

Energy and Environment Legislative Digest 2008

*A compilation of representative energy and environmental
quality legislation enacted by 16 southern states and
two U.S. territories during the 2008 legislative sessions*

With an introduction by
Representative Rocky Adkins
Commonwealth of Kentucky
SSEB Vice- Chairman

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Representative Rocky Adkins

State Representative Rocky Adkins currently serves as House Majority Floor Leader after being chosen for the post by his Democratic colleagues in November, 2003. A long-time veteran of the Kentucky House of Representatives, he is now serving in his 22nd year as a legislator.

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

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

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

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

Representative Adkins is employed by Appalachian Fuels in Cannonsburg, where he is Director of Public Affairs. A 12-year survivor of cancer, Representative Adkins actively raises funds for research by sponsoring an annual golf tournament entitled the "Rocky Adkins Charity Golf Outing Cure for Cancer" which has raised more than \$1 million since its inception in 1995.

Introduction

Representative Rocky Adkins

The necessity of American energy independence became a major motivation for legislators throughout the South this year. Actions taken by these legislatures resulted in a record number of measures passed relating to energy and the environment. These acts will improve our economy, foster energy security and independence, and protect our environment. They further continue to demonstrate our deep commitment to effective energy and environmental policy, while answering the concerns of our citizens.

It is my privilege to present the following **Energy and Environmental Legislative Digest of 2008**. For more than four decades, the Southern States Energy Board has published this *Digest*, and each year the Board endeavors to ensure that the information is accurate and complete in representing the legislative trends in the southern states. Similar to previous versions, this year's *Digest* continues its new format. It features issue trends rather than state trends, by highlighting four specific topics that were identified as the chief legislative concerns throughout the South. Nevertheless, the *Digest* continues as a research manual that is used by other states for ideas and guidance in adopting and developing new legislation and includes 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 2008 legislative session.

The issue areas identified during this legislative session include: Alternative Energy Development; Energy Efficiency; and Solid Waste. 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 that surrounded these important pieces of legislation.

As previously mentioned, bill summaries are included in this *Digest*. For the interest of this legislation 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. While the number of energy measures has seen a slight decrease over previous years, there has been an increase in larger, more comprehensive legislation, something that can be seen throughout this *Digest*. Many acts could easily fit into several of these categories as they seek to dramatically improve our energy independence. This year energy related matters accounted for 29 percent of the total legislation summarized in this document. The largest topic area this year was Natural Gas and Petroleum with the passage of 42 bills.

Environmental measures are divided into the following categories: Air Quality and Pollution Control; Coastal Zone Management; Emergency Management and Homeland Security; Environmental Health Services; Hazardous Waste and Substance Management; Inland Water Resource Management and Conservation; Radioactive Waste; Reorganization and Coordination; Solid Waste; and Water Quality and Pollution Control. About 71 percent of the total legislation featured in this *Digest* was related to the environment. The largest two categories, similar to last year, were Inland Water Resources Management and Conservation and Land Management and Conservation. These two categories combined for 201 pieces of legislation, representing almost half of all environmental measures. Like last year, energy and environmental legislation was passed in every category.

It is important to me to highlight a few pieces of legislation passed in our member states. *Alabama* passed a total of 23 bills related to energy and environment. The Alternative and Renewable Energy Act of 2008, *Alabama* House Bill 234, provides capital income tax credits for new facilities or expansions by certain utilities with capital costs of not less than \$100 million, if the predominant trade of business will be the production of electricity from alternative energy resources, or \$5 million, if the predominant trade or business will be the production of electricity from hydropower production. Also, *Alabama* House Bill 395 creates the Alabama Recycling Fund and the Solid Waste Fund to provide grants to enhance recycling and reuse programs.

Florida passed 31 measures related to energy and the environment. House Bill 7135, a comprehensive piece of energy legislation, sets up a cap-and-trade system; sets benchmarks for conservation; promotes the use of renewable energy; and, streamlines the process for companies to get permits to build nuclear power plants, among other things. Additionally, *Florida* House Bill 697 updated the Florida Energy Code to include staggered energy efficiency increases. *Florida* also passed numerous environmental acts, including, House Bill 1427 aimed at addressing beach erosion.

During the 2008 legislation session *Georgia* passed a total of 31 bills related to energy and the environment. House Bill 670, a comprehensive state tax credit for renewable energy and energy efficiency technologies, provides for an income tax credit for wood residuals diverted or transported to renewable biomass qualified facilities. The bill also provides for income tax credits for solar energy equipment, geothermal heat pump systems, wind equipment, biomass equipment, and a wide range of energy efficiency upgrades. *Georgia* Senate Bill 342 creates a Water Supply Division within the Georgia Environmental Facilities Authority to acquire, design, construct, equip, maintain, expand, and improve reservoirs in the state.

The *Commonwealth of Kentucky* passed 11 pieces of legislation related to energy and 13 pieces related to the environment. *Kentucky* House Bill 2 establishes high performance buildings standards and timeframes for state-funded construction, and requires that by 2018, state-leased buildings meet those same standards. The legislation also provides residential and commercial energy efficient income tax credits for the installation of interior lighting and HVAC systems and calls on the Governor's Office of Energy Development and Independence to develop a report and recommendations on adoption of a requirement for renewable and energy efficiency portfolio standards, among other things. Senate Bill 83 adds wind, water, or other renewable energy resources to the eligible sources of customer generated electricity and requires the Public Service Commission to develop guidelines for interconnection and net metering by retail electric suppliers.

Legislators in *Louisiana* passed a total of 68 measures related to energy and the environment. This amounted to the second most legislation passed by any of the southern states. House Bill 1270 creates the Advanced Biofuel Industry Development Initiative designed to reduce *Louisiana's* dependency on foreign oil and increase economic opportunities using readily available feedstocks. *Louisiana* also sought to address coastal zone management with the passage of 16 measures. Many of these measures were designed to increase production of the seafood industry. Senate Bill 196 restricts any waste facility from operating within 5,000 feet of any main runway of an airport in certain parishes.

Maryland passed a plethora of alternative energy legislation; ranking the state third in total passed legislation related to energy and the environment, with 67 pieces of legislation. House Bill 375/Senate Bill 209 increases the percentage requirements of the Renewable Energy Portfolio Standard to 20 percent in 2022. House Bill 1337 establishes a Maryland Clean Energy Center as a body politic and as an instrumentality of the state to generally promote and assist in the development of the clean energy industry in the State. House Bill 374 establishes the state goal of achieving a 15 percent reduction in per capita electricity consumption and peak demand by the end of 2015. *Maryland* also establishes a Strategic Energy Investment Fund and a Strategic Energy Investment Program administered by the Maryland Energy Administration through House Bill 368/SB 268.

Mississippi passed 44 pieces of legislation related to energy and the environment. Senate Bill 3007 requires the Department of Finance and Administration to adopt certain rules and regulations regarding energy performance of state-funded buildings throughout the state. Senate bill 2793 authorizes the Public Service Commission to utilize an alternative method of cost recovery of certain base load generation. Finally, House Bill 708 requires the Department of Finance and Administration to create a report of *Mississippi* based companies that manufacture products using recycled materials to state agencies.

Legislators in *Missouri* passed 22 bills addressing energy and the environment. House Bill 2058 allows a company that leases or owns facilities that produce electricity derived from qualified renewable energy sources, or which produce fuel for the generation of electricity from qualified renewable energy sources, to qualify for tax incentives. Senate Bill 931 creates an income tax credit for the costs of constructing a qualified alternative fuel vehicle refueling property. The tax credit shall not exceed the lesser of \$20,000 or 20 percent of the costs directly associated with the purchase and installation of any alternative fuel storage and dispensing equipment. Senate Bill 1181 requires that by January 1, 2009, the Department of Natural Resources shall modify the minimum energy efficiency standard so that it is at least as stringent as the 2006 International Energy Conservation Code. The legislation also mandates that any required renewable mandate shall not raise retail electric rates by an average of more than 1 percent in any years, and all costs associated with a renewable mandate shall be recoverable in rates.

Legislators in *North Carolina* sought to address energy efficiency, inland water resource management and conservation and solid waste with the passage of 32 measures related to energy and the environment. House Bill 2532/Senate Bill 1946 codifies the standards governing energy efficiency and water use for major facility construction and renovation projects. House Bill 2529 extends the Legislative Commission on Global Climate Change. House Bill 819/Senate Bill 844 adds discarded televisions to the state's electronic recycling program.

Oklahoma enacted 53 pieces of legislation related to energy and the environment. House Bill 2813 authorizes electric utilities to recover costs, using rate adjustments approved by the Corporation Commission, for transmission upgrades necessary to develop wind power generation. Senate Bill 1765 creates the Oklahoma Geologic Storage of Carbon Dioxide Task Force. In Senate Bill 1451, the legislature authorizes the Department of Environmental Quality to make grants to public and private entities to implement air pollution reduction measures, including retrofitting truck and bus fleets to use cleaner burning fuels. Finally, Senate Bill 498 encourages a goal of recycling 10 percent of the entire solid waste stream produced in the state by 2011.

South Carolina passed 25 pieces of legislation addressing energy and the environment. Senate Bill 368 requires the state fleet management program to improve environmental quality by decreasing the discharge of pollutants through giving hybrid, plug-in hybrid, bio-diesel, hydrogen, fuel cell and flex fuel vehicles preference. House Bill 3395 requires the South Carolina Energy Office to provide a report on the process and procedures for establishing a net metering program in the state.

Tennessee passed 52 measures related to energy and environment. House Bill 4202/Senate Bill 4204 requires the technical secretary of the Air Pollution Control Board to establish an expedited review process for permits for combined heat and power plants or a recoverable waste energy plant. House Bill 4039 enacts the "Energy Efficient Schools Initiative of 2008." Another measure, House Bill

1220, requires persons replacing used license plates to deposit the plates with the Department of Revenue or its agents and authorizes the Commissioner of Revenue to enter into contractual agreements with nonprofit organizations for the collection, disposal, and recycling of used, expired, or outdated plates.

Legislators in the *Commonwealth of Virginia* passed 106 pieces of legislation, or over 17 percent of the legislation in the South related to energy and the environment. House Bill 139 provides an income tax to biodiesel fuel producers in *Virginia* who produce up to two million gallons a year. In House Bill 1229, *Virginia* delegates added water-efficient products to the energy efficient products sales tax holiday held during a four-day period in the month of October. House Bill 1523/Senate Bill 311 requires electric utilities to submit, by September 1, 2009, an integrated resource plan (IRP). The IRP must provide a forecast of its load obligations and a plan to meet those obligations by supply side and demand side resources over the ensuing 15 years that will provide reasonable prices, reliable service, energy independence, and environmental responsibility. Another bill, House Bill 1021, establishes a goal for all state agencies, except the Department of State Police, to have 20 percent of their eligible workforce telecommuting by January 1, 2010. Lastly, Senate Bill 648 strengthens and broadens the current recycling program for used motor oil and used oil filters to include all automotive maintenance fluids.

West Virginia passed a total of 30 measures related to energy and the environment. Senate Bill 150 adds \$1,400,000 for mine training, and Energy Academies that will provide training for individuals who are interested in mining and or energy technologies. Additionally, Senate Bill 673 grants a supplementary appropriation of \$5,000,000 for the Department of Health and Human Resources Low Income Energy Assistance Program to provide assistance in the purchasing of heating fuel and weatherization. Finally, like many other states *West Virginia*, through Senate Bill 746, established an e-recycling program.

As you can see, the South passed a wide array of legislation aimed at addressing citizens concerns, working to achieve American energy independence, and protecting our environment. These legislative actions demonstrate the deep commitment of southern legislators towards energy and environmental issues. However, these issues will continue to demand our attention and action. This is just the beginning in our path towards energy independence, but I commend the legislators and governors of the South for their sustained effort, commitment, and determination to improve and enhance the quality of life for all citizens.

Representative Rocky Adkins
Representative of the Commonwealth of
Kentucky
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 the South. The purpose of this section is to familiarize the reader with the possible categorical legislative trends in the southern region. Legislation is first categorized by state and then by category.

Alternative Energy Development

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

Coal and Minerals

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

Emergency Management and Homeland Security

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

Energy Efficiency

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

Natural Gas and Petroleum

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

Reorganization and Coordination

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

Utilities

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

Categories of Environmental Legislation

Air Quality and Pollution Control

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

Coastal Zone Management

The category of *Coastal Zone Management* involves the preservation and enhancement of both off-shore and on-shore environments, including coastal landforms and marine ecosystems. Measures within this category include, 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 Development
CM	Coal and Minerals
EMHS	Emergency Management and Homeland Security
EE	Energy Efficiency
NGP	Natural Gas and Petroleum
RC	Reorganization and Coordination
U	Utilities

Environmental Legislation

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

Legislation Prefix

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

Matrix of 2008 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	▶		▶	▶	▶	▶	▶	▶	▶		▶		▶	▶			▶	▶

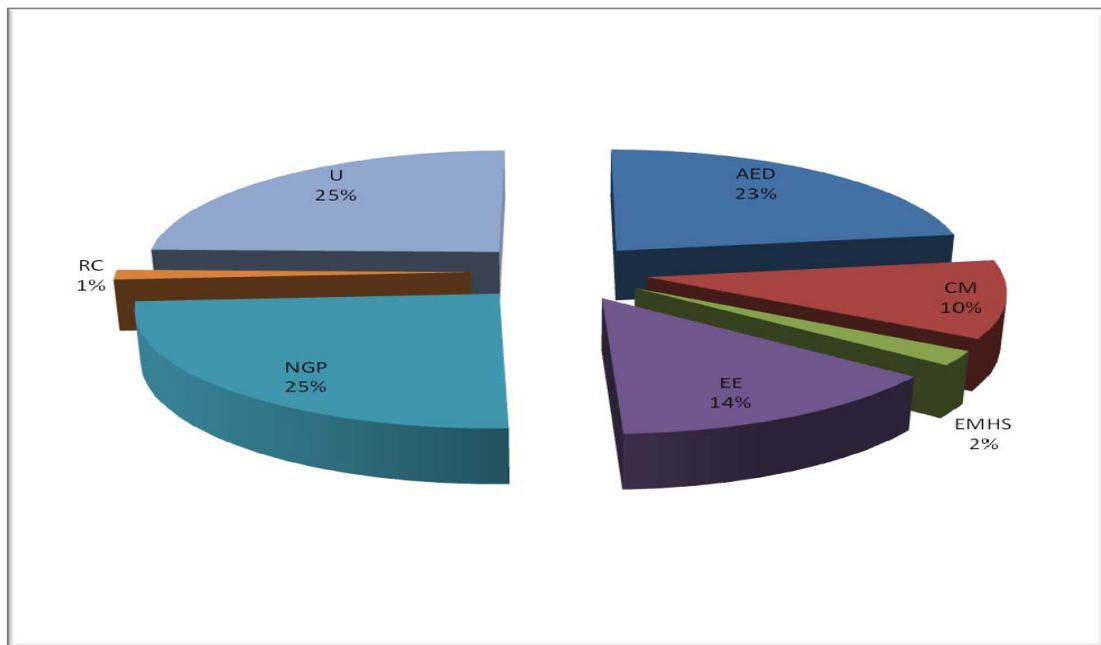
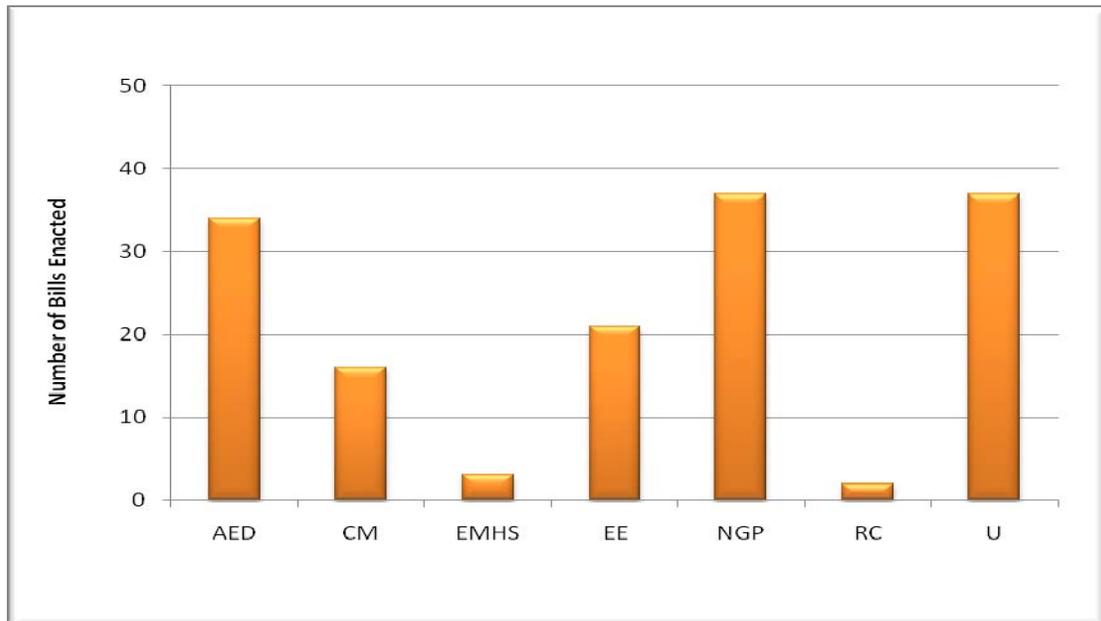
AED Alternative Energy Development
 CM Coal and Minerals
 EMHS Emergency Management and Homeland Security
 EE Energy Efficiency
 NGP Natural Gas and Petroleum
 RC Reorganization and Coordination
 U Utilities

Matrix of 2008 Environmental Legislation

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

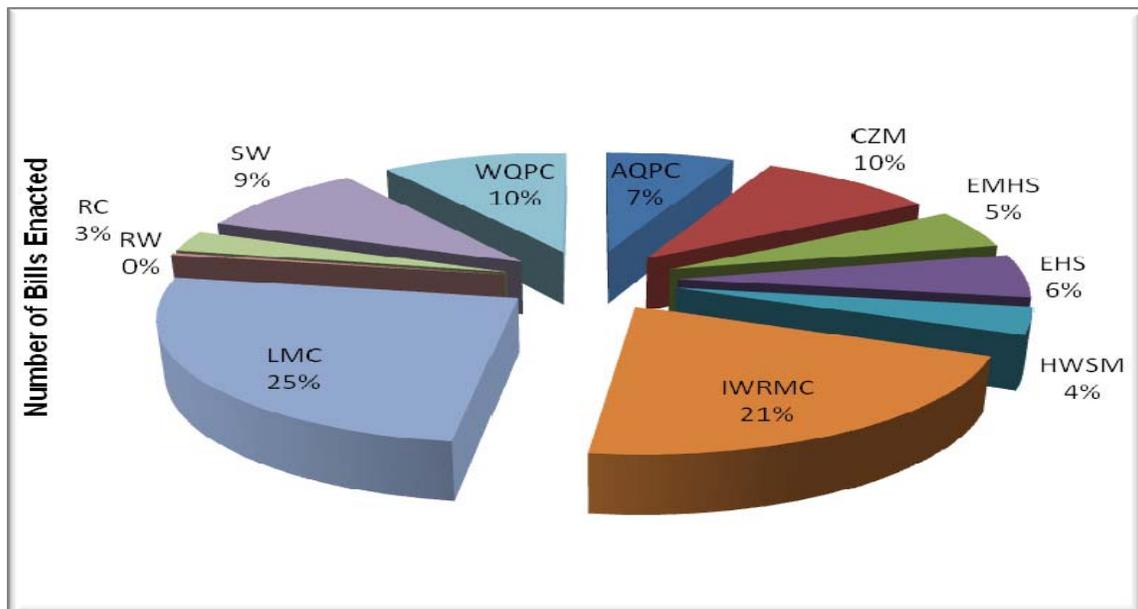
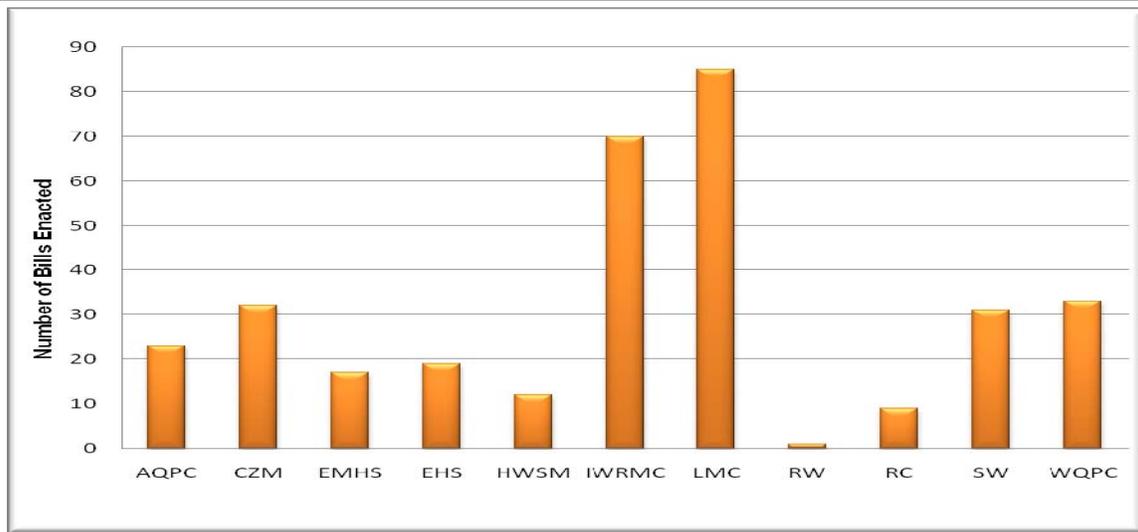
AQPC Air Quality and Pollution Control
 CZM Coastal Zone Management
 EMHS Emergency Management and Homeland Security
 EHS Environmental Health Services
 HWSM Hazardous Waste and Substance Management
 IWRMC Inland Water Resource Management and Conservation
 LMC Land Management and Conservation
 RW Radioactive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

Overall Energy Legislation



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

Overall Environmental Legislation



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

Topic Areas

Alternative Energy Developments

In an effort to address the growing demands of citizens, concerns over traditional fuel sources, and to stimulate the alternative energy economy many states adopted legislation aimed at addressing the barriers and costs associated with the development and use of alternative energy. Many other states sought to expand a growing industry in the South. While some states passed specific pieces of legislation dealing with one issue, many states passed comprehensive legislation aimed at addressing concerns across the energy field.



The *Commonwealth of Kentucky*, with Senate Bill 83, added wind, water, or other renewable energy sources to eligible sources of customer-generated electricity, which includes biomass and biogas as sources of net-metered energy. The legislation also requires the Public Service Commission to develop guidelines for interconnection and net metering by retail electric suppliers and requires those suppliers to carry forward net-metered credits for the life of the customer-generator's account. Finally, the legislation requires the customer-generator to pay for any interconnection upgrade. *Oklahoma* addressed wind generation, specifically transmission. *Oklahoma* House Bill 2813 authorizes electric utilities to recover costs, using rate adjustments approved by the Corporation Commission, for transmission upgrades necessary to develop wind power generation provided such upgrades are approved by the Southwest Power Pool and are placed into service before the end of 2013. *Alabama* passed the Alternative and Renewable Energy Act of 2008 (House Bill 234). This measure provides capital income tax credits for tax years beginning after December 31, 2011 through December 31, 2018, unless continued or reinstated by vote of the Legislature, for new facilities or expansions owned by certain utilities with capital costs of not less than \$100 million, if the predominate trade or business will be the production of electricity from alternative energy sources.

Florida passed a comprehensive piece of legislation which addresses almost every aspect of energy, while providing pieces designed to protect and enhance the environment. *Florida* House Bill 7135 builds on last year's piece of legislation, which was vetoed. Some major points of this legislation include:

- Encouraging the development of low carbon emitting electric power plants, which makes it more attractive for companies to invest in new nuclear

power plants and for utilities to put up high-voltage transmission lines across state land;

- Requiring investor-owned utilities to develop a standardized interconnection agreement and net metering program for customer-owned renewable generation on or before January 1, 2009, and directs municipal electric utilities and rural electric cooperatives that sell electricity at retail to develop a standardized interconnection agreement and net metering program, as well;
- Directing the Public Service Commission to adopt a rule for a renewable portfolio standard requiring each provider, which includes an investor-owned utility, but not a municipal electric utility or rural electric cooperative, to supply renewable energy to its customers, either directly, by procuring, or indirectly providing through the purchase of Renewable Energy Credits;
- Authorizing the Department of Environmental Protection to adopt rules for a cap-and-trade regulatory program to reduce greenhouse gas emissions by electric utilities and provides that the rule may not become effective until ratified by the Legislature and not until after January 1, 2010;
- Requiring a long term goal by state and local governments, private companies, organizations, and the general public to reduce the amount of recyclable solid waste disposed of in waste management facilities, landfills, or incinerator facilities by a statewide average of at least 75 percent; and,
- Establishing the Florida Renewable Fuel Standard Act, which provides that beginning on December 31, 2010, all gasoline sold or offered for sale in *Florida* by a terminal supplier, importer, blender, or wholesaler shall be blended gasoline of a mixture of 90 to 91 percent gasoline and 9 to 10 percent fuel ethanol by volume.

This legislation provides numerous tax breaks and incentives to individuals and companies installing or upgrading to alternative energy products and/or power. **Senator Lee Constantine**, co-sponsor of the legislation, stated: “last year’s bill tried to incorporate ideas from many legislators and, it just didn’t work.” Governor Crist played an important role in developing this legislation and the bill included many recommendations the Florida Energy Commission made. He went on to say “last year’s bill didn’t include the cap-and-trade program, the proposed



renewable energy standards, requirements for green state office buildings, and proposed vehicle-emission standards. The bill was more of a grant program without the board policy direction in this year's bill." Senator Constantine concluded by stating: "when all is said and done – big focus, long term – this will be the most important bill that passes this year for Floridians."

Maryland passed eight pieces of legislation related to alternative energy development. House Bill 375 increases the percentage requirements of the Renewable Energy Portfolio Standard to 20 percent in 2022 and beyond. House Bill 1337 establishes the Maryland Clean Energy Center. *Maryland* also provided some grants to further the use of alternative fuels. House Bill 140 creates a state income tax credit for cellulosic ethanol technology research and development in the state. In addition, House Bill 37 increases specified grant limits under the Solar Energy and Geothermal heat Pump Grant programs. *Virginia*, like *Maryland*, passed eight pieces of legislation related to alternative energy development, many of which focused on biofuels. House Bill 139 allows for an income tax credit to biodiesel and green diesel fuels producers in *Virginia* who produce up to two million gallons of biodiesel or green diesel fuels a year. Senate Bill 464 establishes the Virginia Commission on Energy and Environment as a legislative study commission to review and recommend steps to implement the Virginia Energy Plan.

Missouri also sought to expand their growing biofuels industry. Senate Bill 931 creates an income tax credit for the costs of constructing a qualified alternative fuel vehicle refueling property. The tax credit shall not exceed the lesser of \$20,000 or 20 percent of the costs directly associated with the purchase and installation of any alternative fuel storage and dispensing equipment. *Georgia* passed a comprehensive state tax credit for renewable energy and energy efficiency technologies. House Bill 670 provides for income tax credits for wood residuals diverted or transported to renewable biomass qualified facilities. The bill also provides income tax credits for clean energy property, which includes solar energy equipment, Energy Star certified geothermal heat pump systems, wind equipment, and biomass equipment to convert wood residuals into electric through gasification and pyrolysis. **Representative Harry Geisinger** commented "*Georgia* has taken the aggressive posture of promoting cellulosic biofuel production since the state has millions of acres of timber that will be conducive to the growing biofuel industry."



Finally, in an effort to address workforce issues, *West Virginia* through Senate Bill 150, added \$1,400,000 for mine training, and Energy Academies that will provide training for individuals who are interested in mining and or energy technologies industries.

Solid Waste Management

While energy matters were a chief concern of legislators in the South, environmental matters remained high on the agenda for many states. Specifically, many states sought to address solid waste management and developing and implementing recycling plans. The solid waste category relates to the treatment, disposal and/or recycling of refuse, scrap, tailings, chemical effluents, litter and agricultural or industrial wastes. Solid waste also means wastes that are non-toxic. However, the definition of solid waste often varies from state to state.



Two major issue areas within this category are recycling and the regulation of solid waste. Beginning with recycling, *Alabama* House Bill 395 creates the Alabama Recycling Fund and the Solid Waste Fund to provide grants to enhance recycling and reuse programs throughout the state. The Solid Waste Fund would be used to pay costs of remediation, abatement, and removal of unauthorized dumps and landfills. It also levies statewide disposal fees on generators of solid waste who dispose of solid waste of either \$.25 per cubic yard or \$1 per ton of solid waste depending on the type of facility. *Mississippi* House Bill 708 requires the Department of Finance and Administration to create a report of Mississippi based companies that manufacture products using recycled materials to state agencies.

Oklahoma passed several bills related to recycling and solid waste. **Senator Jeff Rabon** stated: “the state addressed efforts to recycle our solid waste stream



by setting a goal of recycling ten percent of the entire solid waste stream produced in *Oklahoma* by December 31, 2011.” This goal was set through a Senate Bill which requires the Department of Environmental Quality to coordinate efforts with groups supporting recycling and issue a report to the Legislature. *Oklahoma* also focused on the problem of recycling electronic waste. Through Senate Bill 1631, Senator Rabon said, “our Legislature also enacted a bill to develop a program to recycle used computer equipment. This program will be mandatory for manufacturers selling computer equipment and it prohibits any sale of computer equipment to the state unless the manufacturer is in compliance with the Oklahoma Computer Equipment Recovery Act.”

Several other states sought to address electric waste recycling. *Virginia* House Bill 344 requires manufacturers of more than 500 items of computer equipment to adopt and implement a recovery plan providing for the reasonable, convenient

collection, recycling, and reuse of computer equipment returned by a consumer in the *Commonwealth*. The manufacturer must also affix a permanent, readily visible label to the computer equipment with the manufacturer's brand before a manufacturer may offer computer equipment for sale in the *Commonwealth*. *Kentucky* Senate Joint Resolution 76 directs the Environmental and Public Protection Cabinet to submit a report to the Legislative Research Commission relating to electronic waste disposal and recycling. *West Virginia* Senate Bill 746 establishes a recovery program for recycling of electronic devices. It allows counties to create specific plans for recycling in conjunction with various entities including retailers, manufacturers, recyclers, or local governments. It also contains similar requirements that computer equipment must contain special labels and markings. *Missouri* Senate Bill 720 requires manufacturers of computers to implement "recovery plans" for the collection and recycling or reuse of their obsolete equipment. The recovery plan must be implemented and a copy of the plan submitted to the Department of Natural Resources before the manufacturer can sell its computers in Missouri.

In addition to electronic waste recycling, *Missouri* also sought to address the larger issue of solid waste. *Missouri* Senate Bill 1034 modifies current record-keeping requirements for purchases of copper scrap metal and also applies to such record-keeping requirements to purchases of brass, bronze and certain aluminum scrap metal. *Oklahoma* and *Tennessee* both passed similar legislation. Specifically, *Tennessee* passed House Bill 3650 and House Bill 2433, both of which increase the regulation and monitoring of scrap metal recycling and reuse in the state. **Representative Gary Odom** stated: "recognizing the escalating problem of scrap metal and precious metal theft in *Tennessee*, legislators implemented new regulations to curb the black market trade." He went on to say "with the price of copper and other common metals soaring, many Tennesseans began noticing an unusual spike in crimes committed on local homes and cars where precious metals were readily available. This problem, lawmakers learned, has escalated into a widespread epidemic in both rural and urban areas." He described the legislation as: "to combat the growing crisis, lawmakers enacted tougher new regulations to help keep an eye on the problem. Under the new legislation, scrap metal dealers may not buy or otherwise acquire metal from anyone who does not present a valid state or federally issued photo ID and may not sell to anyone under 18. Dealers must also require a thumbprint record of a person who wishes to sell scrap metal to the dealer. Dealers will also need to register with the Department of Commerce. First and second violations will result in a Class A misdemeanor charge, with a third violation resulting in a Class E Felony." *Tennessee* also implemented a program to recycle used license plates in the state, through House Bill 1220.



