

Energy and Environment Legislative Digest 2006

*A compilation of representative energy and environmental
quality legislation enacted by 18 southern states and
territories during the 2006 legislative sessions*

With an introduction by
The Honorable John C. Watkins
State Senator of Virginia
SSEB Vice-Chairman

July 2006

Published by:

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Acknowledgments

The Southern States Energy Board's *Energy and Environment Legislative Digest 2006* 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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The Honorable John C. Watkins

The Honorable John C. Watkins, member of the Virginia General Assembly, currently serves as the Vice Chairman of the Southern States Energy Board. He was appointed to the Board in March 1999. Senator Watkins has served in the Virginia Legislature since 1982; first as a member of the House of Delegates until his election to the Senate in 1998. In the Legislature, Senator Watkins has been active on the agriculture, conservation and natural resources, commerce and labor, finance and transportation committees.

Senator Watkins has participated on the Virginia Commission on Coal and Energy, the Commission on Growth and Economic Development and on the Virginia Tobacco Settlement Foundation's Board of Trustees. He also has served as the Chairman of the Virginia Geographic Information Network Advisory Board, Virginia-North Carolina High-Speed Rail Compact Commission and the Commission on Unemployment Compensation. Senator Watkins received a Bachelors of Science in Agriculture and Horticulture from Virginia Tech University in 1969.

Introduction

The Honorable John C. Watkins

Responding to tragedy, answering the calls of citizens, and advancing technology are a few of the motivations for the wide array of acts passed in the legislatures of these southern states in 2006. These acts seek to improve the environment, provide cost savings to the consumer, protect people and property, stimulate and encourage economic growth, and further express the South's deep commitment to effective and efficient energy and environmental policy.

It is my privilege to present the following *Energy and Environment Legislative Digest 2006*. For more than 20 years, the Southern States Energy Board has published the *Digest*, and each year the Board endeavors to ensure that the information is accurate and complete in representing legislative trends in the southern states. The *Digest* is not inclusive of all legislation pertinent to energy and the environment in this region. At the time of printing, *Louisiana, North Carolina, Puerto Rico* and the *U.S. Virgin Islands* were in session, and legislative summaries were not yet available. In addition, *Arkansas* and *Texas* did not hold regular legislative sessions; however, *Texas* met in a special session. Therefore, this document is an introduction to the legislative actions taken by southern states to date, and a final version of the *Digest* will be available upon completion of all legislative sessions.

This year the *Digest* has taken on a new form. It features issue trends rather than state trends, by highlighting nine specific topics that were identified by the Board as the dominating legislative concerns throughout the southern region. However, the *Digest* continues as a research manual that is used by other states for ideas and guidance in adopting and developing new legislation by including the state summaries of all energy and environmental legislation passed. This document remains a compendium of energy and environmental legislation enacted by the Board's 18 member states and territories during the 2006 legislative session.

The topics featured in this *Digest* include: **Coal Production; Mine Safety; Eminent Domain; Alternative Energy Developments; Liquefied Natural Gas, Natural Gas, and Pipeline**

Infrastructure; Pollution Control and Waste Management; Biofuels; The Reemergence of Nuclear Energy; and Public-Private Relations. It is my honor to share these topics with my fellow Board members through comments from state legislators about specific pieces of legislation and issues. These comments provide an invaluable source for understanding the sentiment surrounding the actions of the legislatures.

As previously mentioned, bill summaries are included in this *Digest*. For the interest of this legislative collection, 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.**

Consistent with 2005's breakdown, energy-related measures account for 34 percent of the total laws included in the 2006 *Digest*. The largest topic area addresses *Utilities*, with the passage of 47 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; Land Management and Conservation; Radioactive Waste; Reorganization and Coordination; Solid Waste; and Water Quality and Pollution Control.** Again consistent with the previous year, measures related to the environment account for 66 percent of the total legislation included in this *Digest*. The largest category is **Land Management and Conservation**, which includes 100 pieces of legislation. Energy and environmental legislation was passed in every category.

It is important for me to highlight a few pieces of legislation passed in our member states. *Alabama* passed a total of 29 pieces of legislation related to energy and the environment, accounting for six percent of the total legislation in the southern region. This legislation ranged from the creation of an Alabama Building Code Study Commission for the purpose of identifying minimum standards of construction to providing the Governor authority to proclaim an emergency. Other legislation includes Senate Bill 86, which authorizes governmental units to enter into guaranteed energy cost savings contracts, and House Bill 731, which includes any underground natural gas storage facility located in the Gulf Opportunity Zone within the definition of an industrial or research enterprise.

Florida passed a total of 54 bills related to energy and the environment. This quantity accounts for 11 percent of the total energy and environmental legislation for the southern states. House Bill 285 reenacts a specified provision relating to the authority of the Governor to utilize specified emergency management powers to carry out emergency actions required by a serious shortage of energy sources under the Energy Emergency Contingency Plan of the Florida Department of Environmental Protection. House Bill 1249 repeals the 50-cents per bag surcharge on oysters harvested from the waters of Apalachicola Bay. House Bill 7131 increases the amount of credit, from 35 percent to 50 percent, that may be applied against intangible personal property tax and corporate income tax for the voluntary cleanup costs of a contained brownfield or dry-cleaning site. This legislation also increases the total amount of tax credits that may be granted to brownfield cleanup from \$2 million annually to \$5 million annually.

Georgia passed a total of 34 bills related to energy and the environment. These legislative acts account for seven percent of the total legislation in the *Digest*. Senate Bill 532 enhances the protection of facilities licensed by the United States Nuclear Regulatory Commission. House Bill 194 provides income tax credits with respect to teleworking for a limited time period. House Bill 1018 provides a tax exemption on the sale or use of biomass material utilized in the production of electrical power, which is subsequently sold. House Bill 1320 extensively revises various provisions relating to littering.

The Commonwealth of *Kentucky* passed 44 pieces of legislation related to energy and the environment, accounting for nine percent of the total legislation reported in this document. House Bill 283 appropriates \$5 million from the budget reserve trust fund in Fiscal Year 2005-2006 to support the crisis component of the Low Income Home Energy Assistance Program. House Bill 626 directs the Kentucky Public Service Commission to consider the interstate benefits expected to be achieved by the proposed construction of electric transmission facilities. House Bill 145 extends the current waste tire fee until July 31, 2010. House Bill 299 concerns the need for national energy independence and the potential opportunities in coal-to-liquid conversion and biobased alternative fuels. *Kentucky* also passed several pieces of mine safety legislation, which are featured later in the *Digest*.

Maryland passed 52 bills related to energy and the environment, which accounts for 11 percent of the total legislation in this Digest. Senate Bill 54 requires the state to ensure that, in Fiscal Year 2008 and in each subsequent fiscal year, at least 50 percent of vehicles using diesel fuel in the state vehicle fleet use a blend of fuel that is at least five percent biodiesel fuel. House Bill 412 establishes a task force on minority participation in the environmental community. House Bill 395 provides for an income tax credit for renewable energy. House Bill 189 prohibits affected facilities collectively from emitting more than specified amounts per year of oxides of nitrogen, sulfur dioxide, and mercury. Passed in special session, Senate Bill 1 limits the increase in electricity rates and alters the criteria for appointment to the Public Service Commission.

Mississippi passed the second highest amount of legislation in the region with 57 bills related to energy and the environment. This quantity accounts for 12 percent of the total legislation in this *Digest*. Senate Bill 3073 repeals a tax, which is levied upon every person engaging in the business of mining, quarrying, drilling, or otherwise producing, or causing to be produced for sale, minerals except timber, oil, natural gas, and salt. House Bill 1034 creates the Special Task Force for Revitalization of the Mississippi Delta Region.

Missouri passed 26 pieces of legislation related to energy and the environment. House Bill 1270 establishes the Missouri Renewable Fuel Standard Act, which requires all gasoline sold in **Missouri** to contain at least 10 percent of agriculturally-derived denatured ethanol by volume. Senate Bill 809 provides cities, towns, and villages the option of adopting zoning regulations of the county in lieu of adopting their own municipal regulations. Senate Bill 1165 directs the creation of a joint committee that shall consider proposals for the state's implementation of the federal clean water program, storm water, and related state clean water responsibilities.

Oklahoma passed 28 pieces of legislation related to energy and the environment. House Bill 2810 creates the Oklahoma Refinery Revitalization Act. Senate Bill 1366 imposes a one-cent assessment per gallon upon the sale of each gallon of motor fuel, diesel fuel, and blending materials used or consumed in Oklahoma.

South Carolina passed 29 pieces of legislation related to energy and the environment. *South Carolina* provides tax incentives for the purchase of hybrid vehicles, with House Bill 4810, and for facilities that produce biodiesel, with Senate Bill 1245. House Bill 4874 provides for a credit against the State Corporate Income Tax for costs incurred by a manufacturing facility in complying with whole effluent toxicity testing. Senate Bill 1346 mandates that the South Carolina Department of Health and Environmental Control shall provide public notice prior to the issuance of a construction permit for a facility that stores sludge or other residuals.

Tennessee passed 35 pieces of legislation related to energy and the environment, which accounts for seven percent of the total legislation in this *Digest*. House Bill 1027 reduces the time period from two years to one year for the Commissioner of the Tennessee Department of Environment and Conservation to have a comprehensive plan of development and protection for a preservation area that becomes part of the system. House Bill 139 amends the Solid Waste Disposal Act to require any person who owns or operates a landfill use native grasses to cover the landfill when it has been filled or otherwise closed for operation. House Bill 659 directs the Department of Environment and Conservation to continuously perform a thorough examination of actions necessary to preserve and protect forested watershed and the control of non-point sources of water pollution.

As previously mentioned, *Texas* did not hold a regular legislative session this year; however, in special session one piece of legislation was passed relating to energy, by providing incentives for the development of FutureGen in the state.

The Commonwealth of *Virginia* passed the most legislation in the region this year, accounting for 16 percent of the total legislation in the *Digest*, with 78 bills. Senate Bill 506 allows localities that comprise the Virginia Coalfield Economic Development Authority to use revenue from their Coal and Gas Road Improvement Fund to repair or enhance existing water and sewer systems and lines to meet the needs of the public. House Bill 1539 makes permanent certain retail and sales and use tax exemptions related to the refining and processing of oil and natural gas. House Bill 1150 requires the Secretary of Natural Resources to develop a cleanup plan for the Chesapeake Bay and Virginia waters that have been designated as impaired. Senate Bill 262 establishes an energy policy for the Commonwealth and directs specified entities to prepare and develop a ten-year comprehensive Virginia Energy Plan.

West Virginia passed a total of 21 measures related to energy and the environment. *West Virginia* actively addressed mine safety. Senate Bill 439 strengthens the one-call system requirements for persons excavating or performing demolition work in the vicinity of underground facilities. House Bill 4076 creates the Mine and Industrial Accident Response System and provides requirements for protective equipment in underground mines. Senate Concurrent Resolution 40 authorizes the West Virginia Water Development Authority to issue bonds and notes in excess of \$400 million.

In closing, energy and environmental issues and legislation continue to demand our attention and action. This year, to date, 488 bills were passed by our legislators and signed into law by the governors of our region. I commend the legislators and governors of the southern states for their sustained efforts, commitment, and determination to improve and enhance the quality of life for all citizens in this region.

The Honorable John C. Watkins
Senator of the Commonwealth Virginia
SSEB Vice-Chair

Categories of Energy Legislation

The following categories are utilized in the *Digest* to best organize the wide array of legislation found in 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, but are not restricted to: shore erosion controls; protection of aquatic vegetation and offshore reefs; control of marine harvests; and federal-state consistency provisions.

Emergency Management and Homeland Security

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

Environmental Health Services

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

Hazardous Waste and Substance Management

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

Inland Water Resource Management and Conservation

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

regulation of outdoor water activities such as fishing and boating. The category also includes measures pertaining to the responsibility, function and jurisdiction of relative state and local government agencies.

Land Management and Conservation

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

Radioactive Waste

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

Reorganization and Coordination

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

Solid Waste

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

Water Quality and Pollution Control

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

Note on Using 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 below. Readers should refer to the definition section for more information on the criteria used in placing legislation in categories.

Energy Legislation

| | |
|------|--|
| AED | Alternative Energy Developments |
| 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 2006 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 | ◆ | | ◆ | ◆ | ◆ | | ◆ | ◆ | ◆ | | ◆ | | ◆ | ◆ | | | ◆ | ◆ |

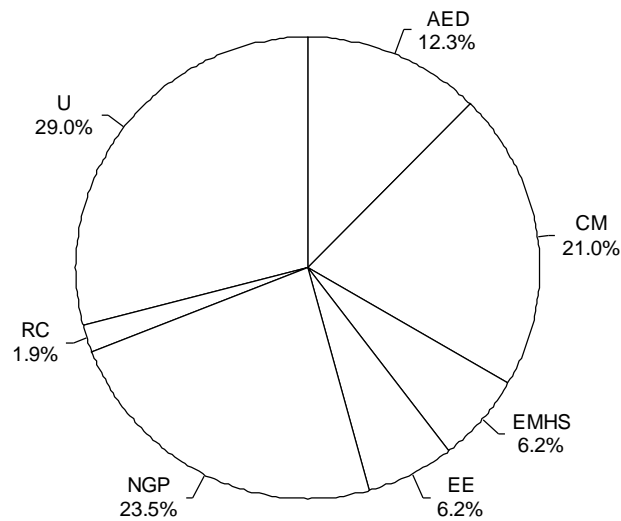
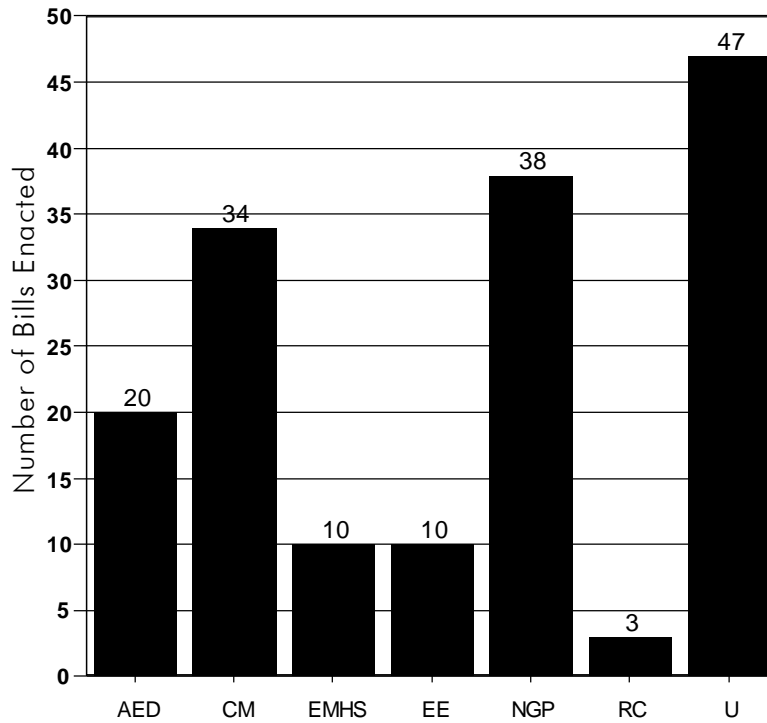
AED Alternative Energy Development
 CM Coal and Minerals
 EMHS Emergency Management and Homeland Security
 EE Energy Efficiency
 NGP Natural Gas and Petroleum
 RC Reorganization and Coordination
 U Utilities

Matrix of 2006 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 | ◆ | | ◆ | ◆ | ◆ | | ◆ | ◆ | ◆ | | ◆ | | ◆ | ◆ | | | ◆ | ◆ |
| HW/SM | ◆ | | ◆ | ◆ | ◆ | | ◆ | ◆ | ◆ | | ◆ | | ◆ | ◆ | | | ◆ | ◆ |
| IWR/MC | ◆ | | ◆ | ◆ | ◆ | | ◆ | ◆ | ◆ | | ◆ | | ◆ | ◆ | | | ◆ | ◆ |
| LMC | ◆ | | ◆ | ◆ | ◆ | | ◆ | ◆ | ◆ | | ◆ | | ◆ | ◆ | | | ◆ | ◆ |
| RW | ◆ | | | | | | | ◆ | ◆ | | | | ◆ | ◆ | | | ◆ | ◆ |
| RC | | | | ◆ | | | | ◆ | ◆ | | | | ◆ | ◆ | | | ◆ | ◆ |
| SW | ◆ | | | ◆ | ◆ | | ◆ | ◆ | ◆ | | ◆ | | ◆ | ◆ | | | ◆ | ◆ |
| WQPC | ◆ | | ◆ | ◆ | ◆ | | ◆ | ◆ | ◆ | | ◆ | | ◆ | ◆ | | | ◆ | ◆ |

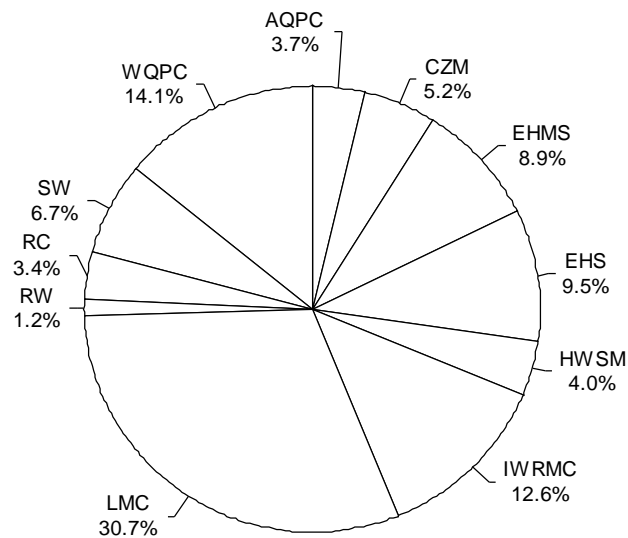
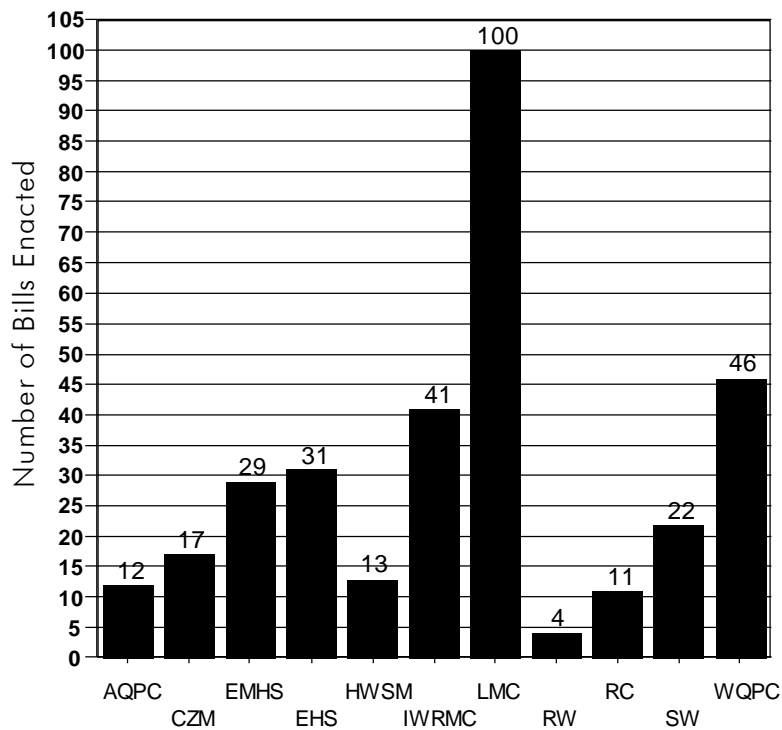
AQPC Air Quality and Pollution Control
 CZM Coastal Zone Management
 EMHS Emergency Management and Homeland Security
 EHS Environmental Health Services
 HW/SM Hazardous Waste and Substance Management
 IWR/MC Inland Water Resource Management and Conservation
 LMC Land Management and Conservation
 RW Radioactive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

Overall Energy Legislation



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

Overall Environmental Legislation



AQPC Air Quality and Pollution Control
 CZM Coastal Zone Management
 EMHS Emergency Management and Homeland Security
 EHS Environmental Health Services
 HWSM Hazardous Waste and Substance Management
 IWRMC Inland Water Resource Management and Conservation

LMC Land Management and Conservation
 RW Radioactive Waste
 RC Reorganization and Coordination
 SW Solid Waste
 WQPC Water Quality and Pollution Control

Topic Areas

Coal Production

Rising energy costs, global competition, and demand coupled with dependence on foreign energy supplies is driving America's interest in seeking solutions to increase the domestic supply of energy resources for the United States. Policy-makers recognize the importance of utilizing fossil fuels in our country to meet these challenges. Coal is critical to sustaining the Nation's economic prosperity.



Coal production was a priority for several states in the southern region during the 2006 legislative sessions. Many legislative proposals designed to increase coal production were introduced in the Commonwealth of *Kentucky*. **Representative Rocky Adkins** authored a piece of legislation based on American energy security. House Bill 299 finds and determines that coal-based alternate transportation fuel technologies are capable of producing environmentally superior transportation fuels from near-zero emission plants with removal or capture of virtually all pollutants, including sulfur dioxide, nitrous oxides, mercury, and carbon dioxide, and from biobased technologies that are environmentally positive. **Representative Adkins** stated: "I believe we must reduce our dependence on foreign oil, which will bring about our technologies and natural resources to produce our own transportation

fuels. I am hopeful that House Bill 299 will make *Kentucky* a national leader in this field." This legislation calls for the Kentucky Office of Energy Policy to develop and implement a strategy for the production of transportation fuels and synthetic natural gas from fossil energy and biomass resources to ensure that *Kentucky* will lead the states in securing the energy independence of America.

Oklahoma introduced Senate Bill 1082, which would have made permanent a \$2 per ton tax credit for Oklahoma-mined coal purchased by a person in the state of Oklahoma. **Senator Jeff Rabon**, Vice Chairman of the Senate Appropriations Committee, said, "Hopefully this legislation is coming soon. We are looking to revisit this legislation next year." The tax credit applies to the burning of coal to generate heat, light, or power for use in manufacturing operations located in the state. Senator Rabon went on to say, "Incentives provided by this legislation will allow power generated in *Oklahoma* to be sold beyond the state lines. In my district, we have a very large coal-fired power plant, operated by Western Farmers Electric Cooperative, that currently is doubling its capacity and is looking to supply electricity farther in the future."



Virginia House Bill 1043 allocates the \$3 per ton coal employment and production incentive tax credit amongst coal producers and electricity generators. The allocation would be pursuant to a contract between such parties. Any amount allocated to a coal producer could be used as credit against the corporate income tax or any other tax imposed by the Commonwealth. Also, *Virginia* House Bill 1505, entitled the Virginia Coalfield Economic Development Authority Tax, allows localities to use a portion of the tax revenues for local coal and gas road improvements. These localities may adopt a license tax on every person engaging in the business of severing coal or gases from the earth. The rate of the license tax shall not exceed one percent.

The region's traditional coal producing states were not the only ones interested in increasing coal production this legislative session; some states looked at modifying previous initiatives. *Maryland* is home to AES Warrior Run in western *Maryland*, which is the second cleanest coal-fired power plant in



the world. *Maryland*, in House Bill 487, altered its tax credits for the purchase of *Maryland*-mined coal and is working towards diversifying its portfolio for future energy demands. **Senator John Hafer** is laying the groundwork for new industries to produce energy in his district in western *Maryland*. This area is experiencing the gradual demise of its coal mining industry. The Senator explains the importance of this legislation. “Senate Bill 335, passed in this year’s *Maryland* General Assembly, stabilizes and begins to phase out the annual credit allowed to the coal industry in western *Maryland*. It removes the yearly process of setting the tax credit from an often contentious budget process and sets in statute a rate of \$9 million beginning in tax year 2007 and diminishes to \$3 million ending in December 2020. At that time,

we hope to be processing energy through methane production of used coal mining operations and through a new industry of wind power on the mountains of western *Maryland*.”

Mine Safety

Tragedy struck the southern region this year. An incident, most recently in Harlan County, *Kentucky*, claimed the lives of five miners. 2006 has been one of the most devastating years for the coal mining industry, especially in *West Virginia*. Incidents in the cities of Drawdy, Danville, Melville and most notably the Sago Coal Mine disaster have turned national attention and focus to mine safety and the coal industry.

Having suffered a tremendous loss of lives this year, *West Virginia* law-makers passed the most legislation in the southern region addressing mine safety. *West Virginia* House Bill 4596 sets minimum requirements and qualifications for the Director of the Office of Miners’ Health, Safety, and Training. Senate Bill 247, relating to mine and industrial emergencies, creates the Mine and Industrial Accident Rapid Response System. As explained by **Senator William Sharpe, Jr.**,

“This legislation creates a network of regulations so the latest and most advanced equipment can be used effectively and safety can be improved.” Senator Sharpe continued, by saying: “We put a considerable amount of thought and our hearts into developing critical legislation that will make us a lot better off than we were.” This legislative action sets the requirements for protective equipment in underground mines and makes it a criminal act with penalties for the unauthorized removal or tampering with them. Also, the act specifies the notification requirements in the event of an accident in or about any mine and imposes a civil penalty for failure to comply with these requirements.



The Commonwealth of *Kentucky* also experienced an unfortunate number of mining incidents this year. Like *West Virginia*, *Kentucky* policy-makers responded with comprehensive mine safety legislation. House Bill 572 requires certified miners to submit to drug and alcohol testing as a condition of certification. This testing is to be paid for by the employer, and the *Kentucky* Office of Mine Safety and Licensing shall certify the testing centers. Senate Bill 137 extends to certified surface coal miners the requirement that an applicant for renewal of a blaster’s license must have attended blaster’s training during the preceding three years. Senate Bill 200 provides for telephone, or equivalent two-way communication, facilities in underground and surface coal mines. The legislation also requires the mapping of mines and escape ways; facilities to submit an emergency action plan; and the plans to include emergency evacuation plans, firefighting programs, and roof control and ventilation plans. Finally, Senate Bill 138 provides a civil fine for a blasting operation resulting in the death or serious injury of a person. “These new safety acts were a cooperative effort between both chambers of the legislature and the Governor’s office because we embrace the fact that coal has such a dramatic impact on *Kentucky*,

which is why we want to guarantee it is done in a safe manner. This legislation will guarantee the continued significance of coal and safety in Kentucky's mining future," said **Senator Robert Stivers**.



Mine safety also was addressed in *Alabama* and *Virginia*. *Alabama* passed two resolutions related to mine safety. First, House Joint Resolution 63, commends the Alabama Shoal Creek Mine Rescue Team as the recipient of first place honors in the Virginia Mining Institute's Northern Safety Day. Second, Senate Joint Resolution 19 strongly urges the Department of Industrial Relations to obey and enforce state coal mining laws. In the Commonwealth of *Virginia*, House Bill 1443 requires the emergency response plan prepared by the operators of underground coal mines to include a mine emergency communication plan. This bill also specifies that anyone going underground must have an adequate supply of self-rescue devices available. Finally, this legislation directs the Department of Mines, Minerals, and Energy to assess the effectiveness of wireless communication and mine locator systems.

Eminent Domain

National news attention, the Supreme Court's "Kelo" decision, and the growing fears and demands of citizens have culminated in a wave of eminent domain legislation across the southern region. These bills ranged from very strict legislation, such as a constitutional amendment, to legislation focusing in on specific issue areas, such as urban renewal projects or blighted areas. Over half of the southern states passed eminent domain legislation, but only a few of the many important legislative acts regarding private property and citizen rights are highlighted in this section of the *Digest*.

Georgia addressed eminent domain most aggressively in the region. **Senator Doug Stoner** explains *Georgia's* new eminent domain legislation: "The *Georgia* Senate voted to adopt legislation that answers a U.S. Supreme Court ruling that upheld a Connecticut town's ordinance authorizing the seizure of private property in the name of economic development. House Bill 1313 will rule out eminent domain for that purpose and for a means of creating more tax revenue. The bill will strengthen due process rights of property owners and require government to prove that the proposed land seizure serves a narrow public purpose. To head off any future legislative attempts to expand eminent domain, the *Georgia* Senate also approved a companion constitutional amendment aimed at reining in far-reaching condemnation powers of local government. This measure will strip appointed housing authorities and development authorities of eminent domain power and reserve it for local elected officials. Approved by the Senate, House Resolution 1306 will be added to the general election ballot in November."



Georgia's neighbor to the west also addressed the issue of eminent domain through similarly defining "blighted area." House Bill 654 in *Alabama* defines a blighted property and blighted area and limits the exercise of power of eminent domain to those blighted properties.



"Recognizing that private property is private property and can only be taken for the public good, through this legislation we place that property at a higher standard." As alluded to by **Delegate Harold Michael** of West Virginia, House Bill 4048 prohibits the use of eminent domain for economic development and provides for limited exceptions. Furthermore, it establishes a procedure for municipal urban renewal authorities to use eminent domain for properties only in blighted areas and requires notice of public hearings and rights of property owners related to proposed condemnation of property.

