, develop and promote coordinated research and planning of the design, construction, utility interconnection, financing and operation of offshore wind energy infrastructure and operations directly adjacent to the shores of the party states; coordinate federal, state and local government efforts; and seek funding.

Financing these projects presents another obstacle for state legislators to solve and during this year's legislative session, **Maryland** enacted legislation aimed at tackling this issue. House Bill 1567 (**Del. C. Sue Hecht**) creates the Clean Energy Loan Program to provide loans to commercial property owners and residential property owners, including low income residential property owners, for the financing of energy efficiency and renewable energy projects, with an electric generating capacity of no more than 100 kilowatts. House Bill 1442 (**Del. Mary Roe Walkup**) expands the purposes of the Jane E. Lawton Conservation Fund, which provides financial assistance in the form of low interest loans to nonprofit organizations, local jurisdictions and eligible businesses in the state. The expansion includes support for the development and use of renewable energy resources, self-sustaining buildings and emergency generating units which use renewable energy resources and infrastructure for renewable generation. **Arkansas** also passed a bill to help mediate the cost of alternative energy generation. Act 736 (**Rep. Kathy Webb**) grants a limited tax exemption from income taxes for a qualified windmill blade or windmill component manufacturer.

**Virginia** passed several bills relating to the development and implementation of specific alternative energy projects. House Bill 2175 (**Del. Clarke Hogan**) and Senate Bill 1347 (**Sen. Frank Wagner**) direct the Department of Environmental Quality to develop a permit process for the construction and operation of small renewable energy projects that have a maximum capacity of either 100 megawatts, if they generate electricity from sunlight, wind, falling water, wave motion, tides or geothermal power, or 20 megawatts if they generate electricity from biomass, energy from waste or municipal solid waste. Once permitted, a small renewable energy project will be exempt from the requirement that the State Corporation Commission permit its construction and operation. However, the Commission will retain jurisdiction regarding use of rights-of-way and interconnection of such facilities. Senate Bill 1350 (**Sen. Frank Wagner**) provides the Marine Resources Commission with the authority to lease subaqueous lands for the purpose of generating electrical energy from wave or tidal action, currents, offshore winds or thermal or salinity gradients, and to transmit energy from such sources to shore. The Marine Resources Commission is also directed to identify 100 acres suitable for use by the Virginia Coastal Energy Research Consortium as a research site, and determine whether sufficient and appropriate subaqueous lands exist to support a commercial offshore wind farm and, if such land exists, offer it for development in a lease auction. House Bill 2172 (**Del. Clarke Hogan**) establishes procedures for the operator of a non-utility renewable energy facility that produces up to 2 megawatts of electricity from a renewable energy source, up to 5,000 MMBTUS/hour of steam from a renewable energy source or landfill gas from a solid waste management facility, to connect the facility to the transmission grid pipeline or to customers. This would be achieved by co-locating distribution facilities with those of public service corporations and by occupying public rights-of-way through a payment of a public rights-of-way use fee to the affected locality or the Department of Transportation.



## **Energy Efficiency**

Energy efficiency has been called the “lowest hanging fruit” in the quest for energy independence. By using less energy, Americans can make the transition to energy independence much easier. But, the means of achieving that efficiency must first be set by state legislatures.

Several states passed bills designed to create plans to achieve energy efficiency. **Alabama’s** Senate Joint Resolution 121 (**Sen. Roger Bedford**) created the Joint Legislative Committee on Energy Policy to develop the Alabama Energy Plan, which will recommend to the Governor and the legislature courses of action to expand the diversity of sources of fuels, develop conservation programs, incorporate energy efficiency and conservation into the design and operation of state buildings and encourage producers of clean energy technologies and energy efficient products to locate their business operations in Alabama. Both **Oklahoma** and **South Carolina** passed similar pieces of energy efficiency legislation. **Oklahoma** enacted Senate Bill 833 (**Sen. Brian Bingman**) which requires each state agency to develop and implement an energy efficiency and conservation plan to reduce both electrical and fuel consumption, provide for purchasing preferences for energy-efficient products, evaluate and use on-site renewable energy for space conditioning and water heating, provide for purchasing preferences for vehicles that use alternative fuel sources and provide a preference for the use of alternative energy sources. **South Carolina’s** Senate Bill 232 (**Sen W. Greg Ryberg**) adopts the Plan for State Energy Policy to implement a comprehensive state energy plan that maximizes, to the extent practical, environmental quality, energy conservation and energy efficiency and to minimize the cost of energy throughout the state. **Virginia** took a slightly different approach and attacked energy efficiency from the demand side. House Bill 2531 (**Del. Terry Kilgore**) and Senate Bill 1348 (**Sen. Frank Wagner**) direct the State Corporation Commission (SCC) to conduct a proceeding to determine achievable, cost-effective energy conservation and demand response targets that can be accomplished through demand-side management portfolios administered by generating electric utilities. The measure also requires the SCC to approve a demand response program that is proposed by a certain generating electric utility or a qualified nonutility provider if certain conditions are satisfied.

Buildings are one of the single largest consumers of energy and many states, including **Maryland** and **Arkansas** took steps to make them more energy efficient. **Maryland** passed Senate Bill 625 (**Sen Brian Frosh**), which requires the Department of Housing and Community Development to adopt the International Energy Conservation Code as part of the Maryland Building Performance Standards. The Department may adopt energy conservation requirements that are more stringent than the requirements in the International Energy Conservation Code, but may not adopt energy conservation requirements that are less stringent than said code. **Arkansas’** Act 1372 (**Sen. Shane**

**Broadway)** created the Sustainable Building Design Program for State Agencies to be administered by the Arkansas Building Authority. Under this program, the authority may authorize money to be loaned from the Sustainable Building Design Program Revolving Loan Fund to a state agency, board or commission. **Arkansas** also passed Act 1494 (**Rep. Kathy Webb**), which establishes the Sustainable Energy-Efficient Buildings Program to promote energy conservation in buildings owned by public agencies and by institutions of higher education. Under the bill, the Arkansas Energy Office of the Arkansas Economic Development Commission will develop an energy program for public agencies in order to manage energy, water, and other utilities. The goal is to reduce total energy consumption per gross square foot for all existing state buildings by 20 percent by 2014 and 30 percent by 2017, based on energy consumption for the 2007-2008 fiscal year, provided the savings can be justified by a lifecycle cost analysis.

State legislators in a variety of states passed legislation designed to assist their constituents consume less energy. In **Florida**, House Bill 167 (**Rep. Joseph Abruzzo**) establishes an energy-efficient appliance rebate program, which authorizes the Florida Energy and Climate Commission to develop and administer a consumer rebate program for residential energy-efficient appliances. In a similar bill, **Missouri** enacted House Bill 734 (**Rep. Don Ruzicka**), which requires any appliance purchased with state funds to have earned the ENERGY STAR rating under the federally sponsored ENERGY STAR Program. The legislation also establishes the Joint Committee on Missouri's Energy Future which will prepare and submit a report to the General Assembly on Missouri's energy needs and methods to reduce energy costs over the next 25 years. **Maryland** passed Senate Bill 955 (**Sen. Katherine Klausmeier**), which requires an electric company to include procedures for the competitive selection of heating, ventilation, air conditioning or refrigeration service providers in order to achieve specified electricity savings and demand reduction targets. **Texas** also passed legislation aimed at promoting the reduction of energy use. House Bill 3353 (**Rep. Elliott Naishtat**) and Senate Bill 2182 (**Sen. Eliot Shapleigh**) implement an environmental service fee at institutions of higher education to encourage reduction of energy consumption, pollution and waste. Additional funds from collected fees may be used for campuses to upgrade current facilities so that they will remain compliant with new environmental regulations. **Tennessee** enacted Senate Bill 395 (**Sen. Jim Tracy**), which requires vending machines located on state property to either use energy efficient lights for advertising or have the lights used solely for advertising removed. **North Carolina's** proposed House Bill 289 (**Rep. Carey Allred**) would require the Department of Transportation and any municipality or Metropolitan Planning Organization (MPO) to develop and implement a comprehensive traffic control plan that will coordinate the traffic signal to minimize idle time of vehicles and promote the efficient flow of traffic through the municipalities.



As will all aspects of the movement toward energy independence, the question of financing each step must always be answered by state legislators. **Virginia's** House Bill 2506 (**Del. Albert Pollard, Jr.**) authorizes investor-owned electric utilities to recover, through a rate adjustment clause, the costs of designing, implementing and operating energy efficiency programs, including a general rate of return on operating expenses, if such programs are found to be in the public interest. The State Corporation Commission may allow for the recovery of reductions in revenue related to energy efficiency programs, so long as it is not recovered through off-system sales. In **Missouri**, Senate Bill 376 (**Sen. Brad Lager**) requires the Missouri Public Service Commission to provide timely cost recovery for utilities, ensure that utility financial incentives are aligned with helping customers use energy more efficiently and provide timely earnings opportunities associated with cost-effective, verifiable efficiency savings. **Texas** also addressed the issue of financing energy efficient properties with House Bill 1937 (**Rep. Mike Villarreal**). This legislation gives cities a new tool to help homeowners make their homes more energy efficient or to install renewable energy devices on their homes. It also authorizes a municipality to create a district where property owners and authorized municipal officials may enter into contracts for the assessment of properties in order to finance energy efficiency improvements. Additionally, it allows a municipality to impose an assessment only with the consent of the owner of the assessed property at the time of the assessment. This allows the homeowner to pay for the cost of the energy efficient improvements or installation of renewable devices by paying through their property taxes.





## Land Conservation

Several states addressed the important environmental issue of land conservation during this year's legislative session. A sampling of relevant bills show that preserving and redeveloping land for future beneficial use was at the forefront of many state Legislators' minds.

In an attempt to preserve land for conservation, **Florida** passed House Bill 7157 (**Rep. Ellyn Setnor Bogdanoff**), which exempts land that is dedicated in perpetuity for exclusive conservation purposes from ad valorem taxation. **Alabama** enacted Senate Bill 19 (**Sen. Linda Coleman**) that created the Alabama Land Bank Authority for the purpose of acquiring tax delinquent properties so that land which is in nonrevenue generating, nontax producing status can be rehabilitated into an effective use status, which may then provide housing, new industry and jobs for the citizens.

As concern over the lasting effects of surface mining grows, **West Virginia** passed Senate Bill 1011 (**President Ray Tomblin**). This bill requires the post-mining land use proposed in any reclamation plan for lands proposed to be mined by surface mining methods to comport with the land use that is specified in the approved master land use plan for the area. The Secretary of the Department of Environmental Protection may approve an alternative post-mining land use where the applicant demonstrates that the proposed post-mining land use is a higher and better use than the land use specified in the approved master land use plan; site-specific conditions make attainment of a post-mining land use which comports with the land use that is specified in the approved master land use plan for the area impractical; or the post-mining land use specified in the approved master land use plan would substantially interfere with the future extraction of mineable coal. In **North Carolina**, proposed House Bill 340 (**Rep. Pricey Harrison**) and Senate Bill 341 (**Sen. Steve Goss**) would prohibit electric public utilities that operate coal-fired generating units located in North Carolina from purchasing or using coal that is extracted using mountaintop removal coal mining.

Both **Kentucky** and **Oklahoma** passed legislation dealing with the redevelopment of brownfields. **Kentucky's** Senate Bill 27 (**Sen. Bob Leeper**) created the brownfield redevelopment fund in the State Treasury as an interest bearing, restricted fund to be administered by the cabinet. The fund will be a dedicated fund to be used solely to provide financial assistance to government agencies to perform brownfield assessments, corrective actions and demolition or similar actions necessary to prepare the property for a beneficial use. **Oklahoma** passed Senate Bill 446 (**Sen. Brian Bingman**), which alters the requirements of proposals submitted to the Department of Environmental Quality for risk-based remediation of a brownfield site or for a no action necessary determination.





## **Water Quality and Management**

Another vital environmental issue addressed by state legislators during this legislative season was water quality and management. Preserving the nation's drinking water and protecting the inland and coastal waters of the states are some of the most important tasks entrusted to lawmakers.

Several states passed legislation in an effort to continue to protect and improve the quality of drinking water. **North Carolina's** proposed House Bill 169 (**Rep. Pricey Harrison**) would modify the testing of newly constructed private drinking water wells for certain volatile organic compounds by giving the local health director the authority to determine when testing for these compounds is necessary to protect public health. **Oklahoma's** House Bill 1885 (**Rep. Phil Richardson**) requires the Oklahoma Department of Agriculture, Food, and Forestry to determine if there is a willingness among agriculture producers in Oklahoma to institute a voluntary program to reduce the liability of landowners through the establishment of best management practices for water quality issues. **Florida** enacted Senate Bill 494 (**Sen. Mike Bennett**) to encourage all county and municipal governments to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes, or an equivalent requirement, as a mechanism for protecting local surface and groundwater quality. Additionally, each county and municipal government within the watershed of a water body or water segment listed as impaired by nutrients is required to adopt the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. A local government may adopt additional or more stringent standards than the model ordinance.

In **Virginia**, House Bill 2551 (**Del. Robert Orrock, Sr.**) and Senate Bill 1468 (**Sen. Frederick Quayle**) provide that designs for onsite treatment works submitted by professional engineers to the Department of Health shall ensure that the facility will meet or exceed the discharge, effluent and surface and ground water quality standards for systems otherwise permitted by the Department of Health. **Arkansas'** Act 1184 (**Rep. Mike Burris**) establishes the Arkansas Legislative Task Force on Water Quality to identify the various systems that exist in this state that provide drinking water for public consumption; review the laws that apply to such systems in this state; review standards from other jurisdictions to ensure the quality and safety of drinking water; assess this state's facilities for ensuring the quality and safety of drinking water; and develop recommendations to improve the quality and safety of drinking water in this state.

In addition to protecting the quality of our drinking water, many states enacted legislation aimed at preserving and conserving other water resources. In an effort to reduce pollution in the Chesapeake Bay, **Maryland** passed House Bill 176 (**Del. Stephen Lafferty**) and Senate Bill 554 (**Sen. Michael Lenett**), which prohibit the installation or replacement of an onsite sewage disposal system in the Chesapeake and Atlantic Coastal Bays Critical Area, unless the onsite sewage disposal system uses nitrogen removal technology. **Maryland** also passed House Bill 1105 (**Del. Barbara Frush**) and Senate Bill 721 (**Sen. Paul Pinsky**) to prohibit a person from installing a privately owned system of sewers, piping and treatment tanks, or other facilities that serve only a single lot for the disposal of sewage and discharges to the surface waters of the state, unless an existing onsite sewage disposal system fails and cannot be repaired or replaced by any means. **Arkansas'** Act 1177 (**Rep. John C. Edwards**) creates the Task Force on Water Source Protection to identify various non-municipal waste water treatments systems, and compliance records of such systems, which surface discharge into water utility-owned or operated lakes, reservoirs and impounds. The task force will recommend ways to preserve the water quality of such lakes and reduce the risks of contamination caused by surface discharges from non-municipal treatment plants and their watersheds.

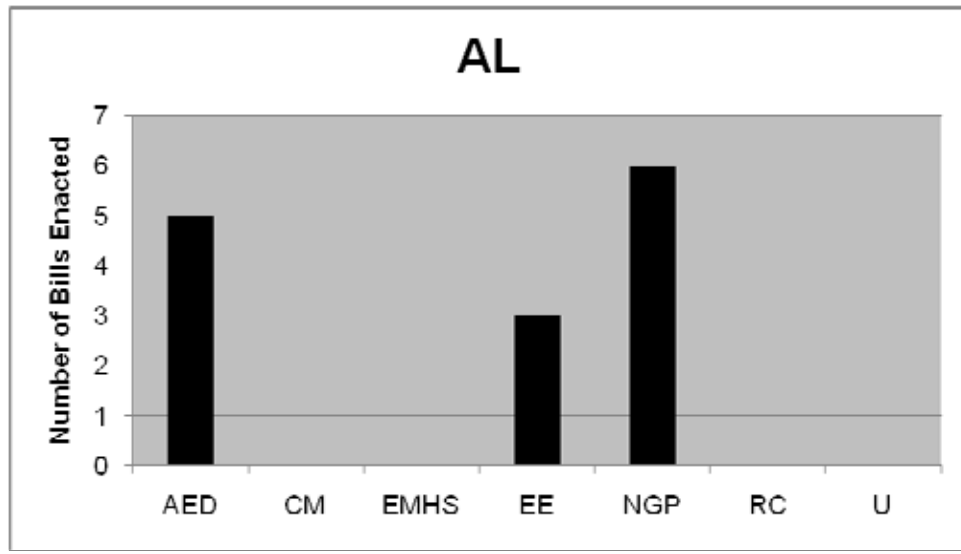
Finally, **Florida** enacted two bills aimed at conserving and managing its water resources. Senate Bill 494 (**Sen. Mike Bennett**) requires any person who purchases and installs an automatic landscape irrigation system to properly install, maintain, and operate technology that inhibits or interrupts operation of the irrigation system during periods of sufficient moisture. Senate Bill 2080 (**Sen. J.D. Alexander**) requires the district to implement the West-Central Florida Water Restoration Action Plan in a manner that furthers progressive strategies for the management of water resources. The plan is to be watershed-based, provide for consideration of water quality issues, including monitoring, development and implementation of best-management practices, as well as structural and nonstructural projects, including public works projects.

# Alabama

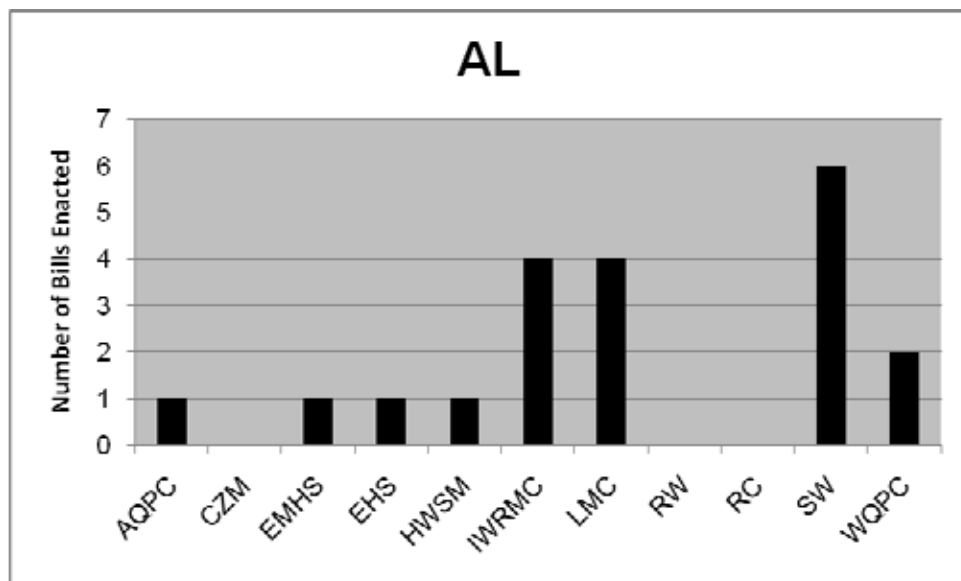
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## Legislation Category Comparison

### Energy Legislation



### Environmental Legislation



# Alabama

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## Energy Legislation

### Alternative Energy Development

#### **HB 186: Ethyl Alcohol**

Rep. Marc Keahey

Creates exceptions for ethyl alcohol, denatured alcohol, and any plant and premises used in the manufacture of an alternative fuel source for motor vehicles.

#### **SJR 10: Renewable Portfolio Standards**

Sen. Wendell Mitchell

Encourages the Alabama Congressional Delegation to make known that federal efforts to impose renewable portfolio standards that do not appropriately protect the economic as well as the environmental well-being of the state are unacceptable, and further, that any renewable portfolio standards that do not give credit for generation of electricity by nuclear, hydro-electric and clean coal would be detrimental to the state of Alabama and its citizens.

#### **SJR 14: Biodiesel**

Sen. Ted Little

Urges public school systems to use 20 percent biodiesel (B20) in all diesel powered school buses and to retrofit older school buses with exhaust cleaning devices like filters and catalysts in order to reduce diesel emissions.

#### **SJR 15: Biodiesel**

Sen. Ted Little

Encourages the use of at least five percent (B5) biodiesel in diesel-powered motor vehicles operated by state government entities and agencies administering central fueling operations for state-owned vehicles. Also encourages state agencies to procure biodiesel for fleet needs to the greatest extent practicable.

#### **SJR 16: Alternative Fuels**

Sen. Ted Little

Requests the Departments of Finance, Economic and Community Affairs and the Center for Alternative Fuels to recommend additional actions which could be undertaken by the Permanent Joint Legislative Committee on Energy Policy to increase state government and private use of alternative fuels, flex-fueled vehicles and hybrid vehicles.



## Energy Efficiency

### **HB 185: Green Fleets Review Committee**

Rep. Thomas Jackson

Creates the Green Fleets Review Committee to ensure compliance with the fleet fuel economy standards set for light-duty, medium-duty and heavy-duty vehicles.

### **HJR 592: Public Transportation**

Rep. Rod Scott

Creates the Statewide Public Transit Commission to determine how public transit systems can be established and funded in the state of Alabama.

### **SJR 121: Alabama Energy Plan**

Sen. Roger Bedford

Creates the Joint Legislative Committee on Energy Policy to develop the Alabama Energy Plan, which will recommend to the Governor and the legislature courses of action to expand the diversity of sources of fuels, develop conservation programs, incorporate energy efficiency and conservation into the design and operation of state buildings and encourage producers of clean energy technologies and energy efficient products to locate their business operations in Alabama.

## Natural Gas and Petroleum

### **HB 382: Oil and Gas Tax**

Rep. John Knight

Levies a tax of two percent of the gross value on crude petroleum oil or natural gas produced for sale, transport, storage, profit or use. Provides that the tax on offshore production, produced from depths greater than 8,000 feet below sea level, shall be computed as a percentage of gross proceeds.

### **HB 423: Propane Gas**

Rep. Randy Wood

Establishes, by Constitutional amendment, that the legislature may provide for the promotion of propane gas through consumer education, safety and training, marketing, research and development, conservation and regulatory compliance.

### **HB 424: Alabama Propane Education and Research Act**

Rep. Randy Wood

Declares that it is in the interest of public welfare that propane gas wholesalers are encouraged to act jointly and in cooperation with the retail marketers in promoting and stimulating the increased and efficient distribution, use and sale of propane gas.

**HB 519: Fuel Tax Exemption**

Rep. Arthur Payne

Exempts vehicles owned and operated by volunteer fire departments and fire protection districts from all state and local motor fuel taxes.

**SB 49: Jackson County Gasoline Tax**

Sen. Lowell Barron

Clarifies that expenditures from the special fund provided for by the gasoline tax will be made exclusively for road materials only.

**HJR 254: Hydraulic Fracturing**

Rep. Gerald Allen

Declares support for the State Oil and Gas Board of Alabama to maintain primacy for the regulation of hydraulic fracturing. Also urges the Congress of the United States not to pass legislation that would remove state primacy for hydraulic fracturing by regulating the practice under the Safe Drinking Water Act.

# Alabama

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## Environmental Legislation

### Air Quality and Pollution Control

#### **HJR 131 and SJR 27: Independence and Security Act**

Rep. James Buskey and Sen. Lowell Barron

Commends the United States Congress in passing the Energy Independence and Security Act of 2007 as a comprehensive, deliberate and national approach to reducing transportation sector greenhouse gases.

### Emergency Management and Homeland Security

#### **SB 160: Disaster Recovery**

Sen. Bobby Denton

Creates the Alabama Disaster Recovery Program and Fund to provide financial assistance to eligible counties and municipalities for meeting local needs during and immediately following a local disaster.

### Environmental Health Services

#### **HJR 588 and SJR 109: Global Climate Change**

Rep. Rod Scott and Sen. Arthur Orr

Expresses support for the United States and the state of Alabama to combat global climate change and reduce the emission of greenhouse gases in a manner structured to promote American jobs, save American citizens and industry from higher energy prices, reward early adopters of efficient practices and technologies, prevent emissions leakage and champion the global competitiveness of American industry.

### Hazardous Waste and Substance Management

#### **HB 530: Alabama Storage Tank Trust Fund**

Rep. Frank McDaniel

Declares that the total amount of reimbursement available from the fund for a release from underground or aboveground tanks must not be greater than \$2 million dollars, nor less than \$1 million dollars.

## Inland Water Resource Management and Conservation

### **HB 659: Office of Inland Waterways and Intermodal Infrastructure**

Rep. Terry Spicer

Creates The Office of Inland Waterways and Intermodal Infrastructure, which will have the power to, inter alia, ensure that assets and needs of water transportation and intermodal infrastructure are properly considered and reflected in the state's comprehensive transportation and strategic planning policies.

### **SB 255: Boating Accident Reports**

Sen. J.T. "Jabo" Waggoner

Increases the amount of property damage required to be sustained in a boating accident before an accident report is required by the Department of Conservation and Natural Resources.

### **HJR 37: Alabama Scenic River**

Rep. Cam Ward

Requests the Alabama Bureau of Tourism and Travel designate any waterway that is determined to be an outstanding waterway by the Alabama Department of Environmental Management as an Alabama Scenic River.

### **HJR 247: Lake Guntersville**

Rep. Jeff McLaughlin

Requests that the Tennessee Valley Authority continue the aquatic weed management program on all areas of Lake Guntersville.

## Land Management and Conservation

### **HB 631: Hunting and Fishing Licenses**

Rep Earl Hilliard, Jr.

Authorizes the Commissioner of Conservation and Natural Resources to enter into cooperative agreements with other states. Also authorizes the commissioner to suspend, revoke and reinstate hunting and fishing licenses issued or privileges regulated by the Department of Conservation and Natural Resources pursuant to agreements with other states and the federal government.

### **HB 961: Coosa River Valley Recreation Board**

Rep. Steve Hurst

Establishes the Coosa River Valley Recreation Board to manage, control, regulate and maintain any public lands, parks or recreational activities and facilities located on a specific piece of real property in Talladega County.

### **SB 254: State Park Property**

Sen. Larry Dixon

Subjects to approval by a majority vote of each house of the legislature the sale or lease for a period of 12 years or longer of any state park or park property lying seaward of the current location of Alabama Highway 182 Baldwin County.

### **SB 19: The Alabama Land Bank Authority**

Sen. Linda Coleman

Creates the Alabama Land Bank Authority for the purpose of acquiring tax delinquent properties so that land which is in nonrevenue generating, nontax producing status can be rehabilitated into an effective use status, which may then provide housing, new industry and jobs for the citizens.

## Solid Waste

### **HB 749: Russell County Junkyards**

Rep. Lesley Vance

Declares as a public nuisance the accumulation and storage of junk and other litter, including used tires and any abandoned or burned out manufactured home or mobile home, and the operation of junkyards within the unincorporated areas of Russell County.

### **HB 806: Biosolids**

Rep. John "Jody" Leston

Prohibits the application of biosolids derived from treated human sewage sludge as a fertilizer or soil amendment to land in Lawrence County.

### **HB 808: Scrap Tires**

Rep. Craig Ford

Declares it illegal for any person to accumulate, process, transport or dispose of scrap tires without authorization.

### **HB 824: Lawrence County Commission**

Rep. John "Jody" Leston

Authorizes the Lawrence County Commission to use a portion of any funds or revenues from the operation of any landfill in the county for general county purposes, provided the funds are not needed for the operation and implementation of its solid waste disposal program.

### **SB 462: Biosolids**

Sen. Roger Bedford

Prohibits biosolids derived from treated human sewage sludge from being applied on land as a fertilizer or soil amendment in Franklin County.

### **SB 463: Biodolids**

Sen. Roger Bedford

Prohibits the application of biosolids derived from treated human sewage sludge as a fertilizer or soil amendment to land in Colbert County, except for sewage biosolids produced by a publicly owned utility in Colbert County.

## Water Quality and Pollution Control

### **HB 543: Advisory Group on Minimum Construction Standards**

Rep. Ronald Grantland

Establishes the Advisory Group on Minimum Construction Standards in order to advise the appropriate regulatory agencies on construction/installation standards for wastewater systems.

### **HB 767: Shelby County Commission**

Rep. Mike Hill

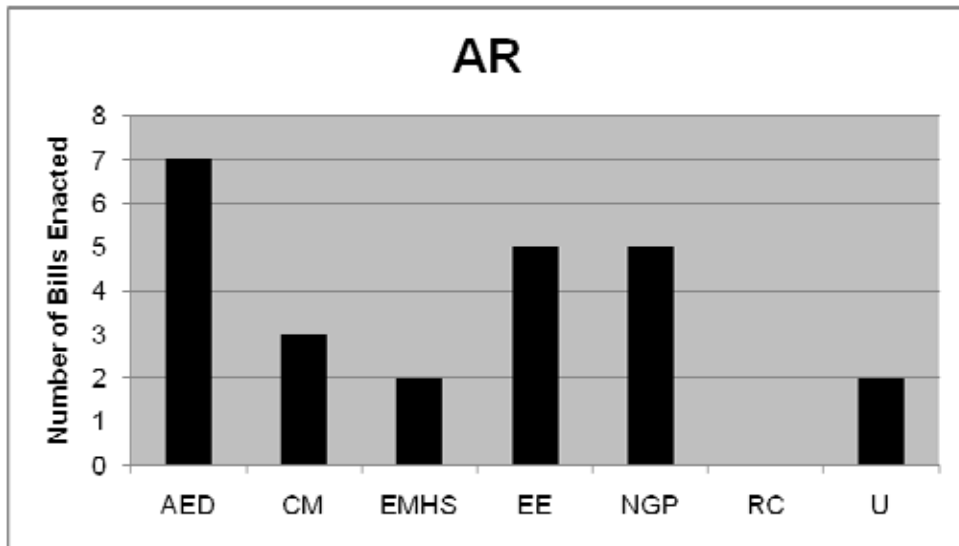
Authorizes the Shelby County Commission to use a portion of any funds or revenues from the operation and use of any sanitary landfill operated by the county for the provision of potable water and water service in the county and for capital improvement projects deemed advisable by the county commission.

# Arkansas

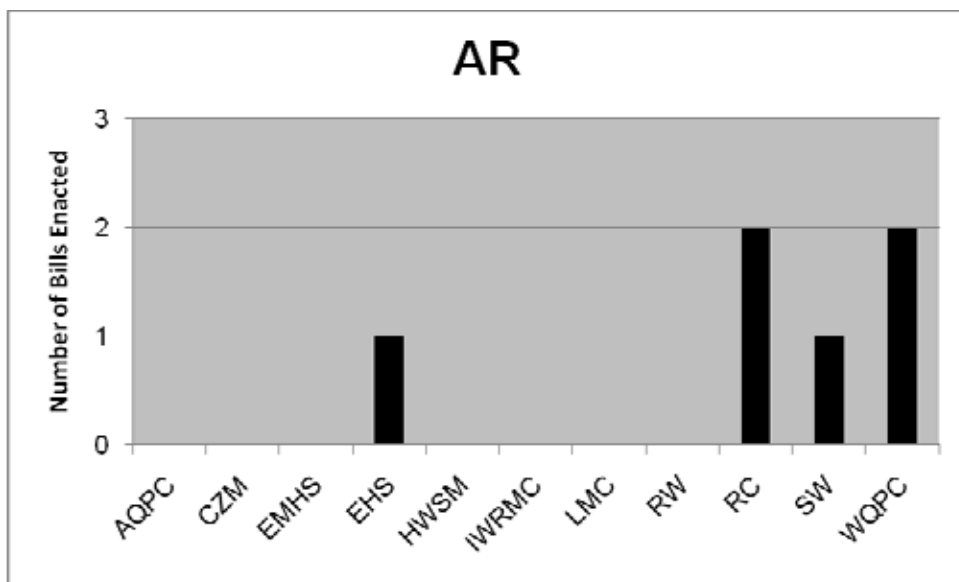
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## Legislation Category Comparison

### Energy Legislation



### Environmental Legislation



# Arkansas

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## Energy Legislation

### Alternative Energy Development

#### **Act 1220: Use of Landfill Gas in Creation or Production of Alternative Energy**

Sen. Larry Teague

Establishes that yard waste may be accepted by a permitted solid waste landfill that operates a landfill gas to energy system to provide a renewable energy fuel source, if authorized by the Arkansas Department of Environmental Quality. Such authorization would involve a permit modification process including a public notice and comment period.

#### **Act 977: Definitions and Incentives**

Rep. Allen Maxwell

Amends the Arkansas Alternative Fuels Development Act to modify the definitions of “Alternative Fuels” and “Biomass” and add a definition for “Synthetic Transportation Fuel.” Increases the maximum production incentive from \$2,000,000 to \$3,000,000 or 50 percent of the project cost, whichever is less, for any one feedstock processor per fiscal year. Also increases the incentive from \$50,000 to \$300,000 or 50 percent of the project cost, whichever is less, for any alternative fuels distributor per alternative fuels distributor site per fiscal year.

#### **Act 716: Tax Credits Repealed**

Rep. David Dunn

Repealed tax credits for biotechnology and advanced fuels. Also repealed the Arkansas Emerging Technology Development Act of 1999.

#### **Act 736: Windmill Blade Manufacturing**

Rep. Kathy Webb

Grants a limited tax exemption from income taxes for a qualified windmill blade or windmill component manufacturer that meets certain criteria included in the code section.

#### **Act 737: Tax Exemptions-Biomass**

Rep. Allen Maxwell

Exempts biomass which is used primarily for the purpose of biofuel production from being subject to a severance tax.

#### **Act 636: Electric Autocycle Act**

Rep. Joan Cash

Allows the registration and licensing of autocycles to provide residents with an affordable transportation option that will reduce our dependency on foreign oil and simultaneously stimulate the emerging autocycle industry.



### **Act 1301: Arkansas Alternative Energy Commission**

Rep. Fred Allen

Creates the Arkansas Alternative Energy Commission which will consist of fifteen members, headed by a chair who is appointed by the Governor. The Commission will study the feasibility of creating or expanding alternative energy sources in Arkansas, the effects of the use of alternative energy sources on the economic development of the state and other issues related to alternative energy production and use.

## Coal and Minerals

### **Act 834: Appropriations to the Arkansas Geological Survey**

Rep. Allen Maxwell

Declares an emergency so that funding for the Arkansas Lignite Resources Pilot Program can continue, in order to provide for the immediate preservation of the public peace, health and safety.

### **Act 1183: Mineral Rights**

Rep. Lance Reynolds

Provides that a person holding a mineral lease who transfers it to another person shall notify the owner of the mineral rights upon which the lease has been given if the transfer occurs within 24 months after the execution of the lease.

### **Act 719: Mineral Lessee's Obligations**

Rep. Bruce Maloch

Incorporates the prudent operator standard into a mineral lessee's obligations to mineral lessor. Under the standard, a mineral lessee under an oil and gas lease does not owe a fiduciary duty or a fiduciary obligation to the mineral lessor. The mineral lessee must, however, perform the covenants of the lease in good faith, and develop and operate the leased mineral estate as a prudent operator for the mutual benefit of the mineral lessor and mineral lessee.

## Emergency Management and Homeland Security

### **Act 528: Liquefied Petroleum Gas Board**

Rep. Lance Reynolds

Authorizes the Director of the Liquefied Petroleum Gas Board to allow a liquefied petroleum gas company to fill or service another liquefied petroleum gas company's container during a declared state of emergency by the Governor, provided the company owning the container will not or cannot fill or service the container within 24 hours after the request for service by a person or company.

### **Act 401: Interstate Pest Control Compact**

Rep. Monty Davenport

Enacts the Pest Control Compact into law and joins Florida with all other states in the compact for the purpose of establishing and operating an Insurance Fund, from which individual states may obtain financial support for pest eradication and control programs of benefit to them in other states. They may contribute to the Fund in accordance with their relative interest.