Energy Efficiency



Emerging as a top legislative trend this year, energy efficiency legislation was passed in over half of the southern states. While coal plants are cleaner and more efficient than ever, they are considered a major source of carbon dioxide emissions. Energy efficiency is becoming a significant strategy and practice to help offset these concerns. Adopting energy efficient standards, upgrading building codes, conducting audits, providing tax incentives, and now developing and implementing a utility program designed to incorporate the “fifth fuel” are being considered by some state utility commissions. It has been estimated that energy efficiency could provide a 20 percent savings in total electric demand nationwide. However, leaders need to give serious thought to the policies and programs necessary to capitalize on these potentially huge benefits. These new innovative approaches to energy efficiency can serve as excellent models for developing and implementing programs in your state.

Florida passed two pieces of legislation aimed at expanding energy efficiency in the state. House Bill 697 implemented recommendations of the Florida Energy Commission featured in its “2007 Report to the Legislature.” Specifically, the legislation creates Florida Statutes to establish the following schedule of required increases in the energy efficiency performance of buildings subject to the Florida Energy Code: by 2010, efficiency increases of at least 20 percent; by 2013, efficiency increases of at least 30 percent; by 2016, efficiency increases of at least 40 percent; and, by 2019, efficiency increases of at least 50 percent. House Bill 7135, the comprehensive energy legislation, provides that all state agency facilities constructed and renovated by the state comply with the Leadership in Energy and Environmental Design (LEED) rating system and it requires all county, municipal, school district, water management district, state university, community college, and/or court buildings to be constructed to meet the LEED rating system.

Georgia provided income tax credits, through House Bill 670, for energy efficient upgrades. These upgrades include lighting retrofit projects, which means retrofitting a system so that it employs dual switching, delamping, daylighting, relamping, and other controls or processes which reduce the annual energy and power consumption by 30 percent. The legislation also provides income tax credits for energy efficient buildings, which means for other than single-family residential property new or retrofitted buildings that are designed, constructed, and certified to exceed the standards set forth in the American Society of Heating, Refrigerating, and Air Conditioning Engineers 2004 standard by 30 percent. *Georgia* also passed two other pieces of legislation related to energy efficiency. House Bill 948 continued the state’s exemption of certain energy efficient products from the state sales and use tax. Senate Bill 130 provides that



the Department of Community Affairs shall adopt policies and procedures as recommended standards for buildings owned or managed by the state with the goal of promoting effective energy and environmental standards. **Representative Harry Geisinger** commented that “the Georgia General Assembly has continued to promote and pass legislation that would be beneficial to the conservation of energy within our borders.”

Kentucky passed a comprehensive piece of legislation expanding energy efficiency in the *Commonwealth*. **Representative Rocky**

Adkins stated that House Bill 2 “builds upon the sound energy policy direction that was started with the passage of House Bill 1 in the 2007 special session last summer. This bill will expand our footprint in energy efficiencies, conservation initiatives, and renewable energy solutions.” Specifically, House Bill 2 establishes high performance buildings standards and timeframes for state-funded construction, and requires that by 2018, state-leased buildings meet those same standards. Additionally, House Bill 2 provides residential energy efficiency state income tax credits for a percentage of the installed costs of upgraded insulation, energy-efficient windows and doors,



geo-thermal technology, and heating and cooling systems; commercial property energy efficiency state income tax credits for a percentage of installed costs of energy-efficiency interior lighting systems and HVAC systems; and, Energy Star home and manufactured home credits for purchasers and owner-builders of Energy Star homes. Furthermore, the legislation directs the Public Service Commission to consider next-generation residential utility meters when reviewing utility demand management plans; creates incentives for renewable energy by producing energy for sale and/or use from wind, hydro, or solar power; and, calls on the Governor’s Office of Energy Development and Independence to develop a report and recommendations on adoption of a requirement for a renewable and energy efficiency portfolio standard from the regulated electric utilities. “House Bill 2 makes our energy policy more sound and comprehensive,” said **Representative Adkins**. “I know that there is no single bullet in achieving energy independence. But I believe that the policies and incentives contained in House Bill 2 are a forward-looking investment in our economy, our energy future, our communities, and our children.”

Several other states passed significant legislation related to energy efficiency. *Maryland* House Bill 374 establishes the state goal of achieving a 15 percent reduction in per capita electricity consumption and peak demand by the end of 2015. *Mississippi* Senate Bill 3007 provides that each major state facility construction project shall be designed and constructed to exceed the requirements of the energy conservation guides adopted by the Department of

Finance and Administration by at least 30 percent. *Tennessee* House Bill 4039 enacts the “Energy Efficient Schools Initiative of 2008.”

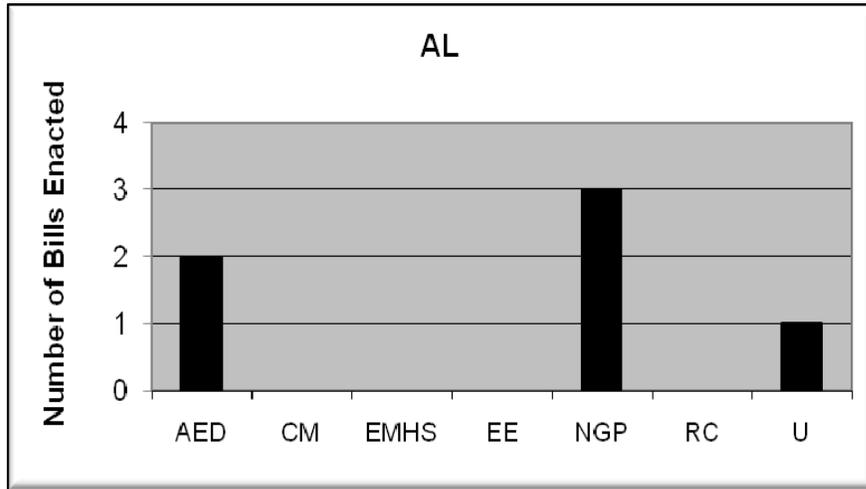
Finally, *Oklahoma* House Bill 3394 “requires the Department of Central Services to adopt a “high-performance certification program” for public building design, construction, and renovations standards which meet the standards of the United States Green Building Council’s Leadership in Energy and Environmental Design Rating System” stated **Senator Jeff Rabon**. The Senator went on to say “energy efficiency requirements for public buildings were brought up in several legislative measures this past session in *Oklahoma*.”



Alabama

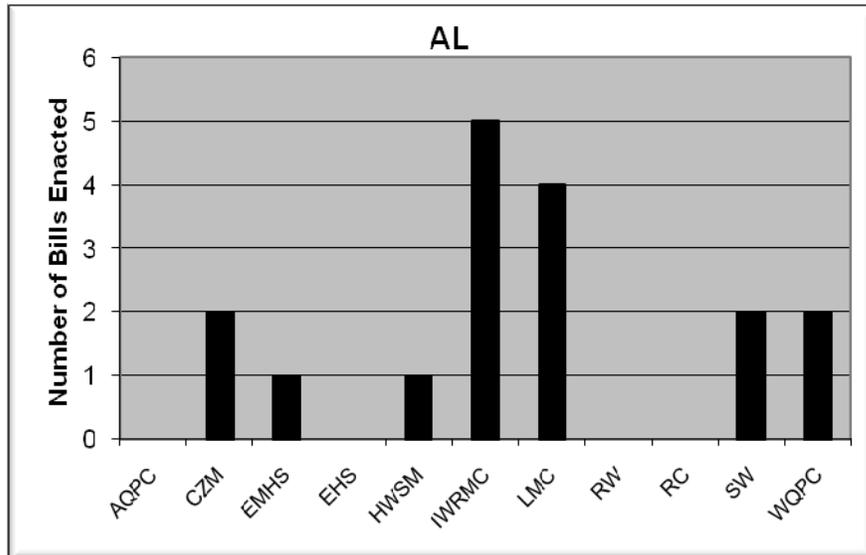
Legislation Category Comparison

Energy Legislation



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

Environmental Legislation



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

Alabama

Energy Legislation

Alternative Energy Development

HB 234: Alternative and Renewable Energy Act of 2008

Enacts the Alternative and Renewable Energy Act of 2008. Provides capital income tax credits for tax years beginning after December 31, 2011 through December 31, 2018, unless continued or reinstated by vote of the Legislature, for new facilities or expansions owned by certain utilities with capital costs of not less than \$100 million, if the predominant trade or business will be the production of electricity from alternative energy resources, or \$5 million, if the predominant trade or business will be the production of electricity from hydropower production. The capital credit loss is dependent upon the amount of the qualifying capital investments.

Provides a refund from state gasoline and motor fuel excise taxes of up to \$1,000 annually on fuel used to transport any biomass from a farm to a facility at which the biomass is used in the generation of electricity. The refund amounts would be credited pro rata against each fund receiving state gasoline and motor fuel excise taxes, excluding amounts dedicated to the Department of Transportation for the repayment of a bond issue. The bill also expands the gasoline tax refund for agricultural purposes to any motor fuel used for agricultural purposes which will not significantly affect motor fuel tax receipts due to such fuel already qualifying for a refund.

Amends, beginning in the 2012 fiscal year, Tax Incentive and Reform Act of 1992 to expand the definition of an industrial or research enterprise to include a plant, property, or facility that meets both of the following: (1) it produces electricity from: (a) an alternative energy source and has a capital cost of at least \$100 million; or (b) hydropower production and has a capital cost of at least \$5 million; and (2) all or a portion of the plant, property, or facility is owned by a utility, electric cooperative, or municipal electric authority.

HB 236: Public Interest Energy Research and Development Grants Program (Vetoed)

Establishes the Public Interest Energy Research and Development Grants Program to provide funding for energy related research and development projects, requires the Joint Legislative Committee on Energy Policy to review applications and recommend to the Commission for approval grant proposals; and establishes the non-reverting Public Interest Energy Research and Development Grants Fund to receive state appropriations, gifts, grants, federal funds and any other funds to be used to make public energy research and development grants.

Natural Gas and Petroleum

HB 590: Oil and Gas Production Tax Receipts

Increases oil and gas production tax receipts to the State General Fund and increases oil and gas privilege tax receipts to the State General Fund, in counties and municipalities where oil and gas is produced by an undetermined amount dependent on 1) the Oil and Gas Board authorizing multiple wells to be drilled in shale natural gas reservoirs and coalbed methane reservoirs as authorized herein when it is determined that one well will not efficiently and economically drain the entire drainage or production unit and 2) the additional wells result in increased production from the unit.

HJR 89: American Shrimp Producers

Urges the Alabama Congressional Delegation to provide relief to American shrimp producers under the strain of high fuel prices.

SB 162: Liquefied Petroleum Gas Board

Provides for the continuance of the Liquefied Petroleum Gas Board until October 1, 2012 pursuant to the Alabama Sunset Law.

Utilities

SB 179: Public Service Commission

Provides for the continuance of the Public Service Commission until October 1, 2012 pursuant to the Alabama Sunset Law.

Alabama

Environmental Legislation

Coastal Zone Management

HJR 656: Waterfront Access Study Committee

Creates the Alabama Waterfront Access Study Committee. The committee, with the assistance of the Mississippi-Alabama Sea Grant Consortium, shall study the degree of loss and potential loss of the diversity of uses along the coastal shoreline of Alabama and how these losses impact access to the public trust waters of the state.

SB 385: Gill Net License

Increases the obligations of the Department of Conservation and Natural Resources by an undetermined amount to promulgate rules and establish and administer a program to acquire and retire all net permits of saltwater commercial fishermen and allows any person who has been issued a recreational gill net license for the 2007-2008 license year to continue to annually purchase such a license for the remainder of the person's life.

Emergency Management and Homeland Security

HJR 214: Alabama Wildland Firefighters

Commends the Alabama Wildland Firefighters for battling wildfires throughout the Nation.

Hazardous Waste and Substance Management

SB 482: Federal Motor Vehicle Safety Regulations

Exempts from certain federal motor vehicle safety regulations commercial motor vehicles operated in intrastate commerce that weigh less than 26,001 pounds and transport neither hazardous materials or more than 16 passengers.

Inland Water Resource Management and Conservation

HB 58: Stormwater – Baldwin County

Proposes an amendment to the Constitution of Alabama, relating to Baldwin County, to provide by general or local law the formation of a public corporation for the purpose of managing storm water in the county and authorizes the levy and collection of storm water service charges on certain property containing impervious surface areas in the county.

HB 88: Mobile Area Water and Sewer System

Increases the obligations of the Mobile Area Water and Sewer System by an estimated minimum of \$13,000 annually.

HJR 91: TVA

Commends the Tennessee Valley Authority upon its 75th anniversary.

SB 189: Conserving Water - Limestone County Commission

Authorizes the Limestone County Commission to develop ordinances to protect and conserve water and water supplies as well as water usage outside the corporate limits of any municipality in the county.

SJR 28: Water Policy and Management

Creates the Alabama Permanent Joint Legislative Committee on Water Policy and Management.

Land Management and Conservation

HB 184: Community Development – Colbert County

Establishes the Colbert County Community Development Commission for the purposes of promoting economic development, education, recreation, conservation and fire protection.

HB 307: Community Development – Franklin County

Establishes the Franklin County Community Development Commission for the purposes of promoting economic development, education, recreation, conservation and fire protection.

HB 362: Community Development – Lauderdale County

Establishes the Lauderdale County Community Development Commission for the purposes of promoting economic development, education, recreation, conservation and fire protection.

SB 519: Legacy, Inc.

Reduces the environmental tag receipts of the Environmental Education Fund of the Department of Environmental Management by an estimated \$635,000 annually beginning in FY 2009. Environmental tag fees would be distributed directly to Legacy, Inc. rather than to the Department of Environmental Management and, pursuant to the provisions of the General Appropriations Act, subsequently transferred all or in part to Legacy, Inc. In addition, the legislation authorizes Legacy, Inc. to establish a perpetual trust fund and to spend interest earnings for environmental education as determined by the Board.

Solid Waste

HB 395: Alabama Recycling Fund and the Solid Waste Fund

Creates the Alabama Recycling Fund and the Solid Waste Fund to provide grants to enhance recycling and reuse programs. The Solid Waste Fund would be used to pay costs of remediation, abatement and removal of unauthorized dumps and landfills. It also levies statewide disposal fees on generators of solid waste who dispose of solid waste of either \$.25 per cubic yard or \$1 per ton of solid waste depending on the type of facility.

HB 741: Solid Waste Disposal – Choctaw County

Authorizes the Choctaw County Commission to levy an additional sale and use tax designated exclusively for the operational fund of the county mandatory solid waste disposal program.

Water Quality and Pollution Control

HB 45: Wastewater – Baldwin County

Proposes a local constitutional amendment relating to Baldwin County which authorizes the Legislature to regulate wastewater utilities in the county.

HB 528: Water and Sewer Systems – Phenix City

Proposes a local amendment to the Constitution of Alabama providing that Phenix City may not sell or transfer its water and sewer system unless the sale or transfer is approved through a referendum of the voters in the city.

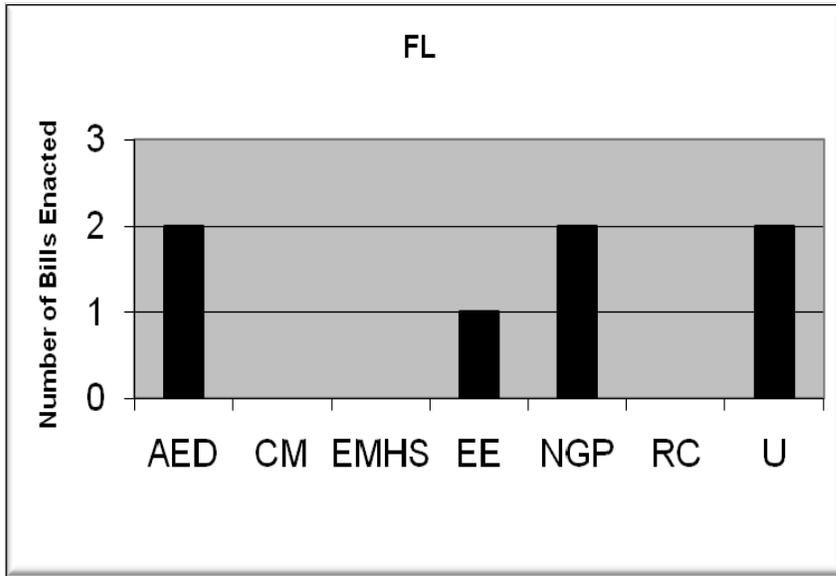
Arkansas

The Arkansas General Assembly did not hold a legislative session in 2008.

Florida

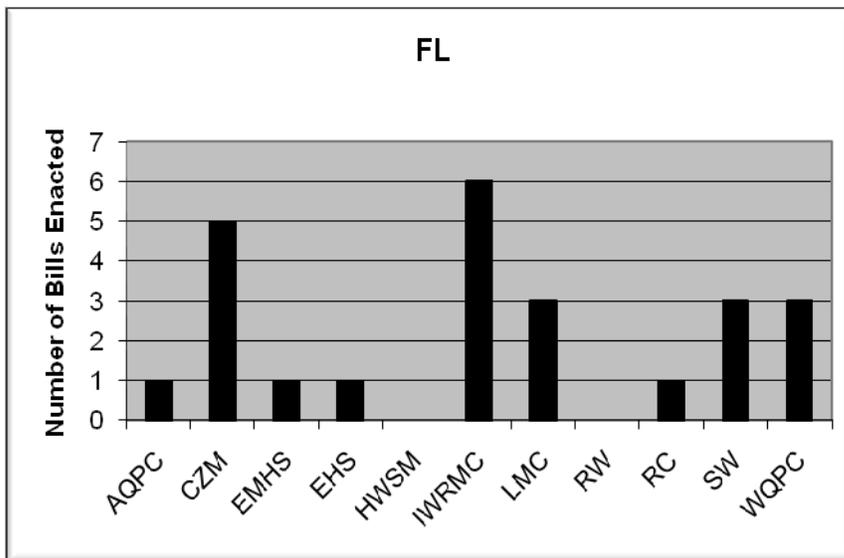
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- LMC Land Management and Conservation
- RW Radioactive Waste
- RC Reorganization and Coordination
- SW Solid Waste
- WQPC Water Quality and Pollution Control

Florida

Energy Legislation

Alternative Energy Development

HB 7135: Comprehensive Energy Legislation

Builds on last year's legislation and includes policies relating to energy affordability, security, efficiency, and reliability, and also provides a responsible response to concerns with global climate change and anticipated federal legislation.

- Provides that it is the intent of the Legislature that the court, when practicable, conduct the hearing within 120 days after the petition is filed when the petitioner is an electric utility that is seeking appropriate property for an electric generation plant, associated facility of such plant, an electric substation, or a power line; provides additional legislative intent that the court, when practicable, issue its order of taking no more than 30 days after the conclusion of the hearing.
- Encourages the use of telecommuting by state agencies for qualified employees by requiring each state agency's telecommuting program be posted on the state agency's website to allow access by employees and public.
- Provides that condominium governing documents cannot prohibit unit owners from placing renewable energy devices within the boundaries of the condominium unit, and removes the three-story height restriction for installation of solar collectors on residential properties.
- Includes encouragement of the development of low carbon emitting electric power plants, and includes under the land use goal, the siting of nuclear power plants to meet the state's determined need for electric power generation.
- Removes the expiration date of the property tax exemption for real property on which a renewable energy source device is installed and is being operated, thereby allowing property owners to once again apply for the exemption, effective January 1, 2009.
- Makes revisions to the existing sales and use tax exemption for renewable energy technologies and revises the definition of "ethanol" to mean anhydrous denatured alcohol produced by the "conversion of carbohydrates" rather than by the "fermentation of plant sugars."
- Makes revisions to the existing capital investment tax credit section to provide for the transferability of tax credits for a project that includes locating a new solar panel manufacturing facility in the state that generates a minimum of 400 jobs within 6 months with an average salary of at least \$50,000.

- Makes revisions to the existing corporate income tax credit provision for investment costs associated with hydrogen vehicles and hydrogen vehicle fueling stations, commercial stationary fuel cells, and biofuels, including biodiesel and ethanol.
- Makes revisions to the existing corporate renewable energy production tax credit provision to include electricity “sold” as well as electricity “used” by the producer when the producer would have otherwise been required to purchase the electricity.
- Authorizes the Board of Trustees of the Internal Improvement Trust Fund (board) to delegate its authority to grant easements across state lands for the construction of electric transmission lines to the DEP and requires the electric utility to compensate the state in an amount equal to the market value of the interest acquired and vest in the board fee simple title to replacement lands that must be 1.5 times the size of the easement acquired when the DEP approves such easements for electric transmission lines on behalf the board.
- Provides all state agency facilities constructed and renovated by the state comply with the Leadership in Energy and Environmental Design (LEED) rating system and provides requirements for state buildings relating to energy management and addresses life cycle costs in public facilities.
- Requires all county, municipal, school district, water management district, state university, community college, and court buildings be constructed to meet the LEED rating system.
- Creates the Florida Climate Friendly Preferred Products List to be used by state agencies for purchasing decisions.
- Provides that a master equipment financing agreement may finance the cost of energy, water, or wastewater efficiency and conservation measures for a term of repayment that may exceed 5 years but not more than 20 years.
- Directs the Department of Management Services (DMS) to conduct, in coordination with the Department of Transportation, an analysis of fuel additive and biofuel use by the DOT through its central fueling facilities and directs the DMS to encourage other state government entities to analyze transportation fuel usage and report such information to the DMS.
- Authorizes the Office of Tourism, Trade, and Economic Development to provide incentive awards to alternative and renewable energy projects.
- Adds “greenhouse gas emissions” to the list of the negative impacts of transportation systems that the Legislature wishes to minimize while promoting the management, operation, and development of these transportation systems.
- Requires each municipality that operates an electric utility that serves two cities in the same county, is located in a non-chartered county, has between 30,000 and 35,000 retail electric customers, and does not have a service territory that extends beyond its home county, to conduct a referendum election of all its retail electric customers to determine whether a separate

electric utility authority should be created to operate the business of the electric utility in the affected municipal utility.

- Revises the Florida Energy Efficiency and Conservation Act, to explicitly allow efficiency and conservation investments across generation, transmission, and distribution as well as efficiencies within the user base; encourages the development of demand-side renewable energy; and, provides criteria the Public Service Commission is to consider when evaluating proposed measures.
 - Grants the PSC authority, for those utilities over which it has rate-setting authority, to provide financial rewards for utilities which exceed their goals and financial penalties for utilities which fail to meet their goals, including but not limited to the sharing of generation, transmission, and distribution cost savings associated with conservation, energy efficiency, and demand-side renewable energy systems additions and authorizes the PSC to allow an investor-owned electric utility an additional return on equity of up to 50 base points for exceeding 20 percent of their annual load growth through energy efficiency and conservation measures.
- Revises the definition of “environmental compliance costs” to include the costs or expenses prudently incurred for the quantification, reporting, and third party verification as required for participation in greenhouse gas emission registries for greenhouse gases, and costs or expenses prudently incurred for scientific research and geological assessments of carbon capture and storage conducted in Florida for the purpose of reducing an electric utility’s greenhouse gas emissions when such costs or expenses are incurred in joint research projects with the State of Florida government agencies and State of Florida universities.
- Expands the term “biomass” to include waste, byproducts or products from agricultural and orchard crops, waste or co-products from livestock and poultry operations, and waste or byproducts from food processing.
- Requires investor-owned utilities to develop a standardized interconnection agreement and net metering program for customer-owned renewable generation on or before January 1, 2009, and directs municipal electric utilities and rural electric cooperatives that sell electricity at retail to develop a standardized interconnection agreement and net metering program, as well.
- Requires that if a utility is purchasing power generated from biogas produced by the anaerobic digestion of agricultural waste, including food waste and other agricultural byproducts, that net metering be available at a single metering point or be available as a part of a conjunctive billing of multiple points for a customer at a single location on the condition that the provision of such service is not projected to result in higher costs of electric services.
- Directs the Public Service Commission to adopt a rule for a renewable portfolio standard requiring each provider, which includes an investor-owned utility, but not a municipal electric utility or rural electric

- cooperative, to supply renewable energy to its customers, either directly, by procuring, or indirectly providing through the purchase of Renewable Energy Credits.
- Provides that the rule may give added weight to energy provided by wind and solar photovoltaic over other forms of renewable energy.
 - Provides rulemaking authority to the PSC for providing annual cost recovery and incentive –based adjustments to authorized rates of return on common equity to providers to incentivize renewable energy.
 - Directs the PSC to provide for full cost recovery under the environmental cost-recovery clause of all reasonable and prudent costs incurred by a provider for renewable energy projects that are zero greenhouse gas emitting at the point of generation, up to a total of 110 MW statewide. Directs municipal electric utilities and rural electric cooperatives to develop standards for the promotion, encouragement, and expansion of the use of renewable energy resources and energy conservation and efficiency measures.
- Specifies that the advanced cost recovery requirement consists of the costs incurred in the siting, design, licensing, construction, or operation of new, expanded, or relocated electric transmission lines and facilities that are necessary to serve a nuclear power plant and allows utilities to recover preconstruction and construction costs associated with such electrical transmission lines and facilities incurred after the issuance of a final order granting a determination of need for a nuclear power plant, rather than at the time that the nuclear power plant commences operation.
 - Provides for a transfer of the Florida Energy Commission from the Office of Legislative Services and the State Energy Program from the Department of Environmental Protection (DEP) to the Florida Energy and Climate Commission in the Executive Office of the Governor and repeals the Florida Energy Commission.
 - Clarifies that the definition of “energy resources” includes “energy converted from solar radiation, wind, hydraulic potential, tidal movements, geothermal sources, biomass, and other energy sources the commission determines to be important to the production of supply of energy.”
 - Expands the requirement of the Department of Management Services to furnish data on agencies’ energy consumption to include their emissions of greenhouse gases.
 - Creates the “Florida Green Government Grants Act” to provide that the newly-created Florida Energy and Climate Commission award grants to assist local governments, including municipalities, counties, and school districts, to develop programs that achieve green standards.
 - Authorizes the Department of Environmental Protection to adopt rules for a cap-and-trade regulatory program to reduce greenhouse gas emissions by electric utilities and provides that the rule may not become effective until ratified by the Legislature and not until after January 1, 2010.

- Revises various provisions of the Power Plant Siting and Transmission Line Siting Acts to create greater efficiency in the siting process and facilitate the need for expanded power generation.
- Requires a long term goal by state and local governments, private companies and organizations, and the general public to reduce the amount of recyclable solid waste disposed of in waste management facilities, landfills, or incinerator facilities by a statewide average of at least 75 percent.
- Authorizes the DEP to undertake an analysis of the need for regulation of auxiliary containers, wrappings or disposable plastic bags.
- Encourages counties to form multicounty regional solutions to capture methane gas from landfills and wastewater treatment facilities.
- Requires each county by July 1, 2010, to develop and implement a plan to achieve a goal of up to 10 percent and no less than 5 percent of organic material to be composted within the boundaries of a county or municipality.
- Authorizes all state agencies to use the guaranteed energy, water, and wastewater performance savings contracting program to utilize savings from energy, water, and wastewater conservation and efficiency measures to finance such measures.
- Establishes the Florida Renewable Fuel Standard Act; provides that beginning on December 31, 2010, all gasoline sold or offered for sale in Florida by a terminal supplier, importer, blender, or wholesaler shall be blended gasoline; and defines blended gasoline as a “mixture of 90 to 91 percent gasoline and 9 to 10 percent fuel ethanol by volume.” The ethanol portion may be derived from any agricultural source.
 - Directs the Florida Energy and Climate Commission to conduct a study to evaluate and recommend the lifecycle greenhouse gas emissions associated with all renewable fuels including, but not limited to, biodiesel, renewable diesel, biobutanol, and ethanol, derived from any source and evaluate and recommend a requirement that all renewable fuels introduced into commerce in the state, as a result of the Renewable Fuel Standard, reduce the lifecycle greenhouse gas emissions by an average percentage.
- Directs the Florida Building Commission to select the most recent International Energy Conservation Code as a foundation code.
- Provides for targeted increases in energy efficiency standards in the Florida Building Code totaling 50 percent by the year 2019.
- Sets minimum requirements for commercial or residential swimming pool pumps, swimming pool water heaters, and water heaters used to heat potable water.
- Establishes the Florida Energy Systems Consortium, consisting of all eleven state universities.
- Directs the Department of Agriculture and Consumer Services, in conjunction with the Department of Environmental Protection, to conduct

an economic impact study on the effects of granting financial incentives to energy producers who use woody biomass as fuel.

- Directs the Public Service Commission to analyze utility revenue decoupling and provide a report and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than March 1, 2010.
- Prohibits the DEP from adopting and implementing the California motor vehicle emissions standards until ratified by the Legislature and prohibits DEP from modifying its rules to implement such standards until ratified by the Legislature.
- Requires the Department of Education and the Department of Environmental Protection to develop a program to provide awards or recognition for outstanding efforts in conservation, energy and water use reduction, environmental enhancement, and conservation-related educational curriculum development; authorizes students, classes, teachers, schools, or district school boards to be eligible for such awards of recognition; encourages the departments to seek private sector funding for the program.

SB 2310: Economic Stimulus

Provides legislative findings that prudent and sound economically targeted investments by the State Board of Administration (SBA) of funds in the Florida Retirement System Trust Fund in endeavors that have the potential for high-growth and high-wage jobs will provide significant benefits to state residents, will serve the broad interests of the plan's beneficiaries, and will continue the maintenance of the contributions into the plan by strengthening the economy and well being of employers. Also, the bill provides for a definition of technology that includes renewable energy.

Energy Efficiency

HB 697: Building Standards

Implements certain recommendations of the Florida Energy Commission contained in its "2007 Report to the Legislature."

- Revises requirements relating to the installation of energy devices based on renewable resources on building.
- Requires that the Florida Building Code must facilitate and promote the use of cost-effective energy conservation, energy demand management, and renewable energy technologies in buildings.
- Integrates energy efficiency issues into several components of the local government comprehensive plan.
- Allows the Florida Building Commission to select the most current version of the International Energy Conservation Code as a foundation code.
- Creates Florida Statutes to establish the following schedule of required increases in the energy efficiency performance of buildings subject to the Florida Energy Code:

- By 2010, efficiency increases of at least 20 percent;
- By 2013, efficiency increases of at least 30 percent;
- By 2016, efficiency increases of at least 40 percent;
- By 2019, efficiency increases of at least 50 percent.
- Specifies that condominium units are residential dwellings for purposes of installation of solar collectors or other energy devices, and removes the three-story height restriction for installation of solar collectors or other energy devices on such residential dwellings.
- Directs the Department of Community Affairs, in consultation with the Florida Energy Affordability Coalition, to identify and review issues related to improving the effectiveness of the Low-Income Home Energy Assistance Program (LIHEAP) and the Weatherization Assistance Program (WAP).

Natural Gas and Petroleum

HB 527: Environmental Site Redevelopment

Revises the Innocent Victim Petroleum Storage System Restoration Program to provide that a transfer of property to a spouse, a surviving spouse in trust or free of trust, or a revocable trust created for the benefit of the settler, does not disqualify the site from participating in the program; clarifies that the current property owner of the contaminated site must have acquired the property prior to July 1, 1990; amends the Brownfield Redevelopment Act; and establishes a new tax credit for an additional 25 percent of total site rehabilitation costs, up to \$500,000, as a bonus for the construction and operation of a health care facility or a health care provider on a brownfield site.