Missouri, through House Bill 1944, specifies that private property may only be taken through the use of eminent domain after determining blight of the property or that the taking is for a public use and not without just compensation. *Virginia* also weighed in on eminent domain through House Bill 132. This act removes the landowner's option to choose commissioners to hear an eminent domain case. Only jurors



of the court shall be permitted to hear such a matter. Additionally, House Bill 771 requires localities to hold a public hearing prior to adopting an ordinance or resolution initiating a condemnation. **Representative Rex Rector** had this to say about eminent domain: "A capitalistic, free market depends on the confidence the individual has that he actually owns that for which he trades his time, money, and energy. If we allow government to indiscriminately use eminent domain, then government ends up ultimately owning everything. By passing this eminent domain law, *Missouri* has secured the rights of ownership by the individual rather than government. Our economy will benefit from securing those private property rights. I expect government to use eminent domain only when absolutely necessary."

Tennessee offered comprehensive legislation, through House Bill 3450 (cross listed with Senate Bill 3296), which defines the term "public use," to stipulate that if private property is taken through the use of such power, it may not be for the purpose of private economic development and private commercial enterprise, including increased tax revenue and increased employment except in specific situations. The bill specifically denies the right to use the power of eminent domain under the definition of blighted area on land predominantly used for agriculture.

Alternative Energy Developments

For the purpose of this *Digest*, legislation in the alternative energy development category addresses the barriers and costs associated with the development and use of alternative energy sources and technologies, including tax incentives. Across the South, legislatures passed bills related to these developments.

In *Puerto Rico*, Senate Bill 1210 will provide tax incentives for the development of solar and wind energy in *Puerto Rico*. Specifically, the legislation amends the Municipal Property Tax Act of 1991, by adding sun, wind, and sea energy to the provided exemption, as well as to the collection, accumulation, generation, distribution, and application of renewable energy equipments introduced to or manufactured in *Puerto Rico*. Senate Bill 1213 will mandate and authorize the Economic Development Bank of Puerto Rico to process, with priority, loan considerations requested by small and medium-sized enterprises for the manufacture, sale, and installation of solar equipment and windmills to generate electricity from renewable energy sources. Former **Senate President Charles Rodríguez** explains the significance of this legislation and its impact on *Puerto Rico*: "The approval of these bills will be a significant factor in reducing *Puerto Rico*'s excessive dependency on oil to generate electricity and place the Commonwealth at the forefront of implementing advanced and sound measures that protect the environment and benefit the consumers."

Similarly, *Maryland* considered wind and solar power as future sources of energy production to replace their dwindling coal industry. The Maryland Clean Energy Incentive Act of 2006, Senate Bill 314, allows for a yearly tax credit to certified energy producers through wind power and biomass of up to \$2.5 million a year for a five-year period. Regarding the passage of his legislation, **Senator John Hafer** said, "Above the coal mines of western *Maryland* are the Allegheny Mountains, with elevations of up to 3,300 feet above sea level. These mountains are ideal for the installation of wind turbines and the power generated from these turbines will



contribute two percent to the state's energy production. This legislation also allows the same tax credit to industries developing renewable energy projects using excess agricultural waste on the eastern shore."

Virginia took an approach unique in the southern region by establishing a state-wide energy plan through legislative action. Senate Bill 262 creates an energy policy for the Commonwealth and directs the Virginia Division of Energy of the Department of Mines, Minerals, and Energy, in consultation with the State Corporation Commission, Department of Environmental Quality, and the Virginia Center for Coal and Energy Research, to prepare a ten-year comprehensive Virginia Energy Plan by July 1, 2007. The Energy Plan will feature specifically, but is not limited to:

- a system for measuring the extent to which parcels are suitable for the siting of wind or solar energy facilities;
- the Commonwealth's policy to support federal efforts to determine the extent of natural gas reserves 50 miles or more offshore and to support the inclusion of the Atlantic Planning Areas in the federal Mineral Management Service's draft environmental impact statement;
- *Virginia's* support for federal efforts to examine the feasibility of off-shore wind energy being utilized in an environmentally responsible fashion;
- the establishment of a Clean Coal Technology Research Fund, to be administered by the Virginia Center for Coal and Energy Research;
- action to prohibit community associations from enacting any provisions restricting solar power or the use of solar energy;
- support increasing the Corporate Average Fuel Efficiency (CAFE) standards; and,
- establishment of a grant program which will focus on the installation of solar and wind power generators.

Legislation concerning FutureGen and clean coal technologies are rapidly taking center stage in the southern region as many states are working to create an environment conducive to deploying advanced technologies. Across the Nation, seven states have offered 12 bids for the lucrative FutureGen project, including the southern states of *Kentucky*, *Texas*, and *West Virginia*. According to **Senator Kip Averitt**, Chairman of the Senate Committee on Natural Resources, "My state is locked in a fierce national competition to win FutureGen, and the passage of House Bill 149 makes our bid for the project much more attractive. If we are successful, this project could provide cleaner, more affordable energy while providing a significant economic boost for the state." House Bill 149 of Texas indemnifies the FutureGen Industrial Alliance from a liability associated with the storage of carbon dioxide produced by Future Gen. Additionally, the measure allows the Commission to sell, for beneficial use, carbon dioxide that is captured by a clean coal project and not injected for permanent storage.



The competition over FutureGen provoked a special session in *Kentucky* to address the financing over a possible plant. **Senator David Boswell**, a member of the Southern States Energy Board's Committee on Clean Coal and Energy Technologies Collaboration, described the session as an "incredibly efficient and successful special session," having only taken five days to produce this incentive package. The legislation, House Bill 1, provides an exemption from sales tax for the purchase of tangible personal property used to construct, repair, renovate, or upgrade a coal-

based, near-zero emissions power plant. Additionally, **Senator Boswell** explained that “FutureGen would produce hydrogen and electricity from coal, while capturing carbon dioxide and containing it underground instead of releasing it into the atmosphere. The result is a cleaner environment, a beneficial use for a reclaimed surface mine on the Green River in nearby Henderson, and untold economic gains for our region and *Kentucky*.”

Clean coal technologies, wind, and solar power were not the only alternative energy developments addressed by southern legislatures. In *Florida*, Senate Bill 888 established several programs to help lower the costs associated with deploying alternative energy throughout the state. This bill creates the Florida Renewable Energy Technologies and Energy Efficiency Act; a Renewable Energy Technologies Grants Program; and a Solar Energy System Incentive Program. Both *Tennessee* and *South Carolina* passed pieces of legislation that provide tax exemptions or deductions for the purchase of, or in the case of *South Carolina* the conversion to, hybrid cars.

Finally, *Missouri* and *Oklahoma* introduced legislation which includes renewable energy tax breaks. *Missouri* House Bill 1092 would have allowed people who bought vehicles that use a combination of electric and gasoline engines to earn a credit worth either 10 percent of the cost of the vehicle or \$1,500, whichever is less. *Oklahoma* House Bill 2469, if it had passed, would have given tax breaks to *Oklahoma* businesses using renewable energy. Specifically, it would have made a permanent credit to plants with a rated production capacity of one megawatt or greater. *Oklahoma* did pass Senate Resolution 102 requesting the Governor to support *Oklahoma* as a “total energy state,” which includes asking the Governor to establish a special commission to report on the status of development of alternative energy sources in *Oklahoma*, recommend public initiatives that might foster the development of alternative sources of energy, and promote conservation and efficiency.

Liquefied Natural Gas, Natural Gas, and Pipeline Infrastructure

Dramatic residential growth coupled with continued industrial expansion and demands in the southern region have placed the South at the forefront of natural gas use, production, and transportation. The United States’ natural gas transportation network includes more than 226 gas pipeline systems, more than 306,000 miles of pipeline, and a total gas transportation capacity of more than 178 billion cubic feet. Four of the five existing liquefied natural gas (LNG) terminals in the U.S. are within the southeast (Elba Island, *Georgia*; Lake Charles, *Louisiana*; Cove Point, *Maryland*; and Guayanilla Bay, *Puerto Rico*), and the bulk of the new/proposed terminals are in the southern region. Clearly, the concerns and needs of this rapidly expanding energy source are on the minds of legislators in the South.



Several pieces of legislation emerged from *Georgia*’s Joint House and Senate LNG and Natural Gas Infrastructure Study Committee. **Representative Harry Geisinger** had this to say: “Fortunately for *Georgia*, we have one of the four LNG facilities in the United States. Consequently, during Hurricane Katrina’s wrath we were able to supply *Georgia* and the South with natural gas. The disaster of Katrina made it evident that not only *Georgia*, but the U.S., must expand its natural gas infrastructure. There is a move in the South, with the exception of *Florida*, to explore opportunities for oil and natural gas drilling along the coastal areas.” *Georgia* passed several pieces of legislation, which altered taxes on natural gas. House Bill 834 provides for an exemption of state sales and use taxes regarding the sale of liquefied petroleum gas or other fuel used for certain swine raising procedures. House Bill 970 provides for a partial exemption of state sales and use taxes applicable to the liquid propane gas commodity sold or

delivered primarily for residential heating purposes and to changes for the natural gas commodity billed for residential use.

Georgia was not the only state that addressed the offshore issue. *Virginia*, through House Bill 1132, directs the Virginia Liaison Office to work with members of the State Congressional Delegation, as well as executive agencies, to develop and enact legislation or executive action that would provide an exemption to the existing moratorium on offshore natural gas exploratory activity. This piece of legislation did not pass, but the topic was again mentioned in Senate Bill 262, which created a State Energy Plan.



The Plan calls for the Commonwealth to support federal efforts to determine the extent of natural gas reserves 50 miles or more offshore and to support the inclusion of the Atlantic Planning Areas in the federal Mineral Management Service's draft environmental impact statement. Concerning offshore developments, **Senator John C. Watkins** said, "We view this as a states' rights issue as well as an energy preparedness issue. *Virginia* merely wants the opportunity to determine its own destiny and decide what is best for *Virginia* and its citizens. The United States must begin to explore, extract, and utilize our full potential of energy possibilities. This includes the large reserves of natural gas that are located off the coast of the Commonwealth of *Virginia*. Hopefully, through Senate Bill 262, we can move forward toward energy independence."

Other states addressing natural gas issues were *Alabama* and *Maryland*. In *Alabama*, House Bill 731 includes, within the definition of an "industrial or research enterprise," any underground natural gas storage facility which is located in the Gulf Opportunity Zone, developed from an existing geological reservoir (including salt domes), or placed in service on or before December 31, 2015. *Alabama* Senate Bill 162 requires that consumers notify servicing dealers of liquefied petroleum gas prior to the installation, repair, maintenance, adjustment, or service of a liquefied petroleum gas appliance.

Maryland created the Baltimore County Liquefied Natural Gas Task Force under House Bill 1670. *Maryland* also is looking toward future possibilities for the natural gas industry by increasing coalbed methane production. As **Senator John Hafer** explained, "Senate Bill 881 passed this year's General Assembly to allow this new industry to prosper in western *Maryland*, as is possible in surrounding *West Virginia* and *Pennsylvania*." He describes coalbed methane production as "a clean process of extracting the methane from an existing mine site without disturbing the terrain." He went on to state, "This mining process accounts for 10 percent of all domestic natural gas reserves and is more saleable with the increased demands in the energy market."



Pollution Control & Waste Management

Concerns over air quality, water pollution, recycling and solid waste management are just a few of the many diverse issues legislators addressed to improve the quality of life in the southern region. Pollution control and waste management issues are themes that resonated in legislation throughout the region.

Air pollution was an area of great concern to the southern states this legislative cycle. Many states sought to address the rising problem of emissions and pollution from power plants, while attempting to balance the growing energy demand and needs of their citizens. *Maryland* House Bill 189 prohibits affected facilities collectively from emitting more than specified amounts per year of oxides of nitrogen, sulfur dioxide, and mercury. Similarly, *Virginia's* House Bill 1055 establishes a phased schedule for electric generating units to reduce their emissions of sulfur dioxide, nitrogen oxide, and mercury.

Mississippi, through House Resolution 120, recognizes May 21, 2006, as “World Asthma Day.” Also, House Bill 123 creates the Mississippi Clean Indoor Air Act, which provides that there shall be no designated smoking areas in state office buildings and provides that smoking prohibitions apply to any state, county, or municipal government building. In Missouri, Senate Bill 583 creates a decentralized vehicle emissions inspection program. *Virginia*’s Senate Bill 312 exempts vehicles four years old or less from the emission inspection program. Finally, *Oklahoma* recreated the Oklahoma Climatological Survey with House Bill 2150.

Several legislative actions were taken throughout the South in response to growing concerns over water pollution and water quality. *Oklahoma* Senate Bill 1574 authorizes the Oklahoma Water Resources Board to not permit any fresh groundwater user committing wasteful acts. They define waste in several manners, such as drilling a well without a permit, taking or using water in a manner that creates excessive loss, and using water inefficiently. *Maryland*’s House Joint Resolution 7 urges the President of the United States to reconsider his recently released budget proposal and maintain the current levels of federal funding for Chesapeake Bay cleanup and restoration efforts.

Finally, regarding recycling and waste management, many states voiced their concerns by creating new programs to aid progress or modifying existing programs to meet today’s demands. *Maryland* addressed a multitude of pollution control and waste management topics. For instance, House Bill 1238 alters the method of calculating the recycled content percentage requirements for newspapers distributed in the



state. In *Kentucky*, Senate Bill 50 re-appropriates certain funds for recycling grants throughout the Commonwealth. *Tennessee* also passed several pieces of legislation dealing with recycling and waste management. House Bill 2935 authorizes proceeds from the disposal of surplus textbooks to be used for school literacy programs as well as supplementing textbook purchasing funds. House Bill 3829 requires the Tennessee Advisory Commission on Intergovernmental Relations to conduct a study of solid waste in *Tennessee*. Finally, Senate Bill 2684 requires the Tennessee Education Lottery Corporation to establish a lottery ticket litter reduction program and report on the development and implementation of such a program. **Senator**

Jerry Cooper explained the state’s legislative determination to combat waste by saying, “We must continue doing all we can to manage solid waste and reduce pollution.” He continued by stating, “We must find solutions to solid waste problems, and I will remain steadfast in my efforts to address this issue.”

Other states that have been active in pollution control and waste management recognized their successes and pushed for continued environmental improvements. For example, *Georgia* Senate Resolution 698 commends *Georgia*’s sustainable businesses for their outstanding corporate citizenship and for creating innovative solutions and business models that turn waste into valuable resources, improve air and water quality, and enhance the environment for all Georgians.

Biofuels

As identified and defined by *Kentucky*’s Division of Renewable Energy and Energy Efficiency, biofuels such as ethanol and biodiesel are renewable alternatives for liquid transportation fuel, and their utilization strengthens rural economies, decreases America’s dependence on imported oil, reduces air and water pollution, and reduces greenhouse gas emissions. This identification of biofuels has fostered a theme of legislation, which echoes that same message throughout southern legislatures.

In February of 2006, *Arkansas* held joint House and Senate Committee meetings, which focused on the development of biofuels and their possible implications on the

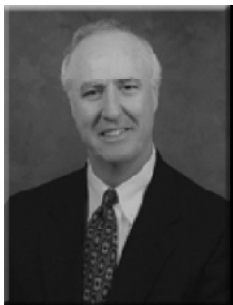


state of *Arkansas*. **Senator Jimmy Jeffress** described the outcome of the meetings as being “very hopeful” for future developments in the biofuel sector in *Arkansas*. The meetings focused on developing and deploying the production of biofuels in *Arkansas*. Specifically, **Senator Jeffress** stated that “we wanted to bring together all the stakeholders so we could educate ourselves on this great possibility. The recent developments by the Potlatch Corporation to build a biogasification plant at their Cypress Bend Mill in southeast *Arkansas* give us a future path to bring salvation to the delta region of *Arkansas*, which has been in decline for a number of generations.” As a result of the Committee meetings, the members are hopeful that biofuels will reinvigorate and turn around the rural agriculture economy of this significant region. **Senator Jeffress** further stated, “This change will not happen overnight, but we certainly can envision it.” While *Arkansas* did not hold a legislative session this year, they expect to address this issue in the coming year.

Missouri strongly encouraged biofuel technology development and deployment during the 2006 session **Senator Kevin Engler** described their legislation as “groundbreaking for the South.” House Bill 1270, titled the Renewable Fuel Standard Act, requires that, by January 1, 2008, all gasoline sold in *Missouri* contains at least 10 percent agriculturally derived, denatured ethanol by volume. Senator Engler went on to say, “This legislation will reduce *Missouri’s* dependency on oil.”



Other states addressing biofuels were *Georgia*, *Mississippi*, *Virginia*, and *South Carolina*. *Georgia* House Bill 1018 provides for an exemption of sales and use tax regarding the sale or use of biomass material utilized in the production of electrical power, co-production, or co-generation of electrical and steam power, which is subsequently sold. Also, *Georgia* passed Senate Bill 636, which makes it unlawful for any person to produce, offer for sale, or sell any biodiesel fuel to be used in blending biodiesel with petroleum diesel fuel to create a blended fuel for subsequent sale for use in diesel engines, unless that biodiesel fuel meets the specifications of American Society for Testing and Materials Standard D 6751. *Mississippi* created a study committee on the potential of biodiesel fuel in the state. *Virginia* House Bill 680 established the Biofuels Production Fund (the Fund) and the Biofuels Production Grant Incentive Program (the Program) to administer the Fund. The Program offers grants to producers of neat biofuels, which are defined as either biodiesel fuels or ethanol fuels that are not mixed with traditional fuels such as gasoline or diesel fuel.



South Carolina Senate Bill 1245 created tax credits for new ethanol or biodiesel production facilities. The facilities will earn a 20 cents per gallon tax credit for the first five years of fuel production, if put into service between 2007 and 2009. In addition, a tax credit of 25 percent of the cost of equipment for production, distribution, or dispensing of ethanol or biodiesel is included in this legislation. *South Carolina* **Senator John Land** represents the most rural district in *South Carolina* and calls this legislation “wonderful for farmers.” He went on to say, “This legislation will have a great impact on energy production and for energy independence. We hope to create first class production facilities in *South Carolina*, which will revive our agricultural economy.” **Senator Land** concluded

by stating, “Biofuels are good for the environment, good for the country, and good for our farmers.”

The Reemergence of Nuclear Energy

Stemming from national attention and focus, nuclear power is reemerging as a safe, reliable, and efficient mode of energy production within the United States. Nuclear power is America’s second leading source of electricity. Today, more than 100 nuclear plants operate in 31 states. There is a growing consensus

that it is an environmentally responsible choice - carbon dioxide emissions would have been 28 percent greater in 2004 without nuclear power.



Georgia was the first state in the South to officially acknowledge nuclear power's reemergence. Senate Resolution 865 urges electric utilities to consider building new nuclear power plants in *Georgia*. The resolution also urges the Georgia Public Service Commission to encourage such developments and give its consideration. "Based on the vote in the closing hours of the *Georgia* House of Representatives' 2006 session, by urging new nuclear power plants in *Georgia*, it has become obvious that the public now understands the necessity for a clean, safe fuel like nuclear," said **Representative Harry Geisinger** on this piece of legislation.

South Carolina also weighed in on this issue by passing a very specific piece of legislation. Senate Bill 1238 addresses the ability of the South Carolina Public Service Authority to jointly own a nuclear power station and related transmission facilities with the South Carolina Electric and Gas Company on a site at, or near, Parr Shoals in Fairfield County. This legislation confirms that new nuclear generation units at the site are authorized and allows these units to be jointly owned by the Public Service Authority with privately owned electric utilities.

While *Virginia* did not pass any direct legislation involving nuclear power, there is a growing sentiment among legislators in the Commonwealth to seek solutions to the concerns over base-load power in the United States. A special subcommittee of the Virginia Coal and Energy Commission examined energy policies in the Commonwealth. **Senator John Watkins** issued this statement on these matters, while also addressing possibilities of the reemergence of nuclear power: "Electricity consumption in the United States has been projected to increase by almost 50 percent between the years 2002 and 2025. When you consider the fact that in many instances it requires at least 10 to 15 years to design, plan, permit, and construct a base-load generating station, we are running short on time in order to meet the future demands." **Senator Watkins** went on to say, "Another consideration is our ability to assure the public of the safety, efficiency, and environmental soundness of future facilities. The third factor is to utilize resources that are not dependent upon foreign suppliers. With all these things in mind, it becomes extremely evident that the Nation, and certainly *Virginia*, need to look to nuclear energy as a significant part of our response."



Other states have begun to discuss this issue, and, based on this growing sentiment among southern legislators, and their constituents, the southern states can expect to see more legislation encouraging the reemergence of nuclear power in the coming years.

Public-Private Relations

From a showdown over electricity rates to troubled utilities; from response to tragedy and destruction to increasing the powers' of consumers; the relationship between the public and private sectors was often a blurred line of cooperation and sometimes, disagreement. Nevertheless, bills passed in this issue area were some of the most important pieces of energy and environmental legislation in the southern region.

Dominating the headlines since early February, *Maryland* has been attempting to deal with rising energy costs in response to the shortcomings of deregulation coupled with the impact of Hurricanes Katrina and Rita. In 1999, *Maryland*, as part of a bill deregulating the electric industry, established rate limits on Baltimore Gas and Electric (BGE). These rate limits were set to expire on July 1, 2006, which would then spark a 72 percent rate increase for consumers in Maryland. For those 1.2 million consumers of

electricity, it would have translated to an average expected increase of \$743 per household. This issue was brought to the forefront when news surfaced over a potential \$11 billion merger between *Florida*-based FPL Group Inc. and Baltimore-based Constellation Energy Group. BGE is a subsidiary of Constellation Energy Group. The legislature became concerned that this merger would provide little relief for the impending rate increases and fail to relieve consumers of the increasing price of electricity. The legislature acted, and **Delegate Dereck Davis** has been at the center of this significant issue. He explained the possible legislative actions in the Baltimore Sun stating, "I expect to see legislation tackling three issues: ensuring greater oversight by the state government of utility mergers; creating guidelines for procurement of power in the future; and providing relief to consumers."



Two pieces of legislation were first passed during the regular session. Senate Bill 1099, which would have prohibited a merger between FPL Group and Constellation Energy Group from occurring while also prohibiting BGE from increasing electricity rates until Constellation Energy, returns a specified amount of money in transition costs to BGE. Senate Bill 1102, would have altered the manner of appointment of the members of the Public Service Commission (PSC). However, both pieces of legislation were vetoed and not overridden. The General Assembly returned for a special session in June to discuss their possible options in dealing with the rising cost of energy. Out of this special session came Senate Bill 1, which changes several provisions governing electric industry operations and state oversight. Members of the PSC must represent the geographic and demographic diversity of the state. The term of the PSC commissioners terminates on June 30, 2006. This act also calls for the Attorney General to appoint the People's Counsel with the advice and consent of the Senate. Furthermore, this legislation caps the initial rate increase at 15 percent instead of 72 percent. Finally, the PSC is blocked from taking final action to approve or disapprove a merger between FPL Group and Constellation Energy Group until the new PSC members are appointed. Governor Robert Ehrlich vetoed this legislation; however, the General Assembly overrode the veto and reestablished the law on June 23.

This legislation does not appear to be the end of this encounter. As of the date of this publication, PSC Chairman Kenneth Schisler asked the *Maryland* Supreme Court to block the law that would allow the legislature to replace the PSC. Additionally, this issue will continue to surface this fall and in the coming elections. "For better or for worse, it's going to be a political football in the primary and the general election," said **Delegate Dereck E. Davis**. He further stated, "Over the course of the campaign season, everybody is going to try to outdo one another in terms of how best to provide rate relief." Based on election outcomes in November, *Maryland* could face another uphill struggle to balance the demands of the public and help industry create a favorable and fair business climate.

As previously mentioned *Maryland* was not the only state that was active on this issue area. With House Bill 4715, *West Virginia* increased the power of the PSC to order the takeover of troubled utilities. *Virginia* expanded its definitions related to their net metering program with House Bill 1541. *Georgia* Senate Resolution 1195 urges the Environmental Protection Division of the Georgia Department of Natural Resources to allow peaking facilities to operate using fuel oil when necessary to assure a reliable energy supply for *Georgia*. Also, *Kentucky* Senate Bill 131 requires the PSC to approve certain long-term utilities' contracts for synthetic gas from coal.

Finally, tragedy can be a catalyst for states to identify new needs. In *Mississippi*, Hurricane Katrina led to a flurry of legislative activity during this legislative cycle. "*Mississippi* utilities responded quickly and effectively to power outages caused by the Hurricane. They demonstrated real concern for the people," remarked

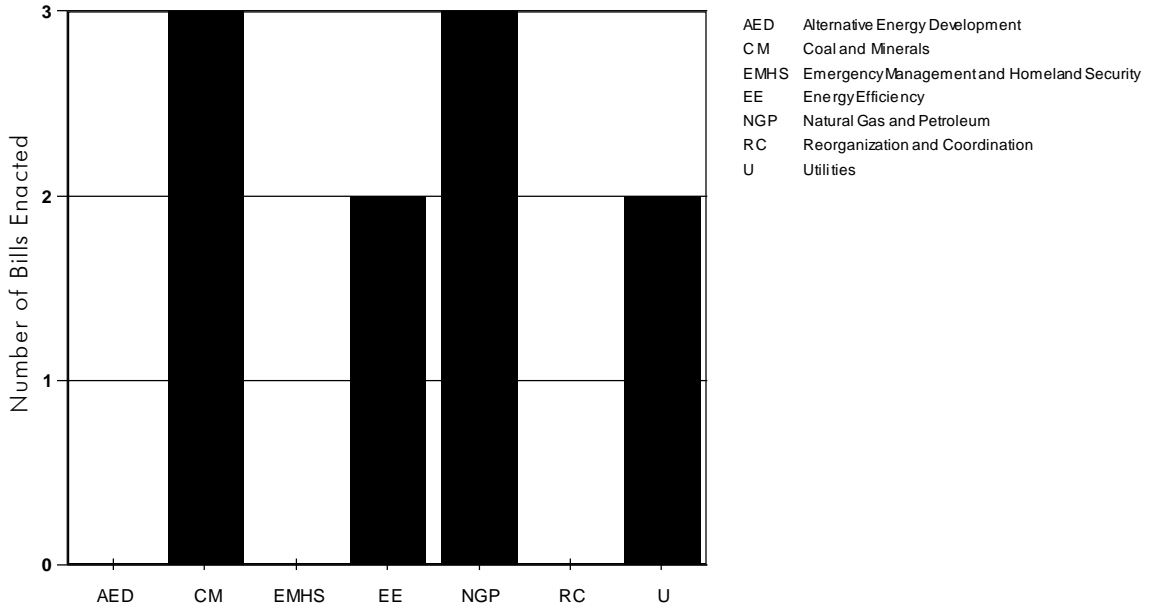


Representative John Raymond Reeves. The response to those utilities earned much respect for those companies, and those utilities were aided in their efforts to rebuild by the legislature. House Bill 1498 creates the Hurricane Katrina Electric Utility Customer Relief and Electric Utility System Restoration Act, which establishes a mechanism by which the *Mississippi* PSC may authorize and certify an electric utility financing order, and the state may issue general obligation bonds to pay the costs of repairing damage to their systems. **Representative Reeves** had this to say about the new financing options for utilities, “Innovative financing was adopted to allow the utilities to take advantage of lower interest rates afforded to the state through bonds. Those lower rates translated into a substantially smaller increase in power bills to pay for the damages.”

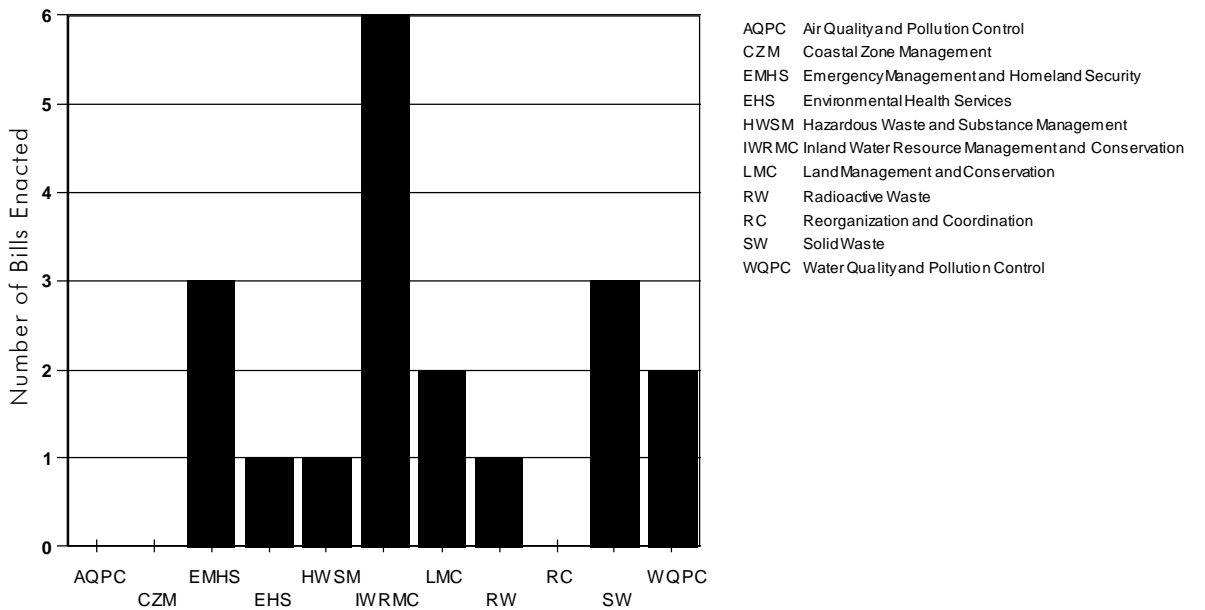
Alabama

Legislation Category Comparison

Energy Legislation



Environmental Legislation



Alabama

Energy Legislation

Coal and Minerals

HJR 63: Shoal Creek Mine Rescue Team

Commends the Shoal Creek Mine Rescue Team as the recipient of first place honors in the Virginia Mining Institute's Northern Safety Day.

