



2010

Legislative Digest

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

September 2010

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



Acknowledgments

The Southern States Energy Board's **2010 Legislative Digest** 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 24th 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 Chairman Governor Joe Manchin who called Representative Adkins, "the South's lead legislator on energy."

Representative Adkins is a 14-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

Representative Rocky Adkins

It is my privilege to present the following **Energy and Environmental Legislative Digest** of 2010. 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 2010 legislative session, this document thoroughly examines legislation passed state by state. In addition, it also features a summary of the major pieces of federal legislation introduced to address energy independence and climate change, as well as relevant EPA regulations that will affect state activities. All this combines to make the *Digest* the predominant research manual for ideas and guidance when developing new legislation.

Precise state by state bill summaries 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. At the time of publication of the Preliminary Draft, energy related matters accounted for 33 percent of the total legislation summarized in this document. The largest topic area this year was Alternative Energy Development with the passage of 37 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 67 percent of the total legislation featured in the Preliminary Digest was related to the environment. The largest two categories were *Inland Water Resource Management and Conservation and Land Management and Conservation.* These two categories combined for 142 pieces of legislation.

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 measures passed in our member states.



Twenty-six bills related to energy and the environment were passed in **Alabama** this year. Senate Bill 315 amends current law to require the adoption, revision and implementation of mandatory commercial and residential energy codes and mandatory residential building codes by removing the Alabama Energy and Residential Code Board from “advisory board” status to that of having authority regarding those codes. Senate Bill 288 increases the weight limit for trucks equipped with a functioning auxiliary power or idle reduction technology.

Arkansas did not have a regular legislative session in 2010.

Florida passed eight bills related to energy and the environment. House Bill 7179 allows a property owner to apply to the local government for funding to finance a qualifying improvement. A “qualifying improvement” includes any energy conservation, efficiency, renewable energy or wind resistance improvements. House Bill 981 authorizes the Fish and Wildlife Conservation Commission to enter into an agreement with the Department of Environmental Protection to ensure that pesticides applied to the waters of the state are regulated uniformly.

Georgia passed 14 measures related to energy and the environment. House Bill 1069 provides income tax credits for qualified equipment that reduces business or domestic energy or water usage. Any state taxpayer who is the ultimate purchaser of qualified equipment for installation as part of new or retrofit construction shall be allowed a tax credit in the year the qualified equipment was placed in service. The amount of the credit is 25 percent of the cost of the equipment, or \$2,500.00, whichever is less. House Bill 406 exempts any drinking water project of the Georgia Environmental Facilities Authority or any local government or authority from service delivery agreements if the project is a proposed drinking water supply reservoir or any other potable water facility associated with such reservoir.

The **Commonwealth of Kentucky** enacted 15 energy and environment bills. House Bill 589 allows a severance tax credit for natural gas or natural gas liquids used as feedstock at an alternative transportation facility. The bill also includes natural gas or natural gas liquids as a permissible feedstock for an alternative transportation facility, and establishes a minimum investment level of \$1,000,000 for such facilities. Finally, the bill includes natural gas-derived liquid fuels in the definition of “alternative transportation fuels.” House Bill 28 establishes the Water Transportation Advisory Board as an advisory body to the executive and legislative branches of government. The Board will advise the Transportation Cabinet, the Cabinet for Economic Development, the Governor's Office and the General Assembly on matters relating to water transportation, recommend ways for the Commonwealth to make best use of its waterways and riverports for economic growth and help define the duties and functions of positions within state government responsible for water transportation.



Louisiana passed 49 measures related to energy and the environment. House Bill 841 authorizes the State Mineral and Energy Board to execute leases for the development and production of hydrokinetic energy on state lands. House Bill 495 provides that the owner of the land or water bottom is the owner of any monetary compensation derived from carbon sequestration.

Sixty-one bills related to energy and the environment were passed by **Maryland's** legislators this year. Senate Bill 277 alters the renewable portfolio standard (RPS) for electricity derived from solar energy and the compliance fees for a shortfall in the RPS requirement for electricity derived from solar energy. House Bill 685 requires a county's recycling plan to address a strategy for collecting and recycling fluorescent and compact fluorescent lights that contain mercury.

Mississippi enacted 26 pieces of legislation related to energy and the environment. Senate Bill 2821 requires state agencies to submit energy management plans and to meet energy consumption reduction standards. House Bill 432 requires every person, firm and corporation engaged in the business of drilling and developing wells for underground water, including drilling any wells or boreholes that may penetrate water-bearing formations, in the State of Mississippi, to file an application for a water well contractor's license with the Mississippi Commission on Environmental Quality.

Missouri passed four energy and the environment bills. House Bill 1692 authorizes one or more municipalities to form a clean energy development board to establish a property assessed clean energy program to finance energy efficiency or renewable energy improvement projects. A property owner can apply to the board to finance the costs of the project through annual special assessments levied under an assessment contract. Senate Bill 795 makes those who use explosive materials for unclogging agricultural irrigation wells in the Southeast Missouri Regional Water District exempt from certain blasting safety requirements.

North Carolina enacted 23 bills related to energy and the environment. House Bill 1829 promotes the use of renewable energy by extending the credit for biodiesel producers and for constructing renewable fuel facilities, reviving the tax credit for investing in renewable energy property, reinstating and expanding the tax credit for a renewable energy property facility, clarifying the authority of local governments to finance energy programs, clarifying that real property donated for a conservation purpose can be used only for that purpose and designating the appropriate person to provide a written allocation of the federal tax deduction for energy efficient commercial buildings owned by a governmental entity. House Bill 1766 amends a variety of environmental and natural resources laws.

During the 2010 legislative session, **Oklahoma** passed 17 pieces of legislation related to energy and the environment. House Bill 3028 creates the Oklahoma Energy Security Act, which establishes a voluntary goal of increasing the installed capacity of electricity derived from renewable energy sources to 15 percent by the year 2015. Senate Bill 1326 allows the Oklahoma Geologic Storage of Carbon Dioxide Task Force to continue until December 1, 2010. The task force shall study any issues necessary the transmission and



storage of carbon dioxide in geologic formations, including insurance, liability and ownership issues relating to long-term carbon dioxide storage facilities.

Puerto Rico enacted two measures related to energy and the environment. Senate Bill 1519 defines Puerto Rico's public policy regarding using renewable energy in order to diversify power generation and creates a Renewable Portfolio Standard. House Bill 2610 provides new incentives for investments in renewable energy, including the creation of a Green Energy Fund.

South Carolina passed 29 pieces of legislation related to energy and the environment. Senate Bill 232 declares that it is the policy of South Carolina to have a comprehensive state energy plan that maximizes, to the extent practical, environmental quality and energy conservation and efficiency and minimizes the cost of energy throughout the state. To implement this policy, the bill adopts the Plan for State Energy Policy. Senate Bill 452 amends the South Carolina Surface Water Withdrawal and Reporting Act to provide that surface water withdrawals must be made pursuant to a permit issued by the Department of Health and Environmental Control.

Tennessee passed 14 pieces of energy and environment legislation. Senate Bill 3870/House Bill 3804 authorizes the Department of Human Services to provide low-income energy assistance at any percentage of the federal income poverty level permitted by federal law. Senate Bill 2180/House Bill 2216 requires the Department of Environment and Conservation to work with Tennessee State University and Middle Tennessee State University to study ways to improve the use of materials in solid waste as raw materials to create jobs, business and compost.

Texas did not have a regular legislative session in 2010.

The **Virgin Islands** enacted four bills related to energy and the environment. Senate Bill 28-0139 ratifies the lease between the Department of Planning and Natural Resources and SURTEP Enterprises, Inc. Senate Bill 28-0110 appropriates monies from the Anti-litter and Beautification Fund to the Waste Management Agency for the fiscal year ending September 30, 2010.

The **Commonwealth of Virginia** passed 64 pieces of energy and environment legislation. Senate Bill 577/House Bill 389 creates the Virginia Offshore Wind Development Authority to facilitate and support the development of the offshore wind industry and wind-powered electric energy facilities located off the coast of the Commonwealth. Starting in 2011, Senate Bill 659 requires the State Air Pollution Control Board to adopt any regulations necessary to implement and enforce the requirements of § 328 of the Clean Air Act (CAA) relating to the control of air pollution from Outer Continental Shelf sources. The regulations shall not differ materially from similar regulations promulgated by the U.S. Environmental Protection Agency (EPA) in implementing the CAA. The measure also directs the Department of Environmental Quality to request the Administrator of the EPA to delegate to the Commonwealth any authority the Administrator has under the Clean Air Act to implement and enforce § 328 of the Clean Air Act.



West Virginia enacted 20 bills related to energy and the environment. Senate Bill 350 amends the alternative and renewable energy portfolio standard by recategorizing recycled energy as a renewable energy resource in order to purchase energy resource credits and by allowing ethanol to be considered a renewable energy resource when produced from sources other than corn. Senate Bill 138 prohibits a driver or owner of a diesel-powered motor vehicle with a gross vehicle weight of 10,001 or more and engaged in commerce from allowing the engine of the vehicle to idle for more than fifteen minutes in any continuous sixty-minute period, except as provided under section three of this act. This law also applies to any owner or operator of the location where the vehicle loads, unloads or parks. Anyone that violates the provisions of this article is guilty of a misdemeanor and, upon conviction must pay a fine of between \$150 and \$300, as well as court costs.

Representative Rocky Adkins
Commonwealth of Kentucky
SSEB Vice-Chair





Categories of Energy Legislation

The following categories are used 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

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 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 include 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

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 categories section for more information on the criteria used in placing legislation in categories.



Matrices and Graphs Abbreviations

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

SB	Senate Bill
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 2010 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

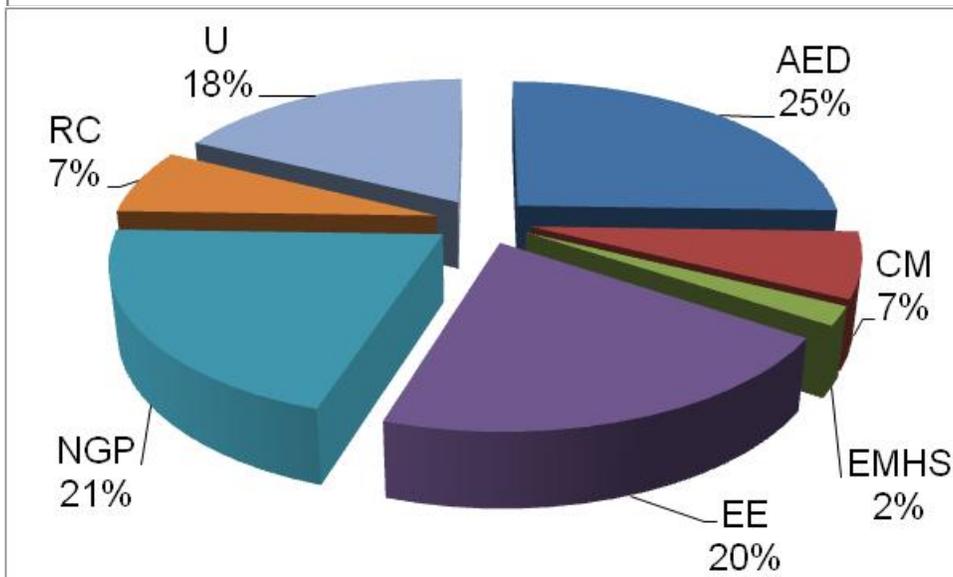
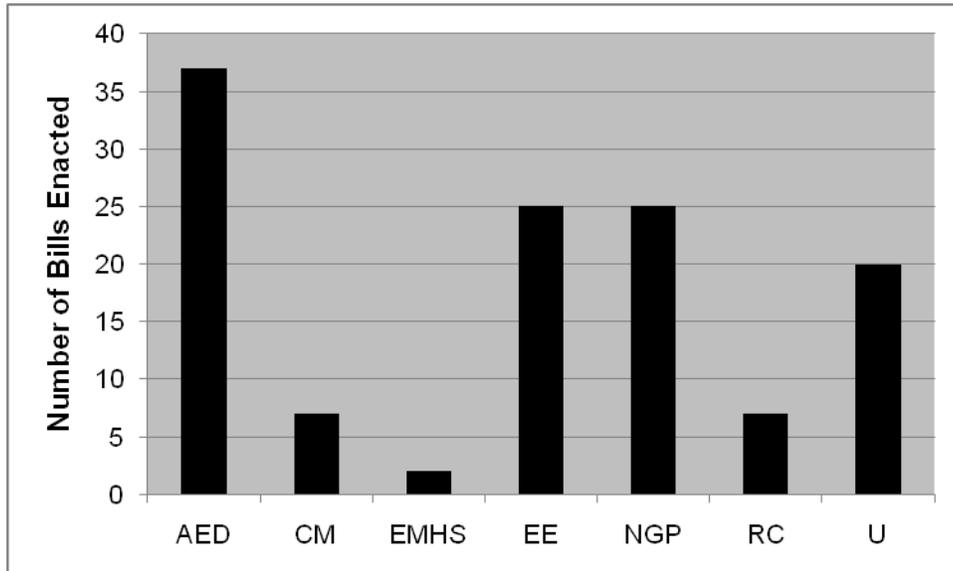
Matrix of 2010 Environmental Legislation

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



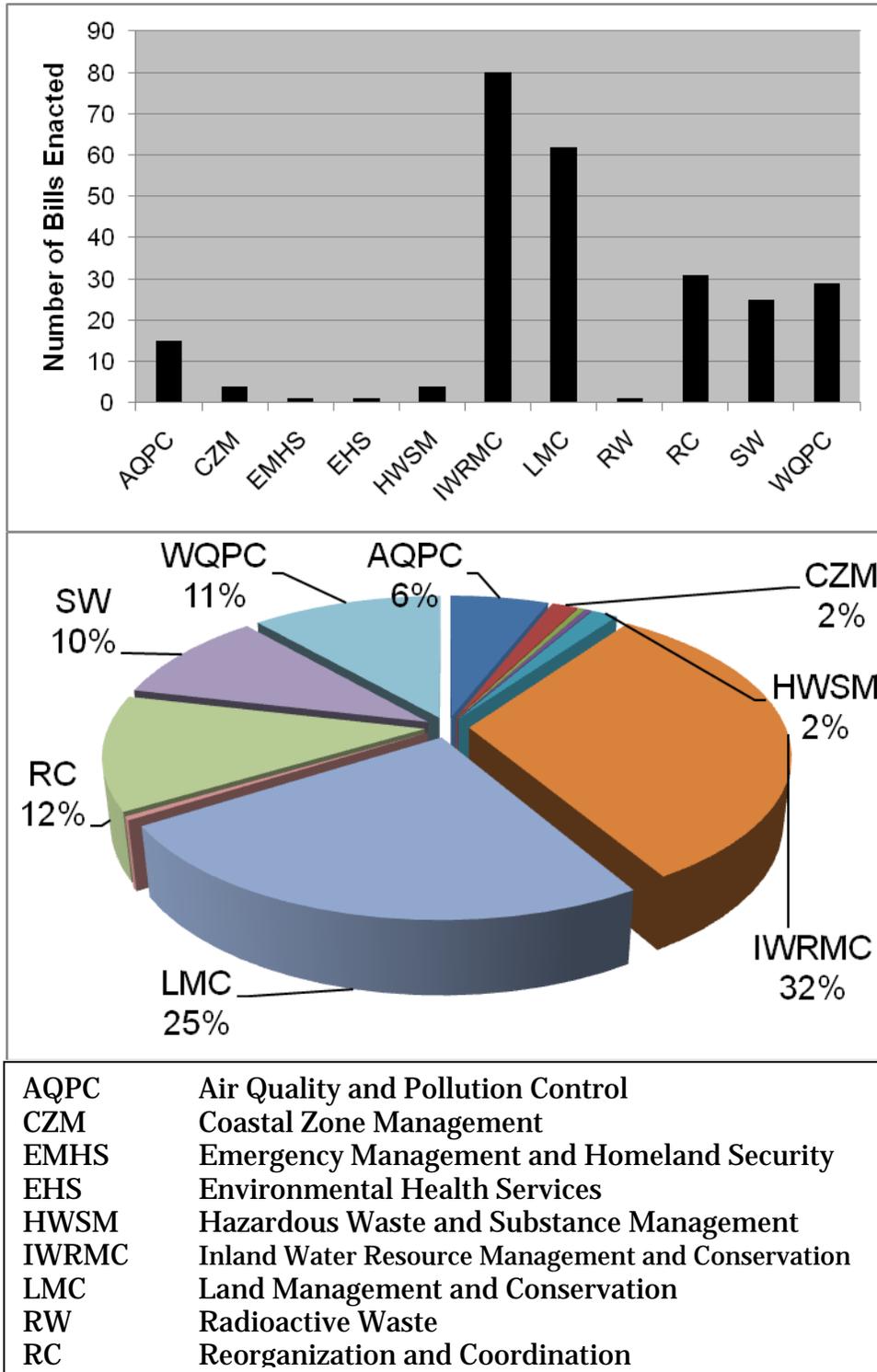
Overall Energy Legislation



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







Major Federal Legislation and EPA Regulations

Federal Legislation

American Clean Energy and Security Act of 2009 (H.R. 2454)

The American Clean Energy and Security Act of 2009, authored by Representatives Henry Waxman (D-CA) and Ed Markey (D-MA), passed the U.S. House of Representatives on June 26, 2009 by a vote of 219-212 with three abstaining. The bill sets forth provisions concerning clean energy, energy efficiency, global warming pollution, transition to a clean energy economy and provisions for agriculture and forestry related offsets. Specifically, the bill creates a combined energy efficiency and renewable electricity standard that requires retail electricity suppliers to meet 20 percent of their demand through renewable electricity and electricity savings by 2020. It sets a goal of, and requires a strategic plan for improving overall U.S. energy productivity by at least 2.5 percent per year by 2012 and maintaining that improvement rate through 2030. Additionally, it establishes a cap-and-trade system for greenhouse gas (GHG) emissions and sets goals for reducing such emissions from covered sources by 83 percent of 2005 levels by 2050.

The bill addresses developing commercial-scale carbon capture and sequestration as well. Section 111 of Subtitle B requires the EPA Administrator, in consultation with the Secretary of the Interior and other relevant agencies, to report to Congress on a unified and comprehensive strategy to address the key legal, regulatory and other barriers to the commercial-scale deployment of carbon capture and sequestration. Section 112 amends the Clean Air Act (CAA) to require the EPA Administrator to: (1) establish a coordinated approach to certifying and permitting geologic sequestration; (2) promulgate regulations, within two years, to protect human health and the environment by minimizing the risk of escape to the atmosphere of carbon dioxide injected for purposes of geologic sequestration and (3) report to the House Committee on Energy and Commerce and the Senate Committee on Environment and Public Works every three years on geologic sequestration in the United States and in North America. The bill amends the Safe Drinking Water Act to require the EPA Administrator to promulgate regulations for carbon dioxide geologic sequestration wells and regulations to include requirements for maintaining evidence of financial responsibility, including responsibility for emergency and remedial response, well plugging, site closure and post-injection site care.

The bill also includes the following sections: *State Energy and Environment Development Accounts, Smart Grid Advancement and Transmission Planning, Energy and Efficiency Centers and Research, Nuclear and Advanced Technologies, Building Energy Efficiency Programs, Lighting and Appliance Energy Efficiency Programs, Transportation and Industrial Efficiency Programs and Green Resources for Energy Efficient Neighborhoods.*



Clean Energy Jobs and American Power Act (S. 1733)

Senators Barbra Boxer (D-Calif.) and John Kerry (D-Mass.) introduced their version of a climate change bill on September 30, 2009 and it reported out of committee on November 5, 2009. The bill provides for the establishment of a cap and trade system for greenhouse gas (GHG) emission allowances and sets goals of reducing U.S. emissions by 20 percent by 2020 and by 83 percent by 2050.

The bill sets forth provisions concerning the establishment of: (1) economy-wide GHG emission reduction goals; (2) transportation-related GHG emissions reduction goals and standards; (3) a coordinated approach to certifying and permitting geological storage of carbon dioxide; (4) regulations for geological storage wells; (5) performance standards for new coal-fired power plants; (6) programs to research the safety and performance of nuclear power plants, train nuclear workers and develop understanding of and new technologies for spent nuclear waste management; (7) water use efficiency programs, a research program to assist drinking water utilities in adapting to the effects of climate change and a water system mitigation and adaptation partnership program to provide funds to states for water system adaptation projects; (8) a Greenhouse Gas Reduction Incentives Program to provide financial assistance to owners and operators of agricultural lands and forest land for projects that increase carbon sequestration or reduce GHG emissions; (9) efficiency standards for buildings and (10) a program to promote dispatchable power generation projects that can accelerate the reduction of power sector carbon dioxide and other GHG emissions.

Provisions concerning the following are also taken up in the legislation: (1) advancing or encouraging clean, renewable, alternative, innovative and/or efficient energy technology, projects, research and/or practices; (2) supporting the development of programs to aid workers in the fields of clean energy, renewable energy, energy efficiency, climate change mitigation and adaptation; (3) developing climate change adjustment assistance for workers displaced as a result of this bill; (4) implementing a strategic action plan to assist health professionals in preparing for and responding to the impacts of climate change on public health and (5) reducing emissions of black carbon.

Additionally, the bill amends the Clean Air Act (CAA) to require the Environmental Protection Agency (EPA) to: (1) promulgate regulations to cap and reduce GHG emissions annually, so that GHG emissions from capped sources are reduced to 97 percent of 2005 levels by 2012, 80 percent by 2020, 58 percent by 2030 and 17 percent by 2050; (2) set aside a specified percentage of emission allowances to be used to achieve an additional 10 percent reduction from 2005 U.S. emission levels in 2020 by providing incentives to reduce emissions from international deforestation and (3) establish a federal GHG registry.

Finally, it requires EPA to establish specified emission allowances (tonnage limits) for each year from 2012 through 2050. The EPA Administrator is authorized to either regulate the production of perfluorocarbon under such limits or subject such production to the best available control technology and regulations phasing down the consumption of perfluorocarbon and importation of products containing perfluorocarbon.



American Power Act

On May 12, 2010 Sen. John Kerry (D-MA) and Sen. Joseph Lieberman (I-CT) released their climate bill, entitled “American Power Act.” The comprehensive bill addresses a multitude of topics related to protecting consumers from inflated energy costs, harnessing domestic power supplies, investing in clean energy technologies, reducing emissions and creating a carbon market. It is touted to create American jobs and achieve energy security while reducing carbon pollution by 17 percent in 2020 and by 80 percent in 2050.

At the same time, the bill will pre-empt the ability of states to implement mandatory greenhouse gas reductions and will provide compensations for the states that already have cap-and-trade policies that will have to be terminated as the result of the federal law. Other key provisions affecting states include:

Decreasing Dependence on Foreign Oil

The bill provides over \$7 billion annually to improve transportation infrastructure and efficiency, including highways and mass transit systems. The bill also institutes new protections for coastal states by allowing them to opt-out of drilling up to 75 miles from their shores. In addition, directly impacted states can veto drilling plans if they stand to suffer significant adverse impacts in the event of an accident. States that do pursue drilling will receive 37.5 percent of revenues to help protect their coastlines and coastal ecosystems.

Ensuring Coal’s Future

The bill empowers the U.S. to lead the world in the deployment of clean coal technologies through annual incentives of \$2 billion per year for researching and developing effective carbon capture and sequestration methods and devices. The bill also provides significant incentives for the commercial deployment of 72 GW of electricity generation using carbon capture and sequestration.

Encouraging the Use of America’s Natural Gas

The bill creates a level playing field for natural gas in the power sector by removing disincentives for natural gas generation at merchant plants. It also helps guide the state regulatory process by requiring public disclosure of chemicals used in the production of natural gas.

Increasing Nuclear Power Generation

The bill includes a broad package of financial incentives to increase nuclear power generation, including regulatory risk insurance for 12 projects, accelerated depreciation for nuclear plants, a new investment tax credit to promote the construction of new generating facilities, \$54 billion in loan guarantees and a manufacturing tax credit to spur the domestic production of nuclear parts.



Carbon Limits and Energy for America's Renewal (CLEAR) Act (S. 2877)

Senators Maria Cantwell (D-WA) and Susan Collins (R-ME) introduced their CLEAR Act on December 11, 2009. This bill requires the President to reduce greenhouse gas (GHG) emissions relative to 2005 levels by 20 percent by 2020, 30 percent by 2025, 42 percent by 2030 and 83 percent by 2050. It requires the Secretary of the Treasury to establish a program to reduce the emission of GHGs by placing a gradually declining limitation on the quantity of fossil carbon permitted to be sold and requiring each first seller to periodically surrender to the Secretary a number of carbon shares equal to the quantity of covered carbon it produces or imports or be subject to a penalty. A "first seller" is defined as an entity in the business of producing or importing fossil carbon or production process carbon. The President must also establish a maximum aggregate quantity of carbon, and a corresponding number of carbon shares, permitted to be introduced into commerce for 2012. That number of shares is set to be equal to the approximate level of carbon likely to be required by the economy during 2012 for years 2012, 2013 and 2014 and for each subsequent year to be reduced from the quantity of the previous year by 0.25 percent. The bill sets forth provisions concerning auctioning, purchasing and selling shares. It also restricts participation in such auctions to first sellers and prohibits first sellers from directly or indirectly creating, purchasing, selling or trading carbon share derivatives.

In addition, it requires the Secretary of the Treasury to: (1) impose fees for the production process of carbon associated with commodities imported for sale; (2) transfer collected fees and penalties to the Clean Energy Reinvestment Trust Fund established by this Act; (3) distribute amounts from such Fund to individuals and entities that are unable to compete due to unfair market prices arising from disparate carbon limits or fees among countries; (4) promulgate regulations for the establishment, operation and oversight of markets for carbon share derivatives; (5) provide carbon shares in excess of the aggregate quantity for carbon that is sequestered, injected or embedded; (6) reduce the aggregate quantity of carbon shares for reductions of carbon emissions attributable solely to voluntary carbon reduction purchases; (7) establish a program that enables individuals to borrow against any future energy security dividends in order to make investments in energy efficiency or clean energy technologies and services and (8) establish an Office of Consumer Advocacy for energy consumers. Finally, the bill establishes the Carbon Refund Trust Fund to be funded from auction proceeds and to distribute tax-free energy security dividends to U.S. residents.



American Clean Energy Leadership Act of 2009 (S. 1462)

Senator Jeff Bingaman's (D-NM) American Clean Energy Leadership Act of 2009 focuses solely on solving the nation's energy crises. It was introduced on July 16, 2009 and was reported by committee on the same day. The bill establishes: (1) the Clean Energy Investment Fund, a revolving fund to develop clean energy technology; (2) the Clean Energy Deployment Administration in the Department of Energy (DOE) to provide financial support for deploying clean energy technologies; (3) the National Commission on Nuclear Waste to study issues concerning waste management, disposal, storage and chemical reprocessing of spent nuclear fuel and high-level radioactive waste; (4) a Working Group on Energy Markets and (5) a standard that requires utilities to obtain an increasing percentage of their base quantity of electricity that they sell to consumers from renewable energy or energy efficiency. The percentages break down as follows: three percent in 2011-2013, six percent in 2014-2016, nine percent in 2017-2018, 12 percent in 2019-2020 and 15 percent in 2021-2039.

It requires DOE to: (1) establish a renewable energy credit trading program and an energy efficiency credit trading program, under which utilities will submit credits to comply with such standard; (2) conduct various studies and programs concerning clean energy, water use and energy savings and energy efficiency in vehicles; (3) support manufacturers' use of clean energy and energy efficiency measures, including implementing the State Partnership Industrial Energy Efficiency Revolving Loan Program and a sustainable manufacturing initiative; (4) implement a program to demonstrate the commercial application of integrated systems for the capture, injection, monitoring and storage of carbon dioxide from industrial sources; (5) support programs to expand the domestic production of low-Btu gas and helium resources; (6) conduct a marine-based energy device verification program; (7) implement a grant program to develop and evaluate marine and hydrokinetic renewable energy and (8) establish a task force to report on climate change in China and India.

In addition, it directs the Federal Energy Regulatory Commission (FERC) to develop an interconnection-wide transmission plan for the electric grid, require electric utilities to make interconnection service available to consumers with respect to facilities that generate up to 15 kilowatts and establish a model standard for the interconnection of certain small power production facilities.

Finally, the bill sets forth provisions to: (1) establish energy efficiency standards for lights, appliances and buildings and revise the Energy Star program; (2) require the Strategic Petroleum Reserve to include at least 30 million barrels of refined petroleum products; (3) provide for the production of geothermal energy on land with oil and gas leases; (4) repeal royalty relief for production from certain ultra deep gas wells in shallow water and oil and gas production sites in the Gulf of Mexico; (5) increase a federal loan guarantee for developing an Alaska natural gas pipeline; (6) prioritize and provide assistance for renewable energy development on brownfield sites; (7) authorize and extend appropriations for specified energy programs and (8) provide for the development of energy education and workforce training.



Practical Energy and Climate Plan (S. 3464)

Senator Dick Lugar's (R-IN) Practical Energy and Climate Plan was introduced on June 9, 2010. The bill prioritizes targeted policies that promise to bring real money and energy savings while providing flexible frameworks that encourage investment in a more secure energy future.

Reducing Foreign Oil Dependence

The bill's plan for vehicle efficiency standards for passenger vehicles will reverse the trend of not increasing fuel efficiency unless Congress or the Administration acts by providing long-term, predictable increases with annual four percent target Corporate Average Fuel Economy (CAFE) improvements that are cost effective. The fuel efficiency standards for medium and heavy duty trucks will be required to come into effect in 2017 and will increase every four years to maximize cost effective technological innovation. A competitive, revenue-neutral program will be established to encourage greater fuel efficiency by rewarding purchase of the most efficient vehicle by class with a rebate offset by a fee on the least efficient vehicle in that same class.

