



Transcending Boundaries

2022

FOSSIL ENERGY & CARBON MANAGEMENT LEGISLATIVE DIGEST



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**A Guide to Fossil Energy and Carbon Management
Legislation in the United States**

November 2022

Covering measures in 50 states and two US territories

ACKNOWLEDGMENTS

The Southern States Energy Board's Fossil Energy and Carbon Management Digest is compiled in collaboration with member states and territories and beyond.

The focus of our efforts highlights the work of our member states and territories first and foremost. The national component to this digest should not be considered exhaustive nor complete pursuant to the topics covered.

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MISSION STATEMENT

Through innovations in energy
and environmental policies,
programs, and technologies, the
Southern States Energy Board
enhances economic development
and the quality of life in the South.



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CATEGORIES OF LEGISLATION

Fossil Energy

This category encompasses legislation governing fossil fuels from extraction to energy generation.

Carbon Capture & Related Technology

This portion collects all carbon capture, utilization, and storage (CCUS) measures.

Decarbonization

This section covers bills dealing with the topic of decarbonization, which includes emissions targets and financial incentives for certain low- and zero-emission resources.

Waste Management

This category covers acts related to fossil fuel waste that explore new means of recycling, reconditioning, or reusing sources of residual waste.

LEGISLATION PREFIXES

<i>B</i>	<i>Bill</i>
<i>HB</i>	<i>House Bill</i>
<i>HCR</i>	<i>House Concurrent Resolution</i>
<i>HJR</i>	<i>House Joint Resolution</i>
<i>HR</i>	<i>House Resolution</i>
<i>R</i>	<i>Resolution</i>
<i>SB</i>	<i>Senate Bill</i>
<i>SCR</i>	<i>Senate Concurrent Resolution</i>
<i>SJR</i>	<i>Senate Joint Resolution</i>
<i>SR</i>	<i>Senate Resolution</i>

ALABAMA

Fossil Energy

SB 92 – Surface Mining Commission Extension

Sponsored by Barfoot

Extends the authority of the Alabama Surface Mining Commission until October 1, 2026.

SB 182 – Motor Fuel Regulation Prohibition

Sponsored by Livingston

States that any governmental entity may not adopt rules, regulations, requirements, ordinances, or resolutions that prohibit or restrict the lawful operation of motor fuel retailers or related transportation infrastructure otherwise complying with state and federal law based solely on the type of motor fuel sold, stored, processed, or delivered.

Carbon Capture & Related Technology

SB 36 – Underground Facility Regulation

Sponsored by Albritton and Reed

Expands the definition of “gas” for purposes of regulating underground storage facilities by the State Oil and Gas Board of Alabama to include additional gases.

The “gas” definition, which formerly included all natural gas and casinghead gas now includes carbon oxides, ammonia, hydrogen, nitrogen, and noble gases as well.

ALASKA

Fossil Energy

HJR34 – National Petroleum Reserve In Alaska

Sponsored by Patkotak, et al.

Urges the United States Department of the Interior, Bureau of Land Management, to maximize the area available for oil and gas leasing and development within the National Petroleum Reserve in Alaska while conserving and protecting valued fish, wildlife, subsistence, and cultural resources.

ARIZONA

Fossil Energy

HB 2411 – Coal Combustion Residuals Disposal Program

Sponsored by Griffin

Authorizes the Arizona Department of Environmental Quality to establish and operate a program to regulate disposal of coal combustion residuals.

SB 1396 – Hydrogen Study Committee

Sponsored by Shope

Establishes the Hydrogen Study Committee and delineates the committee membership.

The committee is responsible for the following:

- A. Investigating and evaluating existing state and federal laws, regulations and funding sources and recommend legislation related to the production, use, distribution, and storage of hydrogen;
- B. Studying the production of hydrogen from any fuel source, the construction of a dedicated hydrogen pipeline or network of pipelines to serve users of hydrogen, carbon capture and sequestration, streamlined permitting processes for hydrogen facilities and cost-effective industrial rates for hydrogen production; and
- C. Reviewing the safety standards regarding the production, use, distribution, and storage of hydrogen by state agencies.

The committee is further required to submit a report regarding recommendations and include an economic impact analysis of the potential hydrogen value chain to the legislature and provide a copy to the Secretary of State by September 1, 2023.

CALIFORNIA

Fossil Energy

AB 7389 – Cryptocurrency Moratorium

Sponsored by Kelles

Establishes a moratorium on cryptocurrency mining operations that use proof-of-work authentication methods to validate blockchain transactions if the electricity supplied to the mining operations is generated by carbon-based fuels.

Carbon Capture & Related Technology

AB 2101 – Whole Orchard Recycling Projects

Sponsored by Flora

Adds whole orchard recycling projects to the list of projects eligible to be listed on the California Carbon Sequestration and Climate Resiliency Project Registry.

The bill defines “whole orchard recycling” to mean the onsite grinding or chipping of whole trees during orchard removal, and incorporation of the ground or chipped biomass into the topsoil prior to replanting.

SB 905 – CCUS Program Establishment

Sponsored by Caballero and Skinner

Requires the Air Resources Board (ARB) to establish a Carbon Capture, Removal, Utilization, and Storage Program.

The ARB is further required to adopt a unified permit application for CO₂ projects, including measures to minimize specified environmental and seismic impacts, as well as monitoring and reporting of seismic activity and air pollution.

The measure also establishes the Geologic Carbon Sequestration Group in the California Geological Survey, to provide independent expertise and regulatory guidance to ARB, including the following:

- Identification of high quality, suitable locations of Class VI injection wells (i.e., wells used for geologic sequestration of CO₂);
- Identification of appropriate subsurface monitoring to ensure geologic sequestration of the injected CO₂; and
- Identification of hazards that may require the suspension of CO₂ injections.

Finally, the legislation prohibits an operator from injecting a concentrated CO₂ fluid produced by a CO₂ project for purposes of enhanced oil recovery.

Waste Management

SB 54 – Reporting, Packaging, and Plastic Food Service Ware Provisions

Sponsored by Rivas, et al.

Requires all packaging in the state to be recyclable or compostable by 2032 thereby cutting plastic packaging by 25 percent in 10 years and requiring 65 percent of all single-use plastic packaging to be recycled in the same timeframe.

COLORADO

Fossil Energy

HB 1361 – Oil and Gas Reporting

Sponsored by Boesenecker, et al.

Requires that the Office of State Auditor conduct a performance audit on oil and gas operations, reporting, and revenue.

The act also requires the Colorado Oil and Gas Conservation Commission to promulgate rules requiring annual meter certification and calibration and emissions reporting and increases civil penalties.

SB 198 – Orphaned Oil & Gas Wells

Sponsored by Fenberg, et al.

Creates the Orphaned Wells Mitigation Enterprise in the Department of Natural Resources.

The purpose of the enterprise is to accomplish the following:

- A. Plugging, reclaiming, and remediating orphaned wells located in the state for which no owner or operator can be found or for which the owner or operator is unwilling or unable to pay the costs of plugging and abandoning the well;
- B. Ensuring that the costs associated with the plugging, reclaiming, and remediating of orphaned wells are borne by operators in the form of mitigation fees;
- C. Determining the amounts of mitigation fees; and

Imposing and collecting mitigation fees.

Decarbonization

HB 1193 – Funding for Just Transition Coal Workforce Programs

Sponsored by Herod, et al.

Adjusts funding for the Office of Just Transition in the Department of Labor and Employment that supports programs to assist workers and communities impacted by the transition away from a coal-based economy.

