



*Transcending Boundaries*

# **2023 FOSSIL ENERGY & CARBON MANAGEMENT LEGISLATIVE DIGEST**







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# **FOSSIL ENERGY & CARBON MANAGEMENT LEGISLATIVE DIGEST**

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

December 2023

**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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# INTRODUCTION

The December 2023 Edition of our Fossil Energy and Carbon Management (FECM) Digest is designed to serve as a resource highlighting recently enacted fossil energy and related carbon management legislation.

Issues covered within include extraction, resource utilization, taxation, technology development, emissions, and grid reliability as well as incentives and regulatory actions affecting carbon dioxide (CO<sub>2</sub>) capture, storage, and utilization.

This document is not meant to be an exhaustive guide to all legislation referencing fossil fuels and carbon management, nor is it a complete guide to all state legislative efforts to assist their regulatory agencies and utilities on resource planning.

If you have a suggestion for additional legislation to include within this document, please contact our Communications Manager, Turney Foshee, via email ([foshee@sseb.org](mailto:foshee@sseb.org)).

## 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

### HB 378 – Brownfield Remediation Assessments

*Sponsor: Brown*

Allows the Alabama Department of Environmental Management (ADEM) to assess a \$500 per acre Brownfield Remediation Reserve Fund Contribution on certain properties, which is deposited into the non-reverting Brownfield Remediation Reserve Fund created by the bill.

The fund, administered by ADEM, is for certain remediation or post-remediation costs, up to \$4 million per property, and monies in the fund may be invested pursuant to state law.

### HB 390 – Aboveground Storage Tanks Project Eligibility

*Sponsor: South*

Establishes that work regarding aboveground storage tanks registered for eligibility under the Alabama Underground and Aboveground Storage Tank Trust Fund does not constitute an environmental response project for environmental covenant purposes.

### SB 299 – Coal Production Tax Credit Allowances

*Sponsor: Orr*

Allows the state's Coal Production Tax Credit to be claimed against both income and utility services taxes.

The measure also states the credits may be earned by all persons that increase their production of coal mined in Alabama from the prior year. Any unused credits may be carried forward for no more than five years.

### SJR 6 – Offshore Oil and Natural Gas Policies

*Sponsor: Allen*

Urges the President of the United States to enact policies that will result in continued long-term American energy leadership, security, and progress, including promptly initiating the Multi-sale Environmental Impact Analysis and issuing a robust five-year offshore oil and natural gas leasing program that will allow lease sales to continue in 2024 and beyond.

# ALASKA

## Fossil Energy

### HJR 6 – Maximizing the Land Available for Oil and Gas Development

*Sponsor: 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.

The resolution further urges President Biden and the United States Department of the Interior to move forward with final approval of the Willow project by selecting the preferred Alternative E plan, which allows three drill sites—the minimum for the project to remain economically viable.

## **Carbon Capture & Related Technology**

### **SB 48 – Carbon Management Land Leasing**

*Sponsor: Rules Committee*

Authorizes the Department of Natural Resources to lease land for carbon management purposes and establishes a carbon offset program for state land.

The measure further authorizes the sale of carbon offset credits, and it allows for the use of land and water within the Haines State Forest Resource Management Area for a carbon offset project. Lastly, the act enables the undertaking of carbon offset projects on land in legislatively designated state forests.

# **ARKANSAS**

## **Fossil Energy**

### **HB 1474 – Underground Gas Storage as Critical Infrastructure**

*Sponsors: Gazaway and Irvin*

Adds underground gas storage facilities to the definition of critical infrastructure protected by law.

### **HB 1520 – Petroleum Storage Facility Payment Limit**

*Sponsors: Ladyman and Boyd*

Revises the payment limit for corrective actions taken against a petroleum storage facility from \$1.5 to \$2 million per occurrence.

### **HB 1572 – Underground Gas Storage Regulations**

*Sponsor: Hawk, et al.*

Prohibits certain types of local regulation of underground gas storage facilities, fuel retailers, and related transportation infrastructure.