Energy Efficiency

The bill, in part, establishes regular review and minimum targets for national building energy efficiency codes, with incentives for state adoption, to ensure the employment of cost-effective energy saving materials and equipment. It also enhances government leadership and taxpayer savings by requiring new federal buildings to exceed national standards when possible. In order to combat the upfront costs of installing energy saving technologies, even when those retrofits will pay for themselves relatively quickly, the bill will help by leveraging private dollars with federally-backed financing tools, which will be paid back to make the program self-sustaining. Furthermore, federal dollar-for-dollar matching will be authorized for state-based loan programs to accelerate deployment of energy saving equipment and processes in the industrial sector.

Diverse Domestic Power

The bill creates a diverse energy standard that establishes a long-term, flexible framework for states and utilities to invest in a variety of domestic electric generation resources and energy saving programs. The bill also seeks to ensure the retirement of the oldest, dirtiest plants by allowing plants to avoid additional investments in environmental compliance technology in exchange for an agreement to cease operations at the end of 2018. Additionally, the bill boots current federal loan guarantees to enable financing for new nuclear plants in order to prove to investors that new plants can come online on time and on budget.



EPA Regulations

Endangerment Finding

The Environmental Protection Agency (EPA) released its final endangerment finding on greenhouse gas (GHG) emissions on December 7, 2009. According to the endangerment finding: “The Administrator finds that six greenhouse gases taken in combination endanger both the public health and the public welfare of current and future generations. The Administrator also finds that the combined emissions of these greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas air pollution that endangers public health and welfare under CAA section 202(a).”

EPA’s endangerment finding covers emissions of six key greenhouse gases – carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride – that have been the subject of scrutiny and intense analysis for decades by scientists in the United States and around the world.

EPA’s final findings respond to the 2007 U.S. Supreme Court decision that GHGs fit within the Clean Air Act definition (CAA) of air pollutants. The findings do not in and of themselves impose any emission reduction requirements but, rather, allow EPA to finalize the GHG standards proposed earlier this year for new light-duty vehicles and to require the largest industrial sources to install the best available control technology to curb their emissions.

Tailpipe Standards

On April 1, 2010, EPA Administrator Jackson signed a final rule for National Standards for Fuel Economy and GHG Emission Levels for Passenger Cars and Light Trucks. The proposed rule was signed on the congressionally mandated deadline for the administration to issue the rules, which will kick in for model year 2012 cars, slated to arrive in showrooms at the start of October 2011. The new rules will add an estimated \$950 to the price of a model year 2016 car or truck, but that consumers will save roughly \$3,000 over the life of the vehicle.

The rules will push the nation's CAFE to 35.5 miles per gallon by 2016, four years ahead of the schedule Congress laid out in a 2007 energy law. The carbon dioxide limit, which will apply to passenger cars, light-duty trucks and medium-duty passenger vehicles, would reach an average of 250 grams per mile per vehicle in 2016. The new standard would be equivalent to 35.5 miles per gallon if all reductions came from fuel economy improvements.

The emission standards are the first federal greenhouse gas regulation and come in response to a 2007 Supreme Court ruling that EPA has the authority to regulate greenhouse gases as pollutants under the Clean Air Act.



When the vehicle standards take effect, greenhouse gases will officially become "subject to regulation" under the CAA, which will trigger CAA permitting requirements for industrial sources like power plants, refineries and other large facilities. EPA said it will start to regulate stationary sources as soon as January 2, 2011, when automakers must begin to comply with the rule. EPA did not specify which industrial facilities must account for their greenhouse gas emissions. The issue of what sources will be subject to New Source Review and operating permit requirements are addressed in the tailoring rule (below).

GHG Tailoring Rule

On May 13, 2010, the EPA announced a final rule to address GHG emissions from large stationary sources under CAA permitting requirements. The phased-in approach will address facilities like power plants and oil refineries that emit 70 percent of the greenhouse gases from stationary sources.

EPA's phased-in approach will start in January 2011, when CAA permitting requirements for GHGs will kick in for large facilities that are already obtaining CAA permits for other pollutants. Those facilities will be required to include GHGs in their permit if they increase these emissions by at least 75,000 tons per year (tpy).

In July 2011, CAA permitting requirements will expand to cover all new facilities with GHG emissions of at least 100,000 tpy and modifications at existing facilities that would increase GHG emissions by at least 75,000 tpy. These permits must demonstrate the use of best available control technologies to minimize GHG emission increases when facilities are constructed or significantly modified.

Under the new emissions thresholds for GHGs that begin in July 2011, EPA estimates approximately 900 additional permitting actions covering new sources and modifications to existing sources would be subject to review each year. In addition, 550 sources will need to obtain operating permits for the first time because of their GHG emissions.

In April 2010, EPA set the first national GHG tailpipe standards for passenger cars and light trucks. When GHG emissions limits for these vehicles go into effect in January 2011, EPA is also required to address GHG emissions from stationary sources under the CAA's permitting programs.

The final rule addresses a group of six greenhouse gases: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).



Renewable Fuels Standard

EPA finalized a rule on May 10, 2010 that implements the long-term renewable fuels mandate established by Congress. The Renewable Fuels Standard requires biofuels production to grow from last year's 11.1 billion gallons to 36 billion gallons in 2022, with 21 billion gallons to come from advanced biofuels. Increasing renewable fuels will reduce dependence on oil by more than 328 million barrels a year and reduce greenhouse gas emissions more than 138 million metric tons a year when fully phased in by 2022. For the first time, some renewable fuels must achieve greenhouse gas emission reductions - compared to the gasoline and diesel fuels they displace – in order to be counted towards compliance with volume standards.

Mandatory Reporting of GHG

On June 28, 2010, EPA Administrator Jackson signed finalized rules that amend the GHG Reporting Rule. The four proposed rules would expand the EPA's mandatory GHG reporting rule to several sectors that were not covered when the agency finalized its nationwide reporting system last year. The draft rules lay out new monitoring requirements for certain oil and gas operations, carbon dioxide capture and injection sites and sources of fluorinated greenhouse gases. The rule requires reporting of GHG emissions from large sources and suppliers in the United States, and is intended to collect accurate and timely emissions data to inform future policy decisions. Under the rule, suppliers of fossil fuels or industrial greenhouse gases, manufacturers of vehicles and engines and facilities that emit 25,000 metric tons or more per year of GHG emissions are required to submit annual reports to EPA.

Subpart A

Amends the General Provisions subpart for the mandatory reporting of greenhouse gases (MRR). Under this proposal, facilities reporting GHG emissions under Part 98 of the Mandatory Greenhouse Gas Reporting rule would also be required to report their corporate parent companies, the North American Industry Classification System codes that apply to the facility and whether or not emissions reported include emissions from a cogeneration unit. These three reporting requirements would be included in the first annual GHG emissions reports submitted to EPA on March 31, 2011 and in all future years.

Subpart W

Requires petroleum and natural gas facilities that emit 25,000 metric tons of carbon dioxide equivalent or more to report their greenhouse gas emissions. Covered facilities include onshore petroleum and natural gas producers, offshore petroleum and natural gas producers, onshore natural gas processing, natural gas transmission, underground natural storage, liquefied natural gas (LNG) storage, LNG import and export facilities, and natural gas distribution facilities. EPA said the proposal would cover about 3,000 facilities, or 85 percent of the sector's total greenhouse gas emissions. About 1,200 of those facilities would already be required to report under the rule finalized last year, EPA said.



Subpart RR

Proposes new monitoring requirements for facilities that inject carbon dioxide underground for the purpose of enhanced oil and gas recovery (EOR) and long-term geologic sequestration. Facilities that inject CO₂ for EOR and for research and development (R&D) would report basic information on underground injections, amount of CO₂ received onsite from offsite sources, amount of CO₂ injected into the subsurface and source of the CO₂, if known. In addition to reporting basic information, facilities that conduct long-term geologic sequestration would also develop and implement an EPA-approved, site-specific monitoring, reporting and verification (MRV) plan and report the amount of CO₂ sequestered using a mass balance approach. Facilities that inject CO₂ for EOR and geologic sequestration R&D projects are not required to develop MRV plans, but may choose to develop such a plan.

Subpart I, L, DD, Ooa and SS

This draft rule would impose reporting requirements on several sources of fluorinated greenhouse gases: electronics manufacturing, fluorinated gas production, importers of pre-charged equipment and closed-cell foams and users and manufacturers of electric transmission and distribution equipment. EPA estimates that the proposal will cover more than 95 percent of the total greenhouse gas emissions from these sources with approximately 385 facilities reporting.

Coal Ash

On May 4, 2010, EPA Administrator Jackson proposed two national rules regarding the disposal and management of coal ash from coal-fired power plants.

One would regulate the ash as a hazardous waste, phase out its disposal in wet storage ponds and set new requirements for storing and monitoring the waste in dry landfills.

The other would classify the waste as nonhazardous, setting federal guidelines for state disposal that mandate the installation of liners on new wet storage ponds to keep the slurry from leaching. Existing ponds would have to be retrofitted with liners or stop receiving ash within five years.

Under the nonhazardous designation, EPA would not have enforcement authority over those federal guidelines, leaving that to states or citizen lawsuits. Under the hazardous designation, however, EPA and states would have enforcement authority.

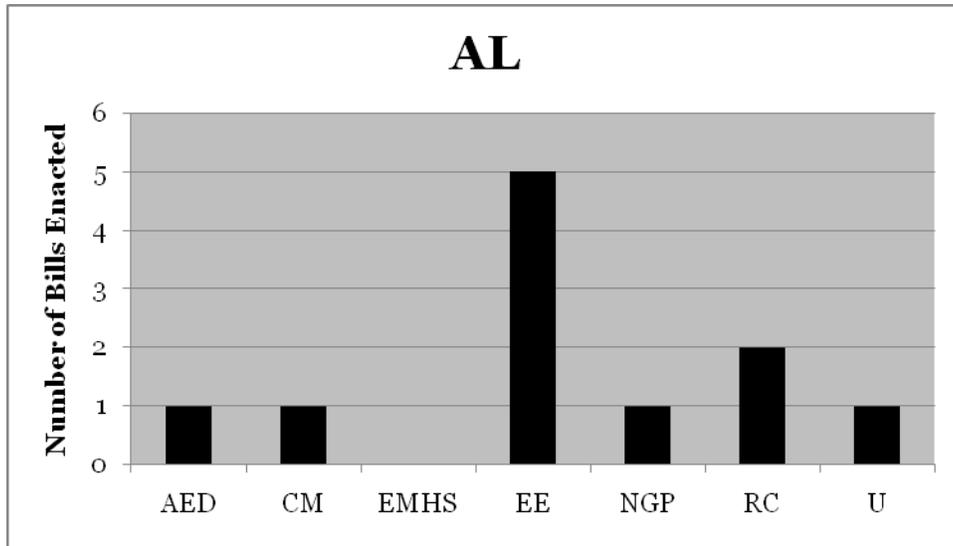
Both approaches proposed by EPA would leave in place the Beville exemption for beneficial uses of coal ash in which coal combustion residuals are recycled as components of products instead of placed in impoundments or landfills. Large quantities of coal ash are used today in concrete, cement, wallboard and other contained applications that should not involve any exposure by the public to unsafe contaminants. These uses would not be impacted by either proposal.



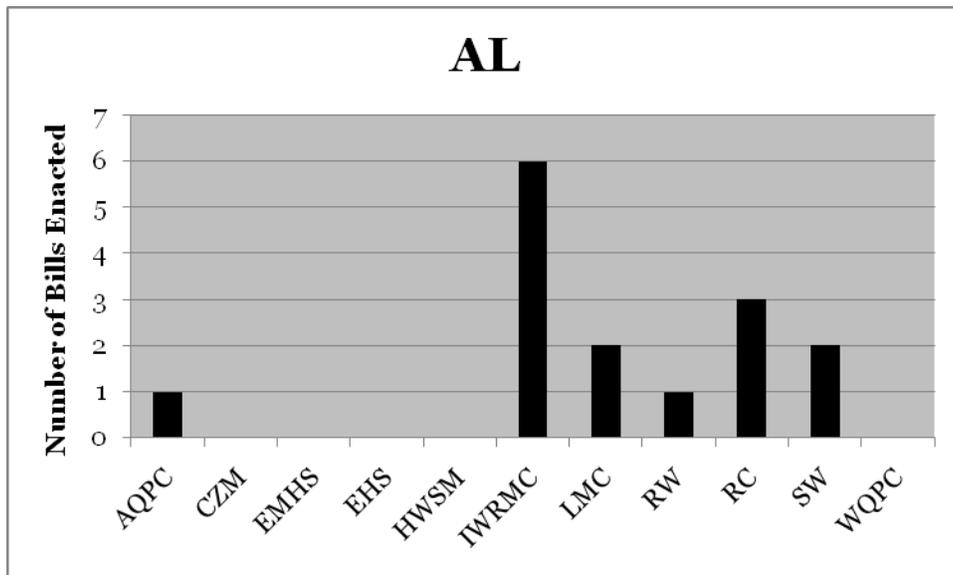
Alabama

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Alabama

Energy Legislation

Alternative Energy Development

HJR 218: Save Our Energy Jobs Act

Rep. Mac H. Gipson, Jr.

Urges the United States Congress to approve H.R. 4396, the Save Our Energy Jobs Act.

Coal and Minerals

HB 75: Surface Mining Commission

Rep. Tommy Sherer

Expands the powers of the Alabama Surface Mining Commission to allow reasonable licensing, certification and regulatory fees for surface mine operators and blasters. In addition, this bill authorizes the Commission to hire or contract with attorneys to serve as hearing officers and deletes the requirement that they be located in a facility separate from the Commission, as is current practice.

Energy Efficiency

SB 315: Energy Codes

Sen. Marc Keahey

Renames the Alabama Residential Energy Code Board to the Alabama Energy and Residential Codes Board. This bill also amends current law to require the adoption, revision and implementation of mandatory commercial and residential energy codes and mandatory residential building codes by removing the Alabama Energy and Residential Code Board from “advisory board” status to that of having authority regarding the Alabama Energy and Residential Codes. The Board will continue to remain under the authority and supervision of the Alabama Department of Economic and Community Affairs (ADECA). This bill exempts farm structures from the codes requirements of this bill, allows local entities to amend the codes so long as they do not conflict with federal provisions and do not mandate fire sprinklers. The exception to this is municipalities that already have codes in place mandating residential fire sprinklers.

HJR 27: Weatherization Assistance Program (WAP)

Rep. Ken Guin

Urges the Governor and the Director of Alabama Department of Economic and Community Affairs (DECA) to increase the participation in WAP projects and to spend all available funding for weatherization upgrades for the households in greatest need.



HJR 139: Weatherization Assistance Program (WAP)

Rep. Ken Guin

Urges Alabama Community Action Agencies to revise their procedure for requesting weatherization assistance funds so that participation in WAP projects may be increased and all available funding for weatherization upgrades may be spent for the households in greatest need.

SJR 38: Energy Codes

Sen. Wendell Mitchell

Requests that the 2006 International Energy Conservation Code (IECC) for residential buildings and the ANSI/ASHRAE/IESNA Standard 90.1-2007 for commercial buildings, or subsequent editions be used when Alabama adopts energy codes for commercial and residential structures, and that future consideration be given to create an internal, statewide process to amend the code as new editions of the IECC are published.

SJR 71: Weatherization Assistance Program-DOE

Sen. Trip Pittman

Urges the U. S. Department of Energy to allow the Alabama Department of Economic and Community Affairs to identify new or additional subgrantees for Weatherization Assistance Program for low income households.

Natural Gas and Petroleum

HB 128: Joint Legislative Committee on Energy Policy

Rep. Greg Wren

Adds three new members to the Permanent Joint Legislative Committee on Energy Policy and expands the scope of the Alabama Energy Plan to include recommendations relating to oil and gas productions, future oil and gas development (onshore and offshore) and renewable and alternative energy sources.

Reorganization and Coordination

SB 138: Oil and Gas Board

Sen. Larry Dixon

Provides for the continuance of the State Oil and Gas Board for four years.

SB 156: Surface Mining Commission

Sen. Larry Dixon

Provides for the continuance of the Surface Mining Commission for four years.



Utilities

HB 305: Utility Relocation

Rep. Alan C. Boothe

Allows public utilities with gross annual incomes of \$250 million or less to be reimbursed by the Alabama Department of Transportation (ALDOT) when these utilities are required to relocate facilities as a result of non-interstate federal highway projects.



Environmental Legislation

Air Quality and Pollution Control

SB 288: Truck Idling

Sen. Marc Keahey

Increases the weight limit for trucks equipped with a functioning auxiliary power or idle reduction technology.

Inland Water Resource Management and Conservation

SB 76/ HB 302: Commercial Bird Hunting License

Sen. Roger Bedford and Rep. Thomas E. Jackson

Establishes that the operator of a commercial bird hunting preserve may purchase a license to operate that preserve and exempts its patrons from obtaining a personal license.

HB 315: Oyster Harvesting

Rep. Spencer Collier

Authorizes the Commissioner of Conservation and Natural Resources to establish oyster management stations to be used by those harvesting oysters from public reefs or public water bottoms. The oyster management stations, in conjunction with other locations designated by the Director of the Marine Resources Division and approved in writing by the Commissioner of Conservation and Natural Resources, shall be the only ports used by persons or boats landing such oysters.

HB 369: Commercial Fishing Vessels

Rep. Spencer Collier

Provides a specific tax exemption form for the purchase of certain equipment for certain commercial fishing vessels.

HB 386: Saltwater Pier Fishing Licenses

Rep. Steve McMillan

Establishes that a nonresident must purchase an annual saltwater pier fishing license to fish from piers open to the general public in the Gulf of Mexico waters of the State of Alabama.

HB 448: Watercraft Tax

Rep. Spencer Collier

Creates sales and use tax exemptions for lifeboats, personal flotation devices, ring life buoys, survival craft equipment, distress signals, Emergency Position Indicating Radio Beacons (EPIRB's), fire extinguishers, injury placards, waste management plans and logs, marine sanitation devices, navigation rulebooks, navigation lights, sound signals, navigation day shapes, oil placard cards, garbage placards, Federal Communications Commission Secure Sockets Layer (FCC SSL), stability instructions, first aid equipment, compasses, anchor and radar reflectors, general alarm systems, bilge pumps, piping,



and discharge and electronic position fixing devices which are used on the aforementioned watercraft.

HJR 601: Fishery Conservation

Rep. Spencer Collier

Urges the Congress of the United States to consider all mechanisms to lessen the sudden impact of changes made to the Magnuson-Stevens Fishery Conservation and Management Act. The resolution also urges Congress to balance resource protection with economic prosperity in Alabama.

Land Management and Conservation

HB 330: Hunting Lands

Rep. Craig Ford

Any existing hunting land closed by the Department of Conservation and Natural Resources (DCNR) must be replaced by department owned or managed acreage, and the DCNR must submit the annual report required herein. The bill will also require any state agency or water management district that owns or manages lands to submit an annual report to the Department regarding the amount of acreage owned and a list of properties used for hunting during the previous year.

HB 405: Forestry

Rep. Chad Fincher

Prohibits anyone from altering or by any means cause a weight measuring device to give a false reading as to the actual or true weight of any forest products.

Radioactive Waste

SB 136: Radiation Control Agency

Sen. Larry Dixon

Provides for the four year continuance of the State Radiation Control Agency.

Reorganization and Coordination

HB 180: Municipal Authorities

Rep. William E. Thigpen, Sr.

Increases the board member compensation for certain municipal water, sewer, gas and utility boards and water, sewer and fire protection authorities, if approved by the respective board or the appropriate municipal governing body. The compensation may be increased by an estimated minimum annual amount of \$8,400 for each board, paid from board funds.

SB 145: State Board of Registration for Foresters

Sen. Larry Dixon

Provides for the continuance of the State Board of Registration for Foresters for four years.



HJR 83: Secondary Metals Recycling

Rep. Craig Ford

Creates the Secondary Metals Recycling Industry Interim Study Commission to study all facets of the secondary metals recycling industry, including all proposed or to be proposed legislation. The Commission will report its findings, conclusions and recommendations to the Legislature no later than the fifth legislative day of the 2011 Regular Session.

Solid Waste

SB 103: Onsite Wastewater Board

Sen. Zeb Little

Creates the Alabama Onsite Wastewater Board to examine, license and regulate persons engaged in the manufacture, installation or servicing of onsite sewage systems in Alabama.

SB 581: Solid Waste Landfills

Sen. Tripp Pittman

Provides that only county-owned solid waste landfills may be used for the disposal of garbage, household waste, solid waste and industrial solid waste.





Arkansas

Arkansas did not have a regular legislative session in 2010.

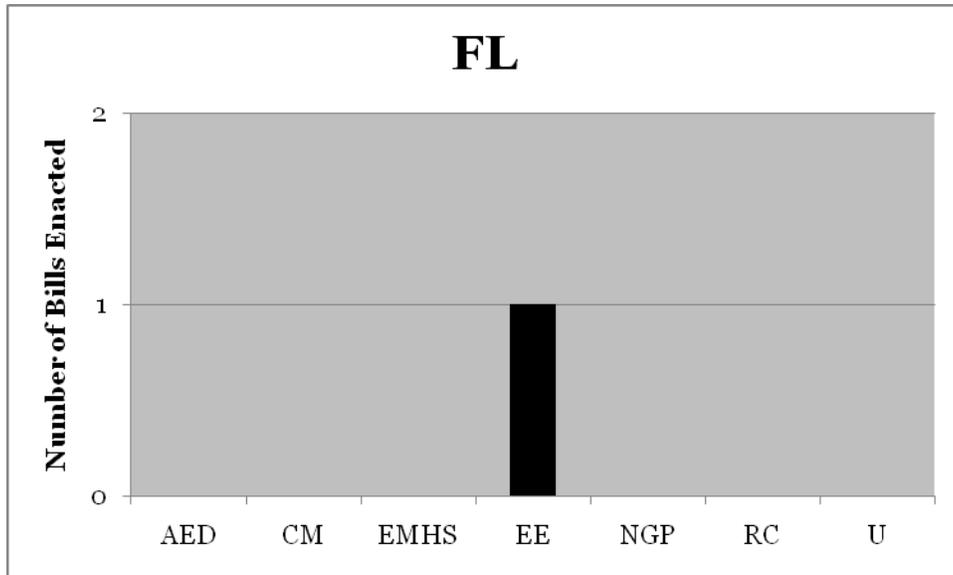




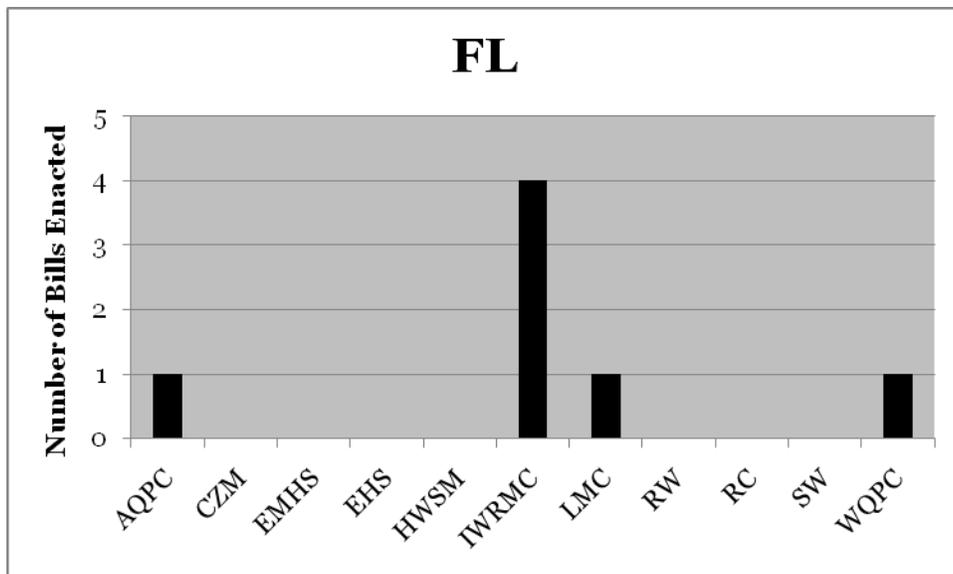
Florida

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Florida

Energy Legislation

Energy Efficiency

HB 7179: Energy Efficient Improvements (PACE)

Rep. Stephen L. Precourt

Allows a property owner to apply to the local government for funding to finance a qualifying improvement. A “qualifying improvement” includes any energy conservation, efficiency, renewable energy or wind resistance improvements.



Environmental Legislation

Air Quality and Pollution Control

HB 7243: Environmental Control

Rep. Trudi K. Williams

Requires Enterprise Florida, Inc. to provide technical assistance to the Department of Environmental Protection in the creation of the Recycling Business Assistance Center to enhance and expand existing markets for recyclable materials in this state, other states and foreign countries. The bill also eliminates a greenhouse gas registration and reporting requirement for major emitters and eliminates a requirement for the Department of Environmental Protection to establish methodologies, reporting periods and other reporting relating to greenhouse gas emissions.

Inland Water Resource Management and Conservation

HB 423: Seminole County Port Authority

Rep. Chris Dorworth

Creates the Seminole County Port Authority and grants it the power to construct, establish and improve harbors to improve navigable waters. The Authority also can construct and maintain canals, slips, turning basins and channels.

HB 963: Seaports

Rep. Lake Ray

Authorizes any seaport to apply to the Department of Environmental Protection for a port conceptual permit, including any applicable authorization to use submerged lands under a joint coastal or environmental resource permit.

SB 1118: Docks

Sen. Thad Altman

Authorizes the Department of Environmental Protection to adopt rules that include special criteria for approving certain docking facilities in shellfish harvesting waters.

HB 1487: Spring Lake Improvement District

Rep. Denise Grimsley

Amends board, election, compensation and term of office provisions for board members of the Spring Lake Improvement District. The bill also provides additional district powers including mosquito control, fire and emergency services and construction and maintenance of school facilities.



Land Management and Conservation

HB 1145: State Parks

Rep. Leonard L. Bemby

Provides for a discount on park fees to active duty members and honorably discharged veterans of the United States Armed Forces, National Guard or reserve components. Honorably discharged veterans who have service-connected disabilities, as well as surviving spouses of deceased members of the United States Armed Forces, National Guard, or reserve components who have fallen in combat, shall receive lifetime family annual entrance passes at no charge.

Water Quality and Pollution Control

SB 550: Water Supply

Sen. Lee Constantine

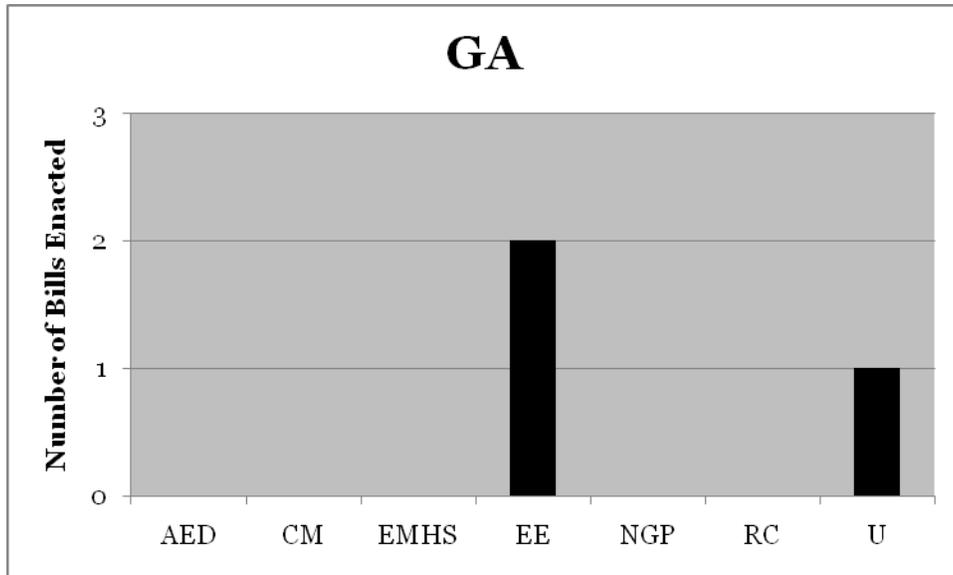
Creates specified provisions relating to water supply policy, planning, production and funding. The bill also provides for the general powers and duties of water management district governing boards and for the inclusion of wastewater utilities, reuse utilities and the Department of Environmental Protection in the regional water supply planning process.



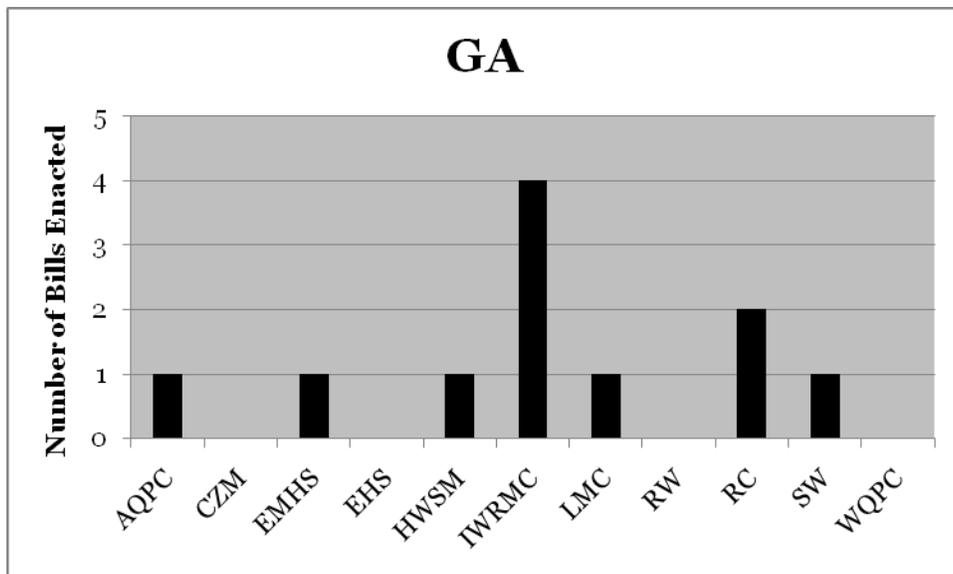
Georgia

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Georgia

Energy Legislation

Energy Efficiency

HB 1069: Energy Efficiency Tax Credits

Rep. Joe Wilkinson

Provides income tax credits for qualified equipment that reduces business or domestic energy or water usage. Any state taxpayer who is the ultimate purchaser of qualified equipment for installation as part of new or retrofit construction shall be allowed a tax credit in the year the qualified equipment was placed in service. The amount of the credit is 25 percent of the cost of the equipment, or \$2,500.00, whichever is less.