## **Energy Efficiency**

### **Act 1494: Public Buildings**

Rep. Kathy Webb

Establishes the Sustainable Energy-Efficient Buildings Program to promote energy conservation in buildings owned by public agencies and by institutions of higher education. Additionally, the Arkansas Energy Office of the Arkansas Economic Development Commission will develop an energy program for public agencies in order to manage energy, water and other utilities. The goal is to reduce total energy consumption per gross square foot for all existing state buildings by 20 percent by 2014 and 30 percent by 2017, based on energy consumption for the 2007-2008 fiscal year, provided the savings can be justified by a lifecycle cost analysis.

### **Act 1336: Legislative Task Force on Sustainable Building Design and Practices**

Sen. Shane Broadway

Extends the task force so that it may continue to review, discuss, and advise on issues related to sustainable design and practices for buildings; monitor case-study projects and evaluate performance and outcomes relevant to high-performance building strategies; serve as a reference for educational resources; ask for a review of sustainable building design and practices performed by state agencies; develop goals and strategies to promote energy efficiency in state buildings; and identify and promote new and innovative air conditioning and heating products or services that conserve energy and reduce energy usage.

### **Act 1372: Sustainable Building Design**

Sen. Shane Broadway

Creates the Sustainable Building Design Program for State Agencies to be administered by the Arkansas Building Authority. Under the program, the authority may authorize money to be loaned from the Sustainable Building Design Program Revolving Loan Fund to a state agency, board or commission.

### **Act 1208: Manufacturing Efficiency**

Sen. Larry Teague

Clarifies that partial replacement of manufacturing machinery and equipment that improve manufacturing efficiency are exempt from the sales and use tax.

**Act 1196: Arkansas Energy Office**

Rep. Kathy Webb

Amends the powers, duties, and authority of the Arkansas Energy Office by adding "Aviation Fuel" to the data collected by the office. Also directs the office to issue a rule that requires an Arkansas city or county that issues building permits to adopt the 2004 Energy Code for new building construction.

## Natural Gas and Petroleum

**Act 145: Reporting Severed Natural Gas**

Rep. John Lowery

Clarifies that a producer of natural gas must file a specified report with the Director of the Department of Finance and Administration, stating the amount of natural gas, if any, severed by the producer for each calendar month, the point of severance, the gross quantity severed and the market value, the amount of severance tax due and any other information the director may reasonably require. The producer must file this monthly report on or before the 25th day of the second month following the month that is covered by the report. A report for each month must be filed with the director, whether or not the producer has actually severed natural gas during the month.

**Act 1476: Oil and Gas Leases on Federal Lands**

Sen. Steve Faris

Changes distribution practices for money received by the Treasurer of State from the federal government for a sale, lease, royalty, bonus or rental of oil, gas or mineral lands belonging to the federal government and located in this state.

**Act 1175: Oil and Gas Commission**

Rep. John Lowery

Alters a well operator's proof of financial responsibility prerequisite to the Oil and Gas Commission issuing a drilling permit, and amends the operator's responsibilities concerning the plugging of a dry or abandoned well under an Oil and Gas Commission Order.

**Act 389: Oil and Gas Commission**

Rep. Garry L. Smith

Requires that the majority of commission members must be experienced in the development, production or transportation of oil or gas.

**Act 452: Oil and Gas Commission**

Rep. John Lowery

Amends the Oil and Gas Commission's rules for administering the Natural Gas Pipeline Safety Act of 1968 and amends the definition of "transportation of gas" under the Arkansas Natural Gas Pipeline Safety Act of 1971.

## Utilities

### **Act 695: Tax Rate on Utilities Used by a Manufacturer**

Sen. Barbara Horn

Reduces from 3.875 percent to 3.125 percent the excise tax levied on the gross receipts of gross proceeds derived from the sale of natural gas and electricity to a manufacturer for use directly in the manufacturing process.

### **Act 729: Arkansas Electric Utility Storm Recovery Securitization Act**

Rep. Darrin Williams

Enables Arkansas electric utilities, if authorized by the Arkansas Public Service Commission, to use securitization financing for storm recovery costs, which may benefit customers by lowering the financing costs or mitigate the impact on rates in comparison with traditional utility financing or other traditional utility recovery methods.

# Arkansas

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## Environmental Legislation

### Environmental Health Services

#### **SCR 12: Resolution Regarding Transitional Climate Change Policy**

Sen. Steve Bryles

Acknowledges that climate change is a local, state, national and international issue. Also charges the United States Congress to address the issue of global climate change and to reduce the emission of greenhouse gases in an efficient, balanced and coordinated manner.

### Reorganization and Coordination

#### **Act 779: Rural Water Service Facilities**

Rep. Jon Woods

Extends the ability of a municipality to purchase rural water service facilities after annexation of an assigned service area.

#### **Act 273: Arkansas Department of Environmental Quality**

Rep. Keith Ingram

Grants the Department of Environmental Quality access to certain information from the Department of Workforce Services for use in furthering the economic development of the state.

### Solid Waste

#### **Act 189: Landfill Disposal Fee-Exemption**

Rep. Kathy Webb

Exempts from the landfill disposal fee any solid waste collected during the annual Keep Arkansas Beautiful and Keep America Beautiful campaigns that are sponsored by the Keep Arkansas Beautiful Commission.

## Water Quality and Pollution Control

### **Act 1177: Water Source Protection**

Rep. John C. Edwards

Creates the Task Force on Water Source Protection to identify various nonmunicipal waste water treatments systems, and compliance records of such systems, which surface discharge into water utility-owned or operated lakes, reservoirs and impounds. The task force will recommend ways to preserve the water quality of such lakes and reduce the risks of contamination caused by surface discharges from nonmunicipal treatment plants and their watersheds.

### **Act 1184: Legislative Task Force**

Rep. Mike Burris

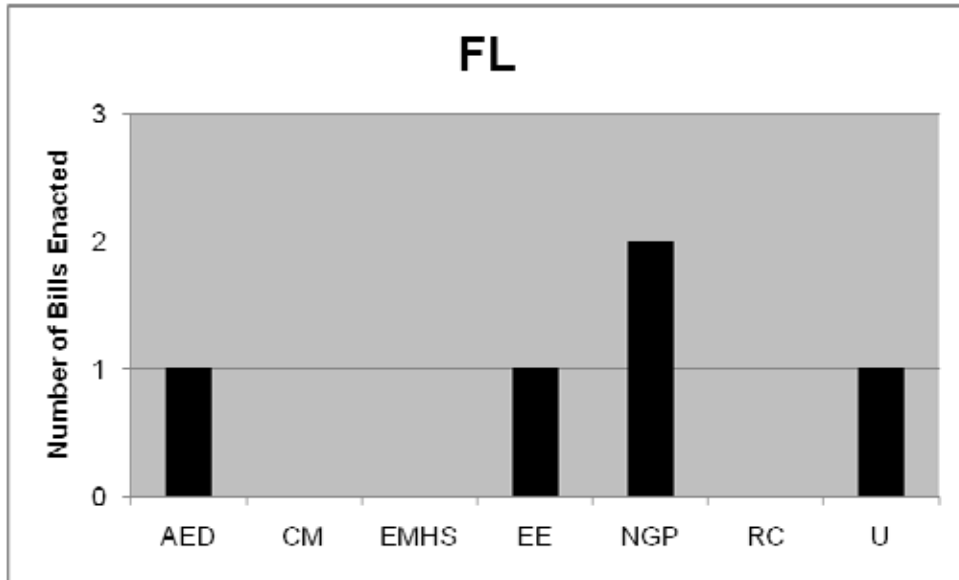
Establishes the Arkansas Legislative Task Force on Water Quality to identify the various systems that exist in this state that provide drinking water for public consumption; review the laws that apply to such systems in this state; review standards from other jurisdictions to ensure the quality and safety of drinking water; assess this state's facilities for ensuring the quality and safety of drinking water; and develop recommendations to improve the quality and safety of drinking water in this state.

# Florida

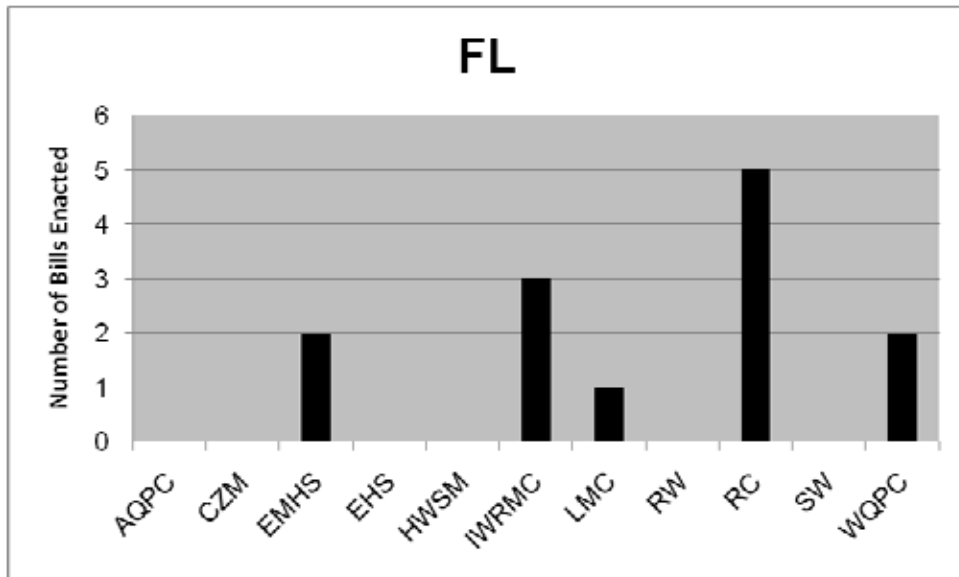
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## Legislation Category Comparison

### Energy Legislation



### Environmental Legislation



# Florida

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## Energy Legislation

### Alternative Energy Development

#### **HB 7031: Economic Development**

Rep. Jennifer Carroll

Expands the definition of “project,” under the Innovative Incentive Program within the Office of Tourism, Trade and Economic Development, to include alternative and renewable energy projects so that such projects can be eligible for innovation incentive awards.

### Energy Efficiency

#### **HB 167: Energy Efficient Appliances**

Rep. Joseph Abruzzo

Establishes an energy-efficient appliance rebate program, which authorizes the Florida Energy and Climate Commission to develop and administer a consumer rebate program for residential energy-efficient appliances.

### Natural Gas and Petroleum

#### **HB 375: Federal Excise Tax- Reimbursement**

Rep. John Legg

Clarifies that if a fuel supply contract requires one party to reimburse another party for the federal excise tax, the reimbursing party, at its option and notwithstanding contrary terms of the contract, shall not be required to make the reimbursement more than one business day before the taxes are due to the Internal Revenue Service.

#### **HB 515: Oil and Gas Production Taxes**

Rep. Greg Evers

Creates a tiered tax rate structure for oil production tax on tertiary oil of one percent of the gross value of oil when the value of oil is \$60 per barrel and below; seven percent of the gross value when the value of oil is above \$60 and below \$80 per barrel; and nine percent of the gross value when the value of oil \$80 per barrel and above.



## Utilities

### **HB 29: Unlawful Use of Utility Service**

Rep. Denise Grimsley

Prohibits a person or entity that owns, leases or subleases a property from allowing a tenant or occupant to use utility services, if the owner knows or suspects that the services have been connected unlawfully.

# Florida

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## Environmental Legislation

### Emergency Management and Homeland Security

#### **HB 255: Interstate Pest Control Compact**

Rep. Leonard Bemby

Enacts the Pest Control Compact into law and joins Arkansas with all other states in the compact for the purpose of establishing and operating an Insurance Fund, from which individual states may obtain financial support for pest eradication and control programs of benefit to them in other states. They may contribute to the Fund in accordance with their relative interest.

#### **SB 20A: My Safe Florida Home**

Sen. Carey Baker

Deletes a requirement that the Department of Financial Services set aside \$10 million from My Safe Florida Home program funds for implementing hurricane mitigation measures.

### Inland Water Resource Management and Conservation

#### **SB 494: Water Conservation**

Sen. Mike Bennett

Requires any person who purchases and installs an automatic landscape irrigation system to properly install, maintain and operate technology that inhibits or interrupts operation of the irrigation system during periods of sufficient moisture.

#### **SB 1078: Water Management District**

Sen. Carey Baker

Extends the limitation of liability of a water management district to the water areas of the district in order to encourage those districts to make such areas available to the public for outdoor recreational purposes. Also provides liability protection to an owner of private land used as an easement or other right by a water management district in order to provide access to such public recreational areas.

#### **SB 2080: Southwest Florida Water Management District**

Sen. J.D. Alexander

Requires the district to implement the West-Central Florida Water Restoration Action Plan in a manner that furthers progressive strategies for the management of water resources. The plan is to be watershed-based, provide for consideration of water quality issues, including monitoring, development and implementation of best-management practices, as well as structural and nonstructural projects, including public works projects.

## Land Management and Conservation

### **HB 7157: Land Use for Conservation**

Rep. Ellyn Setnor Bogdanoff

Exempts land that is dedicated in perpetuity for exclusive conservation purposes from ad valorem taxation.

## Reorganization and Coordination

### **HB 1423: Fish and Wildlife Conservation Commission**

Rep. Baxter Troutman

Transfers authority to allocate funds from the Invasive Plant Control Trust Fund from the Department of Revenue to the Fish and Wildlife Conservation Commission. Authorizes the Board of Trustees of the Internal Improvement Trust Fund to delegate certain authority relating to aquatic and noninvasive plants to the Department of Agriculture and Consumer Services and the Fish and Wildlife Conservation Commission. Revises provisions by the Fish and Wildlife Conservation Commission for establishment of boating in restricted areas

### **SB 1740: Water Protection and Sustainability Program Trust Fund**

Sen. Carey Baker

Re-creates the Water Protection and Sustainability Program Trust Fund within the Department of Environmental Protection and provides for the distribution of funds for the 2009-2010 fiscal year.

### **SB 1742: Fish and Wildlife Conservation Commission**

Sen. Carey Baker

Transfers the Invasive Plant Control Trust Fund and all powers, duties, records, personnel, property, funds, rules, issues and contracts of the Bureau of Invasive Plant Management from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission.

### **SB 1744: Department of Agriculture and Consumer Services**

Sen. Carey Baker

Transfers the licensing and regulation of professional surveyors and mappers from the Division of Professions within the Department of Business and Professional Regulation to the Department of Agriculture and Consumer Services.

### **HB 1235: Lakewood Ranch Stewardship District**

Rep. Ron Reagan

Grants the Lakewood Ranch Stewardship District the power to provide sustainable or green infrastructure improvements, facilities and services.

## Water Quality and Pollution Control

### **SB 494: Protection of Urban and Residential Environments and Water Act**

Sen. Mike Bennett

Encourages all county and municipal governments to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes, or an equivalent requirement, as a mechanism for protecting local surface and groundwater quality. Additionally, each county and municipal government within the watershed of a water body or water segment listed as impaired by nutrients is required to adopt the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. A local government may adopt additional or more stringent standards than the model ordinance.

### **HB 707: Wastewater Management**

Rep. Gary Aubuchon

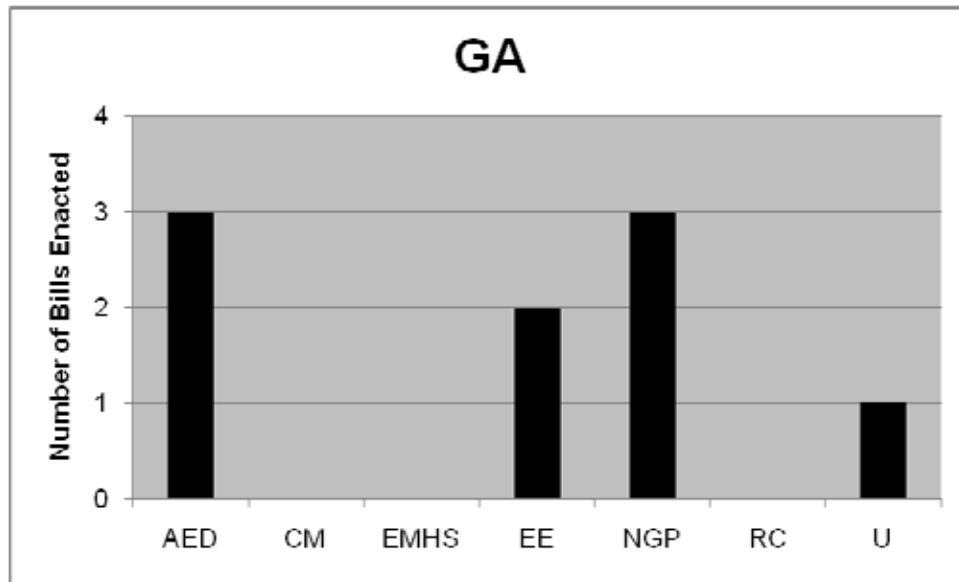
Requires the Department of Health, upon the issuance of a health advisory against swimming in beach waters on the basis of finding elevated levels of fecal coliform or enterococci bacteria in a water sample, to notify the municipality or county in which the affected beach waters are located, as well as the local office of the Department of Environmental Protection. Additionally, requires the local office of the Department of Environmental Protection to investigate wastewater treatment facilities within one mile of the affected beach waters to determine if a facility experienced an incident that may have contributed to the contamination. The Department of Environmental Protection must also provide the results of the investigation in writing or by electronic means to the municipality or county.

# Georgia

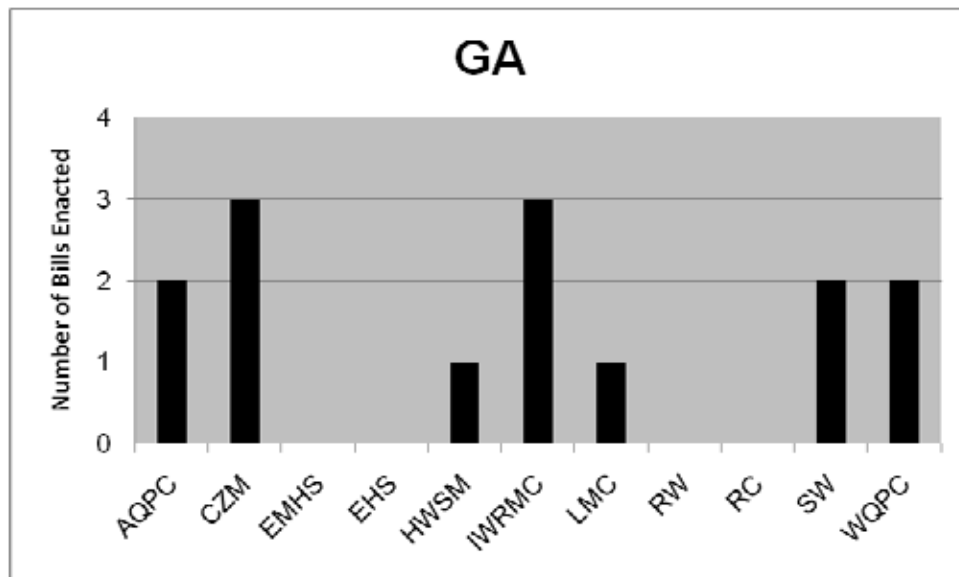
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## Legislation Category Comparison

### Energy Legislation



### Environmental Legislation



# Georgia

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## Energy Legislation

### Alternative Energy Development

#### **HB 473: Clean Energy Property**

Rep. Ben Harbin

Provides grants for clean energy property, which includes solar energy equipment, ENERGY STAR certified geothermal heat pump systems and energy efficient projects, such as lighting retrofit projects, energy efficient buildings and wind equipment.

#### **HR 622 and SR 589: Biomass**

Rep. Jim Cole and Sen. Ross Tolleson

Requests that the United States Congress corrects the restrictive and intrusive definition of renewable biomass in the Energy Independence and Security Act of 2007 and prevent additional federal actions that would control forest management practices on private forest lands by defining "renewable biomass" in a restrictive manner.

#### **HR 338: Energy Resources**

Rep. Lynn Smith

Encourages and supports the development of Georgia's energy resources, both on land and offshore, in a balanced manner which promotes the state's economy and energy independence while respecting the natural environment and protecting it for future generations.

### Energy Efficiency

#### **HB 120: Sales and Use Taxes Exemption**

Rep. Lynn Smith

Renews the exemption for state sales and use taxes on purchase of energy efficient products or water efficient products for noncommercial home or personal use. The sales price must be \$1,500 or less per product.

#### **HB 440: Exempt Rideshare**

Rep. Lee Anderson

Clarifies "exempt rideshare" to cover the following rideshare programs or situations: government endorsed programs, programs in which a driver seeks reimbursement for rideshare costs, such as fuel, situations where participants pool or share rideshare costs, the leasing or rental of a vehicle as part of a government-endorsed rideshare program or for a program under a contract requiring compliance with the reimbursement requirement.

## Natural Gas and Petroleum

### **HB 46: Dyed Fuel Oils**

Rep. Jay Roberts

Exempts dyed fuel oils from state sales and use taxes, for a limited period of time to reduce the acute strain caused by the spike in the price of dyed fuel oils on certain industries.

### **HB 121: Motor Fuel Tax**

Rep. Jim Cole

Ends the temporary suspension of tax increases for sales of motor fuel and aviation gasoline.

### **HB 212: Jet Fuel Tax**

Rep. Mark Burkhalter

Extends by two years the existing partial sales and use tax exemption on certain sales or uses of jet fuel.

## Utilities

### **SB 31: Nuclear Energy Financing**

Sen. Don Balfour

Allows a utility to recover the costs of financing associated with the construction of a nuclear generating plant from its customers. This is to be done using a separate rate tariff allocated on an equal percentage basis to standard base tariffs.

# Georgia

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## Environmental Legislation

### Air Quality and Pollution Control

#### **HR 248 and SR 254: Sustainable Businesses**

Rep. Terry Barnard and Sen. Chip Rogers

Recognizes Georgia's sustainable and environmentally friendly businesses for their outstanding corporate citizenship and commitment to reducing waste and improving air and water quality for all Georgians.

#### **SB 198: Nonattainment Areas**

Sen. Ross Tolleson

Amends the power of the Board of Natural Resources to allow it to conduct ambient monitoring, attainment plan development, maintenance plan development, emission inventories, data analysis and coordination and consultation with other governmental planning organizations. This is in order to regulate air quality in nonattainment areas in this state.

### Coastal Zone Management

#### **HB 170: Dock Space Rental Fee**

Rep. Roger Lane

Sets the annual rental fee at \$1,000.00 per acre for land within the coastal marshland that consists of the covered area of dock structures and a ten-foot buffer surrounding such structures.

#### **HB 552: Well and Boreholes**

Rep. Terry Barnard

Prohibits a well or borehole from being drilled or used for to inject surface water into the Floridan aquifer in any county governed by the Georgia coastal zone management program before July 1, 2014.

#### **HR 533 and SR 619: Savannah Harbor**

Rep. Earl Carter and Sen. Lester Jackson

Requests that the Environmental Protection Division lead efforts to evaluate the appropriate deficit from natural for dissolved oxygen in the Savannah Harbor to allow for protection of aquatic species and the economic viability of the region.



## Hazardous Waste and Substance Management

### **HB 248: Georgia Voluntary Remediation Program**

Rep. Terry Barnard

Provides for voluntary and timely investigation and remediation of properties where hazardous substances have been released into the environment.

## Inland Water Resource Management and Conservation

### **SB 155: Soil Erosion and Sedimentation**

Sen. Chip Pearson

Establishes a 25 foot buffer along the banks of all state waters. The buffer is to be measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action.

### **SR 107: Lake Lanier**

Sen. Chip Pearson

Urges the United States Congress to assist Georgia in its water needs by helping facilitate the building of reservoirs on Chattahoochee National Forest land to supplement water inflow and maintain adequate water levels in Lake Lanier.

### **SR 154: Water Conservation**

Sen. John Bulloch

Commends Environmental Protection Division Director Carol Couch, water professionals, local governmental leaders and the Georgia Urban Agriculture Council for their foresight, cooperation and dedication towards promoting good water stewardship practices through the Georgia Outdoor Water Use Registration Program. Also commended are the citizens of Georgia who have made a commitment to end wasteful water use in Georgia.

## Land Management and Conservation

### **HB 326: Hunting and Fishing License Fees**

Rep. Bob Lane

Alters the duration and costs of various hunting, fishing and trapping licenses, including without limitation commercial fishing and commercial fishing boat licenses.

## Solid Waste

### **HB 310: Recycling by State Agencies**

Rep. Pat Gardner

Expands the state-wide recycling program for state agencies by authorizing the Georgia Building Authority to establish and coordinate a state-wide recycling program for state agencies and to establish a collection program for recovered materials generated as a result of agency operations.

### **SR 83: Senate Study Committee on Green Information Technology**

Sen. Cecil Staton

Creates the Senate Study Committee on Green Information Technology which will undertake a study of the collection, recycling and reuse of electronic products, as well as energy conservation programs and initiatives.

## Water Quality and Pollution Control

### **SR 304: Etowah River Basin**

Sen. Chip Pearson

Urges the United States Fish and Wildlife Service to conduct further scientific review within the Etowah River Basin by performing the mandatory five-year status update before considering any Etowah Aquatic Habitat Conservation Plan (HCP) related decisions. Further urges the United States Fish and Wildlife Service to perform an Environmental Impact Statement to assess the potential environmental benefits and economic impact of the Etowah Aquatic HCP.

### **HR 471 and SR 433: Clean Water Act**

Rep. Lynn Smith and Sen. Ross Tolleson

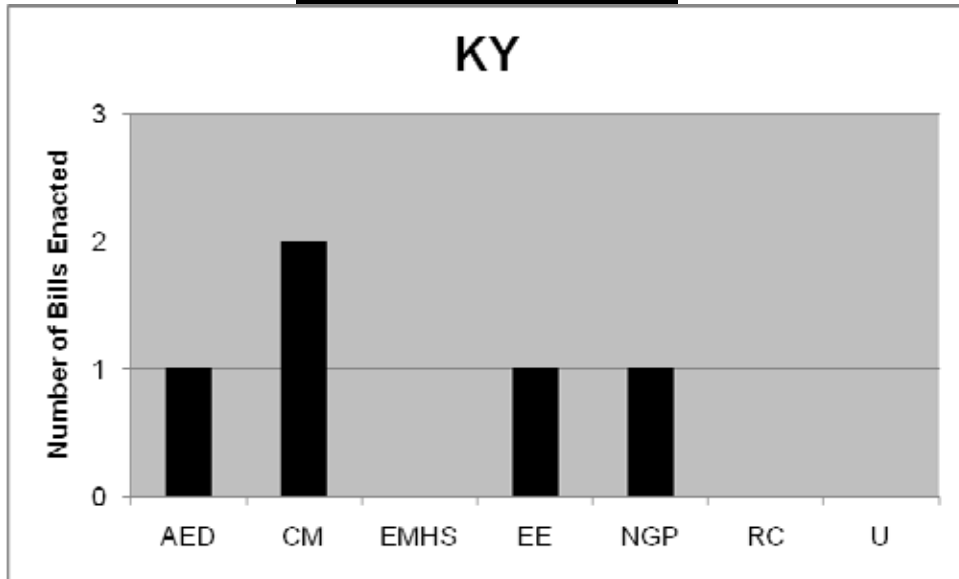
Requests that the Congress of the United States oppose legislative efforts to expand the reach and scope of the Clean Water Act in order to preserve the power of states over intrastate land and water use decisions.

# Kentucky

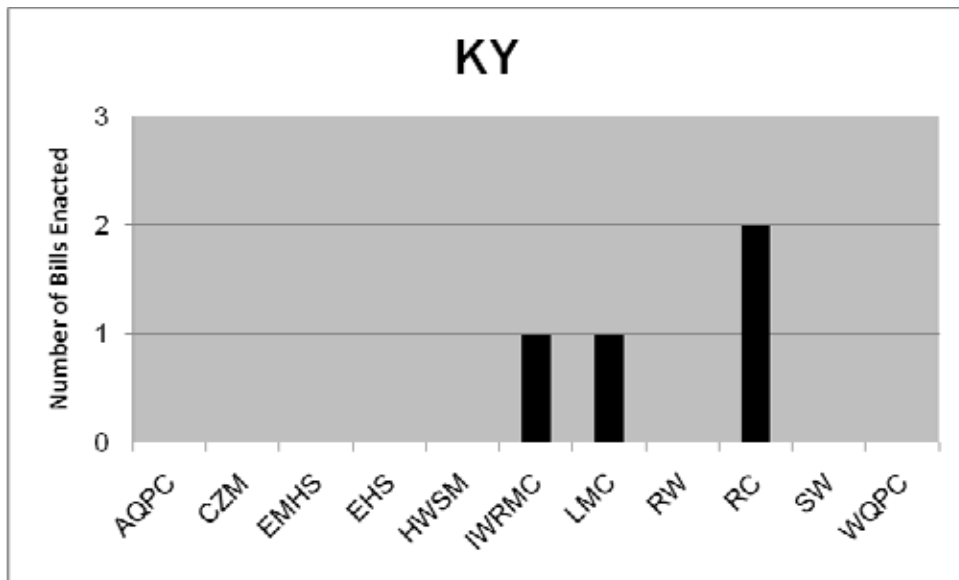
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## Legislation Category Comparison

### Energy Legislation



### Environmental Legislation



# Kentucky

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## Energy Legislation

### Alternative Energy Development

#### **HR 25 and SR 29: Cap and Trade**

Rep. Jim Gooch Sen. Robert Stivers

Oppose cap and trade legislation that would negatively impact Americans by increasing the costs of goods and services and instead support legislation that would encourage states to establish and develop their own renewable energy portfolio standards.

### Coal and Minerals

#### **HB 185: Mine Safety**

Rep. Robin Webb

Allows an electrical trainee to perform electrical work in the mine if under the direct supervision of a certified electrician.

#### **HB 452: Mining Around Oil and Gas Wells**

Rep. Jim Gooch

Declares that it is the public policy of the Commonwealth to provide for the safety of underground coal miners employed in areas near or adjacent to oil and gas exploration activities, while furthering the policy of exploration and development of oil and gas resources.

### Energy Efficiency

#### **HB 21: Motor Vehicles**

Rep. Steve Riggs

Adds low-speed electric vehicle to the definition of motor vehicle and alternative-speed motorcycle to the definition of motorcycle.

### Natural Gas and Petroleum

#### **SJR 67: State-owned Oil and Gas Resources**

Sen. Tom Jensen

Directs the Department for Energy Development and Independence to enter into an agreement with Kentucky Geological Survey to study the value of potential oil and gas operations on state-owned and university-owned lands and to identify factors that may limit development of such a program.

# Kentucky

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## Environmental Legislation

### Inland Water Resource Management and Conservation

#### **HR 19: Greenup Locks and Dam Project**

Rep. Tanya Pullin

Urges the President and United States Congress to fully fund the Greenup Locks and Dam Project as part of the emergency plan to make an aggressive investment in urgent, high-priority infrastructure projects.

### Land Management and Conservation

#### **SB 27: Brownfield Redevelopment**

Sen. Bob Leeper

Creates the brownfield redevelopment fund in the State Treasury as an interest bearing restricted fund to be administered by the cabinet. The fund will be a dedicated fund to be used solely to provide financial assistance to government agencies to perform brownfield assessments, corrective actions and demolition or similar actions necessary to prepare the property for a beneficial use.

### Reorganization and Coordination

#### **HB 208: Department of Fish and Wildlife Resources**

Rep. Mike Denham

Requires the commissioner to make the text of every administrative regulation available electronically on the department's Web site within five working days of filing.

#### **HB 485: Pesticides Fees**

Rep. Tom McKee

Removes the \$125 per annum fee on registering pesticides and allows the fee to be set by administrative regulation. Also removes the caps on the amount of funds that can be spent on programs funded by the fees.

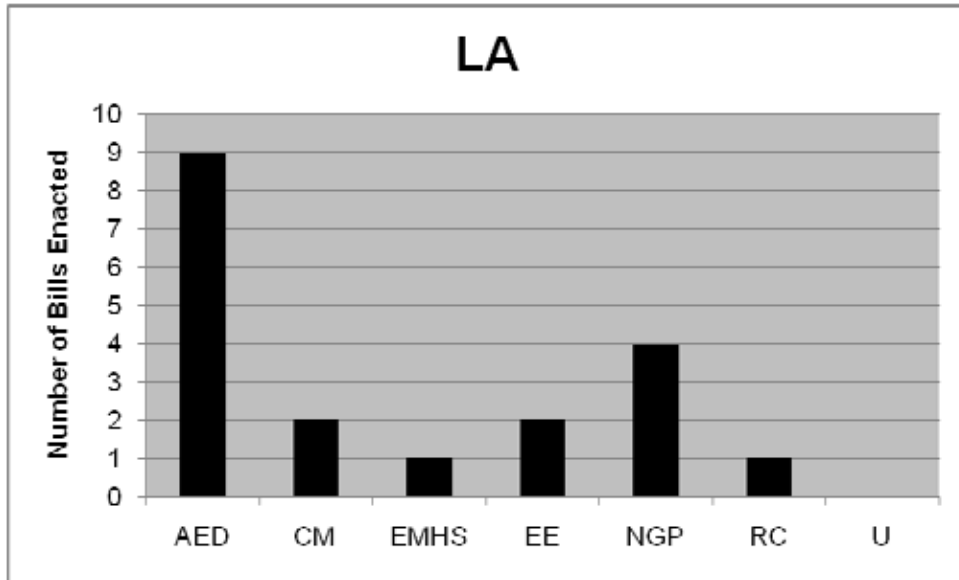


# Louisiana

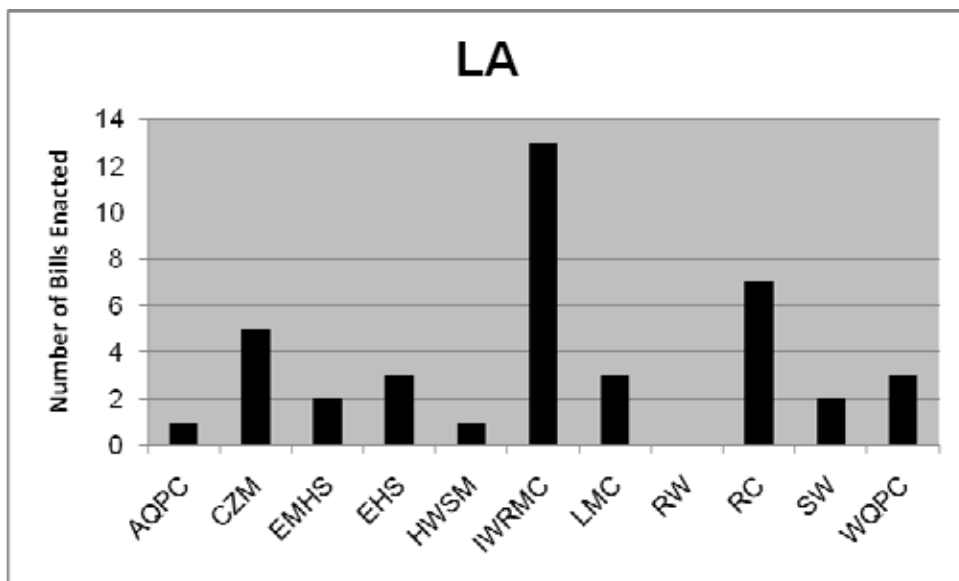
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## Legislation Category Comparison

### Energy Legislation



### Environmental Legislation



# Louisiana

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## Energy Legislation

### Alternative Energy Development

#### **HB 110: Alternative Fueled Vehicles**

Rep. Jane Smith

Provides an incentive to persons or corporations to invest in qualified clean-burning motor vehicle fuel property. Any person or corporation purchasing such property as specified in this Section shall be allowed a credit against income tax liability.