Local municipalities are prohibited by the measure from:

- Adopting a law, ordinance, regulation, policy, or resolution that prohibits the siting, developing, or redeveloping of an underground gas storage facility described in the Underground Storage of Gas Law, fuel retailer, or the related transportation infrastructure within the entirety of the jurisdictional boundary of the municipality, county, special district, or political subdivision;
- Adopting or apply a law, ordinance, regulation, policy, or resolution that results in the de facto prohibition of a fuel retailer or the related transportation infrastructure within the entirety of the jurisdictional boundary of a municipality, county, special district, or political subdivision; or

- Requiring a fuel retailer to install or invest in a particular kind of fueling infrastructure, including without limitation electric vehicle charging stations.

## **SB 62 – Energy Boycott Prohibition**

*Sponsors: Hill and Wardlaw*

Prohibits public entities from contracting with companies that boycott energy, fossil fuel, firearms, and ammunition industries.

## **SB 297 – Underground Facilities Damage Penalties**

*Sponsors: Dismang and Eaves*

Revises the penalties for violations of the Underground Facilities Damage Prevention Act in order to require remediation training in underground facilities damage prevention according to a training program developed and administered by the One Call Center.

Fines for damages resulting from an interstate or intrastate hazardous liquids pipeline failure were raised to \$257,664 per day with a cap of \$2.3 million.

## **Carbon Capture & Related Technology**

### **SB 210 – Underground Gas Storage Definitions**

*Sponsors: Irvin and Gazaway*

Revises the Underground Storage of Gas Law to include carbon oxides, ammonia, hydrogen, nitrogen, or noble gas in its definition of "gas" regulated under the law.

### **SB 407 – Bioenergy Carbon Classifications**

*Sponsor: McKee, et al.*

Establishes that bioenergy produced from biomass or agricultural harvesting is considered renewable and carbon neutral.

The bill further states that bioenergy produced from biomass or agricultural harvesting paired with carbon capture and storage is considered carbon negative.

## **Waste Management**

### **SB 508 – Used Tire Recycling Fees**

*Sponsors: Payton, Gonzales, and Irvin*

Amends the Used Tires Recycling and Accountability Act so that administration of the Used Tires Recycling Program is transferred from the Division of Environmental Quality to the Department of Finance and Administration (DFA).

The measure levies tire recycling fees as follows:

- \$3 tire recycling fee on small tires sold in the state, defined as tires used for low profile vehicles, pick-up trucks, light duty trucks, lawn mowers, and golf carts;

- \$3 tire recycling fee on tires equipped on a new motor vehicle or trailer to be collected at the time of registration of the new motor vehicle or trailer by DFA; and
- If approved by the Tire Accountability District, a tire recycling fee of up to \$7.50 for large and \$30.00 for extra-large tires to be collected by the tire retailers.

## CALIFORNIA

### Fossil Energy

#### AB 1167 – Oil and Gas Bonding Requirements

*Sponsors: Carrillo and Stern*

Requires a person who acquires the right to operate a well or production facility, whether by purchase, transfer, assignment, conveyance, exchange, or other disposition to file with the supervisor an individual indemnity bond for the well or production facility, or a blanket indemnity bond for multiple wells or production facilities, in an amount determined by the supervisor to be sufficient to cover, in full, all costs of plugging and abandonment, decommissioning of the facility, and site restoration.

#### SJR 2 – Fossil Fuel Non-Proliferation Treaty Support

*Sponsor: Gonzalez, et al.*

Supports the call for a Fossil Fuel Non-Proliferation Treaty and urges the United States government to join in formally developing such treaty.

## COLORADO

### Fossil Energy

#### HB1069 – Biochar in Oil and Gas Well Plugging Working Advisory Group

*Sponsor: Amabile, et al.*

Creates of the Biochar in Oil and Gas Well Plugging Working Advisory Group to make recommendations for the development of a pilot program to study the use of biochar in the plugging of oil and gas wells.

#### HB 1242 – Water Conservation in Oil and Gas Operations

*Sponsor: Boesenecker, et al.*

Places new reporting requirements on oil and gas operators concerning water use and requires the Department of Natural Resources to adopt rules to reduce, reuse, and recycle water used in oil and gas operations.