SR 1231: Energy Efficiency or Conservation Improvement

Sen. Ronnie Chance

Establishes a Constitutional Amendment that authorizes state governmental entities to incur debt for the purpose of entering into multiyear contracts for governmental energy efficiency or conservation improvement projects. Payments are guaranteed over the term of the contract by vendors, based on the specified savings or revenue gains attributable solely to the improvements. Any such contract shall not exceed ten years unless otherwise provided by general law.

Utilities

HB 1233: Georgia Public Service Commission

Rep. John Lunsford

Charges the Commission's costs for providing specialized testimony and assistance in conducting audits prior to utility rate cases, in monitoring nuclear power costs and in proceedings initiated by the utility, to the affected utility. These transactions include utility rate cases, fuel cost recovery cases, gas supply cases, and capacity supply cases. The amounts paid by regulated companies shall be deemed a necessary cost of providing service and the utility shall be entitled to recover the full amount of any costs charged to the utility through a reasonably designed rider designated for such purpose.



Environmental Legislation

Air Quality and Pollution Control

SR 801: Cap and Trade Legislation

Sen. Chip Pearson

Requests that the Georgia congressional delegation oppose federal cap and trade legislation that will excessively tax the energy consumption of hard working Georgians and burden the agricultural industry.

Emergency Management and Homeland Security

SB 380: Water Emergency

Sen. Chip Pearson

Requires the Georgia Environmental Facilities Authority to issue a proposal for a thorough and detailed engineering study to develop a district-wide emergency plan covering every public water system owned and operated by a city, county, or water authority in the district. Such a plan shall identify sufficient emergency water supply sources and detailed steps required to modify a system's operations to accept or share water with adjacent water providers within the Metropolitan North Georgia Water Planning District during emergencies. The emergency plan shall evaluate risks and, where feasible, plan for a district-wide interconnection reliability target for immediate implementation of approximately 35 percent of the annual average daily demand and a long-range, district-wide interconnection reliability goal of approximately 65 percent.

Hazardous Waste and Substance Management

SB 490: Hazardous Waste Management

Sen. Ross Tolleson

Updates provisions relating to hazardous waste management to make such provisions consistent with federal regulations.

Inland Water Resource Management and Conservation

HB 406: Water Service Delivery Strategies

Rep. Mike Coan

Exempts any drinking water project of the Georgia Environmental Facilities Authority or any local government or authority from service delivery agreements if the project is a proposed drinking water supply reservoir or any other potable water facility associated with such reservoir.



HB 1176: Fannin County Water Authority

Rep. David Ralston

Creates the Fannin County Water Authority in order to acquire, construct, equip, maintain and operate adequate water supply, treatment and distribution facilities and sewerage collection, treatment and distribution facilities; to make such facilities and services available to public and private consumers and users in the county and to improve such facilities as necessary.

HB 1206: Water Well Standards

Rep. Billy Maddox

Adds geothermal boreholes to water well standards. A geothermal borehole is any hole in the earth which is drilled to install piping for heating and air conditioning systems through which water, antifreeze, water mixtures, freon, or other media are circulated to exchange heat with the earth for the purpose of heating or cooling.

SB 370: Water Conservation

Sen. Ross Tolleson

Requires Georgia Department of Natural Resources, including its Environmental Protection Division, the Georgia Environmental Facilities Authority, the Georgia Department of Community Affairs, the Georgia Forestry Commission, the Georgia Department of Community Health, including its Division of Public Health, the Georgia Department of Agriculture and the Georgia Soil and Water Conservation Commission to examine their practices, programs, policies, rules and regulations to identify opportunities to provide enhanced programming and incentives for voluntary water conservation.

Land Management and Conservation

SB 474: Deer Hunting

Sen. Don Thomas

Adds longbows to the list of primitive weapons authorized to be used during primitive weapons seasons and allows a youth under 16 years of age to hunt deer with any firearm legal for hunting deer.

Reorganization and Coordination

HB 244 and HB 320: Georgia Environmental Finance Authority

Rep. Jimmy Pruett

Changes the name of the Georgia Environmental Facilities Authority to the Georgia Environmental Finance Authority and states that any subsidiary corporation incorporated by the Authority must be a nonprofit corporation, a public body corporate and politic, a political subdivision of the state, and shall exercise essential governmental functions.



HB 1199: Department of Natural Resources

Rep. Lynn Smith

Grants the Department the power and authority to incorporate one nonprofit corporation that qualifies as a public foundation to aid the Department in carrying out any of its powers and accomplishing any of its purposes.

Solid Waste

HB 1059: Solid Waste Handling

Rep. Randy Nix

Declares that all modifications of permits for existing municipal solid waste disposal facilities for the addition of a recovered materials processing facility shall, as minor permit modifications, provided the location of such facility complies with the same buffer requirements applicable to the disposal facility. Such materials shall be reported at the disposal facility separately from waste materials destined for disposal. Operators of such disposal facilities shall report to the Department of Community Affairs on an annual basis the total amounts of such materials diverted from landfill disposal.

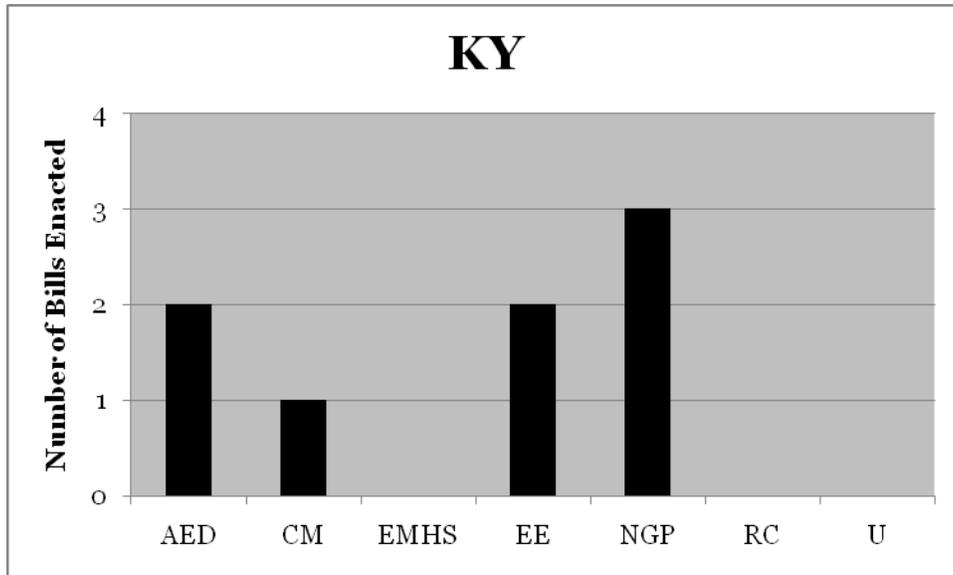




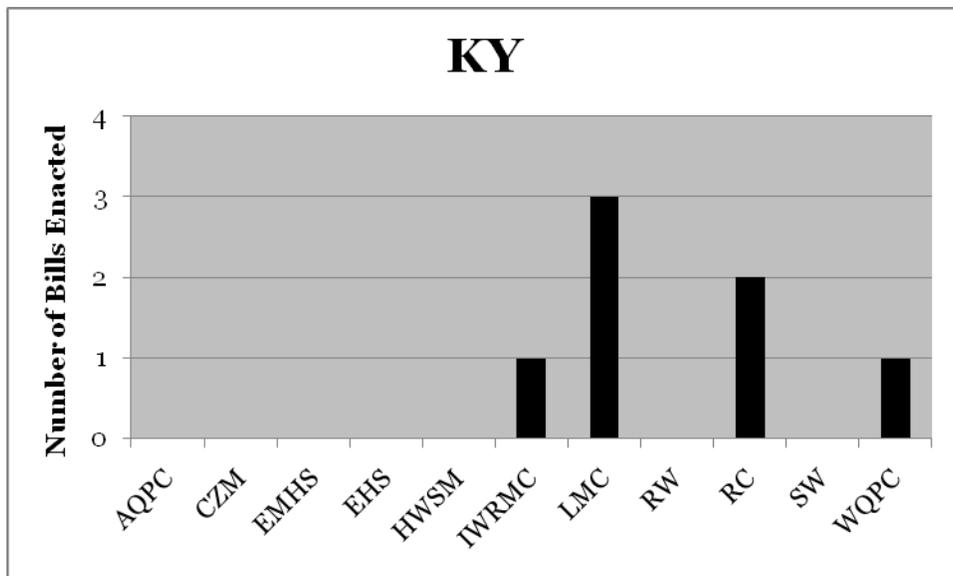
Kentucky

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Kentucky

Energy Legislation

Alternative Energy Development

HB 552: Alternative Fuels

Rep. Darryl T. Owens

Expands incentives provided for production of alternative energy to include the production of energy-efficient alternative fuels. The bill also defines "energy-efficient alternative fuels" and "energy-efficient alternative fuel facility."

HB 589: Alternative Transportation Fuels

Rep. Rocky Adkins

Allows a severance tax credit for natural gas or natural gas liquids used as feedstock at an alternative transportation facility. The bill also includes natural gas or natural gas liquids as a permissible feedstock for an alternative transportation facility, and establishes a minimum investment level of \$1,000,000 for such facilities. Finally, the bill includes natural gas-derived liquid fuels in the definition of "alternative transportation fuels."

Coal and Minerals

HB 283: Coal Mining Permit Fees

Rep. Jim Gooch, Jr.

Increases the surface coal mining permit fee and permit renewal, revision and transfer fees and allocates permit fees collected to county fiscal courts and retains the balance within the Division of Mine permits.

Energy Efficiency

HB 240: Energy Efficiency Program for State Government Buildings

Rep. Rocky Adkins

Establishes the Energy Efficiency Program for State Government Buildings to provide low cost/no cost energy conservation measures, engineering analyses, energy efficiency measures, building improvements and monitoring of results for state-owned or state-leased buildings. The bill also declares it to be public policy to maximize the use of energy efficiency measures in the construction, renovation, and maintenance of buildings owned or leased by the Commonwealth.



SB 132: Energy Efficient School Building Design

Sen. Katie Kratz Stine

Supports the construction of new school buildings and the renovation of existing school buildings to create a healthy environment for students and teachers while saving energy, resources and operational expenses. The bill also encourages the use of a life-cycle cost, consideration of school design, construction, operation and maintenance in the initial decision-making process in order to lower operating costs and increased asset value, reduce waste sent to landfills, conserve energy and water, reduce storm drainage runoff and reduce emissions of greenhouse gases.

Natural Gas and Petroleum

HB 124: Petroleum Storage Tanks

Rep. Brent Yonts

Extends the deadline to register petroleum storage tanks and submit affidavits and applications relevant to current petroleum storage tank accounts to July 15, 2015. The bill also extends the performance date for reimbursement to July 15, 2018 and extends small operator assistance and tank removal accounts to July 15, 2015.

HB 378: Petroleum Storage Tanks- SOTRA

Rep. Tom McKee

Prohibits the Petroleum Storage Tank Environmental Assurance Fund from limiting the number of tanks that qualify for reimbursement of the cost of removal from the Small Operators' Tank Removal Account (SOTRA).

HJR 141: Natural Gas Retail Competition

Rep. Keith Hall

Directs the Kentucky Public Service Commission (PSC) to commence a study of natural gas retail competition programs to determine if benefits could be derived from these programs. The study shall include an evaluation of such existing programs and shall examine the following: the role of the PSC in a competitive marketplace, the obligation to serve, the supplier of last resort, alternative commodity procurement procedures, non-discriminatory access to services offered, codes of conduct for marketers and affiliates of regulated utilities, billing, certification of suppliers, transition costs, stranded costs, uncollectibles, disconnections, steps necessary to maintain system integrity, access to pipeline storage capacity and impacts of new natural gas retail competition programs on existing utility services and customers.



Environmental Legislation

Inland Water Resource Management and Conservation

HB 28: Water Transportation Advisory Board

Rep. Will Coursey

Establishes the Water Transportation Advisory Board as an advisory body to the executive and legislative branches of government. The Board will advise the Transportation Cabinet, the Cabinet for Economic Development, the Governor's Office and the General Assembly on matters relating to water transportation, recommend ways for the Commonwealth to make best use of its waterways and riverports for economic growth, and help define the duties and functions of positions within state government responsible for water transportation. The Board will also make recommendations for use of the Riverport Marketing Assistance Trust Fund.

Land Management and Conservation

HB 14: Kentucky State Parks

Rep. Charles Siler

Provides that qualified Kentucky residents who are permanently and totally disabled veterans are exempt from the relevant overnight accommodations rate for a maximum of three overnight stays per calendar year at lodge rooms and campsites at any Kentucky State Park, with each stay limited to a maximum of three days.

HB 175: Reclamation of Coal Mine Sites

Rep. Fitz Steele

Directs the Environmental and Public Protection Cabinet to develop a plan in conjunction with the Division of Conservation to encourage coal licensees to locate and protect pollinator sites on reclamation sites and to use high value trees and shrubs to aid in pollen transfer.

HJR 192: Brush Mountain Trail

Rep. Rick G. Nelson

Encourages the Tourism, Arts and Heritage Cabinet's Department of Fish and Wildlife Resources, the Kentucky State Nature Preserves Commission and the Kentucky Environmental and Public Protection Cabinet's Division of Water to develop a memorandum of agreement with the Harlan County Fiscal Court for the restoration and management of a trail known as the Brush Mountain Trail, for foot and equine travel.



Reorganization and Coordination

HB 393: Environmental and Public Protection Cabinet

Rep. Tanya Pullin

Abolishes the Environmental and Public Protection Cabinet and creates the Public Protection Cabinet, the Labor Cabinet and the Energy and Environment Cabinet.

The bill also establishes three departments within the Energy and Environment Cabinet. They are as follows: the Department for Environmental Protection, containing the Division for Air Quality, the Division of Water, the Division of Waste Management, the Division of Enforcement, the Division of Environmental Program Support, and the Division of Compliance Assistance; the Department for Natural Resources, containing the Division of Technical and Administrative Support, the Division of Mine Permits, the Division of Mine Reclamation and Enforcement, the Division of Abandoned Mine Lands, the Office of Mine Safety and Licensing, the Division of Forestry, the Division of Oil and Gas, and the Division of Conservation; the Department for Energy Development and Independence, containing the Division of Efficiency and Conservation, the Division of Energy Generation Transmission and Distribution, the Division of Renewable Energy, the Division of Biofuels, the Division of Carbon Management, and the Division of Fossil Energy Development. Finally, the bill abolishes the Governor's Office for Energy Policy and transfers its duties to the Department for Energy Development and Independence.

SB 64: Kentucky Department of Fish and Wildlife Resources

Sen. Gary Tapp

Amends various provisions relating to the Kentucky Department of Fish and Wildlife Resources. Specifically, the bill permits reappointment to the Department Commission one time, prohibits appointment to the commission if convicted of a Class A misdemeanor or felony game law violation in any state or any jurisdiction, requires the Governor to remove any commissioner if he or she was convicted of such a violation and removes the eligibility of resident motorboat owners to vote for a commissioner in sportsmen's district election.

Water Quality and Pollution Control

HB 504: Sanitary Sewers Permits

Rep. Kevin Sinnette

Requires, to the extent allowable, the Environmental and Public Protection Cabinet to consider affordability, flexibility in implementation schedules, and other factors when issuing wet weather discharge from sanitary sewers permits.

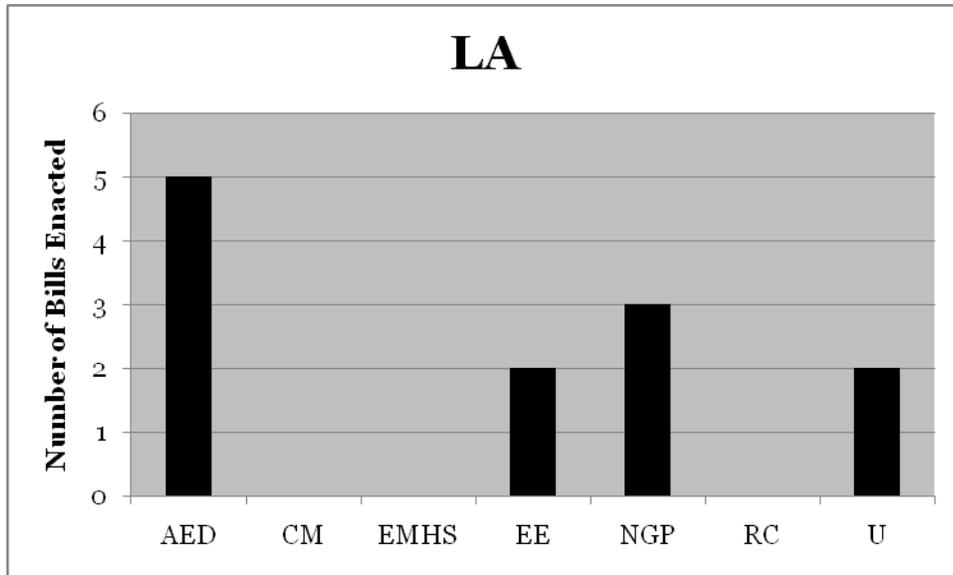




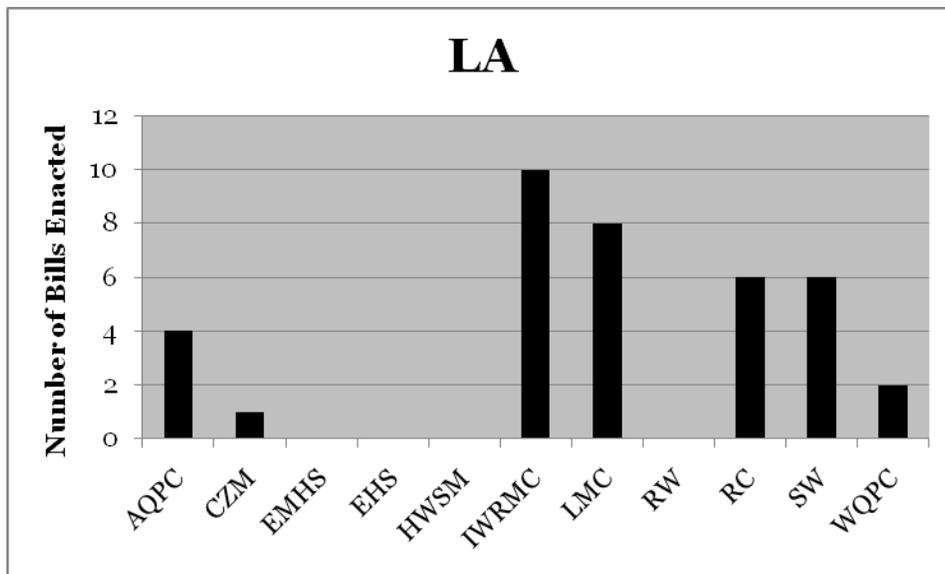
Louisiana

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Louisiana

Energy Legislation

Alternative Energy Development

SB 103: Alternative Fuel Vehicle Revolving Loan Fund

Sen. Nick Gautreaux

Creates the Alternative Fuel Vehicle Revolving Loan Fund Program within the Department of Natural Resources (DNR). The state may use this fund to provide financial assistance to local governing authorities for the costs of converting all or a portion of the authority's fleet of motor vehicles to qualified clean fuel vehicles propelled by an alternative fuel.

HB 751: Solar Collector Installation

Rep. Franklin Foil

Allows property owners to install solar collectors in a reasonable fashion.

SB 254: Alternative Fueled Vehicles

Sen. Nick Gautreaux

Allows local political subdivisions to purchase or lease hybrid fuel or alternative fuel vehicles.

SB 183: Alternative Energy Resources

Sen. Nick Gautreaux

Authorizes the State Mineral and Energy Board to lease state lands for the development or production of alternate energy resources.

HB 841: Hydrokinetic Energy

Rep. Jeffrey J. Arnold

Authorizes the State Mineral and Energy Board to execute leases for the development and production of hydrokinetic energy on state lands.

Energy Efficiency

SB 648: Energy Efficiency Improvements

Sen. Troy Hebert

Allows real estate appraisers to consider energy efficiency aspects when assigning value to certain property.

HB 973: Sustainable Energy Financing Districts

Rep. Franklin Foil

Provides financial guidance for projects in sustainable energy financing districts.



Natural Gas and Petroleum

SB 162: Price Gouging

Sen. Robert Adley

Specifies that the price gouging law also applies to sales of fuel to ultimate consumers from any facility other than a fixed facility, including sales in which fuel is sold from any container irrespective of type, form or volume.

SB 363: Oil and Gas Drilling

Sen. Robert Adley

Prohibits permitted oil and gas drilling activities from disturbing privately owned active water wells.

SB 624: Natural Gas Projects

Sen. Rob Marionneaux

Authorizes the Secretary of the Department of Economic Development to grant a Louisiana Mega Project Energy Assistance Rebate of severance taxes that were paid on natural gas consumed or used directly in the operation of the mega-project facility or consumed indirectly in the manufacture or creation of energy sold to such facility for its operation.

Utilities

HB 1472: Electric Cooperatives

Rep. Rick Nowlin

Requires an affirmative vote of a majority of all of the members of a cooperative in order to dissolve an electrical cooperative.

HB 396: Underground Excavation Notice

Rep. Jeffrey J. Arnold

Changes the Louisiana Underground Utilities and Facilities Damage Prevention Law requirements for notice of the intent to excavate.



Environmental Legislation

Air Quality and Pollution Control

HB 1169: Air Emissions

Rep. Mack “Bodi” White

Provides that an air emission source complaint with federal toxic air standards are likewise compliant with state toxic air standards.

HB 495: Carbon Sequestration Compensation

Rep. Joe Harrison

Provides that the owner of the land or water bottom is the owner of any monetary compensation derived from carbon sequestration.

HB 897: Motor Vehicle Inspections

Rep. Franklin Foil

Provides for motor vehicle inspections in ozone nonattainment areas as required by federal laws and regulations.

HB 733: Carbon Capture and Sequestration

Rep. John F. “Andy” Anders

Authorizes Louisiana’s participation in programs relative to the carbon sequestration or the reduction of emissions of carbon dioxide and other greenhouse gases from agriculture and forestry.

Coastal Zone Management

HB 688: Coastal Commission

Rep. Franklin Foil

Requires the Office of Coastal Protection and Restoration to assist in the formation of a coastal science consortium to enhance integrated coastal protection programs, projects and activities. The consortium is to be composed of public or private universities from within or without the state; federal, state or local governmental entities; private entities and research institutes.

Inland Water Resource Management and Conservation

HB 45: Crab Traps

Rep. Eddie J. Lambert

Provides that crab traps are not required to be marked with floats and float lines in the freshwater areas of the state, unless they are placed in a lake.

HB 712: Oyster Harvesting

Rep. Ernest D. Wooten

Provides that during the "seed only" portion of oyster season on the public seed grounds the following restrictions apply: (1) no harvester actively harvesting in the public seed



grounds shall have containers on his vessel that can be used to hold oysters for transport to market; (2) all oysters found on a vessel actively harvesting oysters shall be presumed to be harvested from the public seed grounds; (3) no harvester can sell or transport to market oysters intended for market sales on the same day as he harvests from the public seed grounds.

HB 890: Wild Fish

Rep. Joe Harrison

Authorizes the Secretary of the Department of Wildlife and Fisheries to establish a certification program for Louisiana wild fish.

HB 1346: Wild Seafood

Gordon E. Dove

Provides for funding for compliance with the Wild Louisiana Seafood Certification Program from the Artificial Reef Fund.

HB 597: Nighttime Fishing

Rep. Karen Gaudet St. Germain

Allows nighttime commercial fishing of shad and skipjack in the Atchafalaya Basin.

HB 1466: Fishing Device Regulation

Rep. Noble Ellington

Authorizes the Wildlife and Fisheries Commission to regulate the use of certain fishing devices on certain lakes.

SB 498: Charter Boat Fishing

Sen. Norby Chabert

Provides that 10 percent of fees collected from charter boat fishing guide licenses will be used for fishery protection and promotion of the charter boat industry.

HB 1288: Net Fishing

Rep. Johnny Guinn

Allows the use of wire nets and hoop nets for recreational fishing in the freshwater areas of the state.

HB 953: Finfish

Rep. Eddie J. Lambert

Authorizes the possession of finfish for commercial purposes by commercial crabbers with appropriate licenses.

HB 545: Speckled Trout Season

Rep. Damon J. Baldone

Provides that the season for commercial take of speckled trout closes when the annual quota has been reached.



Land Management and Conservation

HB 172: Laser Sights

Rep. Cameron Henry

Prohibits hunting game birds or wild quadrupeds with a firearm fitted with a laser sight or any sighting device designed to project a beam of light to the target or otherwise electronically illuminates the target.

HB 967: State Parks

Rep. Johnny Guinn

Provides that any U.S. citizen who presents a valid America the Beautiful National Parks and Federal Recreational Lands Senior Pass or Access Pass, issued under federal law, along with proof of identification, may camp at state parks for half the normal fee if the home state park system of that citizen also accepts such passes for discounted access or services.

HB 874: Duck Hunting

Rep. Joe Harrison

Provides for a duck hunting license for a cost of \$5.50 for residents and \$25 for nonresidents. In addition, the bill provides for the design and sale of a duck stamp which cannot be used to allow hunting duck. It also provides for sale of such stamps for \$5.50 for residents and \$25 for nonresidents. The legislation retains provisions relative to the sale of prints of the duck stamp.

HB 569: Nighttime Hunting

Rep. Thomas Carmody

Authorizes nighttime hunting of outlaw quadrupeds, nutria and beaver by licensed hunters during certain times of the year.

HB 878: Hunting and Fishing Licenses

Rep. Karen Gaudet St. Germain

Authorizes the issuance of hunting and fishing licenses at resident rates to full-time college students who are not Louisiana residents regardless of their home state's laws.

HB 884: Developmentally Disabled Hunters

Rep. Karen Gaudet St. Germain

Authorizes the issuance of a restricted hunter education certificate for developmentally disabled hunters.

SB 384: Hunting Education Exception

Sen. Dan Claitor

Exempts hunters who are under the direct supervision of certain persons from having to complete a firearm and hunter education course.



SB 473: Combination Lifetime Hunting and Fishing License

Sen. Gerald Long

Sets the fee for a combination lifetime hunting and fishing license at \$300.00 for a nonresident veteran who has been disabled or wounded during active duty.

Reorganization and Coordination

HB 891: Department of Environmental Quality

Rep. Eddie J. Lambert

Eliminates the office of environmental assessment and transfers that office's functions to the Secretary of the Department of Environmental Quality.

HB 81: Lake Fausse Point and Grand Avoille Cove Advisory Board

Rep. Sam Jones

Adds the member of the House of Representatives representing District 46 or his designee, the member of the St. Martin Parish governing authority representing Council District 1 or his designee and the parish presidents for Iberia Parish, St. Martin Parish and St. Mary Parish as ex officio, nonvoting members to the Lake Fausse Point and Grand Avoille Cove Advisory Board and provides for their jurisdiction over Lake Dauterive.

HB 656: Lake Long

Rep. "Truck" Glisclair

Authorizes the Lafourche Game and Fish Commission to govern, regulate and control Lake Long.

HB 781: Wastewater Districts

Rep. Simone Champagne

Creates the Erath-Delcambre Consolidated Wastewater District in Iberia and Vermilion parishes.

HB 875: Louisiana Shrimp Task Force

Rep. Joe Harrison

Creates the Louisiana Shrimp Task Force within the Department of Wildlife and Fisheries and provides for its powers, duties, functions, responsibilities and funding.

HB 389: Sewerage and Water Board of New Orleans

Rep. Walt Leger, III

Changes the membership of the Sewerage and Water Board of New Orleans and provides for terms of board members.



Solid Waste

HB 892: Solid Waste Disposal Facility

Rep. Karen Gaudet St. Germain

Excludes non-processing transfer stations from the definition of solid waste disposal facility.

HB 894: Solid Waste Regulatory Permits

Rep. Simone Champagne

Directs the Secretary of the Department of Environmental Quality to develop regulatory permits for certain solid waste process or disposal facilities.

HB 1278: Scrap Metal

Rep. Damon J. Baldone

Authorizes delivery of scrap metal containing fuel tanks to scrap metal collection and recycling facilities.

SB 661: Solid Waste Disposal Facility

Sen. Troy Hebert

Prohibits the Secretary of the Department of Environmental Quality from authorizing or permitting a residential or commercial solid waste disposal facility or a construction and demolition debris solid waste disposal facility within 10,000 feet of the Acadiana Regional Airport.

HB 1322: Solid Waste Recycling

Rep. Regina Ashford Barrow

Requires state agencies to implement a solid waste reduction and recycling program.

HB 896: Solid Waste Permits

Rep. Karen Gaudet St. Germain

Authorizes the term for a solid waste permit for a landfill to be the life of the facility based on permitted capacity but not to exceed 20 years. The permit may be renewed for an additional 20 years.

Water Quality and Pollution Control

HB 1309: Drinking Water Intake

Rep. Frankie Howard

Prohibits certain activity in the area adjacent to a drinking water intake structure.