#### **HB 624: Biodiesel**

Rep. Girod Jackson, III

Encourages restaurants to provide their waste fats, oils and grease to biodiesel manufacturers in order to encourage the production of biodiesel and to avoid the disposal of material that could be beneficially used. Additionally, restaurants are encouraged to gather, process and store their waste fats, oils and grease in a manner that facilitates the use of such materials in the production of biodiesel.

#### **HB 858: Wind and Solar Energy**

Rep. Erich Ponti

Expands eligibility for the wind and solar energy system tax credit to taxpayers who purchase and install such systems in residential properties.

#### **HB 893: Alternate Generated Power**

Rep. Tony Ligi

Requires alternate generated power capacity at newly constructed or completely rebuilt motor fuel dispensing facilities capable of operating all fuel pumps, dispensing equipment, life safety systems and payment-acceptance equipment.

#### **HR 38 and SR 83: Alternative Energy Supply**

Rep. Karen G. St. Germain and Sen. Joel T. Chaisson

Urges the Department of Economic Development and the Department of Natural Resources to promote an alternative energy supply.

#### **HR 104: Green Energy**

Rep. Regina A. Barrow

Requests the House Committee on Commerce to study the development of a green energy policy within the state of Louisiana.

#### **HCR 109 and SCR 49: Wood to Energy**

Rep. Billy R. Chandler and Sen. Gerald Long

Requests support and assistance for funding for the Wood to Electricity Program being developed by the Wood Products Development Foundation.



**SCR 34: 25 x 25**

Sen. Joe McPherson

Requests the Governor of Louisiana to endorse the 25 x 25 national initiative.

**SCR 35: Biofuels**

Sen. Joe McPherson

Requires the Department of Transportation and Development to conduct a pilot study on alternative truck-trailer configurations to support the bio-fuels industry.

**Coal and Minerals**

**HB 159: Drilling Permits**

Rep. Henry Burns

Clarifies that six month and one year permits are valid beginning from the date of issuance and if a permitted well or test well is not drilled within the allotted time after the permit is issued, then the permit shall be void and a new one must be obtained upon the payment of an additional drilling permit fee. The fee for a one-year permit shall be twice the fee for a six month permit.

**SCR 146: Mineral Well Depth**

Sen. Reggie Dupre, Jr.

Requests the State Mineral Board to consider the depth of drilling when evaluating bids for any future mineral lease.

**Emergency Management and Homeland Security**

**HB 512: Liquefied Petroleum Gas Commission**

Rep. Johnny Guinn

Allows the Liquefied Petroleum Gas Commission to suspend any of the Commission's rules and regulations that do not materially affect safety during the time period of declaration of an emergency or disaster by the Governor. The Commission shall promulgate rules and regulations pursuant to the Administrative Procedure Act providing for such suspension prior to exercising that authority.

**Energy Efficiency**

**SB 224: Sustainable Energy Financing Districts**

Sen. Nick Gautreaux

Authorizes the creation of sustainable energy financing districts in order to provide a source of revenue and means for financing capital improvements for energy efficiency improvements.

### **HB 733: Green Jobs**

Rep. Walt Leger

Creates a tax credit for “green job industries,” meaning those industries involving energy efficiency and renewable energy, energy-efficient building construction and retrofitting, renewable electric power, energy efficient and advanced drive train vehicles, biofuels, deconstruction and materials use, energy efficiency assessment for residential, commercial or industrial sectors and manufacturers that produce products using environmentally sustainable processes and materials approved by a nationally recognized high performance environmental building rating system or that have the ENERGY STAR designation from the United States Environmental Protection Agency. Any such rating system that uses a credit system which is disadvantageous to materials or products manufactured or produced in the state of Louisiana shall not be used.

## Natural Gas and Petroleum

### **SB 10: Tertiary Recovery Incentive**

Sen. Reggie Dupre, Jr.

Grants a state and local sales and use tax exclusion for anthropogenic carbon dioxide used in a qualified tertiary recovery project which has a severance tax exemption until the project reaches payout.

### **HCR 38: Hydraulic Fracturing**

Rep. Joe Harrison

Urges Congress to maintain the exemption from the Safe Drinking Water Act for hydraulic fracturing.

### **HCR 47 and SCR 15: Oil and Gas Exploration and Production**

Rep. Scott Simon and Sen. Mike Michot

Urges Congress to maintain the current incentives for mid-level oil and gas exploration and production.

### **SCR 36: Domestic Oil and Gas**

Sen. Eric LaFleur

Urges Congress to refrain from reducing or repealing tax incentives for domestic production of natural gas or oil.

## Reorganization and Coordination

### **SB 41: Mineral and Energy Operation Fund**

Sen. Reggie Dupre, Jr.

Changes the name of the State Mineral and Energy Board, and changes the name of the Mineral Resources Operation Fund to the Mineral and Energy Operation Fund. Also requires the fund to be used by the Department of Natural Resources for the regulation of minerals, ground water and related energy activities.

# Louisiana

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## Environmental Legislation

### Air Quality and Pollution Control

#### **HB 661: Carbon Capture and Sequestration**

Rep. James Morris

Enacts the Louisiana Geologic Sequestration of Carbon Dioxide Act to provide for a coordinated statewide program related to the storage of carbon dioxide and to fulfill the state's primary responsibility for assuring compliance with the federal Safe Drinking Water Act.

### Coastal Zone Management

#### **HB 787: Levee Districts**

Rep. Damon Baldone

Grants every levee district located in the coastal area the power to establish adequate drainage, flood control, water resources development and integrated coastal protection. This includes the studying, engineering, designing, planning, maintenance, operation and construction of erosion control measures, marsh management, coastal restoration, reservoirs, diversion canals, gravity and pump drainage systems and other flood control works related to tidewater flooding, riverine flooding, hurricane protection, conservation and saltwater intrusion.

#### **HB 833: Office of Coastal Protection and Restoration**

Rep. Gordon E. Doave

Creates the Office of Coastal Protection and Restoration and consolidates the functions relative to hurricane protection, flood control and coastal restoration under the authority of that office.

#### **SB 225: Coastal Protection and Restoration**

Sen. Dan Morrish

Grants the Coastal Protection and Restoration Authority the power to enter into any agreement with a parish governing authority located within the coastal area, but which is not part of a levee district, for the construction, operation, maintenance, repair, rehabilitation or replacement of any coastal protection, conservation and restoration, hurricane protection, infrastructure, storm damage reduction or flood control project. The Authority shall have the power to provide the parish governing authority of any and all powers of levee districts or levee and drainage districts.

**HCR 105: Articulated Concrete Mats**

Rep. Gordon E. Dove

Requests the Department of Natural Resources, with assistance and input from the Department of Wildlife and Fisheries, to study the use of articulated concrete mats to protect underwater exposed or shallow pipelines in the coastal areas.

**HCR 200: Bundicks Lake**

Rep. Dorothy S. Hill

Requests the Department of Transportation and Development and the Governor's Office of Coastal Activities to jointly develop policy proposals to be submitted to the legislature for reducing or eliminating flooding of Bundicks Lake.

## Emergency Management and Homeland Security

**SB 279: Public Evacuation Shelters**

Sen. Mike Walsworth

Authorizes the Director of the Parish Office of Homeland Security and Emergency Preparedness to request the use of public facilities, such as schools, postsecondary education facilities, and others owned or leased by state or local governments, for use as public evacuation shelters. This request excludes hospitals or nursing homes which are suitable, as well as those facilities which are not subject to an existing and contrary agreement for use during an emergency response.

**HCR 55 and SCR 51: Pumping Stations**

Rep. Nita R. Hutter and Sen. A. G. Crowe

Urges Congress to fund storm-proofing pump stations in St. Bernard and Plaquemines parishes.

## Environmental Health Services

**HCR 178: Concrete Plant**

Rep. Walker Hines

Requests a concrete plant to consider relocation to a location zoned for heavy commercial operations.

**HCR 179: Concrete Plant**

Rep. Walker Hines

Requests the Department of Environmental Quality to study the health impacts of a concrete plant located in a residential neighborhood.

**SR 91: Climate Change**

Sen. Jody Amedee

Urges Congress to address the issue of global climate change through the adoption of a fair and effective approach that safeguards American jobs, ensures affordable energy for citizens, and maintains America's global competitiveness.

## Hazardous Waste and Substance Management

### **SB 140: Handling or Storing Hazardous Material**

Sen. Neil Riser

Provides a standard of care with respect to the handling or storing of a hazardous material. Also provides for reimbursement of emergency response costs of a release of a hazardous material, waste or substance.

## Inland Water Resource Management and Conservation

### **HB 97: Motorboats**

Rep. "Truck" Gisclair

Excludes "commercial fishing vessel" from the definition of a motorboat.

### **HB 98: Shrimping**

Rep. Mike Danahay

Prohibits the use of a skimmer net in Calcasieu Lake from one half hour after sunset until one half hour before sunrise. Skimmer nets may be used, however, during open season to take shrimp during the day and at night in all areas of Cameron Parish west of the western shore of Calcasieu Lake.

### **HB 162: Lake Fausse Point and Grand Avoille Cove Advisory Board**

Rep. Sam Jones

Creates the Lake Fausse Point and Grand Avoille Cove Advisory Board, to advise the Secretary of the Department of Wildlife and Fisheries on matters pertaining to the preservation of the Lake Fausse Point and Grand Avoille Cove area and to the development of recreational opportunities in the area.

### **HB 236: Personal Watercraft**

Rep. Karen G. St. Germain

Increases the minimum age to operate, lease, hire or rent a personal watercraft to sixteen.

### **HB 237: Saltwater Fishing Licenses**

Rep. Karen G. St. Germain

States that in lieu of purchasing an annual basic recreational fishing license and an annual saltwater license, a nonresident may purchase a temporary saltwater license valid for the number of days specified by the purchaser at a fee of \$17.50 per day.

### **HB 299: Bait Shrimp**

Rep. Karen G. St. Germain

Increases the fee for a bait shrimp permit and provides that bait shrimp may be taken during the closed season beginning May 1st of each year.

**HB 451: Crawfish**

Rep. Bobby Badon

Any crawfish farmer or landowner may use a .22 caliber rimfire rifle to take any opossums, raccoons, nutria or beaver that are found destroying crawfish in a private pond used for commercial crawfish cultivation or destroying the structure of such pond. In such circumstances, there is no bag limit any time of the year during daytime or nighttime hours.

**HB 542: Fishing Licenses**

Rep. John LaBruzzo

Requires the Department of Wildlife and Fisheries to adopt rules and regulations authorizing the use of a credit card, debit card or business check to purchase commercial licenses, permits or oyster tags.

**HB 587: Oyster Seed Ground Vessel Permit**

Rep. Joe Harrison

Clarifies that a vessel owner shall be eligible for a permit only for each vessel which can be used to meet the included and amended qualifications for a permit.

**HCR 79: Black Drum**

Rep. Simone Champagne

Requests the Department of Wildlife and Fisheries to examine the efficacy and advisability of instituting a permit system for the taking of black drum.

**SR 99: Floodwall**

Sen. David Heitmeier

Urges the United States Army Corps of Engineers to explore all of its options regarding its plan to place a floodwall across Louisiana Highway 23, near Oakville, Plaquemines Parish.

**SCR 29: Saltwater Fishing Licenses**

Sen. Reggie Dupre, Jr.

States that the Louisiana Recreational Saltwater Fishing Task Force will continue to advise the Department of Wildlife and Fisheries and other entities on various recreational saltwater fishing issues.

**SB 239: Commercial Fishing**

Sen. Reggie Dupre, Jr.

Requires a vessel to be licensed whenever engaged in commercial fishing in or whenever possessing fish for sale in the freshwater areas of the state.

## Land Management and Conservation

### **HB 408: Forestry Officers**

Rep. John F. Anders

Revises the duties and powers of forestry officers so that upon the request of any regular law enforcement agency, forestry officers shall prevent and detect crime, apprehend criminals, enforce criminal and traffic laws, keep the peace and good order and perform any other related duties imposed upon them by the legislature.

### **SB 55: Hunting License**

Sen. Reggie Dupre, Jr.

Prohibits a person authorized to issue a hunting license from knowingly issuing such a license to a person, born on or after September 1, 1969, who has not satisfactorily completed a firearm and hunter education course.

### **SB 271: Forestry Product**

Sen. Ben Nevers

Enacts the Forestry Product Fairness Act to provide for a procedure that ensures an open process for awarding incentives, that encourages the use of forest products without giving unfair advantage to one segment of the forest products industry over another and that does not put existing businesses at a competitive disadvantage.

## Reorganization and Coordination

### **HB 233: Department of Wildlife and Fisheries**

Rep. Richard Gallot, Jr.

Moves the Louisiana Seafood Marketing and Promotion Board under the Office of Fisheries in the Department of Wildlife and Fisheries.

### **HB 401 and SB 217: Cameron Parish Water and Wastewater District**

Rep. Jonathan Perry and Sen. Dan Morrish

Reduces membership of the board of Cameron Parish Water and Wastewater District No. 1 from seven to five.

### **HB 786: Morgan City Harbor and Terminal District**

Rep. Sam Jones

Declares the governing authority of the Morgan City Harbor and Terminal District is a board of commissioners consisting of nine members, who shall be citizens of the United States and qualified voters and taxpayers within the limits of said district during their term of office.

**SB 154: Department of Agriculture and Forestry**

Sen. Francis Thompson

Removes the State Market Commission and Farm Youth Loan Program from the Department of Agriculture and Forestry and makes changes to various boards, commissions and offices within the department.

**SB 240: Calcasieu Parish**

Sen. Willie Mount

Authorizes Calcasieu Parish to create waterworks subdistricts and to expand the membership of the boards of commissioners of waterworks districts.

**SB 323: North Bossier Levee and Drainage District**

Sen. Robert Adley

Creates and provides for the North Bossier Levee and Drainage District.

**HCR 52: Atchafalaya Basin Annual Plan**

Rep. Karen G. St. Germain

Approves the Atchafalaya Basin Annual Plan for Fiscal Year 2009-2010, as presented by the Secretary of the Department of Natural Resources and adopted by the Atchafalaya Basin Research and Promotion Board.

**Solid Waste**

**SR 11: Solid Waste Facility**

Sen. Troy Herbert

Requests the Department of Environmental Quality not to issue any final permit decision on any construction and demolition debris solid waste facility until the end of the 2009 Regular Session of the legislature.

**SR 12: Landfill**

Sen. Troy Herbert

Requests the Department of Environmental Quality to conduct a public hearing in the parish of Iberia concerning the proposed landfill near the Acadiana Regional Airport.



## Water Quality and Pollution Control

### **HB 718: Drainage Systems**

Rep. Henry Burns

Authorizes any governing authority to adopt an ordinance that shall make it unlawful to place or authorize the placement of trash, rubbish, debris, tree or log limbs, scrap material or any kind of rubble in the drainage ditch or street ditch in front of one's property or to obstruct the natural flow of runoff waters within the territorial jurisdiction of the governing authority.

### **HB 829: Groundwater Responsibilities**

Rep. Page Cortez

Transfers duties and responsibilities relative to groundwater resources, water wells and drillers from the Department of Transportation and Development, Office of Public Works, to the Office of Conservation, Department of Natural Resources.

### **SCR 18: Wastewater Treatment**

Sen. Sharon W. Broome

Requests the city of Baton Rouge to evaluate and update its comprehensive wastewater treatment plan.

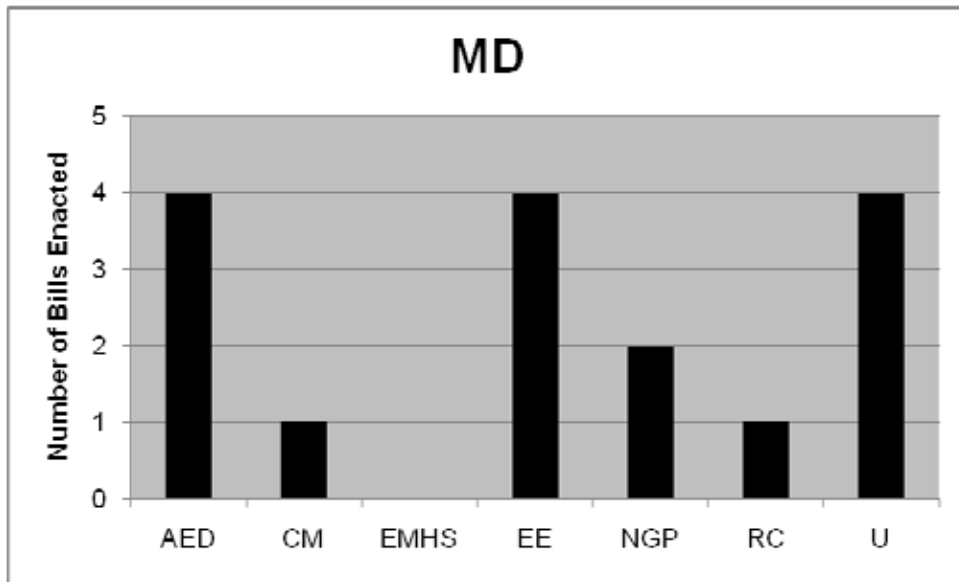


# Maryland

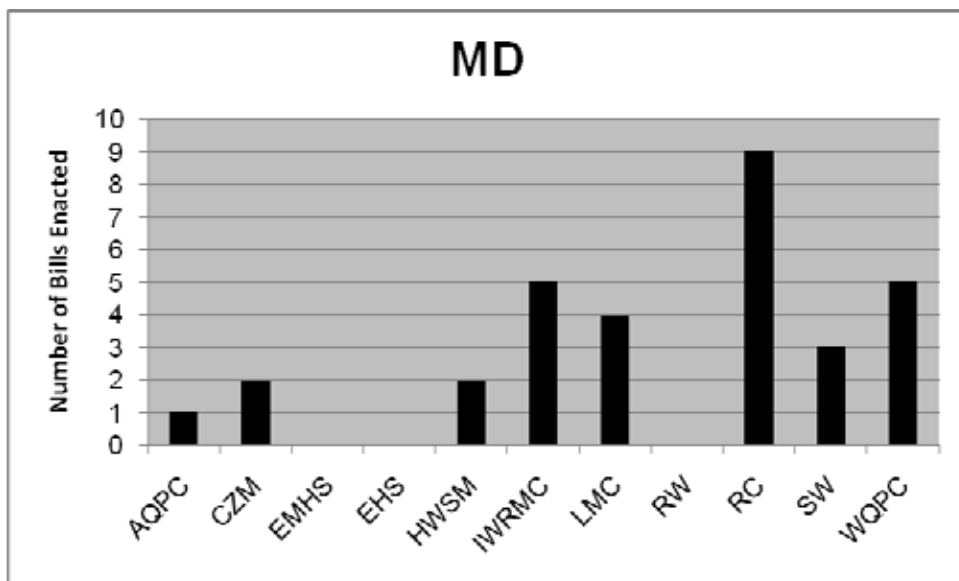
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## Legislation Category Comparison

### Energy Legislation



### Environmental Legislation



# Maryland

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## Energy Legislation

### Alternative Energy Development

#### **HB 1171: Tax Exemptions**

Del. Joseph Bartlett

Excludes equipment on residential property that is installed to generate electricity from wind or solar energy from real property tax. Such electricity must be used for a residential structure on that property where it was generated.

#### **HB 1567: Clean Energy Loan Program**

Del. C. Sue Hecht

Creates the Clean Energy Loan Program to provide loans to commercial property owners and residential property owners, including low income residential property owners, for the financing of energy efficiency and renewable energy projects, with an electric generating capacity of no more than 100 kilowatts.

#### **HB 1442: Renewable Energy Projects**

Del. Mary Roe Walkup

Expands the purposes of the Jane E. Lawton Conservation Fund, which provides financial assistance in the form of low interest loans to nonprofit organizations, local jurisdictions and eligible businesses in the state. The expansion includes support for the development and use of renewable energy resources, self-sustaining buildings and emergency generating units which use renewable energy resources and infrastructure for renewable generation.

#### **HB 670 and SB 621: Tax Exemption**

Del. C. William Frick and Sen. Nancy King

Alters the definition of “solar energy equipment” and “solar energy property” for purposes of an exemption under the sales and use tax for certain geothermal and solar energy equipment.

### Coal and Minerals

#### **HB 1556: Coal Combustion By-Products**

Economic and Environmental Matters Committee Chairs

Creates a fund for the management of coal combustion by-products within the Department of the Environment. Also, authorizes the Department to collect fees from a generator of coal combustion by-products based on an annual per ton rate of such by-products.

## Energy Efficiency

### **SB 538: Real Property Taxes**

Sen. Robert Zirkin

Requires that real property be revalued in any year of a three-year assessment cycle if substantially completed improvements are made which add at least \$100,000 in value to the property.

### **SB 955: Energy Efficiency, Conservation, and Demand Response Programs**

Sen. Katherine Klausmeier

Requires an electric company to include procedures for the competitive selection of heating, ventilation, air conditioning or refrigeration service providers in order to achieve specified electricity savings and demand reduction targets.

### **HB 1564 and SB 163: Program Open Space**

Del. Dana Stein and Senate Education, Health and Environmental Affairs Committee

Allows Program Open Space funds to be used for indoor recreation facilities if the facility meets or exceeds the current version of the U.S. Green Building Council's LEED Green Building Rating System's Silver rating.

### **SB 625: Maryland Building Performance Standards**

Sen. Brian Frosh

Requires the Department of Housing and Community Development to adopt the International Energy Conservation Code as part of the Maryland Building Performance Standards. The Department may adopt energy conservation requirements that are more stringent than the requirements in the International Energy Conservation Code, but may not adopt energy conservation requirements that are less stringent than said code.

## Natural Gas and Petroleum

### **HB 803 and SB 651: Local Natural Gas Tax**

Del. Wendell Beitzel and Sen. George Edwards

Repeals certain taxes on the purchase, distribution and collection of natural gas in Garrett County.

### **HB 163: Dyed Diesel Fuel**

Economic Matters Committee Chair

Establishes certain violations involving the use of dyed diesel fuel in the propulsion tanks of motor vehicles on the highways of the state.

## Reorganization and Coordination

### **HB 314 and SB 14: Energy Generation Projects**

Del. David Rudolph and Sen. John Astle

Authorizes the Maryland Environmental Service to engage in energy projects, meaning any service, facility, system or property, real or personal, for use in connection with energy conservation or the production, generation or distribution of energy from a renewable or other energy source.

## Utilities

### **HB 1407: Environmental Surcharge**

Economic Matters Committee Chair

Extends the termination date of a certain surcharge on electrical energy distributed to retail electric customers in the state by five years to 2015.

### **HB 736 and SB 703: Electric Universal Service Program**

Del. Brian McHale and Sen. Katherine Klausmeier

Alters certain criteria for providing bill assistance for low-income residential weatherization under the Electric Universal Service Program.

### **HB 1057: Net Energy Metering**

Del. Brian McHale

Includes on the list of customer–generators that are eligible for net energy metering any customer that uses a certain micro heat and power electric generating facility that meets certain conditions.

### **SB 981: Net Energy Metering**

Sen. Rob Garagiola

Alters the definition of "eligible customer-generator" to mean a customer that owns and operates, leases and operates or contracts with a third party that owns and operates a specified biomass, solar or wind generating facility primarily to offset all or part of the customer's own electricity requirements.

# Maryland

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## Environmental Legislation

### Air Quality and Pollution Control

#### **HB 315 and SB 278: Greenhouse Gas Emissions Reductions**

Del. Kumar Barve and Sen. Paul Pinsky

Requires the state to develop and adopt a specified plan, regulations and programs to reduce greenhouse gas emissions by 25 percent from 2006 levels by 2020.

### Coastal Zone Management

#### **HB 312 and SB 271: Aquaculture**

Speaker Michael Busch and President Mike Miller

Repeals specified restrictions, eligibility requirements, authorizations and procedures relating to leasing specified areas in the Chesapeake Bay for the purpose of protecting, sowing, bedding or cultivating oysters.

#### **HB 176 and SB 554: Bay Restoration Act**

Del. Stephen Lafferty and Sen. Michael Lenett

Prohibits the installation or replacement of an onsite sewage disposal system in the Chesapeake and Atlantic Coastal Bays Critical Area, unless the onsite sewage disposal system uses nitrogen removal technology.

### Hazardous Waste and Substance Management

#### **HB 148: Hazardous Materials**

Calvert County Delegation

Authorizes Calvert County Commissioners to seek reimbursement of costs incurred in the cleanup of hazardous materials from a person responsible for the release of the materials.

#### **HB 1263: Mercury Switch Removal**

Del. Tom Hucker

Requires motor vehicle manufacturers to develop a mercury minimization plan that includes information on removing any light switch or antilock braking system switch that contains mercury and is installed by motor vehicle manufacturer.

## Inland Water Resource Management and Conservation

### **HB 177 and SB 810: Oyster Shell Purchase Program**

Del. Stephen Lafferty and Sen. Richard Colburn

Requires certain dealers to reserve oyster shells for a certain period after the opening of each annual public shellfish fishery season. Also, the legislation alters the conditions under which a certain dealer shall reserve certain oyster shells.

### **HB 103 and SB 175: Shell Dredging**

Del. Adelaide Eckardt and Sen. Richard Colburn

Alters the date by which the Department of Natural Resources is required to apply to the Department of the Environment and the United States Army Corps of Engineers for permits to dredge buried oyster shells from December 1, 2008 to July 1, 2009.

### **HB 1355: Fishing Licenses**

Del. Stephen Lafferty

Alters the grounds for suspension or revocation of a certain tidal fish license or authorization and requires the Department of Natural Resources to adopt regulations that include enhanced penalties for certain violations.

### **HB 1419: Fish and Fisheries Laws Violations**

Environmental Matters Committee Chair

Increases the penalty imposed on a person convicted of actions that causes or results in the injury, death or destruction of any protected fish.

### **SB 164: Recreational Fishing Licenses**

Education, Health, and Environmental Affairs Committee Chair

Authorizes the Secretary of Natural Resources to revoke or suspend any recreational fishing license issued to any person who knowingly makes a false statement on an application, has three convictions for violations occurring on separate days within any three year period, fails to submit a required report or is a nonresident and fails to appear in court in accordance with a citation issued by a Natural Resource Police Officer.



## Land Management and Conservation

### **SB 581 and HB 800: Roadside Trees**

Del. Tom Hucker and Sen. Brian Frosh

Allows a county or municipality to adopt a local law or ordinance for the planting, care and protection of roadside trees that is more stringent than the applicable state law. A county or municipality may not, however, adopt a local law or ordinance for the planting, care and protection of roadside trees that applies to the cutting or cleaning of public utility rights-of-way or land for electric generating stations, the routine maintenance of public utility rights-of-way and the cutting or clearing of public utility rights-of-way or land for new transmission or distribution lines.

### **SB 549 and HB 771: Sustainable Forestry Act**

Del. Rudolph Cane and Sen. Roy Dyson

Clarifies that it is the policy of the state to encourage the retention and sustainable management of the state's privately owned forest lands. This is to be achieved by affording due consideration and retention of forests in the state through existing land conservation programs; by enhancing the retention of privately owned forest lands through educational outreach efforts to landowners; by developing financial incentives for retaining and managing forests sustainably and in a manner that is consistent with a forest stewardship plan; by promoting renewable energy policies and markets with increased emphasis on the use of in-state produced woody biomass; by recognizing the economic importance of a viable forest products industry; by developing fiber products and Maryland's green infrastructure; and by developing programs with sustainable forestry components, including a forest mitigation banking system, a carbon credit or carbon sequestration program, a clean water credit trading system, an environmental services credit trading program and a renewable energy credit trading system.

### **SB 666 and HB 1291: Forest Conservation Act**

Del. Elizabeth Bobo and Sen. Paul Pinsky

Reduces from 40,000 square feet to 20,000 square feet the threshold acreage of forest cut, cleared, or graded above which certain activities no longer qualify as exemptions to the Forest Conservation Act.

### **SB 89: Maryland Agricultural Land Preservation Foundation**

Education, Health and Environmental Affairs Committee Chair

Authorizes the board of trustees of the Maryland Agricultural Land Preservation Foundation to impose a penalty of up to \$2,500 per violation upon a property owner that is subject to an easement granted under relevant law.

## Reorganization and Coordination

### **HB 783: Project Open Space**

Del Mary-Dulany James

Provides that, in addition to other funding, Program Open Space funding may be provided in the State Consolidated Capital Bond Funding Program or in separate bond enabling acts. Also, the bill requires that specified allocations of specified funds distributed to Program Open Space be adjusted in a specified manner for fiscal years 2011 through 2013.

### **HB 959 and SB 403: Green Businesses**

Prince George's County Delegation

Grants the governing body of Prince George's County the power to issue a property tax credit against the county property tax imposed on real or personal property that is owned or leased by a certified green business.

### **HB 294 and SB 273: Local Government Planning**

Speaker Michael Busch and President Mike Miller

Revises the planning visions for the State's Economic Growth, Resource Protection and Planning Policy to improve quality of life and sustainability in community growth and design, infrastructure, transportation and housing through environmental protection, resource conservation and stewardship.

### **HB 1078 and SB 47: Permit Applications**

Del. Doyle Niemann and Sen. David Harrington

Requires the Department of the Environment to electronically post notice of an application for a permit on the department's website and to provide a method for interested persons to electronically request any additional notices related to an application for a permit.

### **HB 1363: Green Cleaning Products**

Del. Peter Murphy

Requires a county board of education to procure green product cleaning supplies for its schools, under certain circumstances.

### **HB 449 and SB 516: Organic Transition Investment**

Del. Roger Manno and Sen. Thomas Middleton

Creates the Maryland Organic Transition Investment Pilot Program to provide financial assistance to producers of agricultural commodities for eligible costs associated with transitioning to organic agricultural production.

### **HB 154 and SB 212: Green Building Council**

Del. Dan Morhaim and Sen. Brian Frosh

Expands the responsibilities of the Green Building Council to include providing recommendations how to expand green buildings in the state.

**HB 218: Sanitary Commission**

Del. Wendell Beitzel

Authorizes the Sanitary Commission in Garrett County to disconnect sewer services in order to enforce the collection of unpaid benefit assessments or other charges that are at least 60 days overdue.

**HB 1305: Coal Combustion By-Products**

Del. James King

Requires the Department of the Environment to submit regulations to the Joint Committee on Administrative, Executive and Legislative Review regarding fugitive air emissions from the transportation of coal combustion by-products and the beneficial uses of coal combustion by-products in Maryland.

**Solid Waste**

**HB 595: State Government Recycling Program**

Del. John Olszewski

Requires the Office of Recycling to include in the state recycling plan a system for recycling aluminum, glass, paper and plastic generated for disposal by the state government, including placement of collection bins in state owned or operated buildings.

**HB 1290 and SB 473: Public School Recycling Program**

Del. Craig Rice and Sen. Michael Lenett

Requires, by October 1, 2010, a revised county recycling plan for the collection, processing, marketing and disposition of recyclable materials from county public schools.

**HB 1058: Sewage Sludge Utilization Permits**

Del. Mary Roe Walkup

Requires the Department of the Environment to provide notice of a sewage sludge utilization permit application to the legislative body and elected executive of the county or municipal corporation where the site will be located.

## Water Quality and Pollution Control

### **HB 259: Environmental Health Monitoring and Testing**

Del. James King

Requires a person responsible for the discharge of a pollutant to reimburse a county for the reasonable costs incurred by the county in conducting environmental health monitoring or testing, unless the person has entered into a consent order with the Department of the Environment. This reimbursement includes the cost of collecting and analyzing soil samples, surface water samples or groundwater samples to assess the effect on public health and the environment of the person's release or threat of release of a hazardous substance, discharge of oil or discharge of a pollutant in the waters of the state.

### **HB 609 and SB 553: Chesapeake Bay Phosphorous Reduction Act**

Del. Marvin Holmes and Sen. Michael Lenett

Provides that, on or after April 1, 2011, a lawn fertilizer with an available phosphoric acid content greater than five percent may not be labeled for use on established lawns or grass or with spreader settings and must be marked with the words "Not for use on established lawns or grass" on the front side of the container.

### **HB 1105 and SB 721: Private Wastewater Treatment Act**

Del. Barbara Frush and Sen. Paul Pinsky

Prohibits a person from installing a privately owned system of sewers, piping and treatment tanks or other facilities that serves only a single lot for the disposal of sewage and discharges to the surface waters of the state, unless an existing onsite sewage disposal system fails and cannot be repaired or replaced by any means.

### **HB 1417: Water Quality and Drinking Water Quality Revolving Loan Funds**

Environmental Matters Committee Chair

Authorizes the use of the Maryland Water Quality Revolving Loan Fund and the Maryland Drinking Water Revolving Loan Fund to provide assistance in the form of grants, negative interest loans, forgiveness of principal, subsidized interest rates and any other form of financial assistance as authorized or required by the American Recovery and Reinvestment Act of 2009.

### **HB 1547 and SB 408: Water Pollution Control- Penalties**

Sen. Bryan Simonaire and Del. Barbara Frush

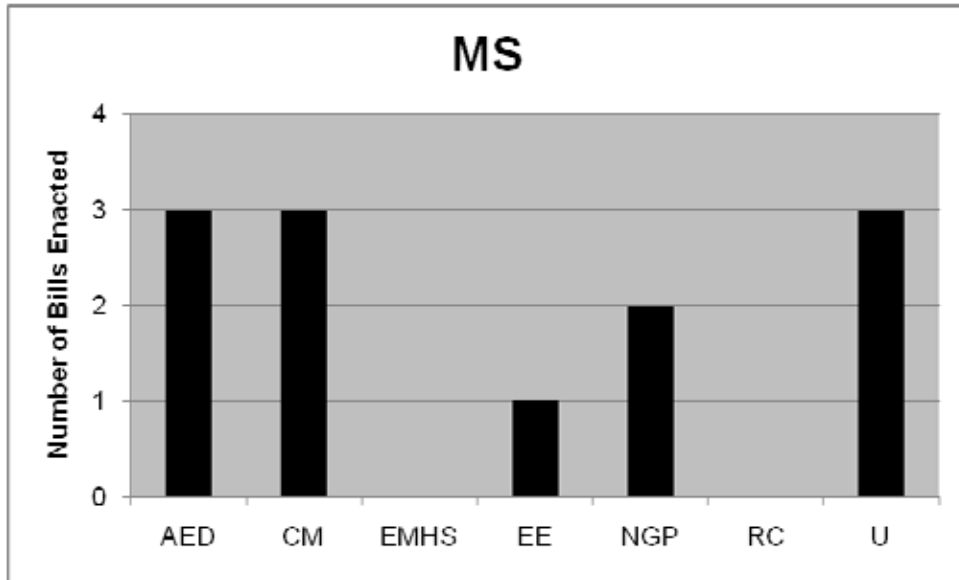
Increases the maximum penalty for certain violations of the water pollution control law from \$1,000 to \$5,000 per violation.