The bill also creates the Colorado Produced Water Consortium to analyze and report on the recycling and reuse of water produced as a byproduct of oil and gas operations.

## **Carbon Capture & Related Technology**

### **HB 1210 – Grant Eligibility for Carbon Management Projects**

*Sponsor: Dickson, et al.*

Ensures that carbon management projects are eligible for grants under the Industrial and Manufacturing Operations Clean Air Grant Program and providing for the creation of a Carbon Management Roadmap.

### **SB 16 – Primacy and Emission Reduction Measures**

*Sponsor: Hansen, et al.*

Authorizes the Department of Natural Resources to regulate Class VI injection wells and updates the state's greenhouse gas emissions reduction goals to include a 100 percent reduction in statewide greenhouse gas pollution by 2050.

### **SB 285 – Energy and Carbon Management Commission**

*Sponsor: Hansen, et al.*

Renames the Colorado Oil and Gas Conservation Commission as the Energy and Carbon Management Commission and expands the commission's regulatory authority to include emerging energy generation and storage technologies, specifically deep geothermal and underground gas storage.

## **Decarbonization**

### **HB 1272 – Electric Vehicle and Energy Generation Tax Credits**

*Sponsor: Joseph, et al.*

Temporarily decreases the severance tax credit for oil and gas production.

The bill also creates tax credits for industrial facilities to implement greenhouse gas emissions reduction improvements, expenditures made in connection with geothermal energy projects, production of geothermal electricity generation, the deployment of heat pump technology, retail sales of electric bicycles, and for construction of sustainable aviation fuel production facilities.

The measure also extends tax credits for the purchase or lease of electric vehicles, and creates a temporary specific ownership tax rate reduction on a portion of the sale of electric medium- and heavy-duty trucks.

# **CONNECTICUT**

### **HB 6851 – Hydrogen Task Force Plan**

*Sponsor: House Energy and Technology Committee*

Establishes that on or before December 31, 2024, the Department of Energy and Environmental Protection must develop and approve a hydrogen strategic plan that includes current and projected cost differences between powering various industries and processes with hydrogen produced from renewable energy compared to fossil fuels.

# FLORIDA

## Fossil Energy

### HB 1307 – Contraband Fuel

*Sponsor: Criminal Justice Subcommittee, et al.*

Provides that any conveyances, vehicles, fuel tanks, and other equipment used or intended to be used in a violation of the law, and any fuel acquired in violation of the law, is subject to seizure and forfeiture as provided by the Florida Contraband Forfeiture Act.

According to the measure, law enforcement agencies that seize fuel must remove and reclaim, recycle, or dispose of all the fuel as soon as practicable in a safe and proper manner. Upon conviction of a person arrested for a violation of retail fuel theft, the judge must issue an order adjudging and declaring that all conveyances, vehicles, fuel tanks, and other equipment that was used or intended to be used to commit a violation are forfeited and directing their destruction, with the exception of the conveyance or vehicle.

# GEORGIA

## Fossil Energy

### HB 374 – Prohibiting Utility and Appliance Restrictions

*Sponsor: Thomas, et al.*

Amends the determination that local municipalities may not “prohibit” utility service based on fuel to also include language referencing “restrict,” and it adds “appliance to be used” to the list of items that may not be restricted or prohibited.

The measure also restricts any local prohibition or regulation regarding the use, disposition, or sale or any imposition of any restriction, fee imposition, or taxation at the retail, manufacturer, or distributor setting from creating differing standards for or distinguishing gasoline-powered leaf blowers from any other gasoline-powered, electric, or similar such equipment or any other type of leaf blower.

### HR 66 – Motor Fuel and Diesel Fuel Tax Executive Orders

*Sponsor: Gambill, et al.*

Ratifies governor Kemp’s various executive orders suspending the collection of motor fuel and diesel fuel taxes in response to a state of emergency for supply chain disruptions beginning in May 2022 and continuing through January 2023.

# HAWAII

## Decarbonization

### HR 125 – Carbon Fee Request

*Sponsor: Marten, et al.*

Urges the United States Congress to adopt a national carbon fee and dividend program.