HB 961: Cleanup of Sites Contaminated by Petroleum

Increases the restoration cap amount for the Petroleum Cleanup Participation Program from \$300,000 to \$400,000. For the Florida Petroleum Liability and Restoration Insurance Program, the \$1 million cap is increased to \$1.2 million, the \$300,000 cap is increased to \$400,000, and the \$150,000 cap is increased to \$300,000.

Utilities

SB 682: Department of Transportation (DOT)

Addresses a variety of transportation financing, planning, and administrative issues; requires DOT or a local governmental entity to pay the cost of relocation of a utility interfering with public road or publically owned rail corridor improvements if the utility facility serves the DOT or governmental entity exclusively; and requires DOT to pay costs associated with certain underground utility relocations.

SB 794: Underground Utilities

Amends the “Underground Facility Damage Prevention and Safety Act” to expressly prohibit an operator of underground facilities from charging an excavator any costs or expenses associated with the operator’s compliance with the Act. In addition, the bill prohibits an excavator from charging an operator of underground facilities any costs or expenses associated with the excavator’s compliance with the Act.

Florida

Environmental Legislation

Air Quality and Pollution Control

SB 1992: High Occupancy Vehicle (HOV) Lanes

Requires all hybrid and other low-emission and energy-efficient vehicles that do not meet the minimum occupancy requirement and are driven in an HOV lane comply with the federally mandated minimum fuel economy standards and requires the Florida Department of Transportation (FDOT) to review and provide its recommendations to the Legislature of any statutory changes necessary to comply with EPA's final rule related to the eligibility of hybrid and other low emission energy efficient vehicles that may operate in an HOV lane regardless of occupancy.

Coastal Zone Management

HB 7059: Protection of Wild and Aquatic Life

Authorizes the Board of Trustees of the Internal Improvement Trust Fund to provide for the establishment of sea grass mitigation banks to offset unavoidable impacts to sea grass by projects that are determined to be in the public interest.

HB 1427: Beach Management

Provides legislative intent to direct and commit the state's beach management efforts to address beach erosion caused by Florida's inlets, and declares that it is in the public interest to replicate the natural flow of sand at inlets.

SB 432: Artificial Reefs

Authorizes the planning and developing of a statewide matching grant program, to be known as the "Ships-to-Reefs" program, to facilitate the securing and placement of United States Maritime Administration and the United States Navy decommissioned vessels in state and federal waters seaward of Florida as artificial reefs.

SB 1094: Clean Oceans Act

Creates the "Clean Oceans Act" and requires owner/operators of gambling vessels to register under oath with the Department of Environmental Protection on an annual basis. The registration must describe the waste treatment system of each registered vessel by type, design, operation, and location of all discharge pipes, including the capacity of the holding tanks. The legislation also requires that an owner/operators of a gambling vessel that releases any waste into coastal waters must report that release to the DEP within 24 hours of the release.

SB 1302: Wastewater Disposal/Ocean Outfalls

Directs the South Florida Water Management District (SFWMD) to include water resource and water supply development projects that promote the elimination of wastewater ocean outfalls within its regional water supply plan; prohibits the new construction or expansion of wastewater ocean outfalls and limits the discharge of wastewater through ocean outfalls to the permitted capacity in effect on July 1, 2008; requires all facilities that discharge wastewater through ocean outfalls to achieve, at minimum, 60 percent reuse of the facilities annual flow by December 31, 2025; and prohibits discharge through ocean outfalls beyond that date, unless as a backup to the functioning reuse system.

Emergency Management and Homeland Security

HB 7103: Mitigation Enhancement

Makes several changes to the My Safe Florida Home program administered by the Department of Financial Services that provides hurricane mitigation inspections and grants for improvements to homes designed to mitigate against hurricane damage.

Environmental Health Services

HB 219: Gertrude Maxwell Save a Pet Act

Creates a direct-support organization within the Department of Agriculture and Consumer Services for the purpose of providing grants to animal shelters for spaying and neutering animals, providing grants for shelters and services during times of emergencies, and developing and disseminating pet care education materials.

Inland Water Resource Management and Conservation

SB 230: Florida Cracker Horse and Loggerhead Turtle

Designates the Florida Cracker Horse as the official state horse and the Loggerhead Turtle as the official state water reptile.

SB 758: Inland Navigation Districts

Provides legislative intent that it is in the public interest for inland navigation districts to operate and maintain the Intracoastal Waterway and any other public navigation channels authorized by the Board of Trustees of the Internal Improvement Trust Fund for the purposes of construction, maintenance, and operation of Florida's inland waterways pursuant to Section 107 of the federal river and Harbor Act of 1960.

SB 1552: Everglades Restoration Bonds

Extends the authorized issuance and maturity of Everglades's restoration bonds, which are deposited into the Save Our Everglades Trust Fund, by an additional ten years.

SB 2128: Administrative Trust Fund

Recreates the Administrative Trust Fund within the Fish and Wildlife Conservation Commission.

SB 2130: Federal Grants Trust Fund

Recreates the Federal Grants Trust Fund within the Fish and Wildlife Conservation Commission.

SB 2132: Grants and Donations Trust Fund

Recreates the Grants and Donations Trust Fund within the Fish and Wildlife Conservation Commission.

Land Management and Conservation

HB 853: Cemetery Lands

Directs that cemetery property greater than one acre cannot be taken by eminent domain for purposes other than road systems, transportation corridors or rights-of-way, unless it is determined at a public hearing that there is no reasonable alternative.

SB 542: Land Acquisition and Management

Expands the scope of the of the Florida Forever program to include protecting agriculture lands and working waterfronts from conservation to other land uses and revises the allocation of Florida Forever funds and the uses of those funds to reflect the expansion; states legislative intent for the state to play a major role in the recovery and management of imperiled species through the acquisition, restoration, enhancement, and management of ecosystems, and to support programs benefiting imperiled species habitat by providing public and private land owner's meaningful incentives to participate in such activities; provides that all state lands that have imperiled species habitat include as a consideration in management plan development the restoration, enhancement, management, or repopulation of such habitats; and requires state lands to be managed to ensure the conservation of the state's plant and animal species and to ensure the accessibility of state lands for the benefit and enjoyment of all people of the state, both present and future.

SB 2222: Citrus

Establishes a permitted five-year pilot program within the Department of Agriculture and Consumer Services (department) to allow the planting of *Casuarina cunninghamiana* as a windbreak for commercial citrus groves growing fresh fruit in specified areas of the state.

Reorganization and Coordination

HB 7091: Fish and Wildlife Conservation

Consolidates the Game and Freshwater Commission and Marine Fisheries Commission into the Florida Fish and Wildlife Commission.

Solid Waste

HB 105: Secondary Metals Recyclers

Eliminates the requirement that transactions must be greater than \$10 in value to be regulated; expands the definition of regulated metals to include stainless steel beer kegs; requires secondary metals recyclers to gather more in depth information about the sellers of regulated metals; and, enhances the penalties secondary metals recyclers face.

HB 799: Theft of Copper

Provides that a person who knowingly and intentionally takes copper or other nonferrous metals from a utility or communications services provider commits a first degree felony.

HB 5003: Waste Tire and Litter Prevention

Requires the Department of Environmental Protection to award \$9,428,773 of grant funds equally to counties having populations of fewer than 100,000 for waste tire, litter prevention, recycling and education, and general solid waste programs.

Water Quality and Pollution Control

HB 547: Water Pollution Control

Amends current law governing water quality credit trading and authorizes the Department of Environmental Protection to adopt rules to implement a water quality credit trading program. Water quality trading is a voluntary, market-based approach to promote the protection and restoration of Florida's rivers, lakes, streams, and estuaries, and is intended to enhance other voluntary, regulatory and financial assistance programs already in place. The bill also authorizes Basin Management Action Plans to allow point or nonpoint sources that will achieve greater pollutant reductions than required by an adopted Total Maximum Daily Load (TMDL) or waste load allocation to generate, register, and trade water quality credits for the excess reductions to enable other sources to achieve their allocation.

SB 1318: Onsite Sewage Treatment and Disposal Systems

Adds a representative from local government who is knowledgeable about domestic wastewater treatment to the research review and advisory committee.

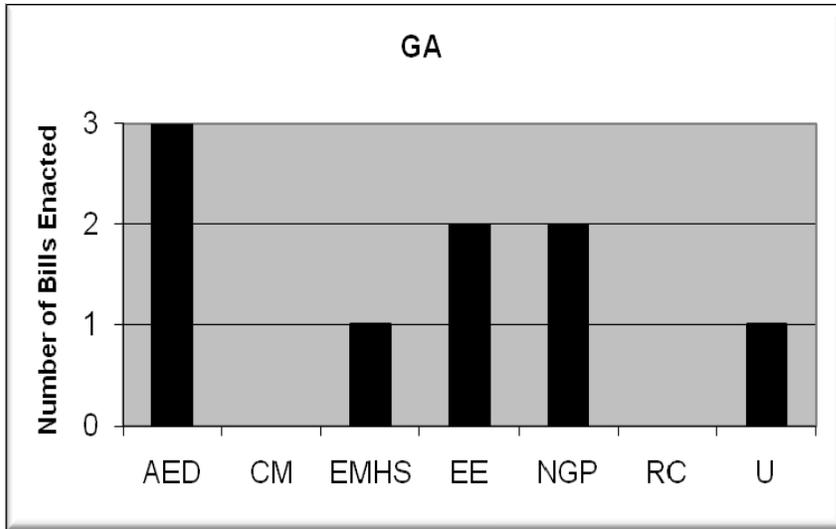
SB 2052: Water and Wastewater Utilities

Increases the gross annual revenue level for private water and wastewater utilities to qualify for a staff-assisted rate case from the Public Service Commission.

Georgia

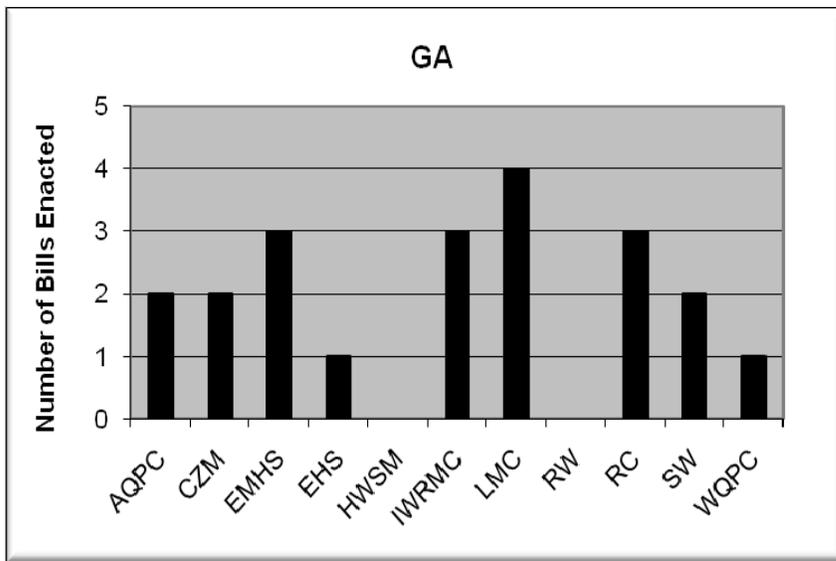
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- LMC Land Management and Conservation
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- SW Solid Waste
- WQPC Water Quality and Pollution Control

Georgia

Energy Legislation

Alternative Energy Development

HB 670: Comprehensive State Tax Credit for Renewable Energy and Energy Efficiency Technologies

Provides for income tax credits for wood residuals diverted or transported to renewable biomass qualified facilities. The bill also provides for income tax credits for clean energy property for a limited period of time. This includes: solar energy equipment that uses solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, daylighting, and generating electricity and heat; Energy Star certified geothermal heat pump systems; wind equipment required to capture and convert wind energy into electricity; and, biomass equipment to convert wood residuals into electricity through gasification and pyrolysis. Energy efficient upgrades included in this legislation are: lighting retrofit projects, which means retrofitting a system so that it employs dual switching, delamping, daylighting, relamping, other controls or processes which reduce annual energy and power consumption by 30 percent; and, energy efficient buildings, which means for other than single-family residential property new or retrofitted buildings that are designed, constructed, and certified to exceed the standards set forth in the American Society of Heating, Refrigerating, and Air Conditioning Engineers 2004 standard by 30 percent.

HB 1196: Intellectual Property

Provides for a state income tax credit for a qualified investment in a research fund, the purpose of which is to provide early-stage financing for businesses formed as a result of the intellectual property from the research conducted in the research universities in this state.

HB 1249: Solar Energy Technology Manufacturing (Vetoed)

Provides for income tax credits for the creation of certain solar energy technology manufacturing jobs, qualified solar energy expenditures, and qualified solar energy research expenses.

Emergency Management and Homeland Security

HB 1300: School Days

Provides that certain school days canceled due to emergency, disaster, act of God, civil disturbance, or shortage of vital or critical materials, supplies, or fuel do not have to be made up under certain circumstances.

Energy Efficiency

HB 948: Energy Efficient Sales Tax

Exempts from state sales and use tax with respect to the sale of certain energy efficient products for a limited period of time.

SB 130: Promoting Effective Energy

Provides that the Department of Community Affairs shall adopt policies and procedures as recommended standards for buildings owned or managed by the state with the goal of promoting effective energy and environmental standards.

Natural Gas and Petroleum

HB 272: Exemption of Sales and Use Tax

Provides for a partial exemption for a limited period of time from state sales and use tax with respect to the sale or use of natural or artificial gas, No. 2 fuel oil, No. 6 fuel oil, propane, petroleum coke, and coal used directly or indirectly in the manufacture or processing, in a manufacturing plant located in this state, of tangible personally property primarily for resale, and the fuel cost recovery component of retail electric rates used directly or indirectly in the manufacture or processing of tangible personal property primarily for resale.

HB 1178: Liquefied Petroleum Gas for Swine Raising

Exempts for a limited period of time from state sales and use tax on the sale or use of liquefied petroleum gas or other fuel used for swine raising purposes.

Utilities

HB 1026: Utility Exemptions

Provides that a utility may be exempt from certain requirements of notice and hearing when the Department of Transportation requires the removal, relocation, or adjustment of utility facilities as a result of public road improvements.

Georgia

Environmental Legislation

Air Quality and Pollution Control

HB 237: Air and Water Pollution Eliminating Machinery

Changes certain provisions regarding exemptions with respect to sale of certain manufacturing machinery or equipment, certain primary handling equipment, certain aircraft machinery or equipment, certain parts, machinery clothing, molds, dies, or tooling, and certain air or water pollution eliminating machinery and equipment.

HB 1189: State-Wide Strategic Transportation Plan

Requires the Commissioner of Transportation to file a progress report and a final version of the State-wide Strategic Transportation Plan, completed by June 30, 2009.

Coastal Zone Management

HB 68: Coastal Marshlands Protection Act

Changes certain provisions relating to the applicability of the “Coastal Marshlands Protection Act” and permits owners of up to four adjoining lots to obtain a permit from the Department of Natural Resources to build a single dock.

HB 1016: Demarcation Line

Changes the salt-water and fresh-water demarcation line and extends the authority of the Commissioner of Natural Resources to manage blue crab fishing.

Emergency Management and Homeland Security

HB 964: Boating Safety Zones

Establishes boating safety zones for the purpose of ensuring maritime and homeland security.

SB 429: Bioterrorism

Provides for the enforcement of laws governing matters within the jurisdiction of the Commissioner of Agriculture to prevent, detect, and respond to acts of bioterrorism and other types of acts affecting plants, animals, products, or facilities subject to regulation by the Department of Agriculture.

SB 400: Forestry and Fire

Allows the investigators of the State Forestry Commission to investigate matters, changes provisions relating to burning of woodlands, brush, fields, or other land, and provides for penalties.

Environmental Health Services**HB 1043: Lead Poisoning**

Provides a new definition of “confirmed lead poisoning” and “lead hazard abatement” for the purpose of abating certain lead poisoning hazards and establishes certain procedures and requirements necessary prior to authorizing the Division of Public Health to seek a court order to perform lead hazard abatement.

Inland Water Resource Management and Conservation**HB 1281: Outdoor Water Use**

Allows political subdivisions and local government authorities to impose more stringent restrictions on outdoor water use for good cause shown upon approval from the Director of the Georgia Environmental Protection Division.

HR 1206: Georgia-North Carolina/Georgia-Tennessee Boundary Line Commission

Creates the Georgia-North Carolina and Georgia-Tennessee Boundary Line Commission; directs the Governor of Georgia to communicate with the governors of North Carolina and Tennessee for the purpose of having joint surveys and settlements of the disputed boundary questions; orders the Commission to meet with similar commissions of the General Assemblies of the states of North Carolina and Tennessee to establish, survey, and proclaim the true boundary lines between Georgia and North Carolina and between Georgia and Tennessee; and, asks the Commission to issue a report of its findings, work, and meetings with similar commissions from North and Tennessee, and to report the result of any boundary line questions or recommendations to the 2009 regular session of the General Assembly of Georgia.

SB 342: Water Supply Division

Authorizes the Soil and Water Conservation Commission to receive grants to fund a certain percentage of the cost of obtaining permits for dam improvements and new public water supply reservoirs; provides for the issuance of permits, certifications, and other documents relating to the construction of new public water supply reservoirs by local government entities; provides for an additional sale and use tax exemption for the purchase of water efficient products with a sales price of \$1,500.00 or less purchased for noncommercial home or personal use and extends the tax exemption period for the purchase of energy efficient products from October 2, 2008 until October 5, 2008; creates a Water Supply Division within the Georgia Environmental Facilities Authority to acquire, design,

construct, equip, maintain, expand, and improve reservoirs in the state; and establishes the Georgia Reservoir Fund.

SB 466: Outdoor Watering Restrictions

Exempts the surface water used by certain car washes and swimming pools from the outdoor water restrictions implemented during emergency periods of water shortages and from the requirement of obtaining a permit from the Director of the Environmental Protection Division of the Department of Natural Resources; exempts the use of surface water by any permanent facility car wash that is connected to a sanitary sewer system of a political subdivision or local governing authority that recycles used wash water and is certified by the Environmental Protection Division of the Department of Natural Resources as meeting best management practices; and exempts the use of surface water for any swimming pool if failure to maintain the swimming pool would create unsafe, unsanitary, or unhealthy conditions affecting public health and welfare.

Land Management and Conservation

HB 1132: Uniform Environmental Covenants Act

Enacts the “Uniform Environmental Covenants Act” to provide for the contents of an environmental covenant and matters related to environmental covenants.

HB 1176: Land Conservation by Nongovernmental Entities

Provides that land conservation projects by any nongovernmental entity shall be submitted by means of a co-application with the city or county having jurisdiction over the area in question, but that the city or county shall not be liable for any debt of the nongovernmental entity.

HB 1211: Conservation Use Property

Provides for a special assessment of forest land conservation use property; provides for definitions regarding ad valorem taxation, valuation tables, and the powers and duties of county tax commissioners and the state revenue commissioner; applies to all taxable years beginning on or after January 1, 2009; however, it shall only become effective upon the ratification at the November, 2008, state-wide election of a resolution which amends the Constitution to provide for the special assessment and taxation of forest land conservation use property.

SB 379: Eminent Domain

Modifies provisions relating to a telephone or telegraph company’s authority to use eminent domain and the placement of posts.

Reorganization and Coordination

HB 239: Rules and Regulations

Extends the definition of “rules and regulations” for criminal purposes to include current rules and regulations of the Board of Natural Resources.

HB 1176: Land Conservation Projects

Authorizes the Georgia Environmental Facilities Authority to incorporate one or more nonprofit corporations as subsidiary corporations of the Authority and to exercise such powers and perform such functions of the Authority, including but not limited to, the making of grants and loans, the provision of educational and assistance services, and entering into agreements for the purposes of land conservation projects.

SB 344: Abolishes Boards and Commissions

Abolishes the following boards and commissions which have become obsolete: the Pacific White Shrimp Aquaculture Development Advisory Council, the Georgia Tobacco Advisory Board, the Kinchafoonee Lake Authority, the Power Alley Development Authority, the State Waste-water Privatization Oversight Committee, the Center for Trade and Technology Transfer, the Natural Gas Consumer Education Advisory Board, and the Georgia Environmental Training and Education Authority.

Solid Waste

SB 154: Solid Waste Collection Agreements

Provides that solid waste collection agreements between private collection companies and commercial clients shall not be invalidated or displaced by a government auction.

SB 399: Tire Fee

Re-authorizes the collection of the \$1.00 fee retail tire dealers are required to impose on each new replacement tire sold in the state until June 30, 2011.

Water Quality and Pollution Control

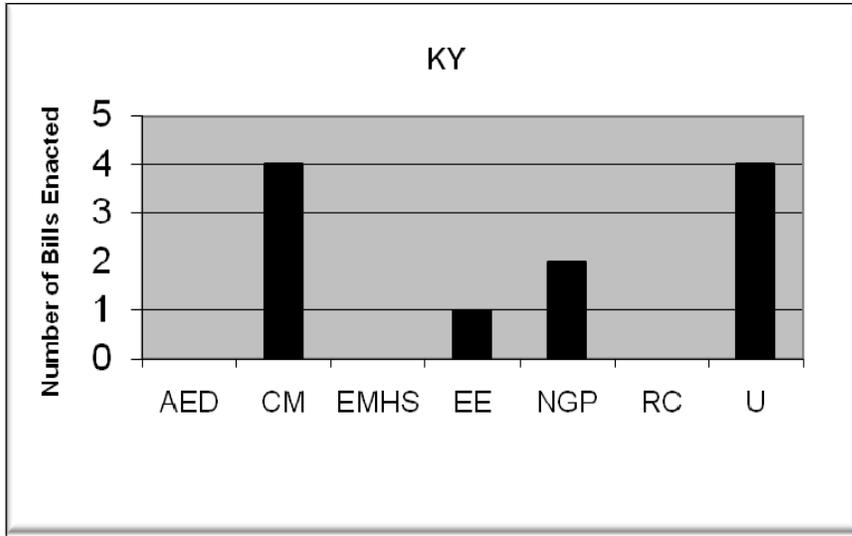
SB 463: Gray Water

Provides for the definition of the term “gray water” and provides for the lawful private residential direct reuse of such water.

Kentucky

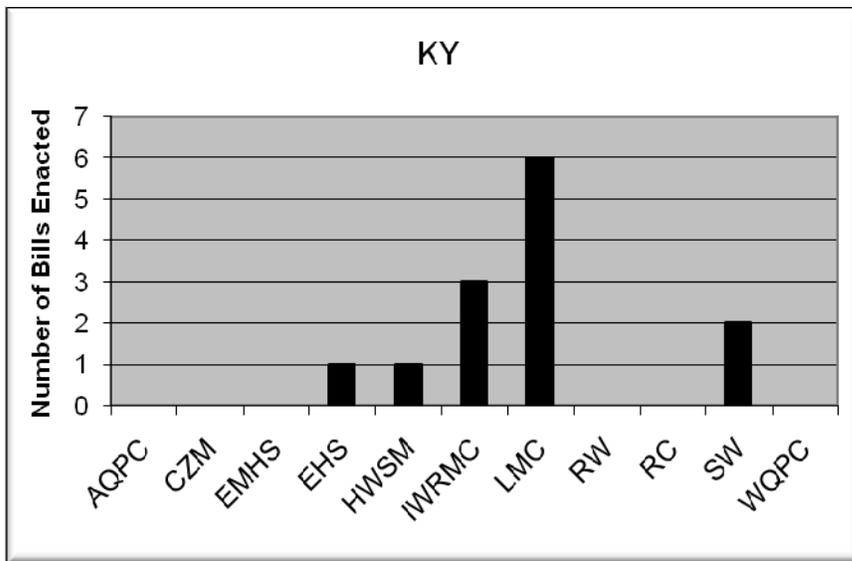
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Kentucky

Energy Legislation

Coal and Minerals

HB 410: Local Government Economic Development Program

Provide that single county coal severance projects included in the budget are deemed approved and do not have to go through the statutory application process.

HB 514: Infrastructure for Economic Development Fund

Increases bond funds for the Infrastructure for Economic Development Fund for Coal and Non-Coal Producing Counties and makes conforming changes.

HB 698: Processing

Excludes electromagnetic treatment from the definition of “processing,” relating to the coal tax.

SB 243: Coal Wastes

Includes wastes generated from coal gasification as special wastes.

Energy Efficiency

HB 2: Energy Efficiency

Relates to the promotion of the efficient use of energy.

- Defines “cabinet,” “high-performance building,” high-performance building standards” and “public building.”
- Requires that all construction or renovation of public buildings for which 50 percent or more of the total capital cost is paid by the Commonwealth be designed and constructed or renovated to meet the high-performance building standards.
- Requires that all buildings leased by the Commonwealth or any of its agencies meet the high-performance building standards.
- Requires the incorporation of Energy Star-qualified products to the extent feasible.
- Creates a High-Performance Buildings Advisory Committee to make recommendations to the Finance and Administration Cabinet.
- Authorizes the Kentucky River Authority to promote private investment in the installation of hydroelectric generating units on the Kentucky River dams under their jurisdiction.
- Requires boards of education to enroll in the Kentucky energy efficiency Program and requires reporting.

- Requires the Governor's Energy Development and Independence to report and recommend on or before November 30, 2008, to the Legislative Research Commission concerning the adoption of a renewable-energy and energy-efficient portfolio standard for all supplies of retail electric sales.
- Includes next generation residential utility meters in demand-side management plans.
- Requires the Department of Workforce Investment to establish an energy technology career track program.

Natural Gas and Petroleum

HB 690: Natural Gas Acquisition

Provides for the creation of the gas acquisition authorities for acquiring and financing reliable and economical supplies of natural gas for the use and benefit of municipal utilities and provides that a gas acquisition authority is created by an interlocal cooperation agreement between two or more municipal gas systems following the procedures and requirements of the Interlocal Cooperation Act.

SB 136: Motor Fuel

Outlines specific civil liability and related procedures for financial recovery after the theft of motor fuel for motor vehicles and motorboats; authorizes retailers to mail a notice demanding payment from the owner of a vehicle that receives the motor fuel without making proper payment to the retailer; and allows retailers to impose a \$30 service charge in addition to recovering the cost of the motor fuel.

Utilities

HB 506: City-Owned Utility Infrastructure

Defines city-owned utility infrastructure; provides for a procedure for a city to follow when annexing an area containing city-owned utility infrastructure; prevents annexation of areas containing city-owned utility infrastructure without the permission of the city owning the utility infrastructure; and provides recourse when procedure is not followed.

HB 649: Underground Facility Damage Prevention

Includes inability to restore interrupted utility service in definition of "emergency"; specifies multimember protection notification center designated by the Public Service Commission as sole recipient of 811 dialed calls for excavator-operators to obtain information regarding approximate location of underground facilities; and requires excavators to cease excavation or demolition activities and immediately report any underground facility damage that results in the escape of any flammable, toxic, or corrosive gas or liquid to appropriate authorities via 911 emergency telephone number.

SB 76: Certified Installation Seal

Prohibits utilities from energizing service to manufactured or mobile homes lacking a certified installation seal; and prohibits utilities from energizing service to previously-owned manufactured or mobile homes lacking a B1 seal.

SB 83: Net Metering

Adds wind, water, or other renewable energy sources to eligible sources of customer-generated electricity; includes biomass and biogas as sources of net-metered energy; increases maximum rated capacity of such facilities from 15 to 30 kilowatts; requires the Public Service Commission to develop guidelines for interconnection and net metering by retail electric suppliers; and requires suppliers to carry forward net-metered credits for the life of the customer-generator's account and requires customer-generator to pay for any interconnection upgrade.

Kentucky

Environmental Legislation

Environmental Health Services

HB 765: Methamphetamine Contamination

Defines “clandestine methamphetamine lab,” “contaminated property,” and “decontaminated standards”; permits the Environmental and Public Protection Cabinet to establish a tiered response system for methamphetamine-contaminated properties and to promulgate administrative regulations for decontamination standards; requires that inhabitable property not be deemed habitable unless the decontamination standard is met; and requires any owner of contaminated property to disclose contamination prior to leasing, renting, or selling property.

Hazardous Waste and Substance Management

SB 69: Hazardous Waste Management Fund

Amends current law to half the rate imposed on waste delivered from the generator to an incinerator for energy recovery; reduces from twenty percent to five percent the amount required to be remitted by the Environmental and Public Protection Cabinet to the Center for Pollution Prevention.

Inland Water Resource Management and Conservation

HB 83: Water Districts

Deletes authorization for the county judge/executive to appoint two additional commissioners with approval of the fiscal court when two or more water districts merge; allows districts to extend into one or more adjacent counties; allows single and multicounty districts to acquire an existing or gas distribution system in more than one county without adding additional board members; and deletes the authorization for the commission to acquire, install works, and operate a water system for any district.

HB 717: Stream Restoration and Mitigation

Defines “fees-in-lieu,” hydrologic unit code,” “mitigation organization,” “mitigation,” “restoration,” “riparian,” “Section 404 permit,” “watershed,” “USACE” and “2020 water management planning council”; requires restoration and mitigation planning to be on a watershed basis; grants permissive authority for the creation of seven-member stream restoration and mitigation authorities; allows 2020 water management planning councils to contract water service coordinators to request assistance with establishing authorities and nominate members; vests authorities with public stewardship responsibility over the

watershed's water resources and riparian environments; empowers authorities to coordinate with area utilities, governments, universities, and special districts; identifies the authority's responsibilities as prioritizing work in the watershed, coordinating planning projects, constructing databases, and conducting pilots; provides that restoration and mitigation is of vital importance in the Commonwealth; requires local communities to develop stream restoration and mitigation and mitigation plans along with water supply plans on a watershed basis; and requires the cabinet to promote mitigation and restoration, offer technical assistance including monitoring, and coordinate with stream restoration and mitigation authorities to promote and implement projects on a watershed basis.

HJR 68: Kentucky Aquaculture Task Force

Reauthorizes the Kentucky Aquaculture Task Force.

Land Management and Conservation

HB 319: Demolition or Removal of Dilapidated Buildings

Requires notice to all property owners contiguous to the property on which the dilapidated building exists that the building is to be demolished or removed; prohibits county officials or employees or a relative of a county official or employee from any interests relating to an agreement for the demolition or removal of dilapidated buildings.

HB 322: Land Use Planning

Relates to land use planning goals, and objectives and elements of comprehensive plans, to provide a 90 day period for action upon such proposals.

HB 618: Wildlife Causing Damage

Provides that persons who kill or trap wildlife on their land that are causing damage may do so during periods of time other than the open season for the species.

HJR 130: Deer Population

Directs the Commissioner of the Department of Fish and Wildlife Resources to coordinate a study on Kentucky's deer population.

HCR 93: Land Stewardship and Conservation Task Force

Reauthorizes the Land Stewardship and Conservation Task Force.

SB 196: Kentucky Recreational Trails Authority

Defines certain terms related to the operation of the Kentucky Recreational Trails Authority; expands the membership of the Authority; allows governmental entities to construct, improve, renovate, finance, or otherwise provide for recreational activities and facilities on designated public and private lands where owners have entered into land use agreements with the authority or a governmental entity.

Solid Waste

HB 106: Junkyards

Requires junkyards and other purchasers of ferrous and nonferrous metals and objects containing ferrous and nonferrous metals to keep records of transactions, report the transactions to law enforcement, and take other actions with regard to the purchases and inserts new provision prohibiting the sale of beer kegs to recyclers or dealers in scrap metals except by the originating brewery, with a \$1,000 fine for violation.