# Mississippi

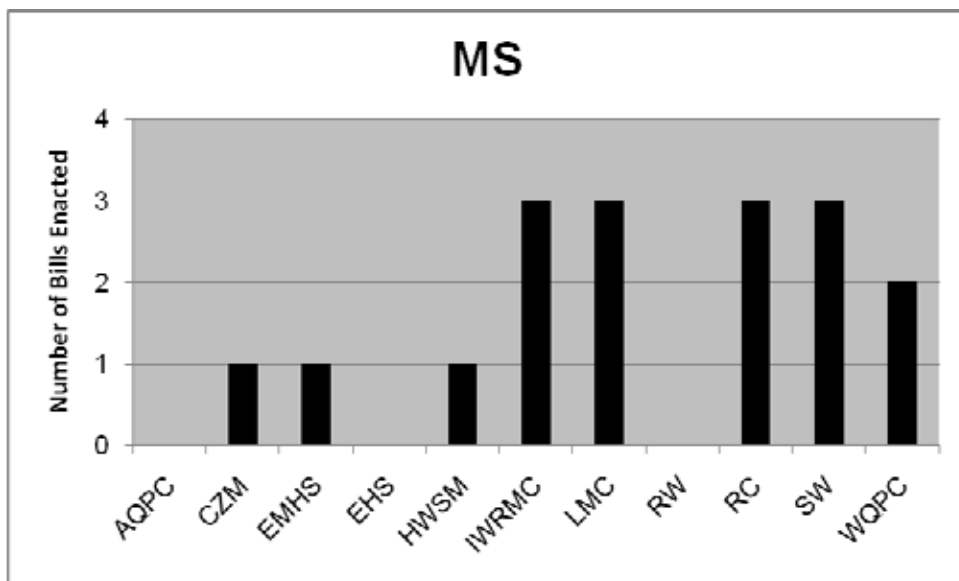
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## Legislation Category Comparison

### Energy Legislation



### Environmental Legislation



# Mississippi

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## Energy Legislation

### Alternative Energy Development

#### **SB 3049: Bureau of Fleet Management**

Sen. Terry Brown

Requires the bureau to prepare a fiscal analysis of the cost effectiveness of using alternative fuel or energy source vehicles by state agencies and to submit a report of that analysis to the legislature by December 15, 2009. Also requires that by July 1, 2014, at least 75 percent of all bureau-owned vehicles must have a fuel economy estimate by the United States Environmental Protection Agency of 40 miles per gallon or higher for highway driving.

#### **SB 3278: Biomass**

Sen. Terry Brown

Provides that enterprises owning or operating facilities that produce electricity through firing or co-firing biomass shall be allowed an annual investment tax credit for income taxes equal to a portion of the investments made by the enterprise in the initial establishment of the facility.

#### **SR 689: Renewable Energy Standards**

Sen. Billy Hewes

Urges the United States Congress and Departments of the 21 Executive Branches of Mississippi to forego the imposition of strict and mandatory renewable energy standards until such time as technological advancements allow for efficient and cost-saving implementation.

### Coal and Minerals

#### **HB 1056: Mine Worker Safety Training**

Rep. John Mayo

Creates a special fund, designated as the Surface Mine Worker Safety Training Program Operations Fund, to pay reasonable direct and indirect costs associated with surface mine worker safety training.

#### **HB 1379: Transportation of Materials**

Rep. Edward Blackmon, Jr.

Exempts from the normal general permit any excavations made by the owner of land where the materials removed are transported to another location on that same land without using any public highway, road or street, and where the distance between the excavation and the deposit location does not exceed five miles.

### **HB 1639: Tax Exemption**

Rep. Percy Watson

Provides an ad valorem tax exemption for a portion of the assessed value of all property used in a gasification process facility which is part of an electric generating facility. For the exemption, the facility must convert Mississippi feedstock, including, but not limited to, lignite, to a synthesis gas which serves as a primary fuel source of the electric generating facility.

## Energy Efficiency

### **SB 2659: Building Energy Performance**

Sen. David Baria

Clarifies that rules and regulations regarding energy performance of state-funded buildings apply to buildings financed in whole or in part through the use of a community development block grant.

## Natural Gas and Petroleum

### **HB 1459: Carbon Sequestration Tax**

Rep. Percy Watson

Provides that the sale of naturally occurring and anthropogenic carbon dioxide lawfully injected into the earth for use in an enhanced oil recovery project or for permanent sequestration in a geological formation will be taxed at the rate of 1.5 percent.

### **SB 2667: Drilling Permits**

Sen. Bob M. Dearing

States that the permit required to rework an abandoned well into an injection well or to drill a stratigraphic test or injection well will be good for a period of one year from the date issued. In the event drilling has commenced within one year, the permit shall be good for the life of the well, unless the operator is changed during the course of drilling or production. Also, the state will increase the permit fee to \$600.

## Utilities

### **HB 1246: Meter Tampering**

Rep. Tyrone Ellis

Increases the maximum criminal penalty that can be imposed for the crime of tampering with electric, gas or water meters to \$500.

### **HB 1353: New Utility Facilities**

Rep. Tyrone Ellis

Requires that all utility facilities installed by owners or operators of utilities on or after January 1, 2010, be installed in such a manner that the utility facility may be located by using a generally accepted electronic locating method.

**SB 3286: Gas Distribution**

Sen. Nickey Browning

Authorizes the City of Pontotoc to expand its gas distribution system into certain areas in Pontotoc and Chickasaw Counties.



# Mississippi

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## Environmental Legislation

### Coastal Zone Management

#### **SB 2701: Coastal Wetlands Protection**

Sen. Tommy Dickerson

Revises the penalties levied by the Commission on Marine Resources for Violations of the Coastal Wetlands Protection Act.

### Emergency Management and Homeland Security

#### **SR 584: Global Warming**

Sen. Dean Kirby

Urges the United States Congress to address the federal and state responsibility regarding global climate change, to safeguard American jobs by reducing the emission of greenhouse gases, to ensure affordable energy for American citizens and industry, to offer incentives for efficient practices and technologies, to prevent emissions leakage and to maintain the global competitiveness of American industry.

### Hazardous Waste and Substance Management

#### **SB 2881: Lead-Based Paint**

Sen. T.O. Moffatt

Amends the Lead-Based Paint Activity Accreditation and Certification Act to conform to federal requirements by including renovations under lead-based activities.

### Inland Water Resource Management and Conservation

#### **HB 33: Blue Crabs**

Rep. Frances Fredericks

Authorizes the operators of commercial oyster vessels to keep up to 36 blue crabs for personal consumption, per day. This exemption for personal consumption does not apply to fish or crabs that are otherwise illegal to possess or catch.

#### **HB 1381: Escatawpa River**

Rep. Deryk Parker

Designates a portion of the Escatawpa River in George and Jackson counties as a state scenic stream and includes it in the State Scenic Streams Stewardship Program.

### **SB 3142: Saltwater Fishing Licenses**

Sen. Tommy Gollot

Authorizes the Commission on Marine Resources to enter into reciprocal agreements with adjacent states pertaining to fees and exemptions for recreational saltwater fishing licenses for persons 65 and older.

## **Land Management and Conservation**

### **SB 2734: Cervid Hunting Regulations**

Sen. Tommy Gollot

Extends the repealer on the Authority of the Mississippi Commission on Wildlife, Fisheries and Parks to regulate the hunting of nonnative cervids (deer and elk) in commercial and noncommercial wildlife enclosures.

### **SB 2943: Deer Hunting**

Sen. Tommy Gollot

Clarifies that the commission may regulate the taking of deer with antlers of four points or less for the proper management of antlered deer, and that for hunters less than sixteen years of age, one of the three buck bag limit may be any antlered buck.

### **SB 2947: Sale of Timber**

Sen. Perry Lee

Authorizes local school boards to contract for forestry management services when a registered forester sells timber for sixteenth section forest lands.

## **Reorganization and Coordination**

### **HB 32: Commission of Marine Resources**

Rep. Frances Fredericks

Grants the commission the power to set permit fees and establish guidelines for the construction of artificial reefs in federal waters as part of the commission's powers and duties regarding the regulation of seafood.

### **HB 503: Beaver Control Advisory Board**

Rep. Thomas Reynolds

Transfers administration of the Beaver Control Board from the Mississippi Commission on Wildlife, Fisheries and Parks to the Mississippi Department of Agriculture and Commerce. Additionally, it revises the composition of the Beaver Control Advisory Board and prescribes the powers and duties of the Board.

### **SB 2715: Marine Resources**

Sen. Tommy Dickerson

Authorizes the commission or any authorized employee of the Department of Marine Resources to enter, at reasonable times, upon any private or public property in the performance of duty to enforce the Coastal Wetlands Protection Act.

## Solid Waste

### **HB 1380: Recycling Cooperatives**

Rep. Mark DuVall

Allows 10 percent of the the Mississippi Nonhazardous Solid Waste Corrective Action Trust Fund to be set aside annually to provide grants for regional recycling cooperatives formed by local governments for the purpose of jointly participating in the collection, processing and marketing of recyclables.

### **SB 2666: Garbage Fees**

Sen. Haskins Montgomery

Removes the requirement that a property owner must be a nonresident of the county for the Board of Supervisors to levy garbage fees as a special assessment against the property in lieu of a lien against the property.

### **SB 2796: Recycling and Asset Disposition Services**

Sen. T.O. Moffatt

Establishes a process for the development of state policy for Recycling and Asset Disposition (READ) Services targeting state agency-generated obsolete electronic equipment. The policy will attempt to achieve the maximum benefit from use of state agency-owned electronic equipment; ensure a data security process that prevents the inadvertent release of sensitive state-owned electronic information to unauthorized parties during the disposal process; achieve maximum benefit from sale and/or recycling of surplus state agency electronic equipment; and protect the public health, safety and the environment by mandating that steps be taken to address the solid waste management of electronic equipment and solid waste statewide.

## Water Quality and Pollution Control

### **SB 3288: City of Magnolia**

Sen. Kelvin Butler

Authorizes the governing authorities of the City of Magnolia to expand the wastewater facilities of the city to serve areas near the intersection of Interstate Highway 55 and Fernwood Road; to receive contributions from any source to complete the expansion of the city's wastewater facilities; to calculate and charge construction recovery costs to customers who use the expanded wastewater facilities; and enter into a loan agreement with a private entity to cover costs of the expansion that are in excess of the amount previously budgeted for the project and repay the loan by using 60 percent of the city's portion of the sales tax revenue collected from certain businesses using the expanded wastewater facilities.

**HB 519: Mississippi Groundwater Protection Fund**

Rep. John Mayo

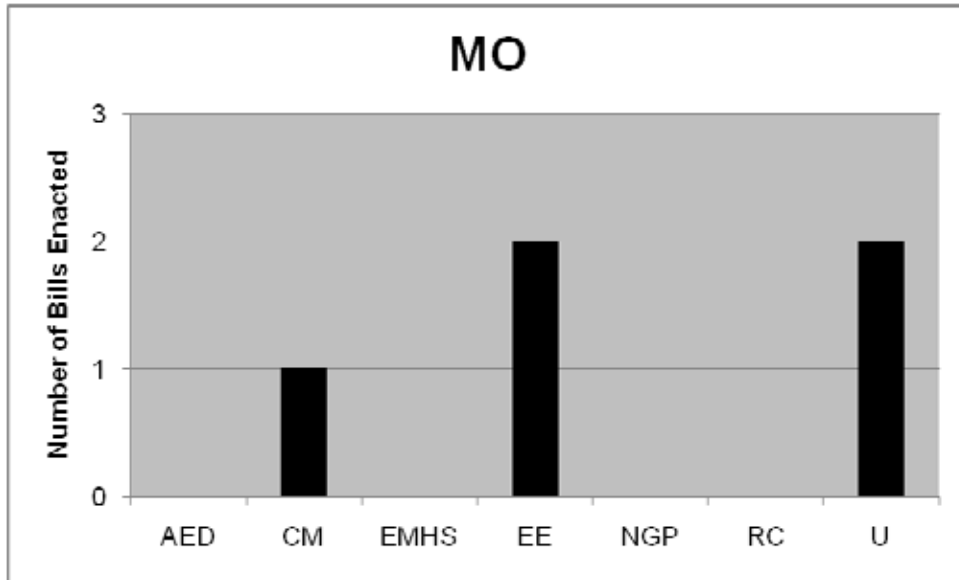
Increases the maximum that may be disbursed from the fund for the cleanup of any one site to \$1,500,000 per confirmed release occurrence.

# Missouri

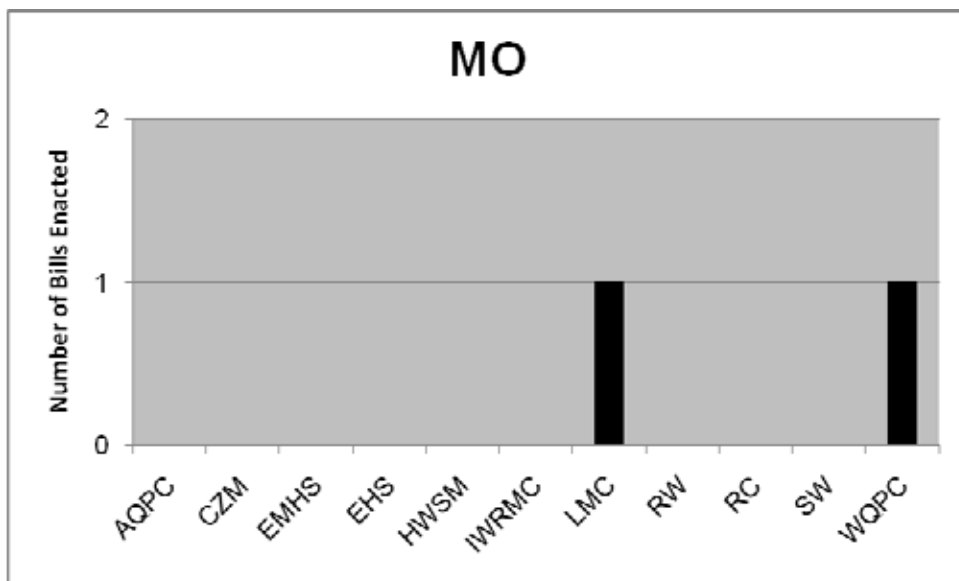
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## Legislation Category Comparison

### Energy Legislation



### Environmental Legislation



# Missouri

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## Energy Legislation

### Coal and Minerals

#### **HB 246: Surface Mining and Gravel Excavation**

Rep. Tom Loehner

Exempts a property owner or operator from obtaining a permit for conducting gravel removal at the request of a property owner who is managing seasonal gravel accretion on property not used primarily for gravel mining, or for a political subdivision who contracts with an operator for excavation to obtain sand and gravel material solely for the use of that subdivision.

### Energy Efficiency

#### **HB 734: Energy Reduction**

Rep. Don Ruzicka

Requires any appliance purchased with state funds to have earned the ENERGY STAR rating under the federally sponsored ENERGY STAR Program. Additionally, establishes the Joint Committee on Missouri's Energy Future which will prepare and submit a report to the General Assembly on Missouri's energy needs and methods to reduce energy costs over the next 25 years.

#### **SB 376: Missouri Energy Efficiency Investment Act**

Sen. Brad Lager

Requires the Missouri Public Service Commission to provide timely cost recovery for utilities, ensure that utility financial incentives are aligned with helping customers use energy more efficiently and provide timely earnings opportunities associated with cost-effective, verifiable efficiency savings.

### Utilities

#### **SB 196: Public Water Supply District**

Sen. Wes Shoemyer

Modifies the procedure for detaching territory from a public water supply district.

#### **SB 242: Metropolitan Sewer District**

Sen. David Pearce

Prohibits the Metropolitan Sewer District (MSD) from charging any residential landowner for storm water management services, provided MSD does not provide sanitary sewer service to the landowner's property and any storm water runoff from the property does not drain to a sewer maintained by MSD.

# Missouri

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## Environmental Legislation

### Land Management and Conservation

#### **HB 250: Public Land for Horse and Mule**

Rep. Larry Wilson

States that access to public land owned, managed, or funded by the state of Missouri for horse and mule use shall not be denied on trails and roads that are currently designated by the state as land upon which horses or mules can be ridden. Access can be denied, however, where conditions are not suitable because of public safety concerns, necessary maintenance or for reasons related to the mission of the agency that owns or manages the land. In these circumstances, a written statement must be posted at the trailhead stating the cause and estimated duration of the closure.

### Water Quality and Pollution Control

#### **HB 283 and SB 154: Nonprofit Sewer Company**

Rep. Dennis Wood and Sen. Jack Goodman

If no domestic water services are provided within the boundaries of an existing public water supply district, municipal utility or within the certificated area of a water corporation, then a nonprofit sewer company may provide all services and assume all responsibilities authorized to a nonprofit water company.



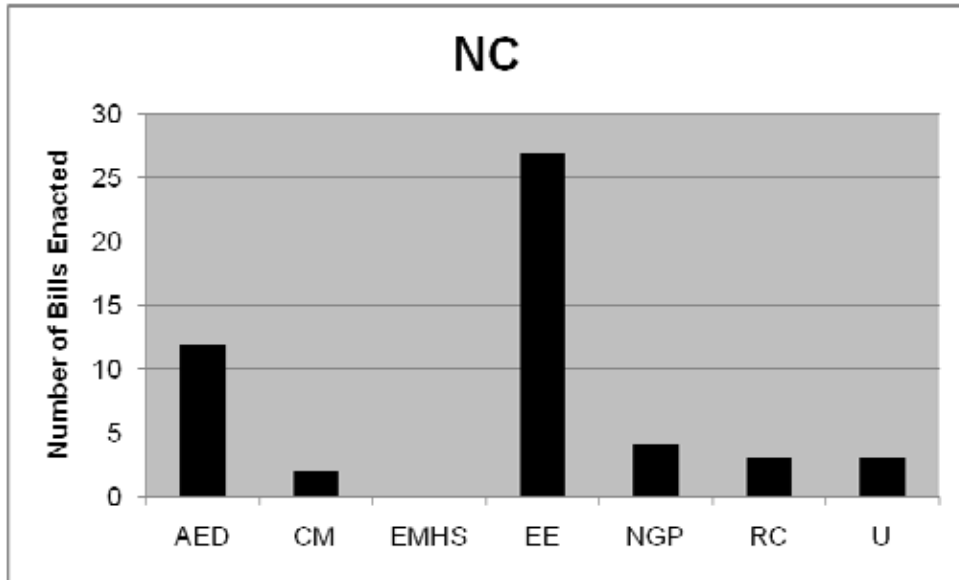


# North Carolina

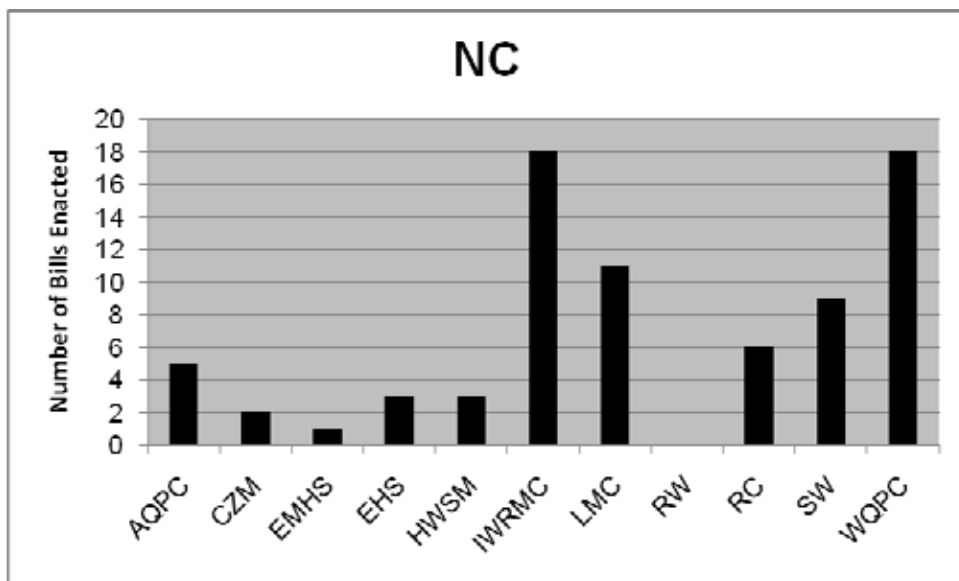
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## Legislation Category Comparison

### Energy Legislation



### Environmental Legislation



# North Carolina

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All bills are pending at time of publication, unless assigned a Chapter No.

## Energy Legislation

### Alternative Energy Development

#### **HB 284: Renewable Energy Credit**

Rep. Kelly Alexander, Jr.

Extends the sunset on the credit for investing in renewable energy property to 2016.

#### **HB 400 and SB 841: Biofuels Center**

Rep. James Crawford, Jr. and Sen. Charles Albertson

Appropriates \$9,000,000 for the 2009-2010 fiscal year and \$9,000,000 in recurring funds for the 2010-2011 fiscal year to continue the implementation of North Carolina's Strategic Plan for Biofuels Leadership, which attempts to foster energy independence and new industry development.

#### **HB 462: Solar Equipment**

Rep. Bruce Goforth

Establishes the solar equipment manufacturing incentive grant program.

#### **HB 606 and SB 457: Biodiesel Definition**

Chapter No. 237

Rep. Pricey Harrison and Sen. John Snow

Adds the definition of biodiesel to the Energy Credit Banking and Selling Program.

#### **HB 621: Geothermal Heat Pump**

Rep. Kelly Alexander, Jr.

Creates a tax credit to encourage the purchase and use of environmentally friendly geothermal heat pump technology.

#### **HB 809 and SB 1068: Wind Facility Permitting**

Rep. Pricey Harrison and Sen. Charles Albertson

Establishes a system of permits to be issued by the Department of Environment and Natural Resources for the siting of wind energy facilities.

#### **HB 897: Wind Farming Study**

Rep. Kelly Alexander, Jr.

Creates the Joint Legislative Study Committee on Offshore Wind Farming to explore such generation of electricity.

**HB 902: Biodiesel for School Buses**

Rep. Pricey Harrison

Increases the purchase of biodiesel fuel to a minimum blend of B-20 for use in diesel engine school buses. Also requires local Boards of Education to report these purchases to the State Board of Education.

**HB 905 and SB 842: Renewable Energy Credits**

Rep. Angela Bryant and Sen. Charles Albertson

Authorizes the Revenue Laws Study Committee and the Environmental Review Commission to study renewable energy and alternative fuel tax credits.

**HB 906 and SB 1066: Alternative Fuels Tax Credits**

Rep. Angela Bryant and Sen. Charles Albertson

Creates tax credits for alternative fuel infrastructure, alternative fuel vehicles and advanced technology vehicles.

**HB 1387: Solar Collectors on Residential Properties**

Rep. Susan Fisher

Makes the current limitations on city ordinances, county ordinances and deed restrictions that regulate the installation of solar collectors for single-family residences applicable to all residential property.

**SB 651: Alternative Energy Use**

Sen. Steve Goss

Establishes a Joint Study Commission to consider expanding state government's use of alternative energy sources.

## Coal and Minerals

**HB 811 and SB 1044: Coal Plant Moratorium**

Rep. Pricey Harrison and Sen. Eleanor Kinnaird

Places a moratorium on the construction of new coal-fired power plants in order to provide economic relief to electric utility ratepayers during this period of economic recession and recovery.

**HB 830: Mineral Claims**

Rep. Timothy Spear

Extinguishes ancient mineral claims in Hyde County.

## Energy Efficiency

**HB 282: Green School Loan Fund**

Rep. Pricey Harrison

Creates the Green School Construction Loan Fund to provide no-interest loans to local school administrative units in order to promote energy efficiency in public school buildings. Priority will be given to projects that have the greatest impact on reducing energy and water use.

**HB 289: Coordinating Traffic Signals**

Rep. Carey Allred

Requires the Department of Transportation and any municipality or Metropolitan Planning Organization (MPO) to develop and implement a comprehensive traffic control plan that will coordinate the traffic signal to minimize idle time of vehicles and promote the efficient flow of traffic through the municipalities.

**HB 349 and SB 304: Energy Savings Contracts**

Rep. Pricey Harrison and Sen. Daniel Clodfelter

Removes the cap on the amount payable to the state for guaranteed energy saving contracts and requires life-cycle cost analyses of energy conservation measures during investment grade audits.

**HB 372 and SB 239: Renewable Energy and Energy Efficiency Credit**

Rep. Hugh Holliman and Sen. Josh Stein

Extends the sunset for the renewable energy tax credit to match the federal tax credit, encourages installation of combined heat and power property and geothermal heat pumps and allows energy tax credits to be taken against the gross premium tax.

**HB 464: Raleigh Energy Efficiency**

Chapter No. 149

Rep. Grier Martin

Makes permanent an act which exempts the City of Raleigh from competitive bidding requirements when considering contracts for any city council authorized pilot program to test the efficiency of light-emitting diode technologies. The bill also expands the act to all Raleigh pilot programs aimed at increasing energy efficiency and authorizes the Cities of Raleigh and Winston-Salem to enter into a 20 year lease for the siting and operation of a renewable energy facility, without treating it as a sale and without giving notice by publication.

**HB 504 and SB 147: Energy-Efficient Homes**

Rep. Susan Fisher and Sen. A.B. Swindell

Provides an income tax credit for builders of energy-efficient homes.

**HB 512 and SB 305: Incentives for Energy Properties**

Rep. Hugh Holliman and Sen. Daniel Clodfelter

Creates incentives for investing in fuel cell, renewable energy and energy efficiency properties as well as for the construction, expansion or retooling of a facility for the manufacture of fuel cell renewable energy equipment and energy efficiency properties.

**HB 519: Greensboro Energy Related Incentives**

Rep. Pricey Harrison

Authorizes the City of Greensboro to grant a density bonus, adjust development requirements, or provide other incentives to a developer or builder, if the developer or builder agrees to construct new development or reconstruct existing development in a manner that makes a significant contribution to the reduction of energy consumption.

**HB 963 and SB 429: New Hanover Energy Incentives**

Rep. Sandra Spaulding Hughes and Sen. Julia Boseman

Authorizes New Hanover County to provide development incentives in exchange for reductions in energy consumption.

**HB 997: Matthews Energy Incentives**

Rep. Jim Gulley

Authorizes the town of Matthews to provide development incentives in exchange for reductions in energy consumption.

**HB 1015: Asheville Energy Improvement Assessments**

Rep. Susan Fisher

Authorizes the City of Asheville to designate an area within the city where city officials and willing property owners may enter into contractual assessments to finance the installation of distributed generation renewable energy sources or energy efficiency improvements that are permanently affixed to real property.

**HB 1050: Independent Energy Efficiency Administrator**

Rep. Dan Blue

Creates “North Carolina Save\$ Energy” to administer energy efficiency and conservation programs, as well as programs which promote energy sustainability.

**HB 1079: Energy-Efficient State Motor Vehicles**

Chapter No. 241

Rep. Pricey Harrison

Requires the Department of Administration, when purchasing passenger motor vehicles for the state, to give preference to new vehicles that have a fuel economy in the top 15 percent of that class of comparable automobiles.

**HB 1127: Local Energy Efficiency Standards**

Rep. Verla Insko

Allows political subdivisions of the state to adopt more stringent building code provisions related to energy conservation.

**HB 1199: Energy Efficiency in Buildings**

Rep. Pricey Harrison

Extends the standards governing energy efficiency and water use for major construction and renovation projects involving state, university and community

college buildings to building projects involving entities that receive more than \$20,000 in state appropriations for facility construction and renovation.

**HB 1389: Energy Improvement Assessments**

Rep. Susan Fisher

Authorizes any city and county to designate an area within the city where local government officials and willing property owners may enter into loan agreements to finance the installation of distributed generation renewable energy sources or energy efficiency improvements which are permanently affixed to real property.

**HB 1443: Green Building Code**

Rep. Pricey Harrison

Requires that new and renovated commercial buildings and new residential buildings comply with energy conservation standards.

**HB 1461: Weatherization Funds**

Rep. Angela Bryant

Provides notice to local governments and to the public of the availability of weatherization funds. Also authorizes the Green Business Fund to be used for the development of businesses that install energy efficiency measures in homes of low and moderate income persons.

**HB 1484 and SB 567: Electricity Demand Reduction**

Rep. Jeff Barnhart and Sen. Fletcher Hartsell, Jr.

Promotes the use of electricity demand reduction to satisfy renewable energy portfolio standards.

**HB 1545: Energy Initiatives Fund**

Rep. Cullie Tarleton

Appropriates funds to be used by Appalachian State University to expand and upgrade facilities, purchase equipment and pay faculty salaries for the research of renewable energy, energy sustainability and the impact of energy initiatives on economic development.

**HB 1551: Energy Production Center funds**

Rep. Martha Alexander

Appropriates funds to the Board of Governors of the University of North Carolina for faculty and research staff at the Energy Production Infrastructure Center at the University of North Carolina at Charlotte.

**HB 542 and SB 629: Energy Improvement Projects**

Rep. Pricey Harrison and Sen. Josh Stein

Authorizes the construction and financing of certain capital improvement projects at North Carolina State University for the purpose of conserving energy.

**HB 695: College Energy Savings**

Rep. Susan Fisher

Provides that any energy savings realized by constituent institutions of the University of North Carolina and by colleges within the North Carolina Community College System may be used by the institution or community college for other upgrades to reduce energy and water consumption at the institution or community college.

**HB 959: Pender County Energy Incentives**

Rep. Sandra Spaulding Hughes

Authorizes Pender County to provide development incentives in exchange for reductions in energy consumption.

**SB 52: Energy Development Incentives**

Chapter No. 95

Sen. R.C. Soles, Jr.

Authorizes counties and municipalities to provide development incentives in exchange for reductions in energy consumption.

**SB 456: ENERGY STAR**

Sen. John Snow

Expands the ENERGY STAR qualified products that qualify for the sales and use tax holiday.

**SB 874: Energy Efficient State Motor Vehicle Fleet**

Sen. Daniel Clodfelter

Requires the Department of Administration, when purchasing passenger motor vehicles for the state, to give preference to new vehicles that have a fuel economy in the top 15 percent of that class of comparable automobiles.

## Natural Gas and Petroleum

**HB 1209 and SB 999: Preblended Gas**

Rep. Nelson Cole and Sen. Clark Jenkins

Clarifies that the legislation enacted in 2007, which requires suppliers that import gasoline for sale to offer to distributors or retailers only gasoline that is not preblended with fuel alcohol and that is suitable for subsequent such blending. This legislation also requires these suppliers to offer such gasoline at each terminal in the state.

**HJR 1232 and SJR 879: Off-Shore Drilling Revenues**

Rep. Pryor Gibson and Sen. Bob Atwater

Authorizes the Revenue Laws Study Committee and the Environmental Review Commission to study what sources of revenue could accrue for the state if offshore drilling exploration for oil or natural gas were to take place off the North Carolina coast.

**HB 1541 and SB 610: Liquefied Petroleum Gas**

Rep. Pryor Gibson and Sen. Bob Atwater

Exempts liquefied petroleum gas sold to individuals for domestic consumption from the state and local sales and use tax.

**SJR 520: Offshore Drilling**

Sen. James Forrester

Authorizes the Environmental Review Commission to study the desirability of offshore drilling exploration for oil or natural gas in coastal waters off North Carolina.

**Reorganization and Coordination**

**HB 619: North Carolina Green Business Fund**

Rep. Pricey Harrison

Changes the North Carolina Green Business Fund from a grant-making to a no-interest loan-making fund. Also, the bill appropriates funds to the Department of Commerce for the North Carolina Green Business Fund.

**HB 943: Sanitary Districts**

Rep. Jerry Dockham

Provides that a Sanitary District is a public utility subject to regulation by the Utilities Commission.

**HB 1481: State Energy Office**

Rep. Angela Bryant

Transfers the State Energy Office from the Department of Administration to the Department of Commerce and transfers the Residential Energy Conservation Assistance Program from the Department of Health and Human Services to the Energy Office of the Department of Commerce.



## Utilities

### **HB 820 and SB 357: Regulation of Pole Attachments**

Chapter No. 278

Rep. Margaret Dickson and Sen. Tony Rand

Requires municipalities and cooperatively owned organizations to permit communications service providers to use their poles, ducts and conduits for attachments. Also authorizes the North Carolina Utilities Commission to arbitrate disputes concerning the rates, terms and conditions associated with such use.

### **HB 982 and SB 661: Water Use Allocation**

Chapter No. 279

Rep. Pryor Gibson and Sen. Daniel Clodfelter

Authorizes lessors of contiguous premises to allocate the cost for water and sewer service to each tenant by using equipment that measures hot water use.

### **HB 1440: North Carolina Renewable Energy Market**

Rep. Pricey Harrison

Encourages the development of renewable energy markets and industries by requiring electric public utilities, electric membership corporations and municipalities that sell power to retail electric power customers to connect renewable electricity facilities to the grid and to purchase all the electric power produced at these facilities at certain feed-in rates established by the North Carolina Utilities Commission.

# North Carolina

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All bills are pending at time of publication, unless assigned a Chapter No.

## Environmental Legislation

### Air Quality and Pollution Control

#### **HB 28: Greenhouse Gas Credits for Farming**

Rep. Bill Faison

Authorizes the Legislative Research Commission to study the feasibility of extending credits to farming in the same manner that credits are extended to other businesses in the event that North Carolina participates in a state or federal market-based "Cap-and-Trade" program for greenhouse gas (GHG) emissions.

#### **HB 1207: Clean Cars**

Rep. Nelson Cole

Establishes a vehicle retirement program to provide incentives for removing older, more polluting vehicles from operation and to establish a consumer education program to improve vehicle fuel economy and reduce carbon dioxide emissions.

#### **HB 1290: North Carolina Clean Cars Program**

Rep. Pricey Harrison

Establishes the North Carolina Clean Cars Program, which is the functional equivalent of the low-emission vehicle program established under the laws of the state of California as set forth in final regulations issued by the California Air Resources Board.

#### **HB 1335: Air Toxic Compliance**

Rep. Pryor Gibson

Provides an alternative method of demonstrating that a new or modified source of hazardous air pollutant emissions will not result in an excess of hazardous air pollutant emission control standards through a modeling analysis or through another method approved by the Commission.

#### **HB 1441: Greenhouse Gas Emissions Reduction Act**

Rep. Pricey Harrison

Requires the Department of Environment and Natural Resources to develop, maintain and publish a greenhouse gas emissions inventory and to develop, implement, monitor and report on a plan to reduce greenhouse gas emissions statewide.

## Coastal Zone Management

### **HB 736 and SB 636: Relocate Condemned Structures**

Rep. Timothy Spear and Sen. Harry Brown

Provides that the Water Resources Development Program may award grants to local governments to relocate imminently threatened structures or demolish condemned structures located in the ocean or inlet hazard areas.

### **HB 918: Coastal Game Fish**

Rep. Paul Luebke

Designates the red drum and spotted sea trout as coastal game fish and prohibits the taking of such species other than by hook-and-line. The bill also compensates commercial fishermen for losses due to the designation and prohibition.

## Emergency Management and Homeland Security

### **HB 143 and SB 193: Disaster Planning**

Rep. Jean Farmer-Butterfield and Sen. Vernon Malone

Directs the Division of Health Service Regulation, and the Department of Health and Human Services, to review recommendations from the Disability and Elderly Emergency Management (DEEM) Task Force, and to take appropriate action to strengthen disaster planning and preparedness for long-term care facilities.

## Environmental Health Services

### **HB 1170: Land Application of Septage and Sludge**

Rep. Curtis Blackwood

Directs the Department of Agriculture and Consumer Services to study whether the current regulation of the land application of septage and sludge adequately protects human health and the environment.

### **HB 1205: Climate Change**

Rep. Pricey Harrison

Establishes the North Carolina Commission on Climate Change and the Advisory Council to the North Carolina Commission on Climate Change.

### **SB 835: Climate Change Commission**

Chapter No. 306

Sen. Charles Albertson

Extends the Legislative Commission on Global Climate Change until October 1, 2010.

## Hazardous Waste and Substance Management

### **SB 54: Texfi Cleanup Funds**

Sen. R.C. Soles, Jr.

Appropriates \$50,000 from the General Fund for fiscal year 2009-2010 to the Department of Environment and Natural Resources, Division of Waste Management, in order to cost-share federal funds for the cleanup and monitoring of the groundwater and other contamination located at the Texfi site in Fayetteville.