# IDAHO

## Fossil Energy

### HB 106 – Utility Connections

*Sponsor: House Local Government Committee*

Prohibits any type of local government entity from restricting fossil-fueled utility connections.

### HB 190 – Banking Boycott Restrictions

*Sponsor: House State Affairs Committee*

Requires that credit unions and banks holding state funds not boycott certain industries, including the fossil energy sector.

# ILLINOIS

## Fossil Energy

### HB 1190 – Illinois Underground Natural Gas Storage Safety Act Amendments

*Sponsor: Morgan, et al.*

Provides that the owner or operator of an underground natural gas storage facility must create procedures for a suspected natural gas leak or suspected unintentional release from an underground natural gas storage facility that is identified by either the Department of Natural Resources or the operator or owner.

The measure further requires collecting and testing to be performed by an independent contractor at the expense of the owner or operator and allows the owner or operator to acknowledge that the leak or unintentional release is from the underground natural gas storage facility and treat it as a verified facility release in substitution of performing collection and testing.

The owner or operator is required to have procedures to be used if the gas is identified or conceded to be a verified facility release and the owner or operator must perform sampling at a frequency as determined by the owner or operator for natural gas in private drinking water wells in the areas determined by the owner or operator impacted by the leak or unintentional release. The owner or operator must also maintain routine monitoring of the areas impacted by the leak or unintentional release as determined by the owner's or operator's procedures.

Finally, the act provides that if natural gas is detected at levels posing health or hazard issues, the owner or operator must offer and maintain gas water separators in affected areas impacting the water supply.

# INDIANA

## Fossil Energy

### HB 1106 – Mine Reclamation Tax Credit

*Sponsor: Lindauer, et al.*

Establishes a mine reclamation tax credit, retroactive beginning January 1, 2023, for a taxpayer that enters into an agreement with the Indiana economic development corporation for a qualified investment for development of property located on reclaimed coal mining land.

The amount of a credit that a taxpayer receives in a taxable year may not exceed the lesser of the taxpayer's qualified investment multiplied by 30 percent or \$5,000,000. The aggregate amount of tax credits allowed may not exceed \$25,000,000 over the five year period that the credit is available. The measure also establishes that a taxpayer is not entitled to the credit if the corporation determines that the taxpayer has substantially reduced or ceased its operations in Indiana in order to relocate them within the mine reclamation site.

### HB 1421 – Energy Definitions

*Sponsor: Soliday, et al.*

States that a "clean energy project" includes a project to construct or repower, after July 1, 2011, a natural gas facility to displace electricity generation from an existing coal fired generation facility.

The measure also establishes that the term "waste" does not include capturing and destroying coal bed methane for a commercial purpose, including the generation of carbon credits.

## Carbon Capture & Related Technology

### SB 451 – Carbon Sequestration Pilot Project Provisions

*Sponsor: Ford, et al.*

Provides for a Carbon Sequestration Pilot Project that will construct, operate, or use not more than two carbon dioxide pipelines and will maintain operations only in Vigo and Vermillion counties.

The legislation requires the director of the Department of Natural Resources to designate the operator of the carbon sequestration pilot project not more than 30 days after the Class VI well permit authorizing the operation of carbon dioxide injection wells at the site of the pilot project is issued by the U.S. Environmental Protection Agency.

For purposes of the pilot project, the bill provides the title to pore space is vested in the person who holds in fee simple the surface interest in the land or water, as identified by the property records of the county, except in case of an explicit conveyance, exception, or reservation through a recorded conveyance to another person. It also requires the pilot project operator, before the anticipated migration of injected carbon dioxide into

pore space, to notify the person who owns the pore space in fee simple of the anticipated migration of the carbon dioxide.

The carbon sequestration pilot project operator is required by the act to make an offer of compensation to a pore space owner to provide that the offer of compensation must be at least a yearly payment of 40 percent of the average estimated cash rent per acre for the area of Indiana and the class of land, according to the Farmland Values and Cash Rents Survey Results published by Purdue University most recently before the offer of compensation is made, every year until the cessation of injection of carbon dioxide.