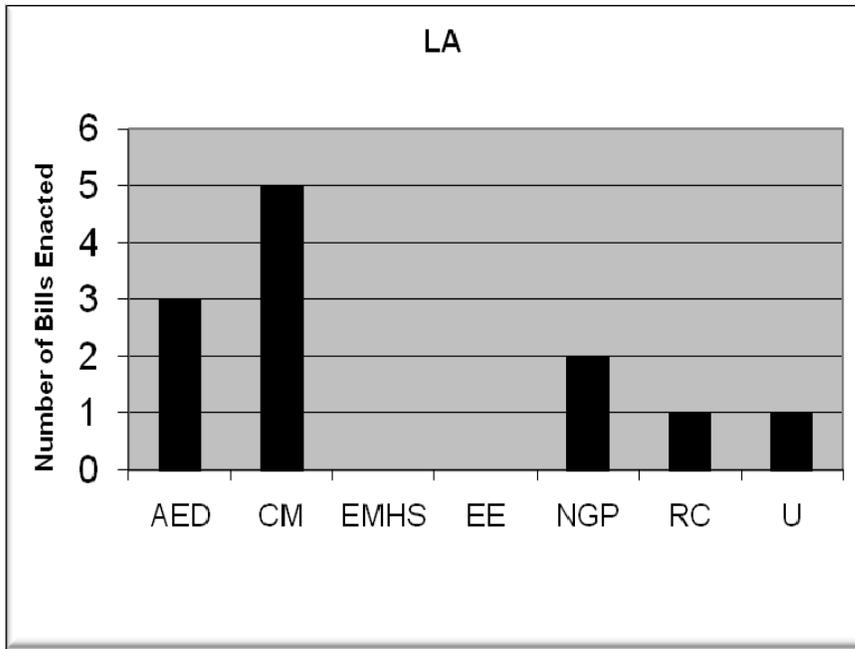
SJR 76: Electric Waste Disposal

Directs the Environmental and Public Protection Cabinet to submit a report to the Legislative Research Commission relating to electronic waste disposal and recycling.

Louisiana

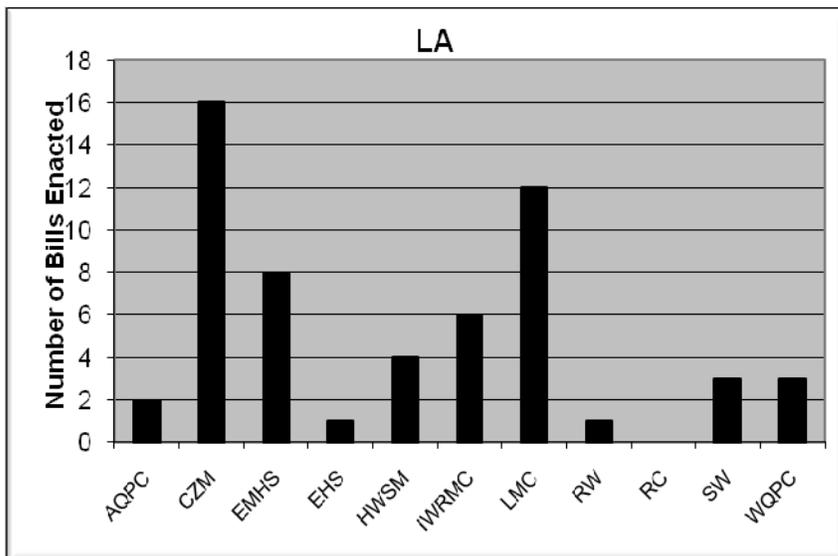
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Environmental Legislation



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- 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

Louisiana

Energy Legislation

Alternative Energy Development

HB 638: Fuel Efficiency

Requires that any alternative fuel vehicle, sedan, or station wagon purchased or leased by a state agency have a fuel efficiency rating of no less than 18 mpg for city driving and no less than 28 mpg for highway driving, or a combined city/highway average of no less than 24 mpg.

HB 1270: Advanced Biofuel Industry Development Initiative

Creates the Advanced Biofuel Industry Development Initiative to reduce dependency on foreign oil and increase economic opportunities using readily available feedstocks; provides a "field-to-pump" strategy set forth by certain feedstock criteria; use of small advanced biofuel manufacturing facility networks; and provides for market expansion.

Provides for definitions for "advanced biofuel," "anhydrous ethanol," "hydrous ethanol," and "small advanced biofuel manufacturing facility."

Provides for pilot programs monitored by the Department of Agriculture and Forestry (LDAF), Office of Agro-consumer Services, Division of Weights and Measures, to include a four year trial availability of blended fuels of certain percentages, monitoring of pumps and other equipment for accurate measurement and fuel sampling. Further, the bill provides for a four-year trial period of hydrous ethanol blend usage in select vehicles with respect to fuel consumption and engine emissions.

Provides for state incentives for awarding demonstration grants to individuals who purchase biofuel variable blending pumps for conducting research by certain specified criteria. Additionally, the legislation provides for awarding demonstration grants to individuals who purchase vehicles which operate on biofuels for research purposes. Demonstration grants may apply to the purchase of vehicles under certain conditions.

SB 351: State Agencies

Requires state agencies to purchase hybrid fuel or alternative fuel vehicles.

Coal and Minerals

HB 439: Abandoned Mine Reclamation

Repeals the Abandoned Mine Reclamation Fund and expands the abandoned mine reclamation program from coal mine operations to solid mineral development operations; authorizes the Commissioner of Conservation to participate in the abandoned mines reclamation fund established by the federal Surface Mining Control and Reclamation Act, to promulgate rules and regulations; set priorities; designate reclamation or abatement expenditures; submit reclamation plans, projects, and applications; undertake emergency projects; and administer money received for reclamation or related purposes.

HB 557: Mineral Lease Applications

Allows information from the Louisiana Secretary of State's web site to evidence a company of good standing in registering with the State Mineral Board and requires the board to set seismic, geophysical, or geological surveying permit fees every 12 months.

HB 1026: Mineral Leases

Authorizes, upon request, the State Mineral Board to administer mineral leases of any levee district, state university, state college, state penal or charitable institution, or agency, unit, or institution of the state.

HB 1128: Unit Well

Increases the risk charge for a nonparticipant in a drilling unit from 100% to 200% of the tract's allocated share of the cost of drilling, testing, and completing the unit well.

HB 1220: Operating Agreements

Authorizes the State Mineral Board to enter into operating agreements whereby the state shares in the revenue from stored oil, natural gas, liquid or liquefied hydrocarbons, or carbon dioxide.

Natural Gas and Petroleum

HB 1119: Louisiana Liquefied Petroleum Gas Commission

Increases per diem for members of the Louisiana Liquefied Petroleum Gas Commission.

HB 1328: Oilfield Site Restoration Commission

Provides for the powers and duties of the Oilfield Site Restoration Commission and the Secretary of the Department of Natural Resources relative to the Louisiana Oilfield Site Restoration Law.

Reorganization and Coordination

HB 375: House Committee

Corrects references in the statutes of House committees to refer to the new name of the committee as the House Committee on Natural Resources and the Environment.

Utilities

SB 359: Net Metering

Revises the definition of “net energy metering facility.”

Louisiana

Environmental Legislation

Air Quality and Pollution Control

HB 539: Ozone Nonattainment Penalty Fee

Provides that the fee collected from major sources in ozone nonattainment zones is based on the one-hour ozone standard and that the fee will be reduced or eliminated in accordance with any action by Congress, EPA, or a court and changes the fee from \$5,000 per ton to no more than \$5,000 or an amount consistent with federal requirements, whichever is less, per ton.

SB 384: Air Quality Standards

Authorizes the Secretary of Department of Environmental Quality to promulgate, adopt, and enforce air quality standards, limitations and other regulations on sources who discharge toxic pollutants into the atmosphere, but are not required to obtain a permit.

Coastal Zone Management

HB 171: Oyster Task Force

Authorizes reimbursement of expenses for members of the Louisiana Oyster Task Force.

HB 266: Crawfish and Shrimp

Provides for the identification of the origin of crawfish and shrimp.

HB 343: Shrimping Line

Prohibits nighttime taking of shrimp in certain coastal waters except in the waters of Southwest Pass at Marsh Island past a line delineated in the law; removes from the lines delineation reference to a channel marker and leaves the description of the line based on latitude and longitude measurements.

HB 360: Alligators

Creates the Alligators Council and removes alligator marketing and management from the Fur and Alligator Council responsibility.

HB 475: Crab Shipping Licenses

Requires the purchase of a retail or wholesale out-of-state shipping license for anyone exporting any type of crab for sale outside the state of Louisiana. The fee for each such license is \$100 per year; provides that of the revenues collected for FY 2008-2009 through FY 2010-2011, 20 percent shall be deposited to the Conservation Fund, and 80percent shall be deposited to the Crab

Promotion and Marketing Account of the Seafood Promotion and Marketing Fund. After FY 2010-2011, 10 percent shall go to the Conservation Fund, and 90 percent shall go the Crab Promotion and Marketing Account.

HB 488: Offshore Waters

Requires involvement of a biologist from LSU-BR, the Dept. of Wildlife and Fisheries, and the Louisiana University Marine Consortium prior to implementation of a mariculture project offshore in state waters.

HB 798: Oyster Production

Provides for lifting of the moratorium on leasing state water bottoms for oyster production.

HB 848: Seed Oysters

Authorizes harvest of seed oysters only beginning the first Wednesday after Labor Day. Then, beginning on the second Monday in October each year, the legislation authorizes opening the seed grounds for harvest for market in addition to harvest of seed oysters. The bill requires that all harvest to cease April 30 each year.

HB 1135: Atchafalaya Basin Program

Creates, relative to the Atchafalaya Basin program in the Department of Natural Resources, a technical advisory group, creates the Atchafalaya Basin Conservation Fund, and provides for an annual plan for Basin projects and procedures to be followed in the development of that plan.

HB 1138: Trawling Vessels

Authorizes eight-foot by 43-inch doors in shrimp trawls.

HB 1142: Oyster Cargo Vessels

Authorizes the Wildlife and Fisheries Commission to develop and implement rules for the use of oyster cargo vessels.

HB 1376: Wild-Caught Crawfish Industry

Acknowledges that the promotion and marketing of farm-raised and wild-caught Louisiana crawfish is of great public interest and that the development of marketing potential can be of great economic benefit to the state; requires the Secretary of the Department of Wildlife and Fisheries and the Commissioner of Agriculture and Forestry to enter into a memorandum of understanding (MOU) recognizing the immense value of the wild-caught crawfish industry to the state and pledging to bring the resources of both departments in support of the entire Louisiana crawfish industry farm- raised and wild-caught. The MOU is required to include a pledge to seek out revenue sources that can be used to support, develop, and promote the entire industry and a pledge to work jointly with the state's congressional delegation to ensure that all elements of the industry are eligible for any disaster funding which may be appropriated for the industry.

HB 1383: Seed Oysters Permits

Restricts access to the public oyster seed grounds through initiation of a new oyster seed ground vessel permit.

SB 367: Coastal Protection and Restoration Authority

Provides powers and duties of the Coastal Protection and Restoration Authority, including development of the annual plan and master comprehensive plan; provides that "infrastructure" means publicly-owned facilities or systems in the coastal zone that are negatively impacted by coastal land loss or rising seas, and mitigates the impacts of Outer Continental Shelf activities, including but not limited to roads, hurricane evacuation routes, or bridges. The term shall not include levee, hurricane protection, or coastal restoration systems.

SB 411: Coastal Land Stewardship Authority

Creates the Coastal Land Stewardship Authority.

SB 566: Tourist Center

Establishes the Louisiana Wetlands Conservation and Hurricane Protection Tourist Center in St. Bernard Parish.

Emergency Management and Homeland Security

HB 5: Hurricane Katrina Day

Provides for Hurricane Katrina and Hurricane Rita Day.

HB 622: Louisiana Recovery Authority (LRA)

Reduces the membership of the LRA board of directors, reduces the length of terms, and provides for the powers, duties, and functions of the authority, the board, and the executive director.

HB 765: Flood Plain Management

Requires a parish or municipality to comply with federal flood plain management and flood insurance programs.

HB 1112: Westbank Authority

Authorizes the extension of the Westwego to Harvey Canal hurricane project to include any future project modifications or additions within the parishes of Plaquemines, Orleans, Jefferson, and St. Charles.

HB 1141: Hurricane Flood Protection Projects

Prohibits any state agency or entity from entering into certain contracts with the U.S. Army Corps of Engineers relative to hurricane protection projects.

SB 488: Emergency Operations Plan

Provides for the director of the Governor's Office of Homeland Security and Emergency Preparedness to include representatives of the legislature in the state emergency operations plan (EOP).

SB 788: Statewide Communication Plan

Provides a governance structure within the Governor's Office of Homeland Security for planning, implementing, and maintaining a statewide communication interoperability plan.

SB 802: Hurricane Katrina Memorial Commission

Reestablishes the Hurricane Katrina Memorial Commission.

Environmental Health Services**HB 466: Louisiana Smokefree Air Act**

Amends an exception to the Louisiana Smokefree Air Act which allows smoking in certain areas of nursing homes.

Hazardous Waste and Substance Management**HB 382: Hazardous Materials Information**

Removes the sunset date on the fees assessed under the "Right-to-Know" Law.

HB 1116: Boll Weevil

Appropriates funds for boll weevil eradication.

SB 198: Pest Control

Authorizes state participation in the Pest Control Compact.

SB 312: Water Fluoridation

Provides that each public water system that has at least 5,000 service connections and natural levels of fluoride that are less than the minimum established in the rules and regulations adopted pursuant to present law shall acquire, install, operate and maintain appropriate equipment and material in order to maintain the level of fluoride in its water system in the optimum range for the purpose of protecting the dental health of citizens of this state, as established in the rules and regulations adopted pursuant to present law.

Inland Water Resource Management and Conservation**HB 567: Operators of Water Systems**

Requires the presence of a certified operator at any surface water system that serves 10,000 persons or greater or does not have an automated system while

the system is in operation and removes such requirement for groundwater systems.

HB 695: Waterskiing

Requires operators of personal watercraft to follow waterskiing laws.

SB 13: Hoop Nets

Changes the number of allowable hoop nets from three to five.

SB 22: Finfish Stock Assessment Reports

Requires the Wildlife and Fisheries Commission to monitor the fish species and report biennially to the legislature relative to the spawning potential ratio and the biological condition and profile of the black drum, sheepshead, and flounder species.

SB 48: Scenic Rivers Systems

Adds Drake's Creek from Lookout Road to its confluence with Ouisca Chitto Creek located within Vernon Parish into the state natural and scenic rivers system.

SB 67: Department of Wildlife and Fisheries

Recreates the Department of Wildlife and Fisheries.

Land Management and Conservation

HB 175: Transfer of Property

Authorizes the transfer or lease of certain state property in St. Martin Parish from the Division of Administration to the adjacent landowners.

HB 590: Acquiring Property – St. Bernard Port, Harbor, and Terminal District

Removes the exception for acquisition of land or parcels of land upon which structures, buildings, pipelines, or improvements are constructed and actually used for industrial purposes.

HB 694: Youth Hunts

Expands participation in special hunting season from youths under 16 years old to youths under 18 years old.

HB 698: Hunter Orange

Requires all hunters possessing certain firearms to wear "hunter orange" during deer season.

HB 699: Wildlife Violator Compact

Authorizes Louisiana to join the Interstate Wildlife Violator Compact.

HB 934: Dangerous Structures

Provides for the removal of dangerous structures by the governing authority of parishes and municipalities.

HB 1025: Hunting and Fishing Licenses

Provides for nonresident one-day hunting and fishing licenses.

HB 1040: Public Nuisances

Provides for the abatement of public nuisances and changes the definition of "prohibited activity" to include certain criminal and drug activities, prostitution, and felony theft or illegal possession of stolen things.

HB 1297: Public Health and Welfare

Authorizes parish and municipal ordinances to secure or condemn and demolish and remove structures that endanger the public health and welfare, including payment of costs, and provides for National Guard assistance.

HB 1381: Timber Severances

Provides for the collection of timber severance taxes by cooperative agreement between the Department of Agriculture and Forestry and the Department of Natural Resources.

SB 68: Hunter Education

Allows military personnel and POST-certified personnel to file for firearm and hunter education exemption at certain offices.

SB 295: Blighted Property

Provides that in the city of Baton Rouge or the city of New Orleans or in Jefferson Parish, when property is taken for the public purpose of removal of a threat to public health or safety caused by the existing use or disuse of the property, these above four requirements shall not be applicable, including first refusal by the owner prior to sale and procedures for declaration of the property as surplus property.

Radioactive Waste**HB 1196: Radioactive Waste Transportation**

Prohibits the transportation of foreign-generated radioactive waste into the state; and exempts radioactive waste generated by the U.S. Armed Forces.

Solid Waste**HB 733: Litter Abatement**

Provides with respect to the authority of parish governments to enforce litter abatement ordinances.

SB 172: Metal Material

Requires every individual, firm, corporation, entity or partnership, except municipalities, political subdivisions, and public utilities engaged in the business of purchasing and reselling copper wire, copper, bronze, zinc, aluminum, or brass to either keep a registry and file reports with the Department of Public Safety and Corrections relative to such purchases and resales, or electronically maintain such data.

SB 196: Waste Facility

Restricts any waste facility from operating within 5,000 feet of any main runway of an airport in certain parishes.

Water Quality and Pollution Control**HB 376: Compliance Orders**

Provides for compliance orders and for civil fines for a violation of ground water management provisions or rules, regulations, or commissioner orders made pursuant to such provisions.

SB 326: Sewage Haulers

Provides Department of Environmental Quality with authority to license sewage haulers.

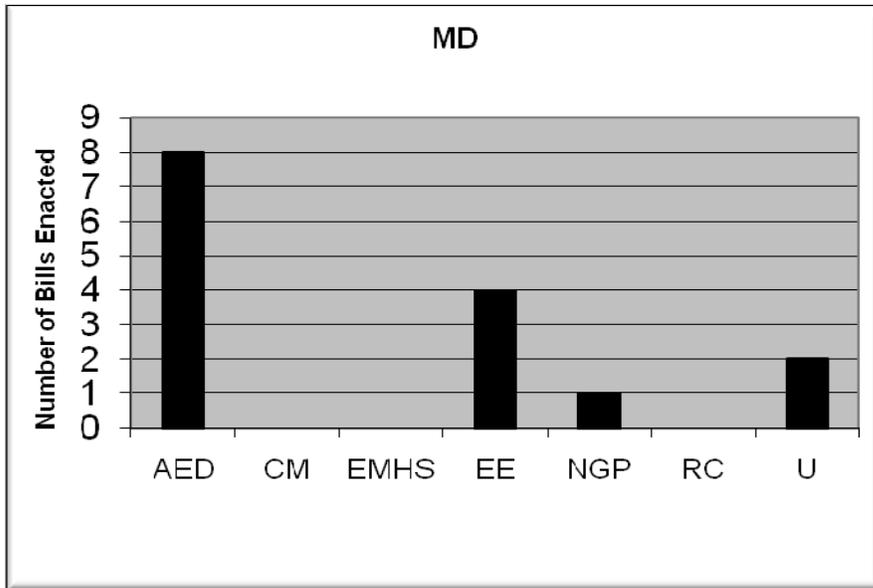
SB 448: New Orleans Sewerage and Water Board

Authorizes the New Orleans Sewerage and Water Board to require contractors repairing a water supply system or sewage system to have a certified Class IV person on the job site.

Maryland

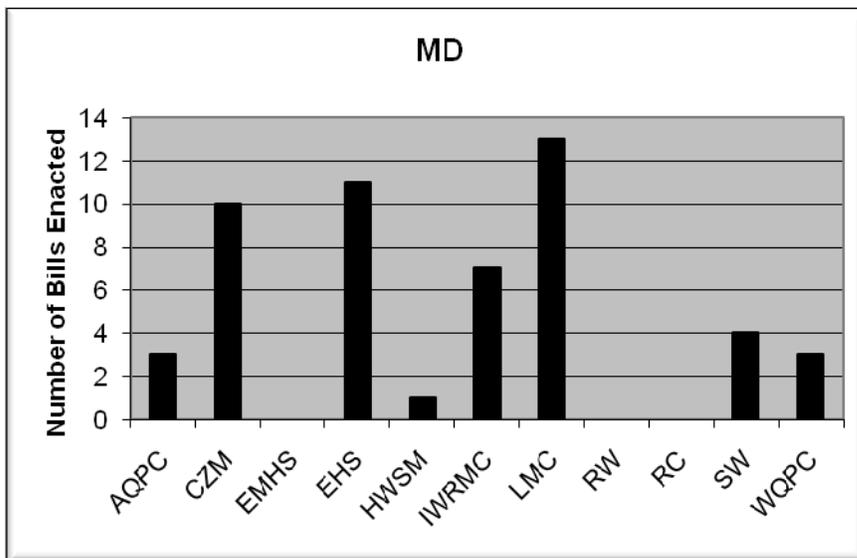
Legislation Category Comparison

Energy Legislation



- AED Alternative Energy Development
- CM Coal and Minerals
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Maryland

Energy Legislation

Alternative Energy Development

HB 117: Solar Collector Systems Restriction

Provides that a restriction on use regarding land use may not impose unreasonable limitations on the installation of a solar collector system; authorizes a property owner who has installed or intends to install a solar collector system to negotiate to obtain a solar easement in writing; exempts a restriction on use on specified historic properties from applicability of the Act.

HB 140: Credit for Cellulosic Ethanol Technology Research and Development

Creates a state income tax credit for cellulosic ethanol technology research and development conducted in the state. The amount of the tax credit is equal to 10 percent of the eligible expenses incurred and cannot exceed the tax liability for that year. Any unused amount can be carried forward 15 tax years. The maximum amount available in each year is limited to \$250,000.

HB 375/SB 209: Renewable Portfolio Standard Percentage Requirements

Increases the percentage requirements of the Renewable Energy Portfolio Standard (RPS) to 20 percent in 2022 and beyond. Tier 1 compliance fees are increased to four cents per kilowatt hour, and the geographic scope in which renewable resources can be obtained for compliance is restricted. The bill allows the Public Service Commission to delay electric suppliers' scheduled RPS requirements for Tier 1 (nonsolar) resources.

HB 377/SB 1013: Solar and Geothermal Tax Incentive and Grant Program

Increases specified grant limits under the Solar Energy and Geothermal Heat Pump Grant programs; exempts the sale of specified solar energy and geothermal equipment from the state sales and use tax; exempts specified solar energy property from state and local real property taxes; also, specifies that a geothermal heating and cooling system, either as a stand-alone system or as a combined geothermal and conventional system, is not to be assessed, for property tax purposes, at more than the value of a conventional system.

HB 1166/SB 348: Poultry Litter

Expands the definition of a Tier 1 renewable source to include poultry litter-to-energy; alters the definition of a Tier 2 renewable source to exclude the incineration of poultry litter; and, provides that poultry litter-to-energy is eligible for inclusion in meeting the Tier 1 renewable energy portfolio standard only if the source is connected with the electric distribution grid serving Maryland.

HB 1337: Maryland Clean Energy Center

Establishes a Maryland Clean Energy Center as a body politic and corporate and as an instrumentality of the state to generally promote and assist the development of the clean energy industry in the state; promotes the deployment of clean energy technology in the state; and collects, analyzes, and disseminates industry data. Also, establishes a Maryland Clean Energy Technology Incubator Program to promote entrepreneurship and the creation of jobs in the clean energy technology-related industry.

SB 565: Bio-heating Oil

Allows an individual or corporation to claim a credit against the state income tax for heating oil with a blend of at least five percent biodiesel that is purchased for space or water heating.

SB 823: Green Building Tax Credit – Carroll County

Authorizes the governing body Carroll County to grant, by law, a green building tax credit against the county property tax imposed on specified nonresidential properties on which a person installs specified environmentally friendly technologies.

Energy Efficiency**HB 374: Empower Maryland Energy Efficiency Act of 2008**

Establishes the state goal of achieving a 15 percent reduction in per capita electricity consumption and peak demand by the end of 2015; requires the Public Service Commission to calculate per capita electricity consumption and peak demand each year and report the calculations to the General Assembly as part of its annual report; and, requires specified municipal electric utilities and specified rural electric cooperatives to include energy and efficiency and conservation measures as part of their service.

HB 985/SB 456: Boilers – Energy Star Product Exemptions

Alters the definition of “Energy Star” product for the purpose of specified tax-free periods to include boilers under a sales and use tax exemption for specified appliances that meet or exceed specified applicable energy efficiency guidelines.

HB 1301/SB 885: Community Energy Loan Program

Consolidates, with limited modifications, the existing Community Energy Loan Program (CELP) and Energy Efficiency and Economic Development Loan Program (EEEDLP) into the Jane E. Lawton Loan Program and establishes a related special fund for the program.

SB 208: High Performance Buildings Act

Requires specified buildings constructed or renovated solely with state funds to be high performance buildings under specified circumstances; requires specified new schools that receive state public school construction funds to be constructed

to be high performance buildings. The state will fund 50 percent of the local share of increased school construction costs associated with high performance buildings in fiscal 2010 through 2014.

Natural Gas and Petroleum

HB 929: Prince George's County Energy Tax

Provides that, notwithstanding any other provision of law, the sale or use of energy or fuel used by the Washington Suburban Sanitary Commission in Prince George's County is not exempt from the Prince George's County energy tax.

Utilities

HB 608/SB 417: Energy Efficiency and Conservation Programs and Services

Requires electric companies and gas companies to notify affected customers of energy efficiency and conservation charges and benefits at least annually on the company's website or included with bill information. The measure requires the Public Service Commission to report to the General Assembly on the status of energy efficiency and conservation programs by February 1, 2009, and every two years thereafter.

SB 1013: Electric Industry Restructuring and Acquisition

Restructures two Baltimore Gas and Electric (BGE) company ratepayer credits: one associated with nuclear decommissioning costs; the other, the return component of BGE's residential standard offer service (SOS). The Act specifies that while credit and suspension conditions are met, all ratepayer obligations for nuclear decommissioning costs are fulfilled and satisfied. It also provides for a \$187.0 million BGE electric rate credit to residential customers, provides resolution of ongoing Public Service Commission proceedings, and eliminates the PSC's obligation to prepare certain final reports to the General Assembly.

Maryland

Environmental Legislation

Air Quality and Pollution Control

HB 368/SB 268: Regional Greenhouse Gas Initiative

Establishes a Maryland Strategic Energy Investment Fund and a Maryland Strategic Energy Investment Program administered by the Maryland Energy Administration. The stated purpose of the fund is to decrease energy demand and increase energy supply to promote affordable, reliable, and clean energy to fuel Maryland's future prosperity. The bill repeals the Maryland Renewable Energy Fund and redirects revenues currently paid into that fund to the new fund; also, it redirects proceeds from the sale of allowances under the Regional Greenhouse Gas Initiative (RGGI) into the new fund; specifies allocations from the fund, establishes a related advisory board, and establishes planning and reporting requirements; finally, the law modifies provisions related to the Maryland Clean Air Fund.

HB 739/SB 324: Washington Metropolitan Area Transit Commission

Alters the agency of the Commonwealth of Virginia from which the Governor of Virginia is required to appoint the Virginia member of the Washington Metropolitan Area Transit Commission.

SB 442: Clean Air Permit Fees

Increases the maximum air quality emissions-based permit fee (from \$25 per ton, indexed to inflation, to \$50 per ton, indexed to inflation); increases the maximum fee for a single source (from \$200,000, indexed to inflation, to \$500,000 indexed to inflation) for calendar 2008 and 2009; repeals the facility cap beginning in 2010; modifies the definition of "regulated emissions" to facilitate the repeal of the facility cap and clarifies that carbon dioxide emissions shall be excluded for the purpose of calculating fees. Also, the measure increases the current limit (from \$750,000 to \$2.0 million) on the amount of money that can be maintained in the Maryland Clean Air Fund.

Coastal Zone Management

HB 17/SB 7: Boating Industry

Alters the date by which the Task Force to study the boating industry in Maryland is required to report its findings and recommendations to the Governor and General Assembly.

HB 369/SB 213: Chesapeake and Atlantic Coastal Bays 2010 Trust Fund

Alters the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund and its purposes; establishes in statute the BayStat Program and BayStat Subcabinet; and requires the Program to distribute funds from the Trust Fund to the BayStat Subcabinet agencies.

HB 581/SB 831: Bay Restoration Fund

Authorizes specified fee revenue collected for the Bay Restoration Fund to be used to award grants or loans for specified costs related to specified community sewerage systems; and, defines “community sewerage system” as a publicly or privately owned sewerage system that serves at least two lots.

HB 973: Living Shoreline Protection Act of 2008

Requires the use of nonstructural shoreline stabilization methods in tidal wetlands except in areas designated by the Maryland Department of the Environment (MDE) mapping as appropriate for structural shoreline stabilization measures and in areas where a property owner can demonstrate to MDE that such measures are not feasible, including areas of excessive erosion, areas subject to heavy tides, and areas too narrow for effective use of nonstructural shoreline stabilization measures.

HB 1253: Chesapeake and Atlantic Coastal Bays Critical Area Protection Program

Authorizes the Maryland Home Improvement Commission to deny, reprimand, suspend, or revoke home improvement licenses for failure to comply with specified requirements in the Chesapeake and Atlantic Coastal Bays Critical Area.

HB 1493: Seafood Industry – Calvert County

Authorizes the governing body of Calvert County to adopt an ordinance, resolution, or regulation or take other action to authorize a person to engage in specified activities related to the seafood industry and to harvest seafood.

HB 1498: Soft-Shell Clam Harvesting – Calvert County

Alters in Calvert County the distance from the shoreline within which a person may not catch or attempt to catch soft-shell clams with specified gear.

HB 1504: Shell Dredging

Requires the Department of Natural Resources (DNR) to apply for a permit to dredge buried oyster shells and requires the DNR to apply to the Maryland Department of the Environment (MDE) and the U.S. Army Corps of Engineers for permits to dredge buried oyster shells by December 1, 2008 if the Oyster Advisory Committee recommends it based on its work, including a review of the findings of the draft Environmental Impact Statement concerning evaluation of oyster restoration alternatives for the Chesapeake Bay.

HB 1512/SB 926: Chesapeake Bay Trust

Provides that the state procurement law does not apply to a contract or grant from a unit of state government to the Chesapeake Bay Trust for specified projects.

SB 104: Waterfront Commission

Alters the date by which the Working Waterfront Commission must make a specified report; and, alters the termination date of the Commission.

Environmental Health Services

HB 62: Lead-Containing Children’s Products

Prohibits the manufacture, sale, offer for sale, importation, or distribution of specified lead-containing children’s products by any means, including through a sales outlet or the Internet.

HB 208/SB 419: Wind Pollinators Program

Establishes, subject to funding in the state budget, the Maryland Wild Pollinators Program for the purpose of increasing awareness of wild pollinators and the availability of noninvasive plants that are pollinator friendly.

HB 227: Animal Health

Alters and extends the authority of the Secretary of Agriculture to impose penalties on any person, who violates animal health requirements.

HB 501/SB 398: Environmental Health Monitoring

Requires the Department of the Environment to reimburse Anne Arundel County for the cost of specified environmental health monitoring and testing under specified circumstances.

HB 589/SB 557: Lead Poisoning Prevention Act of 2008

Requires a specified application form for a contractor license to require a lead paint abatement accreditation number and accreditation expiration date if the applicant provides lead paint abatement services.

HB 630: Nonnative Nuisance Organisms

Authorizes the Secretary of Natural Resources to adopt regulations to manage nonnative nuisance organisms in the state.

HB 787: Noise Control – Carroll County Public Schools

Prohibits Carroll County or a political subdivision of Carroll County from enforcing any noise control ordinance, rule, or regulation against a Carroll County public school that violates the ordinance, rule, or regulation between the hours of 8 a.m. and 9:30 p.m.

HB 1309: Mold Remediation Services

Requires specified persons to be licensed by the Maryland Home Improvement Commission to provide mold remediation services.

SB 710: Phosphorus Dishwashing Detergent

Alters the date by which specified persons are prohibited from using, selling, manufacturing, or distributing for sale household dishwashing detergent that contains greater than .05 percent phosphorus by weight from January 1, 2010, to July 1, 2010.

SB 718: Lead Risk Reduction

Authorizes a person who intends to acquire a property that is considered to be affected under specified lead risk reduction provisions to submit a compliance plan to the Department of the Environment.