SB 267: Alabama Surface Mining Commission

Continues the existence and functioning of the Alabama Surface Mining Commission.

SJR 19: Obey and Enforce State Coal Mining Laws

Urges, strongly, the Department of Industrial Relations to obey and enforce state coal mining laws.

Energy Efficiency

HJR 653: Alabama Building Code Study Commission

Creates the Alabama Building Code Study Commission to identify minimum standards of construction in response to federal requirements for the Federal Emergency Management Agency aid after a natural disaster such as a tornado, flood, hurricane, fire, or earthquake; and, to promote health, safety, and welfare of the public.

SB 86: Guaranteed Energy Cost Savings Contracts

Authorizes governmental units to enter into guaranteed energy cost savings contracts; provides for the time over which the contracts may be required to guarantee that the cost savings measures from the contracts will exceed the cost of the contracts and the time period over which payments may be made under the contracts.

Natural Gas and Petroleum

HB 731: Underground Natural Gas Storage

Relates to the definitions in the Tax Incentives Reform Act of 1992, to include within the definition of an industrial or research enterprise any underground natural gas storage facility, which is located in the Gulf Opportunity Zone, developed from existing geological reservoirs, including, without limitation, salt domes, and places in service on or before December 31, 2015.

SB 162: Notifying Servicing Liquefied Petroleum Gas Dealers

Requires that consumers notify servicing liquefied petroleum gas dealers prior to the installation, repair, maintenance, adjustment, or service of a liquefied petroleum gas appliance; requires dealers to maintain such notifications for a certain period of time; provides that in the event the consumer suffers injury or damage and the consumer had not first notified and afforded the servicing liquefied petroleum gas dealers the opportunity to install or repair the appliance, no legal action shall be maintained against the servicing liquefied petroleum gas dealer; and, provides that liquefied petroleum gas dealers are exempt from awards of punitive and exemplary damages under certain circumstances.

SB 245: State Oil and Gas Board

Continues the existence and functioning of the State Oil and Gas Board.

Utilities

HB 231: In-lieu-of-taxes payments – TVA

Redistributes in-lieu-of-taxes payments made by the Tennessee Valley Authority.

HJR 536: Alabama Power Company

Recognizes Alabama Power Company on its 100th Anniversary.

Alabama

Environmental Legislation

Emergency Management and Homeland Security

HB 107: State Emergencies and the Emergency Management Agency

Provides for the Governor's authority to proclaim an emergency; expands the authority of state and local responders regarding emergency preparedness and response; and, establishes degrees of emergency classifications.

SB 308: Food and Water Supply

Creates the crime of endangering the food supply and endangering the water supply and provides for penalties; makes endangering the food supply and endangering the water supply specified offenses.

SJR 107: Alabama Department of Senior Services

Recognizes the outstanding support for the Alabama Department of Senior Service during Hurricanes Katrina and Rita.

Environmental Health Services

HB 254: Animal Identification System

Authorizes the Alabama State Department of Agriculture and Industries to develop and implement an animal identification system; provides that the information collected to implement and maintain the system is confidential; and, to authorize the Department to make confidential certain information collected in the interest of public health, safety, and welfare.

Hazardous Waste and Substance Management

HB 126: State Fee Levied – Disposal

Provides for the state fee levied on the disposal at commercial hazardous waste disposal facilities of dust/sludge from the primary production of steel in electric arc furnaces and hazardous waste that will be de-characterized and rendered nonhazardous; and, provides for supplemental appropriations from the Environmental Management Fund in such amounts as deemed necessary by the Alabama Department of Environmental Management for the fiscal years ending September 30, 2006 and 2007.

Inland Water Resource Management and Conservation

HB 460: Water Transfer – Madison County

Prohibits the transfer of water from the Tennessee River Basin, for Madison County, under certain conditions.

HB 674: Water Transfer – Lawrence County

Prohibits the transfer of water from the Tennessee River Basin, for Lawrence County, under certain conditions.

HB 723: Water Transfer – Limestone County

Prohibits the transfer of water from the Tennessee River Basin, for Limestone County, under certain conditions.

HB 807: Water Transfer – Colbert County

Prohibits the transfer of water from the Tennessee River Basin, for Colbert County, under certain conditions.

SB 91: Voluntary Contributions

Authorizes county and municipal water systems to solicit their customers, through periodic billings, for voluntary contributions for local volunteer fire departments; requires prior authorization of the board of directors to participate; provides for the distributions of such contributions; and, to require volunteer fire departments to provide monthly estimates of water used to the water system providing water.

SB 491: Water Transfer – Limestone County

Prohibits the transfer of water from the Tennessee River Basin, for Limestone County, under certain conditions.

Land Management and Conservation

HB 302: Timber Sale from State Lands

Relates to the sale of timber or minerals from school lands or swamp and overflowed lands by the State Lands Division of the Department of Conservation and Natural Resources; to increase the dollar value limit up to which certain timber may be sold on a negotiated basis; and, provides that determinations of whether timber is damaged or diseased shall be made by the State Lands Division.

HB 654: Urban Renewal Projects

Relates to urban renewal projects; to further provide for the definition of blighted property and blighted areas and to limit the exercise of the power of eminent domain on blighted property.

Radioactive Waste

SB 262: State Radiation Control Agency

Continues the existence and functioning of the State Radiation Control Agency.

Solid Waste

HB 75: Solid Waste Disposal Sites

Provides for certain local application and renewal fees relating to local governmental approval of solid waste disposal sites; to further provide for the exemption for certain industrial landfills.

HB 346: Scrap Tire Hauling

Relates to the regulation of the receiving, transportation, and processing of scrap tires; provides further for exemptions for Class 2 receivers; further regulates transporters and processors; requires manifests to accompany scrap tire hauling; allows ADEM to further grant variances or provide additional requirements; allows information sharing between the Department of Insurance to clarify a reference to the ADEM director, and, further penalizes violators of processors and violators of ADEM compliance orders.

SB 373: Abandoned Motor Vehicles

Relates to abandoned motor vehicles; provides for procedures related to the sale of abandoned motor vehicles.

Water Quality and Pollution Control

SB 483: Wastewater Utilities – Baldwin County

Proposes an amendment to the Constitution of Alabama of 1901, relating to Baldwin County, to authorize the Legislature by general or local law to provide for the regulation of wastewater utilities in the unincorporated area of the county.

SJR 20: Storm Waste Management Authority

Urges municipalities in Jefferson County not to increase fees paid to the Storm Waste Management Authority and reject any prior decision made to increase such fees.

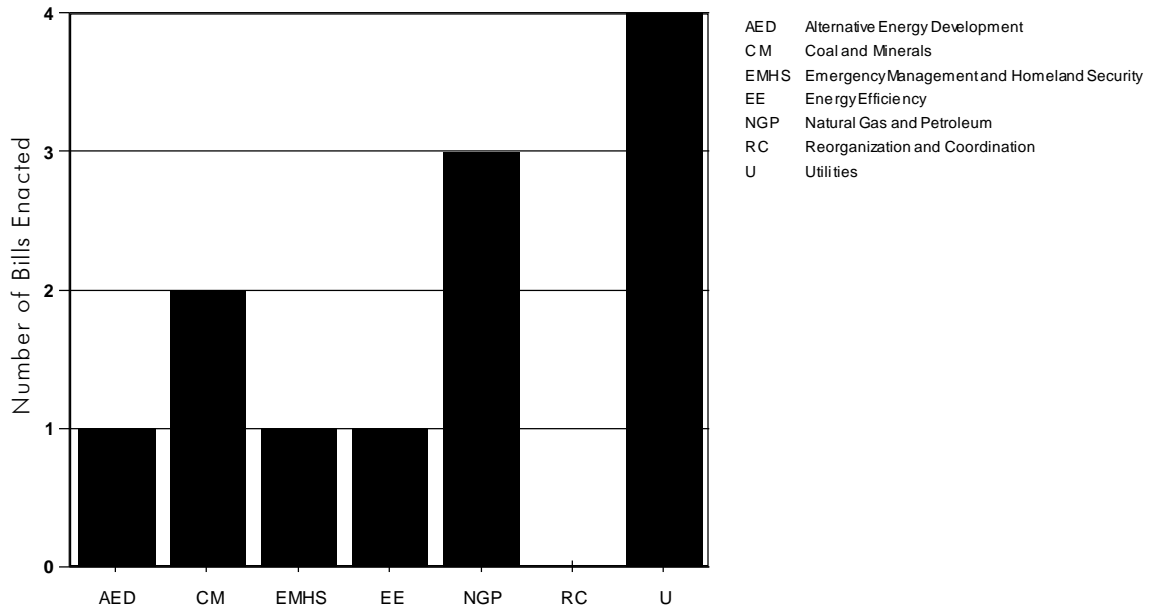
Arkansas

The Arkansas General Assembly did not hold a legislative session in 2006.

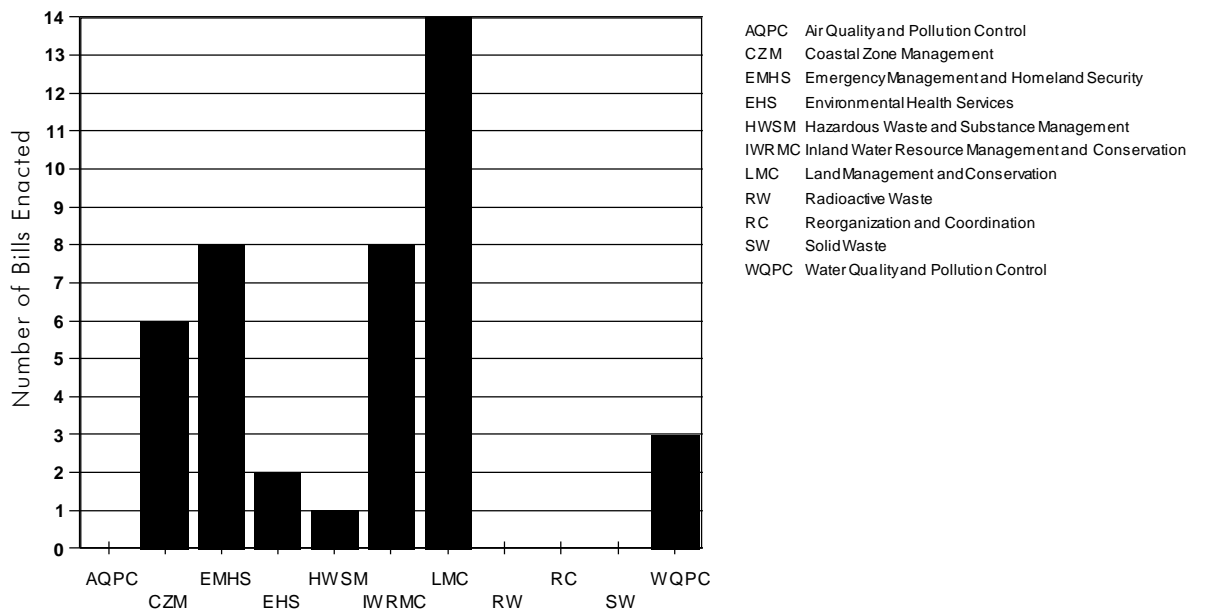
Florida

Legislation Category Comparison

Energy Legislation



Environmental Legislation



Florida

Energy Legislation

Alternative Energy Development

SB 888: Florida Renewable Energy Technologies and Energy Efficiency Act

Establishes a rebate program for solar photovoltaic electric systems and solar thermal systems installed on residential and commercial buildings; establishes the Renewable Energy Technologies Grant Program, which will provide matching grants for research and demonstration projects associated with the development of renewable energy systems, alternative fuel vehicles, and other energy technologies; creates tax incentives for the manufacture, sale, and use of hydrogen fuel cells and for the production, storage, and distribution of alternative fuels such as hydrogen, biodiesel, and ethanol; creates the Florida Energy Commission, a nine-member panel that will advise the state legislature on energy policy based on the guiding principles of reliability, efficiency, affordability, and energy diversity; and, provides a one-week sales tax holiday for the purchase of energy efficient products in October.

Coal and Minerals

HB 69: Florida Manufacturing Global Competitiveness Act

Designates the “Florida Manufacturing Global Competitiveness Act”; broadens an existing sales tax exemption for machinery and equipment purchased for use by new or expanding solid minerals, mining, and processing operations.

HB 1039: The Planned East Coast Buffer

Mandates that The Planned East Coast Buffer Water Resources Management Plan of the South Florida Water Management geographic boundaries for mining areas are subject to mitigation fees under the Miami-Dade County Lake Belt Mitigation Plan; provides for mitigation fee increases and imposes a water treatment plant upgrade fee; and, designates site 1 impoundment project of the Comprehensive Everglades Restoration Plan.

Emergency Management and Homeland Security

HB 285: Energy Crisis

Provides that nothing in the Florida Emergency Management Act and the Florida Emergency Planning and Community Right to Know Act shall be construed as authorizing the “seizure, taking, or confiscation of lawfully possessed weapons.” Reenacts a specified provision relating to the authority of the Governor to utilize specified emergency management powers to carry out emergency actions required by a serious shortage of energy sources under the energy emergency contingency plan of the Department of Environmental Protection.

Energy Efficiency

HR 9009: Energy Star

Recognizes October 5, 2006 as “Energy Star Change a Light Day.”

Natural Gas and Petroleum

HB 1533: Petroleum Contamination

Creates a presumption regarding the discovery of additional contamination at certain underground petroleum storage tank sites that are being upgraded to secondary containment as required by the Department of Environmental Protection. The presumption is that the secondary discovery of contamination is part of the original discharge that initially qualified the site for state funding. The bill also provides for certain conditions under which the presumption does not apply.

HB 7239: Department of Agriculture and Consumer Affairs

Defines the term “alternative fuel” and includes alternative fuel in the definition of petroleum fuel for purposes of inspection of petroleum fuel quality; and, exempts persons delivering specified amounts of liquefied petroleum gas to consumers from having to meet minimum storage requirements.

SB 818: Fuel Tax Collection Trust Fund

Modifies the transfer of funds from the Fuel Tax Collection Trust Fund within the Department of Highway Safety and Motor Vehicles; changes the fuel tax distribution by decreasing the transfer of funds to the Inland Protection Trust Fund and increasing the distribution to the Florida Coastal Protection Trust Fund.

Utilities

HB 789: Damage Prevention and Safety of Underground Facilities

Amends the Underground Facility Damage Prevention and Safety Act as follows: reduces the number of days that an excavator must provide certain information before beginning any excavation or demolition, from “not less than 2 or more than 5” business days to “not less than 2” business days; revises notification requirements for excavators; revises the non-criminal infraction section; and, provides additional exemptions for certain pest control services for certain situations where mechanized equipment is not used.

HB 1531: West Palm Beach Water Catchment Area

Revises the boundaries of West Palm Beach Water Catchment Area to reflect the resolution of the dispute between the City of West Palm Beach and Palm Beach County by defining respective retail utility service areas between the City and the County.

HB 7237: Public Service Commission Revisions

Deletes obsolete language relating to the regulation of railroads, the position of Chief Auditor, maximum regulatory assessment fees, other obsolete administrative language, and coal slurry pipelines. The bill also clarifies the beginning and ending dates of the term for newly appointed Commissioners.

SB 980: Electric Transmission and Distribution

Defines the term “distribution electric substation”; provides criteria for adoption and enforcement by local government of land development regulations for new electric substations; provides timeframe and procedures for local government to approve or deny application for electric substation; and, provides for the supervision of vegetation maintenance and tree pruning or trimming activities.

Florida

Environmental Legislation

Coastal Zone Management

HB 471: Fish and Wildlife

Defines the term “commercial harvester”; conforms penalty provisions for commercial harvesters; conforms provisions relating to the spiny lobster; specifies seasonal recreational activities for which a license or permit is required; provides for crossbow season permits; provides penalties for the taking of game and fish with a suspended or revoked license; and, creates the Wildlife Violators Compact.

HB 1249: Oyster Management and Restoration Programs

Repeals the 50-cents per bag surcharge on oysters harvested from the waters of Apalachicola Bay that is paid by the wholesale dealer first receiving, using, or selling the oysters, and which is distributed for oyster management and restoration programs in the bay.

HB 1299: Florida Keys Area

Creates a new process for removing the designation of the Florida Keys Area as an area of critical state concern and removes designation unless the Administration Commission finds that substantial progress toward specified goals has not been achieved; provides for continued state review of local regulations for compliance with wastewater treatment and hurricane evacuation goals.

HB 1359: Hazard Mitigation for Coastal Redevelopment

Authorizes the Department of Environmental Protection to revoke the authority for the emergency installation of a rigid coastal armoring structure by an agency, political subdivision, or municipality if such installation conflicts with certain public policies regarding adjacent properties, public access, or damage to vegetation or nesting turtle populations. The bill also authorizes the installation of sand filled tube structures provided certain conditions are met.

HB 7175: Vessels

Provides funding for local projects regarding uniform waterway markets, boat ramps, boat lifts and hoists, marine railways, public boat launching facilities, and derelict vessel removal; provides local regulation of anchoring within mooring fields; exempts certain floating vessel structures from environmental resource permitting; and, directs the Florida Fish and Wildlife Conservation Commission to implement a plan to seek federal disaster funds relating to the removal of derelict vessels.

SB 1948: Coastal Property

Prescribes additional disclosure requirements for sellers of coastal real property that are seaward of the coastal construction control line.

Emergency Management and Homeland Security

HB 47: Hurricane Preparedness

Provides that no sales tax will be collected from May 21, 2006 through June 1, 2006 and from May 20, 2007 through May 31, 2007 on: any portable self-powered light source selling for \$20 or less; any portable self-powered radio, two-way radio, or weatherband radio selling for \$50 or less; any tarpaulin or other flexible waterproof sheeting selling for \$50 or less; any gas or diesel fuel tank selling for \$25 or less;

batteries selling for \$30 or less; any portable generator used to provide light or communications or preserve food in the event of a power outage selling for \$30 or less, among other things.

HB 217: Sinkhole Insurance

Amends the laws governing property insurance claims relating to sinkhole damage; establishes an alternative process for resolving sinkhole disputes called “neutral evaluation.”

HB 737: Catastrophic Emergencies

Authorizes local governments to expend proceeds from the Local Government Infrastructure Surtax to fund improvements to certain private facilities that are used as public emergency shelters or staging areas for emergency response equipment during officially declared emergencies.

HB 911: Department of Management Services

Requires the Department of Management Services to include in its annual state facilities inventory report a list of state-owned facilities that have unoccupied space suitable for use as an emergency shelter.

HB 1435: Emergency Management

Provides for a codified direct operational relationship between the Governor and the Division of Emergency Management in carrying out the responsibilities related to emergency management.

HB 7121: Disaster Preparedness

Directs the Department of Community Affairs to conduct a feasibility study on incorporating into the state’s emergency management plan the logistical supply and distribution of essential commodities by non-government agencies and private entities.

HM 541: National Catastrophe Insurance Program

Urges the United States Congress to create a National Catastrophe Insurance Program. The resolution calls for a program that provides consumers with all-perils protection; promotes personal responsibility through mitigation; enhances local and state government’s role in catastrophic events; and, creates a national catastrophic financing mechanism.

SB 1774: Building Code

Authorizes the Florida Building Commission to amend the Florida Building Code to implement revised wind-design standards for new construction in the state, including the windborne-debris requirements applicable to the region from the eastern border of Franklin County to the Florida-Alabama line.

Environmental Health Services

HB 927: Mosquito Control District of Pinellas County

Abolishes the Mosquito Control District of Pinellas County, and provides for the transfer of assets and liabilities to Pinellas County.

SB 994: Citrus Canker

Replaces the Department of Agriculture and Consumer Affairs Services’ citrus canker eradication program with a comprehensive citrus health plan aimed at minimizing the impact of exotic citrus pests and diseases.

Hazardous Waste and Substance Management

HB 1155: Contaminated Dry-cleaning Facilities

Reopens the Dry-cleaning Solvent Cleanup Program for a person who owns or operates (or owned and operated) a dry cleaning facility where there is contamination at the site as a result of an accident that occurred prior to January 1, 1975.

Inland Water Resource Management and Conservation

HB 547: East County Water Control District

Amends the boundaries to East County Water Control District, an independent special district in Lee and Hendry Counties, to include two undeveloped parcels of land owned by separate entities.

HB 683: Growth Management

Revises provisions for filing certain interlocal agreements and amendments; encourages local governments to adopt recreational surface water use policies; provides criteria for calculating certain deviations; removes water port and marina developments from development-of-regional-impact review; and, provides that vesting provisions relating to authorized developments of regional impact are not applicable to certain projects.

HB 921: Pinellas County Water and Navigation Control Authority

Abolishes the Pinellas County Water and Navigation Control Authority, and provides for the transfer of assets and liabilities to Pinellas County.

HB 923: Troup-Indiantown Water Control District

Corrects the legal description of the boundaries of the Troup-Indiantown Water Control District, Martin County.

HB 1203: St. Johns Water Control District

Provides for boundaries and provisions, for the levy collection, and enforcement of installation and maintenance taxes by said district.

HB 1205: Indian River Farms Water Control District

Provides for boundaries and provisions, for the levy collection, and enforcement of installation and maintenance taxes by said district.

HB 7163: Environmental Permitting

Requires the Northwest Florida Water Management District and the Department of Environmental Protection to jointly develop rules for the regulation of certain activities related to stormwater management systems and the management and storage of surface waters; requires the district and the Department to streamline federal and state wetland permitting programs and to implement such measures; and, prohibits the limitation or restriction on the protections from duplication contained in certain provisions of the law.

SB 496: Citrus/Hernando Waterways Restoration Council

Increases the membership of the Citrus/Hernando Waterways Restoration Council and revises the duties of the council.

Land Management and Conservation

HB 265: Hunting Lands

Prohibits the Fish and Wildlife Conservation Commission (FWCC) from making any land management decisions, including any decisions made by private land owners, to close hunting lands managed by the FWCC, which will result in any net loss of habitat land acreage which is available for hunting on the effective date of the bill.

HB 273: Outdoor Advertising

Establishes “view zones” along the public rights-of-way of interstates, expressways, federal-aid primary highways, and the state highway system, excluding privately and other publicly owned property; allows the Florida Department of Transportation and sign owners to enter into agreements identifying the specific location of a billboard’s view zone; and, prohibits trees and other vegetation that are part of a beautification project from being planted in a billboard’s view zone.

HB 351: Community Residential Homes

Amends existing law relating to community residential homes to prevent the location of such facilities within 1000 feet of each other. Specifically, the bill expands the definition of “community residential homes” to include facilities licensed by numerous agencies rather than just the Department of Children and Family Services.

HB 1029: Firearms in National Forests

Repeals the statutes prohibiting persons from carrying firearms in national forests, authorizes special permits for the carrying of firearms in national forests; and, provides penalties for violations.

HB 1297: Town of Grant-Valkaria, Brevard County

Creates the town of Grant-Valkaria in Brevard County; establishes corporate boundaries, powers of the town, and a town council administrator form of government.

HB 1347: Babcock Ranch Preserve Act

Creates the “Babcock Ranch Preserve Act” and establishes the Babcock Ranch Preserve to protect and preserve the environmental, agricultural, scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the Babcock Ranch Preserve and to provide for the multiple use and sustained yield of the renewable surface resources within the Babcock Ranch Preserve.

HB 1567: Eminent Domain – Community Redevelopment Areas

Eliminates authority to take property for the purpose of eliminating slum or blight conditions in a geographical area and enhancing the tax base in community redevelopment areas.

HB 7131: Brownfields

Increases the amount of credit, from 35 percent to 50 percent, that may be applied against intangible personal property tax and corporate income tax for the voluntary cleanup costs of a contained brownfield or dry-cleaning site, and increases the amount of tax credit that may be granted to a tax credit applicant per year from \$250,000 to \$500,000; increases the total amount of tax credits which may be granted to brownfield cleanup from \$2 million annually to \$5 million annually; requires Enterprise Florida, Inc., to aggressively market brownfields.

HR 9001: City of Coconut Creek

Recognizes the City of Coconut Creek as the first city in Florida to be certified by the National Wildlife Federation as a Community Wildlife Habitat and designates February 25, 2006 as “The City of Coconut Creek Day” in Florida.

HJR 1569: Eminent Domain

Proposes an amendment to the State Constitution to prohibit the transfer of ownership or control of private real property taken by eminent domain pursuant to a petition filed on or after January 2, 2007, to any natural person or private entity.

SB 8: Eminent Domain

Prohibits, under certain conditions, state agency, political subdivision, or corporation acting on behalf of state agency or political subdivision from taking private property through the use of eminent domain.

SB 274: Defibrillators in State Parks

Encourages each state park to have on the premises at all times a functioning automated external defibrillator (AED). The bill requires state parks that have an AED to ensure that employees and volunteers are properly trained in the use of the AED.

SB 2728: Economic Development Incentives

Expands eligibility for capital investment tax credits to an expanded headquarters facility located in an enterprise zone and brownfield area.

SR 2144: Recreation and Parks Division

Commends the Recreation and Parks Division within the Department of Environmental Protection on excellence of its management of Florida's magnificent state park system and declares a year-long celebration of Florida State Parks.

Water Quality and Pollution Control

HB 749: Sewage Treatment and Disposal Systems

Requires county commissions to include certain studies for the construction of a new proposed sewerage system or the extension of an existing sewerage system in certain reports; authorizes local governments and certain water and sewer districts to grant variances from connecting to a publicly owned or investor-owned sewerage system under certain circumstances; and, authorizes the Department of Health or its agents to require repair or replacement of drain fields.

SB 1090: Water Well Contractors

Authorizes licensed water well contractors to facilitate performance of additional work incidental to construction, repair, or abandonment of water wells; requires the Department of Environment to include an administrative fee in its license-renewal method prescribed by rule; and, provides exemptions from continuing education requirements for water well contractors on active military duty and their spouses.

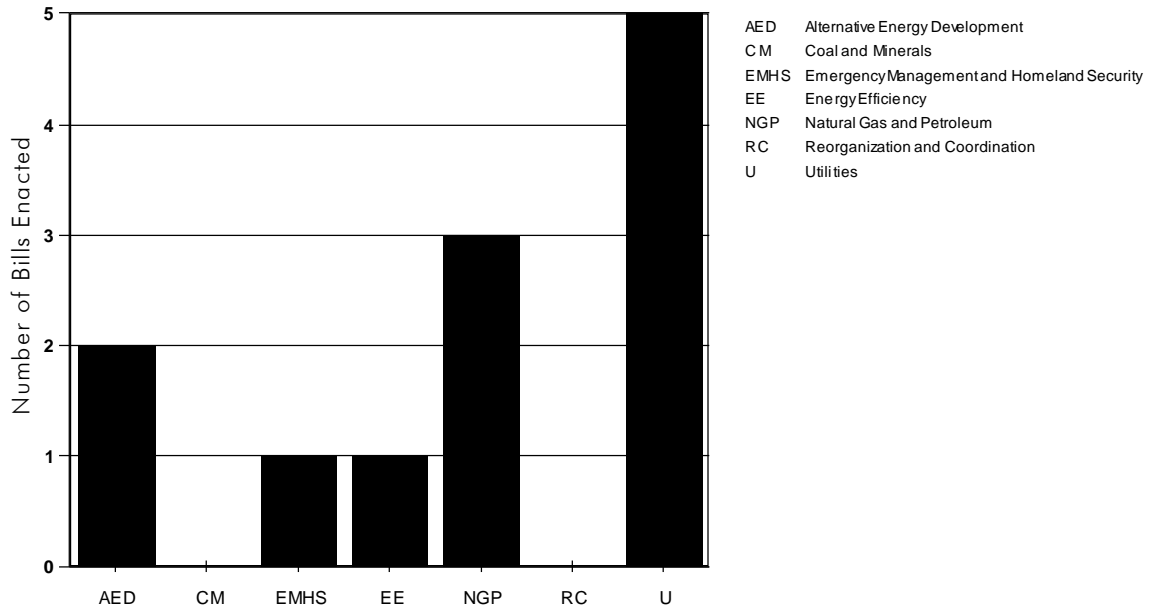
HR 9031: Drinking Water Day

Designates Wednesday, March 22, 2006, as "Drinking Water Day" in Florida.