The measure also provides that a person who claims ownership of pore space may initiate non-binding mediation of the dispute with the pilot project operator concerning the pore space, and it establishes a procedure for mediation and allows the pilot project operator to consolidate multiple requests for mediation into one or more mediation proceedings.

If a person who claims ownership of pore space is unable to reach an agreement with the pilot project operator concerning the acquisition, lease, or occupancy of the pore space through negotiation or mediation, the bill provides the person may pursue a civil action against the pilot project operator.

In a civil action against the pilot project operator, the court may not grant injunctive relief, an order of possession, or monetary relief that exceeds the fair market value of pore space in Indiana, however, these limits on monetary recovery do not apply in case of direct and tangible physical injury or damage to a person, tangible property, or an animal or in case of an effect of the pilot project on the sources of the public water supply used by a public utility.

Finally, the measure establishes that the code section authorizing the creation of the Carbon Sequestration Pilot Project expires July 1, 2028, if the operator of the carbon sequestration pilot project is not issued a Class VI permit by the United States Environmental Protection Agency by that date.

## **Waste Management**

### **SB 472 – Advanced Recycling Provisions**

*Sponsor: Messmer, et al.*

Defines "advanced recycling" as a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic raw materials, feedstocks, chemicals, and other products.

The measure also provides that products sold as fuel are not considered recycled products.

# **KANSAS**

## **Fossil Energy**

### **SCR 1603 – Energy Production Resolution**

*Sponsor: Fagg, et al.*

Urges the President of the United States to reject unscientific environmental mandates that restrict domestic energy production and raise costs for American families.

The resolutions also asks that the administration:

- Consider current geopolitical issues and support policies that ensure America's long-term energy affordability, security, leadership, and progress, including actions to increase investment in domestic refineries and natural gas production;
- Expand domestic energy production and ensure energy reliability and affordability for consumers by eliminating unnecessary actions that hamper the building of energy infrastructure, especially pipelines;
- Reevaluate energy policies that have curtailed domestic production of oil and natural gas; and
- Utilize our nation's natural resources and relationships with energy-producing allies as leverage against the Russian regime.

## **Waste Management**

### **SB 114 – Advanced Recycling Provisions**

*Sponsor: Senate Commerce Committee*

Defines advanced recycling and related terms and provides exceptions to the definition of solid waste management systems and similar terms regarding advanced recycling.

The bill adds an exception to the definition of solid waste for post-use polymers and recovered feedstocks that are converted at an advanced recycling facility or held at such a facility prior to conversion through an advanced recycling process. It also exempts advanced recycling facilities from the definitions of solid waste management system, solid waste processing facility, and waste-to-energy facility.

## **KENTUCKY**

## **Fossil Energy**

### **SB 4 – Coal-fueled Electric Generator Retirement Requirements**

*Sponsor: Mills, et al.*

Prohibits the Public Service Commission from approving a request by a utility to retire a coal-fueled electric generator unless the utility demonstrates that the retirement will not have a negative impact on the reliability or the resilience of the electric grid or the affordability of the customer's electric utility rate.

The bill further requires the Public Service Commission to submit an annual report on retirements of electric generating units by December 1 to the Legislative Research Commission.

### **SB 226 – Streamlining Surface Coal Mining Permitting**

*Sponsor: Turner*

Allows an applicant for a surface coal mining and reclamation operation to request for one-stop shopping for environmental permits and provides that failure of the Energy and Environment Cabinet to adhere to the timelines for Clean Water Act permitting issuances constitutes the making of a final determination,

which must allow the applicant to initiate an action in the Circuit Court for the county where the surface coal mining and reclamation operation is located or initiate an administrative hearing.

The law further requires the Energy and Environment Cabinet, when issuing permits under the Clean Water Act for discharges into outstanding state resource waters, to:

- Presume that water quality will be maintained if the permittee complies with technology-based effluent limitations for its industry or with species-specific protection measures imposed on its operations by another state or federal agency;
- Give substantial weight to evidence that discharges from similar operations have not impacted the same or similar threatened or endangered species;
- Not impose conditions that are more stringent than United States Fish and Wildlife Service requirements to protect a threatened or endangered aquatic organism or habitat; and
- Presume that compliance with numeric water quality standards applicable to the discharge must constitute compliance with narrative water quality standards applicable to outstanding state resources waters that support threatened or endangered species.