FLORIDA

Decarbonization

HB 909 – Pollution Control Standards and Liability

Sponsored by Environment, Agriculture and Flooding Subcommittee & Payne

Specifies that the Secretary of Environmental Protection has exclusive jurisdiction in setting standards or procedures for evaluating environmental conditions and assessing potential liability for the presence of contaminants on land

that is classified as agricultural and is being converted to a nonagricultural use.

The bill prohibits the secretary from delegating such authority to a city, a county, or another unit of local government through a local pollution control program, but it does not preempt the enforcement authority of a local government through a local pollution control program.

HAWAII

Carbon Capture & Related Technology

SB 2865 – Revenue Bonds for Carbon Dioxide Recovery

Sponsored by Shimabukuro and Misalucha

Authorizes the issuance of special purpose revenue bonds to assist DIBSHawaii LLC in the construction of a net-zero carbon capture storage utilization platform that will recover vented carbon dioxide emissions and scrub and liquefy the emissions into food grade liquid carbon dioxide.

Decarbonization

SCR 108 – Paris Climate Agreement Goals

Sponsored by Rhoads

Affirms Hawaii’s ongoing commitment to the goals of the Paris Climate Agreement and United Nations sustainable development goals and endorsement of the fossil fuel non-proliferation treaty.

INDIANA

Fossil Energy

SR 70 – Coal Ash Study

Sponsored by Pol

Urges the legislative council to assign the topic of coal ash contamination to the appropriate study committee.

Decarbonization

SB 271 – Conversion of Coal- and Natural Gas-Fueled Facilities Using Small Modular Nuclear Reactors

Sponsored by Koch and Doriot

Amends the statute governing certificates of public convenience and necessity (certificates) that are issued by the Indiana Utility Regulatory Commission (IURC) for the construction, lease, or purchase of electric generation facilities to require the IURC, in consultation with the Department of Environmental Management, to adopt rules concerning the granting of certificates for the construction, purchase, or lease of small modular nuclear reactors:

- In Indiana for the generation of electricity to be used to furnish public utility service to Indiana customers; or
- At the site of a nuclear energy production or generating facility that supplies electricity to Indiana retail customers on July 1, 2011.

The bill further requires the IURC to adopt the rules no later than July 1, 2023. Such rules must provide that in acting on a public utility's petition for a certificate for one or more small modular nuclear reactors, the IURC must consider the following:

- Whether, and to what extent, the one or more small modular nuclear reactors proposed by the public utility will replace a loss of generating capacity in the public utility's portfolio resulting from the retirement or planned retirement of one or more of existing electric generating facilities that are located in Indiana and use coal or natural gas as a fuel source; and
- Whether one or more of the small modular nuclear reactors will be located on the same site as or near the facility to be retired and, if so, potential opportunities for the public utility to:
 - Make use of any land and existing infrastructure or facilities already owned or under the control of the public utility; or
 - Create new employment opportunities for workers who have been, or would be, displaced as a result of the retirement of the existing facility.

The measure also establishes additional requirements for small modular nuclear reactors that must be included in the IURC's rules, including the requirement that the owner or operator of a proposed small modular nuclear reactor must provide evidence of a plan to apply for all licenses or permits to construct or operate the proposed small modular nuclear reactor required by the United States Nuclear Regulatory Commission, the department, or any other relevant state or federal regulatory agency.

Finally, the legislation amends the statute providing certain financial incentives for energy utilities that invest in clean energy projects by providing that, for purposes of the statute, a "clean energy project" and a "nuclear energy production or generating facility" include a small modular nuclear reactor that is constructed after June 30, 2023, in Indiana for the generation of electricity to be used to furnish public utility service to Indiana customers or at the site of a nuclear energy production or generating facility that supplies electricity to Indiana retail customers on July 1, 2011.

KENTUCKY

Fossil Energy

HB 195 – Pipeline Location Notification

Sponsored by Johnson

Establishes notification requirements for developers that are locating developments within 660 feet of natural gas transmission pipelines and requires a notified pipeline operator to provide pipeline location information to the developer.

The measure also requires planning commissions to gather raw National Pipeline Mapping System geospatial data within 60 days of the effective date of the act and exempts planning commissions from liability for development approval if it is based on the geospatial information they obtain.

Pipeline operators must file the names of their registered agents with planning commissions of jurisdiction no later than August 15, 2022, and the law prohibits planning commissions from issuing final approval for developments until the requirements of the measure have been satisfied. Finally, it exempts planning commissions from liability for development approval if it is based on the information required to be submitted under the law.

HB 451 – Motor Fuel Standards Definitions and Inspections

Sponsored by Fister, Heath, and McPherson

Redefines several terms related to motor fuels including “diesel” and “gasoline-oxygenate blend” to “a refined hydrocarbon suitable for use as a fuel in a compression-ignition internal combustion engine that may contain fuel additives and up to five percent by volume of biodiesel or biomass-based diesel,” and “a fuel consisting primarily of gasoline blended with more than one percent by volume oxygenate or more than three-tenths of one percent by volume methanol,” respectively.

The term “gasoline-oxygenate blend” includes gasoline-ethanol blends containing between one percent and fifteen percent (15 percent) ethanol by volume, according to the bill.

The measure further specifies inspection and testing programs for motor fuels intended for sale from a retail facility and vapor pressure limits for gasoline-oxygenate blends.

The act also permits the Kentucky Department of Agriculture to designate fuel tests or specifications when no ASTM International standards exist, and it requires all shipments of motor fuel to meet standards and specifications required in administrative regulations.

Finally, the bill requires a license to operate a retail motor fuel facility, increases the license fee to \$75 per retail facility, and sets the annual license expiration on January 31 of the following calendar year.

HB 600 – Reclamation Guaranty Fund Commission Clarifications

Sponsored by Gooch

Clarifies that members of the Commission Representing the Coal Mining Industry are coal mine permittees and allows smaller operators to be selected to represent different sized operators if a larger operator cannot be found.

SB 315 – Oil and Gas Applications Amendment

Sponsored by Mills

Makes gender-neutral the requirement that an oil or gas drilling applicant confer with a permittee where a permitted surface coal mine area may be disturbed.

SB 205 – Energy Company Boycotts

Sponsored by Mills, Girdler, Alvarado, Carpenter, Carroll, Smith, Storm, and Wheeler

Requires the State Treasurer to publish, maintain, and update a list of financial companies engaged in energy company boycotts and to file the list with the Legislative Research Commission and the Attorney General.

The measure also requires state governmental entities to notify the Treasurer of the listed financial companies in which the state governmental entity owns direct or indirect holdings and state governmental entities must inform and warn listed financial companies that they may become subject to divestment by the state governmental agency unless they clarify their actions or cease their energy company boycott.

State governmental entities are required to divest from the listed financial company if it does not cease its energy company boycott in the time-frames established by the section, and the measure provides for delays in the divestment schedule if it will result in a loss of value or a benchmark deviation.

The law also provides that a state governmental entity may not be required to divest from any holdings in actively or passively managed investment funds or private equity funds and establishes exceptions from divestment requirements.

Finally, governmental entities are prohibited from entering into a contract for goods or services with a company that engages in energy company boycotts.

Waste Management

HB 45 – Resource Recovery for Advanced Recycling

Sponsored by Bowling, Johnson, Palumbo, Prunty, and Westrom

Modifies current solid waste law to include references to advanced recycling methods and facilities processing post-use polymers or recovered feedstocks.