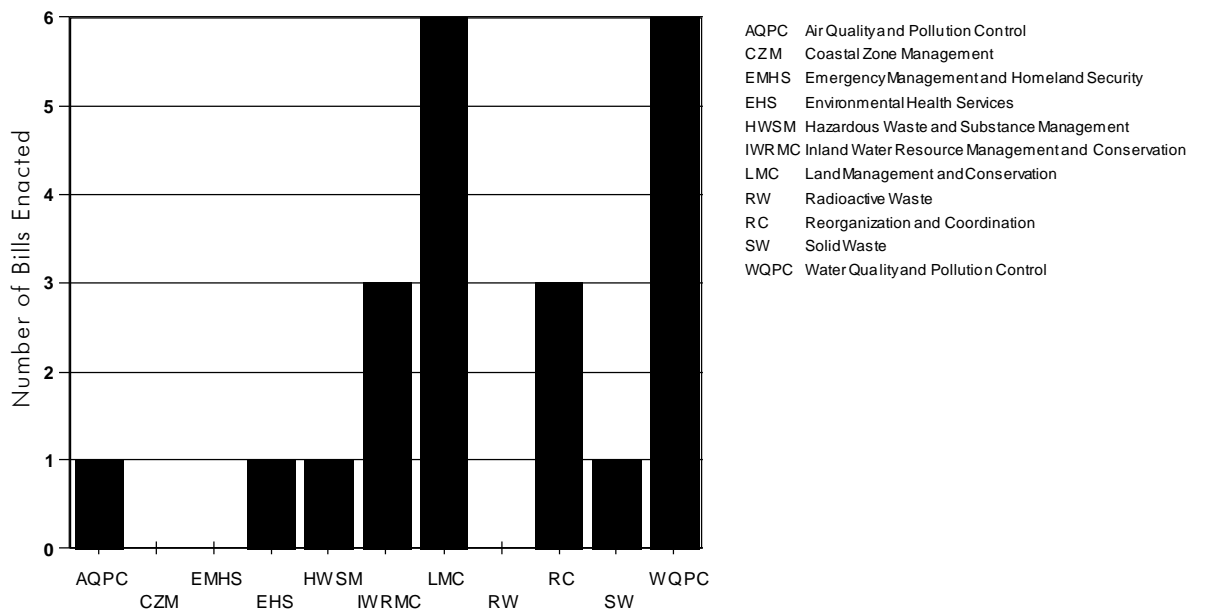
Georgia

Legislation Category Comparison

Energy Legislation



Environmental Legislation



Georgia

Energy Legislation

Alternative Energy Development

HB 1018: Biomass Sales and Use Taxes

Provides for an exemption of sales and use tax regarding the sale or use of biomass material utilized in the production of electrical power or the co-production or cogeneration of electrical and steam power, which is subsequently sold.

SB 636: Biodiesel Fuel – Defines

Makes it unlawful for any person to produce, offer for sale, or sell any biodiesel fuel to be used in blending such biodiesel with petroleum diesel fuel to create a blended fuel for subsequent sale for use in diesel engines unless that biodiesel fuel meets the specifications of American Society for Testing and Materials Standard D 6751.

Emergency Management and Homeland Security

SB 532: Facility Protection

Enhances the protection of facilities licensed by the United States Nuclear Regulatory Commission.

Energy Efficiency

HB 1219: Sales and Use Tax Exemptions – Energy Efficiency Products

Provides for an exemption from state sales and use tax only with respect to certain sales of certain energy efficient products for a limited period of time.

Natural Gas and Petroleum

HB 834: Fuel for Swine Raising Purposes

Provides for an exemption of state sales and use taxes regarding the sale of liquefied petroleum gas or other fuel used for certain swine raising purposes.

HB 970: Propane and Natural Gas Sales and Use Taxes

Provides for a partial exemption of state sales and use taxes applicable to the liquid propane gas commodity sold and delivered primarily for residential heating purposes and to charges for the natural gas commodity billed for residential use.

HB 1244: Motor Fuel

Changes certain provisions regarding exemptions of sales by duly licensed bulk distributors with respect to public mass transit bases.

Utilities

HB 1612: Catoosa County Board of Utilities

Creating a board of utilities commissioners for Catoosa County.

HB 1629: Lee County Utilities Authority

Provides for terms for Lee County Utilities Authority members and provides for the removal from office of authority members.

SB 209: Gas Supply Plans

Changes the time period for issuance of a Public Service Commission order after a hearing regarding a gas supply plan and adjustment factors filed by a gas utility.

SR 865: Electric Utilities - New Nuclear Plants in Georgia

Urges electric utilities to consider building new nuclear power plants in Georgia; also, urges the Public Service Commission to encourage such and give consideration.

SR 1195: Electric Generation Peaking Facilities

Urges the Environmental Protection Division of the Georgia Department of Natural Resources to allow peaking facilities to operate using fuel oil when necessary to assure a reliable energy supply for Georgia; and, to develop and present to the Board of the Department of Natural Resources any new rules necessary to ensure that the state will benefit from the operation of these facilities in times of distress or extreme demand.

Georgia

Environmental Legislation

Air Quality and Pollution Control

HB 194: Teleworking – Tax Credit

Provides for income tax credits with respect to teleworking for a limited period of time.

Environmental Health Services

SR 698: Sustainable and Environmentally Friendly Businesses

Commends Georgia’s sustainable businesses for their outstanding corporate citizenship and for creating innovative solutions and business models that turn waste into valuable resources, improved air and water quality, and enhance the environment for all Georgians.

Hazardous Waste and Substance Management

HB 1213: Poultry Disposal

Relates to live poultry dealers, brokers, and market operators, so as to provide for disposal of dead poultry in accordance with methods for disposal of dead animals generally; prohibits certain slaughter of poultry on the premises of dealers, brokers, and sales establishments.

Inland Water Resource Management and Conservation

HB 1078: Randolph County Water and Sewer Authority

Creates the Randolph County Water and Sewer Authority and provides for its purposes, powers, duties, and functions.

HB 1211: Southern Appalachian Brook Trout

Designates the Southern Appalachian Brook Trout as the official state cold water game fish.

HB 1490: State Park Lakes – Watercraft

Directing people to leave parks, historic sites, or recreational areas upon their refusal to observe rules and regulations and committing prohibited acts; changes, certain provisions relating to prohibitions against having or using certain boats on state park lakes.

Land Management and Conservation

HB 1097: Outdoor Advertising Signs

Provides that no such signs may advertise the availability of certain entertainment that appeals to the prurient interest; and, imposes certain height limitations on erecting certain outdoor advertising signs.

HB 1207: City of Hartwell Recreation Authority Act

Authorizes the Hartwell Recreation Authority to lease, sell, transfer, or otherwise dispose of real or tangible personal property owned by the Authority.

HB 1258: Appalachian Studies Center

Establishing the Appalachian Studies Center at North Georgia College and State University in Dahlonega as Georgia's official Appalachian Studies Center.

HB 1293: Conservation Use Covenant

Provides for additional acts which constitute a breach of conservation use covenant but incur a reduced penalty.

HB 1306: Condemnation of Property

Proposing an amendment to the Constitution so as to require that the condemnation of property for redevelopment purposes must be approved by vote of the elected governing authority of the county or city in which the property is located; and, restricts the use of eminent domain for redevelopment purposes to the elimination of affirmative harm.

HB 1313: Eminent Domain

Changes certain provisions regarding a housing authority's eminent domain power; changes certain language related to blighted areas; provides for a new definition of blighted area; and changes certain provisions regarding housing authorities' power of eminent domain.

Reorganization and Coordination**HB 1099: Redevelopment Powers – City of Alpharetta**

Exercises all redevelopment powers, provided for under the Redevelopment Powers Law; and provides for a referendum.

HB 1319: Georgia Environmental Facilities Authority

Changes certain provisions related to purpose, powers, and duties of the Authority; changes certain provisions relating to loans to local governments and repayment; changes certain provisions relating to lease agreements; and, changes certain provisions relating to review of contracts and agreements with local governments by the Environmental Protection Division of the Department of Natural Resources.

SB 191: Environmental Advisory Council

Provides for expedited review of certain applications for permits or variances performed by qualified professionals under contract with the Division for such purposes.

Solid Waste**HB 1320: Comprehensive Litter Prevention and Abatement Act of 2006**

Extensively revises various provisions relating to littering and related environmental offenses; provides for impoundment of vehicles involved in certain littering offenses; changes certain provisions relating to prohibited placement of campaign posters, signs, and advertisements; provides for reports by the Department of Community Affairs concerning prevention and abatement of litter; changes certain provisions relating to definitions relative to hazardous waste management; and, changes certain provisions relating to definitions relative to hazardous site response

Water Quality and Pollution Control

HB 724: Plumber

Relating to standards for sewage management systems, so as to provide that such Code section does not restrict certain work of a plumber licensed by the Construction Industry Licensing Board.

HB 784: Cherokee County Water and Sewerage Authority Act

Changes the provisions relating to the compensation of the chairperson and the members.

HB 1585: Brunswick-Glenn County Joint Water and Sewer Commission

Creates the Brunswick-Glenn County Joint Water and Sewer Commission; defines certain terms; provides for membership, appointment, terms, cooperation, quorums, and officers of the commission; also provides for a director, tax exemptions, and cumulative nature of powers.

HB 1651: Satilla Regional Water and Sewer Authority

Provides for the composition and selection of the members of the Satilla Authority; also, provides for the appointment term, evaluation of an executive director, and certain duties of the Authority.

SB 138: Cobb County-Marietta Water Authority

Changes the membership, vacancy, and quorum provisions regarding the Cobb County-Marietta Water Authority.

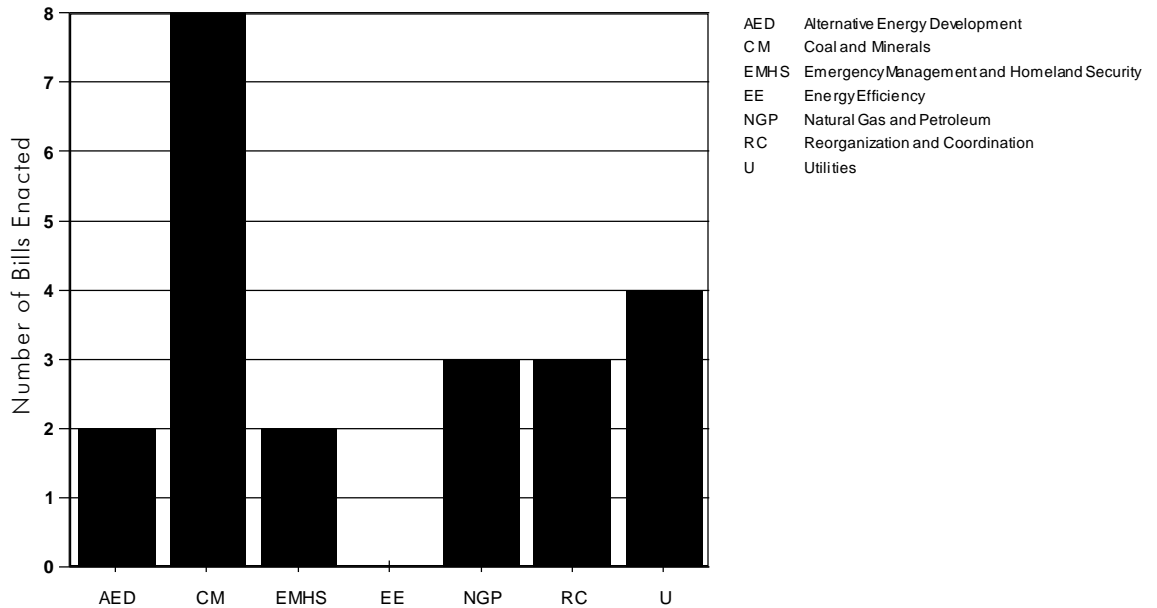
SB 627: Habersham County Water/Sewer Authority

Continues the existence and reconstitutes the Habersham County Water/Sewer Authority.

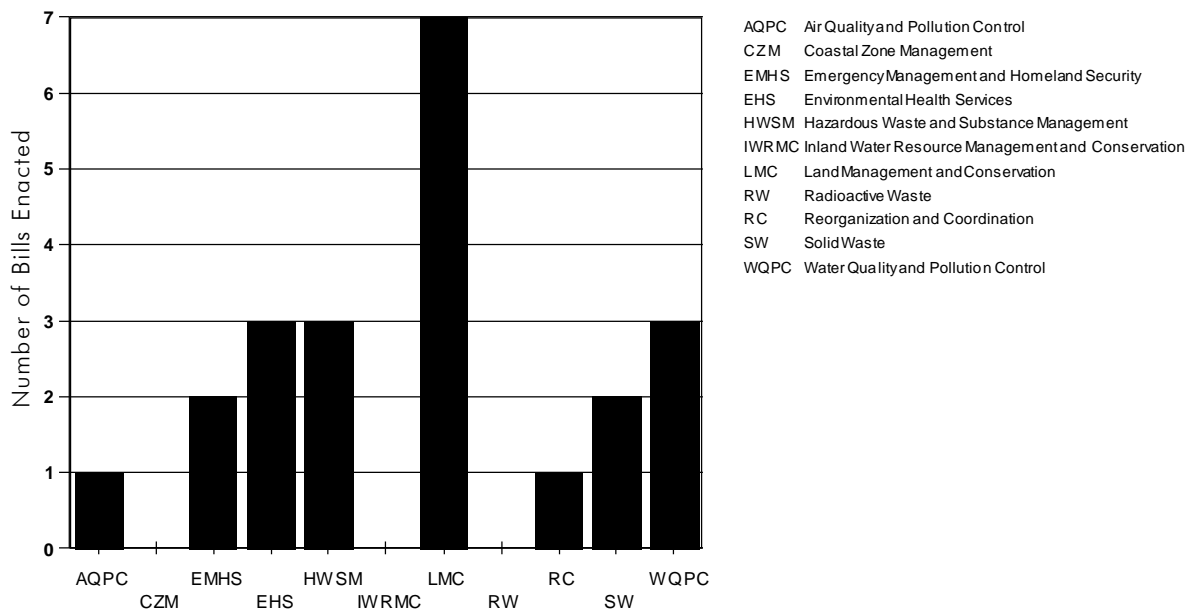
Kentucky

Legislation Category Comparison

Energy Legislation



Environmental Legislation



Kentucky

Energy Legislation

Alternative Energy Developments

HB 1: FutureGen Industrial Alliance (passed in special session)

Provides an exemption from sales tax for the purchase of tangible personal property used to construct, repair, renovate, or upgrade a coal-based near zero emission power plants.

HB 665: Qualified Electric Generating Facility

Defines a demonstration project for coal-based production of hydrogen and electricity as a qualifying electric generating facility.

Coal and Minerals

HB 299: Energy Independence

Makes findings concerning the need for national energy independence and the opportunity to be found in coal-to-liquid conversion and bio-based alternative fuels; directs the Office of Energy Policy to develop a strategy for production of transportation fuels from fossil energy resources and biomass, plus encouragement of renewable energy sources; directs the Office of Energy Policy to report findings and recommendations to the Governor and General Assembly.

HB 458: Conveyor Belt Inspections

Amends current law to provide that conveyor belt inspections be conducted by certified and properly trained persons.

HB 572: Drug Testing of Miners

Requires insurers to give a credit on workers compensation premiums for certified drug-free workplace policies implemented by licensees; requires certified miners to submit to drug and alcohol testing as a condition of certification; requires those persons seeking certification to provide proof and specify how proof is obtained; requires an employer to pay for one test for a newly certified miner and to reimburse for an applicant certified other than as a miner who is currently employed in the coal industry; provides that the Kentucky Office of Mine Safety and Licensing shall offer drug and alcohol testing or will contract for those services.

HJR 101: Coal Miner Recognition Day

Proclaims May 1 of each year as "Coal Miner Recognition Day."

SB 136: Surface Coal Mining

Deletes provisions exempting operations affecting two acres or less which commenced on or before June 5, 1987, and ended on or before November 7, 1988; deletes provisions relating to permit renewal applications not timely filed; deletes "support coal mining activities" language from requirements of a permanent road constructed on land above the highwall.

SB 137: Blasters Training

Extends to certified surface coal miners the requirement that an applicant for renewal of a blaster's license must have attended blaster's training during the preceding three years.

SB 138: Civil Fine for Blasting Operations

Provides a civil fine for a blasting operation that result in the death or serious injury of a person.

SB 200: Mine Safety

Provides for telephone or equivalent two-way communication facilities in underground and surface coal mines; requires the mapping of the mines and escape ways, for facilities to submit an emergency action plan, and for those plans to include emergency evacuation plans, firefighting programs, and roof control and ventilation plans.

Emergency Management and Homeland Security

HB 283: Weatherization and Low-Income Heating

Appropriates \$5 million from the budget reserve trust fund in fiscal year 2005-2006 to support the crisis component of the Low Income Home Energy Assistance Program; requires utilities to file an annual report regarding weatherization assistance and low-income heating programs.

HB 742: Home Energy Assistance

Establishes a voluntary energy cost assistance fund; allows municipalities that own, control, operate, or manage facilities to establish a voluntary energy cost assistance fund.

Natural Gas and Petroleum

HB 385: Electricians

Exempts employees of natural gas pipeline facilities performing work at those facilities from electrician licensing requirements.

HB 556: Gasoline and Special Fuels Reports

Requires that gasoline and special fuels reports be filed electronically for tax periods beginning on or after January 1, 2007; requires that gasoline and special fuel tax payments be made electronically.

SB 237: Blanket Bonding – Oil and Gas Wells

Creates a tiered structure for blanket bonding for both qualified and non-qualified operators; establishes additional requirements for qualified operators seeking a blanket bond; establishes methods for a qualified operator to demonstrate financial ability when seeking a blanket bond; and, requires operators that are corporate subsidiaries to have a corporate guarantee and specifies the elements of a corporate guarantee.

Reorganization and Coordination

HB 388: Workers' Compensation Funding Commission

Changes the membership of the Workers' Compensation Funding Commission to include the secretary of the Environmental and Public Protection Cabinet, or designee, instead of the commissioner of the Department of Labor.

HB 470: Administrative Hearings

Requires that administrative hearings held by the Environmental and Public Protection Cabinet be finished within a 180-day window.

SB 89: Kentucky Coal Council

Abolishes the Kentucky Coal Council and creates the Office of Energy Policy.

Utilities

HB 275: Sale of Electric Power from Cooperative to Nonmembers

Allows rural cooperative corporations, formed on or before December 31, 2005, to supply electric energy to nonmembers if hourly amount of electric energy is produced by a generator owned or leased by a corporation and an hourly amount of electric energy was previously used by a member of the corporation; provides that a sale of electric energy to a nonmember is considered member business.

HB 568: Nonprofit Cooperative Corporations

Allows a nonprofit cooperative corporation to be organized for the primary purpose of generating, purchasing, selling, transmitting, or distributing electric energy and providing any good or service related to generating, purchasing, selling, transmitting, or distributing electric energy and for the secondary purpose of engaging in any other lawful business or activity.

HB 626: Construction of Electric Transmission Facilities

Directs the Public Service Commission to consider the interstate benefits expected to be achieved by proposed construction of electric transmission facilities.

SB 131: Gas Distribution Utilities

Requires the Public Service Commission to approve certain long-term contracts by utilities for synthetic gas from coal.

Kentucky

Environmental Legislation

Air Quality and Pollution Control

SJR 228: Kentucky Mesonet

Recognizes the Kentucky Mesonet as the official source of climatological observations for the state.

Emergency Management and Homeland Security

SB 59: Office of Homeland Security

Creates new sections to establish the Kentucky Office of Homeland Security and its duties; attaches the Office of the Governor; requires the Governor to appoint the executive director of the Kentucky Office of Homeland Security; and, requires that the director of the Division of Emergency Management notify the executive director of the Kentucky Office of Homeland Security of all major emergencies and disasters and all responses to these events.

SB 170: License Plates

Changes the disaster and emergency management license plate to the emergency management license plate.

Environmental Health Services

HB 55: Smoking

Requires a smoking policy to be adopted by state government; permits smoking policies in local government office buildings or workplaces; and, permits those policies to restrict indoor smoking.

HB 117: Lead-based Paint and Lead Hazards

Defines “lead-based paint,” “lead hazard,” “lead-safe work practices,” “clearance examination,” “risk assessment,” and “elevated blood lead levels”; requires testing for an elevated blood lead level as part of the Early and Periodic Screening, Diagnosis and Treatment program; and, requires the Secretary to establish a statewide program for testing of at-risk persons.

SCR98: Bicycle and Pedestrian Activity Programs

Directs the Legislative Research Commission to study Kentucky’s bicycling and pedestrian activities, as well as options for increasing tourism related opportunities and improving public health through bicycling and pedestrian activity.

Hazardous Waste and Substance Management

HB 268: Fertilizers and Pesticides

Authorizes the department to prescribe methods to be used to test pesticides; promulgates administrative regulations establishing fees.

SB 75: Hazardous Waste Assessment Fee

Extends the hazardous waste assessment fee from June 30, 2006, to June 30, 2008; provides that the fee be waived for generators who owes less than \$50 for the year; and provides that a return be filed by generators who receive a waiver.

SB 76: Post-Closure Monitoring

Authorizes the Environmental and Public Protection Cabinet to review applications to cease post-closure monitoring of hazardous waste disposal sites at any time during the 30-year post-closure period.

Land Management and Conservation

HB 451: Boundary Surveys

Provides an exemption for boundary surveys that may be performed by employees of the Department of Fish and Wildlife Resources.

HB 508: Eminent Domain

Delineates the allowable public uses for eminent domain in the Commonwealth, by replacing the phrase “public purpose” with the phrase “public use.”

HCR 115: Task Force on Wildlife Conservation

Reauthorizes the Task Force on Funding for Wildlife Conservation.

HCR 120: Land Stewardship and Conservation Taskforce

Provides for the creation of a Land Stewardship and Conservation Taskforce to study strategies for the protection of natural areas, farmlands, habitats, and forests; and make report recommendations by June 30, 2007.

SB 147: Forestry Best Management Practices Board

Establishes Forestry Best Management Practices Board administrative procedures, funding, and reporting requirements.

SB 219: Statutory Easement of Necessity

Creates a statutory easement of necessity to conduct reclamation operations; specifies conditions to be met before easement is created.

SCR 130: Rock Fences

Encourages the Kentucky Heritage Council and Dry Stone Conservancy of Kentucky to document rock fences worthy of preservation and to develop standards for preservation and protection.

Reorganization and Coordination

HB 408: Asbestos Emergency Response Act – Transfer

Transfers administrative control of the Asbestos Emergency Response Act, called AHERA, from the Department of Environmental Protection, Division of Air Quality, to the Environmental and Public Protection Cabinet.

Solid Waste

HB 145: Waste Tire Fee

Extends the waste tire fee until July 31, 2010; requires the Environmental and Public Protection Cabinet to report to the General Assembly by January 15, 2010, on the effectiveness of the waste tire program and to make changes to conform.

SB 50: Solid Waste Management

Deletes the date for commencing collection of the environmental remediation fee; deletes obsolete study and reporting dates; includes recycling grants in the activities funded by the Kentucky Pride Fund; allows the Kentucky Pride Fund to retain unspent interest revenues; allows a portion of the environmental remediation fee to be used for recycling and household hazardous waste grants; establishes entities eligible to apply for recycling and household hazardous waste grants; allows for unspent or returned litter abatement funds to be carried forward; deletes requirement that illegal dump clean up grants will be semiannual; allows for the Cabinet to waive the grant match requirement for certain illegal dump clean-ups; establishes criteria for recycling and household hazardous waste grants; and makes technical corrections and renumbers accordingly.

Water Quality and Pollution Control

HB 383: Water Well Drillers

Provides for an increase in civil penalty for a person who does not comply with certification provisions for water well drillers.

HB 450: Logger Best Management Practices

Requires the Cabinet to immediately order a logger or operator to cease activity and implement corrective measures if the logger or operator has received two past bad actor designations and is violating use of the best management practices and is causing water pollution.

HB 573: On-site Sewage Systems

Removes regulatory authority for systems with greater than 10,000 gallons design flow; requires a tracking database and annual reporting relating to on-site sewage systems; provides for license engineer approvals of on-site systems; provides for prohibition on denying permit in absences of compelling reasons.

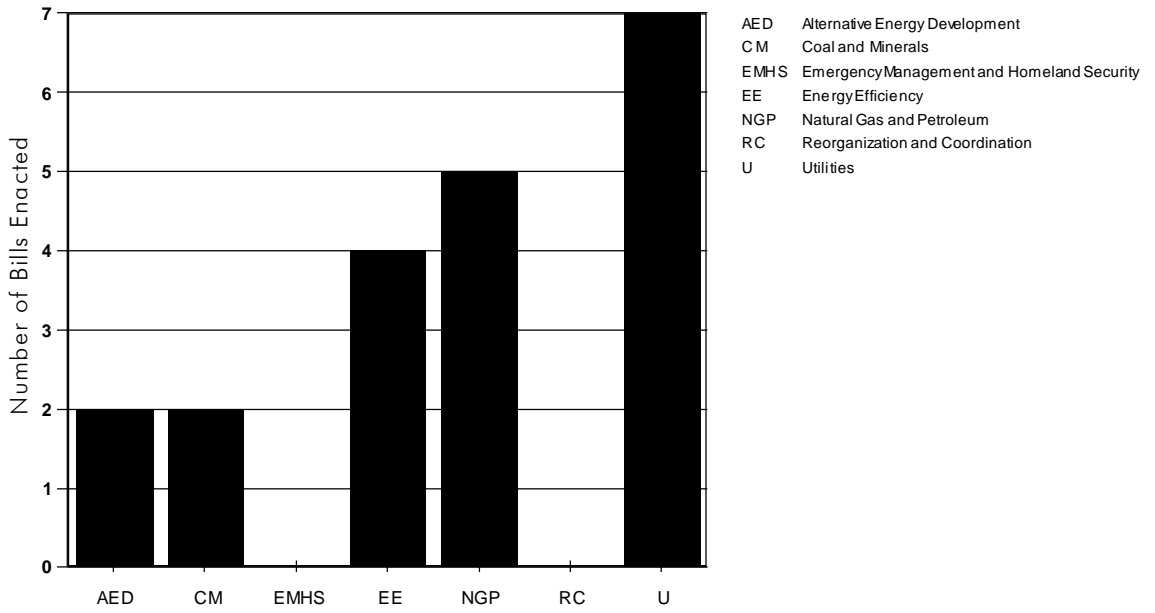
Louisiana

Legislative summaries for the 2006 session of the Louisiana State Legislature were not available at the time of printing. Information on these measures will be included in the final edition of the *Energy and Environment Legislative Digest 2006*.

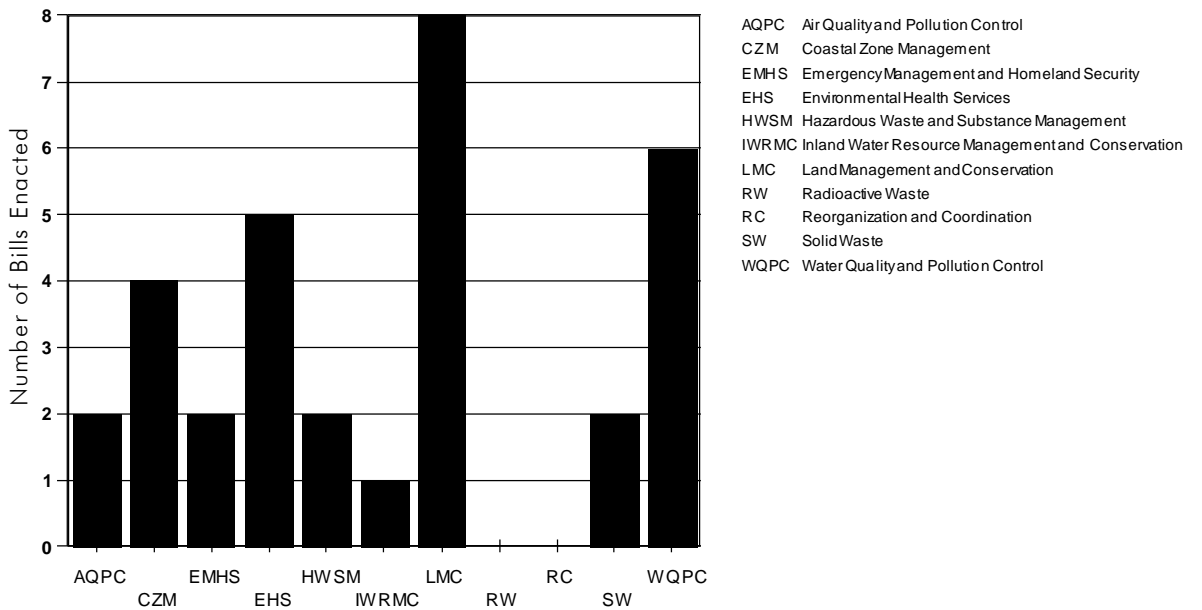
Maryland

Legislation Category Comparison

Energy Legislation



Environmental Legislation



Maryland

Energy Legislation

Alternative Energy Development

HB 395/SB 314: Maryland Clean Energy Incentive Act of 2006

Provides for an income tax credit for renewable energy to cover facilities placed in service on or after January 1, 2006 but before January 1, 2011; allows the credit to be claimed in addition to the federal income tax credit for renewable energy; expands the definition of qualified energy resources under the credit.

SB 54: State Fleet Biodiesel Fuel Usage Act of 2006

Requires the state to ensure that, in fiscal year 2008 and in each subsequent fiscal year, at least 50% of vehicles using diesel fuel in the state vehicle fleet use a blend of fuel that is at least 5% biodiesel fuel; exempts specified vehicles.

Coal and Minerals

HB 487/SB 335: Tax Credit for Maryland-Mined Coal

Alters tax credits allowed against specified taxes for the purchase of Maryland-mined coal.

HB 1451/SB 399: Coalbed Methane Production

Establishes the minimum required distance from an unleased property boundary for a coalbed methane well; authorizes the Maryland Department of the Environment to make inspections it determines necessary to ensure compliance; and, alters the requirement that the owner of the leased lands surrender the lands under specified circumstances.