The bill also states that Clean Water Act Section 401 certifications are limited to water quality impacts from the discharge only, and it prohibits the Energy and Environment Cabinet from delaying the issuance of a Clean Water Act permit based on the need or receipt of any other federal, state, or local permit or certification.

## **Decarbonization**

### **HJR 37 – State Air Quality Implementation Plan Updates**

*Sponsor: Bauman, et al.*

Directs the Energy and Environment Cabinet to adopt revisions to the state air quality implementation plan to remove the reformulated gas requirement for Jefferson County and applicable parts of Oldham and Bullitt Counties.

## **Waste Management**

### **HR 93/SR 265 – Recycled Asphalt Study**

*Sponsors: Blanton; Higdon*

Requests the Transportation Cabinet to study the increased use of recycled asphalt and report findings to the Interim Joint Committee on Transportation.

# LOUISIANA

## Fossil Energy

### HB 455 – Division Order for Minerals

*Sponsor: Coussan*

Clarifies that the concept of a "division order" as provided by prior acts is not limited in application to an instrument setting forth proportional ownership merely in oil and gas but rather in any minerals or other substances.

The amendment also adds a provision that specifies that the Uniform Commercial Code - Secured Transaction governs the creation of security interests in minerals and their proceeds as well as the rights of security interest holders against obligors and third persons.

### HB 634 – Deep Water Well Production Tax Exemption

*Sponsor: McFarland, et al.*

Designates deep water well production as commercial production for purposes of exemption from oil and gas severance taxation for a period of 24 months beginning on the date production begins.

The measure also allows the date production begins to be a date subsequent to the well completion date. It must be the first day the well produces into permanent production equipment and the facilities have been constructed to process and deliver the product to a sales point. Certain tests or other related production may not be deemed to begin the exemption period, even if the date is classified as active production by the Department of Natural Resources.

### HCR 70 – Fossil Energy Company Boycott Reporting

*Sponsor: Beaullieu, et al.*

Requests the state retirement systems and the State Treasurer to report on companies that do not invest in fossil fuel energy companies.

### SB 51 – Energy Transition Costs

*Sponsor: Milligan*

Specifies that, as part of energy transition costs, the costs for previously mined coal or lignite or for the closure and reclamation of an eligible mine, including land remediation and liabilities, may include costs not previously collected from the electric utility's customers.

According to the bill, it may also costs previously collected from the electric utility's customers but subsequently ordered by the commission to be refunded to customers. Such costs, including any interest component, ordered to be refunded may be included in the energy transition costs being financed by the energy transition bonds regardless of whether the refund credits are given before or after the date the energy transition bonds are issued.

The measure also establishes that a utility may finance energy transition costs that were previously collected from the utility's customers but were subsequently ordered by the commission to be refunded to customers regardless of the date the costs were collected or the date the commission issued the refund order.

## SB 62 – Increasing Reportable Quantity for Natural Gas Release

*Sponsor: Fesi*

Revises the state’s “Right-to-Know” provisions by increasing the reportable quantity for release of natural gas out of distribution lines from 1,000 pounds or more to 42,000 pounds or more.

## **Carbon Capture & Related Technology**

### HR 229/SR 123 – Requesting Class VI Primacy

*Sponsors: Coussan; Cortez, et al.*

Memorializes the United States Environmental Protection Agency to grant in a timely manner the state's application for primacy in the administration of Class VI injection well permitting.

### HB 571 – Notice of Completed Class V and VI Wells

*Sponsor: Schexnayder*

Provides that the Office of Conservation’s commissioner must notify the governing authority of any affected parish of completed applications for Class V or Class VI well permits related to the geologic sequestration of carbon dioxide at the same time that notice is required to be published and that such notice may be by email to the parish president, police jury president, or mayor-president, depending on the form of parish government.