### **HB 761 and SB 700: Dry Cleaning Solvent**

Rep. Pryor Gibson and Sen. Tony Rand

Extends the sunset dates for the Dry-Cleaning Solvent Cleanup Act, the Dry-Cleaning Solvent Cleanup Fund and the Dry-Cleaning Solvent Tax. The bill also allows the use of state and local land-use controls and deed notices in lieu of land-use restrictions for properties in the area of contaminated dry-cleaning sites.

### **HB 1287: Mercury**

Rep. Pricey Harrison

Requires all public agencies to recycle all spent fluorescent lights and mercury. The bill also requires the removal of all fluorescent lights and mercury thermostats from buildings prior to demolition and bans mercury-containing products from unlined landfills.

## Inland Water Resource Management and Conservation

### **HB 39 and SB 43: Boating Safety**

Chapter No. 282

Rep. Michael Wray and Sen. Ed Jones

Prohibits any person from operating a vessel with a motor of 10 horsepower or greater on the public waters of this state unless the operator has met the requirements for boating safety education.

### **HB 106 and SB 107: Sale of Fish**

Rep. William Wainwright and Sen. Charles Albertson

Prohibits a person licensed under this Article from selling fish taken outside the territorial waters of the state or from selling fish taken from coastal fishing waters, unless the sale is to a licensed fish dealer, the sale is to the public and the seller is a licensed fish dealer or the sale is of oysters or clams from a hatchery or aquaculture operation to the holder of an Aquaculture Operation Permit, an Under Dock Culture Permit or a shellfish cultivation lease for further grow out.

### **HB 107 and SB 108: Striped Bass**

Rep. William Wainwright and Sen. Charles Albertson

Authorizes the Marine Fisheries Commission to establish individual transferable fishing quotas for striped bass.

**HB 108 and SB 105: Marine Fisheries Licenses**

Rep. William Wainwright and Sen. Charles Albertson

Authorizes the Marine Fisheries Commission to adopt rules to provide for the suspension, revocation and reissuance of marine fisheries licenses and permits.

**HB 643: Aquifer Storage**

Rep. Russell Tucker

Authorizes the injection of reclaimed water into an aquifer for temporary storage.

**HB 972: Water Intake**

Rep. Cullie Tarleton

Grants the right to construct and maintain a water intake system in the town of Boone.

**HB 1139: Irrigation Systems**

Rep. Kelly Alexander, Jr.

Authorizes cities with a population in excess of 90,000 to regulate or prohibit new irrigation systems which are used for lawns and landscaping and are connected to the public potable water supply for residential and nonresidential developments. The legislation also allows cities to regulate cisterns and rain barrels used for irrigation purposes.

**HB 1236: Water Conservation**

Rep. Pryor Gibson

Promotes voluntary, year-round water conservation and water use efficiency measures by commercial and industrial water users.

**HB 1295: Hunting from a Vessel**

Rep. Randy Stewart

Prohibits hunting with a center-fire rifle from a vessel on a navigable body of water.

**HB 1333: North Carolina River Basin**

Rep. Bonner Stiller

Provides that the area of the state denoted by the eight digit cataloging unit 03040208 organized by the United States Geologic Survey be considered part of the Cape Fear River Basin. The act also delineates the boundaries of the river basins of North Carolina for the purpose of aligning the River Basin Planning Program of the Division of Water Quality in the Department of Environment and Natural Resources.

**HB 1337: Water Resources Improvement Act**

Rep. Pryor Gibson

Creates a water resources cost-share program to assist landowners increase or preserve water storage capacity, develop and improve surface and groundwater supplies and implement water conservation and efficiency practices.

**HB 1345: Oyster Sanctuaries**

Rep. Darren Jackson

Prohibits commercial fishing within 500 yards of an area designated as an oyster sanctuary by the Marine Fisheries Commission.

**SB 885: Oyster Sanctuaries**

Sen. Don Vaughan

Prohibits commercial fishing within 100 yards of an area designated as an oyster sanctuary by the Marine Fisheries Commission.

**HB 1346 and SB 886: Fishery Management Plans**

Rep. Darren Jackson and Sen. Don Vaughan

Provides that Fishery Management Plans must meet a standard of at least 50% probability of achieving the target mortality rate for the fishery or fisheries.

**HB 1385: Water Conservation Tax Credits**

Rep. Kelly Alexander, Jr.

Provides a tax credit for construction and installation of cisterns or innovative irrigation systems on residential and commercial property. The bill also provides that large cities may not prohibit rainwater recovery and innovative irrigation systems.

**HB 1455: Yadkin River Trust**

Rep. Justin Burr

Creates the Yadkin River Trust in order to develop the Yadkin River in Stanly, Davidson, Montgomery and Rowan Counties for intrastate, interstate and foreign commerce and navigation. The legislation also allows the Yadkin River Trust to acquire and operate the Yadkin Project, an existing hydroelectric facility and to authorize issuance of bonds and notes by the trust for that purpose. The trust may also produce, distribute and sell hydroelectric power from existing or new hydroelectric facilities.

**SB 54: Municipal Drainage**

Sen. R.C. Soles

Authorizes the creation of Municipal Service Districts for drainage.

**SB 833: River Basins**

Sen. Daniel Clodfelter

Delineates the boundaries of the river basins of North Carolina for the purpose of aligning the River Basin Planning Programs of the Division of Water Resources with the Division of Water Quality in the Department of Environment and Natural Resources.

## Land Management and Conservation

### **HB 97: Active Duty Hunting and Fishing License Exemption**

Chapter No. 25

Rep. Cullie Tarleton

Exempts a resident of this state who is serving outside the state as a member of the Armed Forces of the United States from state hunting and fishing license requirements and the Coastal Recreational Fishing License requirements while that person is on leave in this state for 30 days or less.

### **HB 128 and SB 89: Grandfather Mountain**

Chapter No. 12

Rep. Phillip Frye and Sen. Joe Sam Queen

Authorizes the Department of Environment and Natural Resources to add Grandfather Mountain State Park to the State Parks System.

### **HB 340 and SB 341: Appalachian Mountains Preservation**

Rep. Pricey Harrison and Sen. Steve Goss

Prohibits electric public utilities that operate coal-fired generating units located in North Carolina from purchasing or using coal that is extracted using mountaintop removal coal mining.

### **HB 639: Land Conservation**

Rep. Lucy Allen

Appropriates \$50,000,000 for the 2009-2010 fiscal year and \$50,000,000 for the 2010-2011 fiscal year to be used for the acquisition of conservation.

### **HB 888: Hunting Regulations**

Chapter No. 77

Rep. Timothy Spear

Prohibits hunting with guns, dogs, bow and arrow or crossbow upon the lands of another in Hyde County, without permission from the owner or lessee of the land.

### **HB 1066 and SB 760: Erosion Control Penalties**

Rep. Larry Hall and Sen. Floyd McKissick, Jr

Authorizes the assessment of a civil penalty prior to the restoration of land for continuing violations under the Sedimentation Pollution Control Act of 1973. Also bars challenges of the amount of the penalty for violators who fail to contest the amount within 30 days after the penalty is due.

### **HB 1118: Boar and Swine Management**

Chapter No. 89

Rep. Phillip Haire

Standardizes wild boar hunting season and the harvesting of feral swine. Also, this act directs the Department of Agriculture and Consumer Services to study the importation of feral swine into North Carolina.

**HB 1388: Brownfields Property Notifications**

Chapter No. 181

Rep. Susan Fisher

Expands the public notice requirement for developers intending to redevelop a brownfield property.

**SB 7: Hunting on Sunday**

Sen. Julia Boseman

Repeals the law prohibiting hunting on Sunday.

**HB 1253, SB 515 and SB 739: Penning of Wildlife**

Rep. Ty Harrell, Sen. Neal Hunt and Sen. Vernon Malone

Prohibits the placing of live foxes or coyotes in enclosed areas for the purpose of field trials or the training of dogs.

**SB 1009: Hunting License Exemption**

Chapter No. 248

Sen. A.B. Swindell

Authorizes the Wildlife Resources Commission to provide exemptions from hunting license requirements for special occasions.

**Reorganization and Coordination**

**HB 960: Sanitary District Quick Take**

Chapter No. 85

Rep. Rick Glazier

Allows Sanitary Districts the same power as all other units of local government in acquiring property by condemnation for water supply and distribution systems.

**HB 1099: Amends Environmental Laws**

Rep. Lucy Allen

Amends certain environmental and natural resources laws to repeal the requirement that seasonal state park employees wear a uniform vest; to require electronic reporting of environmental and blood lead test results; to clarify the fee structure for food and lodging permits; to revise the sunset provision for nutrient offset payments; to amend the Solid Waste Disposal Tax in order to streamline the process when a local government is served by a solid waste management authority; and to extend by one year the deadline for the development and implementation of a nutrient management strategy for certain drinking water supply reservoirs.



**SB 719: Amends Environmental Laws**

Sen. Daniel Clodfelter

Amends certain environmental and natural resources laws to repeal the requirement that seasonal state park employees wear a uniform vest; to require electronic reporting of environmental and blood lead test results; to clarify the fee structure for food and lodging permits; to provide that city and county building inspectors may use a third-party certification for parking lots and any bioretention areas; and to extend by two years the deadline for the development and implementation of a nutrient management strategy for certain drinking water supply reservoirs.

**HB 1200: Legislative Commission on Climate Change**

Rep. Pricey Harrison

Extends the Legislative Commission on Global Climate Change for an additional year.

**HB 1557: Department of Environment and Natural Resources**

Rep. Timothy Spear

Appropriates funds to the Department of Environment and Natural Resources for the state's resource conservation and development councils.

**SB 876: Consolidated Environmental Commission**

Sen. Daniel Clodfelter

Directs the Environmental Review Commission to study the feasibility of consolidating the state's environmental policy-making, rule-making and quasi-judicial functions into one comprehensive full-time Environmental Commission.

Solid Waste

**HB 759: ABC Recycling Stay Extension**

Chapter No. 105

Rep. Pryor Gibson

Extends the one-year stay on compliance with the mandatory recycling law for Alcoholic Beverage Control Commission (ABC) permittees to accommodate those permittees who do not have access to recycling services.

**HB 760: Pesticide Containers**

Rep. Pryor Gibson

Exempts pesticide containers from the prohibition on landfill disposal of rigid plastic containers.

**HB 810 and SB 1018: Plastic Bags**

Chapter No. 163

Rep. Pricey Harrison and Sen. Josh Stein

Prohibits a retailer from providing customers plastic bags unless the bag is a reusable bag or a compostable plastic bag, or the bag is used solely to hold sales of unpackaged portions of fresh fish or fresh fish products, fresh meat or fresh meat products, fresh poultry or fresh poultry products or fresh produce.

**HB 835: Sanitary Districts**

Rep. Marian McLawhorn

Creates a study commission to review North Carolina's Sanitary District laws and practice.

**HB 1218: Septage and Sludge on Public Grounds**

Rep. Cary Allred

Prohibits persons who have obtained a permit for the land application of sludge or septage from applying sludge or septage on any public parks, school grounds or athletic fields. The measure also requires the posting of public notices of the risks of toxic contaminants in sludge and septage.

**HB 1238: Recycling**

Rep. Cullie Tarleton

Facilitates solid waste reduction, reuse and recycling programs at large venues and large events.

**HB 1288: Plastic Bag Recycling**

Rep. Pricey Harrison

Requires certain retailers to implement a program to recycle the plastic bags provided to customers.

**HB 1354: Coal Ash Disposal**

Rep. Pricey Harrison

Clarifies and expands the requirements for the permitting of combustion products landfills and structural fill facilities in order to adequately protect the public health and environment. The bill also authorizes the Department of Environment and Natural Resources to charge and collect fees from operators of combustion products landfills and structural fill facilities and it directs the department to require monitoring and corrective action for existing combustion products surface impoundments, prohibit the construction of new coal combustion products surface impoundments and provide for the phasing out of existing combustion products surface impoundments.

**SB 641: Litter Reduction Act**

Sen. Doug Berger

Reduces roadside and other littering and encourages recycling by requiring a deposit on beverage containers and requiring redemption centers to accept returned beverage containers and refund the deposits.

## Water Quality and Pollution Control

### **HB 163 and SB 141: Well Water Testing**

Chapter No. 124

Rep. Roger West and Sen. John Snow

Requires the Commission for Public Health to adopt rules concerning when testing is required for volatile organic compounds in newly constructed private drinking water wells.

### **HB 169: Drinking Water Test**

Rep. Pricey Harrison

Modifies the testing of newly constructed private drinking water wells for certain volatile organic compounds by giving the local health director the authority to determine when testing for these compounds is necessary in order to protect public health.

### **HB 239 and SB 166: Jordan Reservoir**

Chapter No. 216

Rep. Lucy Allen and Sen. Tony Foriest

Provides for improvements in the management of the Jordan Watershed in order to restore water quality in the Jordan Reservoir.

### **HB 319 and SB 383: Wastewater Projects**

Rep. Bill Owens and Sen. John Snow

Appropriates \$50,000,000 for the 2009-2010 fiscal year for grants to local government units for wastewater-related and public water system-related projects.

### **HB 668: Montgomery Water Resources**

Rep. Melanie Goodwin

Authorizes Montgomery County to impose an annual privilege license tax on a business that withdraws at least 10,000,000 gallons of water a day from local water resources.

### **HB 846: Water and Wastewater Infrastructure**

Rep. James Crawford, Jr.

Establishes the Legislative Study Commission on Water and Wastewater Infrastructure to assess the state's need for the funding of water and wastewater infrastructure.

### **HB 1011: Stormwater Assessment**

Chapter No. 293

Rep. Dan Blue

Provides for assessments by the City of Raleigh to owners of stormwater facilities.

**HB 1100: Stormwater Controls for Compost**

Chapter No. 322

Rep. Lucy Allen

Directs the Department of Environmental and Natural Resources to protect water quality by establishing stormwater control best management practices and water treatment processes for composting operations.

**HB 1101 and SB 907: Water Resource Policy**

Chapter No. 293

Rep. Lucy Allen and Sen. Daniel Clodfelter

Enacts the Water Resource Policy Act of 2009 to regulate water withdrawal.

**HB 1566: Stormwater Controls Study**

Rep. Cary Allred

Authorizes the Legislative Research Commission to study the feasibility of tax credits for the installation of innovative, low impact development stormwater management systems.

**HB 1567: Stormwater Controls Tax Break**

Rep. Cary Allred

Provides a tax credit for the installation of innovative stormwater management systems.

**HB 1638 and SB 753: State Water Infrastructure Commission**

Rep. Ruth Samuelson and Sen. Daniel Clodfelter

Expands the duties of the State Water Infrastructure Commission by providing that the Commission shall also serve as lead coordinator for water and wastewater infrastructure funding. The bill also appropriates funds for the Commission to hire a permanent staff to assist with the duties of the Commission.

**SB 101: Interconnection of Public Water Systems**

Sen. Fletcher Hartsell, Jr.

Requires the interconnection of public water systems or wastewater systems to regional systems when necessary in order to promote public health, protect the environment and ensure compliance with drinking water rules. This legislation also requires that an analysis of reasonable alternatives be done before constructing or altering a public water system.

**SB 126: Drinking Water Testing**

Sen. Phillip Berger

Amends the testing requirements for newly constructed private drinking water wells following issuance of a certificate of completion.

**SB 568: Water Resource Privilege Tax**

Sen. Stan Bingham

Authorizes Davidson and Stanly Counties to impose a privilege license tax on a business that withdraws at least 10,000,000 gallons of water a day from local water resources.

**SB 757: Statewide Water Plan**

Sen. Daniel Clodfelter

Directs the State Water Infrastructure Commission to develop a statewide strategic plan and needs assessment for water and wastewater infrastructure funding.

**SB 792: Water Infrastructure Authority**

Sen. Fletcher Hartsell, Jr.

Establishes the North Carolina Water and Wastewater Infrastructure Authority to administer the state's funding for water and wastewater infrastructure projects. The bill also transfers annually \$25,000,000 from the Clean Water Management Trust Fund to the Water Infrastructure Fund in order to provide grants and loans for water and wastewater infrastructure projects.

**SB 1020: Upper Neuse River Basin Clean Water Credits**

Sen. Josh Stein

Protects and restores water quality and quantity in the Upper Neuse River Basin, Falls Lake and other drinking water supply reservoirs by directing the Environmental Management Commission to provide credit to local governments, landowners and others who reduce water pollution in the Upper Neuse River Basin.

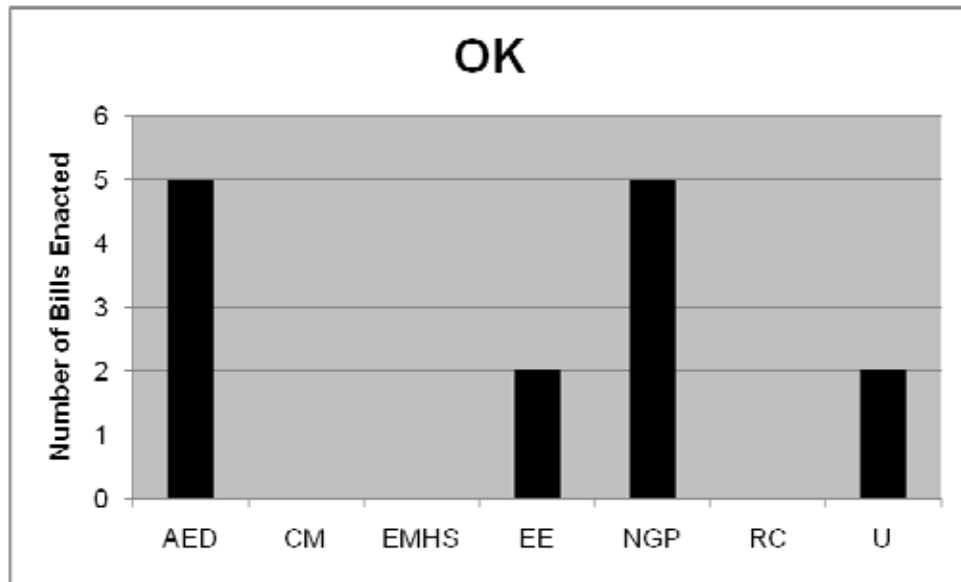


# Oklahoma

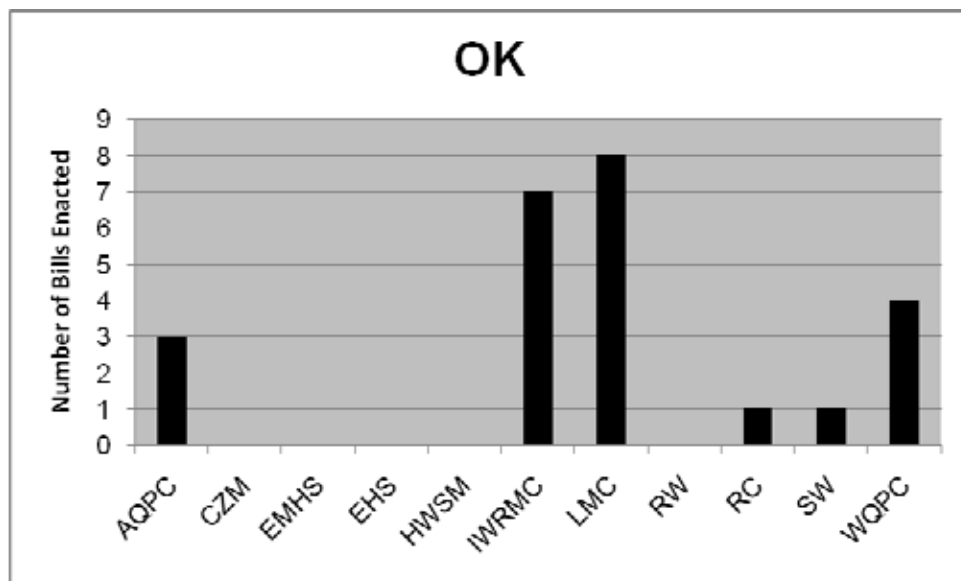
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## Legislation Category Comparison

### Energy Legislation



### Environmental Legislation



# Oklahoma

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## Energy Legislation

### Alternative Energy Development

#### **HB 1949: Clean-Burning and Electric Motor Vehicles**

Speaker Chris Benge

Extends the duration of existing tax credits for investments in qualified clean-burning and electric motor vehicle property. Also adds hydrogen fuel cell vehicles to the list of qualified clean-burning motor vehicles.

#### **HB 1952: Alternative Fueling Infrastructure**

Speaker Chris Benge

Allows the Department of Central Services to construct, install, acquire, operate and provide alternative fueling infrastructure for use by state agencies or for leasing and transferring to political subdivisions of the state.

#### **HB 1953: Oklahoma Quality Jobs Act**

Speaker Chris Benge

Redefines the basic industry definition in the Oklahoma Quality Jobs Act to include the NAICS wind energy codes relating to support, repair and maintenance for the wind industry.

#### **SB 827: Corporation Commission**

Sen. Mike Schulz

Authorizes the Corporation Commission to employ one person to serve as a senior-level electric transmission system advisor to monitor state, regional and federal activities relating to access to and reliability of the electric transmission system. This is an effort to provide safe, reliable, economical electric energy to all the citizens of this state and to promote the development of transmission infrastructure to support expansion of wind energy facilities.

#### **SB 953: Oklahoma Clean Energy Independence Commission**

Sen David Myers

Creates the Oklahoma Clean Energy Independence Commission in order to make a significant contribution to the nation's efforts towards clean energy independence within the next five years.



## Energy Efficiency

### **SB 293: Energy Conservation**

Sen. Sean Burrage

Allows municipally owned utilities, public trusts thereof or the Grand River Dam Authority to expend funds to assist consumers in the establishment of energy conservation activities, provided there is a defined and measurable conservation of energy.

### **SB 833: Energy Efficiency and Conservation**

Sen. Brian Bingman

Requires each state agency to develop and implement an energy efficiency and conservation plan in order to reduce both electrical and fuel consumption, provide for purchasing preferences for energy-efficient products, evaluate and use on-site renewable energy for space conditioning and water heating, provide for purchasing preferences for vehicles that use alternative fuel sources and provide a preference for the use of alternative energy sources.

## Natural Gas and Petroleum

### **HB 1004: Petroleum Refinery Journeyman**

Rep. Danny Morgan

Establishes a maximum apprentice-to-journeyman ratio of five to one for petroleum refinery journeyman licensees.

### **HCR 1019: Natural Gas Vehicles**

Speaker Chris Bengé

Urges the United States Environmental Protection Agency to continue a natural gas vehicle research, development and demonstration funding program.

### **HCR 1012: Hydraulic Fracturing**

Rep. Mike Thompson and Sen. Brian Bingman

Urges the Congress of the United States not to remove the exemption of hydraulic fracturing from the provisions of the Safe Drinking Water Act.

### **HCR 1036: Federal Tax Incentives**

Rep. Mike Thompson

Urges the United States Congress to refrain from reducing or repealing federal tax incentives for the exploration and production of domestic oil and natural gas and to take such action as is necessary to maintain the current tax incentives for the exploration and production of domestic oil and natural gas.

### **SB 313: Gross Production Tax Exemption Extension**

Sen. Brian Bingman

Extends the time period for the gross production tax exemption for oil and gas from inactive wells to wells where reestablished or enhanced production is reinstated.

## Utilities

### **SB 303: Expiration of Franchise**

Sen. Brian Bingman

Prohibits any retail electric supplier that is or has been operating under a franchise granted by the voters of a municipality from providing electricity within the boundaries of the municipality upon the expiration of such franchise.

### **SB 54: Oklahoma Highway Remediation and Cleanup Services Act**

Sen. Kenneth Corn

Exempts discharges or spills from vehicles, cargo or electrical equipment under the control of an electric utility from the provisions of the Oklahoma Highway Remediation and Cleanup Services Act.

# Oklahoma

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## Environmental Legislation

### Air Quality and Pollution Control

#### **HCR 1035: Cap and Trade System**

Rep. Mike Thompson

Opposes the implementation of a cap-and-trade system on greenhouse gas emissions as proposed by the President of the United States in the American Clean Energy and Security Act of 2009 and urges Congress not to enact this or similar legislation that may be proposed in the future.

#### **SB 679: Carbon Capture and Storage**

Sen. David Myers

Recreates the Oklahoma Geologic Storage of Carbon Dioxide Task Force that will study any issues necessary to implement the transmission and storage of carbon dioxide in geologic formations, including insurance, liability and ownership relating to long-term carbon dioxide storage facilities.

#### **SB 610: Oklahoma Carbon Capture and Geologic Sequestration**

Sen. David Myers

Establishes the Oklahoma Carbon Capture and Geologic Sequestration Act in order to begin efforts to capture, purify, compress, transport, inject and store carbon dioxide. This action is to enhance the production of oil and natural gas, further the production of natural resources and provide opportunities for economic growth and development for the state.

### Inland Water Resource Management and Conservation

#### **HB 1017: Scenic Rivers Commission**

Rep. John Wright

Re-creates the Scenic Rivers Commission in accordance to the provisions of the Oklahoma Sunset Law.

#### **HB 1121: Scenic Rivers Act**

Rep. Ken Miller and Sen. Mike Johnson

Allows expenditures made pursuant to the provisions of the Scenic Rivers Act to be spent for water quality monitoring, streambank stabilization projects and riparian area protection agreements located within the drainage basin of a scenic river that will stop degradation or improve the water quality of a scenic river.

#### **HCR 1026: Lockage Fee**

Rep. Tad Jones and Sen. Glenn Coffee

Expresses the state legislature's opposition to the proposed lockage fee for shippers on the McClellan-Kerr Arkansas River Navigation System.

**HB 1884: Dam Study Group**

Rep. Phil Richardson

Directs the Oklahoma Water Resources Board and the Oklahoma Conservation Commission to conduct a study on ways to reduce dams that are reclassified as high-hazard dams, to formulate a plan to educate the public on the dangers of construction downstream from a dam and to make recommendations to the legislature.

**HCR 1029: McClellan-Kerr Arkansas Navigation System**

Rep. Tad Jones and Sen. Glenn Coffee

Requests the Congress of the United States to immediately allocate sufficient funding for all critical maintenance needs on the McClellan-Kerr Arkansas Navigation System.

**SB 277: License Requirement**

Sen. Mike Schulz

Requires a person who assists, accompanies, transports, guides or aids persons in the taking of fish for compensation or other considerations to first procure a license from the Department of Wildlife Conservation.

**SB 428: Scenic Rivers**

Sen. Jerry Ellis

Prohibits the use of glass containers in any boat, canoe, raft or inflatable watercraft in a scenic river area or on the Lower Mountain Fork River, south of the Broken Bow Lake Reregulation Dam to United States Highway 70.

**Land Management and Conservation**

**HB 1464: Black Bear Hunting**

Rep. R.C. Pruett

Requires that a license must be obtained in order to hunt black bear and provides a license fee for residents of the state of \$100 and non-residents \$500.

**HB 1465: Furbearer Hunting**

Rep. R.C. Pruett

Extends the hunting season for furbearers from the end of January to the end of February.

**HB 1761: Bow Hunting**

Rep. John Enns

Grants the Director of the Department of Wildlife Conservation authority to permit people that are disabled or over 60 years old to hunt wildlife using a conventional longbow with a device that permits the bow to be held mechanically at full or partial draw.

**HB 2154: Commercial Hunting Areas**

Rep. Don Armes

Increases the fine for trespassing in a farmed cervidae/big game commercial hunting area from \$1,500 to \$2,500 for the minimum fine and from \$5,000 to \$10,000 for the maximum fine.

**HB 2158: Depredation by Airplane**

Rep. Don Armes

Authorizes the Oklahoma Department of Agriculture, Food and Forestry to issue permits that will allow for the depredation of animals by airplane.

**HCR 1042: Army Corps of Engineers**

Rep. Glen Bud Smithson and Sen. Roger Ballenger

Encourages the United States Congress to pass legislation requiring the sale of some or all of the thousands of acres of federal land located around lakes and owned by the United States Army Corps of Engineers to private individuals or companies.

**SB 1031: Hunting and Fishing Licenses**

Sen. John Sparks

Increases the fee for a hunting/fishing license. The bill also allocates \$5 of each license fee to the Oklahoma Wildlife Land Stamp Fund.

**SB 446: Oklahoma Brownfields Voluntary Redevelopment Act**

Sen. Brian Bingman

Alters the requirements of proposals submitted to the Department of Environmental Quality for risk-based remediation of a brownfield site or for a no action necessary determination.

Reorganization and Coordination

**SB 349: Permit Notice**

Sen. David Myers

Clarifies that any notice the Department of Environmental Quality files or causes to be filed in the land records of a county will run with the land.

Solid Waste

**HB 1872: Swine Waste**

Rep. Jeffrey Hickman

Requires that a person who obtains swine waste for land application from a feeding operation maintain records on the waste analysis, land application requirements, soil test results and application schedule.

## Water Quality and Pollution Control

### **HB 1483: Water Rights**

Rep. Dale DeWitt

Declares that no out-of-state water permit shall impair the ability of the state of Oklahoma to meet its obligations under any interstate stream compact or impair the obligations of the United States. Additionally, the Oklahoma legislature must approve permits for use of water apportioned to the state of Oklahoma by an interstate compact.

### **HB 1885: Water Quality**

Rep. Phil Richardson

Requires the Oklahoma Department of Agriculture, Food and Forestry to determine if there is a willingness among agriculture producers in Oklahoma to institute a voluntary program to reduce the liability of landowners through the establishment of best management practices which would address water quality issues.

### **SB 551: Department of Environmental Quality**

Sen. David Myers

Exempts certain contracts not exceeding \$100,000.00 from the Public Competitive Bidding Act of 1974 and Public Building Construction and Planning Act. This exemption pertains to contracts entered into by the Department of Environmental Quality for engineering services to assist small municipalities or rural water or sewer districts with engineering reports or plans needed for construction or repairs to comply with federal and state public water supply or wastewater laws and regulations.

### **HCR 1027: Clean Water Restoration Act**

Rep. John Enns

Expresses the Oklahoma legislature's opposition to the Clean Water Restoration Act and urges Congress not to enact it or similar legislation that may be proposed in the future.

# Puerto Rico

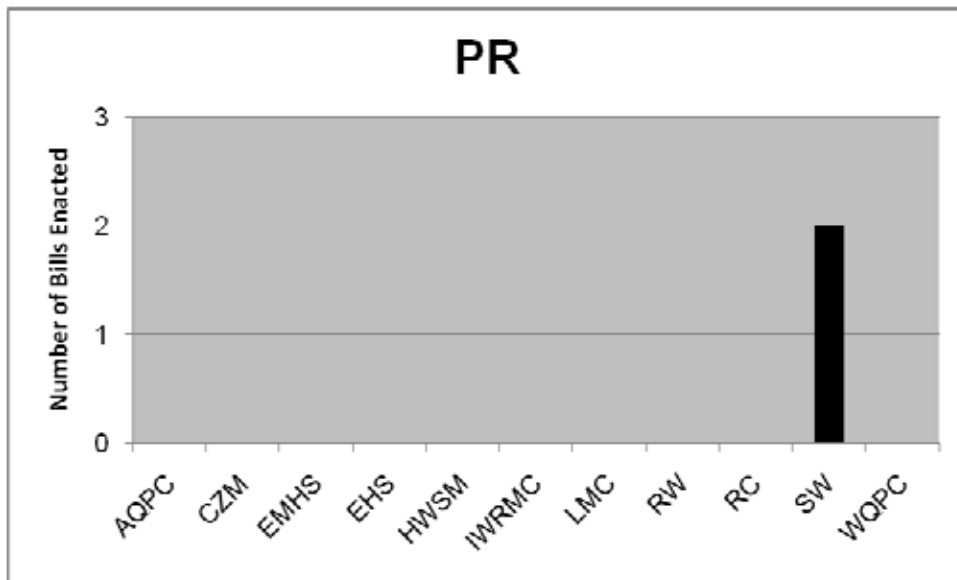
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## Legislation Category Comparison

### Energy Legislation

Puerto Rico did not pass any bills related to energy during the 2009 legislative session.

### Environmental Legislation



# Puerto Rico

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## Energy Legislation

Puerto Rico did not pass any bills related to energy during the 2009 legislative session.

## Environmental Legislation

### Solid Waste

#### **House Bill 1648: Vehicle Tire Processing**

Rep. Jenniffer A. González Colón

Establishes the Law for the Adequate Processing of Vehicle Tires to streamline the process for oversight and permitting of tire disposal. More specifically, the bill updates incentives for development of tire recycling operations by creating a fund from fees collected for import into the market, updates requirements for use of recycled-tire materials by the government and strengthens the faculties for inspection by the regulating agencies.

#### **House Bill 1741: Plastic Bag Recycling**

Rep. Eric Correa Rivera

Amends the Puerto Rico Solid Waste Reduction and Recycling Act so that the State Solid Waste Management Authority, the municipal solid waste agencies and private businesses promote the establishment of plastic grocery bag recycling and the use of reusable bags.

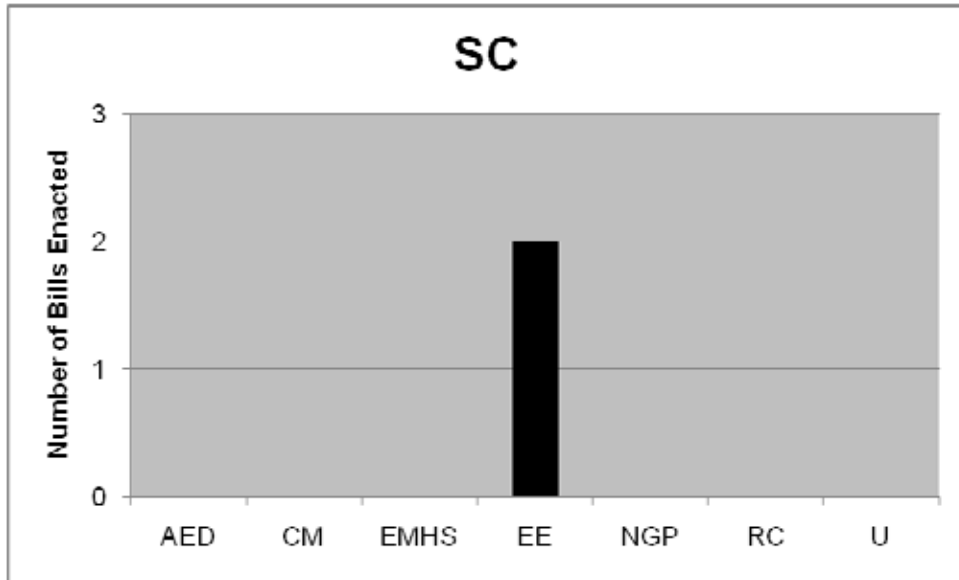


# South Carolina

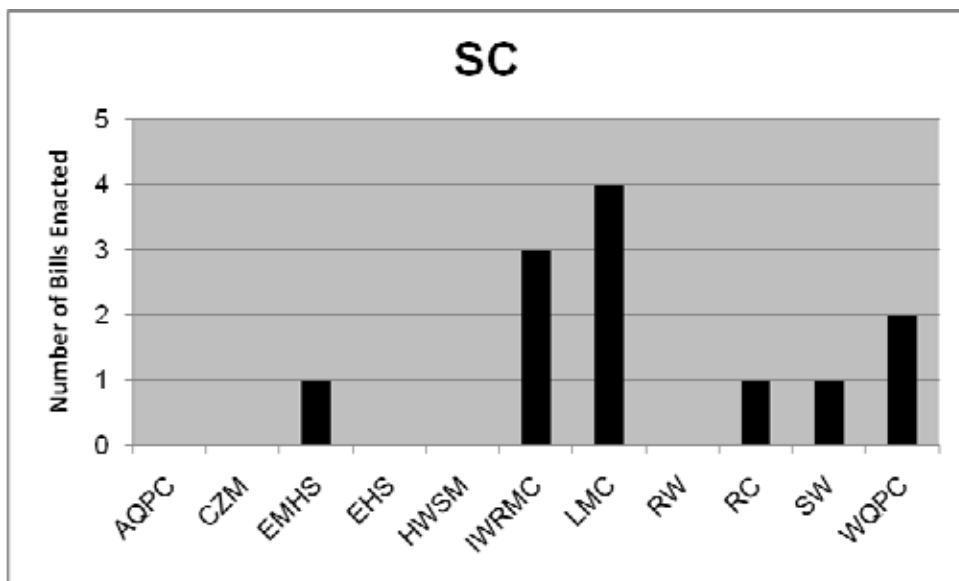
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## Legislation Category Comparison

### Energy Legislation



### Environmental Legislation



# South Carolina

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## Energy Legislation

### Energy Efficiency

#### **HB 3550: Energy Standards Act**

Rep. Harry Cato

Adopts the 2006 edition of the International Energy Conservation Code as the energy standard and requires all new and renovated buildings and additions constructed within the state to comply with this standard.