HB 1486: Surface Water Withdrawal

Rep. James Morris

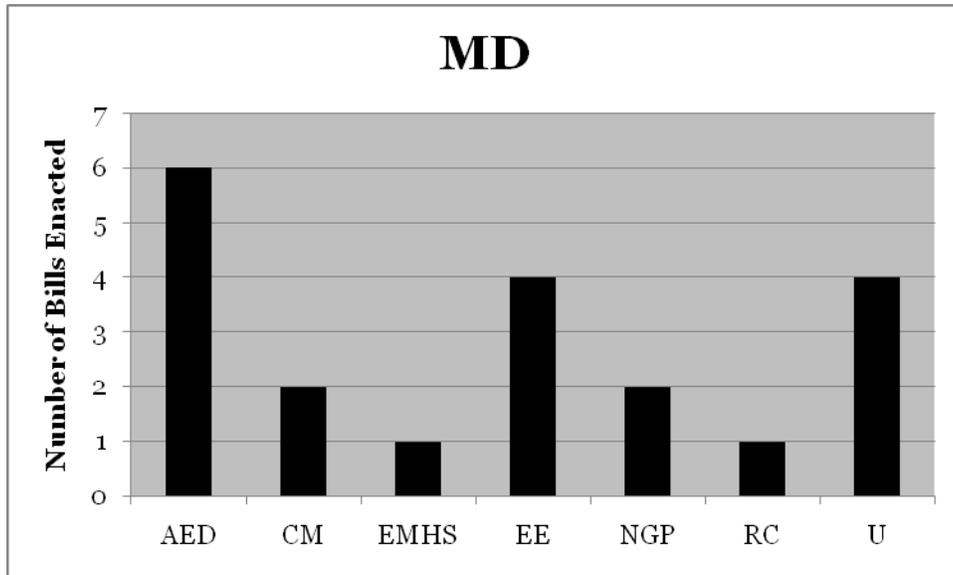
Authorizes cooperative endeavor agreements for the withdrawal of running surface water.



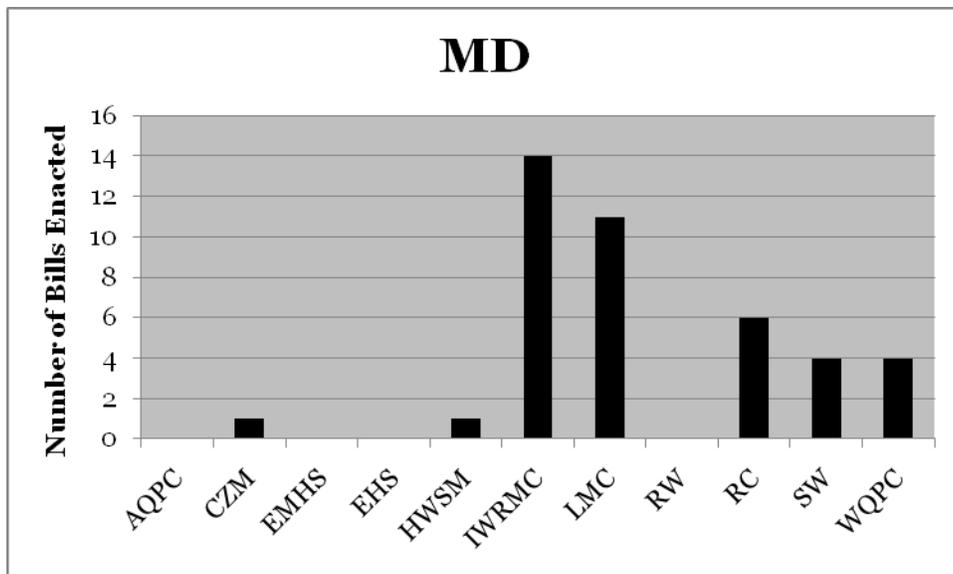
Maryland

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Maryland

Energy Legislation

Alternative Energy Development

HB 464: Maryland Clean Energy Incentive Act of 2010

Speaker of the House by request

Extends a state income tax credit for electricity produced by qualified Maryland facilities from qualified energy resources to December 31, 2015. The bill also prohibits the Maryland Energy Administration from issuing initial credits under a specified amount.

HB 469: Tax Credit for Electric Vehicles

Speaker of the House by request

Allows a tax credit against the motor vehicle excise tax for qualified plug-in electric drive vehicles. The bill also provides for the transfer of specified money from the Strategic Energy Investment Fund to the Transportation Trust Fund in specified fiscal years in order to offset the reduction in revenues from this vehicle excise tax credit. This bill also repeals an obsolete tax credit against the motor vehicle excise tax for qualified hybrid vehicles and electric vehicles.

HB 908: Maryland Clean Energy Center

Del. Brian J. Feldman

Alters the quorum requirement for the Maryland Clean Energy Center Board and alters the minimum vote required for the Board to act.

SB 277: Renewable Energy Portfolio Standard

Senate President by request

Alters the renewable portfolio standard (RPS) for electricity derived from solar energy and the compliance fees for a shortfall in the RPS requirement for electricity derived from solar energy.

SB 602/ HB 674: High Occupancy Vehicle (HOV) Lanes - Use by Plug-In Vehicles

Sen. Jamie Raskin and Del. James E. Malone, Jr.

Authorizes a “plug-in electric vehicle,” affixed with a state permit designating it as such, to use high occupancy vehicle (HOV) lanes.

SB 791: Multi-Year Contracts for Renewable Energy

Sen. Rob Garagiola

Authorizes the Board of Public Works, on the recommendation of the Secretary of General Services, to waive a requirement to include an automatic termination clause in certain multi-year contracts for the procurement of energy generated from specified renewable sources.



Coal and Minerals

SB 288/ HB 320: Uniform Dormant Mineral Interest Act

Sen. George C. Edwards and Del. Wendell R. Beitzel

Codifies certain provisions of the Uniform Dormant Mineral Interests Act and establishes the criteria by which a mineral interest in real estate becomes subject to reversion; authorizes the owner of the surface estate located above a mineral interest to bring an action to terminate the mineral interest; specifies how a mineral interest may be preserved and governs the disposition of a terminated mineral interest. The bills also authorizes a petition to be brought where the owner of a mineral interest is missing or unknown, and allows the appropriate circuit court to then place the interest in trust for a period of five years during which time the trustee may lease the minerals to the owner of the surface estate.

HB 1508: Coal Combustion By-Products (CCBs)

Del. David D. Rudolph

Prohibits the Maryland Department of the Environment (MDE) from issuing a permit to install a new refuse disposal system that accepts coal combustion by-products (CCBs) for disposal or a new noncoal mine reclamation site that uses CCBs, if the site would be located in the Critical Area. Existing Critical Area Commission regulations state that, as a result of their intrinsic nature or potential for adversely affecting habitats or water quality, certain new development activities or facilities may not be permitted in the Critical Area except under specified conditions. In addition, existing regulations address certain disposal facilities. However, the regulations do not specifically address CCBs.

Emergency Management and Homeland Security

SB 73: Maryland Emergency Management Agency

Chair, Education, Health and Environmental Affairs Committee

Requires the Governor to appoint the Director of the Maryland Emergency Management Agency (MEMA) and requires the Director of MEMA to be responsible to the Governor for carrying out the state emergency management program, for developing specified mutual aid agreements without specified approval and for employing personnel in a manner that is not subject to a specified authority.

Energy Efficiency

HB 475: Sustainable Communities Act of 2010

Speaker of the House by request

Provides for the Smart Growth Subcabinet to designate certain areas as sustainable communities, eligible for certain programs, and alters the criteria to consider a sustainable community area.



SB 234/ HB 1044: High Performance Buildings Act

Sen. James N. Robey and Del. William A. Bronrott

Makes the High Performance Buildings Act applicable to community college capital projects that receive state funds. The bill also authorizes a community college to apply for a waiver from specified high performance building requirements under a process established by the Department of Budget and Management and the Department of General Services.

HB 1112: Carroll County - Green Building Tax Credit

Carroll County Delegation

Allows the governing body of Carroll County to grant a green building tax credit against the county property tax for residential property on which a person installs specified environmentally friendly technologies. The tax is applicable to all taxable years beginning after June 30, 2010.

SB 693/ HB 1164: Green Maryland Act of 2010

Sen. James Raskin and Del. Doyle L. Niemann

Promotes the use of environmentally preferable purchasing throughout state government. Specifically, the bills increase from 40 to 90 percent the amount of paper purchased by the Department of General Services (DGS) that must be recycled; require each state unit to report to MDE on the unit's procurement of recycled materials; require DGS to study and report on the use of compost as a fertilizer on state property; establish a goal for DGS to compost all landscape waste on state property that it operates and, to the extent practicable, increase the percentage of landscaped property that is fertilized by compost each year. The bills also establish a Maryland Green Purchasing Committee to provide the state with information and assistance regarding environmentally preferable purchasing. In developing a best practices manual and strategy for such purchasing, the committee is required to consider advanced electricity metering, policies to reduce heating and cooling in state buildings, energy efficient data management systems and recyclable products for the procurement of food and beverage containers and utensils. The bills establish other requirements for the committee, such as developing green purchasing guidelines and completing specified reports.

Natural Gas and Petroleum

HB 72: Oil and Gas Fund

Chair, Environmental Matters Committee

Establishes an Oil and Gas Fund to support MDE's administration of a regulatory program that oversees the drilling, development, production and storage of oil and gas wells in the state. As a primary revenue source for the fund, the bill requires MDE to set and collect permit and production fees, the revenues from which are limited to the amount necessary to implement the program.



SB 1117: Maryland Oil Disaster Containment

Sen. Joan Carter Conway

Increases the fee assessed on oil transferred into the state until July 1, 2013 from three cents per barrel to 5.75 cents per barrel. The bill also authorizes the fiscal year 2011 transfer of up to \$500,000 from the Oil Contaminated Site Environmental Cleanup Fund to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund, allows owners of heating oil tanks to continue to apply for assistance from the Reimbursement Fund through June 30, 2013 and expands the authorized uses of the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund to include oil-related activities in water pollution control programs. The bill is anticipated to generate an additional \$2.9 million in special fund revenues in fiscal 2011 due to the fee increase.

Reorganization and Coordination

SB 278/ HB 474: Maryland Sustainable Growth Commission

Senate President and Speaker of the House by request

Repeals the Task Force on the Future for Growth and Development in Maryland and establishes the Maryland Sustainable Growth Commission.

Utilities

HB 801: Net Energy Metering Credits

Del. Brian K. McHale

Repeals a limitation on the period of time that an eligible customer-generator may accrue generation credit and that an electric company is required to carry forward a generation credit or a negative kilowatt-hour reading.

SB 355: Net Energy Metering

Sen. Paul G. Pinsky

Repeals a limitation on the period of time that an eligible customer-generator may accrue specified generation credit and repeals a limitation on the time that a specified electric company is required to carry forward a generation credit or a negative kilowatt-hour reading. The bill also requires a specified electric company to carry forward a generation credit until certain events occur.

SB 529/ HB 821: Net Energy Metering – Fuel Cell

Sen. Rob Garagiola and Del. Charles Barkley

Includes a customer that uses a specified fuel cell electric generating facility that meets specified conditions among the list of customer-generators that are eligible for net energy metering. The bill also defines "fuel cell" as an electric generating facility that includes integrated power plant systems containing a stack, tubular array or other functionally similar configuration used to electrochemically convert fuel to electric energy, and may include an inverter and fuel processing system and other plant equipment, including heat recovery equipment, to support the plant's operation or its energy conservation.



SB 538/ HB 1138: Master Meters

Sen. Rob Garagiola and Del. Dereck E. Davis

Authorizes the Public Service Commission to allow the use of a specified master meter for heating, ventilation and air conditioning services in certain residential multiple occupancy buildings without requiring individual metering or submetering for those services.



Environmental Legislation

Coastal Zone Management

SB 382: Marine Contractors

Sen. Joan Carter Conway

Establishes marine contractor licenses to be issued by a new Marine Contractors Licensing Board housed within MDE. All marine contractors will be licensed exclusively by the board and must register with the board by December 31, 2010. Individuals (or the entities they work for) will be required to have a license prior to performing marine contractor services in Maryland. "Marine contractor services" means construction, demolition, installation, alteration, repair or salvage activities located in, on, over or under state or private tidal wetlands.

Hazardous Waste and Substance Management

SB 247/ HB 516: Hazardous Material Response Team Employees

Sen. Barry Glassman and Del. James E. Malone

Provides that employees of hazardous material response teams for local government agencies are eligible for death benefits and funeral expenses under specified circumstances and provides that the benefit may only be paid if the local government agency maintains in reserve the amount needed to pay for one death benefit and one funeral benefit for said employee.

Inland Water Resource Management and Conservation

HB45: Bay Restoration Collection Fee- Dorchester County

Del. Rudolph C. Cane

Enhances the enforcement of collecting the bay restoration fee in Dorchester County by specifying that an unpaid bay restoration fee is a lien against the property served by a wastewater facility, onsite sewage disposal system or sewage holding tank. A notice of any lien must be recorded in the county's land records.

HB 1109: Bay Restoration Collection Fee- Caroline County

Caroline County Delegation

Enhances the enforcement of collecting the bay restoration fee in Caroline County by specifying that an unpaid bay restoration fee is a lien against the property served by a wastewater facility, onsite sewage disposal system or sewage holding tank. A notice of any lien must be recorded in the county's land records.

SB 3/ HB 89: Wetlands and Waterways Program Fees

Sen. Katherine Klausmeier and Del. Anthony J. O'Donnell

Exempts aquaculture activities permitted by the Department of Natural Resources (DNR) from the application fees for an MDE wetlands and waterways permit or a Board of Public Works (BPW) wetlands license.



HB 98: Tidal Fish License Suspension

Chair, Environmental Matters Committee

The bill prohibits an individual who receives a license suspension as a result of a violation of federal or state fisheries law from using or receiving temporarily transferred tidal fish licenses during the period of suspension.

HB 218: Dredge Devices for Oyster Fishing

Del. D. Page Elmore

Repeals a prohibition against possessing or using a devil catcher, devil diver or similar device on a dredge boat used to catch oysters.

HB 689: POWs and Disabled Veterans Exception to Trout Stamp Requirement

Del. LeRoy E. Myers, Jr.

Creates an exception for the requirement to obtain a trout stamp before catching or possessing freshwater trout for a holder of a lifetime complimentary angler's license for former prisoners of war or service disabled veterans.

SB 311/ HB 943: Chesapeake Conservation Corps Program

Sen. Thomas V. Mike Miller, Jr. and Del. Maggie McIntosh

Establishes a Chesapeake Conservation Corps Program within the Chesapeake Bay Trust to mobilize, educate and train young individuals to work with communities and schools to promote energy conservation and mitigate and prevent threats to the environment. The bill also provides opportunities for young individuals, especially disadvantaged youth, to be trained for "green collar" careers; to educate and train people to care for the environment after a corps project is complete; to coordinate and facilitate efforts to foster public-private partnerships in specified areas and channel available public and private resources to protect, conserve and preserve the state's environment.

SB 422: Clam Harvesting

Sen. Richard F. Colburn

Increases the time period during which soft-shell clam harvesting is authorized in part of Dorchester County's portion of the Choptank River.

HB 1345: Recreational Fishing Licenses

Chair, Environmental Matters Committee

Expands the requirement to obtain specified recreational tidal fishing licenses to state waters of the Atlantic Ocean and the Atlantic coastal bays and tributaries. The bill modifies the duration, fees and other terms of existing tidal and nontidal recreational fishing licenses and provides for a new special commercial fishing pier license. The bill further requires specified individuals who fish recreationally in tidal waters and who are not required to obtain a license, to register with DNR and provide DNR with specified information. Finally, the bill repeals the termination date for specified fishing license fee increases that were scheduled to terminate July 1, 2010.



SB 1128/ HB 1568: Licenses to Dredge and Fill on State Wetlands

Sen. Richard F. Colburn and Del. Frank M. Conway

Authorizes the Board of Public Works to issue a license to dredge and fill on state wetlands for a development project to expand a marina that historically operated as a working marina. This is to support aquaculture or seafood operations or to improve navigational access.

SB 29: Fishery Management

Sen. John C. Astle

Authorizes DNR to prepare fishery management plans for any species of fish if, after consultation with the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, the species' population, distribution or habitat needs or other biological, ecological or socioeconomic factors concerning the species warrants a plan. The bill also requires DNR to include information related to overfishing and sustainable harvesting in a fishery management plan if DNR determines that a fishery has been or is currently overfished; however, DNR may waive these requirements under specified conditions.

SB 88: For-Hire Water Carrier Companies

Chair, Education, Health and Environmental Affairs Committee

Transfers authority for regulating for-hire water carriers from PSC to DNR. A "for-hire water carrier" is a vessel used to accept or solicit passenger's transportation between points along state waters for transportation, sightseeing and touring in exchange for remuneration. Prior to registering a vessel, for-hire water carriers must show that they hold an insurance policy or a bond in an amount that is required of a motor vehicle carrying the same number of passengers in accordance with specified PSC regulations. DNR is authorized to adopt implementing regulations and encouraged to make these regulations apply the same insurance and bonding rates that are currently applied under specified PSC regulations.

SB 92: Safe Boating Act- Minors

Chair, Education, Health and Environmental Affairs Committee

Requires individuals younger than age 16 who operate a vessel to possess a certificate of boating safety education, be under the supervision of a person who was born before July 1, 1972 and is aboard the vessel or be under the immediate supervision of a person who has obtained a certificate of boating safety education. If the vessel is 11 feet or longer, the person who is supervising has to be at least 18 years old. The bill also establishes new requirements related to the use of personal flotation devices (PFDs) by children on recreational vessels by deleting weight requirements and modifying the definition of "child" from individuals younger than age seven to individuals younger than age 13. This effectively requires individuals younger than age 13 to wear a PFD on vessels shorter than 21 feet.



SB 475: State Boating Act - Operating a Boat Under the Influence

Sen. Norman R. Stone, Jr.

The bill establishes that a person who operates or attempts to operate a vessel on state waters is deemed to have consented to take a test to determine alcohol concentration or drug or controlled substance content if the person is detained by a police officer who has reasonable grounds to believe that the person has been operating or attempting to operate a vessel while under the influence of alcohol, drugs or a controlled dangerous substance.

Land Management and Conservation

SB 289: Turkey Hunting

Sen. George C. Edwards

Authorizes a person to hunt turkey in Allegany and Garrett counties on the last Sunday in April and the first Sunday in May, except if either day is Easter Sunday.

HB 246: Deer Hunting - Allegany and Garrett Counties

Allegany and Garrett County Delegations

Authorizes deer hunting with a bow and arrow on private property in Allegany and Garrett counties during open season on the last three Sundays in October and the second Sunday in November

SB 1020/ HB 295: Puritan Tiger Beetle

Sen. Roy P Dyson and Del. Anthony J. O'Donnell

Requires the Secretary of Natural Resources to issue a permit for the "incidental taking" of the endangered puritan tiger beetle. "Incidental taking" is the taking of listed species that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Permit applicants must submit a conservation plan to the Secretary and the Secretary must adopt implementation and enforcement regulations.

HB 301: Deer Hunting - Calvert, Charles and St Mary's Counties

Del. Anthony J. O'Donnell

Authorizes deer hunting on private property with a bow and arrow during open season on the last three Sundays in October and the second Sunday in November in Calvert and Charles counties, and allows the use of a crossbow in all authorized counties on these Sundays. The bill also authorizes a person in Calvert, Charles and St. Mary's counties to hunt deer on private property on the first Sunday of the bow hunting season in November and each Sunday in the deer firearms season.



HB 356: Forest Product Operator's License

Del. Rudolph C. Cane

Establishes an application process within DNR for a forest product operator's license. Forest product operator's license applicants are required to submit applications for a one-year license on DNR-approved forms, demonstrate compliance with specified labor requirements and pay a license fee. License fee revenue may not exceed the costs of carrying out forest product operator licensing. DNR is authorized to suspend or revoke a forest product operator's license and a license suspension and revocation process is established.

HB 686 and HB 1472: Waterfowl Hunting

Del. John F. Wood, Jr. and the Dorchester, Somerset and Wicomico County Delegations

Requires by regulation that the Department of Natural Resources (DNR) establishes an offshore waterfowl hunting zone. Within this zone, a person may hunt waterfowl while standing on the natural bottom, from a boat that is drifting or being sculled, or from a boat that is anchored. In most areas, a person must be at least 800 yards from shore. In specified waters, the minimum required distance is 400 yards. These bills add the waters of St. Mary's County to the list of waters with a minimum required distance of 400 yards. House Bill 1472 also adds the waters of Tangier Sound, Fishing Bay, Monie Bay, Manokin River, Big Annemessex River, Pocomoke Sound and Kedges Straights in the waters of Dorchester, Somerset, and Wicomico counties to the list of waters with a minimum required distance of 400 yards.

SB 978: Deer Hunting- Talbot County

Sen. Richard F. Colburn

Authorizes deer hunting with a bow and arrow on private property in Talbot County during open season on the last three Sundays in October and the second Sunday in November.

HB 1352: Forest Conservation Fund

Del. Dana Stein

Alters the rates for contributions to the State Forest Conservation Fund and local forest conservation funds by establishing higher rates for projects located outside priority funding areas (PFAs). Project applicants paying into the State Forest Conservation Fund must pay 30 cents per square foot of the area of required planting for a project inside a PFA and 36 cents per square foot of the area of required planting for a project outside a PFA. These rates are adjusted for inflation after September 30, 2014. When applicants are paying into a local forest conservation fund, the rates must be at least the same as the State Forest Conservation Fund for a project inside a PFA and at a rate that is 20 percent higher for a project outside a PFA. Local jurisdictions with contribution rates higher than the minimum state contribution rate may use a rate for projects inside a PFA that is 20 percent lower than the rate for projects outside a PFA, however, they must still meet at least the state contribution rates. Additionally, local jurisdictions with contribution rates higher than the minimum state contribution rate may use a rate for projects outside a PFA that is 20 percent higher than the rate for projects inside a PFA.



HB 1512: Archery Hunting - Frederick County

Frederick County Delegation

Establishes for archery hunters in Frederick County a 50-yard safety zone within which archery hunting may not take place except under specified circumstances.

SB 69: Woodland Incentives Program (WIP)

Chair, Education, Health, and Environmental Affairs Committee

Allows WIP applicants to receive or use federal funds for implementation of an approved practice on the same land described in the WIP application; however, owners may not receive more than 100 percent of the actual cost of that practice in a total of state and federal cost-share assistance.

SB 847: Hunting Licenses

Sen. Allan H. Kittleman

Authorizes any person serving in the U.S. Armed Forces who has a service-connected disability and possesses valid military identification to hunt without a hunting license, bow and arrow deer stamp, black powder deer stamp or bonus antlered deer stamp while hunting on private property.

Reorganization and Coordination

HB 113: Membership of Dorchester County Sanitary Commission

Del. Adelaide Eckardt

Increases the number of commissioners in the Dorchester County Sanitary Commission from five to six members.

HB 487: State Board of Waterworks and Waste System Operators

Del. Maggie McIntosh

Extends the termination date for the State Board of Waterworks and Waste Systems Operators to July 1, 2021 and requires an evaluation of the board by July 1, 2020. The bill also requires that the board, in conjunction with MDE, report to specified committees of the General Assembly by October 1, 2011, on several matters, including updating the board's databases. The board's composition is altered to replace the representative from DNR with a representative from the Maryland Environmental Service. Finally, the bill eliminates several obsolete provisions and clarifies that it is the duty of MDE, and not the board, to enforce the requirement that facilities employ certified superintendents and operators.

SB 541/ HB 631: Park Advisory Commission

Sen. David C. Harrington and Del. Doyle L. Niemann

Increases the membership of the Park Advisory Commission in the Department of Natural Resources from 9 to 12 members.



SB 60: Commission on Environmental Justice and Sustainable Communities (CEJSC)

Chair, Education, Health and Environmental Affairs Committee

Expands the membership of CEJSC from 15 to 20 members. The additional members include representatives from the departments of Housing and Community Development, Transportation and Business and Economic Development, as well as two additional members appointed by the Governor. The bill also specifies that at least two of the 12 members appointed by the Governor must represent affected communities concerned with environmental justice.

SB 84: Tidal Fisheries and Sport Fisheries Advisory Commissions

Chair, Education, Health and Environmental Affairs Committee

Expands the number of members of the Tidal Fisheries and Sport Fisheries Advisory Commissions from 12 to 15. The bill also requires that the composition of the Advisory Commission reflect the geographic regions of the State where the commercial fishing industry is operating and staggers the terms of members of the Tidal Fisheries and Sport Fisheries Advisory Commissions.

SB 987: Natural Resources Police Force (NRP)

Sen. John C. Astle

Clarifies and expands DNR's law enforcement responsibilities and authority, establishes a new commemorative lifetime hunting license, requires a report on specified funding policies and establishes other provisions related to promoting public recognition of NRP and studying ways to improve the Force's effectiveness. Specifically, the bill establishes that NRP has statewide authority to enforce conservation, boating and criminal laws, provide maritime and rural search and rescue services, provide public education in hunting, boating and water safety, provide primary law enforcement services for state parks, state forests, wildlife management areas and public lands owned and managed by DNR and serve as the lead agency for maritime homeland security on state waterways. DNR is required to issue a limited number of new commemorative lifetime hunting licenses to nonprofit organizations until December 31, 2011.

Solid Waste

HB 62: Septic System Upgrade

Del. Veronica Turner

Requires the Maryland Department of the Environment (MDE), for calendar 2010 through 2012, to provide funding for the entire cost difference between a conventional septic system and one using best available technology (BAT) for nitrogen removal. This assistance, from the Bay Restoration Fund, will be provided to a homeowner who is required under current law to replace a failing system on property in the Critical Area.

HB 678: Pay-As-You-Throw

Frederick County Delegation

Authorizes Frederick County to establish a Pay-As-You-Throw (PayT) pilot program. Under the program, a solid waste hauler charges a residential customer a fee based on the volume of waste collected, for the curbside collection of solid waste.



HB 685: Fluorescent and Compact Fluorescent Lights Recycling

Del. Dana Stein

Requires a county's recycling plan to address a strategy for collecting and recycling fluorescent and compact fluorescent lights that contain mercury. A county's recycling plan must be revised to reflect the new requirements by October 1, 2011. In its strategy, a county may use recycling, exchange and take-back programs that have been established by fluorescent and compact fluorescent light manufacturers and vendors.

HB 982: Solid Waste Reduction

Del. Doyle L. Niemann

Requires MDE, in consultation with local governments, waste haulers, material resource facilities and other affected parties, to conduct a study to evaluate solid waste management processes that reduce the solid waste stream through recycling and source reduction, including the expansion of recycling efforts in nonresidential markets, the feasibility of commodity-specific targets and long-term funding for solid waste and recycling management in the state. MDE must submit an interim report to the General Assembly by December 15, 2010, and a final report by December 15, 2011, on the results of the study.

Water Quality and Pollution Control

HB 73: Maryland Water Quality Revolving Loan Fund

Chair, Environmental Matters Committee

Expands the authorized uses of the Maryland Water Quality Revolving Loan Fund (MWQRLF) to include assistance authorized or required under various federal laws. MWQRLF provides low-interest loans to public entities for wastewater and other water quality capital projects. This bill allows MDE to qualify for additional federal funding of an estimated \$49 million in fiscal 2012 and \$47 million in fiscal 2013.

HB 224: Greywater Recycling

Del. Dan Morhaim

Prohibits a county from adopting or enforcing a local plumbing code that prohibits a system that recycles greywater. Greywater means used, untreated water generated by a clothes washing machine, a shower or a bathtub, but excludes water from a toilet, a kitchen sink or a dishwashing machine.

HB 372: Lead Free Plumbing Materials

Del. Ben Barnes

Prohibits the use of certain plumbing materials containing more than a specified amount of lead from being used in the installation or repair of plumbing intended to dispense water for human consumption.



HB 1425: Consolidation and Administration of Environmental Funds

Chair, Environmental Matters Committee

Eliminates the Sewage Sludge Utilization Fund, transfers its outstanding fund balance, and redirects money from the Fund's various sources to the Maryland Clean Water Fund. In addition, the bill redirects penalties collected as a result of violations of the erosion and sediment control laws to the Maryland Clean Water Fund. The bill expands the required uses of the Maryland Clean Water Fund to reflect the sewage sludge utilization and the erosion and sediment control activities covered by existing funds repealed by the bill.

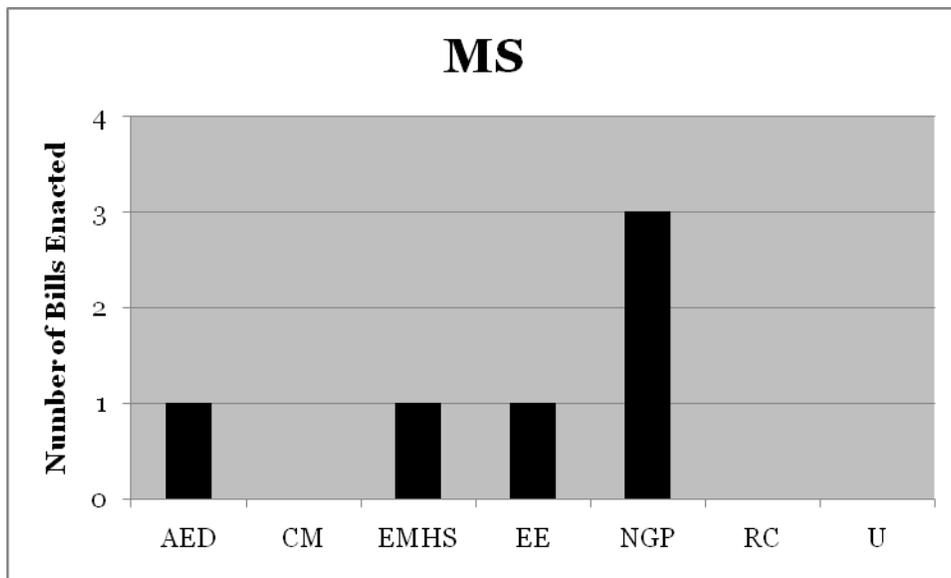




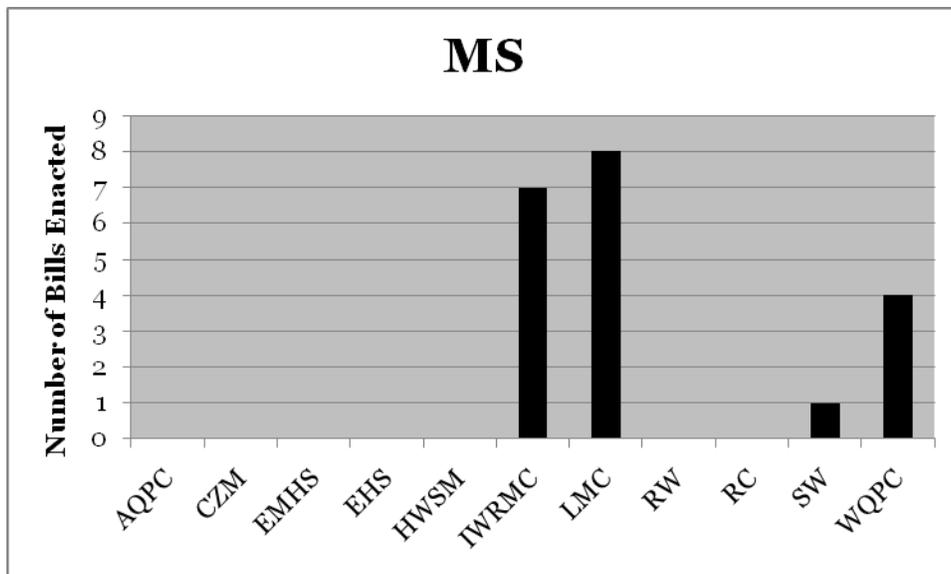
Mississippi

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Mississippi

Energy Legislation

Alternative Energy Development

SCR 677: Clean and Sustainable Energy Standards

Sen. Billy Hewes

Urges the United States Congress and Departments of the Executive Branch of Mississippi government to adopt a Clean and Sustainable Energy Standard (CSES) to meet the goals of reliable, affordable, abundant and clean energy.