The act also imposes requirements on the State Mineral and Energy Board to enter into operating agreements for the storage of carbon dioxide, including a public hearing in the affected parish.

The measure requires an applicant seeking to conduct geophysical and geological surveys related to exploration for carbon dioxide sequestration to notify the governing authority of any parish where the proposed surveys would occur in accordance with rules promulgated by the department.

Finally, the bill gives the Department of Wildlife and Fisheries authority to regulate geophysical and geological surveys.

### SR 179 – CCUS Benefits Study

*Sponsor: Cloud*

Establishes the Task Force on Local Impacts of Carbon Capture and Sequestration to study the benefits and revenue streams of carbon capture and sequestration projects.

## **Decarbonization**

### HCR 59 – Proposed Climate-related Disclosures Rule

*Sponsors: Beaulieu and Amedee*

Requests the U.S. Securities and Exchange Commission to withdraw its proposed rule with respect to climate-related disclosures for investors.

## HR 39/SR 53 – Penalizing Global Polluters

*Sponsors: Miguez and Garofalo; Kleinpeter*

Memorializes Congress to enact a trade policy that supports United States businesses and workers while penalizing global polluters.

### **Waste Management**

#### SB 100 – Advanced Recycling Provisions

*Sponsor: Lambert*

Redefines “advanced recycling facility” as a manufacturing facility, subject to the Department of Environmental Quality regulations for air, water, waste, and land use.

The law adds adhesives and excludes hydrocarbon raw materials, waxes, lubricants, crude oil, naphtha, and other basic hydrocarbons as feedstock products for advanced recycling.

Further, the bill adds post-use polymers and recovered feedstocks converted through advanced recycling or held at an advanced recycling facility prior to conversion to the definition of “solid waste.”

Finally, chemolysis is added by the law as a process that produces advanced recycling products, and it establishes that incineration of plastics and waste-to-energy processes are not “advanced recycling,” and it also adds naphtha and plastic and removes crude oil, diesel, gasoline, and diesel and gasoline blendstocks, home heating oil, and other fuels, including ethanol and transportation fuel as products of pyrolysis.

## **MAINE**

### **Decarbonization**

#### HF 7 – Emissions Reduction, Definitions, and Tax Exemptions for Certain Energy Facilities

*Sponsor: Long, et al.*

Establishes that the Public Utility Commission may issue an order to reduce carbon dioxide emissions from coal-fired electric generating units located in Minnesota that do not have applicable capacity obligations with a regional transmission organization and are wholly owned by a public utility required to file a resource plan.

The act also adds expenses incurred to employ local workers to construct and maintain generation facilities that supply power to the utility's customers as recoverable from utility ratepayers.

The measure modifies the definition of “solar energy generating system” to include transmission lines designed for and capable of operating at 100 kilovolts or less that interconnect a solar energy generating system with a high-voltage transmission line.

Finally, for the purposes of tax exemptions, the measure adds that an energy recovery facility used to capture the heat value of mixed municipal solid waste or refuse-derived fuel from mixed municipal solid waste as a primary fuel is not an eligible energy technology, if the energy recovery facility is located in a county with a population density that exceeds 1,500 persons per square mile but is less than 2,500 persons per square mile.

# MARYLAND

## Fossil Energy

### SB 719 – State Fuel Security Program

*Sponsor: Education, Energy, and the Environment Committee Chair*

Establishes a State Fuel Security Program to be administered and enforced by the Maryland Energy Administration (MEA), and authorizes the collection, analysis, and distribution of energy-related data by MEA to carry out the program.

The program covers motor gasoline, middle distillate, propane, certain residential fuel oil, and aviation gasoline.

## Decarbonization

### HB 6 – Energy Conservation in State Buildings

*Sponsor: Hill, et al.*

Requires the Department of General Services to establish and periodically update standards for state buildings to conserve energy and minimize adverse impacts on birds.

The bill further requires the Maryland Green Building Council to include the standards in certain requirements established for the Maryland High Performance Green Building Program, and it defines "state building" as one acquired, constructed, or renovated by the state or one for which 50 percent of the money for acquisition, construction, or renovation came from state funds.