#### **SB 232: Plan for State Energy Policy**

Sen. W. Greg Ryberg

Adopts the Plan for State Energy Policy to implement a comprehensive state energy plan that maximizes, to the extent practical, environmental quality, energy conservation and energy efficiency and minimizes the cost of energy throughout the state.

# South Carolina

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## Environmental Legislation

### Emergency Management and Homeland Security

#### **HR 3508: Global Warming**

Rep. Liston Barfield

Urges the United States Congress to address global climate change through the adoption of a fair and effective approach that safeguards American jobs, ensures affordable energy for citizens and maintains America's global competitiveness.

### Inland Water Resource Management and Conservation

#### **HB 3635: Saltwater Fishing**

Rep. Kenneth Hodges

Requires both residents and nonresidents to acquire either an annual recreational saltwater fishing license or a temporary recreational saltwater fishing license. Exceptions are made for fisherman fishing from a licensed charter fishing vessel or from a licensed public fishing pier, drop net fisherman using no more than three drop nets, fold up fisherman using no more than three fold up traps, hand line fisherman using no more than three hand lines with a single bait each and no hooks and fisherman taking shrimp with bait.

#### **HB 3572: Crappie and Flounder**

Rep. C. David Umphlett

Makes it unlawful to take or possess more than 20 crappie per day and to take or possess crappie less than 8 inches in total length. Additionally, directs the Department of Natural Resources to establish the Flounder Population Study Program in order to study the effects of flounder catch limits and the effects on summer flounder of artificial illumination powered by generators.

#### **SB 793: Beaufort-Jasper Water and Sewer Authority**

Sen. Clementa Pinckney

Creates the Beaufort-Jasper Water and Sewer Authority, whose function is to acquire and distribute supplies of water within its service area. To that end, the authority is empowered to construct such reservoirs, wells, treatment facilities, impounding dams or dykes, canals, conduits, aqueducts, tunnels, water distribution facilities, water mains and water lines and appurtenant facilities, as necessary, and to acquire such land, rights-of-way, easements, machinery, apparatus and equipment as is useful.

## Land Management and Conservation

### **HB 3794: Wildlife Management Areas**

Rep. C. David Umphlett

Requires the Department of Natural Resources to acquire sufficient wildlife habitat through lease or purchase or otherwise to establish wildlife management areas for the protection, propagation and promotion of fish and wildlife, and for public hunting, fishing and other natural resource dependent recreational use.

### **HB 3121: Turtlenapping**

Rep. James E. Smith, Jr.

Makes it unlawful for a person, or a group of individuals traveling in one vehicle, to remove, or attempt to remove from this state more than a total of ten turtles at one time, with a maximum of twenty turtles per year. This applies to any combination of the following species: yellowbelly turtle (*Trachemys scripta*), Florida cooter (*Pseudemys floridana*), river cooter (*Pseudemys concinna*), chicken turtle (*Deirochelys reticularia*), eastern box turtle (*Terrapene carolina*), eastern painted turtle (*Chrysemys picta*), spiny softshell turtle (*Apalone spinifera*), Florida softshell turtle (*Apalone ferox*) and common snapping turtle (*Chelydra serpentina*).

### **HB 3651: Forestry Activities**

Rep. Jeff Duncan

Prohibits a county or municipality from adopting or enforcing any ordinance, rule, regulation, resolution or permit related to forestry activities on forestland that is taxed on the basis of its present use value as forestland, is managed in accordance with a forest management plan, is certified under the Sustainable Forestry Initiative, the Forest Stewardship Council, the American Forest Foundation Tree Farm System or any other nationally recognized forest certification system, is subject to a legally binding conservation easement under which the owner limits the right to develop or subdivide the land or is managed and harvested in accordance with the best management practices established by the State Commission of Forestry.

### **HJR 3483: Right to Hunt**

Rep. W. Brian White

Amends the State Constitution by adding a section which provides that hunting and fishing are valuable parts of the state's heritage, important for conservation, and a protected means of managing nonthreatened wildlife. Also provides that the citizens of South Carolina shall have the right to hunt, fish and harvest wildlife traditionally pursued, subject to laws and regulations promoting sound wildlife conservation and management.

## Reorganization and Coordination

### **HB 3556 and SB449: Western Carolina Regional Sewer Authority**

Rep. Dwight Loftis and Sen. Michael Fair

Changes the name of the Western Carolina Regional Sewer Authority to Renewable Water Resources.

## Solid Waste

### **SR 682: South Carolina Recyclers**

Sen. John Courson

Declares Tuesday April 21, 2009 as South Carolina Recyclers' Day and commends South Carolina's recyclers for their contributions to the state's economy and for their efforts to protect the environment and promote energy efficiency.

## Water Quality and Pollution Control

### **HB 3957: Oyster Factories**

Rep. Bill Herbkersman

Authorizes the Department of Health and Environmental Control to use qualified local personnel to assist the department with the monitoring of water quality and other environmental standards in localities where an oyster factory operates on a navigable river.

### **HJR 3730: American Recovery and Reinvestment Act**

Rep. Dan Cooper

States that all funds received under the American Recovery and Reinvestment Act of 2009 for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund may be received and expended pursuant to provisions of the Recovery Act for so long as monies are available.

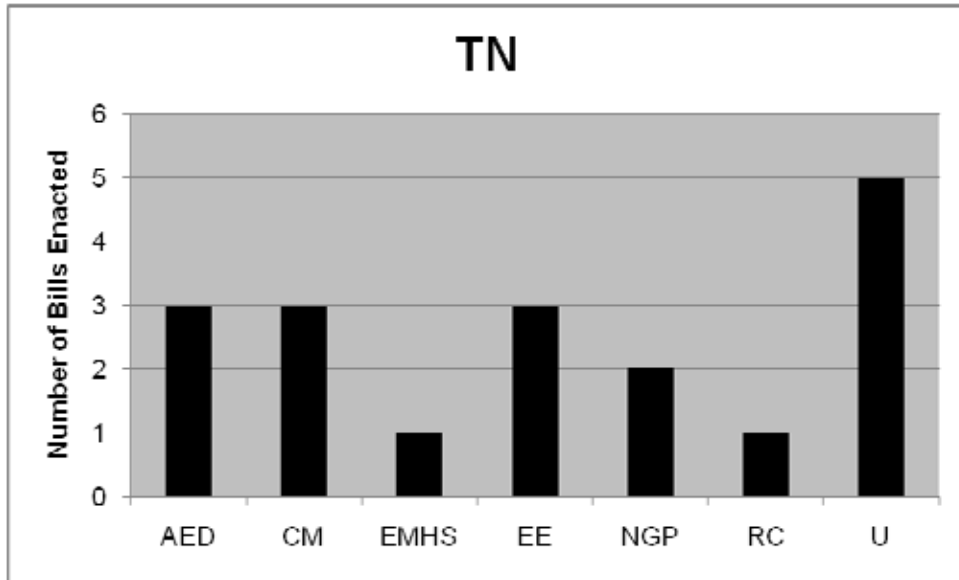


# Tennessee

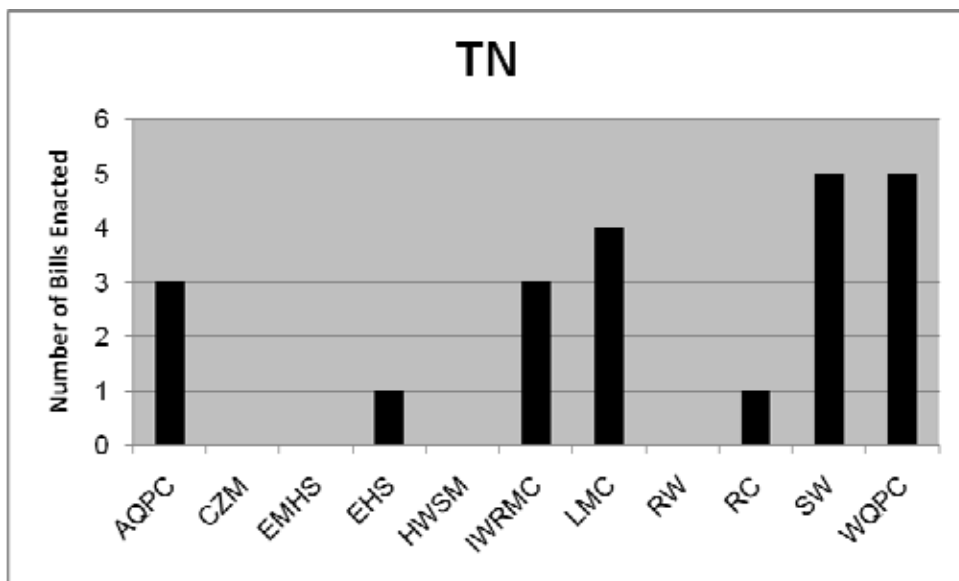
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## Legislation Category Comparison

### Energy Legislation



### Environmental Legislation



# Tennessee

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## Energy Legislation

### Alternative Energy Development

#### **SB 973: Natural Gas Vehicles**

Sen. Jim Tracy

Authorizes utility districts to own and operate natural gas vehicle fueling stations.

#### **SB 1931: Blended Gasoline**

Sen. Jamie Woodson

Requires all refiners, suppliers and permissive suppliers in this state to make available to any wholesaler all grades of gasoline and diesel in such condition that the wholesaler may blend ethanol or other biological products to create grades of petroleum products generally available for sale by retailers in this state. In addition, gasoline products must be made available with sufficient detergent additives so that, after the addition of ethanol, the final product meets or exceeds the Lowest Additive Concentrations as required by the United States Environmental Protection Agency.

#### **HR 36: Green Jobs**

Rep. Barbara Cooper

Urges Tennesseans to consider the many benefits of green job growth in Tennessee.

### Coal and Minerals

#### **SB 138: Coal Tax**

Sen. Randy McNally

Increases the tax on coal products severed from the ground in this state and increases the amount of tax revenue allocated to the county from which the coal products were severed.

#### **SB 2294: Definition of Mineral**

Sen. Jim Kyle

Includes, within the definition of "Mineral," on any land on which the state, or any department, agency or other unit of state government, owns the surface interest, clay, stone, gravel, sand, phosphate rock, metallic ore and any other solid material or substance of commercial value found in natural deposits on or in the earth, but does not include coal.



### **HB 2300: Responsible Mining**

Rep. Mike Turner

Enacts the Responsible Mining Act of 2009, which requires that no permit shall be issued that would allow removal of coal from the earth by surface mining methods or surface access points to underground mining within 100 feet of the ordinary high water mark of any stream or allow overburden or waste materials from removal of coal by surface mining to be disposed of within 100 feet of the ordinary high water mark of a stream. The act, however, provides that a permit may be issued or renewed for stream crossings, including crossings for rail, utilities, pipelines and minor roads. Permits may also be issued or renewed for operations to improve the quality of stream segments previously disturbed by mining, and for activities related to the removal of coal from its original location, such as transportation, storage, coal preparation and processing, loading and shipping operations, if necessary due to site specific conditions that do not cause the loss of stream function and do not cause a discharge of pollutants in violation of water quality criteria. Nothing in this subdivision shall apply to placement of material from coal preparation and processing plants.

## **Emergency Management and Homeland Security**

### **HB 980: Tennessee Emergency Management Agency**

Rep. Steve McDaniel

Specifies that governmental utility systems and nongovernmental utilities that enter into mutual assistance agreements to provide aid or assistance to one another are eligible for reimbursement of all out-of-pocket costs incurred by the responding party. Also, the bill requires a separate agreement with regard to assistance provided to nongovernmental entities.

## **Energy Efficiency**

### **SB 395: Vending Machines**

Sen. Jim Tracy

Requires vending machines located on state property to either use energy efficient lights for advertising or have the lights used solely for advertising removed.

### **SB 2300: Tennessee Clean Energy Future**

Sen. Jim Kyle

Enacts the Tennessee Clean Energy Futures Act, which, inter alia, requires the Department of Finance and Administration to develop a plan for ensuring state-owned facilities have individual energy meters by 2010; includes an electric vehicle in the definition of "energy-efficient vehicle" for provisions governing energy-efficient state-owned vehicles; and requires that statewide building construction safety standards include provisions for energy efficiency.

### **SB 1919: Redevelopment Projects**

Sen. Jack Johnson

Clarifies that a housing authority may install, construct or reconstruct parks, public open spaces, public playgrounds, pedestrian ways and parking garages in accordance with a redevelopment plan, regardless of use. The bill also clarifies that the housing authority may pay expenses for relocation, administrative costs, planning and engineering costs, any energy efficiency costs and legal expenses associated with carrying out a redevelopment plan. The bill also grants a housing authority the power to pay Leadership in Energy and Environmental Design (LEED) costs, commissioning costs, costs of required documentation to meet LEED or other similar programs and fees associated with commissioning, as well as greening costs and energy modeling costs for LEED certification or similar programs. A housing authority may install, construct, add to, improve or reconstruct public infrastructure; and take all other necessary actions designed to further the goals and local objectives articulated in a redevelopment plan.

## Natural Gas and Petroleum

### **HB 383: Petroleum Contracts**

Rep. Charles Michael Sargent

Requires a termination date of no later than June 30, 2011 for any contract which is entered into by a municipality with other municipalities or financial institutions to stabilize the expense of purchasing gasoline and diesel fuel.

### **SB 2066: Landfill Methane**

Sen. Doug Overbey

Amends the Landfill Methane Development Act to include any natural gas stream consisting of a combination of refined landfill methane and natural gas. The act also states that the resulting use of such a gas stream, by any person purchasing or receiving such gas, shall be considered for all purposes to be the use of "natural gas" for any past or future permit granted by any agency of this state.

## Reorganization and Coordination

### **HB 1779: Utility Management Review Board**

Rep. Glen Casada

Changes the composition of the Utility Management Review Board by replacing one of the four seats that are held by experienced utility district managers with a consumer who is a Tennessee resident and who may have experience in residential development but is not engaged in utility district management or operation.

## Utilities

### **SB 2049: Wastewater Facilities**

Sen. Randy McNally

Reduces from three to two the number of consecutive years a utility district, water system or wastewater facility must have a negative change in net assets in order to be considered financially distressed.

### **HB 875: Utility Service Petitions**

Rep. Ryan Haynes

Requires that supplemental petitions for authority to furnish utility services be filed with the Utility Management Review Board simultaneously with the filing of the petition with the county mayor. The bill also specifies that the petitions will not be subject to approval or disapproval by the Board.

### **HB 876: Utility District Incorporation**

Rep. Ryan Haynes

This bill clarifies that if a utility district is a multi-county utility district, then the district must petition the county mayors of any counties in which the district is situated to approve any plan of the district to merge or consolidate with other utility districts, municipalities or counties. This bill further clarifies that the petition for merger or consolidation would not have to be submitted to the Utility Management Review Board for review and comment.

### **HB 1822: Huntsville Utility District**

Rep. Les Winningham

Specifies that the present law provision limiting the per meeting amount of \$250 for Huntsville Utility District commissioners in Scott County will be repealed if the commissioners of the Water and Sewer Utility District adopt a resolution applying the general law payment of \$300 per meeting to such commissioners by December 1, 2009.

### **SB 1089: Electric Generation Plants**

Sen. Randy McNally

Creates a new special purpose non-profit corporation for the purpose of owning and operating electric generation plants.

# Tennessee

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## Environmental Legislation

### Air Quality and Pollution Control

#### **SB 323: Air Pollution Control Board**

Sen. Jack Johnson

Authorizes the Air Pollution Control Board to provide an inspection and maintenance program in certain counties using enhanced technology of remote sensing devices. Also extends certain program contracts to comply with air quality criteria.

#### **HB 1250: Burning Wood Waste**

Rep. Charles Curtiss

Directs the Commissioner of Environment and Conservation to conduct a study concerning the exemption from the Tennessee Air Quality Act for the open burning of wood waste.

#### **HJR 413: Renewable Biomass**

Rep. Stratton Bone

Urges the United States Congress to change the definition of "renewable biomass" in the Clean Air Act to include forest biomass from privately-owned forests.

### Environmental Health Services

#### **HJR 323: Climate Change**

Rep. Steve McDaniel

Expresses the position that the United States and Tennessee should combat global climate change through the adoption of a fair and effective approach that safeguards American jobs, ensures affordable energy for America and maintains America's global competitiveness.

### Inland Water Resource Management and Conservation

#### **SB 2074: Tennessee Local Development Authority**

Sen. Randy McNally

Authorizes the Tennessee Local Development Authority to charge and collect reasonable administrative fees and expenses from local governments under the Wastewater Facilities Act of 1987 and from community public water systems under the Drinking Water Revolving Loan Fund Act of 1997. Such fees will not become part of the wastewater facility or the water system revolving loan funds.

**SB 2225: Commercial Fishing**

Sen. Dolores Gresham

Requires the Comptroller to conduct a study of the economic impact of commercial fishing in Tennessee and to report findings to the Senate and House Environment and Conservation Committees by January 15, 2010.

**HJR 284: Waterfowl Limits**

Rep. Michael Ray McDonald

Urges Wildlife Resources Commission to set daily bag limits and hunting seasons for migratory waterfowl at the maximum level permitted by the U.S. Fish and Wildlife Service.

## Land Management and Conservation

**HB 1424: Elk Hunting**

Rep. Ron Lollar

Increases the percentage from 10 percent to 20 percent for the proceeds allowed to be used by an organization to administer the sale or transfer of special elk-take permits issued to certain nonprofit wildlife conservation organizations.

**SB 1793: Park Rate Discount**

Sen. Roy Herron

Requires the Commissioner of the Department of Environment and Conservation to offer discounted rates to veterans who are Tennessee residents for activities at Tennessee state parks during the off season.

**SB 6: Park and Recreational Facilities Dedication**

Sen. Reginald Tate

Allows state, counties and municipalities to name parks and recreational facilities for living individuals as well as deceased.

**HJR 253: Horseback Riding Trails**

Rep. Bill W. Harmon

Urges the Department of Environment and Conservation to study the feasibility of developing horseback riding trails in certain portions of Fall Creek Falls State Park and South Cumberland State Park.

## Reorganization and Coordination

**SB 840: Tennessee Wildlife Resources Agency**

Sen. Doug Jackson

Establishes the Tennessee Wildlife Resources Agency as the exclusive agency to participate in the recovery of lead deposited on certain state property as the result of the discharge of a firearm at shooting ranges. The state's share of any profits from such reclamation are to be earmarked for scholastic clay target programs.

## Solid Waste

### **HB 1108: Recycling**

Rep. Mark L. Maddox

Exempts persons, firms or corporations dealing solely in recyclable aluminum cans from the requirements on scrap jewelry and metal dealers.

### **SB 185: Waste Generation**

Sen. Doug Jackson

Revises the requirements governing the exemption from local approval of solid waste facilities for private landfills by requiring that the waste be solely generated within the county.

### **SB 1559: Coal Ash Disposal**

Sen. Tim Burchett

Prohibits the Commissioner of the Environment and Conservation Committee from issuing a permit for the disposal of coal ash or for the expansion of an existing coal ash disposal facility unless the plans for the disposal facility include a liner and a final cap.

### **SB 2184: Littering**

Lt. Gov. Ron Ramsey

Allows the county mayor to authorize that proceeds from fines imposed for littering offenses be deposited in the general fund of the county where the offense occurred and designated for county operating costs in order to fund litter prevention, control and educational programs covered under present law. This bill further authorizes a county mayor to enter into agreements with city mayors or city managers as to disbursements of such monies when violations occur within municipal boundaries.

### **HR 182: Landfill Waste**

Rep. Joe McCord

Creates special house committee to study ways and means to reduce amount of waste disposed of in landfills in Tennessee.

## Water Quality and Pollution Control

### **SB 881: Alternatives to Discharging**

Sen. Bill Ketron

Expands the authority of the Water Quality Control Board concerning incentives for alternatives to discharges to surface waters.

### **SB 2038: Wastewater Facilities**

Sen. Mark Norris

Includes wastewater facilities within the definition of local government for the purposes of the Tennessee Local Development Authority Act, the Wastewater Facilities Act and the Drinking Water Revolving Loan Fund Act.

**SB 1312: Concentrated Animal Feed Operation**

Sen. Jim Tracy

Specifies that a permit will be required for construction, installation or operation of a concentrated animal feeding operation (CAFO) that discharges or proposes to discharge pollutants as defined by federal regulations for National Pollutant Discharge Elimination System (NPDES) permits. Under federal regulations, an owner or operator of a large CAFO does not need to seek coverage under an NPDES permit if the owner or operator receives an official determination that the CAFO has no potential to discharge manure, litter or process wastewater.

**HB 2294: Drinking Water Revolving Loan Fund**

Rep. John Litz

Requires that the Department of Environment and Conservation use any funds from the federal American Recovery and Reinvestment Act of 2009 to make loans and subsidize loans to local governments for wastewater facilities or the program for loans to water systems. The bill also authorizes the Department and the Tennessee Local Development Authority to use funds from the Act to make loans, subsidize loans and administer programs using the funds in accordance with federal law.

**SB 632: Wet Weather Conveyances**

Sen. Steve Southerland

Excludes "wet weather conveyances" from the definition of "waters" for purposes of the Water Quality Control Act. This bill requires the commissioner to develop protocols, guidance, qualifications and training necessary for persons to accurately make hydrologic determinations for streams, wetlands and wet weather conveyances. This bill defines "wet weather conveyance" as man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality, whose channels are above the groundwater table, which do not support fish or aquatic life and are not suitable for drinking water supplies.



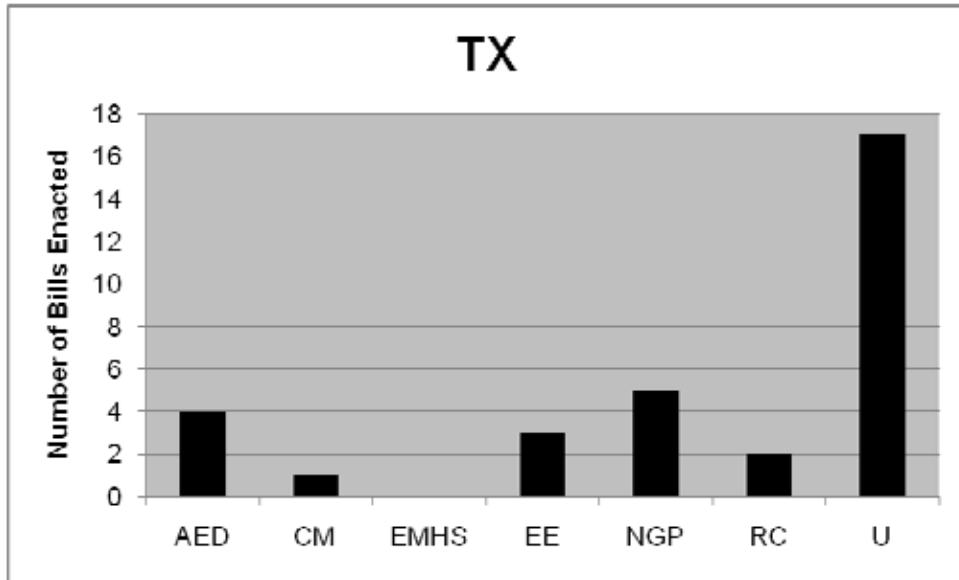


# Texas

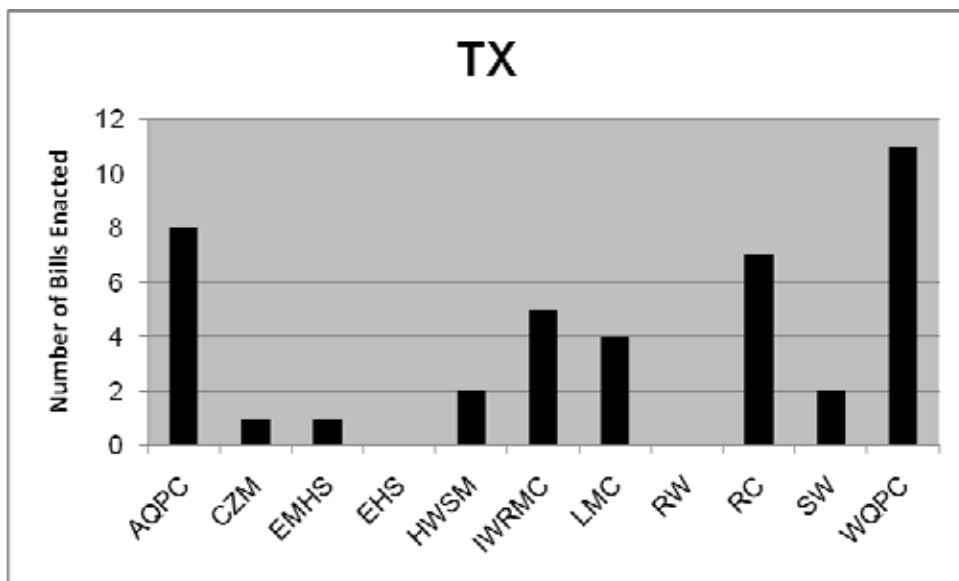
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## Legislation Category Comparison

### Energy Legislation



### Environmental Legislation



# Texas

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## Energy Legislation

### Alternative Energy Development

#### **HB 1731: Alternatively Fueled Appliances Rebate**

Rep. Jim Pitts

The Alternative Fuels Research and Education Division (AFRED) of the Railroad Commission of Texas was established to promote research and education about alternative fuels in the state. One of the main functions of AFRED is the division's management of the consumer rebate program for propane. This rebate program is funded from total dollars collected annually from 1/10 of one cent of propane sold. At the end of each fiscal year, the Railroad Commission sweeps any unspent consumer appliance program rebate funds and moves them into the next fiscal year as general available funds. This legislation allows for unused funds to be carried forward for use in the next fiscal year.

#### **HB 2318: Adding Methane to the Fuel Ethanol and Biodiesel Production Incentive Program**

Rep. David Swinford

Amends the Agriculture Code to modify the Fuel Ethanol and Biodiesel Production Incentive Program by adding renewable methane to the types of fuels eligible for renewable energy incentives through the Texas Department of Agriculture (TDA). The bill requires producers to pay a fee of 3.2 cents per gallon and TDA to pay producers 20 cents for each Million British thermal units (MMBtu) of renewable methane produced. The bill also reduces the amount of incentive money paid to biodiesel producers to 10 cents per gallon of biodiesel produced and to a fee of 1.6 cents for each gallon.

#### **HB 2582: Definition and Qualifications of “Renewable Diesel”**

Rep. Yvonne Gonzalez Toureilles

Adds “renewable diesel” to the definition of fuels that qualify under the producer incentive program. “Renewable diesel” will allow second and third generation biofuels to qualify for Texas’ programs and further encourage economic development and enhance the market for Texas’ agricultural products.

#### **HB 4031: Agricultural Biomass and Landfill Diversion Incentive Program**

Rep. Brian McCall

Expands the types of biomass to which, and the types of recipients to whom, the agricultural biomass and landfill diversion incentive program applies. The bill adds co-firing biomass, new types of crop residues and wood waste. The legislation also adds a renewable biomass aggregator and bio-coal fuel producer as a qualified grant recipient.

## Coal and Minerals

### **SB 1711: Use of Surface Mining Reservoirs**

Sen. Glenn Hegar

Authorizes a person to construct or maintain a reservoir to use sedimentation pond water to satisfy environmental and safety laws and regulations, under the Texas Surface Coal Mining and Reclamation Act, which apply to a surface coal mining operation. This includes fire and dust suppression.

## Energy Efficiency

### **HB 1937: Renewable Energy Financing Options**

Rep. Mike Villarreal

Gives cities a new tool to help homeowners make their homes more energy efficient or to install renewable energy devices on their homes. This legislation authorizes a municipality to create a district where property owners and authorized municipal officials may enter into contracts for the assessment of properties in order to finance energy efficiency improvements. It also allows a municipality to impose an assessment only with the consent of the owner of the assessed property at the time of the assessment. This allows the homeowner to pay for the cost of the energy efficient improvements or renewable device installation by paying through their property taxes.

### **HB 2667: Adopting National Standards for Plumbing Fixtures**

Rep. Allan Ritter

Clarifies and sets out the national standards by which plumbing fixtures will be produced and tested, per the American Society of Mechanical Engineers and American National Standards Institute. This bill establishes a phase-in of high efficiency plumbing fixtures brought into Texas, which will allow manufacturers time to change their production and allow retailers the opportunity to turn over their inventory. The measure also creates an exemption for manufacturers that volunteer to register their products with the United States Environmental Protection Agency's WaterSense Program, thereby resulting in additional water savings. This bill repeals the Texas Commission on Environmental Quality certification process for plumbing fixtures since the plumbing fixtures must meet national certification and testing procedures.

### **HB 3353 and SB 2182: Environmental Services Fees at Colleges and Universities**

Rep. Elliott Naishtat and Sen. Eliot Shapleigh

Implements an environmental service fee at institutions of higher education to encourage reduction of energy consumption, pollution and waste. Additional funds from collected fees may be used for campuses to upgrade current facilities so that they will comply with new environmental regulations. A majority of the institution's student body must approve the fee before it is applied.

## Natural Gas and Petroleum

### **HB 472: Common Carriers**

Rep. Harvey Hilderbran

Reenacts part of the Natural Resources Code, providing that a common carrier or pipeline owner or operator that makes a contamination report would be released from all liability for that contamination or its cleanup, except for contamination caused by the common carrier or pipeline owner or operator. The bill allows the Railroad Commission (RRC) to use money from the oil-field cleanup fund, up to the amount collected for reporting fees, to implement the contamination report provisions.

### **HB 4433: Oil & Gas Severance Tax**

Rep. Eddie Rodriguez

Amends the tax code to exempt oil and gas incidentally produced in association with the production of geothermal energy from severance taxes.

### **HB 1883: Intrastate Natural Gas Pipelines**

Rep. David Farabee

This bill authorizes the Railroad Commission of Texas to review a certification made by a person who transports natural or synthetic gas and, after notice and opportunity for a hearing, to determine whether that person is eligible for an exemption from provisions normally applicable to a gas utility.

### **HB 4300: Pipeline Operator Safety Activities**

Rep. Abel Herrero

Amends current law to permit pipeline operators greater flexibility in conduction liaison activities. This action will bring Texas law more in line with new federal and state regulatory requirements and will allow operators to get key pipeline safety information to emergency responders in a more efficient, expedited and less burdensome manner.

### **SB 1658: Natural Gas Pipeline Inspections**

Sen. Kip Averitt

Raises the cap on the pipeline safety user inspection annual fee from its level of 50 cents to one dollar per distribution service line reported by a natural gas distribution system to allow the safety program to grow in the coming years. The fee is a direct pass-through to the natural gas distribution end-use consumers.

## Reorganization and Coordination

### **SB 1826: Amends the Definition of Certain Facilities Not Considered a Gas Utility**

Sen. Joan Huffman

Amends the statute governing when a company, limited liability company, private corporation or individual operating a natural gas or liquefied natural gas pipeline or an underground storage facility is excluded from being considered a gas utility.

### **HB 1799: Electric Utility Bill Disclosure**

Rep. Dwayne Bohac

Requires retail electric providers to include on the first page of each residential customer's bill, in at least 12-point font, a statement that reads: "For more information about residential electric service please visit [www.powertochoose.com](http://www.powertochoose.com)." This bill provides that this provision expires September 1, 2011.

## Utilities

### **HB 783: Liability for Certain Utilities**

Rep. Joseph Pickett

Provides that a public utility in the City of El Paso, as the owner, easement holder, occupant or lessee of land, may allow public use of the premises for recreation. Also releases the utility from liability for actions of those who access the land.

### **HB 1822: Utility Bill Terminology**

Rep. Burt Solomons

Amends the Utilities Code to require the Public Utility Commission of Texas to define common terms used by certificated telecommunications utilities, retail electric providers and electric utilities in retail bills.

### **HB 2052: Electric Service Reliability Measures**

Rep. Harvey Hilderbran

The Public Utility Commission of Texas is required to take enforcement action against an electric utility or a transmission and distribution utility if any feeder with 10 or more customers appears on the utility's list of worst 10 percent performing feeders for any two consecutive years or has had a system-average interruption duration index or system-average interruption frequency index average that is more than 300 percent greater than the system average of all feeders during any two year period. This legislation removes only the "worst 10 percent performing feeders" criteria. This bill amends current law relating to electric service reliability measures.

### **HB 2572: Rights-of-Way for Gas Utilities and Corporations**

Rep. Yvonne Gonzalez Toureilles

Provides that a gas corporation has the right to lay and maintain pipelines over, under and across certain roads, railroads, bodies of water, streets or alleys as long as in compliance with all applicable agency regulations.

### **HB 3435: Impact Fee Exemptions**

Rep. Mike Hamilton

Exempts certain utility property from impact fees and assessments in certain water districts.

**HB 2609: Trespass by Utility Employee**

Rep. Doug Miller

Makes trespass on residential land, agricultural land, a recreational vehicle park or a building, a Class B misdemeanor, except when committed on agricultural land within 100 feet of the boundary of the land or on residential land within 100 feet of a protected freshwater area. At that point it becomes a Class C misdemeanor, thereby authorizing a peace officer to issue a ticket for the offense. The bill also creates an affirmative defense to prosecution if the actor is an employee of an electric or gas utility or other entity that has authorization to enter the land and the actor is performing a duty within the scope of the actor's employment.

**HB 3309: Certificate of Convenience and Necessity Proceedings**

Rep. Dan Gattis

Amends the Utilities Code to require the Public Utility Commission of Texas to consolidate a Certificate of Convenience and Necessity (CCN) application proceedings for the construction of transmission lines, if it is apparent that the lines are the subject of separate proceedings and share a common point of interconnection.

**HB 3661: Fire Hydrants**

Rep. Sylvester Turner

Requires the regulatory authority for a public utility to adopt standards for the installation of fire hydrants and maintenance of sufficient water pressure for service to such hydrants.

**SB 769: Electric Utility Cost Recovery**

Sen. Tommy Williams

Authorizes the Public Utility Commission of Texas (PUC) to permit an electric utility to obtain timely recovery of its system restoration costs without having to file a general rate case and to use securitization financing for that recovery. The bill also authorizes the PUC to require a utility to file for a securitization financing order to create benefits to ratepayers.

**SB 874: Drainage Fees**

Sen. Eliot Shapleigh

Exempts property owned by a county in which exists a municipality with a population over 500,000 within 50 miles of an international border, from municipal utility drainage service charges and all ordinances, resolutions and rules adopted under provisions relating to municipal drainage utility systems.

**SB 1047: Procurement Methods of Municipally Owned Utilities**

Sen. Eddie Lucio, Jr.

Adds the Brownsville Public Utilities Board to the list of local governmental entities eligible to establish design-build procedures for civil works projects.