LOUISIANA

Fossil Energy

HB 61 – Underwater Obstruction Removal and Mineral and Energy Production Fees

Sponsored by Kerner, et al.

Extends both the Fishermen’s Gear Compensation Fund and payments into the Underwater Obstruction Removal Fund until June 30, 2023.

The measure also authorizes the secretary of the Department of Natural Resources to levy an annual fee in the amount of \$400 upon each lessee or operator for any agreement for mineral or energy production or for subsurface storage entered into by the State Mineral and Energy Board and each grantee of a state right-of-way, for each lease and right of way on July 1, 2023, and which are located within the coastal zone boundary.

HB 632 – Small Refinery Definition

Sponsored by McFarland

Defines, for the purposes of the Louisiana Environmental Quality Act, a “small refinery” as a refinery for which the average aggregate daily crude oil throughput for a calendar year, as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year, does not exceed 75,000 barrels.

HB 740 – Propane and Other Fuels During Disasters

Sponsored by Mincey

Establishes that the diversion, transport, delivery, sale, or acceptance of gasoline, diesel fuel, liquefied petroleum gas, motor fuel, special fuel, gasohol, liquefied natural gas, and other types of fuel must not be restricted or prohibited when needed for disaster recovery during a disaster or emergency declared in accordance with the Louisiana Homeland Security and Emergency Assistance and Disaster Act.

HB 898 – Powers Related to Liquefied Petroleum Gas

Sponsored by DeVillier

Prohibits parishes and municipalities from adopting certain rules and regulations that restrict the use and storage of liquefied petroleum gas.

HB 1035 – Underground Storage Tank Grants

Sponsored by Coussan

Authorizes the Department of Environmental Quality to provide grants with its Motor Fuels Underground Storage Tank Trust

Dedicated Fund Account for voluntary upgrades to certain single wall underground storage tanks.

HCR 25 – Breaux Petroleum Products Commendation

Sponsored by Orgeron

Commends Breaux Petroleum Products on the occasion of its 100th anniversary.

HCR 43 – Federal Action on Oil and Gas Production

Sponsored by Orgeron, et al.

Urges and requests federal action on domestic oil and gas production.

SB 23 – Oilfield Restoration Fund Deposits

Sponsored by Allain

Provides for the deposit of monies from any source of funding for which restoring orphaned sites is an allowable use into the Oilfield Site Restoration Fund.

SB 38 – Risk Charges in Drilling Units

Sponsored by Hensgens

Provides for terminology and technical corrections to previous drilling unit law, including providing that the notice by an owner drilling, intending to drill, or who has drilled to the other owners is called the “risk charge notice.”

The measure requires financial adjustments of estimated authorization for expenditure form (AFE) costs be made within 60 days of receipt of detailed invoices in order to account for the difference between estimated and actual cost, and it also states that if the well is being drilled or has been drilled at the time of mailing the risk charge notice, the risk charge notice contain a copy of all available logs, core analysis, production data, and well test data not made public.

The legislation provides for the manner in which the drilling owner pays certain amounts to the nonparticipating owner for the benefit of his lessor royalty owner and overriding royalty owner are made and the formulas used for calculating such payments, and it requires payments to the overriding royalty owner are made in accordance with the terms of the contract or agreement creating the overriding royalty.

SB 196 – Crude Oil and Petroleum Imports from Russia Ban

Sponsored by Cathey and Garofalo

Prohibits the importation of crude oil and petroleum products from the Russian Federation into Louisiana.

SB 245 – Orphan Well Program Provisions

Sponsored by Allain and Coussan

Allows the Secretary of the Department of Natural Resources to employ, appoint, remove, assign, and promote, from administrative costs, personnel that is necessary for the administration of orphaned wells restoration, including the appointment of an executive director.

The measure also limits the expenditures out of the Oilfield Site Restoration Fund to restore or plug non-priority wells to 20 percent of the expended amount per year, with the exception of funds from the first \$30 million federal funds received by the state for oilfield site restoration, any federal appropriation for oilfield site restoration, or any emergency response costs.

SB 354 – Louisiana Consumer Fuel Choice Act Provisions

Sponsored by Cathey

Establishes the Louisiana Consumer Fuel Choice Act, which dictates that no local governing authority may adopt an ordinance, rule, or law that limits consumer access to an energy type or that results in the prohibition of a wholesaler, retailer, energy producer, or the related infrastructure that is necessary to provide consumer access to a specific energy type within the local governing authority.

The measure also provides for the sale, transportation, and acceptance of fuel following a natural disaster. In accordance with the Louisiana Homeland Security and Emergency Assistance and Disaster Act and upon written authorization from the secretary of the Department of Transportation and Development, the diversion, sale, transport, delivery, or acceptance of gasoline, diesel fuel, liquefied petroleum gas, motor fuel, special fuel, gasohol, liquefied natural gas, and other types of fuel across jurisdictional boundaries within the state must not be restricted or prohibited when needed for disaster recovery, which includes supplying fuel to generators, motor vehicles, homes, and other resources to provide electricity, heat, light, meals, and other necessities to persons in affected areas.

SR 203/SR 223/SCR 55 – Against Fossil Energy Restrictions

Sponsored by Fesi

Requests certain federal and state entities to refrain from enacting or adopting laws, rules, regulations, or guidance that restricts the ability of financial institutions from offering products or services to the fossil fuel industry.

SR 161 – Emerging Energy Codification Task Force

Sponsored by Allain

Establishes the Emerging Energy Codification Task Force in order to study and make recommendations regarding the codification of laws relative to emerging energy technologies and related issues.

The task force is required by the law to report an update of its findings and recommendations on or before February 10, 2023, and a final report on or before February 9, 2024.

SCR 12 – Offshore Oil and Natural Gas Lease Sales Request

Sponsored by Hewitt

Requests halt in actions that cancel or delay offshore oil and natural gas lease sales.

Carbon Capture & Related Technology

HB 267 – Existing Storage Rights

Sponsored by Riser

Provides relative to eminent domain rights of a storage facility operator to expropriate property for the purpose of drilling through a carbon dioxide storage facility in Caldwell Parish.

According to the measure, persons may be prohibited from drilling through a storage facility only when the following is satisfied:

- A. A period of five years has elapsed from the actual drilling or operation of any oil or gas well within the boundaries to depths below the base of the storage facility as determined by the commissioner of conservation; and
- B. All reservoirs that were drilled to and produced in any oil or gas well located within the boundaries of the storage facility are no longer capable of producing minerals in paying quantities as determined by the commissioner of conservation.

HB 708 – Biomass and Carbon Capture

Sponsored by McFarland, et al.

Provides that the legislature finds and declares that energy produced from forest products' manufacturing bioenergy feedstocks and energy produced from agricultural harvesting, including bagasse produced from sugarcane, are considered renewable and carbon neutral and when paired with carbon capture technologies, such energies may be considered carbon negative.

Decarbonization

HR 203/HR 246 – Environmental, Social, and Governance Criteria Task Force Study

Sponsored by Frieman, Garofalo, and Hodges

Creates the Environmental, Social, and Governance (ESG) Criteria Task Force to study and make recommendations regarding regulation of ESG criteria in lending and investment practices.

The bill states that environmental factors considered in an ESG rating include but are not limited to climate change and carbon emission initiatives, air and water pollution initiatives, energy efficiency, and water scarcity initiatives.

SCR 46 – Electric Vehicles Fee Study

Sponsored by McMath

Creates a task force to study fees for electric vehicles.