SB 920: Task Force to Study Statewide Gypsy Moth Infestation

Establishing a Task Force to study statewide gypsy moth infestation.

Hazardous Waste and Substance Management

HB 977: Controlled Hazardous Substances

Requires a person who possesses evidence of a release of a hazardous substance to report the finding immediately to the Department of the Environment; requires the Department to adopt regulations by June 30, 2009, to determine the reportable threshold of a release of a hazardous substance.

Inland Water Resource Management and Conservation

HB 226: Bait

Requires the Department of Natural Resources to adopt regulations defining which species may be harvested, imported, transported, sold, or used as bait.

HB 229: Fishing – Potomac River

Clarifies that residents of specified states holding specified licenses may fish in specified nontidal waters of the Potomac River without a State license.

HB 1056: Water Management Administration Program Fees

Establishes a Wetlands and Waterways Program Fund within the Maryland Department of the Environment and establishes specified application fees.

HB 1266/SB 757: Wetlands – Construction of Structure on Pier

Authorizes the Board of Public Works to issue a license for construction of a dwelling unit or other non-water dependent structure on a pier located on state wetlands.

HB 1423/SB 674: Groundwater Appropriation or Use

Authorizes the Maryland Department of the Environment, when appropriating groundwater of the state in Carroll, Fredrick, or Washington counties, to give priority to a public water system that provides water to a municipal corporation under specified circumstances.

HB 1436: Fishing Restrictions – Pot and Net Setting

Prohibits a person from setting a fish pot, fyke net, or connected line of fyke nets within 500 feet in any direction of any other net or connected line of nets.

HB 1463/SB 941: Somers Cove Marina Commission

Establishes the Somers Cove Marina Commission.

Land Management and Conservation

HB 223: Delmarva Fox Squirrel

Authorizes the Secretary of Natural Resources to issue a permit sanctioning an incidental taking of the Delmarva fox squirrel.

HB 445: Land Preservation Easements – St. Mary’s County

Alters authority for the governing body of St. Mary’s County to grant a property tax credit against the county property tax imposed on specified property that is subject to specified preservation programs.

HB 840: Deer Hunting on Sundays – Washington County

Authorizes a person in Washington County to hunt deer on specified Sundays on private property with a bow and arrow during October and November.

HB 938: Deer Hunting on Sundays – Montgomery County

Repealing the termination date for removing Montgomery County from the list of counties in which deer hunting on private lands on specified Sundays is prohibited.

HB 972: Forest Conservation

Requires specified local authorities to report enforcement activity relating to forest conservation requirements to the Department of Natural Resources within 15 days after commencement of the enforcement activity.

HB 976: Maryland Agricultural Land Preservation Program

Requires that releases from easement restrictions issued by the Maryland Agricultural Land Preservation Foundation (MALPF) include a statement acknowledging the status of adjacent farmland; and alters the size of lots that may be released from easement restrictions by MALPF under specified circumstances.

HB 1159: Homeowners' Tax Fairness in Eminent Domain Proceedings Act
Authorizes the Mayor and City Council of Baltimore City or the governing body of a county to exempt from recordation tax an instrument of writing that transfers specified improved residential real property to individuals who previously owned property that was acquired for public use.

HB 1193/SB 590: Statute of Limitations
Alters the statute of limitations for prosecution of and suits for violations of specified laws relating to the environment.

HB 1473/SB 860: Forest and Park Wardens
Repeals a requirement that a forest or park warden take specified actions on learning of a forest fire; requires a forest or park warden who sees a forest fire or who receives a request by a fire company to assist with a fire plow or provide incident command expertise at the scene.

HB 1482: Deer Hunting – Harford County
Removes Harford County from the list of counties in which deer hunting on private property on the first Sunday of the bow hunting season in November and the first Sunday of the deer firearms season is prohibited.

HB 1604/SB 1000: Community Parks and Playgrounds Program
Declares the intent of the General Assembly that it is state public policy to both restore existing park and green space systems and create new park and green space systems in the municipal corporations and Baltimore City; establishes a Community Parks and Playgrounds Program; and requires the Secretary of Natural Resources to adopt regulations to carry out the Program.

SB 259: Program Open Space
Alters the amount a local government can spend on development projects after it has attained its acquisition goals under Program Open Space.

SB 431: Task Force to Study a No Net Loss of Forest Policy
Requests the Governor establish a Task Force to study a no net loss of forest policy; requires the Task Force to develop a plan and draft legislation.

Solid Waste

HB 225: Salvage Vehicle Inspection Fee
Authorizes the Automotive Safety Enforcement Division of the Department of State Police to collect fees charged for specified salvage inspections.

HB 335: Northeast Maryland Waste Disposal Authority

Authorizes Cecil County to become a participating county in the Northeast Waste Disposal Authority by the Board of County Commissioners filing a resolution of participation with the Secretary of State and the Department of Legislative Services.

HB 638: Junkyard Abatement

Provides that in a county in Western Maryland class that has adopted code home rule, any unpaid charges imposed on an owner of property as a result of the county abating a violation of specified rules or regulations relating to junkyards shall be a lien against the real property where the violation occurred.

HB 717/SB 274: Automotive Dismantlers and Recyclers and Scrap Processors

Alters the procedures that an automotive dismantler and recycler or scrap processor must follow to give notice to the Motor Vehicle Administration that the automotive dismantler and recycler or scrap processor has acquired title to a vehicle.

Water Quality and Pollution Control

HB 167: Multiuse Sewerage Systems

Authorizes the governing body of Howard County to enact local laws governing the installation and use of multiuse sewerage systems.

HB 305: Sewerage System Performance Bond

Authorizes the Howard County governing body to require the recipient of a permit to install a multiuse sewerage system to post a performance bond before installing the multiuse sewerage system.

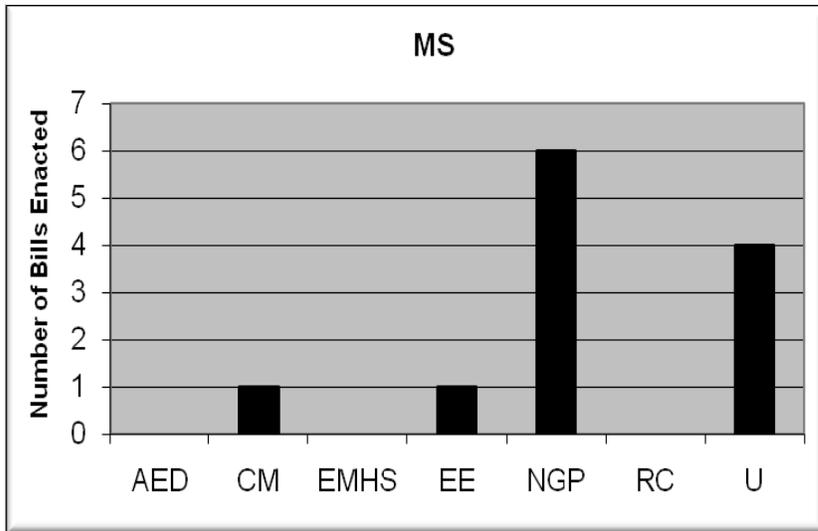
HB 763: Testing and Inspection of Well Water

Requires the Howard County Board of Education to test and inspect the well water for bacteria at each public school in the county that uses well water.

Mississippi

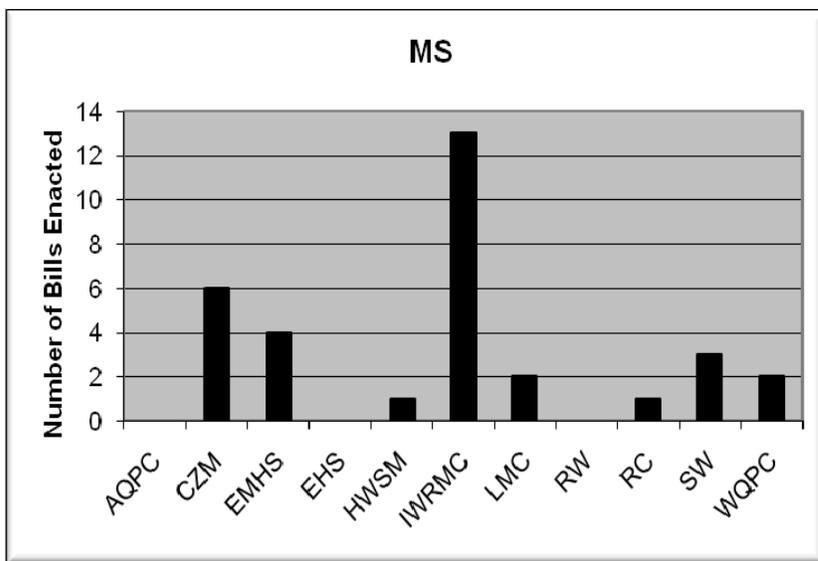
Legislation Category Comparison

Energy Legislation



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Mississippi

Energy Legislation

Coal and Minerals

SB 2514: Surface Coal Mining

Makes technical revisions to conform state surface coal mining and abandoned mine reclamation laws with federal law.

Energy Efficiency

SB 3007: Energy Conservation

Requires the Department of Finance and Administration to adopt certain rules and regulations regarding energy performance of state-funded buildings throughout the state and provides that each major facility construction project shall be designed and constructed to exceed the requirements of the energy conservation guides adopted by the Department of Finance and Administration by at least 30 percent.

Natural Gas and Petroleum

HB 1718: Gas Distribution System – Pontotoc County

Authorizes the City of Pontotoc in Pontotoc County, Mississippi, to expand its gas distribution system into certain areas in Union County, Mississippi.

HR 66: Strategic Petroleum Reserve

Urges the Federal Government to withdraw water from the Gulf of Mexico for the Strategic Petroleum Reserve.

SB 2376: Underground Storage Tank Program

Authorizes the Commission on Environmental Quality to implement requirements to conform the state underground storage tank program to the Federal Energy Policy Act.

SB 2714: Mineral Documentary Tax

Simplifies the procedure, effective January 1, 2009, for noting payment of the mineral documentary tax and deletes the method of noting payment of the tax that requires the chancery clerk to use and affix “Mineral Documentary Tax Stamps” to the instrument.

SB 2939: ASTM

Includes the definition of “ASTM” in the petroleum products inspection law and adopts the ASTM standards as the standards for gasoline-oxygenate blends and other petroleum products in the state unless otherwise modified through regulation by the Commissioner of Agriculture and the State Chemist.

SB 3199: Natural Gas District

Authorizes the Boards of Supervisors of Leake and Neshoba counties to participate in the Sebastopol Natural Gas District.

Utilities**HB 6: Public Service Commission**

Reenacts previous law, which creates the Public Service Commission, and prescribes its powers and duties.

HB 1215: Mississippi One-Call System, Inc.

Requires notification of damaged utility lines or facilities to be given to Mississippi One-Call System, Inc. Provides that notice may be effected by telephone, fax, or electric means made available through Mississippi One-Call System, Inc.

HB 1694: Chickasawhay Natural Gas District

Authorizes the Board of Directors of the Chickasawhay Natural Gas District to develop and implement a program that offers incentives for its existing and new customers to purchase and/or install natural gas appliances and natural gas supply lines, piping and venting.

SB 2793: Base Load Generation

Authorizes the Public Service Commission to utilize an alternate method of cost recovery of certain base load generation; authorizes the Public Service Commission to include in an electric public utility’s rate base certain expenditures determined to be prudently-incurred pre-construction, construction, operating and related costs incurred in connection with a certain base load generating facility; authorizes the Commission to promulgate rules and regulations that may include a preference for ownership of a generating facility by an investor-owned electric public utility or by an electric public utility owning and operating generation and transmission facilities; and, creates a legislative advisory board to provide certain oversight to the Public Service Commission in the execution of certain duties.

Mississippi

Environmental Legislation

Coastal Zone Management

HB 687: Saltwater Minnows

Provides a fee for catching or transporting saltwater minnows for sale.

HB 701: State's Territorial Waters

Provides penalties for violations in the Gulf of Mexico outside the state's territorial waters.

HCR 51: Gulf Opportunity Zone Act of 2005

Requests Congress to extend the Gulf Opportunity Zone Act of 2005.

SB 2396: Lowry Island Tidelands

Authorizes leasing for residential purposes of Lowry Island Tidelands and deletes the requirement that the lease be approved by the Port Commission.

SB 2676: Oyster Reefs

Authorizes the Commission on Marine Resources to delegate oyster reef duties to the executive director of the Department of Marine Resources and removes the requirement that oyster reefs must be open for certain days. The bill also deletes the requirement that the Gulf Coast Research Laboratory coordinate replanting of oysters.

SB 2678: Saltwater Sports Fishing License

Provides a reduced fee for a saltwater sports fishing license for nonresidents 65 years of age or older.

Emergency Management and Homeland Security

HB 19: Homestead Exemption Law

Extends from two years to three years the period of time during which dwelling houses located in the counties of the state covered by the Presidential Declaration of Major Disaster dated August 29, 2005, that were 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 law.

SB 2961: Pearl River Valley Water Supply Districts

Allows the Pearl River Valley Water Supply District patrol officers to participate in mutual aid in emergency situations.

SB 2971: Mississippi Alternative Housing Pilot Program

Provides that housing units procured by the Mississippi Emergency Management Agency through the Mississippi Alternative Housing Pilot Program may be disposed of in accordance with federal grant guidelines.

SB 3210: Buildings Impacted By Hurricane Katrina

Authorizes the governing authorities of the city of Gulfport, Mississippi, to take necessary action to clean private property on which commercial buildings or multifamily housing building structures are, or were, located that were impacted by Hurricane Katrina, are no longer in a state of repair suitable for use and occupancy, and are neglected to the extent the structures or debris and remnants from structures are a menace to public health and safety.

Hazardous Waste and Substance Management

SB 2730: Home-Generated Medical Sharps

Authorizes the Department of Environmental Quality to develop and implement a program for the disposal of home-generated medical sharps.

Inland Water Resource Management and Conservation

HB 670: Patrol Officers

Allows Pearl River Valley Water Supply District reservoir patrol officers to serve on a part-time and reserve basis if certified.

HB 728: Origin of Catfish

Provides for general notification requirements by retail and food service establishments offering for sale catfish products as to the products' country of origin; and requires distributors and wholesalers to supply information to such retail and food service establishments as to certification of origin.

HB 1357: Public Waterway

Provides a penalty when riding a motorized vehicle in the bed of a public waterway.

HB 1506: Mississippi Watershed Repair

Authorizes the issuance of state general obligation bonds in the amount of \$1,000,000 for the purpose of providing funds for the Mississippi Watershed Repair and Rehabilitation Cost-Share Program.

HCR 42: Tennessee Valley Authority

Commends and congratulates the Tennessee Valley Authority on its 75th anniversary and on its outstanding service to Mississippi.

HCR 96: Flood Maps

Memorializes Congress to take immediate action to oppose the imposition of the requirements of the new FEMA flood maps or to extend the deadline for the filing of appeals by counties and municipalities directly impacted by the requirements to comply with the new policies.

SB 2375: Flood Control

Removes the repealer on the authority of certain municipalities to form flood control and drainage districts.

SB 2437: Hunting on a Levee

Clarifies the prohibition against hunting or target practice on a levee or levee right-of-way.

SB 2513: Noxubee River

Designates the Noxubee River in Noxubee County as a state scenic stream and includes the stream in the State Scenic Streams Stewardship Program.

SB 2795: Rural Water Districts

Clarifies the incorporation of rural water associations into a water district.

SB 2880: Paddlefish

Authorizes the Commission on Wildlife, Fisheries, and Parks to regulate the taking of paddlefish.

SB 2905: Nets and Seines

Authorizes the Commission on Wildlife, Fisheries, and Parks to establish the minimum mesh size for nets and seines.

SB 3085: St. Catherine Creek Utility Authority

Revises the definition of the term “water” for the St. Catherine Creek Utility Authority within Adams County, Mississippi; and prohibits the Authority from providing the same services in industrial areas that are provided by entities holding certificates of Public Convenience and Necessity issued by the Public Service Commission.

Land Management and Conservation**SB 2457: Forest Acreage Tax**

Extends the repealer on the Forest Acreage Tax.

SB 2458: State Forester

Provides for the selection and qualifications of a state forester and establishes the powers and duties of the commission, to extend the date of repeal.

Reorganization and Coordination

HB 1472: Public Improvement District

Revises the make-up and manner of selecting members of the board of a public improvement district.

Solid Waste

HB 708: Recycling

Requires the Department of Finance and Administration to create a report of Mississippi based companies that manufacture products using recycled materials to state agencies.

HB 1703: Garbage Collection

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 2819: Garbage Fees

Authorizes the Board of Supervisors to levy garbage fees for a special assessment against the property if the property owner is a nonresident of the county.

Water Quality and Pollution Control

HB 892: On-site Wastewater Disposal System

Provides that the Department of Health shall not approve any individual on-site wastewater disposal system that does not comply with an ordinance adopted by a municipality or board of supervisors that is more restrictive than the requirements of wastewater disposal system law.

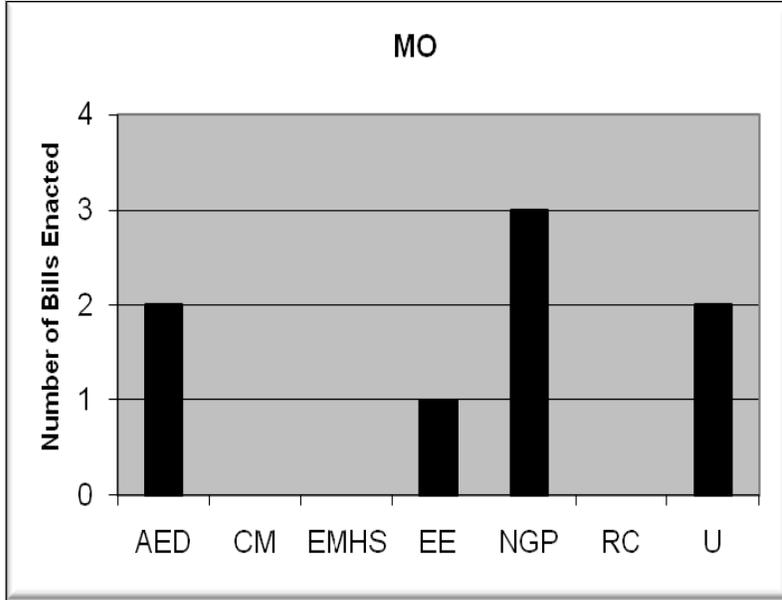
SB 2459: Wastewater Disposal Systems

Authorizes the Department of Health to regulate the installation of individual on-site wastewater disposal systems.

Missouri

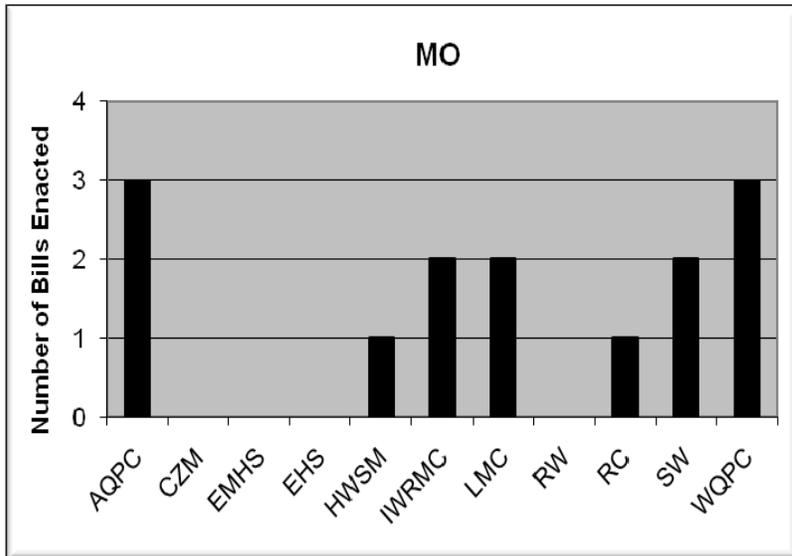
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Missouri

Energy Legislation

Alternative Energy Development

HB 2058: Tax Incentives for Business Development

Allows a company that leases or owns facilities that produce electricity derived from qualified renewable energy sources, or which produce fuel for the generation of electricity from qualified renewable energy sources, to participate in the program as a technology business project if it meets the other requirements of the program. Qualified renewable energy sources include open-looped biomass, close-looped biomass, solar, wind, geothermal, and hydropower but not ethanol distillation or production or biodiesel production; prohibits the authorization of new tax credits for Missouri wood energy producers after June 30, 2013; and repeals the Recycling Flexible Cellulose Casing Tax Credit.

SB 931: Tax Credit for Alternative Fuel Stations

Creates an income tax credit for the costs of constructing a qualified alternative fuel vehicle refueling property. The tax credit shall not exceed the lesser of \$20,000 or 20 percent of the costs directly associated with the purchase and installation of any alternative fuel storage and dispensing equipment. The cumulative amount of the credits which may be claimed shall not exceed \$3,000,000 for taxable year 2009. For taxable year 2010, the cumulative amount of tax credits which may be claimed is reduced to \$2,000,000, and for taxable year 2011, the amount is further reduced to \$1,000,000.

Allows fuel ethanol also to be produced from biomass that is qualified by the Missouri Agricultural and Small Business Development Authority in consultation with the Conservation Commission. Fuel ethanol grant incentives paid for fuel ethanol produced from biomass are authorized between January 1, 2009 and December 31, 2019 and shall only be available to two producers, with each producer limited to total payments of \$7.5 million.

Exempts any new or used farm tractors, machinery, or equipment, including parts, supplies, and fuel, used to plant, harvest, process, or transport forestry products from state and local sales tax.

Creates a sales tax exemption for the purchase of fencing materials and motor fuel, when such materials or fuel is to be used for agricultural purposes.

Adds that a new generation cooperative must operate within the state in order to be eligible for either the Agricultural Production Utilization Contributor tax credit or the New Generation Cooperative Incentive tax credit.

Energy Efficiency

SB 1181: Energy Efficiency Regulation

Allows up to 10 percent of the funds appropriated each year for the Facilities Maintenance Reserve Fund to be used for otherwise eligible projects that are also energy projects with a 15-year payback or less.

Design documents submitted to the Office of Administration for new construction or substantial renovation of certain state buildings shall include a projection of the energy savings of the building as a result of meeting the state minimum energy efficiency standard.

Requires that by January 1, 2009, the Department of Natural Resources shall modify the minimum energy efficiency standard so that it is at least as stringent as the 2006 International Energy Conservation Code, or the latest version of the Code rather than the current standard of American Society of Heating.

Allows for low interest loans through the linked deposit loan program for eligible alternative energy operations producing and selling fuel or power including solar, hydroelectric, wind, and qualified biomass.

Creates an income tax deduction for either the cost of a home energy audit conducted by an energy auditor certified by the Department of Natural Resources or for the cost of implementing any of the recommendations made in any such energy audit, or for both such activities. The deduction is limited to \$1,000 per taxpayer per year, up to \$2,000 cumulative lifetime total per taxpayer.

Creates the "Show Me Green Sales Tax Holiday." For 2009 and every year thereafter, during the seven day period beginning on April 19th and ending April 25th, all sales of Energy Star certified new appliances will be exempt from state sales tax.

Establishes annual guidelines for green cleaning programs and environmentally-sensitive cleaning product specifications for the Department of Elementary and Secondary Education, in consultation with the Department of Health and Senior Services and other interested parties.

Requires representatives of the Departments of Labor and Industrial Relations, Elementary and Secondary Education, Agriculture, Economic Development, and Natural Resources to meet, at least twice a year, to discuss ways to secure grants established under the federal Energy Independence and Security Act of 2007. Such grants would fund: green jobs, the production of renewable fuels, increasing energy efficiency of products, buildings and vehicles, and increasing research and development for the manufacturing of renewable energy technologies.

Reconvenes the Missouri Energy Task Force at least annually to review progress made toward meeting the recommendations made in its final report as issued under the Executive Order.

Mandates that any required renewable mandate shall not raise retail electric rates by an average of more than one percent in any year, and all costs associated with a renewable mandate shall be recoverable in rates. Solar rebates shall be included in the one percent rate cap.

Allows, when multiple permits are required from the Department of Natural Resources for a particular projects, permit applicants to request coordination with the Department to develop a unified permit schedule for obtaining the permits.

Requires the Department of Natural Resources to certify qualified home energy auditors.

Creates minimum energy efficiency standards for certain new products sold or installed within the state. The Department of Natural Resources shall update the standards at least once every three years to keep current with technological advancements.

Allows any electric company that achieves an amount of eligible renewable energy technology nameplate capacity equal or greater than fifteen percent of the company's total owned fossil-fired generating capacity by January 20, 2009, shall be exempt from a requirement to pay an incentive to any customer who installs a solar energy system and shall also be exempt from meeting mandated solar renewable energy requirements.

Natural Gas and Petroleum

HB 1628: Alternative Fuel Decals

Authorizes an exemption from the alternative fuel decal and tax requirement for historical vehicles powered by liquid petroleum or natural gas.

HB 1779: Natural Gas Safety Penalties

Creates penalties for corporations, persons, and public utilities that violate any law, order, decision, decree, rule, direction, demand, or requirement of the Missouri Public Service Commission relating to federally mandated natural gas safety standards. Municipalities that own gas plants are only liable for violations of natural gas safety laws, rules, and orders.

SB 907: Motor Fuel Storage Tanks

Modifies provisions relating to the regulation of motor fuel storage tanks and equipment. The Hazardous Waste Management Commission shall propose rules by February 13, 2009 to establish requirements for the reporting of releases

and corrective action taken in response to releases from underground petroleum storage tanks.

Utilities

SB 720: Hot Weather Rule/Electric Plants

Establishes a hot weather rule during the time period from June 1st to September 30th. During this time, natural gas or electricity providers are prohibited from disconnecting service to residential customers on days when either the temperature is expected to rise above 95 degrees or the heat index is expected to rise above 105 degrees for the following twenty-four hour period or on days when service personnel will not be available to reconnect service and the temperature or heat index is expected to rise above these marks.

Allows the Public Service Commission (PSC) to approve the construction of an electric plant in a county of the first classification after any such electric plant has been constructed or acquired. No such approval, nor any locally-issued special use permit for such an electric plant, shall impair any private suits or claims for damages made against such an electric plant. The costs incurred by an electrical corporation to pay such damages shall not be allowed to be recovered from ratepayers.

Increases the maximum amount, from \$600 to \$800 per year that may be paid from the Utilicare Stabilization Fund to providers of heating or cooling on behalf of eligible households; removes the \$5 million cap on the annual appropriation to the Utilicare Stabilization Fund, instead making it simply subject to appropriations each fiscal year; and makes it mandatory, rather than discretionary, that the Department of Social Services applies a portion of the funds appropriated to the Utilicare Stabilization Fund to the Low-Income Weatherization Assistance Program.

SB 958: Vegetation Control

Authorizes any rural electric cooperative and certain electrical corporations that operate on the not-for-profit cooperative business plan to trim trees and control vegetation within the legal description in a recorded easement, or when no easement exists, within the following areas: 1) within 10 feet of electric lines located in a city and potentially energized at or below 34.5 kilovolts; 2) within 30 feet of electric lines located outside of a city and potentially energized at or below 34.5 kilovolts; 3) within 50 feet of electric lines potentially energized between 34.5 and 100 kilovolts; and 4) within 75 feet or within a federally required clearance for electric lines potentially energized at 100 kilovolts or more. In claims for property damage, there shall be a rebuttable presumption that the electric utility acted with reasonable care and within its rights when controlling vegetation in these areas.

Missouri

Environmental Legislation

Air Quality and Pollution Control

HB 1670: Sales Tax Exemption for Pollution Controls

Removes the required certification by the Director of the Department of Natural Resources before a sales and use tax exemption applies to purchases or leases of machinery, equipment, appliances, and devices used solely to prevent, abate, or monitor water or air pollution and any materials and supplies used in the installation, construction, or reconstruction of the machinery, equipment, appliances, and devices.

SB 936: State Emission Laws

Modifies the state's emissions law to allow motorists to operate their vehicle for 30 days beyond the vehicle's registration expiration without a current state registration license for the purposes of resettling their vehicle's readiness monitors and passing the on-board diagnostic (OBD) retest. Motorists must keep a copy of the most recent failing OBD test results in their vehicle to present to law enforcement. Motorists would still be liable for late registration penalties.

SB 1131: Transportation Sales Tax

Excludes tax revenues, derived from certain transportation sales taxes imposed by the City of Kansas City, from the allocation of economic activity taxes for payment of redevelopment costs under Missouri's Downtown and Rural Economic Stimulus Act and Real Property Tax Increment Allocation Redevelopment Act. The definition of the term "transportation purposes" contained within the provision of law authorizing the transportation sales tax provision has been expanded to include the development and operation of bus, para-transit, and fixed-rail, and light-rail transit.

Hazardous Waste and Substance Management

HB 1354: Registration Exemption for Certain Vehicles

Exempts any self-propelled sprayer, floater, or other implement of husbandry used for spraying chemicals or spreading fertilizer for agricultural purposes from the motor vehicle titling, registration, and licensing requirements.

Inland Water Resource Management and Conservation

HB 1881/SB 956: Public Water Supply District Board Members

Changes the term of office for the initially appointed directors of public water supply districts to end in April instead of June because of a change in the date of their subsequent election.

SB 939: Levee District

Allows the board of supervisors of a levee district to levy a uniform tax of not more than eight dollars per acre upon each mile of right-of-way of all public service corporations within such district.

Land Management and Conservation

SB 718: Brownfield Redevelopment

Specifies that all demolition activities that are part of remediation and allows remediation tax credits to include up to one hundred percent of demolition costs that are not directly part of the remediation, but which are necessary to accomplish the planned use of the facility.

SCR 29: Agriculture Statistics Board Calendar

Requests that the U.S. Department of Agriculture's National Agricultural Statistics Service add the dates of June 1st and September 1st as additional reporting dates for rice on the Agricultural Statistics Board Calendar.

Reorganization and Coordination

HB 1469: Administrative Hearing Commission

Authorizes the Administrative Hearing Commission to recommend decisions based on comments from the parties, consent order, agreed settlement, or by disposition of a default judgment, judgment on the pleadings, or summary determinations. The same authority will be granted to the Hazardous Waste Management Commission, Land Reclamation Commission, Safe Drinking Water Commission, Air Conservation Commission, and Clean Water Commission in order to make final decisions in their specified areas of regulation.

Solid Waste

SB 720: Computer Equipment Recovery

Requires manufacturers of computers to implement "recovery plans" for the collection of and the recycling or reuse of their obsolete equipment. The recovery plan must be implemented and a copy of the plan submitted to the Department of Natural Resources before the manufacturer can sell its computers in Missouri. Such manufacturers must also label their equipment to identify themselves as the manufacturer. The Department shall educate consumers

about the recycling and reuse of computers and shall provide a website for this purpose, which shall include a list of manufacturers' recovery plans as well as dates and locations for collection opportunities.

SB 1034: Scrap Metal Recyclers

Modifies the current record-keeping requirements for purchases of copper scrap metal and also applies such record-keeping requirements to purchases of brass, bronze, and certain aluminum scrap metal. The bill also requires that a separate record be maintained in either written or electronic form for each applicable transaction of copper brass, bronze, or aluminum scrap metal.

Prohibits scrap metal dealers from knowingly purchasing or possessing a whole or partial metal beer keg on premises used by the dealer to alter scrap metal, unless the keg is purchased from a brewer's representative. A violation of this provision is a Class A misdemeanor with a penalty of only a fine.

Prohibits scrap yards from purchasing metal identified as belonging to a cemetery, political subdivision, electric cooperative, or any utility, except when purchasing it directly from the metal owner or from a person authorized in writing by the owner to sell such metal. A violation of this provision is a Class B misdemeanor.