**HB 4043: Notice of location within a Certificate for Convenience and Necessity (CCN)**

Rep. Bill Callegari

A retail public utility must obtain a CCN to provide water and sewer service for a given area. Current law requires that a seller of real property located within the CCN of a retail public utility, other than a water district, provide a purchaser with written notice regarding the property's location within a CCN. Certain types of real estate transactions, including the transfer of title to property located within the corporate limits of a municipality, are exempt from this notification requirement. HB 4043 provides that the notice requirement does not apply to the transfer of title to property located within the corporate limits of a municipality that is served by a municipally owned utility.

**SB 547: Electric Deregulation**

Sen. Kevin Eltife

Codifies a transition to competition plan for the Southwestern Electric Power Company's service area included in the Southwest Power Pool (SPP). Currently, all of the Southwestern Electric Power Company's service area is located outside of the Electric Reliability Council of Texas and within the SPP. The Public Utility Commission has determined that the SPP is not ready to support electric utility competition, and that certain criteria will determine when full retail competition can begin in this area. These criteria include the establishment of an independent transmission operator, a balancing energy market, a market-based congestion management system and market protocols. Furthermore, continued support of a customer choice pilot program and demonstration of fair competition and reliable service is required within each defined customer class.

**SB 1492: Delaying Retail Electric Competition within the Southeastern Electric Reliability Council Area**

Sen. Tommy Williams

Amends current law relating to the delay of retail electric competition in the areas of the state covered by the Southeastern Electric Reliability Council and to the recovery of certain transmission costs by electric utilities in those areas. The legislation amends current law relating to the authority of the Public Utility Commission (PUC) during a declaration of a natural disaster or other emergency by the Governor.

**SB 1522: Exemption of Certain School Districts from Municipal Drainage Utility System Rules**

Sen. Eliot Shapleigh

Exempts property owned by school districts located wholly or partly in certain municipalities from drainage charges and all ordinances, resolutions and rules adopted under provisions relating to municipal drainage utility systems.

**SB 1676: Utility Connection Fees in Certain Areas**

Sen. Juan Hinojosa

Authorizes a commissioners court to charge a fee for a certificate issued for the connection of utilities for a subdivision located in the county near an international border and not within the limits of a municipality, in order to limit the development of colonias in unincorporated areas.

**SB 2306: Authorizing Recovery of Certain Costs by Water & Sewer Utilities**

Sen. Tommy Williams

Authorizes water and sewer utilities to recover the remaining depreciation for assets previously used, but no longer in use, as a cost of service.



# Texas

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## Environmental Legislation

### Air Quality and Pollution Control

#### **HB 432: Emissions Requirements for State Vehicle Purchases**

Rep. Eddie Lucio III

Amends current law relating to the acquisition by state agencies of low-emissions vehicles and vehicles using alternative fuels by raising the current requirement to 20 percent of all new vehicle purchases that must meet the minimum EPA criteria of Tier II, Bin 3 and a Greenhouse Gas Score of 8.

#### **HB 469: Carbon Capture and Storage Tax Credits**

Rep. Phil King

Gives up to \$100 million in franchise tax credits to the first three clean coal projects that can successfully capture and sequester at least 70 percent of all CO<sub>2</sub> emissions, as well as meeting emission criteria for additional pollutants. Also provides for a 75 percent, 30-year severance tax exemption for enhanced oil recovery projects using sequestered CO<sub>2</sub>.

#### **HB 715: Vehicle Emissions Inspections**

Rep. Phil King

Amends current law relating to motor vehicle inspection stations that perform emissions inspections using only the onboard diagnostic system of inspected vehicles.

#### **HB 857: Outdoor Burning Violations**

Rep. Jodie Laubenberg

Creates more defined categories for outdoor burning violations and enhances the penalties for subsequent violations and the burning of certain substances.

#### **HB 1796: Offshore Storage of Anthropogenic CO<sub>2</sub>**

Rep. Warren Chisum

Permits the General Land Office, in conjunction with the Bureau of Economic Geology, to build and operate a carbon dioxide repository on state-owned, offshore, submerged land. The bill requires Texas rules to be updated to comply with federal standards should EPA issue standards on offshore geologic storage of carbon dioxide. The legislation also sets requirements for the location of the site, scientific monitoring through the Bureau of Economic Geology, storage fees and an annual report by the land commissioner. The annual report is to include the volume of carbon dioxide stored; the total volume of carbon dioxide received for storage; and the volume of carbon dioxide received from each carbon dioxide producer. Finally, HB 1796 transfers ownership of any stored carbon dioxide to the Permanent School Fund and removes any liability from producers once transferred to the board.

**SB 184: Greenhouse Gas Emissions Report**

Sen. Kirk Watson

Requires the Texas Commission on Environmental Quality to develop and present a report to the legislature by December 31, 2010, that outlines strategies to reduce greenhouse gas emissions which, over the lifetime of the strategy, will result in no financial cost to businesses and consumers of the state.

**SB 1387: Carbon Capture & Storage**

Sen. Kel Seliger

Provides a state-level regulatory framework for the storage and sequestration of CO<sub>2</sub> into geologic formations that may contain oil or gas. The bill gives the Railroad Commission of Texas jurisdiction over the injection of CO<sub>2</sub> into wells that are or may be productive of oil or gas and over storage in a salt brine formation existing above or below an oil or gas formation (stacked storage). Also requires that, before the Railroad Commission issues such a permit, the Texas Commission on Environmental Quality must certify that underground fresh water supplies will not be harmed by the activity. The bill also calls for the Texas Commission on Environmental Quality, Railroad Commission and the University of Texas Bureau of Economic Geology (BEG) to conduct a study and report back to the legislature on the appropriate agency to regulate the long-term storage of CO<sub>2</sub> into non-oil or gas producing geologic formations. SB 1387 enhances coordination between the Railroad Commission and Texas Commission on Environmental Quality to ensure the regulation of CO<sub>2</sub> storage in Texas is being done in an economically and environmentally sound manner. Finally, SB 1387 calls on the Texas General Land Office (GLO) – in conjunction with the Texas Commission on Environmental Quality, the Railroad Commission and the Bureau of Economic Geology – to develop recommendations for managing geologic storage of CO<sub>2</sub> on state-owned lands, including an assessment of storage capacity and new legal and regulatory frameworks that could be necessary based on the GLO recommendations.

**SB 1693: Regulation of Poultry Facilities**

Sen. Steve Ogden

Amends current law to address issues related to poultry facility odors, complaint response, air contaminant prevention measures and the record of sale, purchase, transfer or application of poultry. Specifically, the bill adds a course of action for responding to poultry odor complaints, as well as improving upon record retention for the sale, purchase or transfer of poultry litter.

## Coastal Zone Management

### **HB 2073: Coastal Erosion**

Rep. Dennis Bonnen

Amends the Natural Resources Code, to require local governments to adopt plans for reducing public expenditures from erosion and storm damage losses to public and private property. This bill also authorizes local governments to include a building set-back line in an erosion response plan and to consider other alternative approaches. House Bill 2073 amends the Natural Resources Code, requiring the commissioner to consider the plan of a local government for reducing public expenditures for erosion and storm damage losses when making funding determinations under the Coastal Erosion Planning and Response Act (CEPRA).

## Emergency Management and Homeland Security

### **SB 361: Hurricane Disaster Preparedness for Certain Utility Districts**

Sen. Dan Patrick

Requires certain utility districts affected by a hurricane to adopt and submit for approval to the Texas Commission on Environmental Quality an emergency preparedness plan that demonstrates the utility's ability to provide emergency operations and to ensure the emergency operation of its water system during a power outage as soon as is safe and practicable after a natural disaster.

## Hazardous Waste and Substance Management

### **HB 3547: Authorizing Closure of Certain Unregistered Dry Cleaners**

Rep. Gary Elkins

Amends current law relating to an order for the closure of unregistered dry cleaning facilities and dry cleaning drop stations by Texas Commission on Environmental Quality.

### **HB 3765: Lead-Acid Batteries**

Rep. Ken Paxton

Amends the Health and Safety Code by authorizing the Texas Commission on Environmental Quality to use up to 10 percent of the annually appropriated amount of the fee on the sale of batteries for certain purposes related to lead-acid battery recycling, including programs for remediation and incentives for the adoption of new technology in lead-acid battery recycling to reduce the negative environmental impact and increase efficiency and effectiveness of the recycling process.

## Inland Water Resource Management and Conservation

### **HB 2208: Rio Grande Regional Water Authority**

Rep. Veronica Gonzales

Requires the Rio Grande Regional Water Authority to exclude sales between municipal water suppliers and purchasers from the current market value formula provided for in the Duty of Rio Grande Regional Water Authority to Calculate Current Market Value Water Code.

### **HB 3861: Lake Columbia Reservation Project**

Rep. Chuck Hopson

Provides a legislative finding that the development of the project is in the public interest and that it is reasonable for the Texas Water Development Board (TWDB) to expect that the state will recover its investments in the facility. The bill directs TWDB to include in its expectation revenues from political subdivisions not currently under contract with the river authority to participate in paying the costs of the site acquisition stage of the project, and to purchase a portion of the water supplied by the project.

### **HB 4110: Texas Water Development Board Promotional Items**

Rep. Trey Martinez Fischer

Grants the Texas Water Development Board authority to purchase and sell promotional items, allowing it to increase awareness about agency programs and employment opportunities. Additionally, the bill allows TWDB (TWDB) to purchase promotional items, such as caps or other clothing, posters, banners, calendars, books, prints, etc. This bill allows TWDB to donate or sell the items in order to promote TWDB programs.

### **HB 4231: Bed and Banks Permitting for Certain Water Transfers**

Rep. Allan Ritter

Authorizes the issuance of a bed and banks permit to move water from a source wholly outside the state, except water that is imported from a source located in the United Mexican States, to a place of storage or diversion in Texas. This bill exempts these transfers from the requirements of the Water Code with respect to inter-basin transfers.

### **SB 2312: Definition of Eligible Political Subdivision**

Sen. Kip Averitt

Redefines "eligible political subdivision" to include any interstate compact commission to which the state is a party and any nonprofit water supply corporation created and operating under the Nonprofit Water Supply or Sewer Service Corporations section of the Water Code.

## Land Management and Conservation

### **SB 876: Soil Testing at Confined Animal Feeding Operations**

Sen. Kip Averitt

Amends the Water Code, requiring the Texas Commission on Environmental Quality to conduct annual soil tests of confined animal feeding operations. The bill sets out requirements for the testing and allows the commission to contract for third party testing of the affected sites.

### **SB 2253: Regulation and Platting Restrictions for Colonias**

Sen. Judith Zaffirini

Amends current law to remove platting restrictions and allow certain municipalities and counties to regulate platting requirements near an international border. Also establishes a county development permit in order to enable border counties to take a proactive role in the prevention of new colonias and to provide an enforcement tool to ensure that new construction or substantial improvement is undertaken in a manner conforming with existing state laws or county orders governing land use and development activities, such as platting requirements, water and sewer facilities, floodplain management, building set-backs and dwelling limitations.

### **SB 2534: Creating the Task Force on Economic Growth and Endangered Species**

Sen. Jeff Wentworth

Creates the Task Force on Economic Growth and Endangered Species, thereby developing a mechanism to provide policy and technical assistance regarding compliance with endangered species laws and regulations to local and regional governmental entities.

### **SB 2553: Restrictions on Clear-cutting of Certain Live Oak Trees**

Sen. Glenn Hegar

Authorizes the commissioner's courts of certain counties (Aransas) to prohibit or restrict the clear-cutting of live oak trees in unincorporated areas of those counties.

## Reorganization and Coordination

### **HB 434: Providing Energy Assistance Program Materials in Spanish**

Rep. Eddie Lucio III

Requires that all applications, forms, and educational materials provided by agencies which are sub-recipients of the Texas Department of Housing and Community Affairs (TDHCA) be available in both English and Spanish. The bill also ensures that some of the state's energy assistance programs are advertised in English and Spanish.

**HB 1295: Groundwater Conservation Districts**

Rep. Jimmie Aycock

Requires the Texas Commission on Environmental Quality to cause notice of a filing of an application for a Certificate of Convenience and Necessity, or for an amendment to a certificate, to be given to each county and groundwater conservation district that is wholly or partly included in the area proposed to be certified.

**HB 3206: Property Tax Exemptions for Pollution Control Equipment**

Rep. Al Edwards

States that standards and methods for making determinations on pollution control property tax exemptions established in the Texas Commission of Environmental Quality (TCEQ) rules would apply uniformly to all such applications submitted to TCEQ. The legislation includes applications relating to facilities, devices or methods of pollution control included on the nonexclusive list adopted by the TCEQ. It also requires TCEQ to establish a permanent advisory committee to advise the commission on making determinations on these tax exemptions.

**SB 448: Mitigation of Environmental Impacts by Texas Department of Transportation**

Sen. John Carona

Authorizes The Texas Department of Transportation to transfer any interest in certain real property to an appropriate public agency or private entity, with or without monetary consideration if the property is to be used for mitigation purposes. This transfer must be authorized by the regulatory authority that requires the mitigation of adverse environmental impacts resulting from the construction or maintenance of state highways.

**SB 480: Environmental Remediation by Texas Department of Transportation**

Sen. John Carona

Adds the Transportation Code, authorizing the Texas Transportation Commission to enter into covenants for environmental remediation of real property owned by the Texas Department of Transportation.

**SB 1080: Conflicts between the Texas Commission on Environmental Quality and the Federal Occupational Health and Safety Act**

Sen. Mike Jackson

Offers an affirmative defense to enforcement by the Texas Commission on Environmental Quality in those situations where the Occupational Safety and Health Act of 1970 general duty clause conflicts with a statute within the commission's jurisdiction or a Texas Commission on Environmental Quality rule, order or permit.

## **SB 1472: Requiring Permit Applicants to Attend Public Meetings of the Texas Commission on Environmental Quality**

Sen. Mario Gallegos, Jr.

Requires a permit applicant or designated representative to attend a meeting and to address questions from the public. This will provide full transparency of the Texas Commission on Environmental Quality permitting application process and allow the public to receive all possible information regarding the impact of facilities permitted by the commission.

## **Solid Waste**

### **HB 3089: Motor Vehicle Recycling**

Rep. Marc Veasey

Authorizes the commissioner's court of a county to order any vehicle retired under a clean vehicle program to be crushed and recycled without a competitive bid or auction.

### **HB 3136: Imposing a Tax for Certain Trash and Litter Removal**

Rep. Pete Gallego

Authorizes a certain county to impose a hotel occupancy tax subject to a county that has a population of 28,000 or less, has no more than four municipalities, and that is located wholly within the Edwards Aquifer Authority. The county may use 75 percent of the revenue for the promotion of tourism and lodging, and 25 percent for removal of trash and litter.

## **Water Quality and Pollution Control**

### **HB 1174: Damages Caused by a Municipal or River Authority Sewage System**

Rep. Will Hartnett

Authorizes a municipality or river authority to pay actual property damages caused by the backup of the municipality's or river authority's sanitary sewer system, regardless of whether the municipality or river authority would be liable for the damages under the Tort Claims section of the Civil Practice and Remedies Code.

### **HB 1433: Water Quality Fees**

Rep. Eddie Lucio III

Provides funding for the Texas Commission on Environmental Quality's water programs and reduces reliance on general revenue in the legislative appropriations process. This bill raises the statutory cap from \$75,000 to \$150,000 for the annual water quality fee for wastewater discharge permit holders and water right users. The maximum annual fee that can be imposed against a wastewater discharge or treatment facility that holds a water right for the use of water is also increased to \$150,000.

**HB 1922: Recycled Wastewater**

Rep. Trey Martinez Fischer

Enables the Texas Commission on Environmental Quality to authorize a wastewater treatment facility to contribute treated domestic wastewater produced by the facility as reclaimed water to a reuse water system and to discharge reclaimed water contributed to a reuse water system at certain outfalls. To be eligible, the facility must be operated by an agency of a home-rule municipality with a population of one million or more.

**HB 2374: Water and Wastewater Financial Assistance for Economically Distressed Areas**

Rep. Ryan Guillen

Authorizes the Texas Water Development Board (TWDB) to use funds in the Economically Distressed Areas Account to provide financial assistance to a political subdivision for certain costs related to water and wastewater connections and plumbing improvements in economically distressed areas. Financial assistance could be provided only to residents who demonstrate an inability to pay for the improvements described in the bill in accordance with rules adopted by TWDB.

**SB 968: Permitting for Interactive Water Features**

Sen. Royce West

Requires an owner, manager, operator or other attendant in charge of an interactive water feature or fountain to maintain it in a sanitary condition. Also, certain standards for such features or fountains are included. The bill authorizes a county, municipality or the Department of State Health Services to require the owner or operator of an interactive water feature or fountain to obtain a permit for the operation of such a fountain or water feature and authorizes a fountain or water feature to be closed under certain circumstances.

**SB 1299: Authorizing Travis County to Regulate Storm Water Management**

Sen. Kirk Watson

Due to the population of the unincorporated portion of Travis County, the county is required by state law to implement a Storm Water Management Program that includes compliance with a municipal separate storm sewer system permit.

**SB 2126: Water & Wastewater Sub-metering**

Sen. Craig Estes

Amends current law so that owners and managers of apartment houses may assess a service charge for the sub-metering of water and wastewater services.



**SB 1371: Colonias Self-Help Program**

Sen. Eddie Lucio, Jr.

Removes the requirement that "colonia" consist of at least 11 dwellings, and allows the Texas Water Development Board to determine whether a Colonia Self-help Program project will be beneficial and cost-effective. The bill also allows advance financing, not to exceed 10 percent of the total grant, on a determination that participating utilities are sufficiently committed to actually providing service upon completion of the project. Also, this measure allows political subdivisions to act as sponsors.

**SB 1757: Study of Methods for Disposal of Pharmaceuticals**

Sen. Kirk Watson

Mandates a study by the Texas Commission on Environmental Quality of methods for disposing of unused pharmaceuticals so that they do not enter a wastewater system. The bill also requires the information provided to a consumer when dispensing a prescription to include the statement, "Do not flush unused medications or pour down a sink or drain."

**SB 2445: Sewage Disposal from Boats**

Sen. Carlos Uresti

Expands the areas covered by the prohibition against boat sewage disposal to include all inland waters of the state and coastal waters up to three nautical miles from shore.

**SB 2314: Texas Water Development Board Supplemental Funding Under the Federal Economic Recovery Legislation**

Sen. Kip Averitt

Amends the Water Code to require the Texas Water Development Board to adopt rules specifying the manner in which any capitalization grant under water-related state revolving funds are authorized to be used to provide assistance to an eligible applicant, rather than a political subdivision, for public works. The bill requires such rules to require financial assistance to be provided for those purposes set forth by the federal legislation or federal agency program under which the capitalization grant was awarded. The law also specifies that provisions on rulemaking under the Administrative Procedure Act do not apply if the board determines that it is necessary to adopt rules to comply with the terms of a special capitalization grant or other source of federal funding, and such procedures do not allow for the adoption of the rules in a prompt manner.

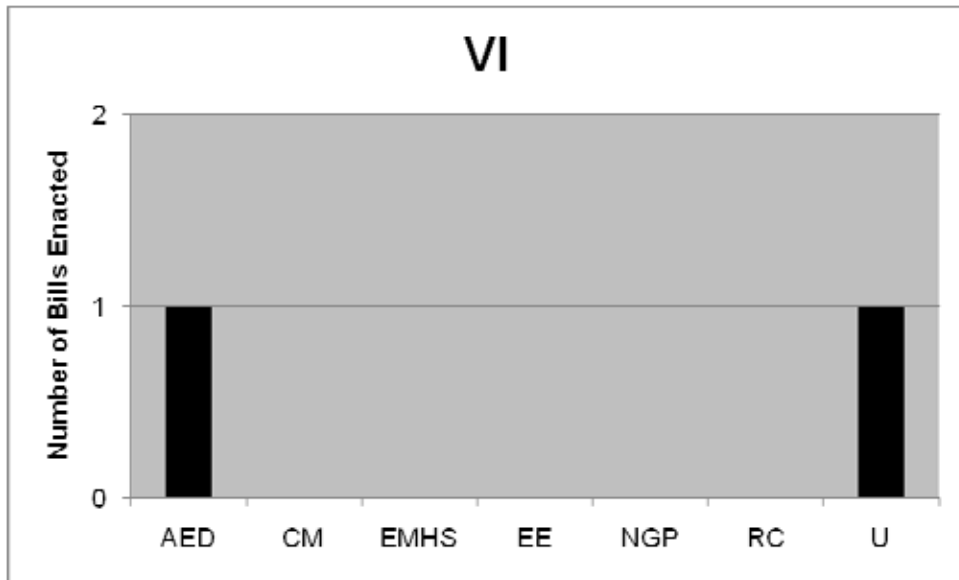


# Virgin Islands

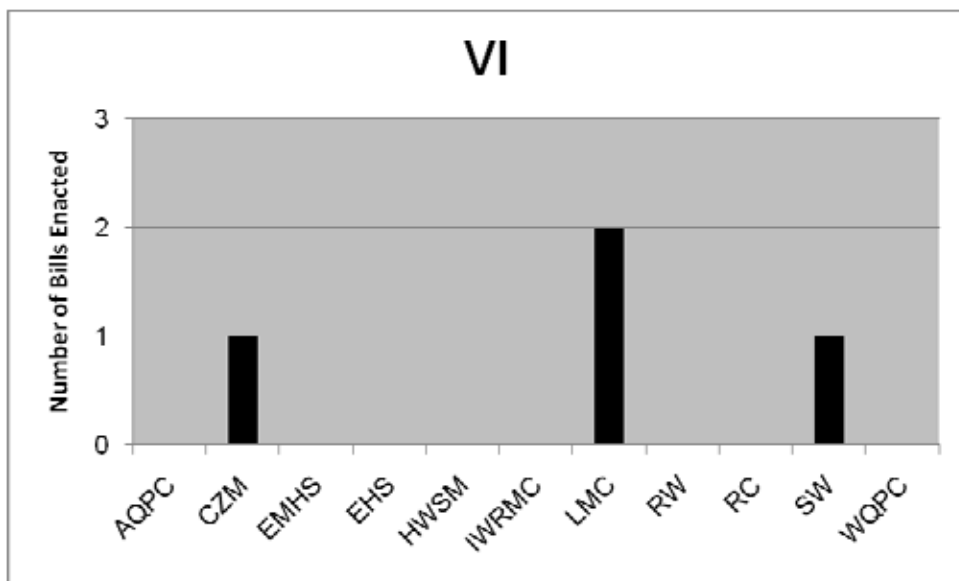
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## Legislation Category Comparison

### Energy Legislation



### Environmental Legislation



# Virgin Islands

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All bills are pending at time of publication, unless assigned an Act No.

## Energy Legislation

### Alternative Energy Development

#### **SB 28-0009: Virgin Islands Renewable and Alternative Energy**

Sen. Louis P. Hill

Act No. 7075

Amends the Virgin Islands Renewable and Alternative Energy Act of 2008 to encourage the development of renewable and alternative energy generation sources for large utility infrastructure development, as well as residential and commercial renewable energy use. Additionally, the bill creates the Solar and Wind Energy System Incentive Program to provide financial incentives for the purchase and installation of solar and wind energy systems. The act also mandates that each government agency shall install solar water heating systems in order to accelerate the growth of a commercially viable solar energy industry and to make this system available to the public as an option to reduce the fossil fuel consumption.

### Utilities

#### **SB 28-0079: Renewable Energy Power Plants**

Sen. Craig W. Barshinger

Authorizes the Virgin Islands Water and Power Authority to issue bonds in the amount of \$400,000,000 dollars for each electric power generating plant to be erected and built on the islands of St. Croix, St. Thomas and St. John, provided that the plant uses modern technologies that incorporate renewable energy sources, net and smart metering.

# Virgin Islands

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All bills are pending at time of publication, unless assigned an Act No.

## Environmental Legislation

### Coastal Zone Management

#### **SB 28-0049: Coastal Zone Management Act**

Sen. Shawn-Michael Malone

Amends the Coastal Zone Management Act to require ratification of the Governor's approval of a coastal zone permit that includes development or occupancy of trust lands or other submerged or filled lands.

### Land Management and Conservation

#### **SB 28-0077: Tree Conservation Act**

Sen. Shawn-Michael Malone

Creates the Tree Conservation Act to protect threatened and endangered, indigenous trees from extinction and to encourage the planting of large indigenous and culturally significant trees. Also, the bill ensures that trees are removed or replaced in such a manner that there is not a net loss of the trees and that trees are cared for according to the American National Standards Institute guidelines.

#### **SB 28-0034: Rainforest Conservation**

Sen. Terrence "Positive" Nelson

Authorizes the Government of the Virgin Islands to purchase Plot No. 14AB North Hall, West End Quarter for conservation purposes.

### Solid Waste

#### **SB 28-005: Solid Waste Collection**

Sen. Nereida Rivera-O'Reilly

Prohibits the collection of solid waste between the hours 9:00 p.m. and 6:00 a.m., and deletes "collection of solid waste" as an exempted act from the noise pollution statute.

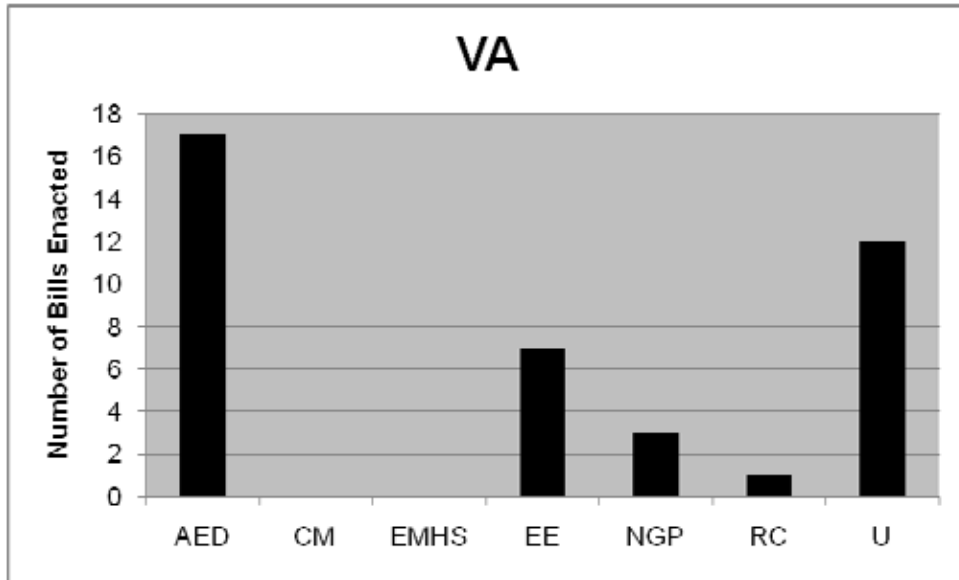


# Virginia

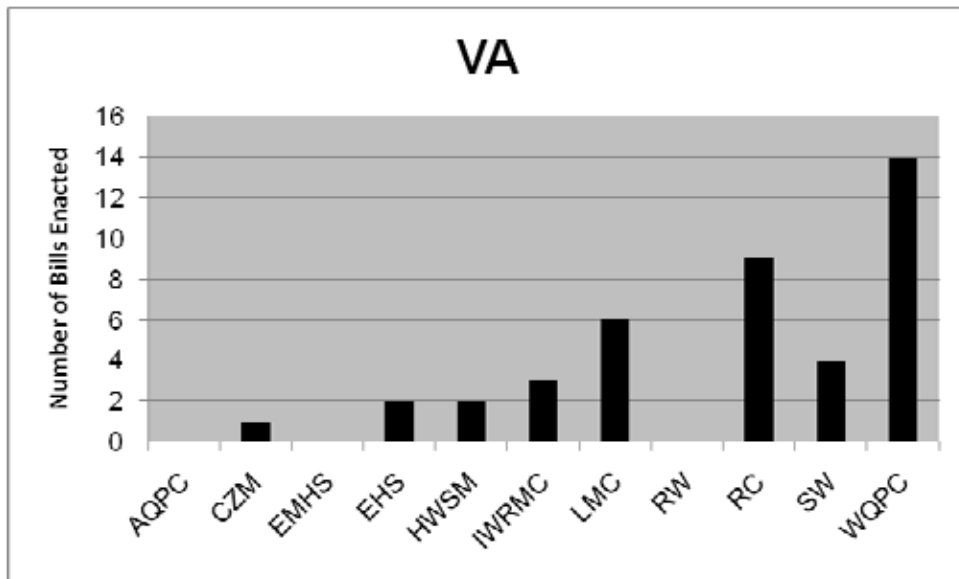
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## Legislation Category Comparison

### Energy Legislation



### Environmental Legislation



# Virginia

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## Energy Legislation

### Alternative Energy Development

#### **HB 1994: Renewable Portfolio Standard Program**

Del. David Bulova

Increases the RPS goal for investor-owned incumbent electric utilities for total electric energy sales from renewable energy sources from 12 percent in 2022 to 15 percent in 2025. A participating utility that meets the specified percentage goals is eligible for performance incentives that increase the fair combined rate of return on common equity, and provide an enhanced rate of return on costs associated with the construction of renewable energy generation facilities.

#### **HB 2001 and SB 1186: Biofuels Production Incentive Grant Program**

Del. John Cosgrove and Sen. Emmett Hanger, Jr.

Distinguishes between advanced biofuels that are made from winter cover crops, cellulose, hemicellulose, lignin oil and algae and those standard biofuels made from agricultural feedstocks such as corn. The program will award a \$0.125 per gallon grant for advanced biofuels and a \$0.10 per gallon grant for standard biofuels. Also, the legislation requires the production of one million gallons per year for eligibility.

#### **HB 2002 and SB 1427: Energy Plan-Biofuels**

Del. John Cosgrove and Sen. Richard Saslaw

Amends the Virginia Energy Plan by increasing Virginia's reliance on and production of sustainably produced agricultural and feedstock biofuels. The change also supports the delivery infrastructure needed for statewide distribution to consumers.

#### **HB 2165: Zoning for Biofuels Production**

Del. Matthew Lohr

Allows farmers to engage in small-scale production of biofuels in areas zoned agricultural without a special exception or special use permit. A farmer engages in the small-scale production of biofuels when at least 50 percent of the feedstock is produced on site, any structure used for the processing of the feedstock into energy occupies less than 4,000 square feet and the owner notifies the administrative head of the locality in which the processing occurs.



### **HB 2171: Electrical Generation from Agricultural Waste**

Del. Margaret Vanderhye

Excludes any farm or aggregation of farms that owns and operates facilities within the Commonwealth for the generation of electric energy from waste-to-energy technology, including methane digesters, from regulation as a public utility, public service corporation or public service company. To be eligible for such designation, a person must obtain at least 51 percent of its annual gross income from agricultural operations and produce the agricultural waste that is used as feedstock in the generation of the electricity. Such generator will be permitted to interconnect to the electric grid in accordance with regulations to be adopted by the State Corporation Commission. The measure also provides that such generators of electricity shall not be considered "manufacturers" under any provision of the Code of Virginia.

### **HB 2172: Interconnection of Renewable Energy Generation Facilities**

Del. Clarke Hogan

Establishes procedures for the operator of a non-utility renewable energy facility that produces up to 2 megawatts of electricity from a renewable energy source, up to 5,000 mmBtus/hour of steam from a renewable energy source or landfill gas from a solid waste management facility, to connect the facility to the transmission grid pipeline or to customers. This would be achieved by co-locating distribution facilities with those of public service corporations and by occupying public rights-of-way through a payment of a public rights-of-way use fee to the affected locality or the Department of Transportation. The measure does not authorize the location of distribution facilities within public parks.

### **HB 2175 and SB 1347: Small Renewable Energy Projects**

Del. Clarke Hogan and Sen. Frank Wagner

Directs the Department of Environmental Quality to develop a permit process for the construction and operation of small renewable energy projects that have a maximum capacity of either 100 megawatts if they generate electricity from sunlight, wind, falling water, wave motion, tides or geothermal power, or 20 megawatts if they generate electricity from biomass, energy from waste or municipal solid waste. Once permitted, a small renewable energy project will be exempt from requirements that the State Corporation Commission permit its construction and operation. However, the Commission will retain jurisdiction regarding use of rights-of-way and interconnection of such facilities. Fees collected from owners and operators of small renewable energy projects will be paid into a special nonreverting fund in the state treasury. Violations are subject to civil and criminal penalties.

### **HB 2268: Definition of Renewable Energy**

Del. Charles Poindexter

Provides that the term "biomass," as used in the definition of renewable energy includes both sustainable and non-sustainable biomass and provides that the definitions thereof shall be liberally construed. The measure also provides that the term "renewable energy" shall include the proportion of the thermal or electric energy from a facility that results from the co-firing of biomass.

**HB 2417: Covenants Regarding Solar Power**

Del. Joseph Bouchard

Clarifies that restrictive covenants prohibiting the installation of solar panels existing prior to July 1, 2008 may be amended to allow such installation if the amendment is adopted by the membership of the community association in accordance with such association's governing documents.

**SB 1128: Construction of Wells for Geothermal Heating Systems**

Sen. J. Chapman Petersen

Requires the Board of Health to develop an express geothermal permit for the construction of wells used solely for closed loop geothermal heating systems. A single application and a single fee shall be required for any geothermal well system, and the fee shall be equal to the fee for a single private well.

**SB 1212: Clean Energy Financing Program**

Sen. R. Creigh Deeds

Grants localities the authority to authorize, by ordinance, contracts to provide loans for the initial acquisition and installation of clean energy improvements.

**SB 1357: Clean Fuel Vehicle Job Creation Tax Credit**

Sen. Emmett Hanger, Jr.

Expands the types of fuels to which the new jobs must relate in order to qualify for the credit by including fuels derived from any cellulose, hemicellulose or lignin derived from renewable biomass or algae. The bill also revises the definition of "job" and the list of approved job fields to clarify eligibility requirements for the tax credit.

**SB 1358: Alternative Fuel Tax Exemption for Agricultural Operations**

Sen. Emmett Hanger, Jr.

Exempts from the alternative fuel tax any alternative fuel produced by the owner or lessee of an agricultural operation and used exclusively for farm use by the owner or lessee or in any motor vehicles operated by the producer of such fuel.

**SB 1349: Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact**

Sen. Frank Wagner

Establishes the Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact. Under the bill, the party states to the compact will be Virginia, Delaware, Maryland, New Jersey and New York. The purposes of the compact are to study, develop and promote coordinated research and planning of the design, construction, utility interconnection, financing and operation of offshore wind energy infrastructure and operations directly adjacent to the shores of the party states; coordinate federal, state and local government efforts; and seek funding. The compact provides for a board with five representatives from each party state, three of whom are to be appointed by the Governor, one by the Speaker of the House and one by the Senate.

**SB 1523: Southeastern Public Service Authority/ Green Energy Jobs**

Sen. Frederick Quayle

Requires the Southeastern Public Service Authority of Virginia to, in good faith, entertain any and all reasonable landfill gas contract offers that have the potential to result in landfill gas-to-fuel or landfill gas-to-electricity and steam generation, thereby creating green-energy job opportunities and revenue to the area served by the Authority.

**HB 2592: Personal Property Tax for Electric Vehicles**

Del. C. Charles Caputo

Adds motor vehicles powered solely by electricity as a separate class of property for local taxation rates.

**SB 1350: Wave and Tidal Energy**

Sen. Frank Wagner

Provides the Marine Resources Commission with the authority to lease subaqueous lands for the purpose of generating electrical energy from wave or tidal action, currents, offshore winds or thermal or salinity gradients, and to transmit energy from such sources to shore. The measure also requires that any such leases require a royalty. All royalties collected will be appropriated to the Virginia Coastal Energy Research Consortium. The Marine Resources Commission is also directed to identify 100 acres suitable for use by the Virginia Coastal Energy Research Consortium as a research site, and determine whether sufficient and appropriate subaqueous lands exist to support a commercial offshore wind farm and, if such land exists, offer it for development in a lease auction.