Waste Management

SCR 13 – Plastics Recycling Study

Sponsored by Lambert and Barrow

Requests the Department of Environmental Quality to study strategies for recycling plastic containers.

MAINE

Decarbonization

LD 1554 – Climate Change Transition for Energy-Intensive Businesses

Sponsored by Wadsworth, et al.

Directs the Efficiency Maine Trust to establish an industrial climate transition initiative to develop and support climate change mitigation strategies designed to reduce greenhouse gas emissions at industrial facilities in the state.

The bill includes a general fund appropriation of \$500,000.

MARYLAND

Fossil Energy

HB 526 – Plumbing and Fuel Gas Service Modifications

Sponsored by Prince George's County Delegation and Montgomery County Delegation

Prohibits a person from providing, attempting to provide, or offering to provide certain plumbing services in any area under the regulatory jurisdiction of the Washington Suburban Sanitary Commission without a license from the commission.

It further prohibits a person from assisting, attempting to assist, or offering to assist in providing certain fuel gas services in any area under the regulatory jurisdiction of the commission without a license from the commission.

HB 1486/SB 1010 – Tax Free Period for Motor Fuels

Sponsored by Johnson, et al./Augustine, et al.

Establishes that for 30 days after March 18, 2022, certain motor fuel taxes that would otherwise be imposed do not apply and further requires the Comptroller to pay a refund advance of motor fuel tax to qualifying retailers.

Decarbonization

HB 1391 – Clean Cars Act of 2022

Sponsored by Fraser-Hidalgo, et al.

Establishes the Medium-Duty and Heavy-Duty Zero-Emission Vehicle Grant Program for vehicles and equipment powered by hydrogen fuel cells or a battery to be administered by the Maryland Energy Administration.

The bill further alters the vehicle excise tax credit for the purchase of certain electric vehicles and, for purposes of the electric vehicle excise tax credit, decreases from \$63,000 to \$50,000 the limitation on the maximum base purchase price of certain electric vehicles.

The measure also reduces the vehicle excise tax credit for such electric drive vehicles to \$3,000.

HB 696 – Electric School Bus Pilot Program

Sponsored by Fraser-Hidalgo, et al.

Establishes the Electric School Bus Pilot Program, implemented and administered by the Public Service Commission (PSC).

An investor-owned electric company may apply to PSC to implement a pilot program, according to the bill. Subject to PSC approval and specified conditions, a utility may recover all reasonable and prudent program costs incurred under the program through a mechanism that is reviewed and approved by PSC and establish a pilot tariff or rate to provide service to an electric school bus.

Beginning in 2025, a utility that establishes a pilot program must annually report on the program, in consultation with each participating school system.

SB 61 – Zero-Emissions Bus Transition Act Revisions

Sponsored by Zucker

Requires the Maryland Transit Administration to provide safety and workforce development training, including registered apprenticeships and other labor-management training programs, for its workforce related to the new zero-emission buses that it is required to purchase under the Zero Emission Transition Act.

SB 528 – Climate Solutions Now Act of 2022

Sponsored by Pinsky, et al.

Requires the state to reduce statewide greenhouse gas emissions by altering statewide greenhouse gas emissions goals, establishing of a net-zero statewide greenhouse gas emissions goal, developing certain energy efficiency and emissions reduction requirements for certain buildings, requiring electric companies to increase their annual incremental gross energy savings, establishing certain zero-emission vehicle requirements for the state fleet, and establishing an electric school bus pilot program.

MICHIGAN

Fossil Energy

SR 114 – Lowering Energy Costs and Encouraging Energy Independence

Sponsored by Zorn, Theis, Barrett, Johnson, and Lauwers

Urges the adoption of policies that will lead to energy independence and lower energy costs in the United States, including ending the state's efforts to shut down the petroleum pipeline known as Line 5.

MISSISSIPPI

Fossil Energy

HR 105 – Supporting Domestic Oil and Gas

Sponsored by Powell

Supports an increase in American energy production and infrastructure to ensure America’s long-term energy affordability, security, leadership and progress, including actions that result in the continued operation of existing oil and natural gas pipelines, the construction of new pipelines, and an end to restrictions on developing the nation’s onshore and offshore oil and natural gas resources.

HB 1763 – Natural Gas Service Extension

Sponsored by Evans

Authorizes the Board of Supervisors of Kemper County, Mississippi, to enter into appropriate binding contracts to fund the capital costs necessary to extend natural gas services within the county.

Carbon Capture & Related Technology

HB 1214 – Carbon Dioxide Sequestration Revisions

Sponsored by Powell

Declares that it is for the public benefit and in the public interest to promote projects for the secure geologic storage of carbon dioxide, and modifies the state’s policy to provide procedures for the cooperative management of surface and subsurface property interests to ensure the maximum use of natural resources.

The measure also redefines “reservoir” to include any geologic formation suitable for or capable of being made suitable for the injection and storage of carbon dioxide therein.

Waste Management

HB 1135 – Advanced Recycling Definitions

Sponsored by Powell and Brown

Defines terms related to advanced plastic recycling, such as “depolymerization,” “gasification,” “pyrolysis,” “solvolysis,” “advanced plastic recycling facility,” “post-use polymer,” and “recovered feedstock” as they relate to solid waste regulation.

MISSOURI

Fossil Energy

HR 3737 – Decreasing Dependency on Russian Oil

Sponsored by Schroer

Urges support of Ukraine in its war with Russia and a decreased dependency on Russian oil.

Waste Management

HB 2485 – Advanced Recycling Provisions

Sponsored by Knight

Defines and redefines certain terms including and related to “advanced recycling.”

The bill specifies that an advanced recycling facility, is not subject to the solid waste processing facility operating permit requirements and no permit is required for the use of advanced recycling at an advanced recycling facility, as long as the feedstocks received by such facility are source-separated or diverted or recovered from municipal or other waste streams prior to acceptance at the advanced recycling facility.

The measure also declares that processed recycled asphalt shingles may be used for fill, reclamation, and other beneficial purposes without any permits relating to solid waste management or any permits relating to the Missouri Clean Water Law if such shingles are inspected for toxic and hazardous substances, provided they may not be used for fill, reclamation, or other beneficial purposes within 500 feet of any lake, river, sink hole, perennial stream, or ephemeral stream, and may not be used for such purposes below surface level and closer than 50 feet above the water table.

NEW HAMPSHIRE

Fossil Energy

SB 424 – Renewable Natural Gas Procurement Costs

Sponsored by Bradley

Authorizes the recovery of costs related to a utility’s procurement of natural gas, and other qualified investments, upon approval of the public utilities commission.

The measure also requires the Department to consult with utilities on their requests for proposal for renewable natural gas (RNG) and conduct a study of RNG.

Waste Management

SB 367 – Advanced Recycling Definitions

Sponsored by Avar

Modifies the definition of “solid waste” to explicitly exclude post-use polymers and recovered feedstocks converted at an advanced recycling facility or held at such facility prior to conversion.

It also states that products derived from advanced recycling may not be considered waste-derived products or require certification as waste-derived products.

NEW YORK

Fossil Energy

AB 1451 – Liquefied Petroleum Use in Emergencies

Sponsored by Santabarbara

Authorizes the delivery of liquefied petroleum gas in times of emergency.

When a qualifying emergency is in effect, the measures states that a residential customer who has a contract with a regular supplier to fill a liquefied petroleum gas tank reasonably believes the amount of liquefied petroleum gas in their tank will be insufficient to meet the customer's heating needs, the customer must make a good faith effort to procure delivery of liquefied petroleum gas from such regular supplier.