Emergency Management and Homeland Security

HB 884: Local Emergencies

Rep. W.T. Mayhall, Jr.

Allows the mayor or governing body of a municipality or county to declare a local emergency. In the event a local emergency is proclaimed by the mayor of a municipality, the affiliated governing body shall review and approve or disapprove the need for continuing the local emergency either at its first regular meeting following the proclamation or at a special meeting legally called for such review. Thereafter, the governing body shall review the situation at least every thirty days until the local emergency is terminated, and shall proclaim that termination at the earliest possible date.

Energy Efficiency

SB 2821: Energy Management Plans

Sen. Giles Ward

Requires state agencies to submit energy management plans and to meet energy consumption reduction standards.

Natural Gas and Petroleum

HB 226: Natural Gas Districts

Rep. Joseph L. Warren

Continues the requirement that all local natural gas districts containing two or more municipalities and nonmunicipal customers establish and maintain a board of directors composed of the mayors of each municipality within the district and one system-user from each county within the district. The one system-user shall not be a public official.



HB 1684: Refinery Sales Tax

Rep. Billy Broomfield

Creates a sales tax on construction activities or manufacturing or processing machinery to be installed and/or used at a refinery in Mississippi. The tax is to be 3.5 percent of 103.5 percent of the total contract price or compensation paid for the performance of a construction activity or the amount of 1.5 percent on the gross proceeds of sales for manufacturing or processing machinery without any regard as to whether or not the machinery retains its identity as tangible personal property after installation.

SB 2709: Petroleum Products Inspection Law

Sen. Cindy Hyde-Smith

Amends the penalties for violating the Petroleum Products Inspection Law of Mississippi. Under the law, a person who violates the law, either by himself, by his agent, or as the servant or agent of another person, is subject to any, all or a combination of the following penalties: a stop sale order for any engine fuel, nonengine fuel, automotive lubricant or any other petroleum product not in compliance with this law. A remand of the stop sale order may be issued if the engine fuel, nonengine fuel, automotive lubricant or petroleum product is brought into full compliance with this law, a warning letter and/or a civil penalty of not more than \$3,000.00 per violation.



Environmental Legislation

Inland Water Resource Management and Conservation

HB 204: Paddlefish

Rep. Joseph L. Warren

Continues penalties for the unlawful possession of paddlefish. Persons found to unlawfully possess paddlefish will forfeit all hunting, trapping and fishing privileges and paddlefish permits for a period of at least one year from the date of conviction.

HB 606: Mississippi Catfish Marketing Law

Rep. Tommy L. Woods

Reenacts the Mississippi Catfish Marketing Law of 1975 so that consumers of aquaculture in Mississippi will be provided clear information as to where the aquaculture product originates. The law states that all retailers of catfish products shall inform consumers, at the final point of sale, of the country of origin of the catfish. A retailer of catfish products may designate the catfish as having a United States country of origin only if, in case of "Farm-raised Catfish," it is hatched, raised, harvested and processed in the United States, or, in case of "River or Lake Catfish," it is harvested and processed in waters of the United States, including territories of the United States.

HB 1039: Oyster Vessel Licenses

Rep. Francis Fredericks

Allows the Commission on Marine Resources to authorize the transfer of a vessel license to a different vessel, provided that the owner of both vessels is the same titled owner.

HB 1040: Fishing License Revocation

Rep. Francis Fredericks

Authorizes the Commission on Marine Resources, upon a party's conviction of five seafood violations within a five year period, to revoke the license of the convicted party and of the boat or vessel used in the offenses and may prohibit indefinitely the person and boat or vessel from catching or taking any seafood from the waters of the State of Mississippi.

SB 2917: Saltwater Fishing Licenses

Sen. Tommy Dickerson

Requires a resident 65 years or older, fishing in the marine waters of the state, to obtain a lifetime saltwater sports fishing license for a one-time fee of \$5.00.

SB 2925: Oyster Harvesting Vessels

Sen. Tommy Dickerson

Declares that it is unlawful for any person, firm or corporation to discharge solid or human waste from any vessel while the vessel is used to harvest or transport oysters in the marine waters of the state.



SB 3010: Group Pier Fishing License

Sen. Tommy A. Gollott

Authorizes the Commission on Wildlife, Fisheries and Parks to issue a three-day group pier fishing license. The owner of a pier in public or private waters may obtain an annual group pier fishing license for a fee of \$25.00. A person shall not be required to purchase or have in his possession an individual resident or nonresident fishing license while fishing from a licensed pier with the permission of the owner of the licensed pier.

Land Management and Conservation

HB 203: Deer Hunting

Rep. Joseph L. Warren

Requires the Commission on Wildlife, Fisheries and Parks to allow the taking of deer with the use of supplemental feed. The Commission may also continue to establish deer management zones.

HB 1070: Special Hunting License for Children

Rep. Herb Frierson

Orders the Mississippi Commission on Wildlife, Fisheries and Parks to establish a special hunting permit for purchase by youth under the age of eighteen who have a life threatening illness. This permit may be for any number of days in length but only for the class of persons deemed by the Commission to have life threatening illnesses.

HB 1295: Hunting License Administrative Fee

Rep. Blaine Eaton

Provides that in addition to the \$500.00 penalty imposed, any resident who is not able to show proof of the required Mississippi hunting, trapping or fishing license, shall be assessed by the court an administrative fee equal to the cost of such license fee.

HB 1296: Hunting & Fishing Licenses

Rep. Blaine Eaton

Authorizes the Commission on Wildlife, Fisheries and Parks to add an additional fee for any license sold that will recoup the department's cost of issuing the license, conducting any electronic transaction therefore and generally recovering the department's administrative costs of selling licenses and maintaining the electronic databases of those sales.

HB 1302: Park Fees

Rep. Blaine Eaton

Authorizes the Department of Wildlife, Fisheries and Parks to periodically establish a discounted fee or fees for the entry and use of selected state parks and recreational facilities. Such fees shall only be used for marketing and promotion to increase the patronage and revenue of those selected parks and facilities. These fees shall not be considered a donation of state property.



HB 1716: Land Income Tax Credit

Rep. Herb Frierson

Provides a state income tax credit that allows land to be used as a natural area preserve, wildlife refuge or habitat area, wildlife management area or for providing public outdoor recreational opportunities.

SB 2857: Trail Safety Program

Sen. Tommy A. Gollott

Directs the Department of Wildlife, Fisheries and Parks to enter into a memorandum of understanding with the USDA Forest Service to develop and implement a safety program and regulations for the use of hiking, horseback riding and walking trails during any gun season in wildlife management areas on national forest lands.

SB 2869: Handicapped Hunters

Sen. Bob M. Dearing

States that the Department of Wildlife, Fisheries and Parks must provide handicapped hunters reasonable access to hunting in wildlife management areas, including the use of mobility related devices.

Solid Waste

SB 2821: Energy Management Plans

Sen. Giles Ward

Requires state agencies to submit energy management plans and to meet energy consumption reduction standards.

Water Quality and Pollution Control

HB 231: Drinking Water Quality Reports

Rep. Mark Baker

Requires the Public Water System to provide notice that the drinking water quality reports are available on the Mississippi State Department of Health's website by placing the notice, including the website address, in a newspaper of general circulation in the area which is served by the water system.

HB 432: Water Well Drillers

Rep. Andy Gipson

Requires every person, firm and corporation engaged in the business of drilling and developing wells for underground water, including drilling any wells or boreholes that may penetrate water-bearing formations, in the State of Mississippi, to file an application for a water well contractor's license with the Mississippi Commission on Environmental Quality. Developing wells shall include the installation and servicing of pumps and well equipment, but shall not include the installation and servicing of above-ground pumps.



HB 1399: Water System Improvements

Rep. Willie Bailey

States that a determination of viability shall not be required for grants relating to a portable water supply necessary to operate a municipal sewage treatment system.

SB 2743: Public Water Systems

Sen. T.O. Moffatt

Deletes the repealer on the requirement that public water systems maintain optimum corrosion inhibitor levels.

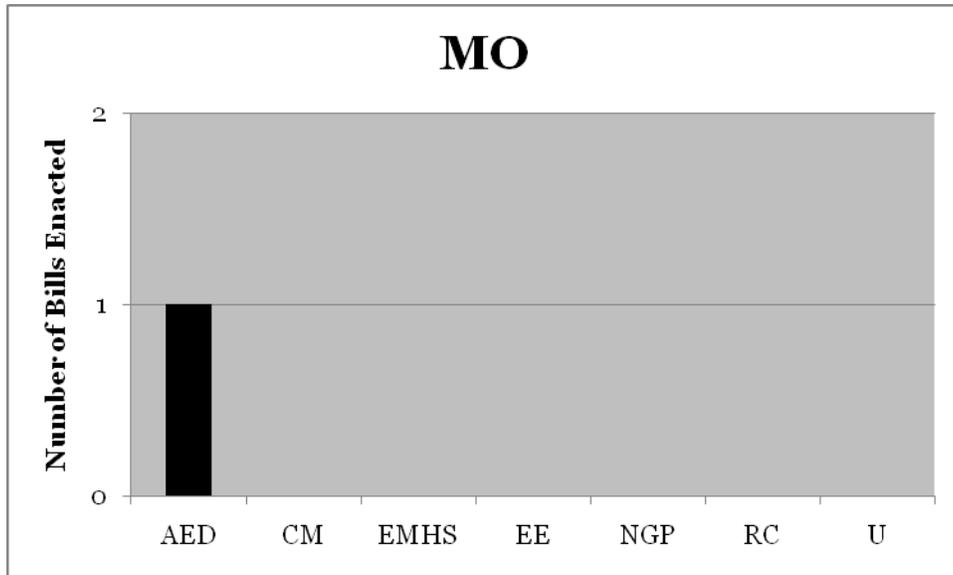




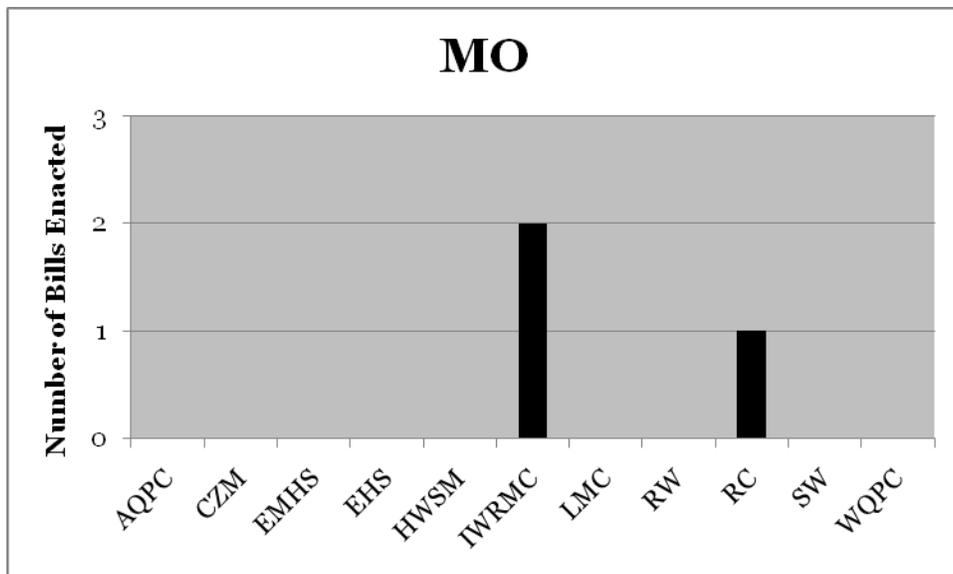
Missouri

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Missouri

Energy Legislation

Alternative Energy Development

HB 1692: Property Assessment Clean Energy Act

Rep. Jason Smith

Authorizes one or more municipalities to form a clean energy development board to establish a property assessed clean energy program to finance energy efficiency or renewable energy improvement projects. A property owner can apply to the board to finance the costs of the project through annual special assessments levied under an assessment contract.



Environmental Legislation

Inland Water Resource Management and Conservation

SB 578: Port Authorities

Sen. Charles W. Shields

Authorizes every local and regional port authority, except those located in Clay County, to establish a port improvement district, carry out certain projects, levy, upon voter approval, a sales and use tax, a real property tax or both to pay project costs. Railroad property cannot be taxed unless the property's owner agrees to the levy in writing. The sales tax cannot exceed one percent. All revenues generated by any district and any other port authority revenue source are designated to the repayment of any outstanding obligations.

SB 795: Southeast Missouri Regional Water District

Sen. Robert Mayer

Makes individuals in the Southeast Missouri Regional Water District who use explosive materials for unclogging agricultural irrigation wells exempt from certain blasting safety requirements.

Reorganization and Coordination

SB 791/ HB 1612: Common Sewer Districts

Sen. John E. Griesheimer and Rep. Chris Molendrop

Allows a majority of the remaining members on the board of trustees of a common sewer district to fill a vacancy on the board if the county governing body fails to fill the vacancy within 60 days of receiving written notice of the vacancy. Trustees of such a district may also appoint a member to a sewer subdistrict's advisory board if a vacancy is not filled by a county or political subdivision within 60 days of receiving a written request from the district. The bill also increases, from eight to ten, the number of members on the sewer district boards of trustees in Cass and Jackson counties. Each board will consist of the county executive, mayors of the five largest-user cities, mayors of three other cities who are members of the sewer district advisory board, and one member of the county legislature. In the event the district extends its boundaries into a bordering county, the presiding commissioner or county executive of the bordering county will become the eleventh member of the board.

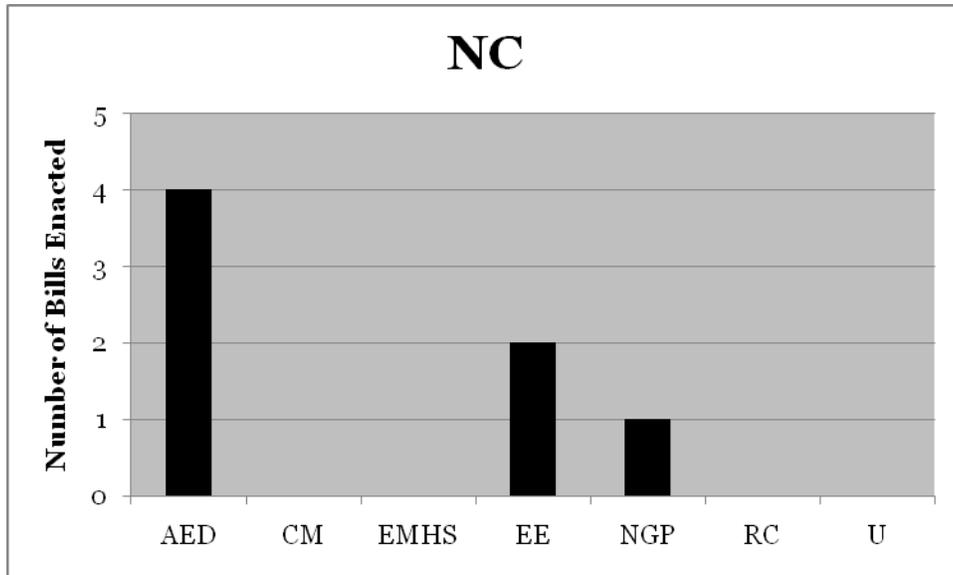




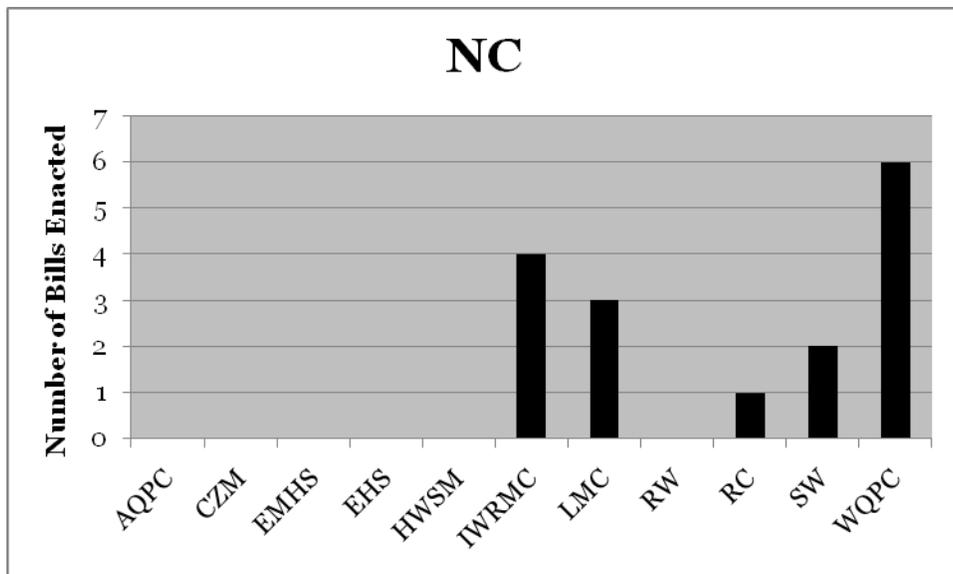
North Carolina

Legislation Category Comparison

Energy Legislation



Environmental Legislation





North Carolina

Energy Legislation

Alternative Energy Development

HB 1829: Renewable Energy Incentives

Rep. Paul Lubeke

Promotes the use of renewable energy by extending the credit for biodiesel producers and for constructing renewable fuel facilities, reviving the tax credit for investing in renewable energy property, reinstating and expanding the tax credit for a renewable energy property facility, clarifying the authority of local governments to finance energy programs, clarifying that real property donated for a conservation purpose can be used only for that purpose and designating the appropriate person to provide a written allocation of the federal tax deduction for energy efficient commercial buildings owned by a governmental entity.

SB 388: Renewable Energy Property Credit

Sen. Daniel G. Clodfelter

Removes certain grants made under the American Recovery and Reinvestment Tax Act from the definition of public funds for which a credit for investing in renewable energy property is not available.

SB 886: Cleanfields

Sen. Don Vaughan

Authorizes the establishment of cleanfields renewable energy demonstration parks.

SB 1114: Local Energy Efficiency/Renewables Contracts

Sen. Eleanor Kinnaird

Exempts the Towns of Chapel Hill and Carrboro and the City of Asheville from competitive bidding requirements when letting contracts for use as part of local pilot programs aimed at increasing energy efficiency. The bill also allows those towns to enter into leases for the siting and operation of a renewable energy facility for up to 20 years without treating it as a sale and without giving notice by publication.

Energy Efficiency

HB 1292: University Energy Savings

Rep. Pricey Harrison

Provides that any energy savings realized by constituent institutions of the University of North Carolina shall remain available to the institution and a portion of those energy savings shall be used for other energy conservation measures.



HB 1814: Catawba Energy Efficiency

Rep. Ray Warren

Exempts Catawba County from competitive bidding requirements when letting contracts authorized by its Board of Commissioners to increase energy efficiency. The bill also authorizes Catawba County to enter into leases for the siting and operation of renewable energy facilities for 20 years without treating it as a sale and without giving notice by publication.

Natural Gas and Petroleum

SB 836: Oil Spills

Sen. Charles W. Albertson

Addresses oil spill liability, response and preparedness by (1) clarifying liability for damages caused by the discharge of natural gas, oil or drilling waste into state coastal fishing waters or offshore waters; (2) providing for the review of information required for a proposed offshore fossil fuel facility in order to determine consistency with state guidelines for the coastal area; (3) directing the Coastal Resources Commission to review existing laws and regulations that pertain to offshore energy exploration and production in light of the explosion, sinking and subsequent discharge of oil from the British Petroleum Deepwater Horizon offshore drilling rig; (4) directing the Department of Crime Control and Public Safety to immediately review and update the state oil spill contingency plan in order to prepare the state in the event that oil discharged from the British Petroleum Deepwater Horizon offshore drilling rig is transported by currents or other mechanisms to the North Carolina coast and (5) directing the Department of Environment and Natural Resources to review limitations on recovery by the state for damage to public resources and for the cost of oil or other hazardous substance cleanup.



Environmental Legislation

Inland Water Resource Management and Conservation

HB 1710: Fishery Management Plans

Rep. William L. Wainwright

Expedites the process by which the Marine Fisheries Commission may supplement Fishery Management Plans, as recommended by the Joint Legislative Commission on Seafood and Aquaculture.

HB 1713: Sustainable Fishery Harvests

Rep. William L. Wainwright

Provides that each Fishery Management Plan must specify time periods for ending overfishing and achieving a sustainable harvest. Each plan must also include a standard of at least 50 percent probability of achieving a sustainable harvest, as recommended by the Joint Legislative Commission on Seafood and Aquaculture.

HB 1714: Fishing Licenses

Rep. William L. Wainwright

Directs the Marine Fisheries Commission to adopt rules related to the suspension, revocation and reissuance of licenses, as recommended by the Joint Legislative Commission on Seafood and Aquaculture.

HB 1743: River Basin Modeling

Rep. James W. Crawford, Jr.

Directs the Department of the Environment and Natural Resources to develop basin-wide hydrologic models for each of the 17 major river basins in the state.

Land Management and Conservation

HB 617: All-Terrain Vehicles

Rep. Lucy T. Allen

Authorizes persons qualified under the Disabled Sportsmen Program to transverse public roadways using an all-terrain vehicle while engaging in licensed hunting or fishing activities.

HB 972: Uwharrie Regional Resources

Rep. Cullie M. Tarleton

Creates the Uwharrie Regional Resources Commission to encourage quality growth and development while preserving the natural resources of the Uwharrie region of North Carolina.

HB 1893: Fox Hunting

Rep. Larry Womble

Establishes a season for taking foxes by trapping with cage traps in Winston-Salem and amends the law authorizing the trapping and sale of foxes in Ashe County.



Reorganization and Coordination

HB 1766: Environmental Laws

Rep. Pryor Gibson

Amends certain environmental and natural resources laws to: (1) change the location of the horizontal control monument files for plat and subdivision mapping requirements; (2) provide that the President Pro Tempore of the Senate and the Speaker of the House of Representatives may designate multiple members to serve as Co-chairs of the Environmental Review Commission; (3) repeal the requirement that remedial action plans be recorded in the Register of Deeds Office and modify the requirement that remedial action plans be placed in each public library in the county; (4) re-establish the Surface Water Identification Training and Certification Program as a component of the Riparian Buffer Protection Program; (5) amend the customer reporting requirements for small wastewater systems; (6) amend civil penalties for certain air quality violations; (7) change the name of the North Carolina National Park, Parkway and Forests Development Council to the Western North Carolina Public Lands Council; (8) clarify the standards for qualification of voluntary water conservation and water use efficiency programs; (9) amend the enforcement authority of the Department of Environment and Natural Resources under the Drought Management Preparedness and Response Act; (10) amend designation of the member of the Sedimentation Control Commission representing a North Carolina public utility company; (11) amend the notice requirements for cities, counties, sanitary districts and water and sewer authorities when imposing or increasing certain fees or certain charges; (12) provide that the prohibition on any new or increased nutrient loading allocation applies to impaired drinking water supply reservoirs; (13) direct certain state agencies to review their planning and regulatory programs and recommend whether those programs should include consideration of global climate change; (14) require all public agencies to recycle all spent fluorescent lights and mercury thermostats, require the removal of all fluorescent lights and mercury thermostats from buildings prior to demolition and ban mercury-containing products from unlined landfills; (15) authorize the Environmental Review Commission to study penalties applicable to prohibited acts relating to packaging, coded labeling of plastic containers, disposal of certain solid wastes in landfills or by incineration; (16) provide that local governments and large community water systems only require separate meters for new in-ground irrigation systems for lots connected to their systems and platted and recorded in the Office of the Register of Deeds after July 1, 2009; (17) prohibit the use of high arsenic content glass beads when marking state or municipal roads or public vehicular areas; (18) enable traditional country stores to sell uncooked sandwiches, prepared on premises by store employees; (19) revise the sunset provision for nutrient offset payments; (20) make a technical correction to the definition of “notebook computer;” (21) delay the effective date of the Clean Coastal Water and Vessel Act from July 1, 2010, to April 1, 2011 and to limit the Act’s application to only those areas that are designated as No Discharge Zones by the United States Environmental Protection Agency; (22) clarify the scope of research for the Coastal Wave Energy Research and Prototype Project authorized in the current Operations and Capital Improvements Act of 2010 and (23) amend the NC Sustainable Communities Task Force.



Solid Waste

HB 1736: Sewer Service Fees

Rep. Justin P. Burr

Authorizes the City of Locus and the Towns of New London and Stanfield to attach personal property, garnish wages and place liens on certain real property to collect unpaid fees for sewer services.

SB 887: Electronics Recycling

Sen. Don Vaughan

Modifies the computer equipment recycling plan requirements and associated fee imposed on manufacturers. The bill also makes substantive, clarifying, technical and conforming amendments to the laws governing the management of discarded computer equipment and discarded televisions.

Water Quality and Pollution Control

HB 1744: Water Funding Priorities

Rep. James W. Crawford, Jr.

Modifies the common criteria applicable to loans and grants for water and wastewater infrastructure projects to clarify that leaking waterlines are a priority for both water quantity and water quality purposes; includes asset management planning, regionalization, state water supply planning and drought management in the list of common criteria that receive priority for funding; establishes a sliding scale system for determining the priority given to projects that exceed the high-unit-cost-threshold; and provides that a project that demonstrates it is not feasible to regionalize shall be given the same priority as a project that includes regionalization.

HB 1746: Water Infrastructure

Rep. James W. Crawford, Jr.

Directs the Department of Environment and Natural Resources, in conjunction with other interested parties, to establish a task force to develop a statewide survey to supplement the current information used to assess the state's water and wastewater infrastructure needs, develop a plan for incorporating the information compiled from the United States Environmental Protection Agency survey into the state water supply plan and develop recommendations regarding a statewide water and wastewater infrastructure resource and funding database.

HB 1747: Water Supply System

Rep. James W. Crawford, Jr.

Requires a local government that provides public water service or a community water system to revise its local water supply plan to address foreseeable future water needs when 80 percent of the system's available water supply has been allocated or when seasonal demand exceeds 90 percent.



HB 1748: Conserve and Protect Agricultural Water Resources

Rep. James W. Crawford, Jr.

Directs the Department of Agriculture and Consumer Services and the Department of Environment and Natural Resources to continue work with the North Carolina Farm Bureau Federation, other agricultural organizations and farmers in the state to develop a plan to identify and report agricultural water infrastructure needs, encourage voluntary practices that conserve and protect water resources and design a cost-share program to assist farmers and agricultural landowners who implement best management practices to conserve and protect water resources related to agricultural use.

HB 1765: Falls Lake Watershed

Rep. Pryor Gibson

Authorizes coalitions of local governments to jointly implement water quality protection plans for the Falls Lake Watershed.

SB 1446: Stormwater Facilities

Sen. Floyd B. McKissick, Jr.

Amends the charter of the City of Durham to authorize assessments against properties served by stormwater facilities for the construction and repair of those facilities.