Energy Efficiency

**HB 2073: Weight Limit Extension-Idle Reduction Technology**

Del. Edward Scott

Extends weight limit for motor vehicles using an auxiliary power unit or other form of idle reduction technology by an additional 400 pounds.

**HB 2476: HOV Lanes**

Del. Timothy Hugo

Extends until July 1, 2010, the "sunset" provision allowing vehicles bearing clean special fuel license plates to use HOV lanes regardless of the number of passengers.

**SB 1004: Certification of Energy-Efficient Buildings for Local Taxes**

Sen. Frederick Quayle

Adds architects to those persons currently authorized to certify buildings as energy efficient using standards prescribed in the Uniform Statewide Building Code.

### **HB 2506: Energy Efficiency Programs**

Del. Albert Pollard, Jr.

Authorizes investor-owned electric utilities to recover, through a rate adjustment clause, the costs of designing, implementing and operating energy efficiency programs, including a general rate of return on operating expenses, if such programs are found to be in the public interest. The State Corporation Commission may allow for the recovery of reductions in revenue related to energy efficiency programs, so long as it is not recovered through off-system sales. The costs of new energy efficiency programs shall not be assigned to certain large customers. In proceedings regarding such programs, the Commission shall take into consideration the goals of economic development, energy efficiency and environmental protection.

### **HB 2531 and SB 1348: Demand-side Electricity Management**

Del. Terry Kilgore and Sen. Frank Wagner

Directs the State Corporation Commission (SCC) to conduct a proceeding to determine achievable, cost-effective energy conservation and demand response targets that can be accomplished through demand-side management portfolios administered by generating electric utilities. The measure also requires the SCC to approve a demand response program that is proposed by a certain generating electric utility or a qualified nonutility provider if certain conditions are satisfied. The Air Pollution Control Board, in consultation with the SCC and Department of Mines, Minerals and Energy, is required to adopt a permit for certain generation facilities that participate in voluntary demand response programs. The measure also directs the Air Pollution Control Board to adopt permits for backup generators to allow emergency generation sources to operate during periods when the independent system operator has notified electric utilities that an emergency exists or may occur.

### **SJ 332: Tax Exemptions for Buildings Constructed or Designed to Conserve Energy**

Sen. J. Chapman Petersen

Authorizes the General Assembly to allow localities to provide property tax exemptions for any property, equipment, facilities or devices, constructed or designed to conserve energy and natural resources in a manner that meets or exceeds performance standards established for such conservation. The amendment also eliminates the ability of the General Assembly to provide property taxes exemptions to property designed to abate pollution or transfer or store solar energy.

### **HB 1707: Energy Performance-Based Contracts**

Del. G. Glenn Oder

Requires the Department of Mines, Minerals and Energy to make a reasonable effort to provide general assistance to localities, upon request, considering execution of energy performance-based contracts. The bill also requires the Department to compile information annually concerning any energy performance-based contract of a known locality.

## Natural Gas and Petroleum

### **HB 2277: Natural Gas Distribution Service**

Del. Dan Bowling

Authorizes a municipal corporation or public service authority created under the Virginia Water and Waste Authorities Act to purchase natural gas for resale from any public utility that is certificated to provide natural gas distribution service within the Commonwealth. The municipality or authority may provide natural gas distribution service within any underserved area of a county that is adjacent to the boundaries of the municipal corporation or any political subdivision that is a member of the public service authority, if the area is not within the certificated territory assigned to a public utility for the provision of natural gas service. The municipality or authority is required to notify the State Corporation Commission but is not required to obtain a certificate of public convenience and necessity before providing such service in the area. A municipality or authority that provides gas service within such area shall have the same rights as a public service authority to acquire and maintain any lines, pipelines or other appropriate improvements for providing natural gas distribution service, by condemnation or otherwise, to the same extent that apply to a public service authority in its provision of water and sewer service.

### **SB 1507: Taxation of Gases**

Sen. Phillip Puckett

Provides that gas wells and related improvements may be assessed on an annual basis in Buchanan County, subject to the approval of the Board of Supervisors, but requires that gas wells and related improvements be reassessed in the general reassessment of property in the county. The bill also provides that there would be no deduction for expenses for local severance tax purposes in determining the fair market value of gases severed in Buchanan County.

### **SB 1532: Motor Fuels Tax**

Sen. Richard Saslaw

Changes the tax on fuels sales in Northern Virginia so that the tax will be collected by distributors at the time the fuel is sold to retail dealers in Northern Virginia. The rate of the tax would also be changed from 2 percent to 2.1 percent.

## Reorganization and Coordination

### **HB 2213: Easement in Baylor Grounds**

Del. S. Chris Jones

Removes the Marine Resources' authority to grant Virginia Natural Gas a 100 foot wide easement across a portion of Baylor Survey Ground No. 3, for a natural gas pipeline.

## Utilities

### **HB 1729: Electric Transmission Lines**

Del. Mark Cole

Allows a locality to enter into an agreement with an electric utility where the locality will impose an assessment on customers in a special rate district to cover the utility's additional costs of constructing, operating and maintaining the proposed line as an underground rather than an overhead line.

### **HB 1819: Electricity Rates**

Del. Terry Kilgore

Authorizes any distribution electric cooperative, upon an affirmative resolution of the cooperative's board of directors, and without State Corporation Commission approval, to make any reasonable adjustment to its rates in order to collect any or all of the fixed costs of owning and operating its electric distribution system through a new or modified fixed monthly charge. Such monthly charge would be in lieu of charges that are based on the volume of use of electric energy. Such changes in rates shall be revenue neutral based on the cooperative's determination of the proper intra-class allocation of the revenues produced by its then-current rates. Adjustments may be phased in over a three-year period, and revised tariffs are required to be filed with the State Corporation Commission for information purposes.

### **HB 1828: Green Roof Construction**

Del. William Fralin, Jr.

Allows localities and water authorities to establish a rate incentive program designed to encourage the use of green roofs. A green roof is a roof or partially covered roof consisting of plants, soil or other lightweight growing medium that is installed on top of a waterproof membrane. If established, the incentives shall be based on the percentage of stormwater runoff reduction the green roof provides.

### **HB 1970: Underground Propane Distribution System**

Del. R. Lee Ware, Jr.

Excludes any company that provides non-utility gas service from the definition of a "public utility" for purposes of the Utility Facilities Act.

### **HB 1975 and SB 1058: Green Roofs**

Del. R. Lee Ware, Jr. and Sen. Mary Margaret Whipple

Authorizes counties, cities and towns to grant incentives or provide regulatory flexibility to encourage the use of green roofs in the construction, repair or remodeling of residential and commercial buildings.

**HB 2152: Stand-by Service Charges**

Del. Thomas Rust

Directs the State Corporation Commission to require an electric utility to provide a rate for stand-by service to customers that operate a cogeneration facility generating renewable power. The regulation shall allow the utility to recover all of the costs related to the provision of the stand-by service.

**HB 2155: Electric Utility Service**

Del. David Toscano

Authorizes utilities to elect a capacity limit for participation by nonresidential customers in the net energy metering program that exceeds the existing limit of 500 kW. The measure also permits those served on time-of-use tariffs that have electricity supply demand charges within the electricity supply portion of that tariff to participate as customer-generators. In addition, the measure provides that a participating customer-generator owns any renewable energy certificate associated with its generation of electricity, and provides for a one-time option to sell the certificates to its supplier at a rate established by the State Corporation Commission. The utility's costs of acquiring the certificates shall be recoverable under the Renewable Energy Portfolio Standard rate adjustment clause or through the supplier's fuel adjustment clause.

**HB 2247: Water and Waste Authorities**

Del. William Barlow

Provides that a lien may apply for delinquent rates or charges applicable to "three or fewer months" rather than "three or fewer delinquent billing periods not exceeding thirty days each" in order to accommodate authorities that bill on a quarterly basis.

**HB 2519: Electric Utilities- Over Recovery of Fuel Costs**

Del. Clarence Phillips

Requires the State Corporation Commission (SCC) to review fuel costs if it approves an increase in fuel factor charges that would increase the total rates of residential customers by more than 20 percent. The review shall be conducted within six months after the effective date of the increase. If the SCC finds that the utility is in an over-recovery position by more than 5 percent, with respect to its fuel costs, it may reduce the fuel costs.

**HB 2371: Electric Utilities- Pilot Proceeding for Rate Initiatives**

Del. David Bulova

Directs the State Corporation Commission to conduct a proceeding to establish two types of pilot programs for certain customers that generate electricity from renewable generation facilities. One type of pilot program addresses dynamic rates for power purchases by eligible customer/renewable generators. The second type of pilot program addresses rates at which participating customers are provided the opportunity to sell electricity to a participating utility at dynamic rates.

**SB 1248: Energy Efficiency Programs**

Sen. Ralph Northam

Authorizes investor-owned electric utilities to recover, through a rate adjustment clause, the projected and actual costs of designing, implementing and operating energy efficiency programs and fair and effective peak-shaving programs. The utility may earn a general rate of return on energy efficiency programs. The State Corporation Commission may allow for the recovery of reductions in revenue related to energy efficiency programs, to the extent the revenue is not recovered through off-system sales. Certain large general service customers may be exempted from paying the costs of such energy efficiency programs. The measure also requires electric cooperatives to file assessments of impediments to their implementation of certain rate initiatives.

**SB 1339: Electric Utility Regulation**

Sen. Mark Herring

Establishes a fourth voluntary renewable portfolio standard goal of 15 percent by 2025. The measure also requires investor-owned electric utilities to develop tariffs offering dynamic rates that vary in accordance with the utility's costs of providing electricity seasonally, daily and throughout each day; and requires that rates for utility payments to eligible customer-generators under a net energy metering program be based on the utility's avoided generation costs and the average market value of the renewable attributes for the customer-generator's facility.



# Virginia

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## Environmental Legislation

### Coastal Zone Management

#### **HB 2413: Craney Island Disposal Area**

Del. Joseph Bouchard

Provides that the construction of a marine terminal on the eastern side of Craney Island Disposal Area using dredge material to extend the disposal area eastward is authorized by the General Assembly.

### Environmental Health Services

#### **HB 1775 and SB 1211: Invasive Species**

Del. Albert Pollard, Jr. and Sen. Frederick Quayle

Charges the Secretaries of Natural Resources and Agriculture and Forestry with the responsibility of developing an invasive species management plan to prevent the introduction of invasive species and to control and eradicate those species that are present on Virginia's lands and waters. The Secretary of Natural Resources will establish an advisory group consisting of state agency heads and representatives of various stakeholder groups to develop the plan and assist in coordinating and implementing the recommendations of the plan.

#### **SB 1295: Silvicultural Activities**

Sen. W. Roscoe Reynolds

Authorizes the State Forester to enter and inspect lands where silvicultural activities are occurring in order to determine whether the activity is causing or likely to cause pollution.

### Hazardous Waste and Substance Management

#### **HB 2177: Rechargeable Battery Recycling**

Del. Kenneth Plum

Authorizes localities to ban the disposal of certain rechargeable batteries in any waste-to-energy or solid waste disposal facility within its jurisdiction, provided the locality has implemented a recycling program that is capable of handling all rechargeable batteries generated within its jurisdiction.

#### **HB 2238: Transportation of Hazardous Materials**

Del. Shannon Valentine

Extends disqualification for violation of an out-of-service order to any person operating a commercial vehicle used to transport hazardous materials.

## Inland Water Resource Management and Conservation

### **HB 2507: Fishing Licenses**

Del. Albert Pollard, Jr.

Requires the Marine Resources Commission to refund fees for saltwater fishing licenses on a prorated basis if the Commission stops selling the license due to fishery management purposes.

### **SB 957: Rivanna Scenic River**

Sen. R. Creigh Deeds

Expands the Rivanna Scenic River, a component of the Virginia Scenic Rivers System, almost 10 miles to include the length of the waterway from the South Fork Rivanna River reservoir to the junction of the Rivanna with the James River.

### **SB 1460: Replacement of Water by Gas Well Operators**

Sen. Phillip Puckett

Requires the operator of any gas well, whether a conventional or coalbed methane well, to replace any water supply contaminated or interrupted by an operation that is within 750 feet of a water well. Surface owners must allow gas well operators to sample water from such wells. Currently, these requirements apply only to operators of coalbed methane wells and not to operators of conventional gas wells.

## Land Management and Conservation

### **HB 1618: Special Hunting Permit**

Del. Donald Merricks

Allows the Director of the Department of Game and Inland Fisheries to permit any organized group of patients residing in or receiving outpatient treatment from a veterans or military hospital to hunt without having to obtain a license on any lands of the Commonwealth where it is otherwise legal to do so.

### **HB 1719: Fees for Hunting and Fishing Licenses**

Del. M. Kirkland Cox

Clarifies that the Virginia Marine Resources Commission and the Board of the Department of Game and Inland Fisheries currently have authority to increase certain fees for hunting, fishing, and trapping licenses. This legislation clarifies the cost of licenses by noting that the fees may have changed in sections where the General Assembly had previously provided the actual cost of a license.

### **HB 1912: Grass and Weeds**

Del. Mamyé BaCote

Expands the authority of the City of Newport News to require that owners of vacant developed, undeveloped and occupied properties cut grass, weeds and other foreign growth on the property. If such property owner fails to do so after reasonable notice, the City may cut such grass, weeds or other foreign growth and charge such expenses to the property owner.

**HB 2636: Hunting and Fishing Licenses for Youth Groups**

Del. Benjamin Cline

Authorizes the issuance of a special group hunting and fishing license to a nonprofit wildlife education organization that takes youth on hunting and fishing excursions as part of its effort to educate young people on Virginia's wildlife.

**SB 1473: Forestry Permits**

Sen. Phillip Puckett

Authorizes the State Forester to require a person to obtain a permit to fish, or ride mountain bikes or horses on lands under the control of the Department of Forestry.

**SB 1050: Natural Resources Commitment Fund**

Sen. Mary Margaret Whipple

Provides for the Department of Conservation and Recreation to determine the annual funding needs for agricultural best management practices and to report those findings to the Governor. The bill also changes the formula for allocating moneys in the Virginia Natural Resources Commitment Fund. Eight percent will be distributed to the soil and water conservation districts, 55 percent will be used for matching grants for Best Management Practices on lands within the Chesapeake Bay watershed, and 37 percent will go to matching grants outside the Chesapeake Bay watershed.

## Reorganization and Coordination

**HB 1901: Cavalier Wildlife Management Area**

Del. Barry Knight

Authorizes the Board of Game and Inland Fisheries to convey approximately seven acres within the Cavalier Wildlife Management Area to Beaverdam Properties.

**HB 1931: Water Facilities Revolving Loan Fund**

Del. Kenneth Plum

Authorizes the Virginia Resources Authority to provide a portion of the fees it receives for administering the loan fund to the Department of Environmental Quality to cover some of that agency's costs for administering the construction assistance loan program.

**HB 1936 and SB 1476: Resources Authority**

Del. Riley Ingram and Sen. Henry Marsh, III

Clarifies that the Virginia Resources Authority is authorized to finance any program or project to perform site acquisition or site development work for economic and community development projects for any local government.

**HB 1991: Stormwater Management Programs**

Del. David Bulova

Extends the period of time localities have to adopt a local stormwater management program.

**HB 2566: Purchase of Land by Department of Forestry**

Del. Barry Knight

Clarifies that proceeds from properties, which are acquired or managed by the Department of Forestry and used for non-state forest purposes, are not subject to distribution by the Department to those localities in which the properties are located. Currently, the proceeds derived from all lands acquired by the State Forester are distributed to those localities in which the lands are located.

**HB 2602: Department of Conservation and Recreation**

Del. Matthew Lohr

Grants the Department of Conservation and Recreation power to establish noncompetitively procured contracts with nonprofit organizations that wish to conduct revenue producing activities on Department lands for the benefit of Virginia State Parks or the Natural Area Preserve System.

**HB 2663: Water and Waste Authorities**

Del. Onzlee Ware

Allows appointment of industrial or economic development authority directors to the board of water and waste authorities.

**SB 1346: Coastal Energy Research Consortium**

Sen. Frank Wagner

Broadens one of the responsibilities of the Virginia Coastal Energy Research Consortium from researching "the feasibility of recovering fuel gases from methane hydrates and increasing the Commonwealth's reliance on other forms of coastal energy" to "the feasibility of increasing the Commonwealth's reliance on all domestic forms of coastal energy."

**SB 1371: Land Exchange**

Sen. Frank Ruff, Jr.

Authorizes an exchange of parcels of land between the Department of Conservation and Recreation and the Department of Forestry. The Department of Conservation and Recreation is authorized to convey to the Department of Forestry a parcel of land adjacent to Highlands State Park in Grayson County. The parcel would be used by the Department of Forestry as a location for research, and seed sources for native species. In exchange, the Department of Forestry would convey to the Department of Conservation and Recreation rights to a portion of land adjoining Holliday Lake State Park in Appomattox County to be used for possible expansion of the park and to protect the park's viewshed.

## Solid Waste

### **HB 1918 and SB 865: Coal Combustion By-Products**

Del. Anne Crockett-Stark and Sen. John S. Edwards

Requires a solid waste permit to authorize the placement of unamended coal combustion byproduct in a 100-year flood plain.

### **HB 1973: Litter Control and Recycling Fund**

Del. R. Lee Ware, Jr.

Confines the awarding of grants to localities whose litter prevention and recycling grant applications meet the criteria established by the Department of Environmental Quality in its Guidelines for Litter Prevention and Recycling Grants.

### **HB 2255: Solid Waste Disclosure Statements**

Del. Paul Nichols

Eliminates the requirement that applicants for permits issued under the Virginia Waste Management Act provide the social security numbers of their key personnel in disclosure statements for the Department of Environmental Quality.

### **HB 2576: Electricity Generated from Solid Waste**

Del. Joe May

Expands the definition of a "qualifying project" under the Public-Private Education Facilities and Infrastructure Act of 2002 to include any solid waste management facility that produces electric energy derived from solid waste.

## Water Quality and Pollution Control

### **HB 1681: Private Wells**

Del. Lynwood Lewis, Jr.

Requires a site plan, but not a survey plat, to be included in an application for a permit to construct a private well. Also, the bill clarifies that it is the landowner's responsibility to ensure that the well is located on his property.

### **HB 1925: Clean Water Farm Award Program**

Del. Lynwood Lewis, Jr.

Identifies the types of agricultural best management practices that a farmer can implement to be eligible to receive the award. Those conservation practices must be effective in controlling agricultural nonpoint source pollutants.

### **HB 2074 and SB 1022: Wastewater Treatment Plant**

Del. Edward Scott and Sen. Emmett Hanger, Jr.

Establishes an expedited process for the State Water Control Board to review petitions from certain wastewater treatment facilities to maintain nutrient allocations based upon a higher design flow.

**HB 2168: Stormwater Offsets**

Del. Watkins Abbitt, Jr.

Authorizes permit issuing authorities to allow stormwater permit holders to comply with nonpoint nutrient runoff water quality criteria by acquiring nonpoint nutrient offsets certified under the Chesapeake Bay Nutrient Exchange Program. The offsets have to be in the same tributary as the permitted activity and generated in the same or adjacent eight digit hydrologic unit code. The bill also requires an offset broker to pay the permit issuing authority a fee equal to six percent of the amount paid by the permittee for the offsets.

**HB 2551 and SB 1468: Onsite Treatment Works**

Del. Robert Orrock, Sr. and Sen. Frederick Quayle

Provides that designs for onsite treatment works submitted by professional engineers to the Department of Health shall ensure that the facility will meet or exceed the discharge, effluent and surface and ground water quality standards for systems otherwise permitted by the Department of Health.

**SB 982: Stormwater Regulation**

Sen. Frank Wagner

Requires localities to provide full or partial waivers of charges to any person who develops, redevelops or retrofits outfalls, discharges or property so that there is a permanent reduction in post-development stormwater flow and pollutant loading. A stormwater permit must be obtained from either the Department of Conservation and Recreation or the Department of Environmental Quality when such permit is required.

**HB 2558: Biosolids Permit**

Del. Kathy Byron

Clarifies that if a biosolids permit is amended to increase the acreage by 50 percent or more than was permitted in the initial permit, public notice shall be given and a public meeting shall be held. The bill also requires that the State Water Control Board not issue a permit for land disposal either until a public meeting has been held and comments have been received from the local governing body or until 30 days have lapsed from the date of the public meeting.

**SB 1114: Emerging Technologies for Stormwater Management**

Sen. Patricia Ticer

Directs the Virginia Soil and Water Conservation Board to adopt regulations that provide for the evaluation and potential inclusion of emerging or innovative stormwater control technologies that may prove effective in reducing nonpoint source pollution.

**HB 1930: Certification of Stormwater Development Property**

Del. Kenneth Plum

Authorizes the Department of Conservation and Recreation to certify stormwater management development properties as being designed, constructed or reconstructed for the primary purpose of abating or preventing pollution. Such a certification allows the local government to tax the property at a different rate from other classifications of real property. This technical change is necessary because responsibility for administering the stormwater program was moved from Department of Environmental Quality to the Department of Conservation and Recreation.

**SB 1471: Stormwater Control and Water or Waste Systems**

Sen. Richard Saslaw

Authorizes the Governor, at the request of a local authority and in a form approved by the Attorney General, to disclaim any and all rights, title and interest of the Commonwealth in and to lands used for stormwater control systems or water or waste systems if he finds there is no greater public need or purpose than such use or that public use and necessity have been established. Such disclaimer shall be filed with the appropriate court and shall have the legal force and effect of disclaiming, releasing and renouncing all of the right, title and interest of the Commonwealth in and to such lands.

**SB 1509: Residential Onsite Sewage Systems**

Sen. Patricia Ticer

Clarifies that the Department of Conservation and Recreation may award grants from the Water Quality Improvement Fund for the replacement or modification of residential onsite sewage systems to include nitrogen removal capabilities. The Board of Health may also set nitrogen-reducing performance requirements for alternative onsite sewage systems that protect public health and ground and surface water quality.

**HB 1788 and SB 1276: Alternative Onsite Sewage Systems**

Del. Robert Hull and Sen. Stephen Martin

Clarifies a locality's power to regulate nonconventional sewage disposal systems by prohibiting localities from banning the use of such systems.

**HB 2148: Onsite Treatment Works**

Del. David Nutter

Provides that designs for treatment works submitted to the Department of Health by professional engineers shall be appropriate for the particular soil characteristics of the site.

**HB 2188: Onsite Sewage System**

Del. Clarence Phillips

Provides that the Board of Health shall require a survey plat with any application for a permit or letter for an onsite sewage or alternative discharging sewage system, and procedures for waiving such requirement.



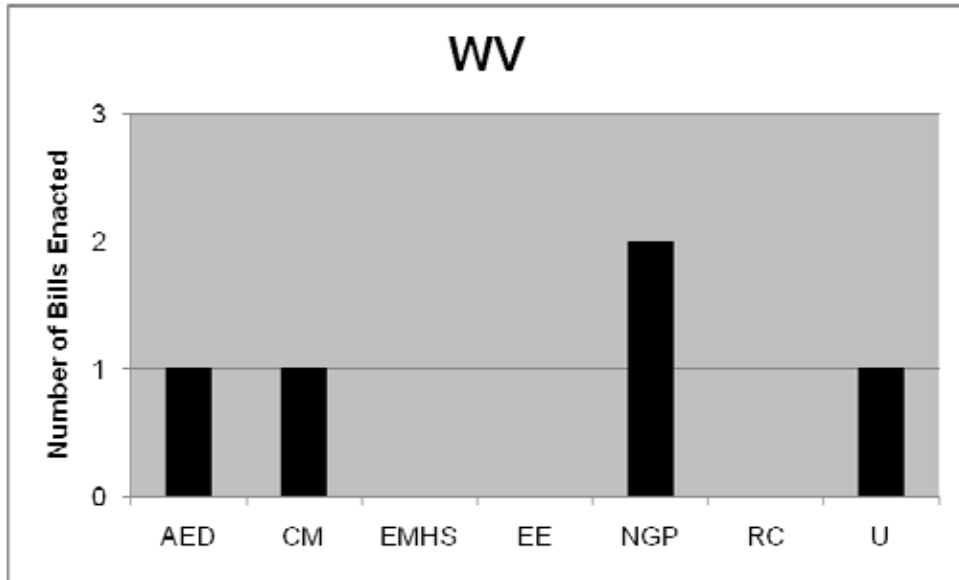


# West Virginia

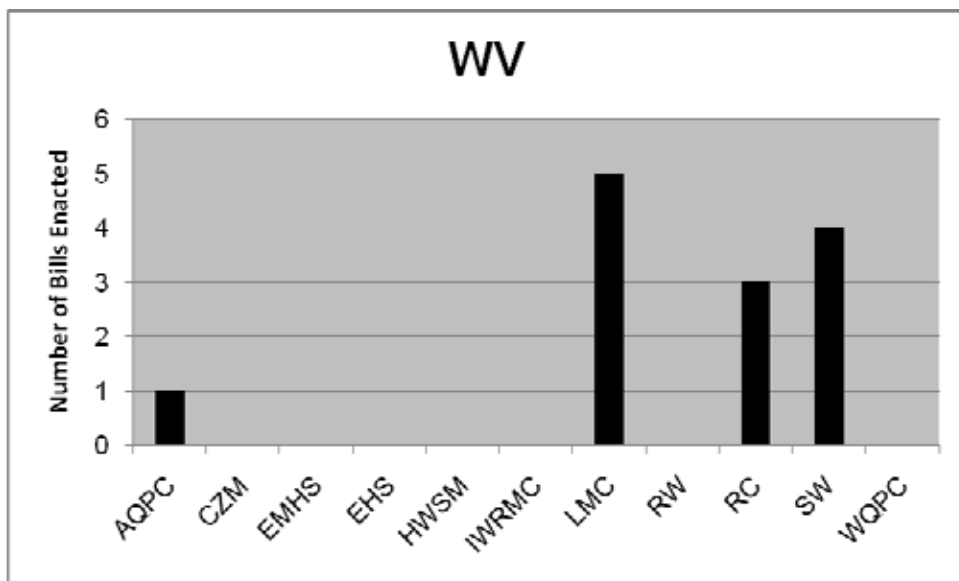
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## Legislation Category Comparison

### Energy Legislation



### Environmental Legislation



# West Virginia

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## Energy Legislation

### Alternative Energy Development

#### **HB 103 and SB 297: Alternative and Renewable Energy Portfolio Standard**

Speaker Richard Thompson and President Ray Tomblin

Requires every electric utility doing business in West Virginia to meet the alternative and renewable energy portfolio standards of at least 25 percent of the electric energy sold by the electric utility to retail customers in the preceding calendar year. In order to meet these standards, an electric utility must own an amount of credits equal to a certain percentage of electricity sold by the electric utility in the preceding year to retail customers. Each credit shall equal one megawatt hour of electricity.

### Coal and Minerals

#### **SB 436: Coal Mining Permits**

Sen. Jeffrey Kessler

Amends the Surface Coal Mining and Reclamation Act to ensure that permit applicants comply with certain fiscal and reporting requirements imposed by the state's unemployment compensation and workers' compensation laws.

### Natural Gas and Petroleum

#### **SB 306: Pipeline License Fee**

Sen. Mike Green

Requires every pipeline company to pay a special license fee according to the number of three-inch equivalent pipeline miles included in its pipeline facilities. The amount of such fees shall be fixed by the Public Service Commission so as to produce a revenue of not more than \$315,000 per annum.

#### **SB 613: Coalbed Methane Wells and Units**

Sen. Jeffrey Kessler

Clarifies the notice requirements for a permit application hearing related to coalbed methane wells and requires such hearing notice be published.

### Utilities

#### **HB 2863: Construction Projects**

Del. Tim Manchin

Amends and reenacts sections of the West Virginia Code relating to construction of state utility projects.

# West Virginia

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## Environmental Legislation

### Air Quality and Pollution Control

#### **HB 2860: Carbon Sequestration**

Speaker Richard Thompson

Creates a permitting and regulatory framework for the capture and sequestration of carbon dioxide. The injection of carbon dioxide for the purpose of enhancing the recovery of oil or other minerals, however, is not subject to the provisions.

### Land Management and Conservation

#### **SB 600: Surface Mining Tax**

Sen. Mike Green

Continues and reimposes the special reclamation tax of 14.4 cents per ton of clean coal mined on every person conducting coal surface mining. This is to ensure the Special Reclamation Fund and Special Reclamation Water Trust Fund have sufficient money available to meet the reclamation responsibilities of the state. Additionally, the special reclamation tax shall be reviewed by the legislature every two years to determine whether the tax should be continued.

#### **HB 2795: Hunting and Fishing License**

Del. Michael Ferro

Creates a special hunting and fishing license for persons with a life-threatening condition who are under twenty-one years of age.

#### **HB 3063 Bear Hunting**

Del. Joe Talbott

Clarifies that it is unlawful to hunt, capture or kill any bear, or to possess any bear or bear parts, except during the hunting season for bear and in the manner designated by the rules promulgated by the Division of Natural Resources.

#### **HB 2931: Timber Tax**

Del. Harry Keith White

Imposes an annual tax of 3.22 percent of the gross value of timber produced by anyone engaging in the business of severing timber for sale, profit or commercial use.

### **SB 1011: Post-Mine Land Use**

President Ray Tomblin

Requires the post-mining land use proposed in any reclamation plan for lands proposed to be mined by surface mining methods to comport with the land use that is specified in the approved master land use plan for the area. The Secretary of the Department of Environmental Protection may approve an alternative post-mining land use where the applicant demonstrates that the proposed post-mining land use is a higher and better use than the land use specified in the approved master land use plan; site-specific conditions make attainment of a post-mining land use which comports with the land use that is specified in the approved master land use plan for the area impractical; or the post-mining land use specified in the approved master land use plan would substantially interfere with the future extraction of mineable coal.

## Reorganization and Coordination

### **HB 2528: State Board of Registration of Foresters**

Del. Jim Morgan

Amends duties of the State Board of Registration of Foresters by providing for board composition, setting forth the powers and duties of the board, clarifying rule making authority, establishing certificate and permit requirements, setting forth grounds for disciplinary actions and providing for civil causes of action and criminal penalties.

### **HB 2968: State Fire Commission**

Del. Virginia Mahan

Requires the State Fire Commission to propose rules for legislative approval regarding standard safe practices for the design, construction, location, installation, maintenance and operation of liquefied petroleum gas systems and training standards and qualifications for persons who install or maintain liquefied petroleum gas systems.

### **HB 2976: State Fire Commission**

Speaker Richard Thompson

Requires the State Fire Commission to propose rules for legislative approval to ensure the quality of construction of all structures erected or renovated throughout this state through the adoption of a state building code.

## Solid Waste

### **SB 440: County Commissions**

Sen. Jeffrey Kessler

Grants county litter control officers the authority to issue citations for open dumps, unlawful disposal of litter, and failure to provide proof of proper disposal of solid waste. The officers must first complete a training course offered by the West Virginia Department of Environmental Protection.

**SB 641: Solid Waste Motor Carriers**

Sen. Karen Facemyer

Requires the operator-driver of every solid waste motor carrier vehicle that arrives at a commercial solid waste facility to declare, in writing and under oath, the name of the county and state of origin of the solid waste being deposited at the commercial solid waste facility. Any such operator-driver who violates this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500. Any owner of a solid waste motor carrier vehicle which deposits solid waste in violation of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$1,000.

**HB 3339: Landfill Closure Assistance**

Del. Virginia Mahan

Continues the Closure Cost Assistance Fund, which is a special revenue account in the State Treasury set up to assist in the cost of closing a landfill. The fund consists of money collected and deposited in the State Treasury specifically designated by acts of the legislature in the fund; contributions, grants and gifts from any public or private source, which may be used by the Secretary of the Department of Environmental Protection for any project; amounts repaid by permittees; and all interest earned on investments made by the state from moneys deposited in this fund.

**HB 2474: Agricultural Waste**

Del. Sam Argento

Allows the Commissioner of Agriculture, after consultation with the Department of Environmental Protection, to promulgate rules concerning the disposal or application of waste produced from an aquaculture facility. Also, any sludge or other material determined by the secretary to have beneficial properties similar to sewage sludge may be used in accordance with the applicable requirements governing sewage sludge.



# Southern States Energy Board

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The Southern States Energy Board is a non-profit interstate compact organization created in 1960 and established under Public Laws 87-563 and 92-440. The Board's mission is to enhance the quality of life in the South through innovations in energy and environmental programs and technologies. As an institution that has led to economic growth in the South, SSEB endeavors to reach the goal of sustainable development by implementing strategies that support its mission. SSEB develops, promotes and recommends policies and programs that ensure energy reliability and security and protect and enhance the environment.

Sixteen southern states and two territories comprise the membership of SSEB: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, Virginia, Virgin Islands and West Virginia. Each jurisdiction is represented by the Governor and a Legislator from the House and Senate. A Governor serves as Chairman and legislators serve as Vice Chairman and Treasurer. Ex-officio, non-voting board members include a federal representative appointed by the President, the Southern Legislative Conference Energy and Environment Committee Chairman and SSEB's Executive Director, who serves as Secretary.

SSEB was created by state law and consented to by Congress with a broad mandate to contribute to the economic and community well being of the citizens of the southern region. The Board exercises this mandate through the creation of programs in the fields of energy and environmental policy research, development and implementation, science and technology exploration and related areas of concern. SSEB serves its members directly by providing timely assistance designed to develop effective energy and environmental policies and representing members before governmental agencies at all levels.

# 2008-2009 Executive Committee

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The list of members below reflects officials who serve the Board as of July 21, 2009. For a current roster, please contact the SSEB staff or visit our website at [www.sseb.org](http://www.sseb.org).

## **Chairman**

The Honorable Sonny Perdue, Governor of Georgia

## **Chairman Elect**

The Honorable Joe Manchin, III, Governor of West Virginia

## **Vice-Chair**

Representative Rocky Adkins, Commonwealth of Kentucky ■

## **Treasurer**

Representative Myra Crowover, Texas

## **Member, Executive Committee**

The Honorable Mike Beebe, Governor of Arkansas

## **Member, Executive Committee**

The Honorable Tim Kaine, Governor of Virginia

## **Member, Executive Committee**

Representative Harry Geisinger, Georgia

## **Member, Executive Committee**

Representative Jim Ellington, Mississippi

## **Member, Executive Committee**

Senator Robert Adley, Louisiana

## **Member, Executive Committee**

Senator Thomas McLain Middleton, Maryland

## **Federal Representative**

The Honorable Brian C. Griffin, Oklahoma ●

## **Secretary**

Kenneth J. Nemeth, Executive Director, SSEB ●

- *Ex-Officio, Non-Voting Executive Committee Members*
- *Chair, SLC Energy & Environmental Committee*



# Members of the Board

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## **Alabama**

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Senator Jimmy W. Holley  
Representative William E. Thigpen, Sr.  
Representative Pete B. Turnham, Emeritus  
(Alternate)  
Representative Randy Davis (Governor's  
Alternate)

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Senator Denny Altes (Alternate)  
Representative Allen Maxwell  
Mr. Marc Harrison (Governor's Alternate)  
Mr. Chris Masingill (Alternate)

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Representative Clay Ford  
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Senator Mitch Seabaugh (Alternate)  
Representative Harry Geisinger  
Mr. Jimmy Skipper (Governor's Alternate)

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Representative Rocky Adkins  
Dr. Leonard K. Peters (Governor's Alternate)

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Mr. William "Bill" Dore (Governor's Alternate)

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Representative Weldon Watson  
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Senator John C. Watkins  
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Dr. Michael Karmis (Governor's Alternate)

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Senate President Earl Ray Tomblin  
Senator Mike Green (Alternate)  
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