If the regular supplier is unable to make a scheduled delivery or fulfill the customer's good faith request, directly or through another supplier, for delivery within 24 hours, the customer may arrange to have a temporary emergency supplier fill, refill or otherwise deliver liquefied petroleum gas into such liquefied petroleum gas tank, provided that the temporary emergency supplier ensures that such tank, and the devices and pipelines operated in connection with such tank, have been inspected and certified as required by law and all applicable regulations.

Decarbonization

AB 2591 – Low Carbon Concrete Provisions

Sponsored by Carroll

Establishes that the Commissioner of General Services, in consultation with the Department of Transportation and the stakeholder advisory group, must examine the use of an expedited product evaluation protocol for low embodied carbon concrete products.

NORTH CAROLINA

Fossil Energy

HR 981 – Support for Ukraine and Domestic Energy Production Increase

Sponsored by Moore

Expresses support for Ukraine as its people fight for freedom and urges Congress to increase domestic energy production.

Decarbonization

HB 1174 – Opposing New SEC Rule

Sponsored by McNeely, Humphrey, Johnson, Loftis, and Zachary

Urges Congress to oppose the Securities and Exchange Commission's proposed rule that would require public companies to disclose their Scope 3 greenhouse gas emissions as the requirement would impact, and potentially harm, the state's agriculture industry.

OHIO

Fossil Energy

SR 259 – Domestic Fossil Energy Production

Sponsored by Schaffer

Urges the President of the United States and United States Congress to take specified actions to encourage the production of domestic crude oil, natural gas, and coal resources.

OKLAHOMA

Fossil Energy

HB 1072 – Liquefied Petroleum Gas Provisions

Sponsored by Gann, Quinn, and Dahm

Updates statutory references to the organization setting test methods for to the GPA Midstream Association liquefied petroleum gases designated as commercial propane, commercial butane, or other mixtures.

The measure also authorizes the Liquid Petroleum-Gas Board to provide virtual instruction for certification courses relating to safety schools.

HB 2034 – Energy Discrimination Elimination Act

Sponsored by McBride, et al.

Creates the Energy Discrimination Elimination Act of 2022.

The measure requires the treasurer to maintain and provide to each state governmental entity a list of financial companies that boycott energy companies. Each state governmental entity must notify the treasurer of the listed financial companies in which the governmental entity owns direct holdings or indirect holdings.

The state governmental entity must also send a written notice to the financial company warning that it may become subject to divestment and offer the company the opportunity to clarify its activities. A state governmental entity must divest of at least 50 percent of the assets of a listed financial company within 180 days of the financial company receiving notice and 100 percent of the assets within 360 days after notice. A state governmental entity may cease divesting from a listed financial company if clear and convincing evidence shows that the governmental entity has or will suffer a loss in the value of assets or an individual portfolio that uses a benchmark-aware strategy would be subject to an aggregate expected deviation from its benchmark as a result of having to divest from the financial company.

HB 3039 – Special Permitting for Oil and Gas Wells

Sponsored by Boles and Taylor

Creates a special permit to drill an oil or gas well prior to a final order being issued by the Corporation Commission.

The measure requires a final order to be obtained before a well can be dug that falls within one mile of the certified boundary of an underground storage facility. However, if the underground storage operator does not object, the well can be drilled prior to receiving a final order from the Corporation Commission.

HB 3403 – Oil and Gas Wastewater

Sponsored by Boles, Allen, and Marti

Modifies the definition of “recycled water” to include oil and gas-produced water and waste that has been treated by thermal, or any other commercially viable technological processes, into a reusable form.

The measure also modifies the definition of “treated constituents” to mean any byproduct removed from oil and gas produced water through a thermal treatment or any other commercially viable technological process.

SB 1190 – Hydrogen Energy Educational Courses

Sponsored by Pugh, McBride, Boles, and David

Allows the State Board of Career and Technology Education to establish courses in hydrogen energy, such as hydrogen energy basics, related equipment manufacturing and maintenance, associated infrastructure, and safety.

SB 1852 – Energy Initiative Act Updates

Sponsored by David, McBride, and Boles

Updates the Oklahoma Energy Initiative Act to be called the Oklahoma Low Carbon Energy Initiative and expands the program’s purpose to include promoting research and development in the area of hydrogen production, storage, and distribution.

The measure also changes the corresponding Oklahoma Energy Initiative Board to the Oklahoma Low Carbon Energy Initiative Board and updates the membership of the Board. The board is directed to establish an Energy Industry Advisory Council to provide industry expertise.

Carbon Capture & Related Technology

SB 1856 – Carbon Sequestration Grants

Sponsored by Allen, Boles, Hill, and David

Requires the office of the Secretary of Energy and Environment to create and administer a grant program for entities utilizing sequestration of carbon captured from the production of hydrogen from natural gas.

The grant program will only be subject to the authorization of federal dollars by the legislature, according to the measure.

Decarbonization

HB 3568 – Emissions Reduction Technology Incentive Act

Sponsored by McBride, Allen, and Fetgatter

Creates a rebate program for oil and gas companies that implement qualified emission reduction projects.

The rebate is for 25 percent of documented expenditures made to implement the qualified projects. The program is administered by the Department of Environmental Quality and the Oklahoma Tax Commission. Rebate payments may not exceed \$10 million total in any fiscal year. If the cap is exceeded, the rebates will be pro-rated. The rebate program is set to expire July 1, 2027.

The measure also creates a five-year gross production tax exemption for oil and gas production projects approved by the Corporation Commission that use secondary and tertiary recovery methods. The exemption will be administered as a refund. The total amount of these refunds authorized may not exceed \$15 million in any fiscal year.

The production of wells drilled but not completed as of July 1, 2021, which are completed with the use of recycled water on or after July 1, 2022, will earn an exemption from the gross production tax levied from the date of first sales for a period of 24 months. The exemption will be proportional to the percentage of recycled water is used to complete the well. The exemption will be administered as a refund. The total amount of these refunds authorized may not exceed \$10 million in any fiscal year.

SB 1852 – Energy Initiative Act Updates

Sponsored by David, McBride, and Boles

Updates the Oklahoma Energy Initiative Act to be called the Oklahoma Low Carbon Energy Initiative and expands the program's purpose to include promoting research and development in the area of hydrogen production, storage, and distribution.

The measure also changes the corresponding Oklahoma Energy Initiative Board to the Oklahoma Low Carbon Energy Initiative Board and updates the membership of the Board. The board is directed to establish an Energy Industry Advisory Council to provide industry expertise.

SB 1857 – Tax Credit for Qualifying Clean-Burning Vehicles

Sponsored by Montgomery, Wallace, Boles, and David

Modifies the income tax credit for qualified clean-burning motor vehicle fuel property placed in service in certain tax years to include a motor vehicle originally equipped so that the vehicle may be propelled by a hydrogen fuel cell electric fueling system.

The credit may be claimed in tax years 2023 through 2028. The maximum amount an individual may claim is increased from \$50,000.00 to \$100,000.00 for vehicles weighing in excess of 26,501 pounds.

The bill caps the statewide credit at \$10 million for qualified clean burning fuel property propelled by compressed natural gas, \$10 million for property originally equipped so that the vehicle may be propelled by a hydrogen fuel cell electric fueling system, and \$10 million for property which is a metered-for-fee, public access recharging system for electric motor vehicles.