Energy Efficiency

HB 1106/SB 485: Exemption of Maryland Building Performance Standards

Exempts Calvert, Charles, Dorchester, Frederick, Harford, Prince George's, St. Mary's, Somerset, and Talbot counties from the Maryland Building Performance Standards for the construction, alteration, or modifications of agricultural buildings used for which agritourism is an intended subordinate use; provides that an existing agricultural building used for agritourism is not considered as a change of occupancy that requires a building permit under specified circumstances.

HB 1211: Task Force on Green Building

Establishes a Task Force on Green Buildings; requires the Task Force to evaluate and make recommendations regarding studying low-impact development codes and green building techniques; evaluates best practices to improve communication regarding a green building program to communities and businesses and developers; and, identifies statewide potential for low-impact development projects and potential for cost reduction for stormwater management and road building and other infrastructure for communities in low-impact zoning areas.

HB 1463/SB 267: State Buildings Energy Efficiency and Conservation Act

Requires the Department of General Services, in cooperation with the Maryland Energy Administration, to set specified energy performance standards to require reductions of energy consumption in state

buildings by specified dates; provides an exception for specified buildings under the jurisdiction of the Department of Transportation; requires state agencies to conduct energy consumption analyses; requires state agencies to update energy conservation plans.

HB 1532: Qualifying Energy Conservation Devices for Electricity Generation

Adds generation of electricity to be used in a structure as one of the purposes for which a structure may use specified energy devices for the purposes of qualifying for local tax credits for structures using energy conservation devices.

Natural Gas and Petroleum

HB 1670/ SB 996: Baltimore County Liquefied Natural Gas Task Force

Establishes a Baltimore County Liquefied Natural Gas Task Force; provides for the composition and duties of the Task Force; requires the Department of the Environment to provide staffing for the Task Force; and, requires the Task Force to report to the Governor and the General Assembly by December 31, 2006.

HB 1708: Oil and Other Unctuous Substances

Prohibits a person from engaging in an operation involving specified activities related to oil and other unctuous substances unless the person submits to the Department of the Environment satisfactory evidence that the operation meets all applicable county zoning and land use requirements.

SB 113: Motor Fuel Violations

Authorizes a police officer to charge a person with a violation of specified laws relating to motor fuels by issuing a written traffic citation containing specified information.

SB 120: Gasoline Commingling by Brand or Grade

Prohibits a marina from commingling gasoline under specified circumstances; prohibits specified motor fuel sellers and transporters from commingling gasoline brand or grade; and, requires the State Comptroller to notify marinas in the state of the requirements of the Act.

SB 285: Gasoline Service Stations on Kennedy

Alters a provision of law governing the establishment of gasoline service stations at service areas on the John F. Kennedy Memorial Highway.

Utilities

HB 1/SB 1: Electric Industry Restructuring (Passed in 1st Special Session; vetoed but overridden)

Limits the increase in electricity rates in a specified service territory for a specified period; requires specified electric companies to obtain electricity supply for extended standard offer service to specified customers in specified manners; authorizes the Public Service Commission (PSC) to take specified actions concerning competitive auctions and implementation of electricity rates; and, alters the criteria for appointment to the PSC and the method of appointment of the People's Counsel.

HB 1323: Electric Companies - Net Energy Metering - Accrual of Generated Electricity - Crediting to Customer's Account

Allows customer-generators that own and operate, or lease and operate, specified solar, biomass, or wind electric generating facilities and that have a net energy metering contract with an electric company to

accrue electricity generation credit for a specified period; requires the electric company to carry forward a negative kilowatts per hour reading for a specified period under specified circumstances.

HB 1615: Construction of Electric Generating Stations

Requires the Public Service Commission to consider and take final action on a specified application for a certificate of public convenience and necessity to build a specified generating station designed to provide on-site generated electricity for an electric customer that uses a specified amount of electricity each year and that has a specified capacity in an expeditious manner under specified circumstances.

SB 167: Electric Companies - Net Energy Metering - Accrual of Generated Electricity

Allows customer--generators that own and operate solar, wind, or biomass electric generating facilities and use net energy metering, to accrue electricity generating credit for 12 months; alters a specified definition; requires an electric company to carry forward a negative kilowatt-hour reading until the customer-generator's consumption from the grid eliminates the credit or the accrual period expires.

SB 1099: Constellation Energy Group, Inc., and Baltimore Gas and Electric Company - Return of Transition Costs (Vetoed)

Prohibits a specified merger between FPL Group, Inc., and Constellation Energy Group, Inc., from occurring and prohibits Baltimore Gas and Electric Company (BGE) from increasing specified electricity rates until Constellation Energy returns a specified amount of money in transition costs to BGE; requires BGE to use specified transition costs to reduce a specified increase in specified electricity rates.

SB 1102: Public Service Commission (Vetoed)

Alters the manner of appointment of the members of the Public Service Commission; alters the manner of selecting the Chairman of the Commission; alters the beginning of the term of office of the members and Chairman of the Commission.

SB 1107: Public Service Companies - Issuance and Holding of Capital Stock and Debt

Provides that specified provisions of law do not prohibit a public service company from continuing to hold the capital stock of another public service company that it held on a specified date; provides that specified provisions of law do not apply to the issuance in a specified manner of stock, bonds, securities, notes, or other evidence of indebtedness by specified public service companies operating in Maryland that operate, but are not incorporated, in Maryland on or before a specified date.

Maryland

Environmental Legislation

Air Quality and Pollution Control

HB 189/SB 154: Healthy Air Act

Prohibits affected facilities collectively from emitting more than specified amounts per year of oxides of nitrogen, sulfur dioxide, and mercury, on or after specified dates; authorizes the Maryland Department of the Environment to set a specific interim stage of sulfur dioxide emissions reductions; and, requires the Governor to include the state in the Regional Greenhouse Gas Initiative.

HB 190: Electric Generating Stations – Approval Process for Modifications

Alters air quality permitting requirements under the authority of the Public Service Commission for specified modifications to electric generating stations.

Coastal Zone Management

HB 558: Bay Restoration Fund - Failing Onsite Sewage Disposal Systems

Authorizes specified money in the Bay Restoration Fund to be used to provide grants or loans for the cost of repairing or replacing a failing onsite sewage disposal system, with priority given to specified users; and, alters the priority for grants and loans from the Bay Restoration Fund.

HB1126/SB 751: Chesapeake and Atlantic Coastal Bays Critical Area Protection Program

Clarifies the authority of the Critical Area Commission and the chairman of the Critical Area Commission regarding program amendments and program refinements; alters the guidelines for local jurisdictions for the location of new intensely developed and limited development areas; alters the Commission's approval process for program amendments and program refinements; and clarifies the procedures for growth allocation requests by local jurisdictions.

HB 1188: Aquaculture Operations

Requires the Aquaculture Coordinating Council to investigate and to report to the Maryland Department of Natural Resources on or before December 31, 2006, regarding specified shellfish seed production, sale, and use and the feasibility and impacts of exempting aquaculture operations from specified harvesting restrictions.

HJR 7: Chesapeake Bay Cleanup and Restoration – Federal Funding

Urges the President of the United States to reconsider his recently released budget proposal and maintain the current levels of federal funding for Chesapeake Bay cleanup and restoration efforts, such as sewage treatment plant upgrades, oyster restoration, and other existing and beneficial programs that are designed to improve the health of the Bay.

Emergency Management and Homeland Security

HB 1104/SB 562: Fire Companies Limited Access to Private Water Sources

Authorizes a fire company, if there is no other water system available, to extinguish a fire or mitigate an emergency, to enter private property to obtain water from a private source to extinguish the fire or mitigate the emergency incident.

SB 125: Falsifying and Altering Permits, Licenses, and Certificates

Makes it a misdemeanor to knowingly falsify, alter, or cause another to falsify or alter any permit, license, or certificate issued or required by the Maryland Department of Environment to demonstrate compliance with any environmental regulation or permit condition.

Environmental Health Services**SB 109: Sound Level Meters - Use by Counties**

Requires the Department of the Environment to maintain at least two sound level meters and to maintain calibration of those meters at its own cost; requires the Department, at the request of a specified county, to make available one of its sound level meters; and, provides for the termination of the Act.

HB 412/SB 350: Task Force on Minority Participation in the Environmental Community

Establishes a task force on minority participation in the environmental community; requires the Task Force to evaluate and make recommendations regarding methods of improving minority participation in the environmental community, methods of improving communication to minority communities, and methods of improving the flow of information and services into minority communities.

HB 952/SB 586: Lead Poisoning -- Risk Reduction Standards

Exempts outside surfaces of residential rental property from specified lead paint risk reduction standards if the outside surfaces are lead-free and the owner submits to the Department of the Environment a verified inspection report that indicates that the outside surfaces were tested and are lead-free.

HB 1450: Reducing Lead Risk in Housing – Penalties

Increases the maximum administrative and civil penalty that may be imposed for specified violations relating to reducing lead risk in housing.

HB 1676: Lead Poisoning – Lead Testing

Alters the definition of “elevated blood level”; requires that the elevated blood lead concentration of a blood sampled be determined in a specified manner on or after July 1, 2006.

Hazardous Waste and Substance Management**HB 222: Required Signage for Commercial Fertilizer**

Requires retail outlets distributing commercial fertilizers in bags weighing 50 pounds or more to display a specified sign advising customers of specified damaging effects of fertilizer overuse and recommending receipt of a specified chemical analysis of the soil before using the fertilizer.

HB 1041/SB 772: Mercury-Added Products

Prohibits a specified marketer from selling or providing a thermostat containing mercury to a consumer; requires the Maryland Department of the Environment to make a specified report to the Governor and specified legislative committees on or before October 1, 2007, relating to the statewide collection, reclamation, and recycling of all products containing mercury; and, requires the Secretary of Environment to convene and consult with a specified advisory group in preparing the report.

Inland Water Management and Conservation

HB 1207: Hunting Wild Waterfowl -- Harford and Baltimore Counties

Alters the distance from 800 to 400 yards that a person must be from shore when hunting wild waterfowl in the waters of Harford and Baltimore counties while the person is standing in water on the natural bottom, in a boat that is drifting or being sculled, or in a boat that is anchored.

Land Management and Conservation

HB 90: Agricultural Land Preservation Foundation -- Dwelling Relocation

Authorizes the Agricultural Land Preservation Foundation to approve a landowner's request to relocate the site of an existing dwelling to another location on a farm that is subject to an easement or district agreement provided that specified conditions are fulfilled.

HB 460: Maryland Agricultural Land Preservation Fund

Authorizes the Maryland Agriculture Land Preservation Foundation to waive, under specified circumstances, restrictions concerning maximum lot sizes for released lots in preservation easements.

HB 1141: Local Government Planning – Comprehensive Plan

Requires a planning commission of a county or municipal corporation to include specified plan elements when developing a comprehensive plan: requiring water resources plan element and mineral resources plan element to be reviewed by the Maryland Department of the Environment and the Department of Natural Resources; furthermore, establishes a Task Force on the Future for Growth and Development in Maryland and exempts specified regulated lobbyists from provisions of the Maryland Public Ethics Law.

HB 1275/SB 361: Property Tax -- Assessment of Conservation Property

Alters the valuation and assessment for property tax purposes of specified property subject to specified perpetual conservation easements under specified circumstances; provides for a new subclass of real property for assessment purposes; and, provides for the application of the Act to taxable years beginning after June 30, 2006.

HB 1277/SB 844: Protected Lands - Local Land Use Applications

Authorizes a county or municipal corporation to deny applications for local land use, under specified circumstances, when the land is protected under specified land conservation programs within the Department of Natural Resources.

HB 1725/SB 1089: Howard County - Annexation of Land in Columbia

Authorizes, under specified circumstances, a specified parcel of land subject to a specified deed, agreement, and declaration, and located in a specified area of Howard County that is not part of a village or town center, to be annexed into the village or town center in which the parcel of land is located.

SB 123: Natural Resources - Tree Experts - Licensing

Alters the qualifications for licensure as a tree expert; alters testing requirements for a candidate for a tree expert license; provides for the termination of specified provisions of the Act; and, makes the Act an emergency measure.

SB 128: Department of Natural Resources - Collection Certificates

Authorizes the Secretary of Natural Resources to grant collection certificates for specified animals and animal products to specified individuals for educational purposes; and, authorizes the Secretary to adopt regulations governing the issuance, revocation, terms, and conditions of collection certificates.

Solid Waste

HB 363/SB 682: Removal of Solid Waste Acceptance Facilities

Authorizes a county to remove a proposed solid waste acceptance facility from the county plan under specified circumstances; and, provides for the construction and application of specified provisions of the Act.

HB 1238/SB 346: Newspapers -- Recycled Content Percentage Requirement

Alters the method of calculating the recycled content percentage requirements for newspapers distributed in the State; alters the method of calculating the newsprint recycling incentive fee.

Water Quality and Pollution Control

HB 91: Cost Sharing for Water Pollution Control

Increases the maximum amount of state cost sharing for water pollution control from \$75,000 to \$100,000.

HB 1221/SB 729: Redhouse Run Stormwater Systems Loan of 1984

Amends the Redhouse Run Stormwater Systems Loan of 1984 to extend the date by which the loan proceeds must be encumbered by the Board of Public Works or expended to June 1, 2007.

SB 51: Rubble Landfills – Location

Prohibits the Maryland Secretary of the Environment from issuing a permit to construct or operate a rubble landfill within a specified distance of Unicorn Lake in Queen Anne’s County and specified tributaries in Prince George’s County.

SB 379: Patuxent River Watershed

Requires upgrades to enhanced nutrient removal at specified wastewater treatment plants in the Patuxent River watershed on or before specified dates under specified circumstances.

SB 1036: Unpaid Sewerage Service

Extends the period of time after which a political subdivision or private water company may discount water service on a property if a bill for sewerage service is unpaid; authorizes a private water company to disconnect water service if a bill for sewerage service is unpaid for 45 days; and, authorizes a private water company to charge a reasonable reconnection charge in accordance with specified requirements when it reconnects water service.

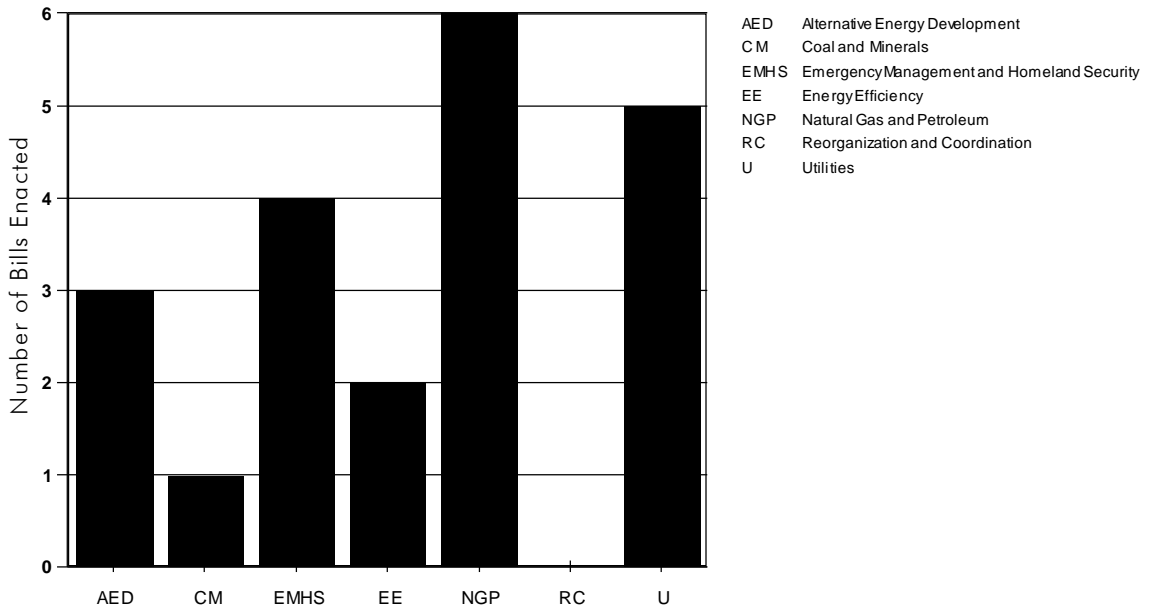
SB 1039: Water and Sewerage Systems – Dorchester County

Authorizes a sanitary commission in Dorchester County to set reasonable benefit assessments on specified property to pay the cost of capital improvements and repairs to the water or sewerage system.

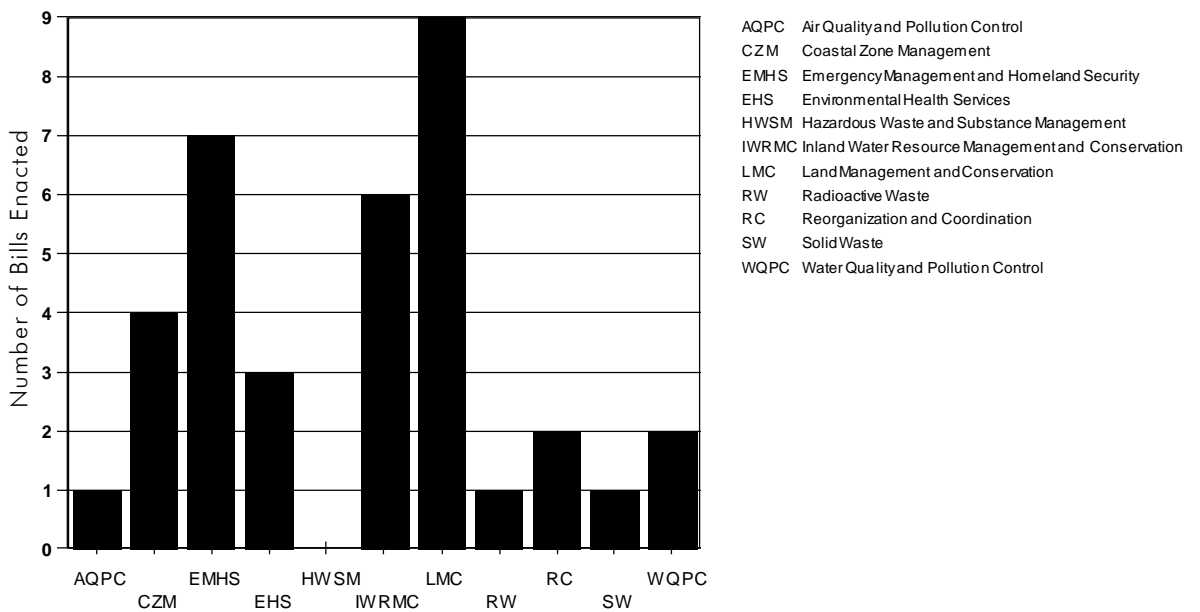
Mississippi

Legislation Category Comparison

Energy Legislation



Environmental Legislation



Mississippi

Energy Legislation

Alternative Energy Development

SB 2871: Corn Promotion Board

Creates the Corn Promotion Board; provides for an assessment on corn produced in the state; and, creates a special fund for such assessment.

SB 2873: Soybean Promotion Fund

Clarifies disbursement of soybean promotion funds; provides that agreements shall be remitted to a foundation as the Soybean Promotion Board deems necessary to ensure that the assessments are used to promote the soybean industry.

SB 2942: Biodiesel Study Committee

Creates a study committee on the potential of biodiesel fuel in the state of Mississippi.

Coal and Minerals

SB 3073: Tax on Mining

Repeals a tax, which is levied upon every person engaging in the business of mining, quarrying, drilling, or otherwise producing, or causing to be produced for sale, minerals except timber, oil, natural gas, and salt.

Emergency Management and Homeland Security

HCR 50: Mississippi Power

Commends Mississippi Power for its diligence, commitment, and success in restoring power to southeast Mississippi after Hurricane Katrina.

HCR 84: Entergy Mississippi, Inc.

Commends Entergy Mississippi, Inc., for its diligence, commitment, and success in restoring power to western Mississippi after Hurricane Katrina.

SCR 538: Cellular South Network

Commends Cellular South Network for performing exemplary service on the Mississippi Gulf Coast during the Hurricane Katrina crisis.

SCR 562: Mississippi Power Company

Commends Mississippi Power Company for performing exemplary service on the Mississippi Gulf Coast during the Hurricane Katrina crisis.

Energy Efficiency

HB 1440: Building Codes

Provides that the construction of any new public facility shall comply with certain building code standards as adopted by the Department of Finance and Administration, Bureau of Building, Grounds, and Real

Property Management; authorizes the Department of Finance and Administration, Bureau of Building, Grounds, and Real Property Management to regulate certain building features.

HB 1459: Energy Efficient Services

Revises the definition of “energy efficient services” for the purposes of contracting for or leasing energy efficiency equipment or energy services by public entities.

Natural Gas and Petroleum

HB 1067: Limitation Period

Provides that the notice to the taxpayer that tolls the limitation period on the recovery of additional taxes on gasoline, special fuel, lubricating oil, liquefied compressed gas, natural gas, locomotive fuel, and compressed gas used for certain purposes may be made either by certified mail or personal delivery of the notice by an agent of the State Tax Commission.

HB 1665: Gas Distribution System – Raleigh, Smith County

Authorizes the governing authorities of the town of Raleigh in Smith County, Mississippi, to expand its gas distribution system within a certain distance outside the corporate limits of the City.

HB 1672: Oil and Gas Severance Tax

Authorizes the Board of Supervisors of Jefferson Davis County, Mississippi, to expend a portion of the oil and gas severance tax revenue distributed to the county to assist in defraying the cost of garbage collection and disposal.

SB 2140: Excise Taxes – Volunteer Fire Departments

Provides a partial exemption from excise taxes for the sales of gasoline, special fuels, and compressed gas to volunteer fire departments for use in department vehicles.

SB 2560: Chickasawhay Natural Gas District

Requires the Chickasawhay Natural Gas District to provide procedures for electing certain officers and conducting meetings for the Board of Directors of the Chickasawhay Natural Gas District.

SB 3079: Sales Tax – Natural Gas

Limits the amount of sales tax levied upon the sale or use of natural gas by manufacturers, custom processors, certain technology intensive enterprises, or public service companies for industrial purposes.

Utilities

HB 567: Public Service Commission

Reenacts the Public Service Commission and prescribes its power and duties; extends the date of repeal on those sections establishing the Public Service Commission.

HB 1498: Electric Utility System Restoration Act

Creates the Hurricane Katrina Electric Utility Customer Relief and Electric Utility System Restoration Act; establishes a mechanism by which the Mississippi Public Service Commission may authorize and certify an electric utility financing order and the State may issue general obligation bonds to pay the costs of repairing damage to the systems of electric utilities caused by Hurricane Katrina; and, provides that the financing order shall require the electric utility to collect a system restoration charge from its retail customers sufficient to pay the debt service on any bonds issued.

HB 1616: V Lakes Utility District

Authorizes the Board of Commissioners of the V Lakes Utility District to petition for relief from debts and financial obligations of the district.

HB 1663: Panola County Utility District

Establishes a method for creation of the Panola County Utility District within Panola County, which may become incorporated as a water district, sewer district, fire protection district, natural gas district, or any combination; and, provides for the powers and duties of such district to issue bonds.

SB 2943: Utility Authorities

Creates the Mississippi Gulf Region Utility Board, the George County Utility Authority, the Stone County Utility Authority, the Pearl River County Utility Authority, the Hancock County Utility Authority, the Harrison County Utility Authority, and the Jackson County Utility Authority.

Mississippi

Environmental Legislation

Air Quality and Pollution Control

HR 120/SCR 645: World Asthma Day

Recognizes May 21, 2006, as “World Asthma Day.”

Coastal Zone Management

HB 769: Oyster Vessels

Provides for an alternative captain on commercial oyster vessels.

HB 770: Oyster Reefs

Conforms state law to federal regulatory technology. The Commission shall have full jurisdiction and control of all public and natural oyster reefs and oyster bottoms of the State of Mississippi. Also, public reefs may be opened for harvest of oysters during the season on a rotating basis.

HB 1034: Mississippi Delta Region Revitalization Act

Creates the Special Task Force for Revitalization of the Mississippi Delta Region; provides for the composition of the task force; provides that the University Research Center Bureau of Comprehensive Long Range Economic Development Planning shall serve the task force; and, sets forth the duties and responsibilities of the Bureau.

HR 57: Mississippi Gulf Coast National Heritage Area

Recognizing the Mississippi Congressional Delegation and the staff of the Mississippi Department of Marine Resources Comprehensive Resource Management Planning Program for their efforts in securing the designation of the Mississippi Gulf Coast National Heritage Area.

Emergency Management and Homeland Security

HB 1324: Performance of First Responders

Requires the John C. Stennis Institute of Government at Mississippi State University to conduct a comprehensive study of the performance of first responders to Hurricane Katrina.

HB 1406: Building Codes and Wind and Flood Mitigation Requirements

Requires Jackson, Harrison, Hancock, Stone, and Pearl River counties, and municipalities located therein, to enforce wind and flood mitigation requirements of certain nationally recognized codes and standards; provides that the Board of Supervisors of any such county and/or the governing authorities of any municipality within a county, upon resolution duly adopted and entered upon its minutes, may choose not to be subject to such code requirements; requires such counties and municipalities to adopt certain nationally recognized buildings and residential codes; and, creates the Mississippi Building Codes Council and provides for its membership.

SB 2384: Homestead Exemption

Provides that dwelling houses located in the counties of the state covered by the Presidential Declaration of Major Disaster dated August 29, 2005, that are damaged or destroyed as a result of Hurricane Katrina

so that the family group is compelled to temporarily reside in another place shall continue to be a home under the homestead exemption laws for a period of two years.

SB 2463: Reimbursement

Authorizes reimbursement to a political subdivision for employees' overtime while deployed as members of an emergency management support force; authorizes the use of the Disaster Assistance Trust Fund for reimbursement of costs to local governments for overtime and backfill of deployed personnel.

HR 94/SR 47: Freddie Mac

Commends Freddie Mac for rendering exemplary service to the Mississippi Gulf Coast in support of its rebuilding and recovery in the wake of Hurricane Katrina.

SCR 530: U.S. Senator Thad Cochran

Commends and extends the sincere thanks of the legislature to U.S. Senate Appropriations Chairman Thad Cochran (R-MS) for securing critical financial assistance to the Hurricane Katrina disaster victims.

SCR 608: Tree Farmers – Tax Relief

Urges the United States Congress to enact federal income tax relief to tree farmers who have suffered loss as a result of the Hurricane Katrina Disaster.

Environmental Health Services

HB 123: Mississippi Clean Indoor Air Act

Creates the "Mississippi Clean Indoor Air Act," which provides that there shall be no designated smoking areas in state office buildings and provides that smoking prohibitions apply to any state, county, or municipal government building. Furthermore this applies to public universities and college classroom buildings.

SB 2708: Nuisance Animals

Creates a nuisance class of animals and clarifies the trapping of such animals.

SB 2805: Interstate Pest Control Compact

Enacts and enters into the Interstate Pest Control Compact; provides that the Governor or the Commissioner of Agriculture may request assistance under the compact; and, designates the Commissioner of Agriculture and Commerce as compact administrator for the State of Mississippi.

Inland Water Resource Management and Conservation

HB 550: Flood Control Districts

Authorizes the formation of flood control and drainage control districts.

HB 594: Gulf States Marine Fishers Commission

Revises the composition of the Gulf States Marine Fisheries Commission.

HB 768: Wetlands Permit Application

Allows the commission on Marine Resources to grant extensions in the processing of wetlands permit applications.

HB 1367: State Scenic Stream – Red Creek

Designates a certain portion of Red Creek in Stone, George, and Jackson counties as a State Scenic Stream and to include the Stream in the State Scenic Streams Stewardship Program.

HB 1373: State Scenic Stream – Tombigee River

Designates a certain portion of the Tombigee River in Itawamba County as eligible for nomination to the State Scenic Streams Stewardship Program.

SB 2796: Erosion Control

Removes the repealer on the authority of a county to perform alteration and erosion control along streams.

Land Management and Conservation

HB 689: Income Tax Refund – Gifts and Contributions

Authorizes resident individual income taxpayers to designate any portion of their tax refund for contribution to the Mississippi Wildlife, Fisheries, and Parks Foundation. Additionally, this Act authorizes the Mississippi Commission on Wildlife, Fisheries, and Parks to solicit and receive gifts and contributions on behalf of the Mississippi Wildlife, Fisheries, and Parks foundations and transfer such gifts and contributions to the Foundation.

HB 698: Hunting

Provides an exception to hunter education requirements for children between the ages of 12 and 16. Authorizes the Commission on Wildlife, Fisheries, and Parks to issue a resident apprentice hunting license for residents without hunter education certificate.

HB 1144: Wild Animal Enclosures

Requires the Department of Wildlife, Fisheries, and Parks to inventory the number, location, and size of wild animal enclosures and the types of non-native animals held in such enclosures; and, clarifies the duties and powers related to wild animal enclosures of the Commission on Wildlife, Fisheries, and Parks and the Department of Wildlife, Fisheries and Parks.

SB 2075: Hunting Lands

Protects the hunting lands of Mississippi, to ensure that land will always be available to the citizens of Mississippi for purposes of hunting.

SB 2405: Mississippi River Timberlands Control Act of 1991

Repeals the Mississippi River Timberlands Control Act of 1991.

SB 2748: Conservation Officer

Provides that a conservation officer has immunity from criminal trespass when in performance of his official duties to enforce the game and fish laws of the State.

SB 2767: Sale of Game Animals, Birds, and Fish

Revises the prohibition on the sale of game animals, birds, and fish.

SB 2870: Forest Acreage Tax

Extends the date of repeal of the Forest Acreage Tax.