Water Quality and Pollution Control

SB 1033: Transfer of Title

Specifies that water and sewer line easements shall not be considered transfers of title by donation or dedication.

SB 1040: Public Sewer and Water Districts

Limits eligibility for sewer and water districts to receive grants and loans from storm water control projects to only those considered "public."

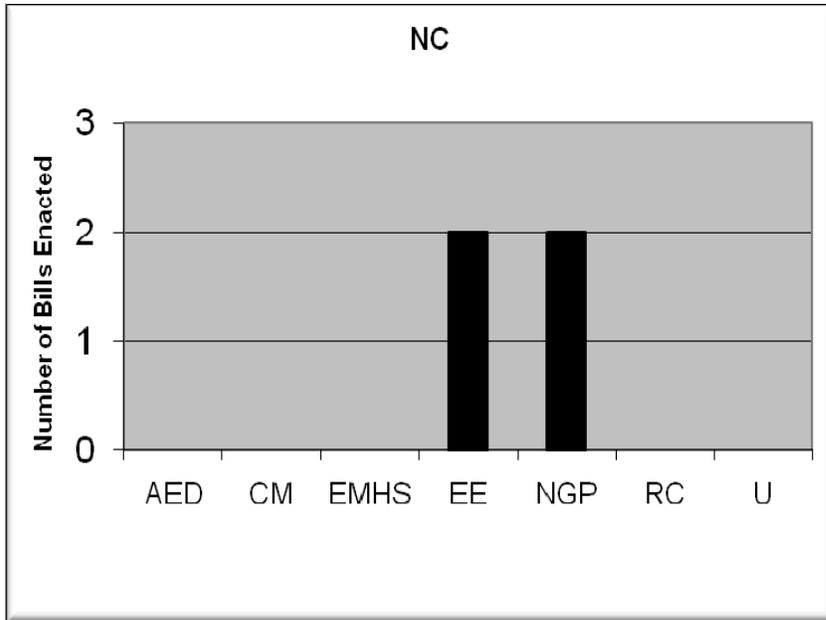
SJR 45: Public Sewer and Water Districts

Removes the requirement that appropriations for the Stormwater Control Fund may not exceed \$20 million in aggregate per fiscal year.

North Carolina

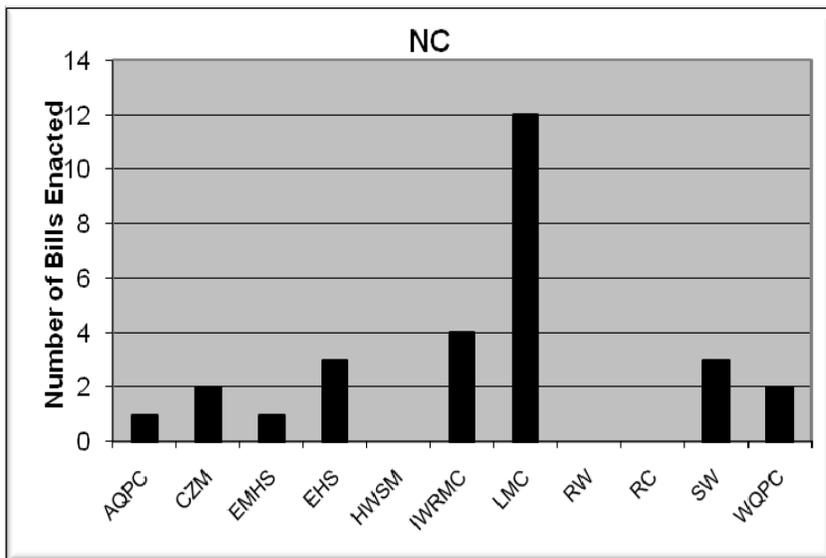
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North Carolina

Energy Legislation

Energy Efficiency

HB 2134/SB 1597: City/County Energy Efficiency Incentive

Authorizes Cabarrus County, the cities of Concord, Durham, Kannapolis, and Locust, and the towns of Cary, Harrisburg, Midland, Mount Pleasant, and Stanfield to provide development incentives in exchange for reductions in energy consumption.

HB 2532/SB 1946: Energy Efficient Standards

Codifies the standards governing energy efficiency and water use for major facility construction and renovation projects involving state, university, and community college buildings in order to reduce the consumption of energy and water, as recommended by the Environmental Review Commission, and to allow the State, the University of North Carolina system, and the North Carolina community college system to install photo luminescent exit signs when permitted by the State Building Code.

Natural Gas and Petroleum

HB 2498/SB 1936: Underground Storage Tank Program

Provides additional funds for the assessment and cleanup of releases and discharges of petroleum from underground storage tanks by increasing the fees paid by owners and operators of commercial underground storage tanks; establishes limitations on the time in which: the Department of Environment and Natural Resources must make an eligibility determination, requests for payment or reimbursement may be submitted to the Department, and the Department may take administrative action or bring a civil action to recover payments that were not authorized by law, that were made on the basis of fraudulent information, or for other reasons; clarifies financial responsibility requirements; reduces the incidence of leaks by requiring secondary containment for all components of regulated petroleum underground storage tank systems; clarifies requirements for registration of commercial tanks; and, provides for expedited assessment and cleanup of releases and discharges from petroleum underground storage tanks by requiring the Department of Environment and Natural Resources to establish a pilot program to evaluate the use of site-specific cleanup standards.

SB 1339: Gasoline and Fuel Alcohol Blending

Requires suppliers that import gasoline for sale in this state to offer gasoline for sale to a distributor or retailer that is not preblended with fuel alcohol and that is suitable for subsequent blending with fuel alcohol and to provide that contract

provisions that restrict or prevent distributors or retailers from blending gasoline and fuel alcohol are void.

North Carolina

Environmental Legislation

Air Quality and Pollution Control

HB 2529: Climate Change Commission

Extends the Legislative Commission on Global Climate Change, as recommended by the Environmental Review Commission.

Coastal Zone Management

HB 2155/SB 1688: Holden Beach – No-Wake Zone

Establishes a no-wake speed zone near the towns of Holden Beach and Oak Island.

HB 2756: Oak Island – Erosion Control

Allows the Town of Oak Island to make equal assessments for each lot within the town which benefits from beach erosion or flood and hurricane protection work projects undertaken by the town.

Emergency Management and Homeland Security

HB 2432/SB 1775: Local Disaster Management Capability

Directs the North Carolina Division of Emergency Management, in consultation with the North Carolina Association of County Commissioners, to study and develop plans to enhance disaster management capabilities at the county level; and allows the adjutant general of the National Guard to appoint a deputy adjutant general who holds the rank of major general.

Environmental Health Services

HB 822/SB 847: Pesticide Exposure

Directs the Pesticide Board to adopt rules requiring licensed pesticide applicators to record the specific time of day when each pesticide application is completed, as recommended by the Governor’s Task Force on Preventing Agricultural Pesticide Exposure.

HB 2252/SB 1681: Smoke-Free Cars

Requires state controlled passenger carrying vehicles to be smoke free; and authorizes local governments to require local government controlled vehicles to be smoke free, as recommended by the Justus-Warren Heart Disease and Stroke Prevention Task Force.

HB 2471/SB 1924: Carbon Monoxide Detectors

Authorizes the North Carolina Building Code Council to study and adopt provisions in the building code pertaining to the installation of carbon monoxide detectors in certain single-family or multifamily dwellings; requires the installation of operation carbon monoxide detectors in certain residential rental property; and, provides for mutual obligations between landlords and tenants regarding the installation and upkeep of carbon monoxide detectors.

Inland Water Resource Management and Conservation**HB 820/SB 845: Various Environmental and Natural Resources Laws**

Amends certain environmental and natural resources laws to: (1) provide that private drinking water wells are to be tested for certain additional parameters; (2) authorize the Board of Agriculture to adopt rules governing euthanasia of animals; (3) rename the Blue Crab Research Program, the Blue Crab and Shellfish Research Program; (4) Clarify that the Department of Transportation or any other unit of government shall make oyster shells available to the Division of Marine Fisheries of the Department of Environment and Natural Resources without remuneration; (5) specify that the Environmental Management Commission may not begin the procedure to adopt a temporary or permanent rule that governs the management of stormwater runoff in the coastal counties pursuant to subdivisions (1) and (3) of G.S. 143-214.7(b) prior to 1 October 2011, specify that any such additional rules shall not become effective prior to 1 October 2013, and specify that rules adopted by the Environmental Management Commission pursuant to any other state statutory authority that governs the management of stormwater runoff in the coastal counties shall not become effective in the coastal counties prior to 1 October 2011; (6) clarify the procedure for recordation of restrictions and protective covenants that specify certain coastal stormwater management requirements; (7) provide that a person who becomes the owner or operator of a commercial petroleum underground storage tank may pay, under protest, unpaid annual operating fees that were the obligation of a previous owner or operator for the purpose of obtaining operating permits for the underground storage tanks; requires the Department of Environment and Natural Resources to diligently seek to collect unpaid fees from the person who was originally responsible for payment, and provide that a person who pays fees under protest may be reimbursed to the extent that the fees are collected from another person; (8) improve water quality and promote groundwater recharge in areas of the state that are not subject to the stormwater management requirements of certain water quality programs by requiring either that no more than eighty percent of certain areas used for vehicular parking be impervious or, in the alternative, that runoff from at least twenty percent of certain impervious vehicular parking areas flow to bioretention areas; (9) declare the intent of the General Assembly that the Department of Environment and Natural Resources aggressively compel persons who are responsible for contamination of groundwater that results in contamination of drinking water to assess and remediate the groundwater contamination as required by law.

HB 2447/SB 1872: Water Allocation Study

Extends the study of the allocation of water resources and their availability and maintenance in the state, as recommended by the Environmental Review Commission.

HB 2499/SB 1879: Drought/Water Management Recommendations

Makes changes to how drought and water emergency situations are handled across the state;

- Provides for new water system efficiency requirements and creates new civil penalties; increases the penalties for failure to register water withdrawals and transfers and would provide that continuing failure to register may be treated as separate violations and a separate penalty may be assessed for each separate violation.
- Directs the Department of Agriculture and Consumer Services to annually collect survey information on water use by persons who withdraw 10,000 gallons of water per day or more for agricultural activities.
- Provides that each unit of local government that provides public water service and each large community water system will develop and implement water conservation measures to respond to drought or other water shortage conditions. These measures will be set out in a water shortage response plan, which will be submitted to the Department of Environment and Natural Resources (DENR) for review and approval.
- Directs the Environmental Review Commission to study whether and to what extent private groundwater wells and the use of water produced by private groundwater wells should be regulated by the state or units of local government.
- Provides that in the event of extreme or exceptional drought or other water shortage, DENR may require water systems in the affected area to report the amount of water used, withdrawn, diverted, or obtained on a weekly basis and may require the reporting of additional information necessary to assess and manage the drought or water shortage.
- Provides requirements for the Governor to declare a water shortage emergency and contains new requirements for water system efficiency.
- Provides that to be eligible for state funding for extending waterlines or expanding water treatment capacity, a water system must demonstrate that it has met certain guidelines, including but not limited to, establishing adequate rate structures, implementing a leak detection and repair program, and metering all water use.
- Establishes that it is state policy that the reuse of treated wastewater or reclaimed water is a critical component of meeting the existing and future water supply needs of the state.

- Contains new enforcement provisions and new civil penalties and stipulates that the violation of emergency water conservation rules is a Class 1 misdemeanor.
- Defines gray water and directs the Commission for Health Services to adopt rules to authorize the use of gray water during periods of drought to hand water trees, shrubs, and inedible plants on single family residential property.
- Directs the State Water Infrastructure Commission to develop guidelines for water rate structures that adequately address water system costs while considering the effect of water rates on water conservation.
- Directs DENR to develop recommendations for water efficiency standards for water-using fixtures in residential and commercial building and in-ground irrigation systems.
- Prohibits the enforcement of condominium or planned community covenants that require the irrigation of landscaping while an area is under a severe, extreme, or exceptional drought.

HB 2785/SB 2157: Cape Fear Locks

States that the state of North Carolina may accept from the United States locks and dams #1, #2, and #3 on the Cape Fear River, along with all adjacent lands currently owned by the United States, after the three locks and dams have been properly refurbished and the rock arch rapids fish ladders have been successfully constructed.

Land Management and Conservation

HB 1889: Wildlife Conservation Property

Makes three changes to the present-use value property tax laws:

- Designates real property that is managed and maintained primarily to protect wildlife habitats as a special class of property for property tax purposes. The property must consist of at least 10 acres, be owned by a natural person or a family business, and be under a sound management plan certified by the N.C. Wildlife Commission. The property would be appraised at its present-use value as if it were agricultural land if the majority of the property is open space land. The property would be appraised at its present-use value as if it were forestland if the majority of the property is woodland. If the property lost its classification, the taxpayer would be required to pay 3 years of deferred taxes. The second edition limits the amount of land a landowner can have in the new classification to not exceed more than 100 acres per county.
- Clarifies that property appraised at present-use value would continue to qualify for use value appraisal as long as the property was subject to a conservation easement that qualifies for the conservation income tax credit for donated lands and the taxpayer received no more than 75 percent of the fair market value of the donated property interest as

compensation, even if the property no longer meets the production or income requirements for qualified farmland.

- Directs the Revenue Laws Study Committee to study the three year impact of the new classification, including the amount of property classified as wildlife conservation land, the fiscal impact on local governments, and any other impact.

HB 2121: Jackson County Hunting

Prohibits the discharge of a firearm from, on, or across the right-of-way of an improved state-maintained road or highway in Jackson County, with one exception.

HB 2122: Jackson County – Light on a Deer

Prohibits the shining of lights in deer areas in Jackson County.

HB 2123: Alamance County – Fox Trapping

Establishes a season for the trapping of foxes and coyotes in Alamance County.

HB 2456/SB 1862: Lake Waccamaw State Park

Removes a portion of Lake Waccamaw State Park from the State Nature and Historic Preserve and the State Parks System to allow for bridge realignment on Bella Coola Road, as recommended by the Environmental Review Commission.

HB 2496/SB 1930: State Park Additions

Authorizes the addition of Bear Paw State Natural Area and Yellow Mountain State Natural Area to the state parks system, as recommended by the Environmental Review Commission.

HB 2603/SB 1653: Overgrown Vegetation Ordinance

Authorizes the cities of Louisburg and Mount Airy and the towns of Franklinton, Pinetops, Smithfield, and Yadkinville to give annual notice to chronic violators of the city's overgrown vegetation ordinance.

HB 2634: Caswell County – Hunting on Private Property

Amends the law prohibiting hunting and fishing on private property in Caswell County without written permission from the landowner or lessee.

HB 2760: Stokes County – Fox Season

Establishes a season for taking foxes with weapons and by trapping in Stokes County.

HB 2768: Orange County - Hunting on Private Property

Amends the law prohibiting hunting and fishing on private property in Orange County without written permission from the landowner or lessee; increases the fees collected from participants in the disabled sportsman program administered by the Wildlife Resources Commission, and provides that holders of hunting and

fishing licenses issued to the disabled are eligible to participate in the disabled sportsman program.

SB 175: Interstate Wildlife Violator Compact

Enacts the Interstate Wildlife Violator Compact in North Carolina.

SB 1989: Craven Fox Trapping Season

Establishes a season for the trapping of foxes in Craven County.

Solid Waste

HB 819/SB 844: Electronic Recycling

Amends the requirements governing the management of discarded computer equipment to include discarded televisions and delays the effective date until January 1, 2010.

HB 1134: Abandoned Manufactured Homes

Protects public health and the environment by encouraging counties to develop plans that provide for the deconstruction of abandoned manufactured homes and the removal of reusable or recyclable components, by providing for the abatement of abandoned manufactured homes that are determined to be a nuisance, and designates that a portion of the Solid Waste Management Trust Fund be used to fund the deconstruction and removal of abandoned manufactured homes.

HB 2530: Solid Waste Tax Changes

Makes changes to the Solid Waste Management Act of 2007 to allow an owner or operator of a landfill or transfer station to deduct from the amount of waste tonnage reported on their tax return any waste tonnage received from a third party when the accounts receivable are worthless.

Water Quality and Pollution Control

HB 2138/SB 1967: Stormwater Management – Coastal Counties

Provides for improvements in the management of stormwater in the coastal counties in order to protect water quality.

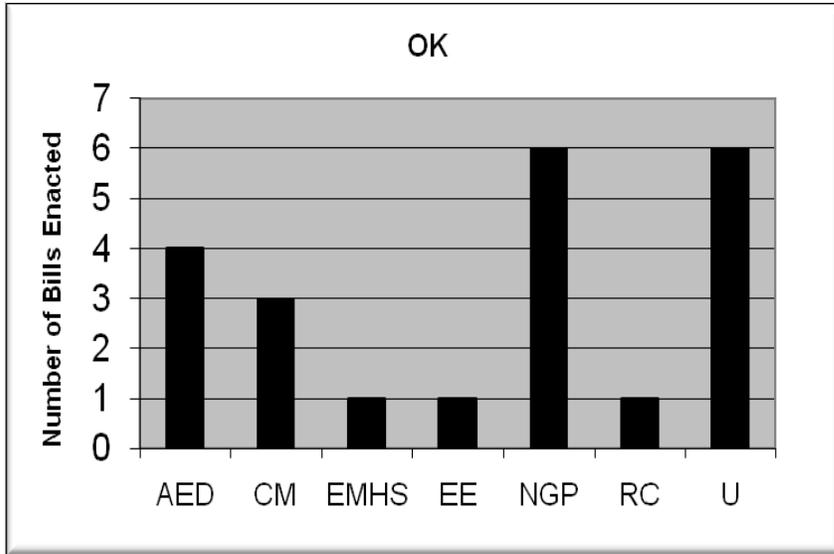
SB 1259: Public Water Service Warranties

Provides that water supplied by a public water system regulated under the North Carolina Drinking Water Act is not subject to certain warranties.

Oklahoma

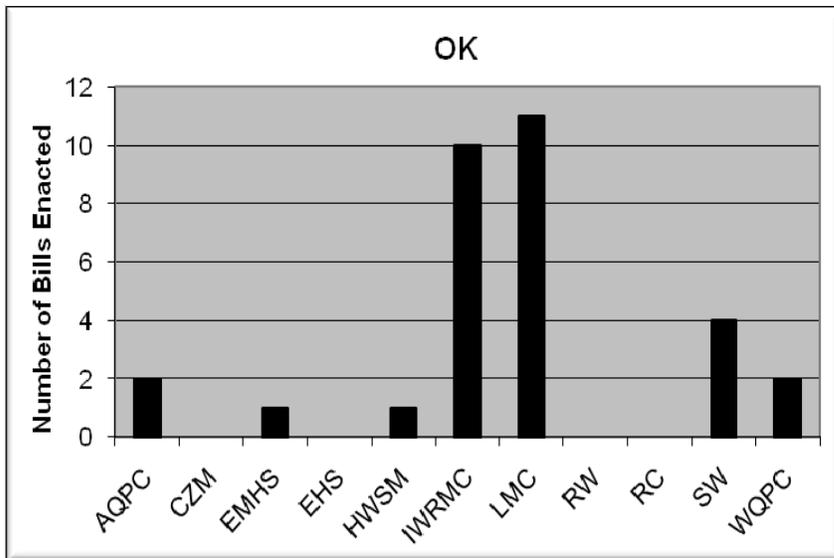
Legislation Category Comparison

Energy Legislation



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Environmental Legislation



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

Oklahoma

Energy Legislation

Alternative Energy Development

HB 2276: Bio-Diesel Fuel Center

Appropriates \$1,500,000 toward the Bio-Diesel Fuel Center.

HB 2813: Wind Generation – Transmission

Authorizes electric utilities to recover costs, using rate adjustments approved by the Corporation Commission, for transmission upgrades necessary to develop wind power generation provided such upgrades are approved by the Southwest Power Pool and are placed into service before the end of 2013.

HB 3187: Oilseed

Creates the Oklahoma Oilseed Resources Act and the Oklahoma Oilseed Commission and outlines the powers and duties of the Oklahoma Oilseed Commission, which include formulating the basic objectives with respect to discovery, promotion, and development of markets and industries for the utilization of oilseed.

SB 1558: Clean Burning Motor Vehicle Fuel Property

Extends to January 1, 2010 the expiration date for an income tax credit provision for investments in certain qualified clean-burning motor vehicle fuel property.

Coal and Minerals

SB 706: Mining Permits

Allows municipalities to limit the number of times an applicant may seek municipal approval for mining operations unless there is a material change in the application. Adds bonding and insurance to the list of conditions a municipality may require of mining permit applicants and allows municipalities to require applicants to make a deposit to cover application and permit expenses.

SB 1697: Limited Use Permits

Requires Limited Use Permits for any person seeking to engage in any limited mining activity not eligible for a surface mining permit and includes small mining operations designed for testing purposes and when the permits are limited to two acre sites, expire in one year, and cost \$100.00.

SB 1765: Geologic Storage of Carbon Dioxide

Creates the Oklahoma Geologic Storage of Carbon Dioxide Task Force. The task force is made up of 15 members, who will be appointed to represent various stakeholders involved in this issue and begin their activities this July. The task force will terminate December 1, 2008 with a report of their findings.

Emergency Management and Homeland Security**SB 1554: Emergency Price Stabilization Act**

Amends the Emergency Price Stabilization Act by exempting price increases which are applicable to regional, national, or international petroleum commodity markets and restricts persons, in the time of an emergency, from raising rent or prices of goods sold within the emergency area to no more than ten percent higher than the price immediately prior to the emergency.

Energy Efficiency**HB 3394: LEED**

Requires the Department of Central Services to adopt a “high-performance certification program” for public building design, construction, and renovations standards which meet the standards of the United States Green Building Council’s Leadership in Energy and Environmental Design (LEED) Rating System.

Natural Gas and Petroleum**HB 1387: Annual Price of Oklahoma Oil and Gas**

Modifies the method of calculation of the average annual price of Oklahoma oil and gas for purposes of determining whether or not the gross production tax exemption is applied.

HB 3003: Oil Field Equipment

Requires law enforcement officers to undergo CLEET training and take an additional four hours of training specifically in an effort to curb rising thefts of oil field equipment.

HB 3303: Above Ground Storage

Requires the Corporation Commission to promulgate rules allowing petroleum storage tanks designed and built for use underground to be used as above ground storage tanks if such tanks were installed for that use prior to July 1, 2007.

SB 1423: Oklahoma Storage Tank Regulation Act

Modifies the definition of terms used in the Oklahoma Storage Tank Regulation Act, to conform to federal regulations; authorizes the Corporation Commission to

arrange for and fund, using monies from the Petroleum Storage Tank Indemnity Fund, an alternative water supply system if they deem it necessary in the course of a remediation project; and authorizes the Corporation Commission to contract with or develop a training program for underground storage tank operators.

SB 1475: Advisory Committee for Sustaining Oklahoma's Energy Resources

Authorizes the Oklahoma Energy Resources Board to create an advisory committee, to be named the Advisory Committee for Sustaining Oklahoma's Energy Resources, for the purpose of administering funds for research and development of new technologies in the oil and gas industry.

SB 1658: Spudded Wells

Extends a gross production tax exemption for wells drilled to 15,000 feet or more by making wells spudded before July 1, 2011 eligible.

Reorganization and Coordination

SB 1587: Corporation Commission – Conference Monies

Modifies current law to allow the Corporation Commission to transfer monies leftover from conferences which they sponsor, after costs are paid and 10 percent is retained to cover start up costs for the next conference, into the agency's revolving fund to be used for general operating expenses of the agency.

Utilities

HB 1739: Electric Service Providers Territory

Authorizes electric service providers to enter into contracts dividing territories which shall be approved by the Corporation Commission or in the case of municipalities, district courts.

HB 2250: Public Records

Requires public bodies that provide utility services to allow public access to certain records.

SB 1757: Federal Environmental Acts

Amends current statutes governing electric public utilities by allowing the utilities to seek Corporation Commission approval of capital expenditures necessary to comply with a list of federal environmental acts; modifies the time frame for utilities to seek Commission review of its rates following the rate adjustment for such purpose; and authorizes a utility to seek Commission approval to enter into long-term contracts for purchased power and capacity and/or energy in addition to the approval necessary to build or purchase a new power generation facility.

SB 1793: Lien's On Utility Vehicles

Provides for the inclusion of utility vehicles in the types of vehicles with certificates of title that are to be considered as personal property to which a lien may be attached, known as "Section 91 Personal Property."

SB 2086: Utility Vehicles

Allows for the operation of all-terrain vehicles or utility vehicles on streets and highways within a municipality if the municipality has adopted an ordinance governing the operation of such vehicles.

SCR 80: Road Construction and Utility Relocation Task Force

Creates the Road Construction and Utility Relocation Task Force.

Oklahoma

Environmental Legislation

Air Quality and Pollution Control

SB 1451: Oklahoma Energy Efficiency and Emission Reduction Program

Creates the Oklahoma Energy Efficiency and Emission Reduction Program within the Department of Environmental Quality in an effort to reduce regional air pollution and comply with the federal government's air quality regulations; authorizes DEQ to make grants to public and private entities to implement air pollution reduction measures including retrofitting truck and bus fleets to use cleaner burning fuels; and enacts a motor fuels labeling law which requires operators to display labels on their pumps informing customers that the fuel may contain ethanol or methanol.

SB 1816: Burn Ban

Amends existing language to allow a board of county commissioners, with the concurrence of the majority of fire chiefs in their jurisdiction, to declare a county burn ban in circumstances of extreme fire danger.

Emergency Management and Homeland Security

SB 1662: Burning Debris

Requires cities or towns to allow landowners of agricultural land located within municipal boundaries to burn debris following a flood or other natural disaster.

Hazardous Waste and Substance Management

SB 1190: Lead-Impacted Communities

Modifies the Lead-Impacted Communities Relocation Assistance Act which was enacted in 2004 to provide relocation assistance to families living in the former mining communities in far Northeast Oklahoma, now a federal Superfund site and most recently devastated by major tornado damage resulting in the death of several residents.

Inland Water Resource Management and Conservation

HB 3135: Oklahoma Water Conservation Grant Program

Modifies the Well Drillers and Pump Installers Remedial Action Indemnity Fund by increasing the expenditure limit from \$5,000 to a new limit of \$15,000 per well, borehole, or pump for any action indemnified by the fund and creates an Oklahoma Water Conservation Grant Program Act to increase public awareness

of the value of our water resources and assist communities with water conservation plans and other water related activities.

HB 3365: Paddlefish Eggs

Modifies the amount of paddlefish eggs that one may possess by decreasing the amount from five pounds to three pounds and prohibits the transportation of paddlefish eggs with viscera out of state and increases the fine.

HJR 1105: Permits

Limits the Oklahoma Water Resources Board from charging any fee in excess of \$3000.00 per application for stream water or groundwater permits.

SB 746: Grand River Dam Authority – Director of Investments

Authorizes the Grand River Dam Authority to hire a director of investments.

SB 1178: Indian Tribes' Vessels

Requires the Oklahoma Tax Commission and authorizes Indian tribes to develop a permanent number system for vessels which is consistent with United States Coast Guard regulations.

SB 1374: Dam Improvements

Authorizes the Oklahoma Capitol Improvement Authority to issue bonds for the following purposes: \$25 million for the Conservation Commission for construction, repair, and rehabilitation of flood control dams and related equipment; and, \$25 million for the River Parks Authority for construction of Zink Dam improvements, stream bank stabilization and construction of low water dams on the Arkansas River in Tulsa County.

SB 1381: Grand River Dam Authority – Funds

Modifies the amount of funds the Grand River Dam Authority may spend in the local communities making up the GRDA district, from a maximum of \$15,000 per year to now \$25,000 per year.

SB 1410: Comprehensive Water Plan

Directs the Oklahoma Water Resources Board to establish a technical working group within the larger group drafting the Oklahoma Comprehensive Water Plan for the purpose of recommending demonstration projects designed to recharge water aquifers of various types located throughout the state.

SB 1696: Rehabilitation of Watershed Dams

Authorizes the Oklahoma Conservation Commission to establish and administer the Oklahoma Conservation Commission Municipal Infrastructure Cost-Share Program.

SCR 57: McLellan-Kerr Arkansas River Navigation System

Requests the federal government to fully fund and maintain the McLellan-Kerr Arkansas River Navigation System.

Land Management and Conservation**HB 2226: Crossbow Hunting**

Permits legal residents 60 years or older to hunt with a crossbow.

HB 2544: Fee Amount

Deletes the limits for the fee amount for the annual special use permit required for all persons who hunt or fish or otherwise use private lands leased and administered by the Department of Wildlife Conservation.

HB 2547: Hunting on Farmland (Vetoed)

States that hunting or fishing without permission is prohibited on land that is primarily devoted to farming, ranching, or forestry purposes with the requirement to post such land.

HB 2667: Combination Hunting and Fishing License

Establishes a fee for a combination five year hunting and fishing license for residents who have resided in the state for at least six months.

HB 2791: Big Game Commercial License (Vetoed)

Authorizes the Department of Wildlife Conservation to issue a permit to a person who holds a big game commercial license to engage in the management of depredating animals by use of aircraft only on land listed in the commercial hunting license and provides for rules and regulations related to the permit.

HB 3164: Pheasant

Changes the five day nonresident hunting license to include pheasant and changes the fee for the five day non-resident hunting license to \$69.00.

HB 3268: Turnpikes

Extends the jurisdiction of game wardens to enforce all state laws on all Oklahoma Turnpikes operated by the Oklahoma Turnpike Authority.

SB 1463: Computer Assisted Hunting

Prohibits persons from hunting wildlife by computer assisted remote control hunting or engaging in any activity that provides, sells, offers for sale, assists in, or provides facilities for computer assisted remote control hunting or wildlife.

SB 1734: Commercial Hunting License

Removes the requirement that applicants for commercial hunting area licenses submit proof of being an Oklahoma resident.

SJR 38: Hunting and Fishing – State Constitution

Places a state question on the ballot in the November election allowing voters to determine whether the right to hunt and fish and take game and fish should be protected by the state constitution.

SCR 42: ATV Access

Memorializes Congress to intervene on regulations relating to ATV access on Forest Systems trails.

Solid Waste**SB 498: Recycling Goal**

Encourages a goal of recycling 10 percent of the entire solid waste stream produced in this state by 2011, and requires the Department of Environmental Quality to coordinate efforts with groups supporting recycling and issue a report to the Legislature by December 31, 2011.

SB 1631: Computer Equipment Recovery Act

Creates the Oklahoma Computer Equipment Recovery Act to implement environmentally sound and consumer friendly disposal and recycling programs for certain types of computers and monitors which are no longer useful; manufacturers are required to provide recycling information to consumers and develop a recycling/disposal program which will be approved by the Department of Environmental Quality; and prohibits states agencies from purchasing computer equipment from a manufacturer not in compliance with this Act.

SB 1453: Beer Kegs

Requires licensed junk or salvage dealers to require certain proof of ownership of metal beer kegs that are clearly marked as being the property of the beer manufacturer before purchasing such kegs.

SB 1856: Junk Dealers

Repeals all the outdated statutes which were enacted in the 1930's to regulate "junk dealers" and attempts to update the statutes governing the scrap metal recycling and processing industry; makes local law enforcement agencies responsible for regulation of local scrap metal dealers; states there is no state agency regulation except the necessity of sales tax permits and prohibits scrap metal dealers from purchasing certain listed items unless the seller can prove he or she is the lawful owner of the material.

Water Quality and Pollution Control

HB 2202: Water Works

Recreates the Water Works and Wastewater Works Advisory Council.

SB 1627: Marginal-Quality Water

Directs the Oklahoma Water Resources Board to establish a marginal-quality water technical working group as part of the Oklahoma Comprehensive Water Plan.