PUERTO RICO

Decarbonization

HR 772 – Electric Vehicle Energy Study

Sponsored by Mercad

Establishes provisions for an exhaustive investigation into the consequences on the island’s electrical energy system that may be caused by the sudden increase in acquisition of electric vehicles by citizens and measures that must be taken to mitigate the effects that the increase in consumption would cause, if any.

SOUTH CAROLINA

Waste Management

SB 525 – Advanced Recycling and Solid Waste Policy Provisions

Sponsored by Gambrell, et al.

Defines necessary terms related to advanced recycling and advanced recycling facilities.

It defines “advanced recycling” as “manufacturing processes that convert post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, waxes, lubricants, and other products through processes that include pyrolysis, gasification, depolymerization, solvolysis, catalytic cracking, reforming, hydrogenation, and other similar technologies. The recycled products produced from advanced recycling include, but are not limited to, monomers, oligomers, plastics, plastics and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, waxes, lubricants, coatings, and other basic hydrocarbons. Advanced recycling is not incineration, combustion, energy recovery, material recovery, or treatment.”

The bill also amends existing law relating to solid waste management permitting so as to require advanced recycling facilities to demonstrate financial responsibility as a condition of permitting.

The measure gives the Department of Health and Environmental Control the power to regulate advanced recycling facilities, and it also requires the department to submit certain regulations and reports pertaining to end-of-life management of solar panels and the decommissioning of solar projects encompassing more than 13 acres.

SOUTH DAKOTA

Carbon Capture & Related Technology

HB 1120 – Pipeline Tax Provisions

Sponsored by Chaffee, et al.

Adds carbon dioxide and carbon dioxide capture companies into certain provisions regarding pipeline taxation, such that any privately-owned pipeline operated by any oil company or carbon dioxide capture company and extending into or through two or more counties of the state up to, but not including, any property located upon land upon which is operated any pipeline terminal or pump station must have its value assessed by the Department of Revenue.

TENNESSEE

Fossil Energy

SB 2077 – Oil and Gas Prohibition Restrictions

Sponsored by Yager and Stevens

Prohibits the state’s political subdivisions from, arising from or as a result of a local action, prohibiting the development and implementation of the types or sources of energy that may be used, delivered, converted, or supplied by certain oil and gas-based entities.

HR 170 – Keystone XL Pipeline Employee Recognition

Sponsored by Powers, et al.

Commends the men and women who worked on the Keystone XL pipeline.

HJR 1009 –Domestic Energy Production

Sponsored by Faison, Lamberth, Garrett, Sexton, and Gant

Commends pro-national energy policies that increase domestic production of oil, natural gas, and nuclear energy in addition to referencing American energy independence and ability to export oil rather than purchasing it from countries in the Middle East and Russia.

SB 1959 – Tennessee Natural Gas Innovation Act

Sponsored by Walley, Gardenhire, and Yager

Enacts the Tennessee Natural Gas Innovation Act.

The act declares that a public utility may request, and the commission may authorize, a mechanism to recover the costs related to the use or development of infrastructure to facilitate use of “innovative natural gas resources” for natural gas utility customers, if the commission finds that the costs are in the public interest. “Innovative natural gas resources” are defined within the bill as including, but is not limited to, farm gas, biogas, renewable natural gas, hydrogen, carbon capture, qualified offsets, renewable natural gas attributes, responsibly sourced gas, and energy efficiency resources.

SB 2649 – State Depository Provisions

Sponsored by Gardenhire, McNally, Kelsey, Stevens, Walley, and Yager

Prohibits the state treasurer from entering into a contract with a state depository if the state depository has a policy prohibiting financing to companies in the fossil fuel industry.

SJR 892 – Request for TVA’s Operation of Coal-fired Plants

Sponsored by Niceley, et al.

Requests that the Tennessee Valley Authority maintain operation of its coal-fired plants until a reliable backup is developed.

Decarbonization

SB 2350 – Green Energy Production Facility Definition

Sponsored by Yager

Updates the definition of a certified green energy production facility to include the storage of electricity for purposes of calculating a minimum tax base for the franchise tax or for a pollution control credit.

Waste Management

SB 2450 – Solid Waste Fees for Tires

Sponsored by Walley

Specifies that counties may use revenues from tire pre-disposal fees for the disposal of waste tires, subject to certain present law requirements concerning shredding and the cost of disposing of waste tires in landfills.

UTAH

Fossil Energy

SB 146 – Regulation of Tar Sands Production

Sponsored by Winterton

Amends the definitions of “crude oil” and “oil” to clarify the state’s regulatory authority over tar sands production.

Carbon Capture & Related Technology

HB 244 – Geological Carbon Sequestration Amendments

Sponsored by Handy and Hinkins

Authorizes the Division of Oil, Gas, and Mining and the Board of Oil, Gas, and Mining to establish regulations for the geologic storage of carbon.

VERMONT

HB 518 – Energy Resilience Initiatives

Sponsored by Sibilis

Establishes a Municipal Energy Resilience Grant program to be administered by the Department for Buildings and General Services (BGS), in coordination with Efficiency Vermont, through the State Energy Management Program.

The bill also expands the State Energy Management Program to allow municipalities access to the State Energy Revolving fund to finance energy efficiency improvements. The grants and loans to municipalities will aid in the replacement of fossil fuel heating systems with more renewable and efficient heating systems.

As part of this process, BGS must issue a request for proposal to conduct a comprehensive energy resilience assessment of covered municipal buildings and facilities.

VIRGINIA

Fossil Energy

HB 657/SB 120 – Waste Coal Pile Identification

Sponsored by Wampler and Kilgore/Hackworth

Directs the Department of Energy, in cooperation with public institutions of higher education serving the state's coalfield region, to identify the approximate volume and number of waste coal piles present in the area and options for cleaning up such waste coal piles, including potential use in electricity generation. The Department of Energy must report its findings and recommendations to the General Assembly by December 1, 2022.

The bill also directs the Department of Environmental Quality to convene a working group to evaluate opportunities for the development of public infrastructure projects at current or proposed sites for the storage of coal ash in the Commonwealth. The working group must report its findings and recommendations to the General Assembly by December 1, 2022.

HB 1257 – Natural Gas Utility Discontinuation Provisions

Sponsored by Kilgore

Requires a municipal corporation to satisfy certain requirements prior to discontinuing natural gas utility services to any residential, commercial, or industrial customer.

The measure states that prior to any municipal corporation discontinuing natural gas utility service, the municipal corporation must provide at least three years' notice and attempt to negotiate the sale of its system facilities and associated rights within two years. If no sale is accomplished within two years, the municipal corporation may offer its system facilities and associated rights by auction.

HB 1326 – Waste Coal Removal

Sponsored by Kilgore

Extends the sunset date for the Commission on Electric Utility Regulation from July 1, 2022, to July 1, 2024, and provides that the commission may review information on the approximate volume and number of waste coal piles present in the coalfield region of the Commonwealth and options for cleaning up such piles.

HJR 41/HJR 149/SR 3 – Dr. Michael Karmis Commendation

Sponsored by Wiley/Ballard/Hackworth

Commends Dr. Michael E. Karmis on the occasion of his retirement as director of the Virginia Center for Coal and Energy Research.

Under the leadership of Dr. Karmis, the Virginia Center for Coal and Energy Research has provided support for undergraduate students, graduate students, post-doctoral associates, staff, and administrative, research, and teaching faculty. The center has also created mentorship and research opportunities for numerous students and junior faculty enabling them to become successful professionals in the fields of minerals extraction, health and safety, sustainable development, and carbon management.