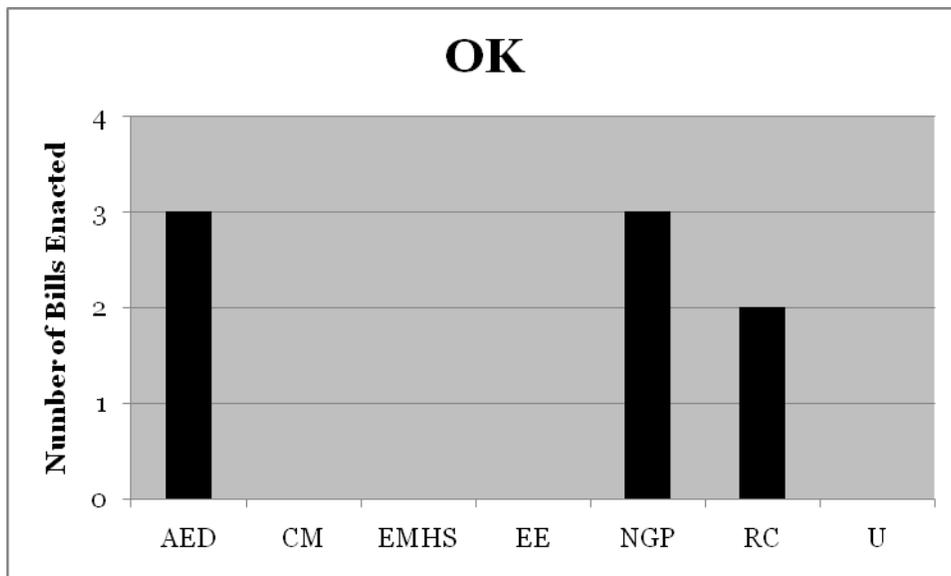




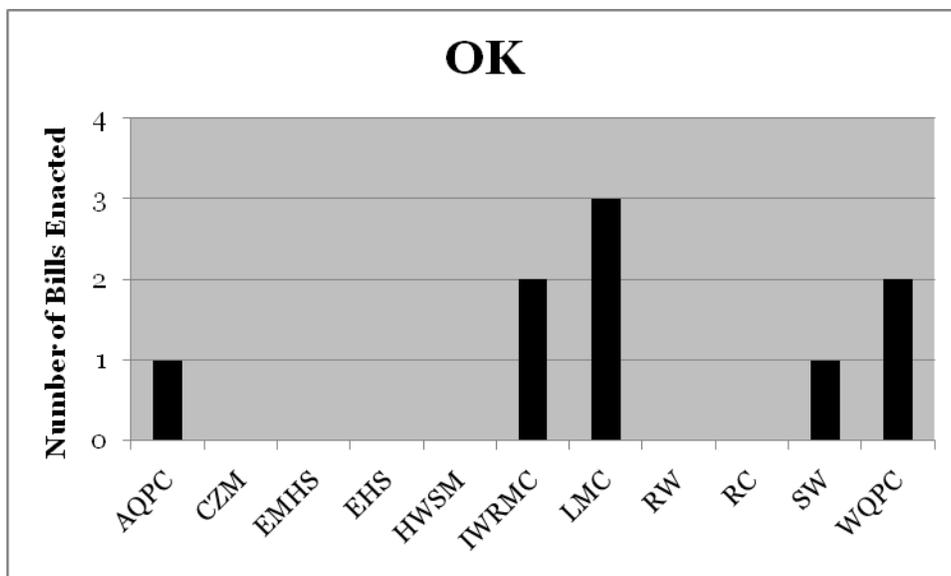
Oklahoma

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Oklahoma

Energy Legislation

Alternative Energy Development

HB 2626: Biodiesel

Rep. Tad Jones

Authorizes the Oklahoma Corporation Commission to promulgate specifications for the safety and quality of biodiesel. In addition, the measure defines “biodiesel” as a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated as B100, and meeting the requirements of the American Society for Testing and Materials (ASTM) D6751 standards. The measure also defines a biodiesel blend as a blend for biodiesel fuels meeting the ASTM D6751 standards with a petroleum-based diesel fuel, provided that the designation represents the percentage of biodiesel fuel contained in the blend.

HB 2973: Wind Energy Development

Rep. Mike Sanders

Creates the Oklahoma Wind Energy Development Act. The measure provides that the owner of a wind energy facility will be responsible, at its expense, for the proper decommissioning of the facility upon abandonment or at the end of the useful life of the commercial wind energy equipment located at the facility. Proper decommissioning is defined as the removal of wind turbines, towers, buildings, cabling, electrical components, foundations and any other associated facilities, to a depth of thirty inches below grade. Owners of such facilities must complete decommissioning within twelve months of abandonment or the end of the useful life of the facility. The Oklahoma Corporation Commission (OCC) is authorized to complete the decommissioning should the owner fail to do so within the aforementioned time period. In addition, the Conference Committee Substitute (CCS) requires the owner of wind energy facilities to provide the OCC with evidence of financial security to cover the anticipated costs of decommissioning after the fifteenth year of operating the facility. If an entity fails to provide the OCC with such evidence, the owner is subject to a fine not to exceed \$1,500.00 per day. The owner or operator of any wind turbine or wind energy facility is also required to report to the OCC the power generated from the wind turbine or wind energy facility, the nameplate capacity and the location of such turbines or facilities on an annual basis. The measure also authorizes the OCC or any other state agency affected by the requirements of the measure to promulgate rules as necessary to implement the provisions of the act.



HB 3028: Renewable Energy Goal

House Speaker Chris Benge

The measure establishes a voluntary goal of increasing the installed capacity of electricity derived from renewable energy sources to 15 percent by the year 2015. Qualifying renewable energy sources are defined by the measure as including wind, solar, photovoltaic, hydropower, geothermal, biomass, demand side management and energy efficiency, distributed generation and other renewable sources as approved by the Oklahoma Corporation Commission (OCC). Biomass is specifically defined as projects which may include agricultural crops, wastes, and residues, wood, animal and other degradable organic wastes, municipal solid waste and landfill gas. In addition, the measure declares natural gas as the preferred choice of electric generation for fossil fuel generating facilities. If an electricity-generating entity elects to use a fossil fuel source other than natural gas, the entity may provide evidence to the OCC or other similar appropriate regulatory body that the selected fossil fuel source is in the best interest of electric consumers. The measure also states that it is the intention of the State of Oklahoma to increase electricity transmission capacity as it relates to the promotion of wind-energy development so that the renewable energy generated from wind can be utilized in every part of the state and exported to other states. In addition, the measure states that it is the intention of the state to increase public access to Compressed Natural Gas (CNG) fueling stations by having at least one public CNG fueling station located every 100 miles along the entire interstate highway system in Oklahoma by the year 2015 and every fifty 50 miles by 2020. The measure contains a provision specifying that the Act is not to be construed to impair the authority of the OCC to ensure reasonable rates for consumers.

Natural Gas and Petroleum

HB 2912: Oil and Gas Drilling Safety

Rep. Danny Morgan

Makes it unlawful for any person to injure, deface or alter any safety equipment used in the drilling or production of an oil or gas well that is not their own, unless permission is granted by the owner.

SB 1840: Retail Natural Gas Services

Sen. Anthony Sykes

Creates a task force for the purpose of studying the availability of retail natural gas service in Oklahoma. The task force shall explore options to overcome obstacles currently impeding the expansion of retail natural gas supply services to new homes and commercial building development areas which are being forced to use less efficient energy sources rather than natural gas. The task force shall solicit participation from all retail natural gas providers in the area of the state south of Interstate 40 and determine what remedies may be available to provide natural gas service to citizens and business operators in this area of the state.



SB 2169: Natural Gas Pipeline

Sen. Cliff Branan

Creates the Task Force on Tax Incentives to Increase Natural Gas Pipeline Capacity. The task force shall study the current ad valorem, income, gross production and sales tax and any other relevant tax incentives available to the natural gas pipeline transmission industry; determine the extent to which such incentives are used and the estimated fiscal impact of such incentives on the industry and on state revenue and take testimony regarding whether or not existing incentives have an impact on pipeline capacity and whether other incentives are needed.

Reorganization and Coordination

SB 1684: County Energy Districts

Sen. Cliff Aldridge

Authorizes circuit engineering districts to establish county energy district authorities.

SB 1692: Clean Energy Independence

Sen. David Myers

Extends the term and modifies appointments of the Oklahoma Clean Energy Independence Commission to continue to use state resources to achieve a goal of clean energy independence.



Environmental Legislation

Air Quality and Pollution Control

SB 1326: Geologic Storage of Carbon Dioxide Task Force

Sen. David Myers

Continues the Oklahoma Geologic Storage of Carbon Dioxide Task Force until December 1, 2010. The members previously appointed to the task force shall continue to serve with new members appointed as necessary. The task force shall study any issues necessary to implement the transmission and storage of carbon dioxide in geologic formations, including, but not limited to, insurance, liability and ownership issues relating to long-term carbon dioxide storage facilities. The task force shall make a report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives, which may include legislative recommendations, following the termination of its activities no later than December 15, 2010.

Inland Water Resource Management and Conservation

HB 1483: Water Use Permits

Rep. Dale DeWitt

Directs the Oklahoma Water Resources Board to consider pending in-state water rights applications prior to granting water rights to out-of-state applicants, in order to maintain sufficient water supply for in-state beneficial uses. The bill also creates the Sardis Reservoir Revolving Fund. This fund would be used for the purpose of paying off the obligation of the state to the United States for construction costs of the water supply at Sardis Lake Reservoir.

SB 1519: Scenic Rivers Commission

Sen. Mike Johnson

Authorizes and directs the Scenic Rivers Commission for the Flint Creek and Illinois River within Adair, Cherokee and Delaware Counties and those portions of Barren Fork Creek within Cherokee County to charge an annual fee of \$10.00 per noncommercial, privately owned device or a fee of \$1.00 per day for all noncommercial, privately owned flotation devices used within the jurisdiction of the Commission. Landowners located immediately adjacent to state-designated scenic rivers areas, however, shall not be required to pay either fee.



Land Management and Conservation

HB 2861: Hunting Licenses

Rep. Phil Richardson

Establishes a means of restitution for those individuals who have had their hunting and fishing license privileges suspended, revoked or denied. A court in the state may suspend or revoke such a license for a period up to ten years, after which the individual may apply for a new hunting or fishing license by paying a reinstatement fee. The amount of the fee depends on which statute has been violated, with higher fees applying to offenses involving the unlawful possession, taking or killing of wildlife.

HB 2963: Hunting and Fishing Licenses

Rep. Earl Sears

Changes the age, fee and exemption provisions for certain senior licenses and raises the fee for some other licenses. The bill also provides for a deposit in the Oklahoma Wildlife Land Fund and removes the lifetime Waterfowl license. The measure adds additional hunting and fishing privileges, including adding the trapping license to all lifetime license holders.

SB 1594: Bow Hunting

Sen. Bryce Marlatt

Declares that the use of crossbows and conventional longbows with a device that permits the bow to be held mechanically at full or partial draw shall be a legal hunting method during any open season when conventional longbows are a legal means of take.

Solid Waste

HB 2509: Solid Waste

House Speaker Chris Benge

Adds incinerators to those entities required to install scales and pay fees based on tonnage of solid waste received. The bill also adds a member representing the solid waste incineration, waste-to-energy industry to the Solid Waste Management Advisory Council.

Water Quality and Pollution Control

SB 1695: Wastewater Treatment Systems

Sen. Charles Wrick

Requires that a permit for any construction work for a municipal treatment works, nonindustrial wastewater treatment system, sanitary sewer system or other sewage treatment works, or for any extension thereof, or for any change in the manner of nonindustrial wastewater treatment or the treatment, storage, use or disposal of sewage sludge may only be issued to a public entity if all components of the proposed system, including the service lines, are or will be located on property that is owned by the owner of the system or dedicated to the owner of the system in a recorded easement for the installation and operation of the system.



SB 1765: Sewer Systems

Sen. Brian Bingman

Declares that the person contracting with an installer who is modifying or installing an on-site sewage treatment system for a residence or business must certify the number of bedrooms in the residence or the water usage of the business that will be served, so that the system can be properly sized.

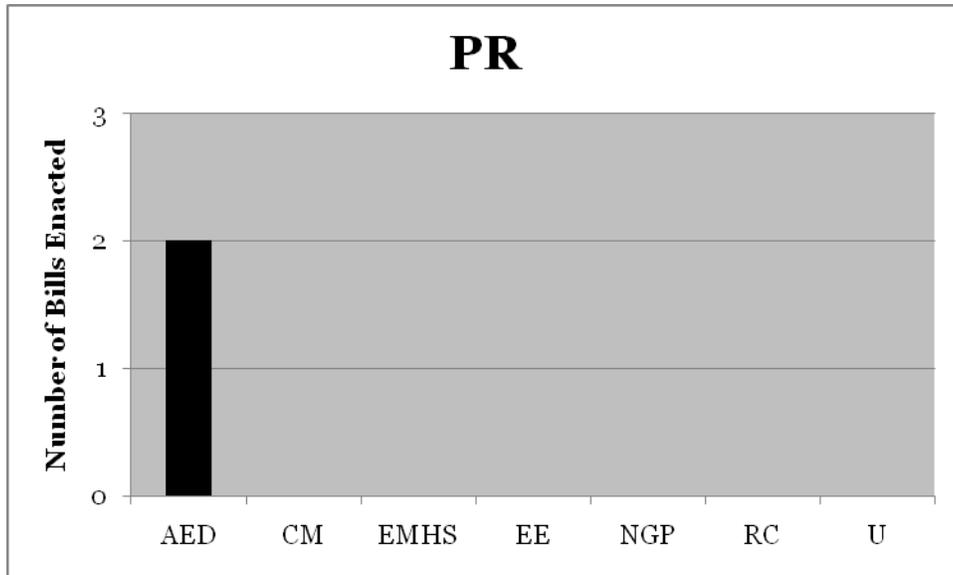




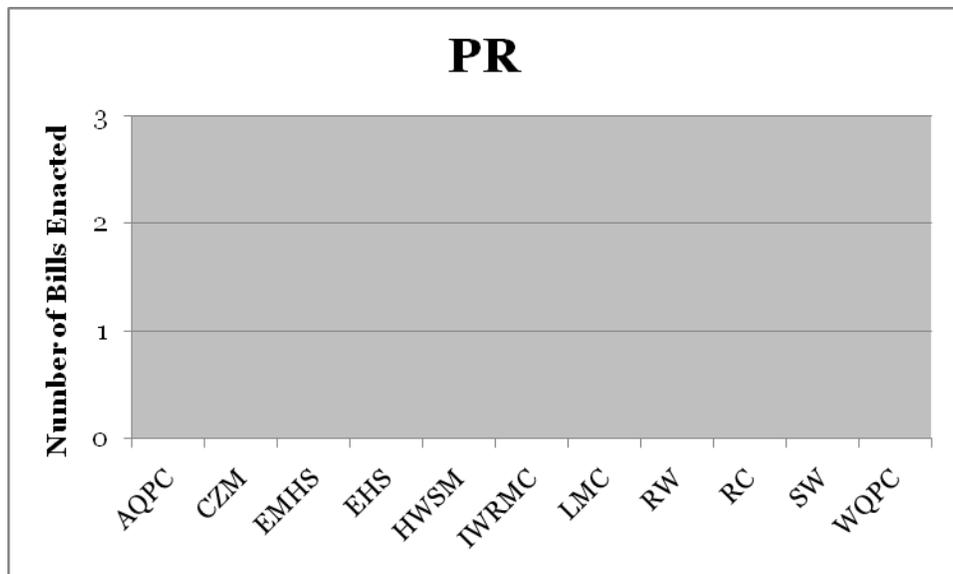
Puerto Rico

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Puerto Rico

Energy Legislation

Alternative Energy Development

SB 1519: Energy Diversification

Sen. Thomas Rivera Schatz

Sets a hard target of 12 percent renewable energy production by 2015 and 15 percent by 2020, with a requirement for retail energy providers to establish a plan to reach 20 percent renewable energy production by 2035. The bill also establishes Renewable Energy Certificates (“RECs”) as legally-recognized assets that can be purchased, sold, traded and transferred separately from electric power. Additionally, the bill mandates the implementation of a renewables registry, an electronic platform to manage the issuance, tracking, and trading of RECs and creates a permanent Renewable Energy Commission as an oversight entity focused solely on the implementation of the RPS.

HB 2610: Green Energy Incentives

Rep. Jenniffer González Colón

Creates a Green Energy Fund (“GEF”) through which the government of Puerto Rico will co-invest \$290 million in renewable energy projects over the next 10 years. Contributions to the GEF are not subject to an annual appropriation process. Initial funding of \$20 million begins July 1, 2011 and then steps up to \$40 million by FY 2016. Through the GEF, the Puerto Rico Energy Affairs Administration will offer cash rebates of up to 60 percent on the cost of installing Tier 1 or small projects (0 – 100 kW) for residences and small businesses and up to 50 percent on the cost of Tier 2 projects (100kW – 1 MW) for commercial or industrial use.



Environmental Legislation

The Puerto Rico Legislature did not pass any Environmental bills during the 2010 legislative session.

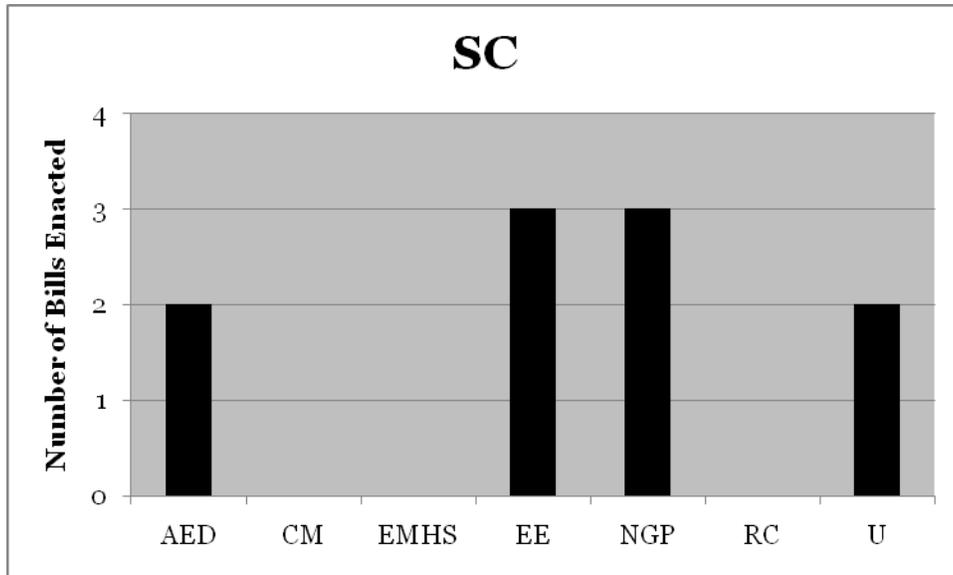




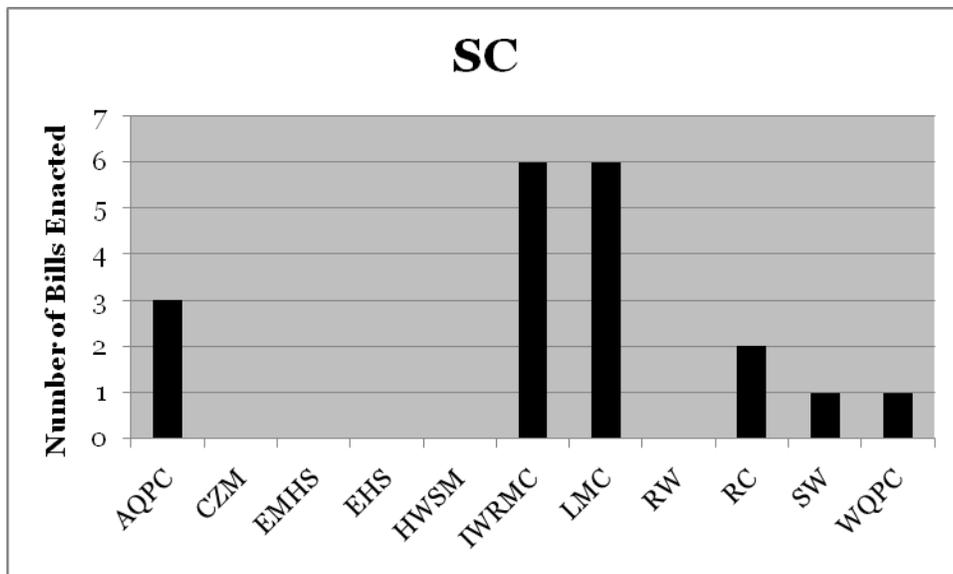
South Carolina

Legislation Category Comparison

Energy Legislation



Environmental Legislation





South Carolina

Energy Legislation

Alternative Energy Development

SB 1131: Qualified Nuclear Plants

Sen. Harvey S. Peeler

Relates to industrial development projects requiring a fee in lieu of property taxes for the minimum level of investment and the lease agreement, investment and active service timelines for a qualified nuclear plant facility.

SR 677: Forest Biomass

Sen. Ronnie W. Cromer

Recognizes and encourages the use of forest biomass as South Carolina's most abundant source of renewable energy. The resolution also urges the United States Congress to correct the restrictive and intrusive definition of renewable biomass in the Energy Independence and Security Act of 2007.

Energy Efficiency

HB 3550: Energy Standard Act

Rep. Harry F. Cato

Changes the title of the Building Energy Efficiency Standard Act to the Energy Standard Act and adopts the 2006 Edition International Energy Conservation Code as the energy standard. This bill also provides that all new and renovated buildings and additions must comply with this standard.

SB 1096: Energy Efficiency and Conservation Improvements

Sen. Glenn F. McConnell

Authorizes electricity and natural gas providers to implement financing agreements for the installation of energy efficiency and conservation improvements and provides for the recovery of the financing through charges paid for by those customers benefitting from the installation of such measures.



SB 232: State Energy Policy

Sen. W. Greg Ryberg

Declares that it is the policy of South Carolina to have a comprehensive state energy plan that maximizes environmental quality and energy conservation and efficiency and minimizes the cost of energy throughout the state. To implement this policy, the bill adopts the Plan for State Energy Policy. The purpose of the plan is to ensure the following: access to energy supplies at the lowest practical environmental and economic cost; long-term access to adequate, reliable energy supplies; that demand-side options are pursued wherever economically and environmentally practical; that the development and use of clean energy resources are encouraged, including nuclear energy, energy conservation and efficiency and indigenous, renewable energy resources; that basic energy needs of all citizens, including low income citizens, are met; that energy vulnerability to international events is minimized, that energy-related decisions promote the economic and environmental well-being of the state and maximize the ability of South Carolina to attract retirees, tourists, and industrial and service-related jobs; that short-term energy decisions do not conflict with long-range energy needs; that internal governmental energy use patterns are consistent with the state's long-range interests; that state government is organized appropriately to handle energy matters in the best public interest; that governmental energy-related tax, expenditure and regulatory policies are appropriate, and, wherever possible, maximize the long-range benefits of competition and that any future energy strategy that promotes carbon-free, non-greenhouse gas emitting sources includes nuclear energy, renewable resources and energy conservation and efficiency.

Natural Gas and Petroleum

HB 3707: Motor Fuel Terminals

Rep. Thomas R. "Tom" Young, Jr.

Requires motor fuel terminals to offer all grades of petroleum products and diesel fuel suitable for subsequent blending with ethanol to produce biofuels, biodiesel or biodiesel blends.

SB 196: Liquefied Petroleum Gas

Sen. Glenn F. McConnell

Provides that a liquefied petroleum gas dealer is immune from civil liability for an injury or damage proximately caused by a liquefied petroleum gas system or gas-burning appliance. The bill also requires notification to a propane supplier before work begins on a system supplied by a liquefied petroleum gas supplier.

SCR 1478: Oil Leak

Sen. George E. "Chip" Campsen III

Calls upon the Department of Health and Environmental Control and the Department of Natural Resources, in coordination with the Governor, to begin developing a contingency plan immediately, in the event the oil leaking from the Deepwater Horizon in the Gulf of Mexico is swept by currents up the southeastern seaboard.



Utilities

HB 4448: Gas Utilities Repayment Programs

Rep. William E. "Bill" Sandifer, III

Authorizes gas utilities to implement prepayment programs for residential customers to promote energy efficiency and conservation by facilitating consumer awareness of energy use and conservation. The bill also allows the gas utilities to interrupt service when the prepaid account balance reaches zero.

HR 5077: Retail Electrical Rates

Rep. Leonidas E. "Leon" Stavrinakis

Expresses opposition to the retail electric rate increase that the South Carolina Electric and Gas Company plans to request in May or June of this year.



Environmental Legislation

Air Quality and Pollution Control

HJR 4888: Tailoring Rule

Rep. Jeff D. Duncan

Urges adoption of the United States Environmental Protection Agency Greenhouse Gas Regulations for stationary sources in order to give the South Carolina Department of Health and Environmental Control sufficient time to promulgate appropriate regulations, if required.

HCR 4606: Greenhouse Gas Emissions

Rep. Jeff D. Duncan

Urges Congress to adopt legislation that would postpone the United States Environmental Protection Agency's effort to regulate greenhouse gas emissions from stationary sources using existing Clean Air Act Authority until Congress adopts a balanced approach to address climate and energy supply issues without crippling the economy.

SR 802: Energy Production Capabilities

Sen. Thomas C. Alexander

Urges the United States Congress to fully examine and take into account each state's current and projected energy production capabilities and current economic conditions, and to safeguard jobs and affordable energy when considering any greenhouse gas emission initiatives.

Inland Water Resource Management and Conservation

HB 3635: Saltwater Fishing Licenses

Rep. Kenneth F. Hodges

Specifies applicable saltwater fishing license fees, exemptions and how revenue from the sale of stamps, licenses, prints and related articles must be distributed.

HB 3919: Striped Bass

Rep. Ted M. Vick

Establishes seasonal creel and size limits for striped bass in the inshore waters, territorial sea, excluding certain portions of the Savannah River and certain freshwater bodies, including Lake Russell and its tributaries.

HB 3957: Navigable River Water Quality

Rep. William G. "Bill" Herbkersman

Provides that on any navigable river where an oyster factory is located, the Department of Health and Environmental Control may use qualified personnel of that same county or municipality to assist with the monitoring of water quality and other environmental standards the Department is required to enforce.



HB 4444: Catch Limits

Rep. C. David Umphlett, Jr.

Decreases the catch limits from 10 to one per day for estuarine and saltwater finfish, including weakfish cynoscion.

SB 452: South Carolina Surface Water Withdrawal and Reporting Act

Sen. Paul G. Campbell, Jr.

Amends the South Carolina Surface Water Withdrawal and Reporting Act to provide that surface water withdrawals must be made pursuant to a permit issued by the Department of Health and Environmental Control. The bill also requires agricultural surface water withdrawers to register their surface water use with the Department.

SCR 1095: Fishing Area Closures

Sen. Raymond E. Cleary III

Opposes any fishing area closures off the coast of South Carolina associated with the South Atlantic Fishery Management Council's proposed amendment to the Fishery Management Plan for the snapper grouper fishery of the South Atlantic Region.

Land Management and Conservation

HJR 3483: Hunting and Fishing

Rep. W. Brian White

Declares that, under the South Carolina Constitution, hunting and fishing are valuable parts of the state's heritage, important for conservation and a protected means of managing non-threatened wildlife. 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 as prescribed by the General Assembly.

SB 836: Riverbanks Parks Commission

Sen. Ronnie W. Cromer

Authorizes the Commission to employ police officers and to prohibit certain activities while on park property.

SB 974: Hunting and Fishing Licenses

Sen. George E. "Chip" Campsen III

Amends laws relating to the duration of hunting and fishing licenses, so as to further specify the duration of temporary, annual, three-year, three-year disability and Catawba Indian licenses.

SB 1027: Renegade Hunter Act

Sen. J. Yancey McGill

Provides that it is unlawful for a person to hunt from a road, right of way, property line, boundary or property upon which he does not have hunting rights with the aid or use of a dog when the dog has entered upon the land of another without having written permission or over which the person does not have hunting rights.



SB 1261: Timber Harvesting

Sen. Ronnie W. Cromer

Authorizes the Department of Natural Resources to contract for the harvest of timber on any lands held by the Department. No contract for such cutting and sale may be entered into and no timber may be cut or sold unless the board votes that the endeavor is for the best interests of the Department and the improvement of its lands, by reason of thinning the timber, harvesting the over-age trees and improving general forestry conditions. Before selling or cutting the timber the Department shall coordinate with the state forester to have the timber cruised and an estimate of the value made. If the state forester finds that the sale is not in keeping with good forestry practices or will adversely affect the remainder of the timber, the sale must not be made.

SB 1296: Coyote and Armadillo Hunting

Sen. Shane R. Martin

Provides that coyotes and armadillos may be hunted at night.

Reorganization and Coordination

HB 4416: Renewable Water Resources

Rep. Dwight A. Loftis

Authorizes the Renewable Water Resources of Greenville County to develop and implement processes, infrastructure and services necessary to provide and sell water products derived from its treatment processes. This authority shall include the ability to construct and own purple pipe systems and to provide retail services related to renewed water, wastewater or stormwater. The bill also grants the Board of the Renewable Water Resources the additional authority to generate energy from alternate sources including, low-head hydroelectric turbines, methane capture and reuse and other technologies that prove feasible. Renewable Water Resources can also sell wholesale electricity or other products it develops. Additionally, the board is authorized to study and implement reuses of biosolids and to enter into contracts to facilitate and market the by-products of these biosolids.

SB 351: South Carolina State Ports Authority

Sen. Lawrence K. "Larry" Grooms

Creates the South Carolina State Ports Authority. The governing body of the authority is a board of directors consisting of eleven members, nine voting members appointed by the Governor, the Secretary of Transportation, or his designee and the Secretary of Commerce, or his designee. The voting members shall be responsible for setting policies and direction for the authority so that the authority may achieve its mission. The powers and duties of the authority shall be exercised by the board. The board may delegate to one or more officers, agents or employees such powers and duties as it determines are necessary and proper for the effective, efficient operation of the port.



Solid Waste

SB 793: Beaufort-Jasper Water and Sewer Authority

Sen. Clementa C. Pinckney

Creates the Beaufort-Jasper Water and Sewer Authority, whose function is to acquire supplies of water and to distribute such 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 may be considered necessary by the Authority, and to acquire such land, rights of way, easements, machinery, apparatus and equipment as is considered useful.

Water Quality and Pollution Control

SB 1204: Clean Water Fund

Sen. Hugh K. Leatherman, Sr.