SB 2965: State Forester

Provides for the selection and qualification of a State Forester and establishes the powers and duties of the Commission.

Radioactive Waste

HB 646: Radioactive Materials

Increases the schedule of fees charged by the State Department of Health for the regulation of radioactive materials.

Reorganization and Coordination

HB 533: Department of Environmental Quality – Borrowing

Authorizes the Department of Environmental Quality to borrow from the Mississippi Development Bank.

SB 2724: Mississippi Institute for Forest Inventory

Places the Mississippi Institute for Forest Inventory within the State Forest Commission; provides for the appointment of the director of the Institute for Forest Inventory; provides for an advisory board to the Institute; and, provides that the State Forestry Commission shall have the power and duty to implement the Forest Inventory Act.

Solid Waste

HB 896: Solid Waste Management Plans

Provides the Mississippi Commission on Environmental Quality with sole authority to consider need in reviewing and approving or disapproving local non-hazardous solid waste management plans and to remove need consideration in issuance of permits for non-hazardous solid waste facilities; adds recycling to the authorization to participate in regional solid waste disposal and recovery systems; clarifies the intent for the Non-hazardous Solid Waste Planning Act; and, revises the rules and regulations of the Multimedia Pollution Prevention Act.

Water Quality and Pollution Control

HB 543: Mississippi On-site Wastewater Disposal System Law

Re-enacts the Mississippi on-site wastewater disposal system law and extends the date of the repealer on this Act.

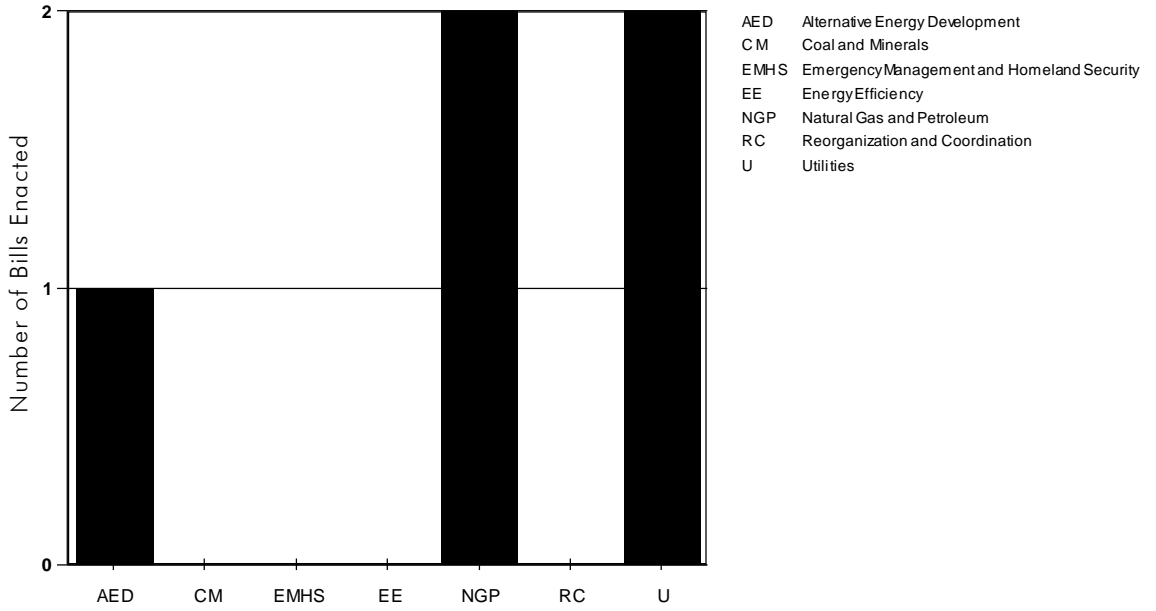
HB 561: Water Quality Analysis Fee

Increases the maximum water quality control analysis fee per connection that may be charged by the State Department of Health.

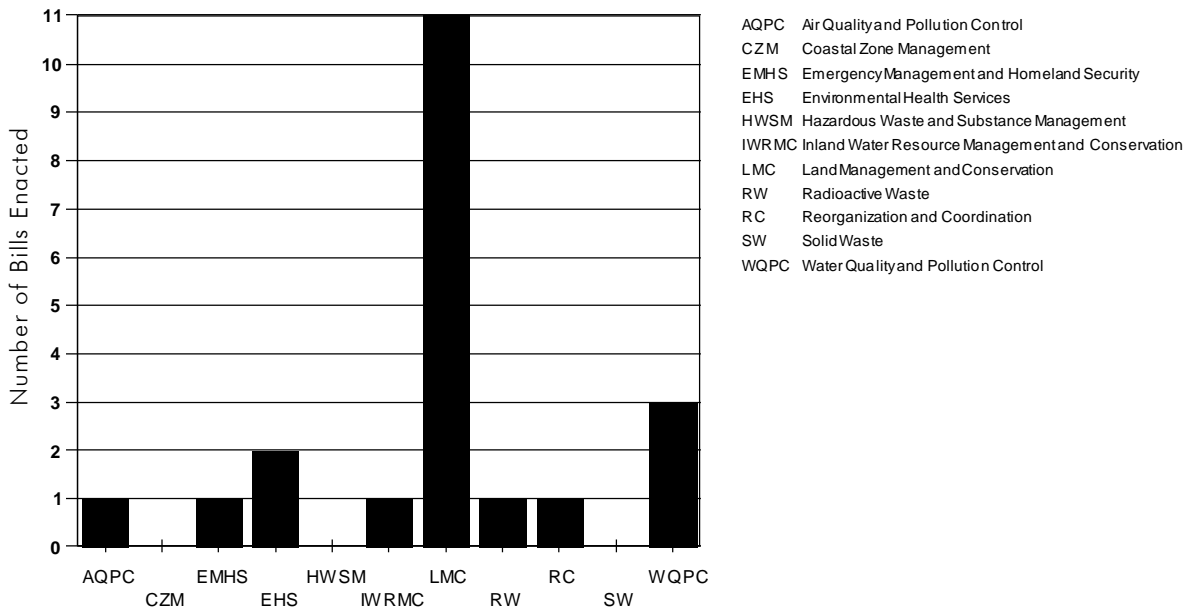
Missouri

Legislation Category Comparison

Energy Legislation



Environmental Legislation



Missouri

Energy Legislation

Alternative Energy Development

HB 1270 & 1027: Missouri Renewable Fuel Standard Act

Establishes the Missouri Renewable Fuel Standard Act, which requires, by January 1, 2008, that all gasoline sold in Missouri contains at least 10% agriculturally derived, denatured ethanol by volume, unless exempted by the federal Environmental Protection Agency, by a rule promulgated by the Director of the Department of Agriculture, or by an executive order issued by the Governor.

Natural Gas and Petroleum

SB 558: Gas Corporations for Schools

Removes the termination date for experimental tariffs put in place by the Public Service Commission and gas corporations for schools. The tariffs in question provide for the aggregate purchase of natural gas for schools in the state. Such tariffs shall remain in effect unless they are terminated by the commission.

SB1020: Fuel Storage Tanks – Financial Responsibility

Requires anyone who manufactures, installs, or repairs fuel storage tanks or piping for such tanks to maintain evidence of financial responsibility of one million dollars per occurrence and two million dollars in the aggregate to cover the costs of corrective action after a fuel release. The evidence shall be presented annually to the Department of Agriculture.

Utilities

SB 559: Joint Municipal Utility Commissions

Makes one change to the definition of “person” as it applies to joint municipal utility commissions. The change makes consistent that any municipality, government unit, or public corporation created under the laws of any state or the United States be considered a “person” under this new definition.

SB 1045: Statutes of Limitations

States that current provisions of law that declare that statutes of limitations are inapplicable to actions involving lands granted for any public, pious, or charitable use shall be construed to prohibit any claimant from adversely possessing any interest in land held by a public utility.

Missouri

Environmental Legislation

Air Quality and Pollution Control

SB 583: Emission Inspection Program

Creates a decentralized emissions inspection program whereby motor vehicle safety inspection stations and other entities will conduct emissions inspections if certified by the Air Conservation Commission.

Emergency Management and Homeland Security

HB 1509: State Fire Marshal

Expands the duties of the State Fire Marshal in the Division of Fire Safety within the Department of Public Safety to include the voluntary training of inspectors and public or private employees or volunteers in the field of emergency response, rescue, and fire prevention or preparedness. The fire marshal is required to establish and maintain a voluntary training and certification program based upon nationally recognized standards and is authorized to promulgate rules and regulations in order to administer the provisions of the bills.

Environmental Health Services

HB 1437: Advisory Committee on Poison Control

Dissolves the Advisory Committee on Poison Control and transfers its powers and certain duties to the Department of Health and Senior Services. The Department in conjunction with local health agencies and health care providers will determine the region to be served by the Missouri Regional Poison Information Center, and the requirement that an annual report be submitted to the presiding officers of the General Assembly and the Department is removed.

The Committee on Radiation Control, a subcommittee of the Missouri Atomic Energy Commission is also dissolved.

SB 1017: State Milk Board

Changes the official rating agency for the enforcement of standards relating to milk production from the Department of Health to the State Milk Board.

Inland Water Resource Management and Conservation

SB 1002: Drainage District

Allows a fee to be annually imposed in addition to the maintenance tax if the board of supervisors of a drainage district determines that the costs of preparing and processing the district's maintenance tax statement exceed the amount of the tax imposed.

Land Management and Conservation

HB 1494/SB 819: Land Surveyors

Authorizes the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects to issue land surveying and engineering licenses to persons meeting certain criteria specified in the bill.

HB 1617 & 1374: Liability of a Landowner

Changes the restrictions regarding the liability of a landowner who invites or allows individuals to use his or her land for recreational purposes to include the state-administered recreational access program.

HB 1944: Eminent Domain

Specifies that private property may only be taken through the use of eminent domain after determining blight of the property or the taking is for a public use and not without just compensation; defines “fair market value,” “heritage value,” “farmland,” and “homestead taking.”

SB 612: State Property – St. Francois County

Authorizes the Governor to convey state property in St. Francois County to the Farmington American Legion Post 416.

SB 809: Zoning Regulations

Provides cities, towns, and villages the option of adopting zoning regulations of the county in lieu of adopting their own municipal regulations through the passage of an ordinance.

SB 881: State Property – St. Francois County

Authorizes the Governor to convey state property to St. Francois County.

SB 931: Elections – Transportation Development District

Gives property owners one vote per acre when electing directors for a transportation development district. Under current law, qualified votes only get one vote regardless of property ownership.

SB 1003: State Property – Various Locations

Authorizes the Governor to convey state property located in St. Louis, Cole, Lincoln, Greene, St. Francois, Stoddard, and Jackson counties and the City of St. Louis. This Act contains an emergency clause.

SB 1008: Governor’s Advisory Council on Agricultural Science and Technology

Creates the Governor’s Advisory Council on Agricultural Science and Technology. The Council shall be responsible for identifying and appraising the Governor on new areas of agricultural science and technology as well as providing comment on regulatory matters, long-term needs for the agricultural science and technology sector, new developments in forestry technologies, and future opportunities for the plant biotechnology industry within the state.

SCR 30: Lake of the Ozarks

Asserts support for the formation of a task force to study the impact minimization zones (IMZs) filed with the Federal Energy Regulatory Commission and to work towards new plans that incorporate the recreational, environmental, and aesthetic values offered by the Lake of the Ozarks and to review any dock policies as they pertain to the IMZs. The Act urges the Federal Energy Regulatory Commission to delay authorizing any plan until the task force issues a revised plan.

SCR 31: National Animal Identification System

Urges the federal government to keep the National Animal Identification System a voluntary program with regard to the identification program and marketing practices. The General Assembly opposes such animal identification programs being mandatory.

Radioactive Waste**SB 677: Radiation Control**

Removes references to the Committee on Radiation Control, and enacts in lieu thereof three new sections relating to radiation control.

Reorganization and Coordination**SB 718: Loan Request**

Authorizes the Missouri Development Finance Board, the Missouri Health and Education Facilities Authority, the Missouri Higher Education Loan Authority, The Missouri Housing Development Commission, and the Environmental Improvement and Energy Resources Authority to approve a loan request only if the means of repayment is readily ascertainable.

Water Quality and Pollution Control**HB 1149: Bonds for Grants and Loans**

Authorizes the Board of Fund Commissioners, in addition to the amounts authorized prior to August 28, 2007, to issue bonds for grants and loans under Article III of the Missouri Constitution. The additional amounts authorized are \$10 million for water pollution control, improvement of drinking water systems, and storm water control; \$10 million for rural water and sewer; and, \$20 million for storm water control in first classification counties and St. Louis City; also, increases the maximum amount of fees that can be charged by the Department of Natural Resources in order to comply with the Federal Safe Drinking Water Act.

SB 802: Definitions

Defines the terms “owner,” “registered voter,” and “voter” when used in provisions about certain sewer districts. This Act has an emergency clause.

SB 1165: State’s Clean Water Responsibilities

Directs the creation of a joint committee that shall consider proposals for the state’s implementation of the federal clean water program, storm water, and related state clean water responsibilities. The committee’s report shall be due no later than December 31, 2008.

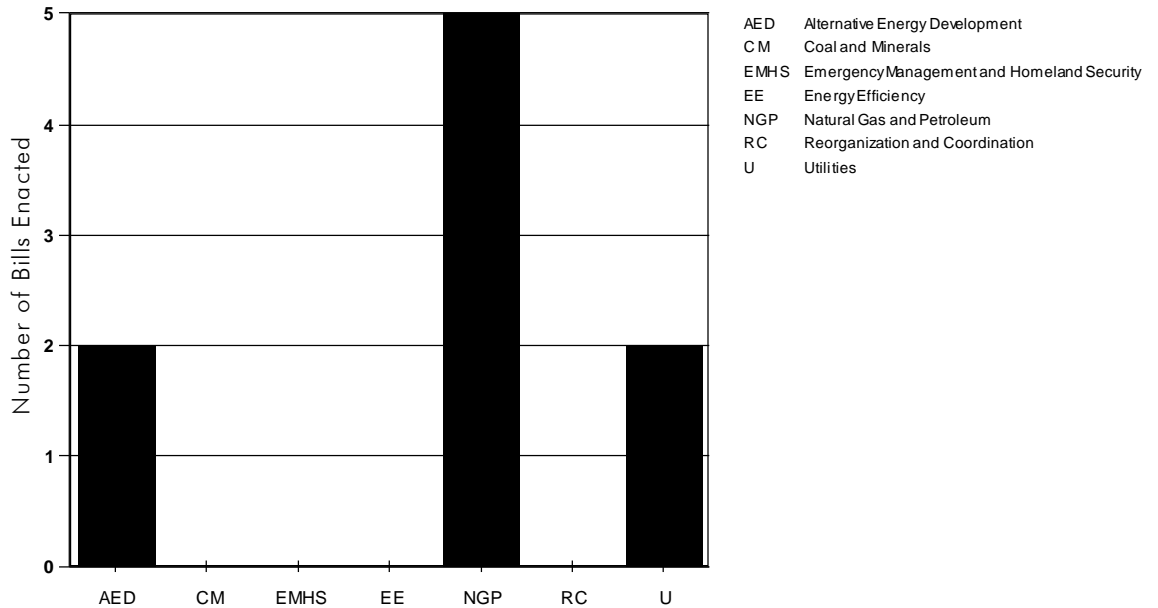
North Carolina

Legislative summaries for the 2006 session of the North Carolina General Assembly were not available at the time of printing. Information on these measures will be included in the final edition of the *Energy and Environment Legislative Digest 2006*.

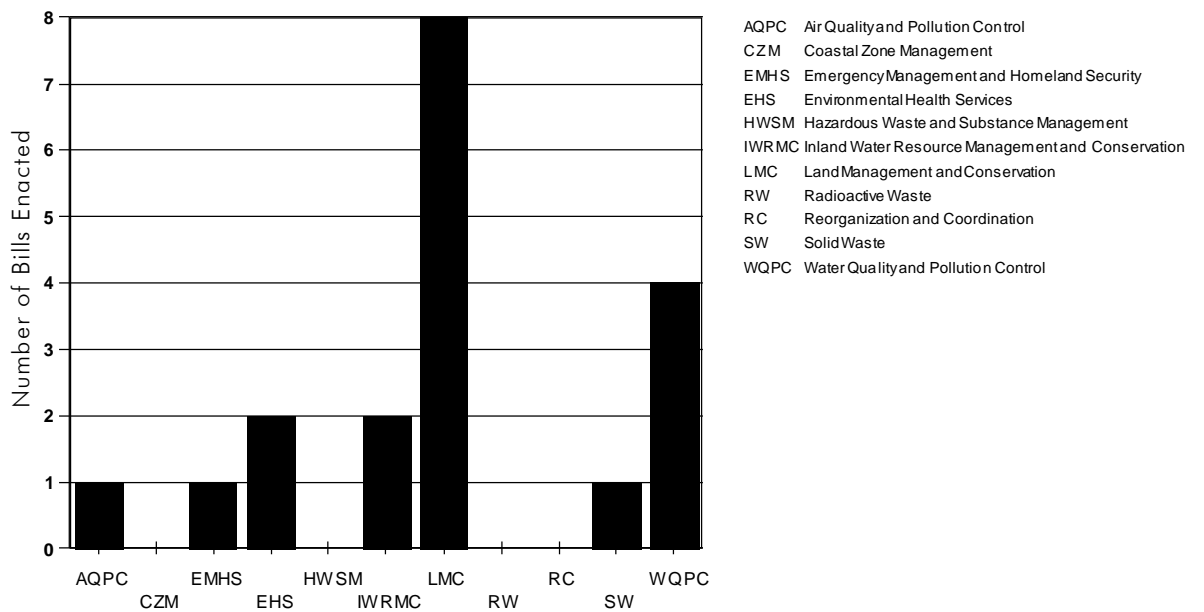
Oklahoma

Legislation Category Comparison

Energy Legislation



Environmental Legislation



Oklahoma

Energy Legislation

Alternative Energy Development

HB 2129: Oklahoma Wheat Utilization, Research, and Market Development Commission

Recreates the Oklahoma Wheat Utilization, Research, and Market Development Commission; modifies its termination date.

SR 102: Total Energy State

Requests the Governor of the State of Oklahoma to support Oklahoma as a Total Energy State; encourages the development of alternative sources of energy, and promotes conservation and efficiency.

Natural Gas and Petroleum

HB 1913: Oil and Gas Definitions

Alters oil and gas definitions and declares an emergency.

HB 2124: Oklahoma Liquefied Petroleum Gas Research, Marketing, and Safety Commission

Recreates the Oklahoma Liquefied Petroleum Gas Research, Marketing, and Safety Commission; modifies its termination date.

HB 2691: Oil and Gas

Relating to oil and gas; provides for recodification and declaring an emergency.

HB 2810: Refinery Revitalization Act

Creates the Oklahoma Refinery Revitalization Act; requests the Environmental Protection Agency to negotiate with the Department of Environmental Quality for a Refinery Permitting Cooperative Agreement; directs the executive director to establish a schedule and preapplication process for refinery facility applications; directs the Corporation Commission to cooperate with the Federal Energy Regulatory Commission on authorizations for crude oil or refined petroleum product pipeline facilities; and, among other things, authorizes the holder of a Commission order to acquire property through eminent domain.

SB 1366: Tax on Motor Fuel

Imposes a one cent (\$0.01) assessment per gallon upon the sale of each gallon of motor fuel, diesel fuel, and blending materials used or consumed in Oklahoma. The assessment imposed will be for the purposes of providing revenue to: the Oklahoma Corporation Commission Revolving fund; the Petroleum Storage Tank Indemnity Fund; the State Transportation Fund; the Corporation Commission Storage Tank Revolving Fund; Department of Environmental Quality Revolving Fund; and, the Higher Education Facilities Revolving Fund.

Utilities

HB 2355: Oklahoma Municipal Power Authority

Allows the Oklahoma Municipal Power Authority to plan, finance, acquire, construct, reconstruct, own, lease, operate, maintain, repair, improve, extend or otherwise participate, individually or jointly with other persons, in one or more projects, act as its agent in connection with the planning, financing, acquisition, construction, reconstruction, ownership, lease, operation, maintenance, repair, or extension or

improvement of the project; allows the Authority to investigate the desirability of and necessity for additional sources and supplies of electrical energy and fuel; and, authorizes the Authority to acquire, hold, use, and dispose of income, revenues, funds, and money.

SR 115: Long Term Power Sales Agreements

Requests the Oklahoma Corporation Commission to deny an application.

Oklahoma

Environmental Legislation

Air Quality and Pollution Control

HB 2150: Oklahoma Climatological Survey

Recreates the Oklahoma Climatological Survey; modifies its termination date.

Emergency Management and Homeland Security

SB 1481: Emergency Drought Conditions

Requires the State Board of Agriculture to monitor the condition of forest resources and emergency drought conditions; authorizes the Board to prevent and extinguish forest fires, enforce all laws pertaining to forests and woodlands, and to monitor the health, inventory, and condition of the state's forest resources.

Environmental Health Services

SB 1463: Lead Impacted Communities Relocation Act

Authorizes the Department of Environmental Quality to make grants, from monies appropriated for that purpose, to state beneficiary public trusts serving communities affected by historic lead and zinc mining and located within the boundaries of federal Superfund sites.

SB 1614: Boll Weevil

Adds "posteradication maintenance and control" to the Boll Weevil Eradication Act; authorizes the Commissioner in conjunction with the State Board of Agriculture to review and make recommendations to the Legislature regarding the boll weevil eradication and posteradication maintenance and control program.

Inland Water Resource Management and Conservation

SB 1574: Waste of Groundwater

Authorizes the Oklahoma Water Resources Board to not permit any fresh groundwater user to commit waste by: drilling a well, taking or using fresh groundwater without a permit; taking more fresh groundwater than is authorized by the permit; taking or using fresh groundwater in any manner so that the water is lost for beneficial use; transporting fresh groundwater from a well to the place of use in such a manner that there is an excessive loss in transit; and, using fresh groundwater in such an inefficient manner that excessive losses occur.

SCR 49: Water Day

Designates April 19, 2006, "Water Day" at the State Capitol.

Land Management and Conservation

HB 2122: State Board of Registration for Foresters

Recreates the State Board of Registration for Foresters; modifies the termination date.

HB 2530: Land Surveyors

Defines “professional land surveyor,” “land surveyor intern,” and the “practice of land surveying.”

HB 2984: Lawful Burning

Allows the owner of croplands, rangelands, or forestlands to set the land on fire for the purposes of: cedar tree eradication; managing or manipulating plant species present whether grass, weeds, brush, or trees; and, destroying detrimental or unwanted plants, plant parts, shrubs, or trees.

HB 3016: Consent to Hunt

Creates the presumption that consent to hunt or fish is valid for a specific period of time on the land of another owner, lessee, or occupant.

SB 1296: Open Season

Modifies the powers of the Wildlife Conservation Committee; limits open season on mountain lions and authorizes open season on otters.

SB 1460: Uniform Environmental Covenants Act

Creates the Uniform Environmental Covenants Act; imposes activity and use limitations.

SB 1549: Prescribed Burning

Creates the Oklahoma Prescribed Burning Safety and Liability Task Force; provides for its memberships, appointment of chair and vice-chair, meetings, reimbursement of travel expenses, staff, and for the termination of the Task Force.

SB 1938: Oklahoma Highway Remediation and Cleanup Services Act

Creates the Oklahoma Highway Remediation and Cleanup Services Act; authorizes the Department of Environmental Quality to license, supervise, govern, and regulate highway remediation and cleanup services and highway remediation and cleanup service operators in the state.

Solid Waste

SB 1557: Solid Waste Disposal Sites

Authorizes disposal site owners or operators to retain a certain fee for recoupment of capital investment for purchase of certain wheel wash systems; authorizes Board of Environmental Quality to promulgate rules.

Water Quality and Pollution Control

HB 2507: Oklahoma Storage Tank Act

Modifies definitions; modifies exempt capacity for underground storage tank systems; and, makes certain aboveground storage tanks with certain capacity exempt from the Act.

HB 2603: Oklahoma Concentrated Animal Feeding Operations Act

Mandates all licensed managed feeding operations utilize Best Management Practices, which includes no discharge of process wastewater to waters of the state, isolating animal waste, prohibiting waters of the state coming into contact with the animals, and providing specific language regarding management of spills.

HB 2604: Oklahoma Department of Agriculture, Food, and Forestry

Designates the Oklahoma Department of Agriculture, Food, and Forestry as an official environmental regulatory agency for agricultural point source and nonpoint source pollution within its jurisdiction; calls for the State Board of Agriculture to promulgate rules and standards for the application, standard for contacts and recordkeeping, work performance, prescribe standards for the licensing of application of pesticides, issuing pesticide dealer permits, certification, recertification procedures, and storing and disposal of pesticide and pesticide containers.

SB 1293: Environmental Quality Board

Authorizes the Environmental Quality Board to promulgate rules relating to licensed public water supply or wastewater operations.

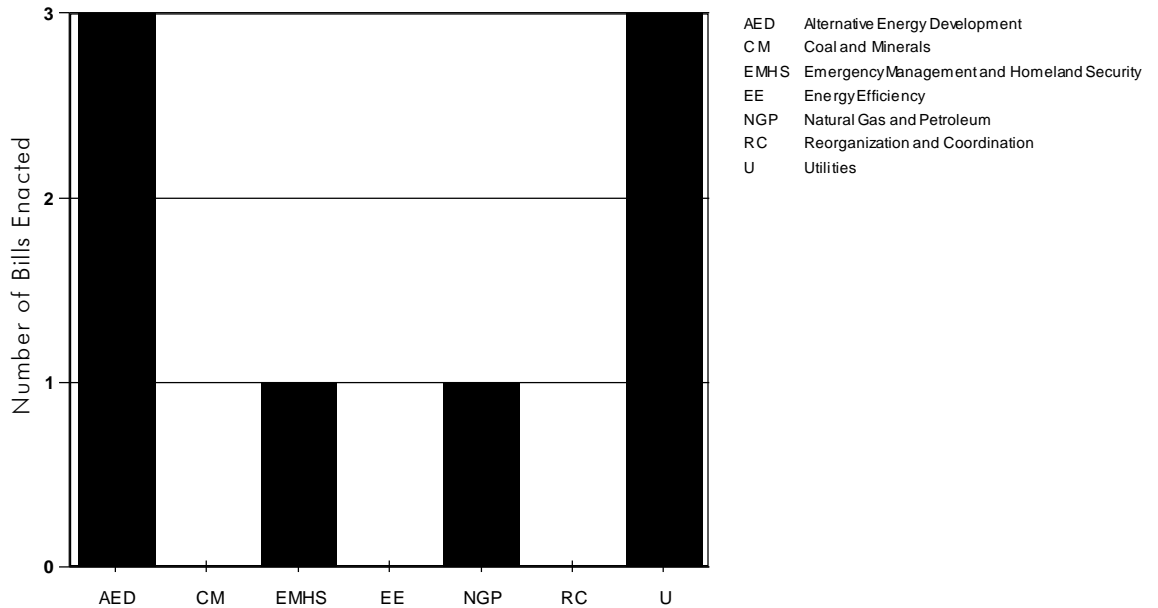
Puerto Rico

Legislative summaries for the 2006 session of the Legislative Assembly of Puerto Rico were not available at the time of printing. Information on these measures will be included in the final edition of the *Energy and Environment Legislative Digest 2006*.

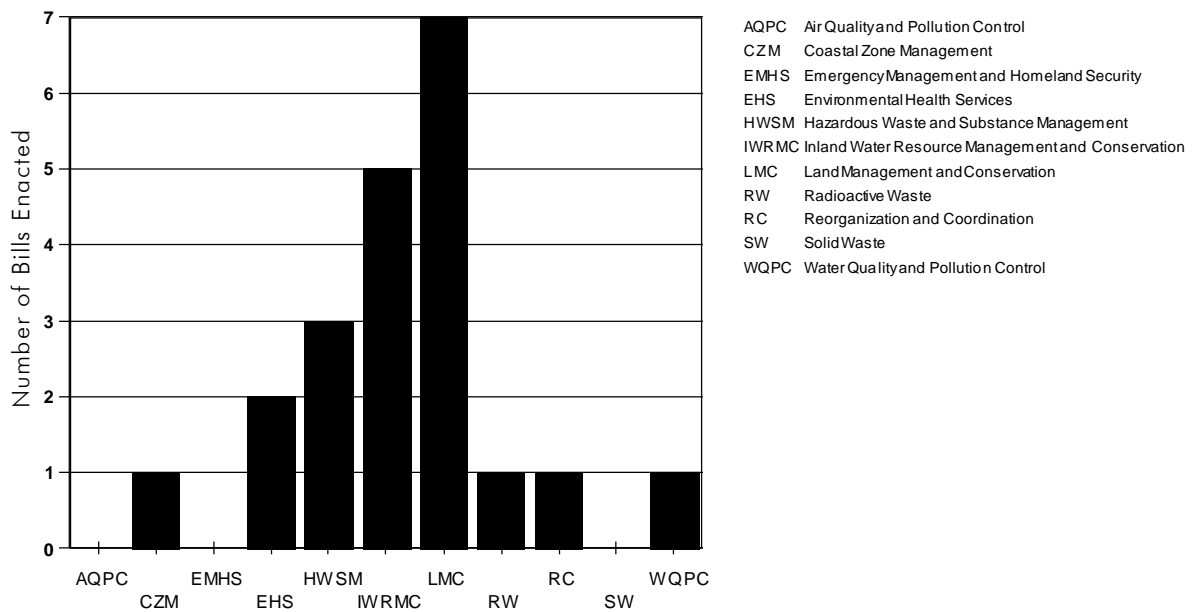
South Carolina

Legislation Category Comparison

Energy Legislation



Environmental Legislation



South Carolina

Energy Legislation

Alternative Energy Development

HB 4312: Income Tax Credit

Allows a state income tax credit equal to twenty percent of certain new hybrid, fuel cell, alternative fueled, or lean burn technology motor vehicles. Credits allowed against a taxpayer's federal income tax liability.