Decarbonization

HB 558/SB 565 – Emissions Intensity Reduction for Natural Gas Utilities

Sponsored by O'Quinn and Wampler/Surovell and Petersen

Permits natural gas utilities to include in their fuel portfolios, submitted to the State Corporation Commission to monitor fuel prices and purchases, supplemental or substitute forms of gas sources, defined in the bill, that meet certain standards and that reduce emissions intensity.

The bill amends provisions of State Code related to conservation and energy efficiency programs, removes certain cost-effectiveness requirements for conservation and energy efficiency programs, and adds appliance rebates to the types of programs the commission may consider. The bill also expands conservation and ratemaking efficiency provisions of the Code to apply generally to energy consumption, rather than just natural gas consumption.

The measure introduces enhanced leak detection and repair programs as a type of eligible infrastructure replacement for a natural gas utility facility. Costs of detecting and repairing leaks may be added to a natural gas utility's plan to identify proposed eligible infrastructure replacement projects and related cost recovery mechanisms, known as the utility's Steps to Advance Virginia's Energy (SAVE) Plan.

The Code is further amended by the act in relation to biogas supply infrastructure projects. Eligible infrastructure costs for these projects include: the investment in eligible biogas supply infrastructure projects, the return on the investment, a revenue conversion factor, operating and maintenance expenses, depreciation, property tax and other taxes or government fees, and carrying costs on the over-recovery or under-recovery of the eligible biogas supply infrastructure costs.

Under the bill, natural gas utilities can recover these eligible infrastructure costs on an ongoing basis through the gas component of the utility's rate structure or other recovery mechanism approved by the commission. The plan submitted by the utility may include an option to receive the biogas or sell the biogas at market prices. The bill further states that a natural gas utility with an approved biogas supply infrastructure plan must file a report of the investments made, the eligible infrastructure costs incurred, and the amount of such costs recovered, the volume of biogas delivered to customers or sold to third parties during the 12-month reporting period, and an analysis of the price of biogas delivered to customers and the market cost of biogas during the reporting period.

The law requires each natural gas utility with an eligible biogas supply infrastructure project to report annually to the commission the reduction in methane and carbon dioxide equivalent emissions from each such approved project. The commission must publish on its website an annual report of the number of approved eligible biogas supply infrastructure projects and the methane and carbon dioxide equivalent emissions from such approved projects.

Finally, the measure directs the Department of Environmental Quality to convene a stakeholder work group to determine the feasibility of setting a statewide methane reduction goal and plan. The recommendations of the work group must be reported to the General Assembly by July 1, 2023.

Waste Management

HB 1287 – Cost Competitive Plastics Recycling

Sponsored by Runion and Lopez

Requires the Department of General Services (DGS), in determining the award of any contract for plastic materials to be purchased for use by agencies of the Commonwealth, to procure using competitive sealed bidding and give

preference to bidders that supply materials containing plastic recycled content, as long as such materials are cost competitive with materials that do not contain plastic recycled content.

The act directs DGS to promulgate regulations, in consultation with the Virginia Manufacturers Association, to define “cost competitive” for purposes of the implementation of the bill, and establish a system that requires an incremental increase in the minimum percentage of plastic recycled content required to be included in materials in order for a bidder to be given preference in the procurement process, as follows:

- A. 10 percent plastic recycled content by January 1, 2025;
- B. 20 percent plastic recycled content by January 1, 2028; and
- C. 30 percent plastic recycled content by January 1, 2030.

WASHINGTON

Decarbonization

HB 1988 – Tax Deferrals for Clean Technologies, Alternative Fuels, and Renewable Energy Storage

Sponsored by Shewmake, Berry, and Paul

Establishes a retail sales and use tax deferral certificate program for eligible investment projects in clean technology manufacturing, clean alternative fuels production, and renewable energy storage.

To be eligible, a project must have at least \$2 million in new, renovated, or expanded:

- A. Manufacturing operations for property exclusively incorporated as an ingredient or component used in the generation of:
 - i. Specified zero-emission vehicles;
 - ii. Charging and fueling infrastructure for specified zero-emission vehicles;
 - iii. Renewable and green electrolytic hydrogen;
 - iv. Renewable hydrogen carriers;
 - v. Clean fuel with associated greenhouse gas emissions not exceeding 80 percent of the 2017 levels established in the Clean Fuels Program; or
 - vi. Electricity from renewable sources;
- B. Equipment used in the storage of electricity generated by renewable resources;
- C. Production facilities for clean fuel or renewable and green electrolytic hydrogen; or
- D. Facilities to store electricity generated from renewable sources.

SB 5722 – Greenhouse Gas Emissions Reduction in Buildings

Sponsored by Nguyen, et al.

Expands the state’s building performance standard to existing structures to include commercial and public buildings between 20,000 and 50,000 square feet, in addition to multifamily homes larger than 50,000 square feet.

The bill also provides technical and financial assistance help to building owners to reduce energy consumption.

Waste Management

HB 1663 – Methane Reduction in Landfills

Sponsored by Duerr, et al.

Directs the Department of Ecology to adopt rules establishing a new regulatory framework to reduce methane emissions from municipal solid waste landfills by requiring installation of gas collection/control systems and enforcing new methane concentration limits.

WEST VIRGINIA

Fossil Energy

HB 4296 – Coal-Workers’ Pneumoconiosis Fund Technical Revisions

Sponsored by Westfall

Repeals and revises outdated sections of the state’s code, such as text associated with the state’s Coal-Workers’ Pneumoconiosis Fund.

HB 4336 – Natural Resources Property Valuation

Sponsored by Graves, et al.

Revises the methodology to value property producing oil, natural gas, and natural gas liquids by the Tax Commissioner for property tax assessments.

The bill provides a formula for the valuation of oil, natural gas, and natural gas liquid properties, which accounts for major industry changes in recent years that were not properly reflected in past valuation formulas.

Within the bill, the formula recognizes various natural resource products income streams produced from natural gas and oil wells in West Virginia including natural gas liquid products and is based on actual annual prices as opposed to a weighted three-year average price.

HB 4479 – Coalfield Communities Grants

Sponsored by Dean, et al.

Establishes the Coalfield Communities Grant Facilitation Commission to administer a matching fund needed to pay the local matching portion to receive a federal, private, or non-profit grant for a coalfield community organization or entity to fund a development project.

HB 4488 – Coal Mining Fees

Sponsored by Anderson, Kelly, Hansen, and Young

Ensures full, adequate funding for the operation of the Department of Environmental Protection’s Division of Mining and Reclamation by increasing permit application fees, renewals, and modifications for surface coal mining.

HB 4758 – Tracking Reclamation Liability

Sponsored by Anderson, et al.

Directs the development and maintenance of a database tracking reclamation liabilities in the West Virginia Department of Environmental Protection Special Reclamation Program in order to better quantify the potential liability of the Special Reclamation Program for forfeited coal mining permits.

HR 8 – Select Committee on Coalfield Communities

Sponsored by Hanshaw, Skaff, Dean, Evans

Creates a Select Committee on Coalfield Communities in order to address all issues relating to coalfield communities in the state.

Economic impacts from coal production decline have resulted in an increase in hunger and homelessness in coalfield communities, and the measure seeks to address such issues by ensuring an educated, skilled, dedicated, and diversified workforce.

HR 19 – Request for New Wells and Mines Permitting

Sponsored by Howell, et al.