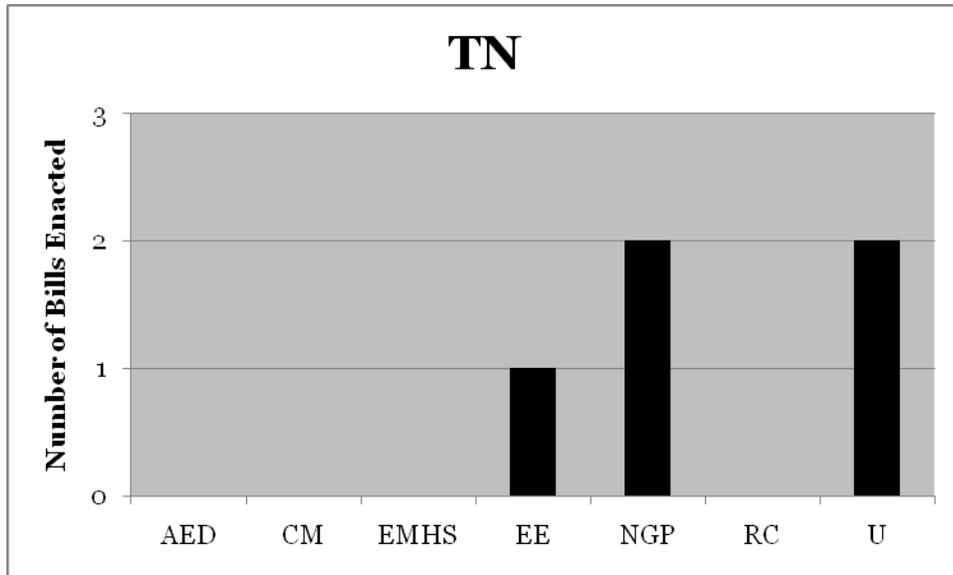
Allows any funds in the Clean Water Fund to be used as prescribed by the Clean Water Act, the Safe Drinking Water Act or any federal law governing the Clean Water Fund.



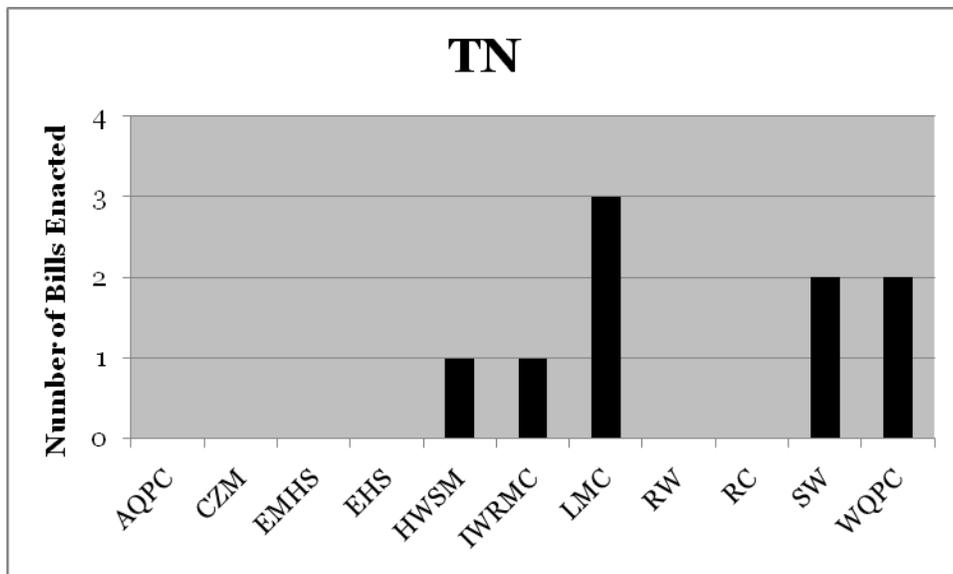
Tennessee

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Tennessee

Energy Legislation

Energy Efficiency

SB 3870/ HB 3804: Energy Assistance

Sen. Jim Kyle and Rep. Les Wittingham

Authorizes the Department of Human Services to provide low-income energy assistance at any percentage of the federal income poverty level that is permitted by federal law.

Natural Gas and Petroleum

SB 2912/ HB 3406: Natural Gas Pipeline

Sen. Dolores Gresham and Rep. Craig Fitzhugh

Specifies that the Tennessee Regulatory Authority has no power in regard to standards for carbon dioxide transported via interstate pipeline that is subject to the federal Natural Gas Pipeline Safety Act.

SB 3854/ HB 3842: Underground Petroleum Storage Tanks

Sen. Jim Kyle and Rep. Mark L. Maddox

Revises various provisions of the Tennessee Petroleum Underground Storage Tank Act, including the definition of a petroleum site to include sites where a petroleum underground storage tank was formerly located and states that any person whose actions cause or contribute to the release of petroleum at a petroleum site as a responsible party under the Act.

Utilities

SB 2945/ HB 2970: Utility Damage

Sen. Mark Norris and Rep. Gary Odom

Changes the reporting deadline from January 29, 2010 to January 17, 2011 for the Tennessee Advisory Commission on Intergovernmental Relations report to the General Assembly on the effectiveness of Tennessee's current underground utility damage prevention program.

SB 3333/ HB 3504: Electric G&T Cooperative

Sen. Randy McNally and Rep. Craig Fitzhugh

Amends the Electric Generation and Transmission (G&T) Cooperative Act to authorize a G&T cooperative to enter into agreements for payments in lieu of taxation to any state or local taxing jurisdiction, within or outside of the state, to the extent that the G&T cooperative's wholesale sale of capacity and energy to a Cooperative member or patron results in a diminution in payments in lieu of taxes from the Tennessee Valley Authority (TVA) to such state and local governments.



Environmental Legislation

Hazardous Waste and Substance Management

SB 2403/ HB 3218: Mercury Product Disposal Control

Sen. Steve Southerland and Rep. David Hawk

Enacts the Mercury Product Disposal Control Act, which prohibits a covered generator from disposing of mercury-added consumer products as non-hazardous solid waste starting in 2011. This bill also requires a covered generator to ensure that its discarded mercury-added consumer products are shipped for recycling, treatment or disposal to either a universal waste destination facility or a hazardous waste management facility that has been permitted to manage such materials by the U.S. Environmental Protection Agency (EPA) pursuant to the federal Resource Conservation and Recovery Act (RCRA), by a state program that has been authorized by the EPA to implement the pertinent portions of RCRA in the state, or by a foreign government. Prior to receipt at such facility, these products must be managed in accordance with either the current hazardous waste or universal waste management requirements.

Inland Water Resource Management and Conservation

SB 3789/ HB 3055: Whitewater Rafting

Sen. Dewayne Bunch and Rep. Eric Watson

Sets the daily commercial carrying capacity for that section of the Ocoee River between Rogers Branch and Caney Creek in the lower Ocoee River Recreational Area at 4,500 commercial customers for the dates on which the commercial usage during the last season exceeded 4,500 customers. Each date on which the carrying capacity was capped for the last season must also be capped on the same date for the next season unless the commercial usage on the capped date during the previous season fell below 4,300 customers.

Land Management and Conservation

SB 2803/ HB 2910: Forest Products Fairness Act

Sen. Doug Jackson and Rep. John C. Tidwell

Requires that any tax exemption, tax credit, tax exclusion, tax deduction, rebate, investment, contract or grant made available by the state to directly support the purchase of forest products (incentives) must be approved by the Commissioner of Agriculture through a fair and equitable process prior to being awarded. The process must be open to individuals and both new and existing businesses. This bill authorizes the Commissioner of Agriculture to promulgate rules and regulations to effectuate the purposes of this bill, after consulting with the Commissioner of Economic and Community Development.



SB 3212/ HB 3447: Parks and Recreation

Sen. Lowe Finney and Rep. Mike Stewart

Requires the Division of Parks and Recreation to designate one day per year when access to and use of all state parks, including campgrounds and golf courses, is free of charge for all veterans.

SB 3666/ HB 3909: State Parks Master Plan

Sen. Bo Watson and Rep. Susan M. Lynn

Revises requirements for the Department of Environment and Conservation to formulate a master plan for state parks.

Solid Waste

SB 2551/ HB 2657: Litter Tax

Sen. Steve Southerland and Rep. Craig Fitzhugh

Extends by six additional years the temporary tax on bottles of soft drinks and barrels of beer to fund programs for the prevention and collection of litter..

SB 2180/ HB 2216: Solid Waste Disposal

Sen. Thelma Harper and Rep. Brenda Gilmore

Requires the Department of Environment and Conservation to work with Tennessee State University and Middle Tennessee State University to study ways to improve the use of materials in solid waste as raw materials in order to create jobs, business and compost. The Department, in concert with the universities, must provide the Solid Waste Disposal Board with recommendations for the future and management tools to assist the Board in implementing regulations.

Water Quality and Pollution Control

SB 3172/ HB 3555: Waste Water Facilities

Sen. Doug Jackson and Rep. Eddie Bass

Revises the prerequisites for and terms of loans to local governments operating a waste water facility.

SB 3690/ HB 3603: Water Treatment

Sen. Randy McNally and Rep. Craig Fitzhugh

Specifies that a government joint venture that supplies or treats water or wastewater for wholesale use only to other governments will not fall under the jurisdiction of the Utility Management Review Board or the Water and Wastewater Financing Board for the purpose of reporting negative change in the net assets annually. Such a venture, however, will be referred to the Board if it is in a deficit or default position.



Texas

Texas did not have a regular legislative session in 2010.

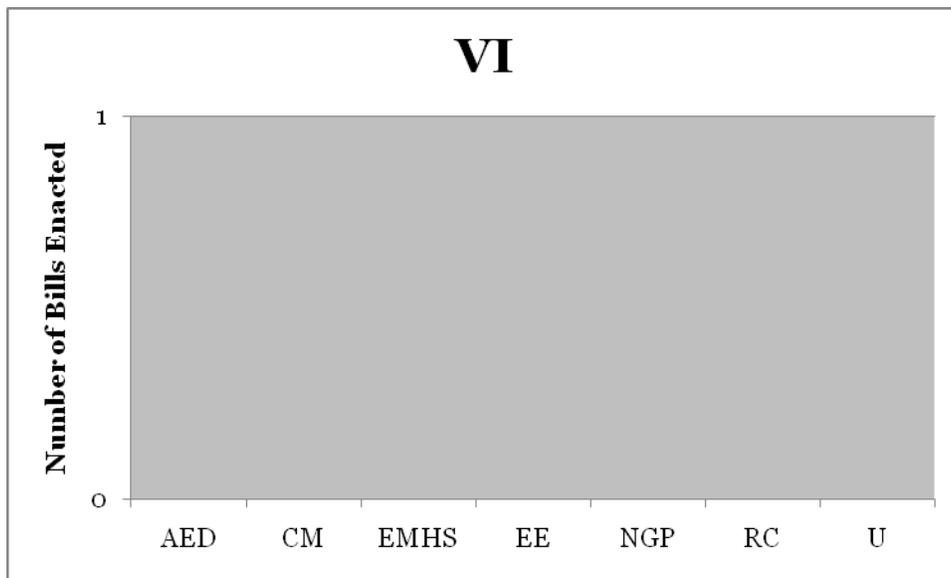




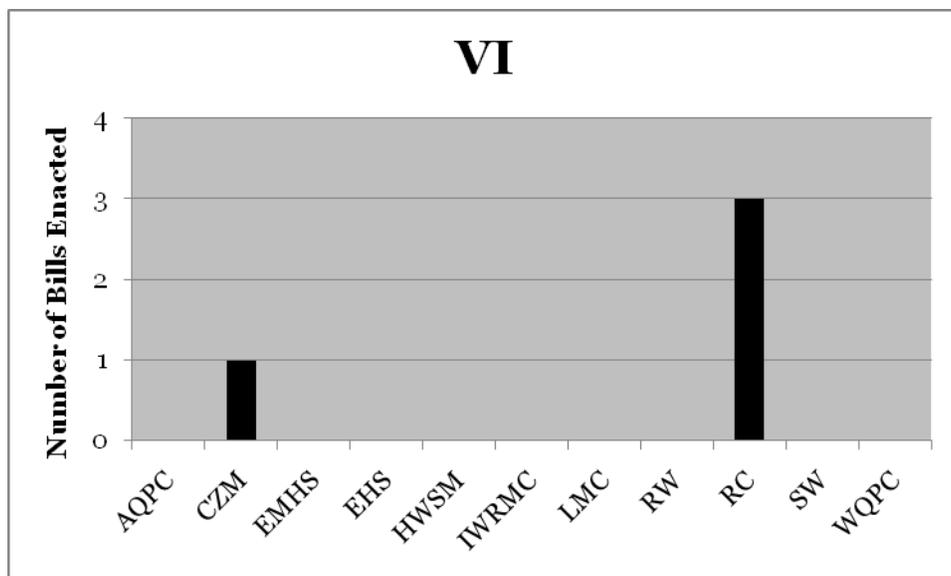
U.S. Virgin Islands

Legislation Category Comparison

Energy Legislation



Environmental Legislation





U.S. Virgin Islands

Energy Legislation

The Virgin Islands Legislature did not pass any Energy bills during the 2010 legislative session.



Environmental Legislation

Coastal Zone Management

SB 28-0139: Coastal Zone Permit

Sen. Celestino A. White, Sr.

Ratifies the lease between the Department of Planning and Natural Resources and SURTEP Enterprises, Inc. The bill also authorizes Coastal Zone Permit CZT-10-08 (L) and allows the Department of Planning and Natural Resources to grant SURTEP Enterprises, Inc. a 50-year lease to occupy filled land.

Reorganization and Coordination

SB 28-0110: Waste Management Agency

Sen. Louis P. Hill

Appropriates monies from the Anti-litter and Beautification Fund to the Waste Management Agency for the fiscal year ending September 30, 2010.

SB 28-0121: Waste Management Agency

Sen. Louis P. Hill

Provides appropriations for operating expenses of the Waste Management Agency from the Sewage System Fund during the fiscal year ending September 30, 2010.

SB 28-0123: Waste Management Agency

Sen. Louis P. Hill

Appropriates operating expenses of the Department of Public Works and the Waste Management Agency from the St. John Capital Improvement Fund for the fiscal year ending September 30, 2010.

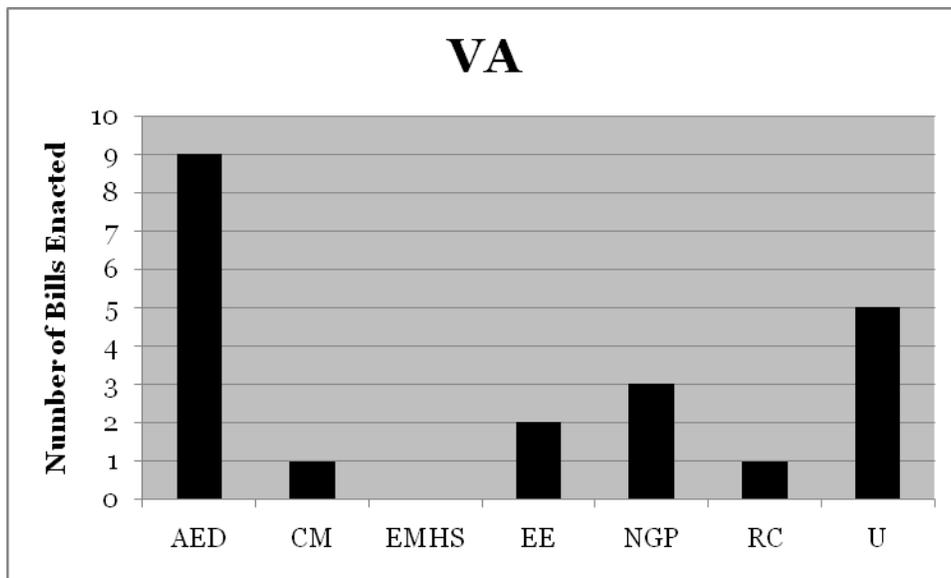




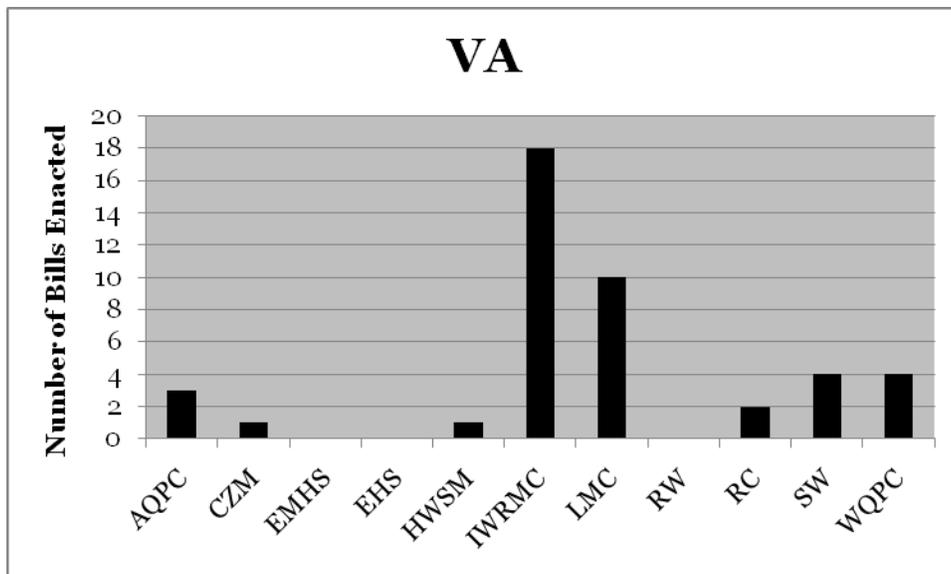
Virginia

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Virginia

Energy Legislation

Alternative Energy Development

HB 92: Renewable Energy Certificates

Del. Terry G. Kilgore

Provides that an electric cooperative is deemed to offer a tariff for electric energy that is provided 100 percent from renewable energy if it provides undifferentiated electric energy and if the cooperative retires a quantity of renewable energy certificates (RECs) equal to 100 percent of the electric energy provided pursuant to such tariff. This measure applies for such tariffs filed on or after July 1, 2010, for residential customers and filed on or after July 1, 2012, for nonresidential customers. The bill also permits electric utility customers to continue purchasing renewable energy pursuant to the terms of a power purchase agreement that was in effect on the date the cooperative files tariff for the incumbent electric utility that serves the exclusive service territory in which the customer is located to offer electric energy provided 100 percent from renewable energy for the duration of the power purchase agreement.

SB 577/ HB 389: Virginia Offshore Wind Development Authority

Sen. A. Donald McEachin and Del. William R. Janis

Creates the Virginia Offshore Wind Development Authority to facilitate and support the development of the offshore wind industry and wind-powered electric energy facilities located off the coast of the Commonwealth beyond the Commonwealth's three-mile jurisdictional limit. The Authority is charged with, among other tasks, identifying existing state and regulatory or administrative barriers to the development of the offshore wind industry, collecting metocean and environmental data, upgrading port facilities to accommodate the manufacturing and assembly of project components and vessels that will support such projects and applying to the U.S. Department of Energy for loan guarantees for such projects.

HB 672: Virginia Infrastructure Project Loan Fund

Del. Joe T. May

Creates the Virginia Infrastructure Project Loan Fund. The Fund would be administered by the Virginia Resources Authority. Money in the Fund would be used exclusively for the financing of landfill gas energy projects and sewerage system or wastewater treatment projects undertaken by a local government. The measure also specifies that a landfill gas energy endeavor constitutes a "project" under the Virginia Resources Authority Act.



HB 806: Virginia Alternative Fuels Revolving Fund

Del. Charles D. Poindexter

Adds improvement of infrastructure, such as refueling stations, as a goal of the Fund. Requires that the Commissioner aggressively pursue grants and other sources of financing for the Fund.

HB 928: Virginia Universities Clean Energy Development and Economic Stimulus Foundation

Del. Robert B. Bell

Creates the Virginia Universities Clean Energy Development and Economic Stimulus Foundation as a body corporate and a political subdivision of the Commonwealth. The Foundation shall identify, obtain, disburse and administer funding for research and development of alternative fuels, clean energy production and related technologies; support economic development projects in disadvantaged rural areas and assist in the commercialization of alternative fuels and clean energy technologies. Funding shall be awarded only to those proposed projects that best meet the established criteria and purposes of this Act.

HB 999: Renewable Energy Manufacturing Property Tax

Del. David A. Nutter

Adds tangible personal property and improvements to real property designed and used primarily for manufacturing a product from renewable energy as separate classifications of property for local property tax purposes.

HB 1022: Renewable Energy Portfolio Standard Program

Del. Timothy D. Hugo

For energy derived from offshore wind, an investor-owned electric utility will receive triple credit toward meeting the goals of the Renewable Energy Portfolio Standard Program.

SB 110: Clean Energy Financing

Sen. J. Chapman Petersen

In order to secure loans for the initial acquisition and installation of clean energy improvements, this measure allows localities to place liens equal in value to the loan against any property where such clean energy systems are being installed. It further allows the locality to bundle the loans for transfer to private lenders so that the liens remain in full force to secure the loans.

SB 272: Biodiesel and Green Diesel

Sen. Mary Margaret Whipple

Requires the Department of General Services to establish the conditions under which state public bodies may procure diesel fuel containing, at a minimum, two percent by volume, biodiesel fuel or green diesel fuel, for use in on-road internal combustion engines. The bill also permits any state public body to establish a pilot program to procure and use such biodiesel fuel or green diesel fuel.



Coal and Minerals

SB 561/ HB 1185: Coal Mine Safety

Sen. Phillip P. Puckett and Del. Clarence E. Phillips

Makes several changes to the Coal Mine Safety Act. Surface foremen must take, at minimum, a 24-hour course of instruction in advanced first aid taught by a certified advanced first aid instructor and pass an examination approved by the Board of Coal Mining Examiners. Mine operators are required to review the substance abuse screening program with all miners at the time of employment and annually thereafter. Rules for the design and marking of dumping stations and the placement of explosives are changed in certain instances.

Energy Efficiency

SB 291/ HB 436: Donations for Energy Efficiency

Sen. R. Creigh Deeds and Del. David J. Toscano

Allows a locality to make gifts and donations to any nonprofit tax-exempt organization that is engaged in providing energy efficiency services or promoting energy efficiency within or without the boundaries of the locality.

SB 623/ HB 803: Green Jobs Tax Credit

Sen. Emmett W. Hanger, Jr. and Del. Charles D. Poindexter

Allows a \$500 income tax credit for the creation of "green" jobs that pay an annual salary in excess of \$50,000 for taxable years from 2010 to 2015. Each taxpayer is allowed a credit for up to 350 new green jobs.

Natural Gas and Petroleum

HB 756: Offshore Drilling Royalties

Del. Christopher P. Stolle

Requires that all revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling shall be distributed as follows: (1) 70 percent to the Transportation Trust Fund, (2) 20 percent to the Virginia Coastal Energy Research Consortium, and (3) 10 percent to localities for improvements to infrastructure and transportation.

SB 394/ HB 787: Offshore Energy Resources

Sen. Frank W. Wagner and Del. Ron A. Villanueva

States that it shall be the policy of the Commonwealth to support oil and natural gas exploration, development, and production 50 miles or more off Virginia's coast, taking into account the impact on affected localities, armed forces, and the mid-Atlantic regional spaceport. Currently, the policy is limited to supporting exploration for natural gas resources 50 miles or more offshore.



HJ 121: Ownership of Coalbed Methane and Other Natural Gases

Del. H. Morgan Griffith

Directs the Virginia Coal and Energy Commission to study ownership rights of coalbed methane and other natural gases under the Virginia Gas and Oil Act as well as opportunities to encourage production and use of natural gas in Virginia.

Reorganization and Coordination

SB 713: Coastal Energy Research Consortium

Sen. J. Chapman Petersen

Adds George Mason University to the membership of the Coastal Energy Research Consortium and the President of George Mason University or his designee to the governing board of the Consortium. The measure also directs that a representative of NASA's Langley Research Center shall serve as a non-voting member of the Consortium's board of directors.

Utilities

SB 112/ HB 533: Steps to Advance Virginia's Energy Plan (SAVE)

Sen. J. Chapman Petersen and Del. Samuel A. Nixon, Jr.

Authorizes investor-owned natural gas utilities to petition the State Corporation Commission to implement a separate rider that will allow for recovery of certain costs associated with eligible infrastructure replacement projects. Eligible infrastructure replacement projects are those which enhance safety or reliability by reducing system integrity risks associated with customer outages, corrosion, equipment failures, material failures, natural forces or other outside force damage; do not increase revenues by directly connecting the infrastructure replacement to new customers; reduce greenhouse gas emissions and are not included in the natural gas utility's rate base in its most recent rate case and are commenced on or after January 1, 2010. The costs recoverable from an eligible infrastructure replacement project include a return on the investment, a revenue conversion factor, depreciation, property taxes and carrying costs on the over- or under- recovery of the eligible infrastructure replacement costs. A SAVE plan shall be allocated and charged so as to avoid undue cross-subsidization between rate classes.

HB 442: Electric Utilities; Renewable Energy

Del. David J. Toscano

Authorizes an electric utility customer to continue purchasing renewable energy pursuant to the terms of a power purchase agreement that was in effect on the date a tariff for the incumbent electric utility was filed with the State Corporation Commission and that serves the exclusive service territory in which the customer is located to offer electric energy provided 100 percent from renewable energy for the duration of the power purchase agreement.



HB 1230: Underground Utility Damage Prevention Act

Del. R. Lee Ware, Jr.

Establishes a set of requirements for the protection of sewer system laterals and private sewer laterals that are unique from the general requirements of the Underground Utility Damage Prevention Act. The measure also establishes procedures to address recurring noncompliance with the provisions of the Act by localities and other political subdivisions of the Commonwealth.

SB 680/ HB 1308: Electric Utility Rates

Sen. Phillip P. Puckett and Del. Charles W. Carrico, Sr.

Requires an investor-owned electric utility to suspend collection of interim rates during the State Corporation Commission's (SCC) consideration of the utility's base rate case. The SCC is required to issue its final order on the utility's application by July 15, 2010. With regard to base rate case proceedings involving any investor-owned electric utility filed after January 1, 2010, the SCC's final order must be issued within nine months, and any resulting revision in rates shall take effect within 60 days after the order is entered. The provision will be in force from its passage.

SB 516: Commission on Electric Utility Regulation

Sen. Thomas K. Norment, Jr.

Extends the Commission on Electric Utility Regulation until July 1, 2012. Under current law, the Commission would expire on July 1, 2010.



Environmental Legislation

Air Quality and Pollution Control

SB 128/ HB 1300: Air Pollution Control Board

Sen. Ryan T. McDougle and Del. Terry G. Kilgore

Retains the authority of the Air Pollution Control Board to provide for participation in the Environmental Protection Agency (EPA) administered cap and trade system for NO_x and SO₂ to the fullest extent permitted by federal law. This measure, however, prohibits the Board from requiring that electric generating facilities located in a nonattainment area meet NO_x and SO₂ compliance obligations without the purchase of allowances from in-state or out-of-state facilities, unless the nonattainment area was designated as such prior to January 1, 2010.

SB 404: Clean Special Fuel Vehicles

Sen. J. Chapman Petersen

Removes the requirement that the Commissioner provide written regulations before the Department of Motor Vehicles may issue government-use license plates for clean special fuel vehicles.

SB 659: Air Pollution Control Regulations

Sen. Frank W. Wagner

Starting in 2011, this measure requires the State Air Pollution Control Board to adopt any regulations necessary to implement and enforce the requirements of § 328 of the Clean Air Act (CAA) relating to the control of air pollution from Outer Continental Shelf sources. The regulations shall not differ materially from similar regulations promulgated by the U.S. Environmental Protection Agency (EPA) in implementing the CAA. The measure also directs the Department of Environmental Quality to request the Administrator of the EPA to delegate to the Commonwealth any authority the Administrator has under the Clean Air Act to implement and enforce § 328 of the Clean Air Act.

Coastal Zone Management

SJ 35: Tidal Shoreline Management

Sen. Ralph S. Northam

Requests the Virginia Institute of Marine Science to review tidal shoreline management in the Commonwealth and similarly situated states, identify potential changes to the regulatory structure of tidal shoreline management in order to reduce the cost and time required to issue a permit, identify regulatory innovations that would increase adoption of living shorelines among shoreline landowners and make specific recommendations to protect tidal shoreline resources.



Hazardous Waste and Substance Management

SB 197: Pesticides on School Grounds

Sen. Harry B. Blevins

Clarifies that each local school division, rather than each individual school, shall maintain records of any pesticide application on school grounds.

Inland Water Resource Management and Conservation

HB 128: Special Fishing License

Del. M. Kirkland Cox

Authorizes the Department of Game and Inland Fisheries to issue free fishing licenses to disabled, active duty military personnel who are receiving inpatient or outpatient medical treatment from a veterans or military hospital in Virginia, an adjoining state, or the District of Columbia. There is no cost for the license, and it is valid for one year.

HB 138: Aquaculture Opportunity Zones

Del. Albert C. Pollard, Jr.

Requires the Marine Resources Commission to establish aquaculture opportunity zones for the placement of temporary protective enclosures off the shores of the Northern Neck, Middle Peninsula, and Tangier Island for the propagation of commercial shellfish. The regulations are to establish the location of the zones, the procedures for maintaining zones, and penalties for violating the regulations. The Commission may set a single fee for the application and use of the zones.

SB47 /HB 142: Menhaden Harvest Cap

Sen. Richard H. Stuart and Del. Albert C. Pollard, Jr.

Continues the annual menhaden harvest quota of 109,020 metric tons for the Virginia portion of the Chesapeake Bay until January 1, 2014, three years beyond the original sunset date. Fisheries receive a credit to be applied in the following year if the actual harvest does not meet the harvest quota and a deduction if the actual harvest exceeds the harvest quota.

SB 398/HB 296: Water Safety Zones

Sen. Frank W. Wagner and Del. John A. Cosgrove

Authorizes marine patrol divisions of police departments in Tidewater localities and conservation police officers of the Department of Game and Inland Fisheries to patrol those tidal waters that have been designated as federal safety zones and federal restricted areas.



HB 438: Dam Safety

Del. David J. Toscano

Requires the Soil and Water Conservation Board to establish an incremental damage analysis procedure that provides for a new standard for the spillway design requirement. The bill requires the Board to adopt regulations that consider the impact of downstream limited-use or private roadways with low traffic volume and low public safety risk in the determination of the hazard potential classification of an impounding structure. The bill also allows an owner of a dam who has received a report from the Board containing recommendations for the correction of deficiencies in the dam to submit his own plan for such corrections. This bill changes one of the two criteria for designating a dam as unsafe. Currently, if there are serious deficiencies in the design or construction of the dam that could result in loss of life or damage to downstream property, the dam is cited as being unsafe. The new criterion would be that such deficiencies may result in the loss of life or "significant" damage to downstream property.