HB 4810: Hybrid Vehicles

Creates a \$300 sales tax rebate for the purchase of plug-in hybrid vehicles; a \$500 sales tax rebate for the purchase of equipment to convert a standard hybrid to a plug-in hybrid; also includes a \$300 sales tax rebate for buyers of fuel cell vehicles and a sales tax rebate for buyers of flexible-fuel vehicles. Includes incentives of 5 cents per gallon for the sale of E85 and B20; and finally, 20 cents per gallon for individuals and businesses producing biodiesel for their own use if they produce it from soybeans and 30 cents per gallon if they produce it from feedstocks other than soybeans.

SB 1245: Biodiesel Production Facilities

Creates tax credits for new ethanol or biodiesel production facilities. Facilities placed in service between 2007 and 2009 will earn a tax credit of 20 cents per gallon for the first five years of fuel production. In 2014, the tax credit drops to 7.5 cents per gallon. The legislation also includes a tax credit of 25 percent of the cost of equipment for production, distribution, or dispensing of ethanol or biodiesel. Also includes tax credits for solar heating and cooling systems and landfill gas systems.

Emergency Management and Homeland Security

HB 4316: Price Gouging

Relates to price gouging during a declared state of emergency or disaster, so as to prohibit the acts also upon an out-of-state declaration of a state of emergency or disaster resulting in abnormal disruption of the market in certain commodities when the State is affected and to except seasonal or other customary fluctuations in price.

Natural Gas and Petroleum

SB 680: Unattended Service Stations

Adds that motor fuel may be dispensed at unattended service stations if the dispensing device has an automatic shut-off valve that is activated when the sale reaches thirty gallons and to require the dispensing device to be equipped with emergency controls and the service station with fire extinguishers.

Utilities

HB 4800: Sale of Electricity

Exempts certain computer equipment of a taxpayer who meets minimum investment or job creation standards and to exempt the electricity used by that facility; and, exempts from the tax on the resale of electric power, so as to exempt electricity used by a computer technology intensive facility.

HB 4404: Nonpayment

Requires municipalities furnishing electricity or natural gas to their citizens to establish written procedures for termination of service due to nonpayment and to consider establishing and maintaining third-party notification programs.

SB 1238: Nuclear Power Station

Allows the South Carolina Public Service Authority to jointly own a nuclear power station and related transmission facilities with the South Carolina Electric and Gas Company on a site at or near Parr Shoals in Fairfield County.

South Carolina

Environmental Legislation

Coastal Zone Management

HB 3827: Critical Areas

Relates to the authority of the Department of Health and Environmental Control to permit or deny alteration or utilization with areas designated as critical areas, so as to provide that a critical area line established by the Department on a survey meeting certain requirements expires after five-years rather than three years; provides an exception to the five year critical area line validity for eroding coastal saltwater stream banks where the line is expected to move due to the meandering of the stream before the five year expiration period; and, deletes the provision that a critical area delineation referenced in a permit issued by the Department is valid for the term of the permit.

Environmental Health Services

SB 1038: Asbestos and Silica Claims Procedure Act of 2006

Enacts the Asbestos and Silica Claims Procedure Act of 2006, so as to provide that no person may receive a trial date in an asbestos or silica claim without first making a prima facie showing that a qualified physician has diagnosed the person with an asbestos-related or silica-related disease based on the physician's analysis of a detailed occupational and exposure history of the person and an analysis of the persons medical history.

HJ 4672: Lead Poisoning

Approves regulations of the Department of Health and Environmental Control, relating to prevention and control of lead poisoning in children.

Hazardous Waste and Substance Management

HB 3992: Mercury Switches

Provides that every automobile manufacturer that has used mercury switches any time since 1996 shall develop and bear the cost of operating, in conjunction with the Department of Health and Environmental Control, an end-of-life vehicle solutions program to advance the efforts of vehicle recyclability and collection and disposal of mercury switches from vehicles that are being recycled.

HB 4874: South Carolina Economic Development Incentive Act

Provides for a credit against the State Corporate Income Tax for costs incurred by a manufacturing facility in complying with whole effluent toxicity testing.

HJ 4856: Hazardous Waste Management Regulations

Approves regulations of the Department of Health and Environmental Control, relating to hazardous waste management regulations.

Inland Water Resource Management and Conservation

HB 3393: Jug Permits

Provides that a jug permit (required for the taking of nongame fish in freshwaters with certain fishing devices) is not required for residents assisting jug permit holders

HB 4221: Migratory Waterfowl

Provides that it is unlawful to hunt migratory waterfowl in Georgetown County in certain portions of Murrell's Inlet Creek within one hundred yards of a residence or business without written permission.

HB 4296: Diamond-Backed Terrapin

Relates to permits to harvest and market diamond-backed terrapin and penalties for violations, so as to delete the authority of the Department of Natural Resources to grant permits to harvest and market diamond-backed terrapin; provides that it is unlawful to take or possess diamond-backed terrapin for commercial purpose.

SB 558: Rural Community Water District

Provides a method for revising the number and method of Board appointments for the board of directors of a rural community water district.

HJ 4858: Classified Waters

Approves regulations of the Department of Health and Environmental Control, relating to classified waters.

Land Management and Conservation

HB 3246: Bird Sanctuary

Declares the Presbyterian home located in Clinton, South Carolina a bird sanctuary.

HB 3879: Computer-assisted Remote Hunting

Makes it unlawful to engage in computer-assisted remote hunting.

HB 4165: Natural Resources Enforcement Officers

Relating to the criteria for hiring natural resources enforcement officers, so as to revise the residency requirements for these enforcement officers.

HB 4572: Game Zones

Revises and reduces the number of game zones.

HB 4595: Timber Deeds

Conveyances by timber deed of the right to cut standing timber for a period of time exceeding thirty years is considered a conveyance of real property interest.

SB 1061: Heritage Trust Program

Provides for the bonding authority in the South Carolina Department of Natural Resources for land acquisition, restoration, improvement, and management of properties for inclusion in the Heritage Trust Program.

SB 1208: Shooting Preserves

Revises the manner of the establishment, operation, licensing, and legal shooting species of shooting preserves.

Radioactive Waste

HB 3833: Radiation Sources

Relates to regulations and schedule of licensing, registration, and certification and fees for users of ionizing and nonionizing radiation sources, so as to provide that nonionizing radiation registration is for commercial establishments for the tanning of human skin and to provide that the Department of Health and Environmental Control may retain up to thirty thousand dollars for the administration of this Program.

Reorganization and Coordination

SB 1263: Expedited Review Process

Establishes within the Department of Health and Environmental Control the Expedited Review Program to provide a voluntary expedited process for review of permit applications; creates a pilot program to test and evaluate the economic and administrative benefits of a statewide review program.

Water Quality and Pollution Control

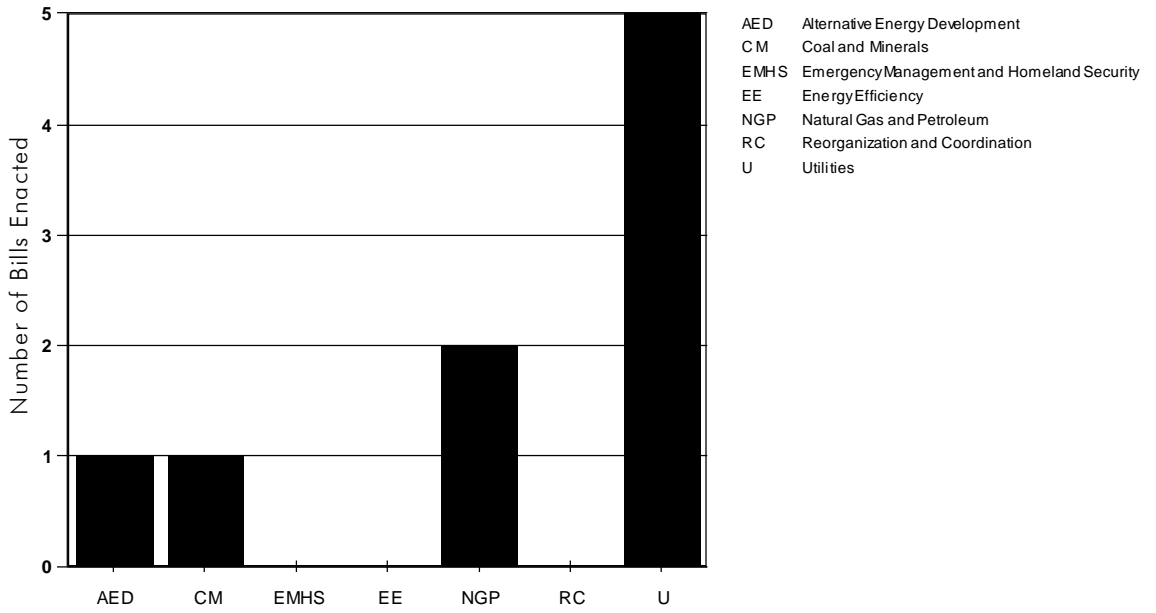
SB 1346: Sludge Treatment Facility

Provides that the Department of Health and Environmental Control shall provide public notice prior to the issuance of a construction permit for a facility that stores sludge or other residuals that is not located at the site of a permitted wastewater or sludge treatment facility.

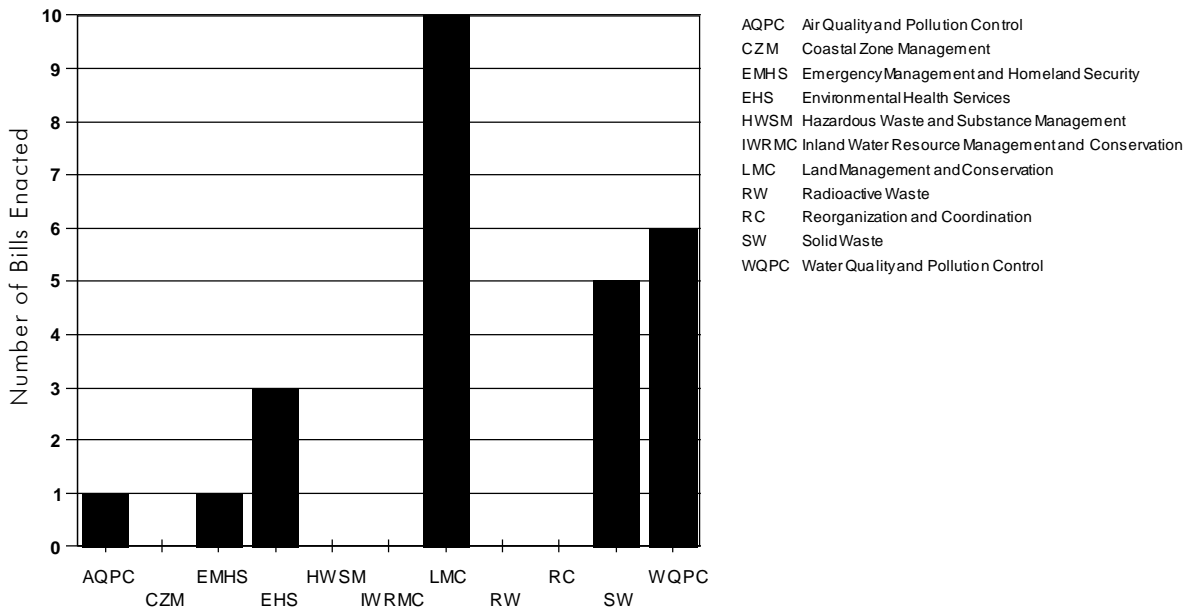
Tennessee

Legislation Category Comparison

Energy Legislation



Environmental Legislation



Tennessee

Energy Legislation

Alternative Energy Development

HB 2623/SB 2932: Hybrid-electric Motor Vehicles

Makes the retail sale or use of hybrid-electric motor vehicles or alternative fuel motor vehicles taxable at a rate of three and one-half percent (3.5%) provided that such retail sale or use is subject to local option taxes. Adds the language “hybrid-electric or alternative fuel motor vehicles regardless of the number of occupants” to the definition of “high occupancy vehicle.” Defines “hybrid-electric motor vehicle” and “alternative fuel motor vehicle.”

Coal and Minerals

HB 3992/ SB 3873: Stop Work Orders

Authorizes the Commissioner of the Environment and Conservation to issue stop work orders for coal surface mining operations in certain circumstances.

Natural Gas and Petroleum

HB 2678/SB 3089: Statutory Lien

Creates a statutory lien on gas, oil, or other mineral leaseholds.

HJR 857: Transportation Costs

Urges the Governor to assist local education agencies with rising transportation costs.

Utilities

HB 1837/SB 2037: Real Property

Changes the definition of real property to specify public utility real property.

HB 2538/SB2566: Compensation – Public Utilities Board

Authorizes the legislative body of Marshall County to provide compensation to members of the Public Utilities Board.

HB 2667/SB 2593: Tennessee Duck River Development Agency

Authorizes the Tennessee Duck River Development Agency to invest idle funds in the same manner as utility districts.

HB 2849/SB 3248: Underground Utility Damage Prevention Act

Authorizes the use of e-mail for the notification provisions of the “Underground Utility Damage Prevention Act.” The bill also removes the requirement that utility operators that participate in “one-call service” file notice with the county register of deeds regarding any planned excavations or demolitions and provide certain information regarding the one call service itself to the register of deeds. Requires the use of “safety white” colored stakes or stakes with white paint for marking areas subject to excavation or demolition.

HB 4114/SB 4051: Franchise Fees

Removes authorization for the City of Franklin to impose franchise fees for the installation of electrical and other utilities underground and the conversion of such utilities from overhead to underground.

Tennessee

Environmental Legislation

Air Quality and Pollution Control

HB 1501/SB 1103: Air Pollution Control Board

Extends the termination date of the Air Pollution Control Board until June 30, 2009.

Emergency Management and Homeland Security

SJR 507: Hurricane Katrina

Offers our deepest condolences to the people of Louisiana on their devastating losses from Hurricane Katrina and extends our friendship and aid to our sister state in time of need.

Environmental Health Services

HB 3202/SB 3174: Geographic Districts

Authorizes the Metro Council in Davidson County to establish geographic districts for inspection of residential rental property for health and safety violations.

HB 3513/SB 3049: Black Fly Suppression

Requires the University of Tennessee to conduct a two-year study program on black fly suppression in Greenbrier Valley and certain areas near Pigeon River under the supervision of the Department of Agriculture.

HB 3539/SB 3576: Silica Compensation Fairness Act

Enacts the "Silica Compensation Fairness Act." Establishes requirements for bringing tort actions for silicosis and mixed dust diseases.

Land Management and Conservation

HB 1027/SB 1207: Preservation Area

Reduces the time period from two years to one year for the Commissioner of the Department of Environment and Conservation to have a comprehensive plan of development and protection for a preservation area that becomes part of the system.

HB 1485/SB 1102: Department of Environment and Conservation

Extends the termination date of the Department of Environment and Conservation until June 30, 2009.

HB 2447: Sinkholes

Requires all insurers authorized to transact property insurance in the State of Tennessee to make available coverage for insurable sinkhole losses on any structure, including contents of personal property contained therein.

HB 2549/SB 2608: Employment

Encourages the Commissioner of the Department of Environment and Conservation to employ persons less than 19 years of age in state parks and recreation areas, provided the duties of such individuals will

not be hazardous. Requires that the Commissioner provide an annual report to the Senate Environment, Conservation and Tourism Committee and the House Environment Committee on the number of such persons that have been employed and the areas in which they work.

HB 3395/SB 2699: Undeveloped Land

Raises, from 100 acres per county to 1,500 acres per county, the exemption level for property tax exemptions for undeveloped land.

HB 3450/SB 3296: Eminent Domain

Defines the term public use, as it applies to the power of eminent domain, to stipulate that if private property is taken through the use of such power, it may not be for the purpose of private economic development and private commercial enterprise including increased tax revenue and increased employment except in specific situations outlined in the bill. The bill specifically denies the right to use the power of eminent domain under the definition of a blighted area on land predominantly used for agriculture. The bill also removes the authority to use the power of eminent domain from a number of public entities including watershed districts, inclined railroads, and public ferries.

HB 3993/SB 3874: Local Parks Land Acquisition Fund

Stipulates that monies in the Local Parks Land Acquisition Fund can only be used for grants to local governments to purchase land for parks, natural areas, greenways, recreation facilities, and to develop trails or other capital projects in these areas.

HB 3994/SB3875: Natural Areas

Designates six new natural areas and expands two existing areas.

HB 3995/SB 3876: Tennessee Recreation Initiative Program

Revises the grant regulations relative to the Tennessee Recreation Initiative Program.

HB 32: Sale or Transfer of Land

Urges the Tennessee Valley Authority to refrain from the sale or transfer of lands it currently owns and has designated for public use to private developers or to anyone who might use such land for private development.

Solid Waste

HB 139/SB 413: Solid Waste Disposal Act

Amends the Solid Waste Disposal Act to require any person who owns or operates a landfill to use native grasses to cover the landfill when it has been filled or otherwise closed for operation. Authorizes the Department of Environment and Conservation to promulgate rules and regulations.

HB 2935/SB 3085: Surplus Textbooks

Authorizes proceeds from the disposal of surplus textbooks to be used for school literacy programs as well as supplementing textbook purchasing funds.

HB 3829/SB 3835: Study of Solid Waste

Requires TACIR to conduct a study of solid waste in Tennessee using previous studies. The results of the study would be reported to the General Assembly by February 28, 2007.

SB 2535: Solid Waste Control Board

Extends the termination date of the Solid Waste Disposal Control Board until June 30, 2010.

SB 2684: Lottery Ticket Litter Reduction Program

Requires the Tennessee Education Lottery Corporation (TELC) to establish a lottery ticket litter reduction program and report on the development and implementation of such program to the Speakers of the Senate and House of Representatives and the members of the Select Committee on the TELC by October 1, 2006.

Water Quality and Pollution Control

HB 659/SB 498: Forested Watersheds

Directs the Department of Environment and Conservation to continuously perform a thorough examination of actions necessary to preserve and protect forested watershed and the control of non-point sources of water pollution.

HB 1487/SB 1101: Board of Ground Water Management

Extends the termination date of the Board of Ground Water Management until June 30, 2009.

HB 2699/SB 2530: Water Quality Control Board

Extends the termination date of the Water Quality Control Board until June 30, 2010.

HB 2906/SB 2939: Run-off Ditches

Excludes from the definition of “water” in the Water Quality Control Act narrow run-off ditches, which are dry a majority of the year and that contain water only following heavy rains due to being fed by small wet springs or other run-off following such rains.

HB 3329/SB 3358: Wastewater Financing Board

Authorizes the Wastewater Financing Board to keep records in electronic form.

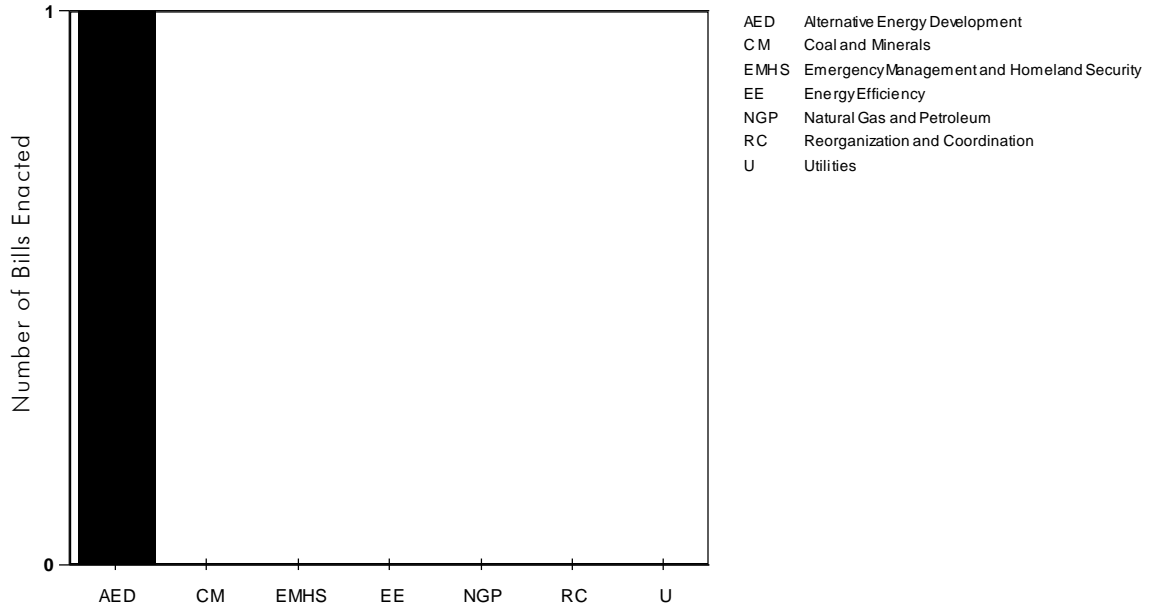
HB 3438/SB 3155: Advanced Treatment Systems

Requires dwellings that use advanced treatment systems as sewage disposal to meet all applicable zoning and restrictive covenants requirements.

Texas

Legislation Category Comparison

Energy Legislation



Texas

Energy Legislation

Alternative Energy Development

HB 149: FutureGen Industrial Alliance

Indemnifies the FutureGen Industrial Alliance from liability associated with the storage of CO₂ produced by FutureGen; defines “clean coal project” and “commission”; allows the commission to sell, for beneficial use, carbon dioxide that is captured by a clean coal project and not injected for permanent storage.

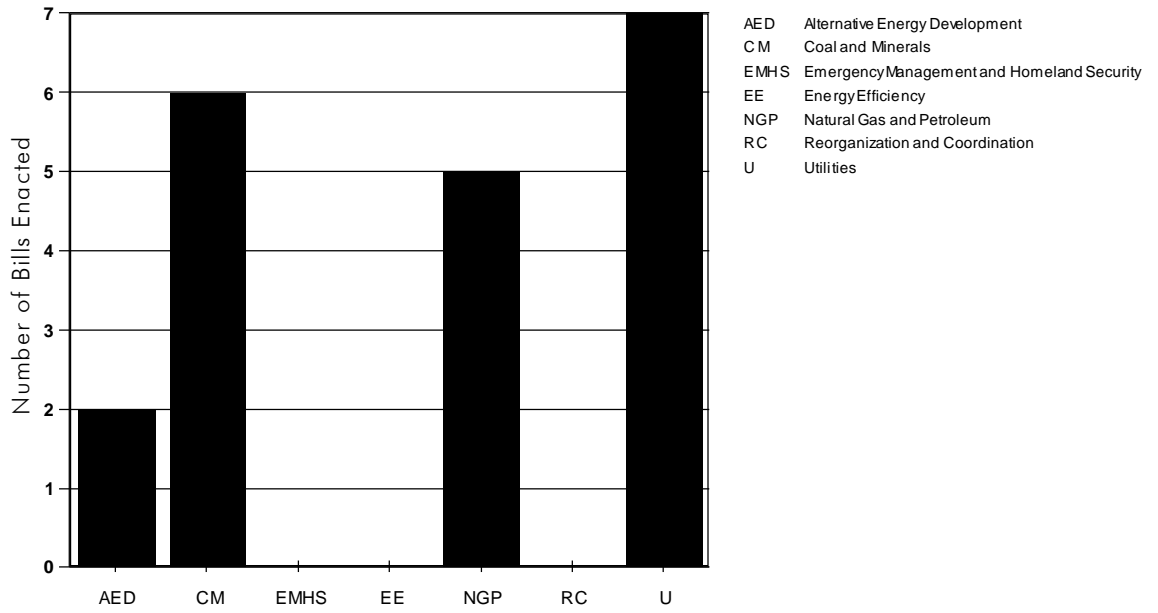
U.S. Virgin Islands

Legislative summaries for the 2006 session of the Legislature of the U.S. Virgin Islands were not available at the time of printing. Information on these measures will be included in the final edition of the *Energy and Environment Legislative Digest 2006*.

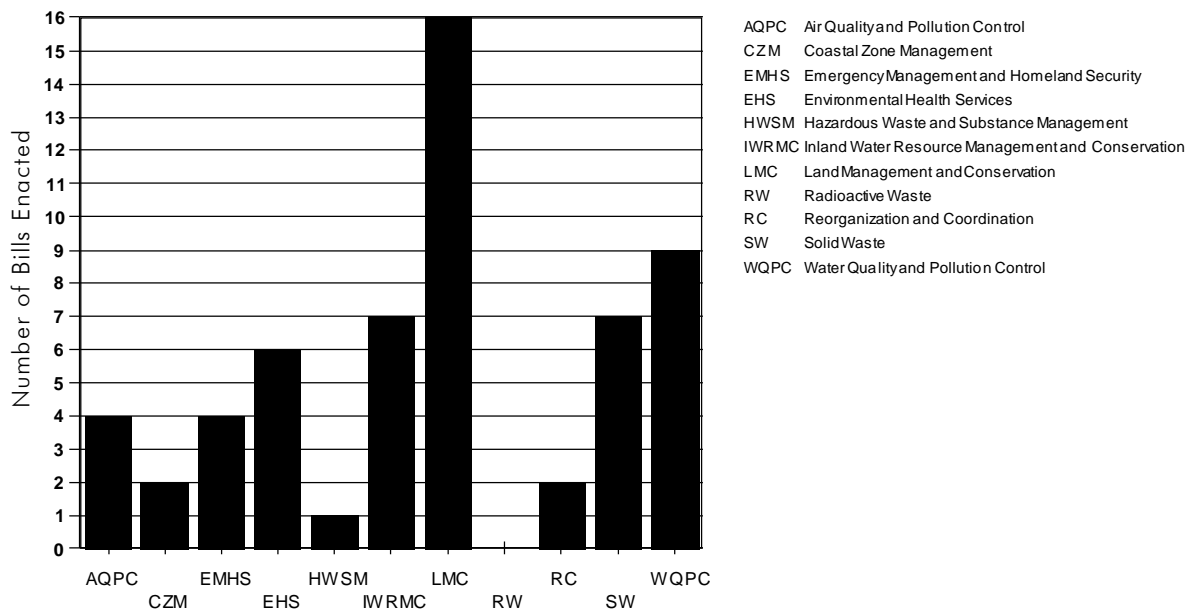
Virginia

Legislation Category Comparison

Energy Legislation



Environmental Legislation



Virginia

Energy Legislation

Alternative Energy Development

HB 680: Biofuels Production Fund

Establishes the Biofuels Production Fund (the Fund) and the Biofuels Production Grant Incentive Program (the Program) to administer the Fund. The Program offers grants to producers of neat biofuels, which are defined as either biodiesel fuels or ethanol fuels that are not mixed with traditional fuels such as gasoline or diesel fuel. To be eligible for a grant the producer must produce in excess of 10 million gallons of neat biofuels within the Commonwealth in a calendar year using feedstock originating domestically within the United States. The Program and Fund will expire on December 31, 2016.

SB 262: Virginia Energy Plan

Establishes an energy policy for the Commonwealth and directs the Division of Energy of the Department of Mines, Minerals, and Energy, in consultation with the State Corporation Commission, Department of Environmental Quality, and Virginia Center for Coal and Energy Research, to prepare, by July 1, 2007, a ten-year comprehensive Virginia Energy Plan to implement the Commonwealth's energy policy.

Coal and Minerals

HB 1043/SB 365: Coal – Tax Credits

Provides that the \$3-per-ton employment and production incentive tax credit may be allocated amongst coal producers and electricity generators. Any amount allocated to a coal producer could be used as credit against the corporate income tax or any other tax imposed by the Commonwealth. Finally, the carryover period is extended from five to 10 years.

HB 1443: Emergency Response Plans

Requires that the emergency response plan prepared by operators of underground coal mines include a mine emergency communications plan. The bill authorizes the Chief of the Virginia Division of Mines to require periodic updates of the emergency response plan. The bill also specifies that anyone going underground shall have available an adequate supply of self-rescue devices. The Department of Mines, Minerals, and Energy is directed to assess the effectiveness of wireless communication and mine locator systems and report its findings and recommendations to the committees of oversight.

HB 1505: Virginia Coalfield Economic Development Authority Tax

Allows localities to use a portion of the revenues for improving water and sewer systems.

HB 1562: Residential Property Disclosure Act

Provides that for the sale of new dwellings the builder or owner, if the builder is not the owner, must disclose to the purchaser whether the builder or owner has any knowledge of whether mining operations had previously been conducted on the property or the presence of abandoned mines, shafts, or pits.

SB 506: Coal and Gas Road Improvement Tax

Allows localities that comprise the Virginia Coalfield Economic Development Authority to use revenue from their Coal and Gas Road Improvement Fund to repair or enhance existing water and sewer systems and lines to meet the needs of the public.