Urges Congress and the President to pass federal legislation to speed up the environmental permitting process on new wells and mines.

SB 1 – Mining Mutual Insurance Company

Sponsored by Blair, et al.

Create a Mining Mutual Insurance Company in order to provide an option for coal mining permit holders to obtain performance bond insurance that is available and affordable while assuring that reclamation will occur in a timely and predictable fashion in those instances where a permit holder fails to perform under the terms of the permit issued.

SB 476 – Minimum Severance Tax on Coal

Sponsored by Tarr

Replaces references to “thin seam coal” in existing law with references to coal “mined by underground methods from seams with an average thickness of 45 inches or less,” with regard to severance tax exemptions.

SB 530 – Public-Private Partnership Funding

Sponsored by Blair and Baldwin

Provides a coal severance tax escrow fund for the state portion of coal severance taxes paid on a public-private transportation facility.

SB 650 – Royalty Owner Requirements

Sponsored by Nelson

Removes the required number of royalty holders needed for utilization by an operator for the lawful use and development by cotenants.

SB 694 – Oil and Gas Conservation Provisions

Sponsored by Tarr and Nelson

Amends existing oil and gas definitions to include unconventional reservoirs, horizontal drilling, horizontal well, vertical well, and natural gas liquids.

The measure states that horizontal drilling is a technique that recovers natural resources and should be encouraged as a means of production of oil and gas and is declared to be the public policy of the state and in the public interest to:

- A. Foster, encourage and promote exploration for and development, production, utilization, and conservation of oil and gas resources by horizontal drilling in deep and shallow formations;
- B. Prohibit waste of oil and gas resources and unnecessary surface loss of oil and gas and their constituents;
- C. Encourage the maximum recovery of oil and gas; and
- D. Safeguard, protect, and enforce the correlative rights of operators and royalty owners of oil and gas in a horizontal well unit to the end that each such operator and royalty owner may obtain his or her just and equitable share of production from that pool, horizontal well unit, or unconventional reservoir of oil or gas; and
- E. Safeguard, protect, and enforce the property rights and interests of surface owners and the owners and agricultural users of other interests in the land.

The bill also modifies the composition of the oil and gas conservation commission such that the fifth appointee is a resident owner of minerals in the state who is not and never has been affiliated with an operator of oil or gas wells.

SB 714 – Coal Mine Safety and Technical Review Committee Tie Votes

Sponsored by Smith, et al.

Establishes that the Director of the Office of Miners' Health, Safety, and Training or his or her designee may vote to break tie votes of the Coal Mine Safety and Technical Review Committee.

SCR 55 – Requesting Federal Lease Sales for Onshore and Offshore Infrastructure

Sponsored by Smith, et al.

Urges the current Presidential Administration to open federal lease sales onshore and offshore in order to support critical energy infrastructure to deliver energy produced in West Virginia.

Carbon Capture & Related Technology

HB 4491 – Carbon Dioxide Sequestration Requirements

Sponsored by Anderson, et al.

Establishes a new legal and regulatory framework for drilling of injection wells and operation of facilities for the underground sequestration of injected carbon dioxide, and it directs the state to pursue primacy authorization for oversight and enforcement of laws for underground carbon dioxide sequestration.

HR 5 – Power Grid Stability

Sponsored by Zatezalo, et al.

Urges state and federal legislators, state and federal public utility regulators, Independent System Operators, and Retail Transmission Organizations to adopt laws, regulations, protocols, and policies that provide market incentives to foster the maintenance of adequate, reliable, dispatchable sources of power and encourage the deployment of advanced nuclear reactors, small modular nuclear reactors and carbon capture, utilization, and storage at coal and gas power plants in lieu of prematurely retiring such plants.

Decarbonization

HB 4571 – Allowance for Electric Powered Buses

Sponsored by Hamrick, et al.

Increases the foundation allowance for transportation cost for the portion of the county's school bus system that is fully powered by electricity stored in an onboard rechargeable battery or other storage device and for the portion of its school bus system that is manufactured within the state of West Virginia.

HB 4797 – Electric Vehicle Infrastructure Deployment Plan

Sponsored by Toney, Booth, Hansen, and Hamrick

Directs the Department of Economic Development to create an EV Infrastructure Deployment Plan for West Virginia that describes how the state intends to use its share of National Electric Vehicle Infrastructure Formula Program funds.

The department must share this plan and report with the interim Joint Committee of Government and Finance by July 1, 2022, according to the measure.

Waste Management

HB 4084 – Advanced Recycling Definitions and Regulation

Sponsored by Zatezalo, et al.

Facilitates the conversion and use of plastics and other recovered materials through advanced recycling processes.

The bill defines “advanced recycling” as a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, and other products like waxes and lubricants through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, hydrogenation, solvolysis, and other similar technologies.

The recycled products produced at advanced recycling facilities include, but are not limited to, monomers, oligomers, plastics, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, coatings, and other basic hydrocarbons. Advanced recycling may not be considered solid waste management or solid waste disposal.

WYOMING

Carbon Capture & Related Technology

SB 47 – Carbon Dioxide Storage Liability

Sponsored by Minerals, Business and Economic Development Committee

Specifies that an injector of carbon dioxide holds title to the injected carbon dioxide until receiving a certificate of project completion, and during that time, the injector is liable for any damage that the injected carbon dioxide may cause.

The act authorizes the Department of Environmental Quality to issue a certificate of project completion to an injector who has completed all carbon dioxide injections. The certificate cannot be issued until 20 years after injections have ended and cannot be issued until the injector meets various conditions on the injections, including complying with all storage laws, addressing all pending claims regarding the injected and stored carbon dioxide, and other geological and safety considerations.

Upon the issuance of a certificate of project completion, primary responsibility for and title to the stored or injected carbon dioxide transfers to the state, along with the title to any facilities used to injector store the carbon dioxide. The injector is then forever released from all regulatory requirements associated with the continued storage and maintenance of the injected carbon dioxide. Any monetary liability for damages after the title is transferred to the state is limited to the available funds in the Wyoming geologic sequestration special revenue account.

The act authorizes the Department of Environmental Quality to expend funds in the geologic sequestration account for remediating mechanical problems with injection wells, plugging and abandoning monitoring wells, and future claims associated with injected carbon dioxide for which the state has assumed primary responsibility.

ABOUT US

The Southern States Energy Board (SSEB) is a non-profit interstate compact organization created in 1960 and established under Public Laws 87-563 and 92-440. 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, US Virgin Islands, Virginia, and West Virginia. Each jurisdiction is represented by the governor and a legislator from the House and Senate. A governor serves as the chair and legislators serve as vice-chair and treasurer. Ex-officio non-voting Board members include a federal representative appointed by the President of the United States, the Southern Legislative Conference Energy and Environment Committee Chair, 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 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 programs and represents its members before governmental agencies at all levels.

OUR GOALS

- Perform essential services that provide direct scientific and technical assistance to state and territorial governments;
- Develop, promote, and recommend policies and programs on energy, environment, and economic development that encourage sustainable growth;
- Provide technical assistance to executive and legislative policy-makers and the private sector in order to achieve synthesis of energy, environment, and economic issues that ensure energy security and supply;
- Facilitate the implementation of energy and environmental policies between federal, state, territory, and local governments and the private sector;
- Sustain business development throughout the region by eliminating barriers to the use of efficient energy and environmental technologies; and
- Support improved energy efficient technologies that contribute to a clean global environment while protecting indigenous natural resources for future generations.





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