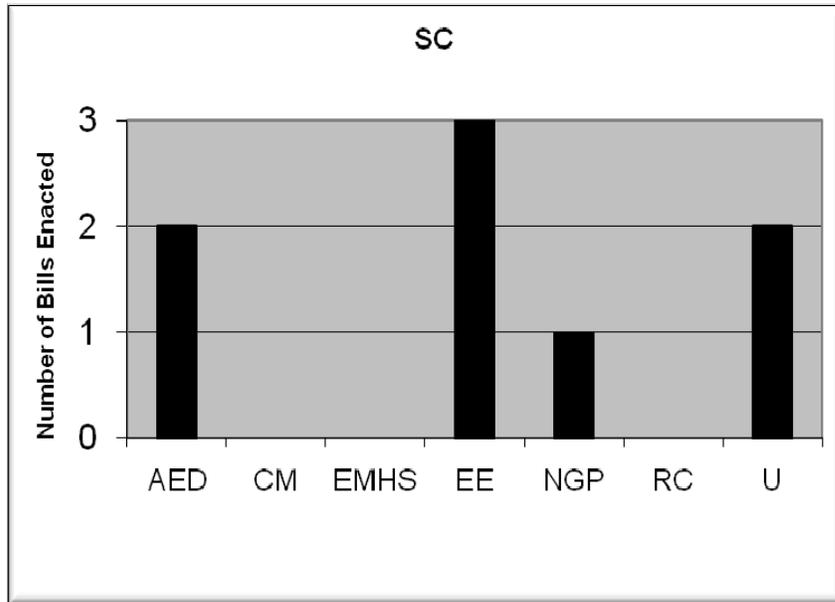
Puerto Rico

Legislative summaries for the 2008 session of the Legislative Assembly of Puerto Rico were not available at the time of printing. If there are any updates, they will be available online for download at www.sseb.org.

South Carolina

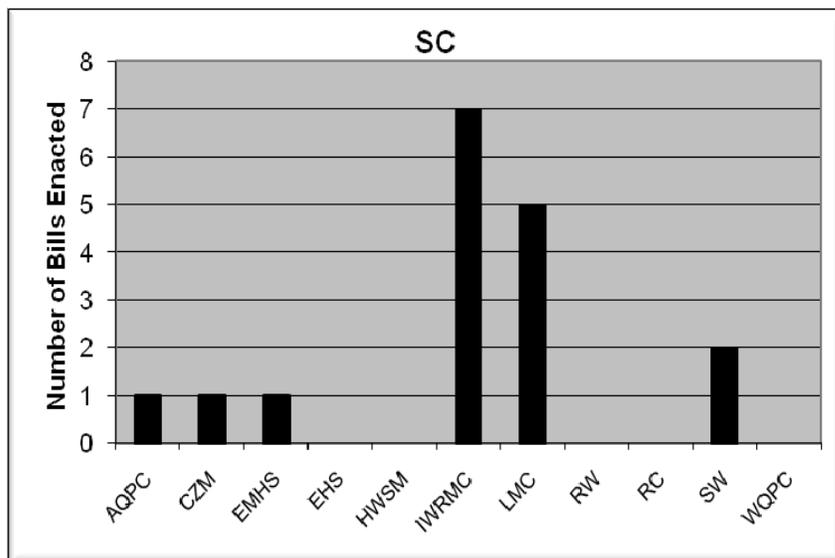
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- LMC Land Management and Conservation
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- SW Solid Waste
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South Carolina

Energy Legislation

Alternative Energy Development

HB 3649: Renewable Energy Infrastructure

Relates to sales tax rebates on ecologically friendly vehicles and incentive payments for alternative fuel purchases and production of electricity or methane gas, so as to delete the sales tax rebate on flexible fuel vehicles; shortens the time period the alternative fuel purchase incentives is available; broadens the incentive payment qualifications for the production of electricity or methane gas fuel; and replaces “methane gas fuel” with “energy,” and to deletes the limitations on the incentive amounts.

Expands the South Carolina Renewable Energy Infrastructure Development Fund and low interest loans and grants, so as to extend the purview of the matching grants for new and future biomass technologies to include solar, geothermal, wind energy, and small hydropower technologies and provides that the Department of Agriculture rather than the Department of Revenue may administer the Fund and coordinate its efforts with the State Energy Office.

SB 368: Fleet Management Program

Relating to the Fleet Management Program, so as to provide that the program shall seek to improve environmental quality by decreasing the discharge of pollutants; also, provides that preference must be given to hybrid, plug-in hybrid, and bio-diesel, hydrogen, fuel cell or flex fuel vehicles when performance, quality, and life cycle costs are comparable to other available vehicles.

Energy Efficiency

HB 4766: Energy Reduction

Provides specific energy reduction and reporting requirements for state agencies; provides an exemption from annual reporting requirements for an agency implementing all available cost-effective energy conservation measures; and, provides certain definitions.

SB 1141: Energy Efficient Homes

Relates to the calculation of tax on manufactured homes, so as to refine the definition of a manufactured home that is subject to a maximum sales tax because it meets certain energy efficiency standards. establishes an incentive program providing a nonrefundable income tax credit for the purchase and installation of energy efficient manufactured homes in South Carolina; and relates to a tax credit for purchase and installation of energy efficient

manufactured homes in South Carolina and includes the purchase and installation of a solar energy system and the purchase and installation of a small water hydropower system.

SB 1143: Energy Efficient Products

Provides that energy efficient products purchased for noncommercial home or personal use with a sales price of two thousand five hundred dollars per product or less are exempt from the sales tax under certain conditions.

Natural Gas and Petroleum

HJR 4598: Regulations

Approves regulations of the Department of Agriculture, relating to gasoline, lubricating oils, and other petroleum products.

Utilities

HB 3309: Franchise Fee

Prohibits the payment, imposition, or collection of a franchise fee with respect to electrical power provided to the state by a utility under the “stateline accounts” and to require a utility to exclude sales revenue from “stateline accounts” when calculating a franchise fee owned to a municipality.

HR 3395: Net Metering

Provides that the South Carolina Energy Office and the Office of Regulatory Staff shall provide a report to the General Assembly not later than January 1, 2009, that recommends a process and procedures for establishing net metering programs at all distribution electric utilities in South Carolina, including investor-owned electric utilities and the South Carolina Public Service Authority.

South Carolina

Environmental Legislation

Air Quality and Pollution Control

HB 3279: Mass Transit

Creates a study committee to examine certain mass transit and human services transportation program throughout the state.

Coastal Zone Management

SR 1112: Regulations

Approves regulations of the Department of Health and Environmental Control, relating to critical areas of the coastal zone.

Emergency Management and Homeland Security

SB 218: Southern Regional Emergency Management Assistance Compact

Renames the compact the "Emergency Management Assistance Compact. Provides that the South Carolina Emergency Management Division within the Office of the Adjutant General is responsible for implementing an incident management system that provides for mitigation, preparedness, response to, and recovery from all man-made and natural hazards and provides that when an emergency has been declared, the Governor, among other responsibilities shall authorize a party to exceed the terms of curfews under certain circumstances and may authorize solid waste disposal facilities to extend operating hours.

Inland Water Resource Management and Conservation

HB 4497: White Perch

Removes white perch from the list of game fish in this state.

HB 4547: Waterfowl Permits

Provides for the cost of required migratory waterfowl permits, the manner in which they are sold, and for production and sale of commemorative stamps.

HB 4548: Striped Bass

Provides for catch limits, length limits, and other regulations pertaining to striped bass taken in the Lower Santee River and Cooper River systems during specified periods.

HR 4597: Drought

Expresses the awareness and concern of the South Carolina House of Representatives for the citizens of South Carolina whose livelihoods and quality of life have suffered drastically as a result of the drought-induced low lake levels.

SB 452: Alligators

Deletes a provision permitting the Department of Natural Resources to issue permits by adding certain persons allowing the removal and disposition of alligators.

SB 1150: Special Permits

Relates to unlawful importation, possession, or selling of certain fish and special permits for research, so as to provide that the Department of Natural Resources may issue special permits for the stocking of sterile white amur or grass carp hybrids in the waters of South Carolina.

SB 1158: Catawba River

Designates a portion of the Catawba River as a scenic river.

Land Management and Conservation**HB 3880: Brownfields**

Relates to the Brownfields Voluntary Cleanup Program, so as, among other things, to revise the liability protection provided as an incentive to parties to conduct responsible actions when they are not responsible for environmental contamination of property.

SB 691: Big Game

Designates which species constitute big game.

SB 873: Hunting or Fishing License

Provides that a member of the armed forces of the United States who is a resident of South Carolina stationed outside the state, upon presentation of his official furlough or leave papers, shall be allowed to fish or hunt in South Carolina without purchasing any type of state fishing or hunting license.

SB 999: Antlered Deer

Relates to the bag limit on antlered deer, so as to provide that in game zone 5 there is no daily or season limit on antlered deer.

SB 1092: Roadside Vegetation – Chester County

Provides that the Department of Transportation may mow roadside vegetation beyond thirty feet from the pavement on interstate highway 77 at exit 65 in Chester County

Solid Waste

SR 1051: Recyclers

Recognizes and commends South Carolina's recyclers for their vital role in South Carolina's economy, preserving our environment, and promoting energy efficiency.

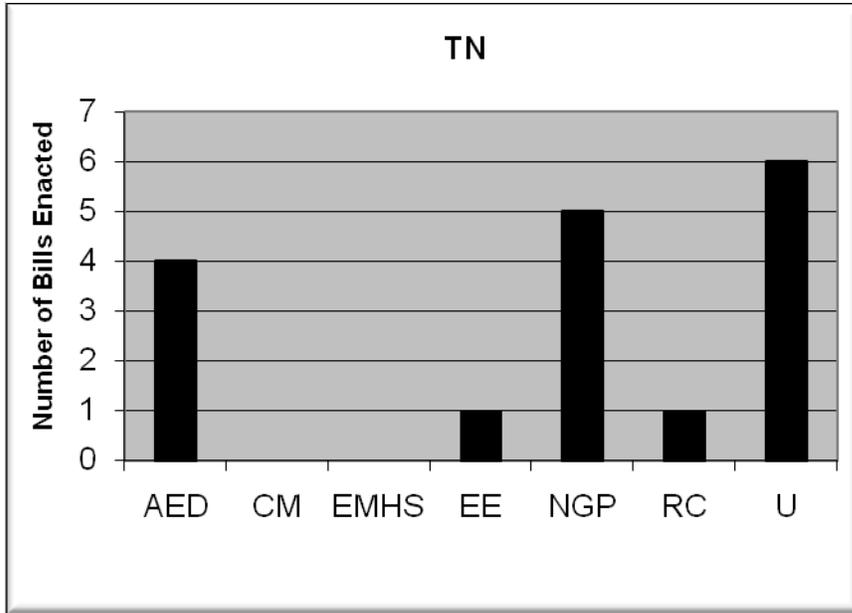
SCR 1054: International Paper

Designates February 6, 2008 as "International Paper Day" to honor International Paper and their 1,200 employees and eleven facilities in the State of South Carolina for their protection of forestlands through conservation land donations, sales and easements, and for their exceptional commitment to improving the environment for all South Carolina.

Tennessee

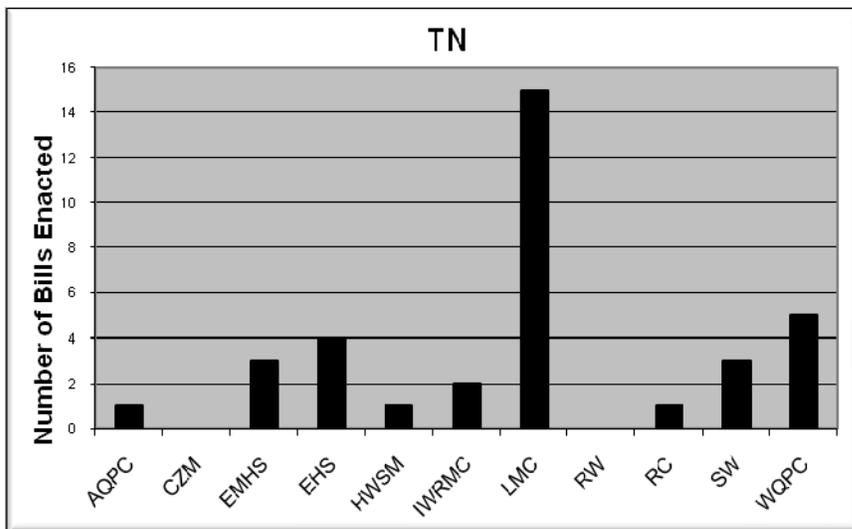
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- IWRMC Inland Water Resource Management and Conservation
- LMC Land Management and Conservation
- RW Radioactive Waste
- RC Reorganization and Coordination
- SW Solid Waste
- WQPC Water Quality and Pollution Control

Tennessee

Energy Legislation

Alternative Energy Development

HB 705/SB 1288: Geothermal Heating and Cooling Projects

Revises the information required to appear on the outside of the envelope containing a bid for each vertical closed loop geothermal heating and cooling project.

HB 2794/SB 2716: Hybrid-Electric and Alternative Fuel Motor Vehicles

Authorizes hybrid-electric and alternative fuel motor vehicles to be driven in High-Occupancy Vehicle (HOV) lanes.

HB 2817/SB 2874: Energy Management Program

Requires participation in the state building Energy Management Program by all state departments and agencies and all colleges and universities of the Tennessee Board of Regents and the University of Tennessee systems.

HB 4202/SB 4204: Combined Heat and Power

Exempts boilers under federal control or boilers used to generate electricity under contract with the Tennessee Valley Authority from the regulation by the Board of Boiler Rules; and requires the technical secretary of the Air Pollution Control Board to establish an expedited review process for permits for combined heat and power plants or a recoverable waste energy plant.

Energy Efficiency

HB 4039/SB 4039: Energy Efficient Schools Initiative

Enacts the “Energy Efficient Schools Initiative [EESI] of 2008”; creates an 11 member Energy Efficient Schools Council and sets out the requirements for selection of members, term of members, expenses eligible for reimbursement, purpose of the council, election of officers; authorizes the Council to hire staff and raise private funds to support initiatives; authorizes the Council to establish a five member technical advisory committee; authorizes the council to award grants and loans to school systems for qualifying capital outlay projects; requires the Comptroller of the Treasury to conduct an annual audit of the council; and establishes a separate energy efficient school fund in the State Treasury.

Natural Gas and Petroleum

HB 3272/SB 3160: Blasting Requirements

Changes the monitored blasting requirements for operations within certain distances of pipelines carrying liquid petroleum.

HB 3775/SB 4055: Oil and Gas Well Permits

Exempts the Department of Environment and Conservation from notification requirements when such notification pertains to applicants or appellants for oil and gas well permits.

HB 4199/SB 4200: Petroleum Delivery

Deletes the requirement that a certificate be issued by the Department of Environment and Conservation (TDEC) following the payment of underground storage tank fees; extends TDEC's supervision duties to include petroleum delivery; broadens the authority of TDEC's discretion for the use of the Tennessee Petroleum Underground Storage Tank Fund if such decisions result in a reduction in clean-up costs; and places a cap on clean-up costs of \$1,000,000 per site, per occurrence.

HJR 838: Reducing Gas Consumption

Urges the Governor to establish a goal to reduce gasoline and fuel consumption of at least 15 percent by the State of Tennessee's fleet of motor vehicles by June 10, 2010.

HJR 1195: Responsibility of Taxing Motor Fuels

Urges Congress to devolve the responsibility of taxing motor fuels to the states.

Reorganization and Coordination

HB 2815/SB 2872: Energy Efficiency Responsibilities

Clarifies that the Department of General Services is responsible for preparing an annual report on the activities of the Department concerning the definition and implementation of an energy efficiency code for state procurement of equipment and appliances and clarifies that the Department of Finance and Administration, instead of the Department of General Services, is responsible for defining and implementing specific yearly conservation/energy management goals for state-owned facilities in coordination with the State Architect's Office and the state building commission and defining and implementing an energy efficiency code for future state buildings to include a review of renewable options by means of life-cycle analysis.

Utilities

HB 3405/SB 2767: Customers in Adjoining Utility Districts

Requires the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) to study a proposal authorizing utility districts to provide service to a customer in an adjoining utility district if the adjoining utility district refuses or fails to provide service to the customer.

HB 3455/SB 3141: Public Building Authorities

Expands the definition of municipality to include utility districts for the purpose of creating public building authorities (PBAs) if at least three current customers of the utility district file an application with the governing body.

HB 3800/SB 3318: Electric Cooperatives

Specifies that electric cooperatives are subject to the state open meetings laws and open record laws; requires a cooperative, before adopting any plans that may result in the acquisition of real property for new or expanded electric power distribution facilities costing more than \$10,000 or that may require the use of eminent domain, include alternatives considered, describe the nature, need, and amount of the proposed investment, and describe and quantify the consideration given to alternatives, including demand changes due to rate increases and changes due to energy efficiency, energy conservation and distributed and renewable energy generation.

HB 3858/SB 4058: Utility Construction

Excludes from the definition of “utility construction” the extension of individual service pipes or lines for the purpose of directly connecting a single lot to existing utility mains.

HB 3870/SB 3950: Utility District’s Revenue

Removes the disparity between municipal utility districts and public utility districts regarding contributed capital being included as part of a district’s revenue.

HB 4072/SB 4061: Filling Vacancies

Authorizes boards of commissioners of utility districts that fill vacancies by a method other than appointment by the county mayor(s) to change its present method to appointment by the county mayor(s).

Tennessee

Environmental Legislation

Air Quality and Pollution Control

HB 4119/SB 4163: Burning Bans

Authorizes the Commissioner of Agriculture, in consultation with the State Forester and the county mayors of impacted counties, to issue burning bans prohibiting all open-air fires in any area of the state when extreme fire hazard conditions exist.

Emergency Management and Homeland Security

HB 2529: Flood Warning Signs

Creates a Class B misdemeanor offense and reckless driving charge for any driver who knowingly ignores flood warning signs or barricades and drives into a flooded area.

HB 4175/SB 4130: Volunteer Firefighters

Authorizes active volunteer firefighters, with the authorization of their employer, to leave work to respond to calls without loss of pay, vacation time, sick leave or earned overtime accumulation.

SB 2536: Southern Regional Emergency Management Assistance Compact

Extends the termination date of the Southern Regional Emergency Management Assistance Compact until June 30, 2015.

Environmental Health Services

HB 1592/SB 735: Fertilizer Regulation

Prohibits any political subdivision of the state from regulating the registration, packaging, labeling, sale, storage, distribution, use, and application of fertilizers other than Shelby, Davidson, Knox, and Hamilton counties.

HB 1703: Pesticide

Creates a Class A misdemeanor, punishable by fine and/or up to 30 days in jail, for a person to knowingly use a pesticide in a manner inconsistent with the label or label restrictions.

HB 2808/SB 2399: Antifreeze

Requires all antifreeze sold in Tennessee containing at least 10 percent ethylene glycol to contain, and be labeled with, a bittering agent.

HB 3322/SB 3006: Lead Levels

Requires the Commissioner of Agriculture to reexamine any art supply for unsafe levels of lead, which are purchased by a local education agency (LEA), at the request of any LEA and requires the Commissioner of Education to post the lists of toxic art supplies, which are currently prepared by the Commissioner of Agriculture for grades K-6, on the Department of Education website.

Hazardous Waste and Substance Management

SB 2423: Drycleaner Environmental Response Board

Extends the termination date of the Drycleaner Environmental Response Board until June 30, 2013.

Inland Water Resource Management and Conservation

HB 3104/SB 3631: Outside Corporate Limits

Establishes requirements for municipal water services that serve subscribers both inside and outside the corporate limits.

HB 4222: Carroll County Watershed Authority

Authorizes the Carroll County Watershed Authority to issue up to \$12,000,000 in bonds to be used for the acquisition of land and development of resources.

Land Management and Conservation

HB 1148/SB 492: Wildlife License

Increases from a Class B to a Class A misdemeanor the penalty for taking wildlife without a license.

HB 1875/SB 1566: Hunting While Intoxicated

Prohibits hunting with a firearm while under the influence of alcohol or drugs.

HB 2300/SB 2309: Interest in Land

Authorizes local governments to acquire an interest in land by a means other than gift, purchase, lease or condemnation and to transfer that interest to a port authority by sale, lease, or gift.

HB 2508/SB 2588: State Parks – Golf Carts

Authorizes golf carts to be driven in state parks, campgrounds and designated motor vehicle areas in state parks provided that the driver has a valid driver license.

HB 3080/SB 2787: Ammunition

Prohibits the taking of deer, bear, wild elk, or wild boar with any shotgun using ammunition loaded with more than one solid ball or rifled slug, or with any rifle using rim-fire cartridges and removes buckshot exceptions.

HB 3131/SB 3340: Cable Snare Traps

Removes the prohibition on the use of cable snare traps in any county located in the Eastern Grand Division of Tennessee.

HB 3302/SB 3434: Annexing Property

Establishes the requirements for any local government planning to annex territory that includes a state park or natural area and requires the Department of Environment and Conservation to conduct public hearings concerning the proposed annexation and requires the Department to study the impact of such annexation on the park or natural area to be annexed.

HB 3437/SB 2972: Urban Growth Law

Removes the transitional provisions of the Urban Growth Law which governed annexation by municipalities before each county had developed an urban growth plan.

HB 3520/SB 3192: Cooperative Agreements

Authorizes the Tennessee Wildlife Resources Agency to enter into cooperative agreements with the Tennessee Valley Authority, U.S. Fish and Wildlife Service, National Park Service, U.S. Forest Service, any other federal agency, and any public or private landowner in Tennessee for the purpose of creating partnerships for planting cover and food plots along utility easements for the benefit of wildlife.

HB 3871/SB 3951: Property Taxes

Provides reduced property taxes for land classified as agricultural, forest, or open space land.

HB 4108/SB 4152: Natural-Scientific Areas

Adds Morrison Meadow and Wilson School Road Forest and Cedar Glades as natural-scientific areas.

HJR 108: Right to Hunt and Fish

Proposes to amend Article XI, Section 13 of the Tennessee Constitution to allow the citizens of the state the right to hunt, fish, and harvest game and fish.

SB 2410: Sequatchie Valley Planning and Development Agency

Extends the termination date of the Sequatchie Valley Planning and Development Agency until June 30, 2012.

SB 2511: State Forestry Commission

Extends the termination date of the State Forestry Commission until June 30, 2012.

SJR 502: John Noel State Natural Area

Re-names the Bon Aqua Woods Natural Area in Hickman County as the John Noel State Natural Area and directs the Department of Environment and Conservation to erect suitable designating signs.

Reorganization and Coordination**HB 4184/SB 4116: Reporting**

Requires the Department of Environment and Conservation (TDEC) to report to the Senate Environment, Conservation, and Tourism Committee and the House Conservation and Environment Committee by January 31st of each year, information concerning enforcement orders, director's orders, Commissioner's orders, and consent orders, final orders, contested cases, final decisions, and complaints that the Department was involved in during the prior year.

Solid Waste**HB 1220/SB 1851: Recycling License Plates**

Requires persons replacing used license plates to deposit the plates with the Department of Revenue or its agents and authorizes the Commissioner of Revenue to enter into contractual agreements with nonprofit organizations for the collection, disposal, and recycling of used, expired or outdated plates.

HB 3650/SB 2858: Salvage Vehicles

Requires scrap metal processors who purchase vehicles with the intention of dismantling or salvaging such vehicles to require sellers provide proof of ownership by showing vehicle title. Requires scrap metal processors to keep specific records as required by the Commissioner of Revenue, including copies of vehicle titles, for at least three years.

HB 2433/SB 2400: Scrap Metal Dealers

Requires scrap metal dealers to register with the Department of Commerce and Insurance. Establishes uniform standards for the buying and selling of scrap metal. Violations are punishable as a Class A misdemeanor, as a Class E felony and through civil penalties.

Water Quality and Pollution Control

HB 3116/SB 3672: Online Sewage System Permitting Process

Requires the Department of Environment and Conservation to conduct a feasibility study concerning the development of an online sewage system permitting process.

HB 3482/SB 2979: Pigeon River Water Samples

Requires any water sample drawn to test the water quality of the Pigeon River at the time the river enters Tennessee from Haywood, North Carolina to be drawn within $\frac{1}{4}$ mile of the border. Such samples would be taken at a time when any power plant located within one mile of the border is running at least two generators.

HB 3708/SB 3621: Groundwater Quality

Requires any complaint served for a violation of the Water Quality Control Act to state with specificity, evidence that any water that is impacted by the cause of the complaint is water that will affect groundwater quality.

HB 3772/SB 3796: Bill of Rights for Water Pollution Control

Adopts a Bill of Rights for Water Pollution Control Permit applicants.

HB 3895/SB 4042: Subsurface Sewage Disposal System Permits

Exempts the Department of Environment and Conservation from notification requirements when such notification pertains to applicants or appellants for subsurface sewage disposal system permits.

Texas

The Texas Legislature did not hold a legislative session in 2008.

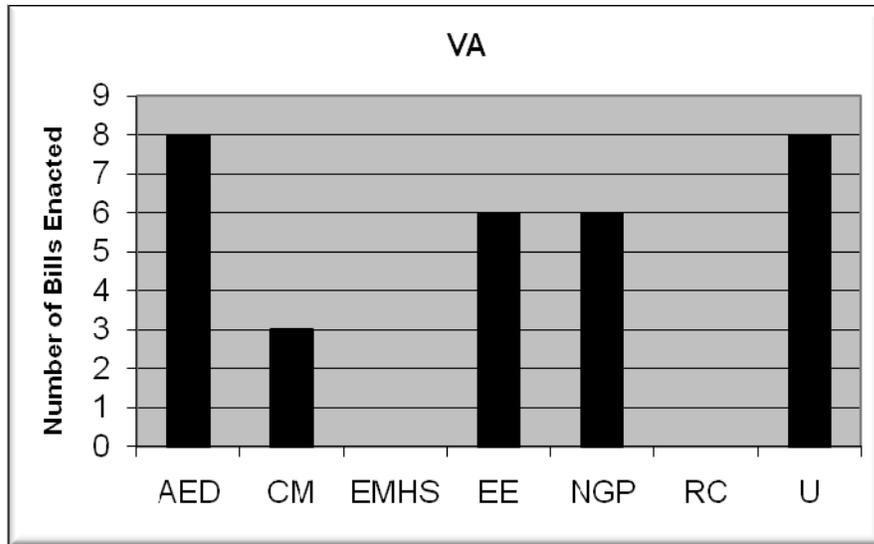
U.S. Virgin Islands

Legislative summaries for the 2008 session of the Legislative Assembly of the U.S. Virgin Islands were not available at the time of printing. If there are any updates, they will be available online for download at www.sseb.org.

Virginia

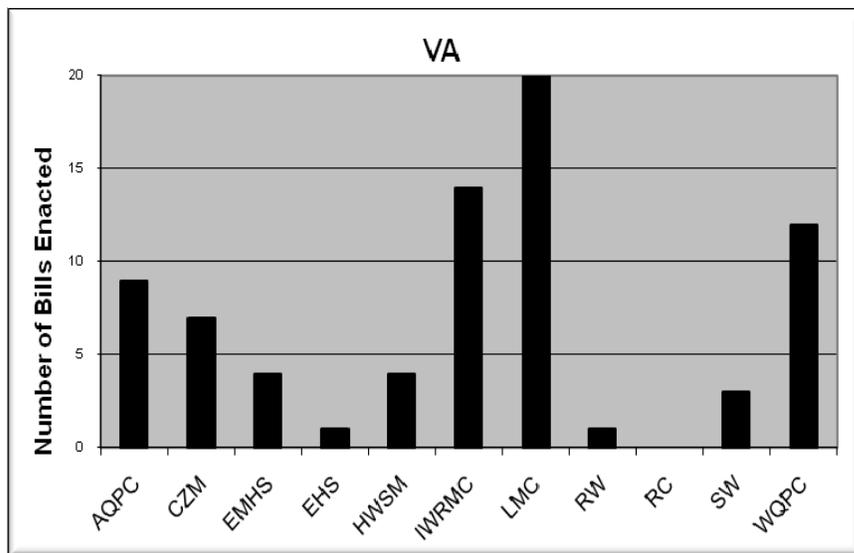
Legislation Category Comparison

Energy Legislation



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

Environmental Legislation



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

Virginia

Energy Legislation

Alternative Energy Development

HB 139: Tax Credit – Biodiesel

Allows an income tax credit to biodiesel and green diesel fuels producers in Virginia who produce up to two million gallons of biodiesel or green diesel fuels a year. The amount of the credit is \$0.01 per gallon but no more than \$5,000 annually for taxable years beginning on and after January 1, 2008.

HJ 248: Biosciences and Biotechnology

Creates a joint subcommittee to study and advance the development and enhancement of the biosciences and biotechnology in the Commonwealth.

SB 320: Solar Energy Collection Device

Provides that a community association shall not prohibit an owner from installing or using any solar energy collection device on that owner's property; but such association may establish reasonable restrictions concerning the size, place, and manner of placement of the solar energy collection devices.

SB 321: Renewable Energy Electric Generating Facilities

Requires the Department of Environmental Quality to consult with other state agencies that have expertise in natural resource management when considering the cumulative impact of new and proposed renewable energy electric generating facilities.

SB 322: Solid Waste to Energy

Defines municipal solid waste as a source of renewable energy under the Virginia Electric Utility Restructuring Act.

SB 464: Energy and Climate Change

Establishes the Virginia Commission on Energy and Environment as a legislative study commission to review and recommend steps to implement the Virginia Energy Plan.

SB 689: Biodiesel and Green Diesel Fuel

Expands the definition of biofuels to include neat biodiesel fuel, neat green diesel fuel, and neat ethanol fuel. Biodiesel fuel is redefined as a fuel composed of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of ASTM D6751.

SB 748: Industrial Burners

Provides that no permit modifications, trial burns, or other demonstrations are required if the owner of an industrial burner chooses to replace residual oil with processed animal fat, processed fish oil, processed vegetable oil, distillate oil, or any mixture thereof in place of the same quantity of residual oil to fire industrial boilers.

Coal and Minerals**HB 144: Coal Trucks Weight**

Provides that overweight coal truck permits are valid only for a distance of 85 miles within Virginia from the preparation plant, loading dock, or railroad.

HB 870: Mineral Resources

Changes the name of the Department of Mine, Minerals and Energy's Division of Mineral Resources to the Division of Geology and Mineral Resources.

SB 413: Mining Operations

Provides for permit fees to be submitted from applicants that discharge waters from mining operations.

Energy Efficiency**HB 171/SB 242: Resources Authority**

Authorizes the Virginia Resources Authority to finance energy conservation and energy efficiency projects.

HB 239: Energy Efficient Buildings – Property Tax

Expands energy-efficient buildings that may be classified as a separate class of real property for tax purposes to include buildings that meet performance guidelines or standards under the Green Globes Building Rating System of the Green Building Initiative, Leadership in Energy and Environmental Design (LEED) Green Building Rating System, EathCraft House program, or Energy Star program.

HB 955/SB 352: Public-Private Education Facilities and Infrastructure

Adds to the categories of “qualifying project” under the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) any services designed to increase productivity or efficiency through the direct or indirect use of technology.

HB 1229: WaterSense Qualified Products

Adds water-efficient products to the products sales tax holiday held during a four-day period in the month of October.

SB 174: Real Estate Tax

Expands the definition of energy-efficient buildings that localities may treat as a separate class of property for tax rate purposes.

SJ 32: Energy Efficient Office and Public Buildings

Directs the Virginia Commission on Energy and Climate Change, created pursuant to SB 464 (2008), to study options for energy efficient office buildings and public buildings and directs the Commission to propose amendments to the statewide building code and to public building procurement requirements that will make such buildings more energy efficient, at costs that are recoverable through savings in energy usage.

Natural Gas and Petroleum**HB 543: Natural Gas Utilities**

Authorizes any natural gas utility to file a conservation and ratemaking efficiency plan that includes: a normalized component that removes the effect of weather from the determination of conservation and energy efficiency results; a decoupling mechanism; cost-effective conservation and energy efficiency programs; provisions to address the needs of low-income or low-usage residential consumers; and provisions to ensure that the rates and service to nonparticipating classes of customers are not adversely impacted.