SB 513: Coalbed Methane Well-pooling Orders

Requires the designated operator of a drilling operation operating under a pooling order to file with the Virginia Gas and Oil Board a petition for disbursement of escrowed funds upon the discovery of the identity and location of any unknown owner, provided that the owner's claim is not contested.

Natural Gas and Petroleum

HB 534: Motor Fuels Tax – Refund on Taxable Fuel

Requires persons who transport motor fuel for hire to file monthly returns; and establishes a Class I misdemeanor for willfully and intentionally applying for or collecting a refund on taxable fuel or for willfully or intentionally using fuel for taxable purpose after a refund for the fuel has been issued.

HB 1148: Motor Fuels Tax – Sales Tax

Sets the effective date for sales tax on fuels in certain transportation districts.

HB 1539/SB 714: Retail Sales and Use Tax

Makes permanent certain retail and sales and use tax exemptions related to the refining and processing of oil and natural gas and extend the sunset for exemption related to extraction and processing of natural gas and oil from July 1, 2006, to July 1, 2011.

SB 378: Motor Fuel Establishment

Requires the payment of court costs for driving off and not paying for gasoline at a retail gas station.

SB 597: License Tax – Separate Rate for Fuel Distributors

Provides that when the Department of Mines, Minerals, and Energy (DMME) determines that the weekly U.S. Retail gasoline price has increased by 20% or more in one week, and does not fall below that rate for 28 days, then the gross receipts of taxes on fuel sales of a gas retailer made in the following licensing year shall not exceed 110% of the gross receipt taxes on fuel sales made in the license year of the increase.

Utilities

HB 1081: Utility Services

Specifies that a provider of utility services that have been tampered with or diverted may seek injunctive and equitable relief, and an award of damages, including reasonable attorney fees and costs. In addition, the aggrieved party may recover an award of actual damages or \$500, whichever is greater for each action.

HB 1187/SB 406: Electric Authorities – Distributing Electric Energy for Retail Sales

Amends the Electric Authorities Act. An electric authority created by the Town of Elkton in which the Town is the authority's sole member is subject to taxation only to the extent that the Town is subject to such taxation; subject to the provisions of the Virginia Personnel Act and the Virginia Public Procurement Act in the exercise of any power conferred under the Electric Authority Act only to the extent that such provisions would have applied to the Town of Elkton in the exercise of such power directly; and, authorized to distribute electric energy for retail sale within the geographic area that was served as of January 1, 2006, by the Town of Elkton.

HB 1220: Electric Utility Restructuring Act

Provides that a municipal electric utility will not become subject to the provisions of the Electric Utility Restructuring Act as a result of serving an area that was served by an incumbent electric utility as of July

1, 1999, if the change in service areas is made pursuant to mutual agreement between the municipality and the affected incumbent electric utility in accordance with a provision in the Utilities Facilities Act.

HB 1541: Electric Utility Restructuring Act – Net Energy Metering

Expands the definitions of an eligible customer-generator to include a customer that contracts with other persons to own, operate, or both, an eligible electrical generating facility. The measure also allows such facilities to have any renewable energy as their total source of fuel. Finally, the measure allows a facility that is located on the customer’s premises and is connected to the wiring on the customer’s side of its interconnection with the distributor to qualify for net metering.

HB 1575: Utility Easements

Provides that in the case of utility easements, the easement is considered to touch and concern the servient estate and shall run with the land whether or not the easement is appurtenant or in gross.

SB 380: Gas Utilities

Provides that performance-based ratemaking of a gas utility may include fixed or capped rates and reduction or elimination of regulatory requirements in addition to existing elements.

SB 711: Electric Utility Restructuring

Authorizes the Commission on Electric Utility Restructuring to appoint persons who are not members of the Commission to any subcommittee that the Commission may establish. The measure also specifically authorizes the Commission to evaluate and assess the implications of the scheduled expiration of capped rates.

Virginia

Environmental Legislation

Air Quality and Pollution Control

HB 1055/ SB 651: Emissions Regulations

Establishes a phased schedule for electric generating units in Virginia to reduce their emissions of sulfur dioxide, nitrogen oxide, and mercury. The Air Pollution Control Board is charged with promulgating the regulations that require specific numerical reductions in each pollutant. The bill allows regulated facilities to participate in the EPA-administered cap and trade system; however, the Board can prohibit facilities in nonattainment areas from purchasing allowances in order to meet their NO_x and SO₂ obligations. The bill also requires the Board to adopt the federal Clean Air Mercury Rule as well as adopt a state-specific rule for mercury.

HB 1133: Consumer Products

Allows retailers to sell existing inventories of consumer products that become the subject of restrictive legislation. (Relates to air quality regulation.)

HB 1248: HOV Lanes

Extends the “sunset” to 2007 authorizing the use of HOV lanes by vehicles bearing clean special fuel vehicle plates. This bill also provides that all clean special fuel vehicle license plates issued after July 1, 2006, be issued with a new design distinctively different from the design of previous plates.

SB 312: Emissions Inspection Program

Exempts vehicles four years old or less from the emissions inspection program.

Coastal Zone Management

HB 652: Oyster Tax

Requires oyster taxes be paid to the Virginia Marine Resources Commission. The bill also directs that the oyster inspection tax be deposited in the “Public Oyster Rocks Replenishment Fund.”

HB 1150: Chesapeake Bay and Waters Clean-up and Oversight Act

Requires the Secretary of Natural Resources to develop a clean-up plan for the Chesapeake Bay and Virginia waters that have been designated as impaired. The plan will include measurable objectives, a description of the strategies to meet the plan’s objectives, time frames for accomplishing the objectives, and a plan for disbursing funds for point and nonpoint pollution projects. The Secretary is to submit the plan by January 1, 2007, and is to submit a progress report on the clean-up semiannually.

Emergency Management and Homeland Security

HB 148: Stormwater Management Program

Provides that income derived from stormwater control program service charges shall be dedicated special revenue and may be used only to pay or recover costs for specified purposes, including the improvement and maintenance of dams, whether publicly or privately owned that control stormwater.

HB 596/SB 624: Flood Prevention and Protection Assistance Fund

Reconstitutes the current Flood Prevention and Protection Assistance Fund into the new Dam Safety, Flood Prevention and Protection Assistance Fund. The new fund will be used to make loans and grants to local governments and loans to private entities to finance the cost of implementing projects to prevent, reduce, or mitigate damages caused by flooding, to upgrade dams or impounding structures, and to fund flood prevention studies.

HB 597: Dam Safety

Provides the Virginia Soil and Water Conservation Board and the Department of Conservation with the enforcement tools needed to ensure the safety of Virginia’s dams, and includes due process procedures to protect dam owners. The Department is given the authority to monitor and inspect any alteration or construction of the dam.

HB 1540: Destructive Substances

Provides that any person who administers or attempts to administer any poison or destructive substance in a waterworks with the intent to kill or injure another person is guilty of a Class 3 felony.

Environmental Health Services

HB 172: Wildlife Diseases

Authorizes the Virginia Department of Game and Inland Fisheries to promulgate regulations to eradicate or prevent wildlife diseases and establish procedures for the condemnation and indemnification of captive wildlife.

HB 554: Landfills – Burning of Vegetative Waste

Requires the Department of Environmental Quality to develop the policies and procedures necessary to allow the burning of vegetative waste at landfills that have ceased accepting waste but have not been released from postclosure care requirements. The policies and procedures are to include measures that will protect public health and the environment.

HB 804: Recreational Facilities Authority

Reduces the number of members that constitutes a quorum for the Virginia Recreational Facilities Authority from 10 to seven.

HB 889: Lead-based Paint Maintenance

Defines “lead-based paint maintenance” under the immunity from liability statute for lead-based paint poisoning. The bill grants immunity to the owner or agent of residential property if the owner or agent who is responsible for lead-based paint maintenance discloses to the lessee the presence of any known lead-based paint and/or lead-based paint hazards about which the owner has actual knowledge.

HB 1537: Condemnation – Sport Shooting Ranges

Provides that any sport shooting range operating or approved for construction in the Commonwealth, which upon condemnation relocates to another site in the same locality, shall not be subject to any noise control standard more stringent than those in effect when the sport shooting range was originally approved for construction or began operating, whichever was earlier.

SB 450: Lead Poisoning

Establishes the two essential lead program elements relating to lead poisoning prevention that are lacking in Virginia but are required by federal agencies for the 2006 grant cycle. The bill provides an enforcement mechanism for control of lead hazards and protections from termination of the rental

agreement or other retaliatory action after written notification of a lead hazard in the dwelling unit or a child of the tenant, who is an authorized occupant in the dwelling unit, has an elevated blood lead level.

Hazardous Waste and Substance Management

HB 709: Waste Containers

Allows the City of Roanoke to impose a civil penalty without further notice for the non-removal of waste containers after the third notice for violation, provided that the third notice included an opportunity for the owner to be heard.

Inland Water Resources Management and Conservation

HB 5/SB 12: Special Permits for Handicapped – Trout Fishing

Authorizes the Department of Game and Inland Fisheries to issue permits in organized groups of physically or mentally handicapped persons to fish on the second Saturday in May in designated waters stocked with trout, without members of the group having to obtain individual licenses.

HB 104/SB 527: Scenic River – Meherrin River

Designates the 37-mile segment of the Meherrin River that lays within Brunswick County a state scenic river.

HB 651: Federal Aid in Sport Fish Restoration Act

Gives the Virginia Marine Resources Commission the authority to accept federal grant money from the federal Wallop-Breaux Fund.

HB 684: Erosion and Sediment Control & Stormwater Management Act

Provides definitions of terms in the Erosion and Sediment Control and Stormwater Management Act that clarify what are acceptable flow rates from storm runoff at sites where land development projects are occurring.

HB 940: Rappahannock River

Authorizes the Virginia Marine Resources Commission, on behalf of the Commonwealth, to convey to a private party approximately 1.2 acres, more or less, in the Rappahannock River, subject to any rights of the adjoining property owner as determined by a court of competent jurisdiction.

HB 981: Wildlife and Fish Restoration

Authorizes the Virginia Department of Game and Inland Fisheries to accept federal grant money related to the Pittman-Robinson Act (wildlife restoration) and the Wallop-Breaux Act (sport fish restoration).

HB 1454: Wetlands and Stream Restoration

Allows any person who has created and operates an approved wetlands mitigation bank in multiple jurisdictions to annually file erosion and sediment control specifications for wetlands mitigation projects with the Virginia Soil and Water Conservation Board.

Land Management and Conservation

HB 93/SB 224: Environmental Site Assessments

Allows localities to include in their subdivision or zoning ordinances provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed

for the subdivision or development and Phase II environmental site assessments, if the locality deems such to be reasonably necessary, based on the findings in the Phase I assessment.

HB 132: Eminent Domain – Just Compensation

Removes the option of the landowner to choose commissioners to hear an eminent domain case.

HB 241: Eminent Domain - Repurchase to Former Owner

Eliminates the language relating to the waiver of the right to the offer of repurchase in cases of eminent domain and clearly states that such right cannot be waived.

HB 260: Hunting or Trapping in State Forests

Increases the fees to obtain a hunting permit or trapping permit in a state forest from \$10 to \$15.

HB 341: Confederate Cemeteries and Graves

Increases the number of graves cared for by the Stonewall Confederate Memorial Association from 180 to 2,112.

HB 575: Trapping

Authorizes the Director of the Department of Game and Inland Fisheries to allow governmental employees and persons holding a commercial Nuisance Annual Permit to visit conibear-style traps once every 72 hours.

HB 631: Condemnation Proceeding – Dispute Resolution

Requires that the parties in a condemnation proceeding attend a dispute resolution orientation session.

HB 771: Condemnation Proceedings – Localities

Requires localities to hold a public hearing prior to adopting an ordinance or resolution initiating a condemnation. Other political subdivisions are also required to hold a public hearing prior to initiating a condemnation.

HB 955: Eminent Domain – Religious Corporations

Includes “unincorporated churches” with regard to certain eminent domain provisions.

HB 1099: Eminent Domain – Relocation

Raises from \$50,000 to \$75,000 the cap on relocation expenses that may be paid to certain persons displaced from businesses or farm operation.

HJR 133/SJR 94: Development Rights

Establishes a joint subcommittee to study long-term funding sources for the purchase of development rights to preserve open-space land and farmlands.

SB 52: Oconeechee State Park

Amends the 2004 Acts of Assembly to provide a two-year extension for the authority granted to the Department of Conservation and Recreation to amend a lease with the Secretary of the Army for the purposes of providing additional facilities, not to be operated by the Department, at Oconeechee State Park in Mcklenberg County.

SB 358: Real Estate Tax

Authorizes local governing bodies to provide for the partial exemption from taxation of new structures located in redevelopment of conservation areas or rehabilitation districts and other improvements to real estate located in development or conservations areas or rehabilitation districts.

SB 409: Land Conservation Foundation

Authorizes the Virginia Land Conservation Foundation to award monies from the Virginia Land Conservation Fund for purchase of development rights programs.

SB 415: Burning of Woods

Extends the period in which prescribed burns of woods, brush, leaves, or other flammable material can occur.

SB 670: Residential Property Disclosure Act

Provides that the owner of residential real property makes no representation whether the property is located in any resource protection areas or other environmentally protected zones that are subject to governmental regulation. The bill requires the notice to advise purchasers to use whatever due diligence necessary to determine if the property is located in such an area, including review of any official maps.

Reorganization and Coordination

HB 362/SB 564: Board of Game and Inland Fisheries

Requires the Virginia Board of Game and Inland Fisheries to develop a Governance Manual that sets forth rules and procedures for the conduct of the Board's business. The bill also delineates the duties of the Chairman of the Board, requires the Board to ensure that the Auditor of Public Accounts, or any agent of the Auditor, conducts an annual audit of the accounts and transactions of the Board, and requires that the Board elect a new chairman and vice-chairman each year. The Director of the Department of Game and Inland Fisheries will be subject to confirmation and reconfirmation by the General Assembly every four years.

SB 537: Tobacco Indemnification and Community Revitalization Commission

Adds the Secretary of Agriculture and Forestry to the membership of the Tobacco Indemnification and Community Revitalization Commission and the Virginia Land Conservation Board of Trustees. The bill also removes the Commissioner of Agriculture and Consumer Services from the Tobacco Indemnification and Community Revitalization Commission.

Solid Waste

HB 421: Solid Waste Management Permits

Requires that permits for proposed solid waste management facilities or facility expansions are subject to analysis by the Director for the potential human health, environmental, transportation infrastructure, and transportation safety impacts and needs and an evaluation of comments by the host local government, other local governments and interested persons.

HB 448: Litter Control and Recycling

Changes the formula for allocating litter control and recycling grants. The bill would increase the percentage of grants awarded to localities from the current 75% to 90%. The 20% of grants allocated to statewide and regional litter prevention recycling educational programs will be reduced to 5% and will be awarded to localities and nonprofits for litter prevention and recycling.

HB 456: Private Waste Companies

Adds requirements to the procedures that localities must follow before displacing private companies providing garbage, trash, or refuse collection services.

HB 522: Tire Recycling Fee

Extends from July 1, 2006, to July 1, 2008, the \$1.00 fee imposed on the sale of each new tire. Beginning July 1, 2008, the fee would decrease to \$0.50 per tire.

HB 550/SB 407: Solid Waste Disposal

Adds Highland County to the list of counties that have the authority to levy penalty and interest on the fee for solid waste disposal and provides discounts for older and disabled persons on the fee for solid waste disposal.

HB 647: Solid Waste Management Plans

Establishes a new regime for credits that can be used in meeting a solid waste planning unit's recycling rate.

SB 82: Solid Waste Containers

Establishes specifications for the structural integrity of containers carrying nonhazardous solid waste on vessels operating in Virginia waters. This bill contains a specific water tightness test that these containers will have to meet.

Water Quality and Pollution Control

HB 439/SB 507: Sewage Treatment Facilities

Requires that certain entities that provide sewerage services to residents of the Commonwealth and to another state be managed by a governing board that is comprised of an equal number of residents of Virginia and of the other state. The requirement applies to such entities that operate a sewage treatment facility located in Virginia that has a capacity of at least five million gallons per day and was financed through the Virginia Revolving Loan Fund.

HB 535/SB 479: Water and Sewer Liens

Adds Manassas Park to those localities that have authority to provide that charges for water or sewer service may be a lien on the real estate served.

HB 1134: Sludge Management Permit Fee Fund

Requires the Board of Health to promulgate regulations establishing an initial fee of \$5,000 to be imposed upon permit holders and applicants and a fee not to exceed \$1,000 for reissuance, amendment or modification of a permit. Fees collected are to be deposited into the Sludge Management Fund for the administration and management of the Department of Health's sewage sludge program.

HB 1457: Impaired Waters

Allows an aggrieved party to conduct a use attainability analysis in order to demonstrate that the attainment of the designated use for an impaired water body is not feasible.

SB 106: Waste Discharge Permits

Requires an application for a new or modified individual Virginia Pollutant Discharge Elimination System permit or new or modified coverage under a general Virginia Pollutant Discharge Elimination System permit, authorizing direct or indirect discharge of stormwater runoff from a new municipal solid waste landfill into a local watershed protection district established and designed as such by city ordinance prior to January 1, 2006, to contain a certification from the local governing body of the city in which the discharge is to take place, that the discharge is consistent with the city's ordinance establishing and designating the local watershed protection district in order to be considered complete.

SB 164: Waste and Water Authorities

Clarifies the powers of waste and water authorities regarding cost reserves and expenditures for operating capital.

SB 274: Stormwater Management Program

Requires localities located in Tidewater and those that are classified as an MS4 under the federal Clean Water Act to adopt a local stormwater management program in accordance with a schedule established by the Virginia Soil and Water Conservation Board.

SB 644: Water Quality Improvement Fund

Allows new or expanding publicly owned treatment works that are not defined as significant dischargers, but are subject to the State Water Control Board's new nutrient control requirements and will install nutrient removal technology, similar to the significant dischargers, to apply for matching grant moneys from the Water Quality Improvement Fund.

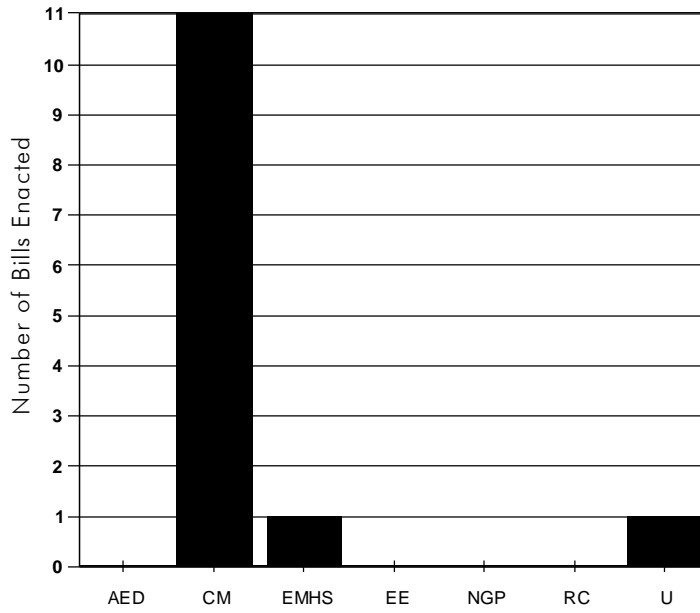
SJ 82: Water Systems

Directs the Joint Legislative Audit and Review Commission to study very small and small community water systems in Virginia. The Commission shall determine whether the needs of Virginia's citizens are being met through the existing regulatory scheme with regard to both water quality and rates charged and shall make recommendations on any needed improvements.

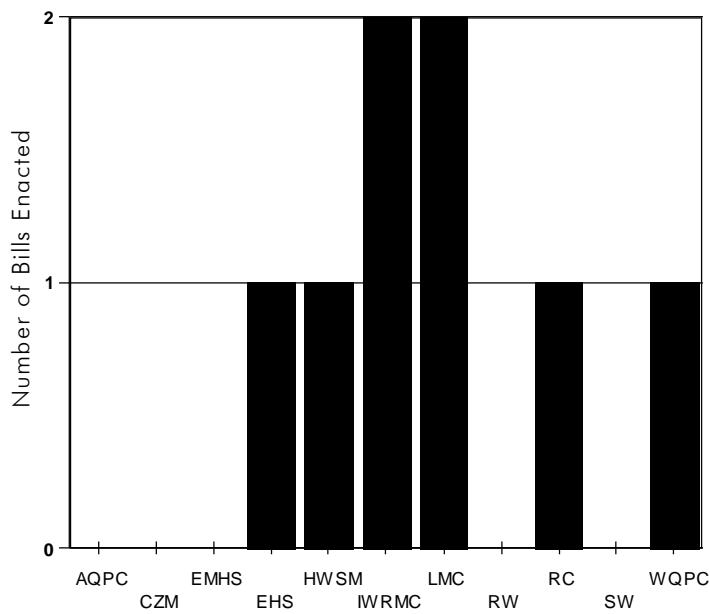
West Virginia

Legislation Category Comparison

Energy Legislation



Environmental Legislation



West Virginia

Energy Legislation

Coal and Minerals

HR 14: Select Committee on Mine Safety Issues

Creates a Select Committee on Mine Safety Issues.

HR 30: “Mine Rescue Teams Day”

Designates March 2, 2006, as “Mine Rescue Teams Day” recognizing mine rescue teams of West Virginia for risking their lives to save miners during times of extreme danger.

HCR 32: “Miner’s Day”

Designates December 6 annually as “Miners Day” in appreciation, honor, and remembrance of the accomplishments and sacrifices of miners in West Virginia.

HB 4076/SB 247: Mine and Industrial Accident Response System

Creates the Mine and Industrial Accident Rapid Response System; provides requirements for protective equipment in underground mines; provides criminal penalties for the unauthorized removal of or tampering with certain protective equipments; sets notification requirements; and, provides for imposing civil administrative penalty for failure to comply with such notification requirements.

HB 4596/SB 594: Qualifications for Miners’ Health, Safety, and Training Director

Relates to the Director of the Office of Miners’ Health, Safety, and Training; provides the Secretary of the Department of Commerce to serve as the interim director; revises qualifications for the director; provides for the appointment of an acting director, and establishes minimum qualifications for the acting director.

HB 4622: Coal Bed Methane Permit Fees

Relates to oil and gas well and methane gas well performance bonds; reduces bond amounts, and increases certain permit fees. Requires all persons who operate or commence a coal bed methane well to obtain a permit before engaging in the said activity.

SR 7: Sago Mine

Recognizes the tragic chain of events, which began January 2, 2006, in the Sago Mine near Tallmansville, Upshur County.

SR 38: Mine Rescue Teams

Recognizes the dedication and commitment of mine rescue teams in West Virginia.

SR 44: Alma No. 1 Mine

Recognizes the tragic events, which began January 19, 2006, in the Alma No. 1 Mine near Melville, Logan County.

SB 461: Water Supply Replacement Requirements

Clarifies that requirements for replacement of water supply apply to both surface and underground mining operations; and, removes archaic language.

SB 539: Professional Qualifications

Increases the professional qualifications required for the position of Director of the Office of Miners' Health, Safety, and Training.

Emergency Management and Homeland Security

SB 439: Emergency Response Agencies

Strengthens the one-call system requirements for persons excavating or performing demolition work in the vicinity of underground facilities by increasing the number of emergency response agencies to be notified in the event of resulting damage.

Utilities

HB 4715/SB 578: Troubled Utilities

Increases the power of the Public Service Commission to order the takeover of troubled utilities.

West Virginia

Environmental Legislation

Environmental Health Services

HB 4321: Lead Abatement

Modifies definitions and exemptions from notification and licensure with respect to lead abatement.

Hazardous Waste and Substance Management

SB 443: Hazardous Waste Management Act and the Hazardous Waste Management Fee

Continues the Hazardous Waste Management Act and the hazardous waste management fee.

Inland Water Resource Management and Conservation

SCR 40: West Virginia Water Development Authority – Bonds

Authorizes the West Virginia Water Development Authority to issue bonds and notes in excess of \$400 million.

SB 778: State Conservation Committee

Allows ex officio members of the State Conservation Committee to designate a representative; allows certain persons to enter private property and water of the state to remove flood debris; provides for the continuation of conservation districts; and, requires those conservation districts to follow county lines.

Land Management and Conservation

HB 4048: Eminent Domain

Prohibits the use of eminent domain for economic development and provides for limited exceptions; establishes a procedure for municipal urban renewal authorities to use eminent domain for properties only in blighted areas; and, requires notice of public hearing and rights of property owners related to proposed condemnation of property.

SB 371: Tax Paid on Privilege of Serving Timber

Reduces the rate of tax paid on privilege of serving timber after a specified date; and, deletes obsolete language.

Reorganization and Coordination

SB 774: Department of Environmental Protection

Defines certain terms and reorganizes the offices in the Department of Environmental Protection.

Water Quality and Pollution Control

SB 419: Alternative Sewer Service Methods

Provides that an innovative, alternative sewer service method provided by a public utility is subject to the jurisdiction of the Public Service Commission.

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 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.

2005-2006 Executive Committee

The list of members below reflects officials who serve the Board as of July 17, 2006. For a current roster, please contact the SSEB staff or visit our website at www.sseb.org.

Chairman

The Honorable Ernie Fletcher, Governor of Kentucky

Chairman-Elect

The Honorable Joe Manchin, Governor of West Virginia

Vice-Chair

Senator John C. Watkins, Virginia

Treasurer

Representative Myra Crownover, Texas

Member, Executive Committee

The Honorable Kathleen Babineaux Blanco, Governor of Louisiana

Member, Executive Committee

The Honorable Matt Blunt, Governor of Missouri

Member, Executive Committee

Senator Jimmy Jeffress, Arkansas

Member, Executive Committee

Senator Jeff Rabon, Georgia

Member, Executive Committee

Representative Harry Geisinger, Georgia

Member, Executive Committee

Representative John Raymond Reeves, Mississippi

Federal Representative

The Honorable Brian C. Griffin, Oklahoma●

Secretary

Kenneth J. Nemeth, Executive Director, SSEB●

Southern Legislative Conference (SLC) Energy and Environment Committee Chair

Senator J. Chris Ullo, Louisiana■

● *Ex-Officio, Non-Voting Executive Committee Members*

■ *The Board's by-laws provide that the Southern Legislative Conference Energy and Environment Committee Chair serves as a non-voting Executive Committee Member.*

Members of the Board

Alabama

The Honorable Robert Riley, Governor
Senator Jimmy W. Holley
Representative Locy “Sonny” Baker
Representative Lynn Greer (Alternate)
Representative Pete B. Turnham, Emeritus

Arkansas

The Honorable Mike Huckabee, Governor
Mr. Shane Khoury (Governor’s Alternate)
Senator Jimmy Jeffress
Representative Bill H. Stovall, III

Florida

The Honorable Jeb Bush, Governor
Alexander Mack (Governor’s Alternate)
Senator Lee Constantine
Representative Kenneth W. (Ken) Littlefield

Georgia

The Honorable Sonny Perdue, Governor
Jimmy Skipper (Governor’s Alternate)
Senator Doug Stoner
Representative Harry Geisinger

Kentucky

The Honorable Ernie Fletcher, Governor
Mr. Stan Cave (Governor’s Alternate)
Senator Robert Stivers
Representative Rocky Adkins

Louisiana

The Honorable Kathleen Babineaux Blanco, Governor
Scott Kirkpatrick (Governor’s Alternate)
Senator Max Malone
Representative Wilfred Pierre

Maryland

The Honorable Robert Ehrlich, Jr., Governor
Frederick Davis (Governor’s Alternate)
Senator John Hafer
Delegate Dereck E. Davis

Mississippi

The Honorable Haley Barbour, Governor
Senator Thomas E. King, Jr.
Representative John Raymond Reeves

Missouri

The Honorable Matt Blunt, Governor
Mr. Ken McClure (Governor’s Alternate)
Senator Kevin Engler
Representative Rex Rector

North Carolina

The Honorable Michael F. Easley, Governor
Mr. Larry Shirley (Governor’s Alternate)
Senator David W. Hoyle
Representative Joe Hackney

Oklahoma

The Honorable Brad Henry, Governor
The Honorable Davis S. Fleishaker (Governor’s Alternate)
Senator Jeff W. Rabon
Representative Dennis Adkins

Puerto Rico

Honorable Anibal Acevedo Vilá, Governor
Javier A. Quintana, Ph.D. (Governor’s Alternate)
Senator Carlos Díaz
Representative Severo Colberg Toro

South Carolina

The Honorable Mark Sanford, Governor
Mr. Austin Smith (Governor’s Alternate)
Senator John C. Land, III
Representative Robert S. Perry, Jr.

Tennessee

The Honorable Phil Bredesen, Governor
Mr. Brian Hensley (Governor’s Alternate)
Senator Jerry W. Cooper
Representative Gary Odom

Texas

The Honorable Rick Perry, Governor
Mr. Michael L. Williams (Governor’s Alternate)
Senator Kip Averitt
Representative Myra Crownover

U.S. Virgin Islands

The Honorable Charles W. Turnbull, Governor
Mr. Bevan R. Smith, Jr. (Governor’s Alternate)

Virginia

The Honorable Tim Kaine, Governor
Michael Karmis, Ph.D. (Governor’s Alternate)
Senator John C. Watkins
Delegate Harry R. Purkey

West Virginia

The Honorable Joe Manchin, III, Governor
Patrick Esposito, Sr., Ph.D. (Governor’s Alternate)
Senator William R. Sharpe, Jr.
Delegate Harold K. Michael