HB 487: Board of Game and Inland Fisheries

Del. L. Scott Lingamfelter

Expands the authority of the Board of Game and Inland Fisheries to adopt regulations on the feeding of any game, game animals or fur-bearing animals.

HB 515: Wetlands and Stream Mitigation

Del. Thomas Davis Rust

Prohibits localities from regulating the location of wetlands and stream mitigation projects that are subject to a Virginia Water Protection Permit or a Corps of Engineer § 404 permit. A locality, however, may continue to determine the allowed uses within its zoning classifications.

HB 619: Erosion and Sediment Control

Del. Robert D. Orrock, Sr.

Removes the specific authority of a locality to impose a \$1,000 civil penalty on a person who engages in a land-disturbing activity without having an approved plan. Instead, any violation of any erosion and sediment control regulation or order of the Virginia Soil and Water Conservation Board, any provision of a local program or any condition of a permit will be subject to a civil penalty of \$100 to \$1,000.

SB 395/ HB 1220: Stormwater Management Regulations

Sen. Frank W. Wagner and Del. Timothy D. Hugo

Delays the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria. The regulation, however, shall be adopted within 280 days after the establishment of the U.S. Environmental Protection Agency's Chesapeake Bay-wide Total Maximum Daily Load (TMDL), but no later than December 1, 2011. The bill also directs the Virginia Soil and Water Conservation Board to establish an advisory panel to review the regulation and make recommendations on possible revisions.



HB 1100: Stormwater Management Facilities

Del. Mark D. Sickles

Provides that a common interest community shall enjoy limited liability protection relating to a stormwater management facility on property owned by that community if the community cedes the responsibility for the maintenance, repair, and replacement of a stormwater management facility to the Commonwealth or a political subdivision thereof, if the action has been memorialized by contract or other instrument executed by both parties, and if the Commonwealth or the governing body of the political subdivision accepted the responsibility ceded by the common interest community in writing or by resolution. Maintenance, repair and replacement responsibilities may include the cleaning of the facility, maintenance of adjacent grounds which are part of the facility, maintenance and replacement of facility fencing, and posting of signage indicating the identity of the governmental entity which maintains the facility.

SB 192/HB 1291: Nonresident Harvester's Fishing License

Sen. Ralph S. Northam and Del. Lynwood W. Lewis, Jr.

Prohibits the Marine Resources Commission from selling a commercial fishing license to a nonresident whose state of residence does not offer for sale the same or similar license to a resident of the Commonwealth.

HB 1320: Dam Safety

Del. Beverly J. Sherwood

Authorizes the Director of the Department of Conservation and Recreation, with the approval of the Virginia Soil and Water Conservation Board, to award grants from the Dam Safety, Flood Prevention and Protection Assistance Fund to local governments and private entities for dam break analysis, the mapping and digitization of dam break inundation zones, and incremental damage analysis. Currently, only local governments are eligible to receive grants. The bill also establishes the Dam Safety Administrative Fund, comprised of moneys from the dam application permit fees. The Fund is designated for administration of the dam safety program.

SB 243: Fishing License Exemption

Sen. John C. Watkins

Exempts active duty military personnel who are residents and on leave from having to obtain a basic fishing license so long as they can show proof that they are on leave. Such an exemption does not extend to such persons to fish in waters stocked with trout.

SB 244: Dam Safety Act

Sen. John C. Watkins

Requires the Virginia Soil and Water Conservation Board to adopt regulations that consider the impact of downstream limited-use or private roadways with low traffic volume and low public safety risk on the determination of the hazard potential classification of an impounding structure.



SB 276: Dam Safety

Sen. R. Edward Houck

Mandates that the Virginia Soil and Water Conservation Board's Impounding Structure Regulations not require any high hazard dam in existence or under construction prior to July 1, 2010, to upgrade its spillway to pass a rainfall event that is greater than the maximum rainfall event recorded in Virginia. In addition, a dam would be in compliance with the spillway requirement of the regulations if the dam passes two-thirds of the maximum rainfall event and the dam's owner annually certifies that the dam meets certain specific conditions.

SB 289: Infant Lifetime Hunting and Fishing Licenses

Sen. R. Creigh Deeds

Establishes lifetime hunting and fishing licenses for residents and nonresidents who are younger than two years of age. The cost for infant lifetime licenses for hunting and fishing is \$125 each for residents and \$250 each for nonresidents. The original license remains valid even if the licensee changes his place of residency.

SB 345: Oyster Restoration Projects

Sen. Emmett W. Hanger, Jr.

Authorizes the Virginia Resources Authority to finance oyster restoration efforts undertaken by local governments.

SB 569: Water Supply Plan Advisory Committee

Sen. Patricia S. Ticer

Establishes the State Water Resources Plan Advisory Committee to assist the Department of Environmental Quality (DEQ) in the development and implementation of the state water resources plan. The Director of DEQ is to appoint the members of the Committee who will be representatives of various stakeholder groups, including water users, water providers, agricultural, conservation and environmental organizations, state and federal agencies and university faculty.

Land Management and Conservation

HB 131: Hunters for the Hungry

Del. Albert C. Pollard, Jr.

Directs the Department of Game and Inland Fisheries to include language allowing hunters to donate at least \$2 to Hunters For The Hungry in any application form for a hunting license or permit. Currently, the level of voluntary contribution in the permit application is set at \$2.

HB 141: Land Preservation Tax Credit

Del. Albert C. Pollard, Jr.

Nonprofit organizations that hold a conservation easement acquired pursuant to the Virginia Conservation Easement Act are ineligible to receive land preservation tax credits for donations of qualifying real property.



HB 399: Bear, Deer, and Wildlife Kill Permits

Del. Matthew J. Lohr

Any person with a kill permit issued by the Director of the Department of Game and Inland Fisheries who kills a bear, deer, or other wildlife must use the animal only for human consumption. Such practices as mounting or displaying the carcass in some other manner are prohibited. In addition, if the animal is not going to be consumed, it must be disposed of within 24 hours.

HB 488: Model Bow Hunting

Del. L. Scott Lingamfelter

Directs the Board of Game and Inland Fisheries to develop model bow hunting ordinances for those counties and cities where the deer population is overabundant, resulting in conflicts between humans and deer. The ordinances are to include the times of day in which such hunting can occur and limits on how many deer can be killed. The localities adopting one of the model ordinances may impose a Class 3 misdemeanor on those persons in violation.

HB 627: Directory of Cultural Heritage Sites

Del. Terry G. Kilgore

Authorizes the Director of the Department of Conservation and Recreation to establish a state directory composed of commemorative and historic facilities and sites that interpret significant aspects of national, state or regional history. The sites included in the directory would be those owned or operated by entities other than state agencies. The Director would evaluate whether the facility or site qualifies for inclusion in the directory, and then presents his findings to the Board of Conservation and Recreation, which then makes its recommendations. The recommendations would be sent to the Governor for his written approval.

SB 614/ HB 717: Civil War Site Preservation Fund

Sen. R. Edward Houck and Del. Christopher K. Peace

Establishes the Civil War Site Preservation Fund to award grants to private nonprofit organizations to preserve endangered Virginia Civil War historic sites. The grants would be awarded for the fee simple purchase of, or the purchase of protective interests in, Civil War historic sites listed in the "Report on the Nation's Civil War Battlefields." The bill sets out eligibility criteria for receiving a matching grant from the fund. The Director of the Department of Historic Resources is responsible for administering the fund.

HB 940: Hunting and Trapping Violations

Del. Watkins M. Abbitt, Jr.

Reduces the penalty for violations of hunting and trapping laws or regulations administered by the state forester. Currently such a violation is punishable as a Class 1 misdemeanor and could include confinement in jail for a maximum of 12 months and a fine of \$2,500 or less. Under the new provision, a violation would be punishable as a Class 3 misdemeanor and would include only the possibility of a fine of \$500 or less.



HB 1218: Waterfowl Blinds

Del. Albert C. Pollard, Jr.

Shifts the times to obtain waterfowl blind licenses to earlier in the year and distinguishes between nonriparian licenses for stationary blinds that have or have not been licensed the previous year.

SB 346: Land Conservation Practices

Sen. Emmett W. Hanger, Jr.

Requires the Secretary of Natural Resources, with assistance from the Secretary of Agriculture and Forestry, to establish and maintain a database of the critical data attributes for onsite best management practices that limit the amount of nutrients and sediment entering state waters. The database is intended to document voluntary actions taken by the agricultural and silvicultural sectors and should enable the application of the collected data towards projections of progress towards Virginia's water quality goals

SB 546: Landowner Liability Arising from Recreational Activities

Sen. John S. Edwards

Ensures that railroad rights-of-way may be used for recreational purposes and for access to lands being used for recreational purposes without the easement holder owing a duty of care to the user. This exemption from civil liability already exists for landowners, but does not explicitly include railroad rights-of-way. The exemption does not apply if the landowner charges a fee for the use of the lands and does not include gross negligence or willful or malicious failure to guard or warn against a dangerous condition.

Reorganization and Coordination

SB 317: Roanoke River Basin Advisory Committee

Sen. Frank M. Ruff, Jr.

Removes the cap on reappointments for non-legislative citizen members of the Roanoke River Basin Advisory Committee. Currently, non-legislative citizen members may only serve three consecutive two-year terms.

SB 686: Uniform Environmental Covenants

Sen. W. Roscoe Reynolds

Authorizes the Department of Environmental Quality to enter into environmental covenants with interest holders in real property that restrict the use of the real property. The covenants are intended to survive transfers of ownership interests in the land or operations of law that may otherwise terminate the covenant. The bill spells out the recording and notification processes and notice to subsequent holders. Prior held interests are not affected by the covenant. The bill authorizes the Department of Environmental Quality to establish fees to be paid by the fee simple owner of the real estate subject to the covenant in order to fund the program.



Solid Waste

HB 82: Public Sewer System

Del. Barry D. Knight

Allows any locality under an order of the Virginia Department of Environmental Quality to adopt an ordinance establishing a uniform schedule of civil penalties for violations of ordinances governing the introduction of pollutants and wastes into the locality's public sewer system. Such civil penalties may not be more than \$100 for the initial summons and not more than \$150 for each additional summons.

HB 326: Mercury Thermostats

Del. Kenneth R. Plum

Requires the Virginia Waste Management Board to adopt regulations to encourage the recycling of thermostats containing mercury. The bill also authorizes localities to prohibit the disposal of mercury thermostats in any privately operated landfill within its jurisdiction, so long as the locality has implemented a recycling program that is capable of handling all of the mercury thermostats within the jurisdiction.

HB 552: Vested Right to Replace On-Site Sewage System

Del. Daniel W. Marshall, III

Includes the right to replace failed septic systems under vested rights protection. Also, if the local government has issued a permit, other than a building permit, that authorized construction of an improvement to real property, and the improvement was constructed in accordance with such permit, the ordinance may provide that the improvements are nonconforming, but not illegal.

HB 1211: Aboveground Liquid Fertilizer Storage Tanks

Del. Lionell Spruill, Sr.

Authorizes localities to adopt an ordinance that makes it unlawful for any person to construct, maintain, or use any aboveground liquid fertilizer storage tank (ALFST) having a capacity of 100,000 gallons or more without obtaining a permit from the local fire official. The penalty for violating the ordinance is not to exceed a Class 1 misdemeanor.

Water Quality and Pollution Control

HB 1135: Wastewater Discharge Permits

Del. Harvey B. Morgan

Requires the owner or operator of a wastewater treatment facility with a discharge between 1,000 and 39,999 gallons per day, that has not begun the discharge of pollutants prior to January 1, 2011, to demonstrate to the Department of Environmental Quality that he has acquired waste load allocations sufficient to offset his nitrogen and phosphorus discharges.



HB 1221: Virginia Water Facilities Revolving Fund

Del. David L. Bulova

Provides that loans may be made from the Virginia Water Facilities Revolving Fund, at the State Water Control Board's discretion, to a local government for construction of facilities or structures or implementation of best management practices that reduce or prevent pollution of state waters caused by stormwater runoff from impervious surfaces. Under the bill, however, wastewater treatment facilities will have the first priority in obtaining financing from the Fund.

HB 1290: Nutrient Trading

Del. Lynwood W. Lewis, Jr.

Allows wastewater treatment facilities on the Eastern Shore to acquire nitrogen and phosphorus credits from facilities in the Potomac and Rappahannock tributaries. Currently, a permitted facility can acquire point source nitrogen credits, among other restrictions, from one or more permitted facilities in the same tributary.

SB 627: Nutrient Reduction Credits

Sen. Frank W. Wagner

Clarifies who receives credit for the nutrient reductions associated with a stormwater nonpoint nutrient offset. Offsets are used to achieve compliance with construction site stormwater nutrient discharge requirements. The nonpoint nutrient offsets system works very similar to wetland banks. These offsets are only available when capturing all nutrients is too difficult on a development site.

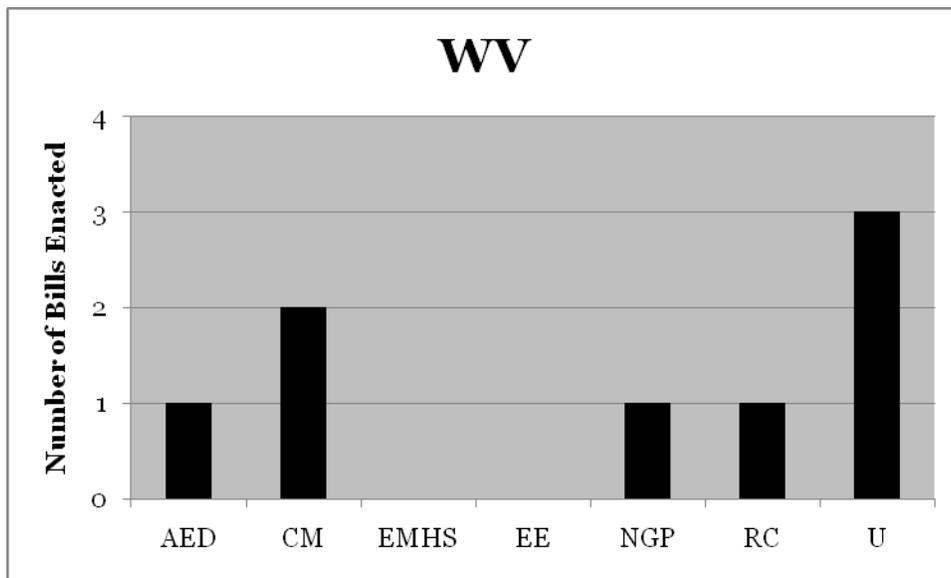




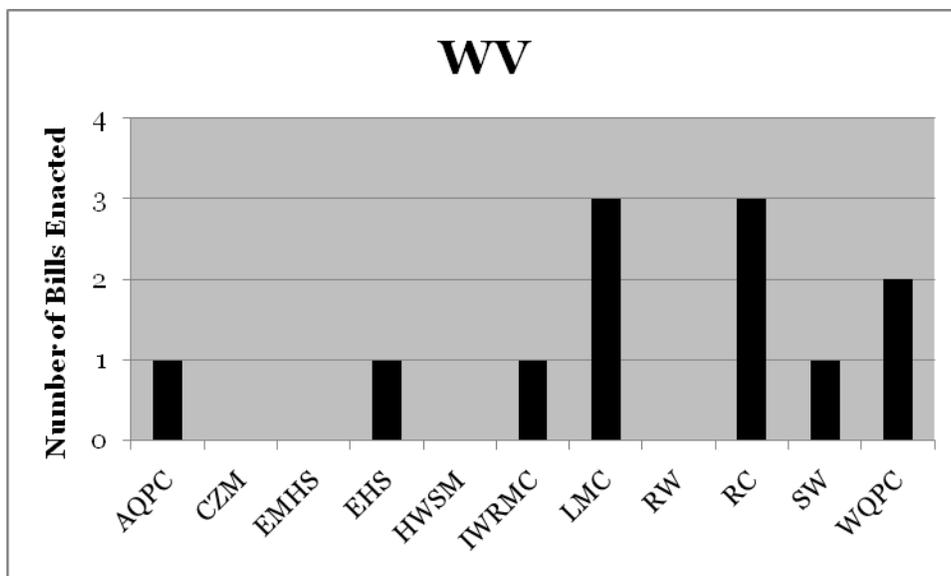
West Virginia

Legislation Category Comparison

Energy Legislation



Environmental Legislation





West Virginia

Energy Legislation

Alternative Energy Development

SB 350: Alternative and Renewable Energy Portfolio Standard

Sen. Michael Oliverio

Amends the alternative and renewable energy portfolio standard by recategorizing recycled energy as a renewable energy resource in order to purchase energy resource credits. The bill also allows ethanol to be considered a renewable energy resource when produced from sources other than corn.

Coal and Minerals

HB 4177: Coal Severance Tax

Del. Josh Stowers

Declares that five percent of the tax attributable to the severance of coal is dedicated for the use and benefit of counties from which those taxes were generated. The tax attributable to the severance of coal does not include the 0.35 percent severance tax on coal imposed by the state for the benefit of counties and municipalities as provided in this bill. The five percent shall be distributed by the state treasurer to the various counties of West Virginia where the coal was removed from the ground. The moneys shall be distributed to the county commissions and used only for economic development, infrastructure, job creation and road repair.

SB 238: Public Land Corporation

Sen. Randy White

Allows the Public Land Corporation to enter into a lease or contract for the development of minerals, including coal, gas, oil, sand or gravel on or under lands in which the corporation holds any right, title or interest. This is provided that minerals are not extracted by surface mining or coal is extracted by auger mining. The Corporation or the state agencies, institutions or departments for which it is acting will not be required to post any type of surety or performance bond with the West Virginia Department of Environmental Protection or any other state agency when executing a lease for the development of minerals.



Natural Gas and Petroleum

SB 382: Oil and Gas Drilling Reports

Sen. Joseph M. Minard

Requires that after the completion of the drilling of a well, the well operator shall file a completion report with the secretary and the state Geological and Economic Survey. The report must include the character, depth and thickness of geological formations encountered, including fresh water, coal seams, mineral beds, brine and oil and gas bearing formations. Additionally, if a well operator takes core samples or catches cuttings during the drilling of any well, that activity shall be noted within the report.

Reorganization and Coordination

SB 518: Division of Energy

Sen. Brooks McCabe

Creates the Division of Energy under the Department of Commerce to provide leadership for developing energy policies emphasizing energy efficiency, the development and production of new and existing domestic energy sources and awareness of energy use on the environment and the economy. The Division of Energy also will address statewide energy systems capable of supporting the needs of the state, energy self-sufficiency where the ratio of indigenous to imported energy use is increased, reduce the ratio of energy consumption to economic activity and maintain low-cost energy. The energy policies and development plans shall also provide direction for the private sector.

Utilities

SB 465: Utility Service Discontinuation

Sen. Jeffrey V. Kessler

Eliminates the requirement that a water utility's employee or agent accept payment at the customer's premises in lieu of discontinuing service for a delinquent water or sewer bill.

SB 614: High Voltage Transmission Lines

Sen. John Unger

No public utility, person or corporation may begin construction of a high voltage transmission line of 200,000 volts or over, which is not an ordinary extension of an existing system in the usual course of business as defined by the Public Service Commission, unless a Certificate of Public Convenience and Necessity approving the construction and proposed location of the transmission line has been obtained from the Public Service Commission. The application for the Certificate shall contain a detailed description of the location and type of line facilities which the applicant proposes to construct, a statement justifying the need for the facilities, a statement of the environmental impact of the line facilities and other information the applicant considers relevant or the Commission requires.



SB 656: Energy-Intensive Industrial Electric Power Consumers

Sen. Brooks McCabe

Allows the Public Utility Commission to establish special rates for the continued, new or expanded operation of energy intensive industrial consumers that can reasonably be expected to support their long-term operation. These rates cannot impose an unreasonable burden upon electric public utilities or their other customers.



Environmental Legislation

Air Quality and Pollution Control

SB 138: Diesel Powered Motor Vehicle Idling Act

Sen. Douglas E. Facemire

Prohibits a driver or owner of a diesel-powered motor vehicle with a gross vehicle weight of 10,001 or more and engaged in commerce from allowing the engine of the vehicle to idle for more than fifteen minutes in any continuous sixty-minute period, except as provided under section three of this act. This law also applies to any owner or operator of the location where the vehicle loads, unloads or parks. Anyone that violates the provisions of this article is guilty of a misdemeanor and, upon conviction must pay a fine of not less than \$150 and not more than \$300 and court costs.

Environmental Health Services

HB 4142 Board of Sanitarians

Del. Jim Morgan

Changes the Board of Registration for Sanitarians to the State Board of Sanitarians and clarifies the powers and duties of the Board, including its rule-making authority. The bill also declares that it is unlawful for any person to practice or offer to practice environmental health science and public health sanitation in this state without being licensed, certified or permitted. Unauthorized persons may not advertise or use any title or description giving the impression that the person is a registered sanitarian, sanitarian or sanitarian-in-training unless he or she has been duly authorized.

Inland Water Resource Management and Conservation

SB 236: Aquaculture Development Act

Sen. Bob Williams

Grants the West Virginia Department of Agriculture the following powers and duties to encourage the development of aquaculture in West Virginia: (1) to provide aquaculturalists with information and assistance in obtaining permits related to aquacultural activities; (2) to promote investment in aquaculture facilities in order to expand production and processing capacity; (3) to work with appropriate state and federal agencies to review, develop and implement rules, policies and procedures to facilitate aquacultural development; (4) to facilitate the formation of an Aquaculture Advisory Board; (5) to coordinate the development and implementation of a state aquaculture plan which shall include prioritized recommendations for research and development as suggested by the Aquaculture Advisory Board, the Department, public and private research institutions and the West Virginia University Extension Service; (6) to develop memoranda of agreement, as needed, with the Department of Environmental Protection, the Division of Natural Resources, the Department of Agriculture and other groups as provided in the state aquaculture plan and (7) to develop and propose to the Legislature, if necessary, legislation required to implement the state aquaculture plan and to otherwise encourage the development of aquaculture in the state.



Land Management and Conservation

SB 336: Protected Species of Game Animals

Sen. Edwin Bowman

Authorizes the Division of Wildlife Resources to recover possession or restitution value of game or a protected species of animal from any person who is convicted of violating a criminal law of this state that results in the injury or death of game or a protected species of animal.

SB 511: Reporting Beaver Pelts

Sen. John Pat Fanning

Requires each trapper to present each castor canadensis (beaver) or its pelt to a game checking station or representative of the division within thirty days after the close of a legal season. A tag provided by the division shall be affixed to each castor canadensis pelt and remain attached to the pelt until it is processed into commercial fur.

SB 512: Game Trap Markings

Sen. John Pat Fanning

Requires that all traps used for taking game or fur-bearing animals shall be marked with a durable plate or tag attached to the snare, trap or trap chain bearing the name and address of the owner of the trap.

Reorganization and Coordination

HB 4039: Marshall County Park and Recreation Board

Del. Scott Varner

States that the Board shall consist of at least five, but no more than nine members who shall be appointed by the Marshall County Commission. The term of office of each board member is for four years and may continue to serve until their successors have been appointed and qualified. No one may be appointed a member of the board who is not a bona fide resident of Marshall County. Any board member who ceases to be a bona fide resident of Marshall County is disqualified and his or her office becomes vacant. When a vacancy occurs on the board, the Commission shall appoint a successor to complete the unexpired term of the vacating member.



SB 273: Department of Environmental Protection

Sen. Joseph M. Minard

Authorizes the Department of Environmental Protection to promulgate legislative rules relating to solid waste management, the Covered Electronic Devices Take Back Program, hazardous waste management systems, ambient air quality standards, permits for construction and major modification of major stationary sources of air pollution for the prevention of significant deterioration, standards of performance for new stationary sources, permits for construction and major modification of major stationary sources of air pollution which cause or contribute to nonattainment, the control of air pollution from hazardous waste treatment, storage and disposal facilities, acid rain provisions and permits, emission standards for hazardous air pollutants, the National Pollutant Discharge Elimination System (NPDES) Program, requirements governing groundwater standards, water pollution control permit fee schedules, the WV/NPDES rules for coal mining facilities, well monitoring, well monitoring design standards and oil and- gas wells and other wells.

SB 496: Environmental Protection Advisory Council

Sen. Bob Williams

Creates Environmental Protection Advisory Council within the Department of Environmental Protection. The council shall consult with and advise the director on program and policy development, problem solving and other appropriate subjects, identify and define problems associated with the implementation of the policy set forth in section one of this article, provide and disseminate to industry and the public early identification of major federal program and regulatory changes, provide a forum for the resolution of conflicts between constituency groups, strive for consensus on the development of overall environmental policy and provide an annual report to the Joint Committee on Government and Finance at the start of each year relating to its findings with regard to the department's performance during the previous year.

Solid Waste

SB 398: Landfill Disposal

Sen. Karen L. Facemyer

Prohibits the disposal of lead-acid batteries, tires, yard waste and covered electronic devices in a solid waste landfill in West Virginia. "Covered electronic device" means a television, computer or video display device with a screen that is greater than four inches measured diagonally.

Water Quality and Pollution Control

HB 4277: National Pollutant Discharge Elimination System

Del. Brent Boggs

Authorizes the Secretary of the Department of Environmental Protection to issue National Pollutant Discharge Elimination System permit for the discharge or disposition of any pollutants into waters of this state upon condition that the discharge meets or will meet all applicable state and federal water quality standards and effluent limitations.



HB 4309: Wastewater Treatment Plant

Del. Harold Michael

Authorizes the Town of Moorefield, the Hardy County Commission and Hardy County's largest corporate user of public wastewater facilities to construct and maintain a state of the art regional wastewater treatment plant, transmission lines and collection facilities for the purpose of collecting, transporting and treating the wastewater from the Town of Moorefield and the unincorporated areas of Hardy County.



Southern States Energy Board

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 policies, 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.



2009-2010 Executive Committee

The list of members below reflects officials who serve the Board as of August 18, 2010. For a current roster, please contact the SSEB staff or visit our website at www.sseb.org.

Chairman

The Honorable Joe Manchin, III, Governor of West Virginia

Vice-Chair

Representative Rocky Adkins, Commonwealth of Kentucky■

Treasurer

Representative Myra Crownover, Texas

Member, Executive Committee

The Honorable Sonny Perdue, Governor of Georgia

Member, Executive Committee

The Honorable Robert Riley, Governor of Alabama

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 (Mac) Middleton, Maryland

Federal Representative

The Honorable Linda Key Breathitt●

Secretary

Kenneth J. Nemeth, Executive Director, SSEB●

- *Ex-Officio, Non-Voting Executive Committee Members*
- *Chair, SLC Energy & Environmental Committee*



Members of the Board

Alabama

The Honorable Robert Riley, Governor
Senator Jimmy W. Holley
Representative William E. Thigpen, Sr.
Representative Pete B. Turnham, Emeritus
(Alternate)
Representative Randy Davis (Governor's
Alternate)

Arkansas

The Honorable Mike Beebe, Governor
Senator Steve Faris
Senator Denny Altes (Alternate)
Representative Allen Maxwell
Mr. Marc Harrison (Governor's Alternate)

Florida

The Honorable Charlie Crist, Governor
Senator Lee Constantine
Representative Clay Ford
Mr. Robert Vickers (Governor's Alternate)

Georgia

The Honorable Sonny Perdue, Governor
Senator David Shafer
Senator Mitch Seabaugh (Alternate)
Representative Harry Geisinger
Representative Lynn Smith (Alternate)

Kentucky

The Honorable Steve Beshear, Governor
Senator Brandon Smith
Representative Rocky Adkins
Dr. Leonard K. Peters (Governor's Alternate)

Louisiana

The Honorable Bobby Jindal, Governor
Senator Robert Adley
Representative Joe Harrison
Representative Noble E. Ellington (Alternate)
Mr. William "Bill" Dore (Governor's Alternate)

Maryland

The Honorable Martin O'Malley, Governor
Senator Thomas McLain (Mac) Middleton
Delegate Dereck E. Davis
Mr. Malcolm Woolf (Governor's Alternate)

Mississippi

The Honorable Haley Barbour, Governor
Senator Nolan Mettetal
Representative Jim Ellington
Mr. Patrick Sullivan (Governor's Alternate)

Missouri

The Honorable Jay Nixon, Governor
Senator Kevin Engler
Representative Ed Emery

North Carolina

The Honorable Bev Perdue, Governor
Senator David W. Hoyle
The Honorable Joe Hackney, Speaker of the
House

Oklahoma

The Honorable Brad Henry, Governor
Senator David F. Myers
Representative Weldon Watson
Mr. J.D. Strong (Governor's Alternate)

Puerto Rico

The Honorable Luis G. Fortuño, Governor
Mr. José Rafael Díaz
Mr. Luis Bernal (Governor's Alternate)

South Carolina

The Honorable Mark Sanford, Governor
Senator Lawrence Grooms
Representative William E. Sandifer
Mrs. Ashlie Lancaster (Governor's Alternate)

Tennessee

The Honorable Phil Bredesen, Governor
Senator Mark Norris
Representative Gary Odom
Mr. Ryan Gooch (Governor's Alternate)

Texas

The Honorable Rick Perry, Governor
Representative Myra Crownover
Mr. Michael L. Williams (Governor's Alternate)

Virgin Islands

The Honorable John P. deJongh, Governor
Mr. Bevan R. Smith, Jr. (Governor's Alternate)

Virginia

The Honorable Bob McDonnell, Governor
Senator John C. Watkins
Delegate Harry R. Purkey
Dr. Michael Karmis (Governor's Alternate)

West Virginia

The Honorable Joe Manchin, III, Governor
Senate President Earl Ray Tomblin
Senator Mike Green (Alternate)
Delegate Linda Goode Phillips
Mr. John F. Herholdt (Governor's Alternate)