HB 1014: High Occupancy Vehicle Lanes

Extends until July 1, 2009, the “sunset” provisions allowing vehicles bearing clean special fuel license plates to use HOV lanes regardless of the number of their passengers.

HB 1150: Oil or Gas Operations

Requires the applicant for a permit for a gathering pipeline, oil or gas well, or coal bed methane well to identify in the permit application any cemetery, as identified on a U.S.G.S. topographic map or located by routine field review, within 100 feet of the permitted activity.

SB 145: Natural Gas Utilities

Establishes a mechanism for a utility that places a strategic natural gas facility into service on or after July 1, 2008, to recover the entire prudently incurred costs of the facility from the time construction is completed and the asset is placed in service until the State Corporation Commission establishes new rates.

SB 586: Gas and Oil Act

Requires the Board to publish hearing agendas on permits for gas or oil operations in local newspapers at least 10 days prior to the hearing.

SB 714: Petroleum Products Franchises

Provides that when any franchise between a dealer and a refiner located in Planning District 8 is sold or assigned to a third party, the acquiring third party is required to comply with the provisions of the Virginia Petroleum Products Franchise Act that are required of or enforceable against the assigning refiner-franchisor.

Utilities**HB 357: Electric Utility Special Rate Districts – Fauquier County**

Adds Fauquier County to those localities that may request an electric utility that proposes to construct an overhead electric transmission line of 150 kilovolts or more, any portion of which would be located in such locality, to enter into an agreement with the locality to impose a tax or assessment on the electric utility customers in a special rate district in an amount sufficient to cover the utility's additional costs of constructing that portion of the proposed line.

HB 1228: Notice of Renewable Power Options

Requires each investor-owned electric utility in the Commonwealth, effective January 1, 2009, to include in its customer's bills, at least once each quarter, a notice directing customers to a toll-free telephone number or Internet website that will provide information on options to purchase electric energy provided from renewable energy sources.

HB 1319: Underground Transmission Lines

Establishes a pilot program for the placement of four new transmission lines of 230 kilovolts or less to be placed underground, either in whole or in part.

HB 1413: Public Utilities – Competitive Bidding

Requires public utilities that are subject to annual review provisions of Title 56 to use competitive bidding in purchasing and construction practices.

HB 1523/SB 311: Integrated Resource Plan

Requires electric utilities to submit, by September 1, 2009, an integrated resource plan (IRP) that includes a forecast of its load obligations and a plan to meet those obligations by supply side and demand side resources over the ensuing 15 years that will provide reasonable prices, reliable service, energy independence and environmental responsibility. Updated IRPs will be filed every two years thereafter. The 2009 IRPs shall include an assessment of programs to assist low income residential consumers.

HJ 399: Northern Virginia Electric Cooperative

Commends the Northern Virginia Electric Cooperative on the occasion of its 25th anniversary.

SB 596: Commission on Electric Utility Regulation

Continues the Commission on Electric Utility Restructuring as the Commission on Electric Utility Regulation and extends its scheduled expiration from July 1, 2008, until July 1, 2010.

SB 718: Efforts to Conserve Energy

Requires investor-owned electric utilities to report annually on their efforts to conserve energy and requires the Virginia Energy Plan to be updated by July 1, 2010, and every four years thereafter.

Virginia

Environmental Legislation

Air Quality and Pollution Control

HB 885: Bus Engine Idling

Allows all counties, cities, and towns to adopt ordinances limiting bus engine idling.

HB 1017: Telework Promotion

Codifies Executive Order 35 (2006) creating the office of Telework Promotion and Broadband Assistance under the Secretary of Technology. The goals of the Office are to encourage telework as a family-friendly, business-friendly public policy that promotes workplace efficiency and reduces strain on transportation infrastructure.

HB 1018: Telecommuting Definition

Defines telecommuting as a work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their central workplace at least one day per week and in accordance with work agreements.

HB 1021: Telecommuting Goal

Establishes a goal for state agencies, except for the Department of State Police, to have 20 percent of their eligible workforce telecommuting by January 1, 2010.

HB 1332/SB 423: Authority to Issue and Enforce Permits

Establishes a uniform permit issuance process for the Air Pollution Control Board (Air Board) and the State Water Control Board (Water Board).

HB 1443: Energy Generators

Requires the Air Pollution Control Board to develop procedures for the expedited review of applications for the construction of a qualified energy generator.

HJ 77: Cool Cities

Commends the localities of the Commonwealth that have joined the fight against global warming and joined the “Cool Cities” and “Cool Counties” initiatives.

SB 570: High-Occupancy Toll Lanes

Revises procedures for enforcement of High-Occupancy Toll (HOT) lanes violations.

SJ 122: Rapid Transit Network

Establishes a joint subcommittee to study the feasibility of creating a regional rapid transit network for connecting existing and emerging population centers in major transportation corridors.

Coastal Zone Management**HB 528: Chesapeake Bay Preservation Act**

Allows localities subject to the Chesapeake Bay Preservation Act to adopt an ordinance that establishes a time limit of at least 30 days for an aggrieved party to appeal a decision of the local board to the circuit court.

HB 1125: Port Authority

Authorizes the Virginia Marine Resources Commission to grant easements and rights-of-way across and in the beds of Hampton Roads harbor (Lower James River), including a portion of the Baylor Survey, to the Virginia Port Authority, for the eastward expansion of Craney Island.

HB 1308: Coastal Primary Sand Dunes

Authorizes additional localities in Tidewater Virginia to adopt coastal primary sand dune ordinances.

HB 1317: Subaqueous Lands

Provides that a landowner may obtain a declaration from the Marine Resources Commission as to whether certain property is considered state-owned bottomlands.

HJ 72: Seaports

Establishes a joint subcommittee to study public-private partnerships regarding seaports in Virginia.

HJ 184: Wild Spanish Mustangs

Recognizes the historic value and importance of the last known wild herd of Spanish mustangs living on the barrier islands of Virginia.

HJ 358: Chesapeake Bay Foundation

Commends the Chesapeake Bay Foundation on the occasion of their 20th anniversary of Clean the Bay Day.

Emergency Management and Homeland Security**HB 1115: Forest Protection**

Increases the annual amount a locality pays to the State Forester to provide forest fire protection, detection, prevention and suppression.

HB 1206: Port Authority

Allows a Virginia Port Authority (VPA) police officer to provide security beyond the locality where VPA property is located.

SB 393: Zoning Ordinance

Provides that a zoning ordinance shall permit the owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God to repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance.

SB 679: Forest Firefighting

Allows a locality to collect the costs for fighting or extinguishing a fire if the fire was set intentionally and the person who set the fire failed to attempt to prevent the fire from escaping.

Environmental Health Services**SB 362: Carbon Monoxide Detectors**

Prohibits the removal or tampering by a tenant of a carbon monoxide detector installed by a landlord.

Hazardous Waste and Substance Management**HB 233: Dishwashing Detergents**

Bans the use of phosphorus in detergents for household dishwashing machines.

HB 1015: Motor Vehicle Air Conditioners

Allows explosive, flammable, or toxic refrigerants in motor vehicle air conditioners if the refrigerant is included in the list published by the United States Environmental Protection Agency as a safe alternative motor vehicle air conditioning substitute for chlorofluorocarbon-12.

HB 1089: Toxic Substances

Removes the requirement that the Board of Health report to the General Assembly and the Governor on toxic substances biennially.

SB 648: Recycling Oil

Strengthens and broadens the current recycling program for used motor oil and used oil filters to include all automotive maintenance fluids and to require that the Department of Environmental Quality maintain a toll-free hotline number and website for consumers that choose to properly dispose of used motor oil, other fluids for automotive maintenance and oil filters.

Inland Water Resource Management and Conservation

HB 115: Submerged Traps

Authorizes the Board of the Department of Game and Inland Fisheries to adopt regulations that allow certain persons to visit completely submerged, conibear-style, body-gripping traps less frequently than every 24 hours.

HB 193: Private Wells

Adds to the restriction on building a private well on property adjacent to agricultural property a requirement that the agricultural property be three acres or larger.

HB 211: Water Protection Permit

Exempts landowners from the requirement to obtain a Virginia Water Protection Permit for impacts to state waters caused by the construction or maintenance of farm stock ponds and impoundments that do not fall under the authority of the Virginia Soil and Water Conservation Board.

HB 392: Stormwater Ordinances

Authorizes localities classified as MS4 stormwater localities to enact ordinances to enforce stormwater permits.

HB 394: Water and Waste Authorities

Grants water and waste authorities powers related to intellectual property rights.

HB 555: Wetlands

Authorizes localities to establish and operate single-user wetlands and stream mitigation banks so long as the banks are operated in accordance with state and federal law.

HB 837: Dam Break Inundation Zones

Provides localities with the authority to address development in dam break inundation zones and directs developers to assist dam owners with required upgrades and requires additional disclosure and notification procedures for dam owners.

HB 1098: Wetlands Settlement Act

Provides that a determination by a settlement agent that prerecordation conditions in a real estate purchase contract have been satisfied shall not control the rights and obligations of the parties under the contract.

HB 1552: Erosion and Sediment Control Plan

Allows any person creating and operating stream restoration banks in more than one jurisdiction to file general erosion and sediment control specifications for stream restoration banks annually with the Virginia Soil and Water Conservation Board.

HJ 231: Game and Inland Fisheries

Requests that the Board of Game and Inland Fisheries and the Department of Game and Inland Fisheries provide better communication and opportunities for public participation when proposing or changing regulations.

SB 40: North Mayo River and South Mayo River

Designates portions of the North Mayo River and South Mayo River as components of the Virginia Scenic Rivers System.

SB 552: Fishing License

Exempts nondisabled persons from having to obtain a fishing license when assisting a disabled person to fish as long as the disabled person possesses a valid fishing license.

SB 681: Water Well Systems Providers

Allows a licensed plumber to perform normal maintenance and repair on large-diameter bored or hand-dug water table wells without a certification as a water well system provider if the wells are 100 feet or less in depth and the work is being performed for an entity granted tax-exempt status under 501(c)(3) of the Internal Revenue Code.

SB 765: Water Safety Enforcement

Requires the Department of Game and Inland Fisheries to provide an enhanced enforcement effort on Smith Mountain Lake during the summer months.

Land Management and Conservation**HB 114: Identification**

Permits hunters to attach an identification number issued by the Department of Game and Inland Fisheries to traps.

HB 119: Soil and Water Conservation Districts

Requires the Attorney General to represent Soil and Water Conservation Districts in any suits or actions brought by the districts or district directors, upon request of such districts or directors.

HB 262: Conservation Districts

Grants authority to localities to make loans and grants of local funds to certain individuals for the purpose of rehabilitating owner-occupied residences or assisting in the purchase of an owner-occupied residence in designated conservation or rehabilitation districts.

HB 662: Land Preservation Tax Credit

Includes as a confidential tax document any document that is required to be filed with the Department of Conservation and Recreation under the land preservation tax credit program.

HB 723/SB 473: Park and Recreation Projects

Authorizes the Virginia Resources Authority to finance park and recreation projects.

HB 849: Land Preservation Tax Credit – Consent

Specifies when a taxpayer is deemed to give consent regarding certain tax information when a tax credit or other tax attribute has been transferred.

HB 886: Bear Hunting

Allows the training of dogs to hunt bears from one-half hour before sunrise until four and one-half hours after sunset.

HB 1016: Deer

Allows the Director of the Department of Game and Inland Fisheries to allow the killing of deer over bait in counties with special late antlerless season when specifically requested by the governing body of the locality.

HB 1116: Environmental Impact Reports

Requires an environmental impact report be done for any major state construction project that will cost \$500,000 or more.

HB 1149: Recreation Facilities

Allows localities to establish a system of trails for ATVs and motorcycles and provides immunity for the locality in the absence of gross negligence or willful misconduct, for damages resulting from injuries from the use of such system.

HB 1175/SB 617: Apprentice Hunting License

Authorizes the Department of Game and Inland Fisheries to issue an apprentice hunting license.

HB 1214: Trees

Increases to \$50,000 the minimum threshold at which public bidding is required for sales of trees taken from state forests.

HB 1259: Environmental Impact Reports – Highway Projects

Requires an environmental impact report in connection with a local highway construction, reconstruction, or improvement project only when such a project is estimated to cost more than \$1 million.

HB 1335/SB 511: Virginia Natural Resources Commitment Fund

Establishes the Virginia Natural Resources Commitment Fund to be distributed to the Department of Conservation and Recreation's Agricultural Best Management Practices Cost-Share Program for the implementation of agricultural best management practices (BMP); BMPs on agricultural lands exclusively on the Chesapeake watershed; and, to soil and water conservation districts.

HB 1437/SB 710: Conservation Land Development

Provides that certain localities may, by ordinance, require conservation of trees during the development process and provides that the tree conservation ordinance may require that the site plan for any subdivision or development include the preservation and replacement of trees on the development site such that the minimum tree canopy or tree cover percentage 20 years after development is projected to be as follows: 10 percent tree canopy for a site zoned business, commercial, or industrial; 10 percent tree canopy for residential site zoned 20 or more units per acre; 15 percent tree canopy for a residential site zoned more than eight but less than 20 units per acre; 20 percent tree canopy for a residential site zoned more than two but not more than four units per acre; and 30 percent tree canopy for a residential site zoned two or less units per acre.

HB 1448: State Park Employees

Authorizes the Director of the Department of Conservation and Recreation to lease private residential properties that are near state parks and then subsequently sublease these properties to state park employees in order to provide security and operational efficiencies for Department properties.

HB 1482: Bears

Authorizes the Director of the Department of Game and Inland Fisheries to employ non-lethal control measures to control bears that are damaging property.

SB 43: Environmental Impact Reports

Requires an environmental impact report in connection with a local highway construction, reconstruction, or improvement project only when such a project is estimated to cost more than \$1 million.

SB 254: Staunton River State Park

Authorizes the Department of Conservation and Recreation to grant a 20-foot wide easement across a portion of the Staunton River State Park in exchange for the extinguishment of an existing right-of-way easement across Staunton River State Park.

SB 303: Lake Anna State Park

Authorizes the Department of Conservation and Recreation to grant a 30-foot-wide easement across a portion of Lake Anna State Park in exchange for the extinguishment of an existing right-of-way easement across Lake Anne State Park.

Radioactive Waste

SJ 133: Radioactive Waste – Low Level

Requests the Department of Health to study long-term options for the disposal of low-level radioactive waste.

Solid Waste

HB 343: Cathode Ray Tubes

Permits localities to prohibit the disposal of cathode ray tubes in any waste-to-energy or solid waste disposal facility within its jurisdiction, provided the locality has implemented a recycling program that is capable of handling all cathode ray tubes generated within its jurisdiction.

HB 344: Computer Recovery and Recycling Act

Requires the manufacturers of more than 500 items of computer equipment to adopt and implement a recovery plan providing for the reasonable convenient collection, recycling, and reuse of computer equipment returned by a consumer in the Commonwealth. The manufacturer must also affix a permanent, readily visible label to the computer equipment with the manufacturer's brand before a manufacturer may offer computer equipment for sale in the Commonwealth.

HB 1398/SB 665: Tire Recycling Fee

Extends, until July 1, 2011, the \$1.00 recycling fee imposed on each new tire sold; thereafter, the fee is reduced to 50 cents.

Water Quality and Pollution Control

HB 8: Water/Sewer Service – Front Royal and Kenbridge

Adds the Towns of Front Royal and Kenbridge to those localities that may provide that charges imposed for water or sewers shall be a lien on the real estate served by such waterline or sewer.

HB 360/SB 513: Water Quality Improvement Fund

Authorizes the Governor and General Assembly to provide additional funding in excess of the amount deposited in the Water Quality Improvement Fund from a budget surplus to fund nonpoint source pollution reduction activities.

HB 517: Onsite Soil Evaluators

Provides for the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals to adopt regulations to include the division of onsite soil evaluators into classes, including one class restricted to the design of conventional onsite sewage systems.

HB 518: Onsite Soil Evaluators – Exemptions from License

Allows for conventional and alternative onsite sewer systems receiving residential wastewater to be designed by a licensed onsite soil evaluator when certain conditions are met.

HB 824: Water Quality Information

Designates the Secretary of Natural Resources as the lead Secretary with the responsibility to coordinate technical assistance, information, and training so that consistent water quality data is provided to the public.

HB 1342: Water and Sewer Charge – Country of Isle of Wight

Adds the County of Isle of Wight to those localities that may provide that charges imposed for water and sewers shall be a lien on the real estate served by such waterline or sewer.

HB 1355: Sewage Treatment Plants

Provides that whenever the governing body of a locality or a combination of governing bodies of two or more localities is expanding or upgrading a sewage treatment plant, the facility shall be expanded or upgraded so that it has the capability to accept and treat the septage from all onsite sewage disposal systems, which are not adequately served by another approved disposal site, located in the locality or combination thereof to be served by such plant.

HB 1527: Sewer Charges

Provides that in Planning District 1 or Planning District 2 a water and waste authority may require that water service provided by another entity be discontinued under certain circumstances for nonpayment of sewer charges.

SB 378: Stormwater

Authorizes the Virginia Soil and Water Conservation Board to adopt regulations that promote the reclamation and reuse of stormwater in order to protect state waters and the public health and to minimize the direct discharge of pollutants into state waters.

SB 690: Water Quality Improvement Fund – Reimbursement

Authorizes the Department of Environmental Quality to reimburse localities for the costs of nutrient removal upgrades at publicly owned treatment works on a monthly basis so long as there is written certification from the grant recipient that the local share of the project costs has been expended.

SB 706: Hampton Roads Sanitation District

Redefines the term “sewage disposal system” and requires that the Virginia Department of Environmental Quality approve any substantial change in the method used by the Commission for treating and disposing of sewage and industrial wastes so as to prevent the pollution of any waters within the District as effective and satisfactory for the purpose intended.

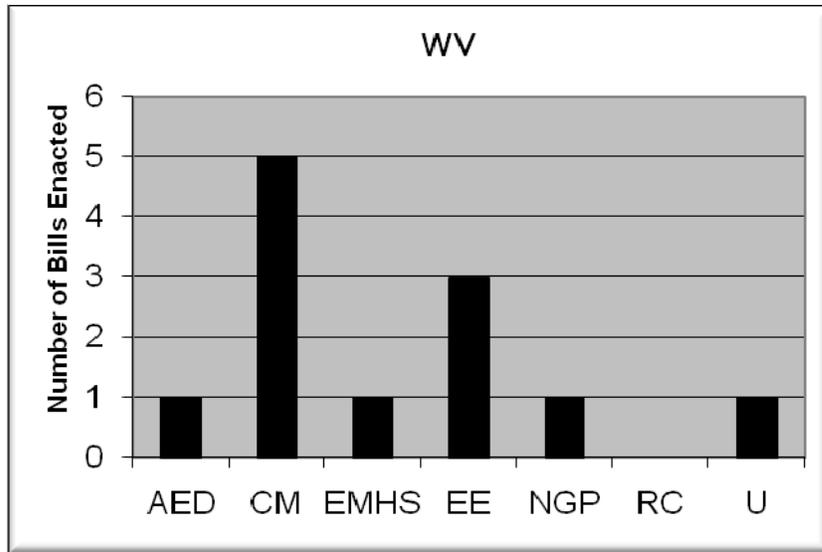
SJ 158: Water Quality

Commends Virginia Citizens for Water Quality, community watershed organizations, and roundtables discussions of major river basins.

West Virginia

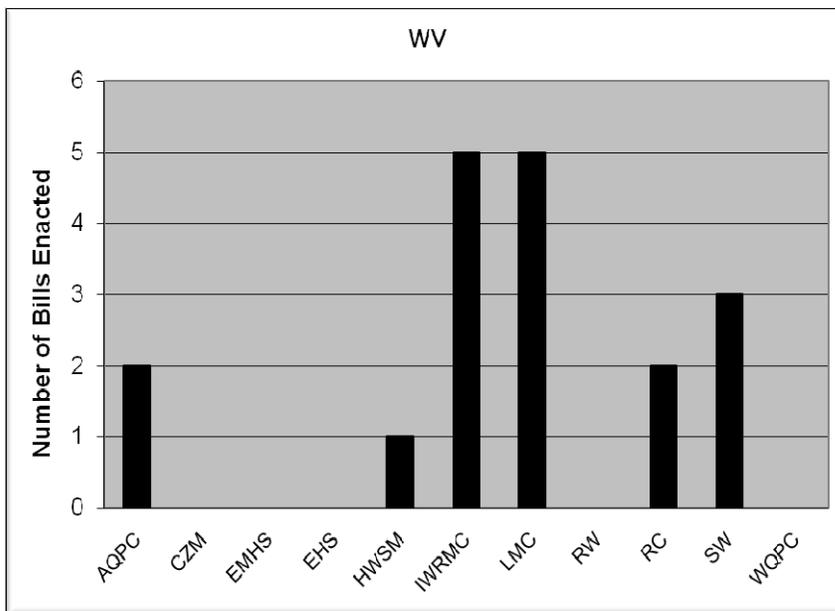
Legislation Category Comparison

Energy Legislation



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

Environmental Legislation



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

West Virginia

Energy Legislation

Alternative Energy Development

SB 150: Energy Academies

Adds \$1,400,000 for mine training and Energy Academies, which will provide training for individuals who are interested in mining and/or energy technology industries.

Coal and Minerals

HB 4021: Mining Safety

Eliminates the requirement that battery-powered strobe lights be attached to caches of self-contained, self-rescue devices.

HB 4348: Testing and Certification Fees

Specifies that the Office of Miners' Health, Safety, and Training is allowed to charge fees for necessary tests, certificates, and mine safety publications.

SB 706: Coalbed Liners

Clarifies procedures for placement of a liner through mined out coal horizons; and allows the liner to extend back to the surface and serve as the freshwater or coal protection casing, providing that it is constructed in accordance with existing state laws and regulations for such casing.

SB 712: Coalbed Methane Review

Authorizes the Coalbed Methane Review Board to propose legislative rules.

SB 751: Surface Coal Mining and Reclamation Act

Creates the Special Reclamation Water Trust Fund for funding reclamation and restoration of water treatment systems on forfeited sites. For tax periods beginning on July 1, 2008, persons conducting coal surface mining operations will remit a special reclamation tax until June 30, 2009, of 7.4 cents per ton of clean coal mined for deposit in the Special Reclamation Fund and the Special Reclamation Water Trust Fund. This tax previously expired, but is continued by this bill.

Emergency Management and Homeland Security

SB 673: Low Income Energy Assistance Program

Grants a supplementary appropriation of \$5,000,000 for the Department of Health and Human Resources Low Income Energy Assistance Program to provide assistance in the purchasing of heating fuel and weatherization.

Energy Efficiency

HB 4028: Energy Savings Contracts

Permits counties and municipalities, in addition to state agencies, to enter into energy savings contracts; and also, defines terms such as “energy-conservation measures,” “energy-savings contract,” and “qualified provider” and provides various requirements for assessing and entering into such contracts, including minimum savings to be sought, proposals from providers, terms to be included in such contracts and competitive bidding.

HB 4434: Energy and Water Savings Revolving Loan Fund

Creates a special revolving loan fund known as the Energy and Water Savings Revolving Loan Fund. Loan money is to be used to finance projects that will achieve significant reductions in campus energy and water consumption and costs.

SB 474: Energy Star – Sales Tax

Establishes a sales tax holiday on the sale of specific Energy Star qualified products, provided the sales price of the specified Energy Star qualified product is \$2,500 or less per purchase and is for noncommercial, home, or personal use; and also establishes the following dates for the tax holiday: September 1-7, 2008; September 1-30, 2009; and, September 1-30, 2010.

Natural Gas and Petroleum

HB 4041: Tax on Natural Gas and Coalbed Methane

Provides for the equalization of taxation on natural gas and coalbed methane and dedicates certain amounts of tax revenue to the West Virginia Infrastructure Fund.

Utilities

SB 101: Non-Profit Electricity Provider

Creates an exemption from property tax for property owned by a non-profit entity that is used to provide electricity for citizens of West Virginia.

West Virginia

Environmental Legislation

Air Quality and Pollution Control

HB 4438: Stationary Sources of Air Pollution

Allows the expedited review of complete permit applications related to construction and permitting of minor stationary sources of air pollution; and allows permits for construction of major stationary sources to be issued within 365 days of a determination that the permit is complete.

SB 638: Catalytic Converters (Vetoed)

Requires purchasers of catalytic converters or any material derived from catalytic converters be provided additional information from the sellers; and also, sets penalties for knowing about failures to collect and provide information relating to the sale of catalytic converters or any material derived from catalytic converters.

Hazardous Waste and Substance Management

SB 519: Hazardous Waste Management Fee Fund

Extends the sunset provision for the Hazardous Waste Management Fee Fund from June 30, 2008 to June 30, 2013.

Inland Water Resource Management and Conservation

HB 4567: Stonewall Jackson Lake Investments

Provides additional opportunities to attract private investment for financing, construction, and operation of additional lodging units at Stonewall Jackson Lake State Park.

SB 323: Storm Water Ordinances

Allows municipal governments to adopt storm water ordinances. Any property owner that fails to comply with these ordinances would be required to pay for the costs of bringing his or her property into compliance. Also, the bill allows municipalities to terminate water service for users who fail to pay their storm water service fees.

SB 641: State Water Resources Management Plan

Renames the Water Resources Protection Act to the Water Resources Protection and Management Act and also amends state code to include the management of water resources. Specifically, requires the Secretary of the Department of Environmental Protection (DEP) to make progress reports every three years on the development of a State Water Resources Management Plan

and any significant changes that may have occurred since the 2006 survey report. Further, the measure defines large quantity users to include persons who bottle water for resale regardless of the quantity withdrawn and also requires all large quantity users to register with DEP.

SB 466: Deficient Dams

Clarifies the assistance and programs the Water Development Authority may provide including a loan program in conjunction with the Department of Environmental Protection to bring deficient dams into compliance and development of storm water systems.

SB 467: Dam Safety

Increases the civil administrative penalties for violation of the Dam Safety Act from not more than \$200 for each day the violation continues and not to exceed a maximum of \$400 to \$5,000 for each day the violation continues. Fines are not to exceed a maximum of \$20,000 per day. Also, the Act requires the Secretary of the Department of Environmental Protection to develop a state list of deficient dams in the state using a priority ranking system based on factors designed by the Secretary.

Land Management and Conservation

SB 88: Brownfield Sites

Authorizes property owners of brownfield sites or sites remediated pursuant to the Voluntary Remediation and Redevelopment Act and involved in the extraction and processing of coal, limestone, or other natural resources to apply to the Development Office to be designated a brownfield economic district upon showing that the brownfield economic development district when designated will create significant economic development activity.

SB 280: Remediation Projects

Permits certain remediation projects to be undertaken pursuant to the Municipal Economic Opportunity Development District Act, provided during the first 48 months following the creation of the district results in capital investment of more than \$50,000,000 and that the proposed remediation expenditures to be financed by bonds do not constitute more than 25 percent of the total cost.

SB 477: Conservation Officers (Vetoed)

Changes the way in which conservation officers are paid. Also, in July 2008 new conservation officers would have received a \$3,000 hiring bonus.

SB 622: Outdoor Heritage Conservation

Establishes the Outdoor Heritage Conservation Fund to conserve unique lands for wildlife habitat, natural areas, hunting, fishing, and recreation.

SB 775: State Parks and Forests

Creates a statutory list of all state parks and state forests.

Reorganization and Coordination**SB 373: Legislative Rules**

Authorizes the Department of Environmental Protection to promulgate legislative rules.

SB 501: Stream Partners Program

Transfers the West Virginia Stream Partners Program from the Division of Natural Resources to the Department of Environmental Protection.

Solid Waste**HB 4423: Steel Keg Recycling**

Specifies that stainless steel kegs cannot be legally considered scrap metal unless received directly from a beer manufacturer or authorized representative.

SB 503: Solid Waste Facility Permit Applications

Authorizes the Secretary of the Department of Environmental Protection to require solid waste facility permit applicants and specified others connected with applicants and permittees to furnish fingerprints for the purpose of conducting state and federal criminal history checks.

SB 746: E-Recycling

Establishes a recovery program for recycling of electronic devices; adds definitions for computers and specific criteria for covered electronic devices; allows counties to create specific plans for recycling in conjunction with various entities including retailers, manufactures, recyclers, or local governments; allows the department to recommend legislative rules for recycling of electric devices; requires manufactures of more than one thousand devices a year to follow the provisions of the plan for recycling; requires these manufactures to have their name clearly marked on the device and pay a registration fee to the department; prohibits covered manufacturers from selling any devices unless all requirements of the section are met; states on the device if the manufacturer has instituted a covered take-back program, explains the program and requires a yearly report of the results; and, sets forth civil fines and penalties for manufacturers who do violate any of the provisions mandated.

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.

2007-2008 Executive Committee

The list of members below reflects officials who serve the Board as of July 1, 2008. For a current roster, please contact the SSEB staff or visit our website at www.sseb.org.

Chairman

The Honorable Joe Manchin, Governor of West Virginia

Vice-Chair

Representative Rocky Adkins, Commonwealth of Kentucky

Treasurer

Representative Myra Crownover, Texas

Member, Executive Committee

The Honorable Haley Barbour, Governor of Mississippi

Member, Executive Committee

The Honorable John P. deJongh, U.S. Virgin Islands

Member, Executive Committee

Senator Jeff Rabon, Oklahoma

Member, Executive Committee

Representative Harry Geisinger, Georgia

Federal Representative

The Honorable Brian C. Griffin, Oklahoma ●

Secretary

Kenneth J. Nemeth, Executive Director, SSEB ●

Southern Legislative Conference (SLC) Energy and Environment Committee Chair

Representative Ron Peters, Oklahoma ■

- *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 Randy Davis
Representative Pete B. Turnham, Emeritus
Representative William E. Thigpen, Sr.

Arkansas

The Honorable Mike Beebe, Governor
Senator Jack Critcher
Senator Denny Altes (Alternate)
Representative Allen Maxwell
Mr. Andrew Parker (Governor's Alternate)

Florida

The Honorable Charlie Crist, Governor
Senator Lee Constantine
Representative Dave Murzin
Mr. Jeremy Susac (Governor's Alternate)

Georgia

The Honorable Sonny Perdue, Governor
Senator David Shafer
Senator Mitch Seabaugh (Alternate)
Representative Harry Geisinger
Representative Jeff Lewis (Alternate)
Mr. Jimmy Skipper (Governor's Alternate)

Kentucky

The Honorable Steve Beshear, Governor
Senator Robert Stivers
Representative Rocky Adkins

Louisiana

The Honorable Bobby Jindal, Governor
Senator Robert Adley
Representative Gordon E. Dove, Sr.
Representative Noble Ellington (Alternate)

Maryland

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

Mississippi

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

Missouri

The Honorable Matt Blunt, Governor
Senator Kevin Engler
Representative Ed Emery

North Carolina

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

Oklahoma

The Honorable Brad Henry, Governor
Senator Jeff W. Rabon
Representative Dennis Adkins
The Honorable David S. Fleischaker (Governor's Alternate)

Puerto Rico

The Honorable Anibal Acevedo Vilá, Governor
Representative Severo Colberg Toro
Dr. Javier A. Quintana (Governor's Alternate)

South Carolina

The Honorable Mark Sanford, Governor
Senator John C. Land, III
Representative Robert S. Perry, Jr.

Tennessee

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

Texas

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

Virgin Islands

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

Virginia

The Honorable Tim Kaine, Governor
Senator Thomas K. Norment, Jr.
Delegate Harry R. Purkey
Dr. Michael Karmis (Governor's Alternate)

West Virginia

The Honorable Joe Manchin, III, Governor
Senator William R. Sharpe, Jr.
Delegate Harold K. Michael
Mr. John F. Herholdt (Governor's Alternate)