### HB 169 – EmPOWER Maryland Program Requirements

*Sponsor: Charkoudian*

Requires the Department of Housing and Community Development (DHCD) to procure or provide energy efficiency and conservation (EE&C) programs and services for electricity customers for the 2024-2026 EmPOWER Maryland Program cycle.

The EE&C programs and services must be designed to achieve a target annual incremental gross energy savings, compared to 2016, of at least 0.53 percent in 2024, 0.72 percent in 2025, and 1 percent in 2026.

The bill also establishes the Green and Healthy Task Force, staffed by DHCD; it further outlines several reporting and planning requirements for DHCD and the Public Service Commission, including that DHCD develop a plan to provide energy efficiency retrofits to all low-income households by 2031.

### HB 230/SB 224 – Zero-emission Medium- and Heavy-duty Vehicle Sales

*Sponsors: Love, et al.; Augustine, et al.*

Requires the Maryland Department of the Environment (MDE), by December 1, 2023, to adopt regulations that, among other things, establish requirements for the sale of new zero-emission medium- and heavy-duty vehicles in the state, update existing regulations and incorporate by reference the California Air Resources Board's (CARB) Advanced Clean Trucks (ACT) regulations, and take effect starting with model year 2027 (unless delayed by MDE, as authorized under specified conditions).

MDE must also prepare a related needs assessment and deployment plan in consultation with specified state agencies and submit the plan to the General Assembly by December 1, 2024. Finally, the bill increases funding for the Medium-Duty and Heavy-Duty (MHD) Zero-Emission Vehicle (ZEV) Grant Program.

## HB 261/SB 424 – Maximum Global Warming Potential for Cement or Concrete

*Sponsors: Kerr, et al.; Elfreth and Feldman*

Requires the Department of General Services (DGS), by January 1, 2026, and in consultation with the Maryland Department of Transportation (MDOT), to establish a maximum acceptable global warming potential (GWP) for each category of cement or concrete mixture used in the construction of an eligible project.

By December 31, 2024, producers of those materials must submit specified environmental product declarations (EPDs) to DGS for analysis. Beginning July 1, 2026, state agencies must specify in each solicitation for a construction project the cement or concrete mixture that will be used in the project and the reasonable minimum usage thresholds below which the bill's requirements do not apply. Contractors may not install any cement or concrete mixture before they submit EPDs, according to the measure.

The bill also establishes an Environmental Product Declaration Assistance Fund, administered by the Department of Commerce, to award grants to producers of eligible materials to support the development, standardization, and transparency of EPDs.

# MICHIGAN

## Fossil Energy

### SB 519 – Workforce Transition Efforts

*Sponsor: Singh, et al.*

Creates the Community and Worker Economic Transition Office in the Department of Labor and Economic Opportunity and orders it to partner with state agencies, local communities, workers, and employers in its mission to support workers and communities affected by the transition from fossil energy to renewable energy resources.

## Decarbonization

### SB 271 – Energy Waste Reduction and Clean Energy Target

*Sponsor: Geiss, et al.*

Requires providers of electric or natural gas service to establish, and recover costs for, energy waste reduction programs and it requires all energy providers to transition to 100 percent clean energy by 2040.

# MINNESOTA

## Decarbonization

### HB 7 – CO<sub>2</sub> Reduction Measures

*Sponsor: Long, et al.*

Establishes that the Public Utility Commission may issue an order to reduce carbon dioxide emissions from coal-fired electric generating units located in Minnesota that do not have applicable capacity obligations with a regional transmission organization and are wholly owned by a public utility required to file a resource plan.

# MISSISSIPPI

## Fossil Energy

### HB 383 – Oil and Gas Reduced Severance Tax Extension

*Sponsor: Powell, et al.*

Extends the date of the repeal on provisions establishing a temporarily reduced rate for the levy and assessment of severance taxes on the initial oil and natural gas produced from certain horizontally drilled wells and horizontally drilled recompletion wells to July 1, 2028.

### HB 484 – Permanent Petroleum Products Inspection Law

*Sponsor: Pigott*

Deletes the repealer on the sections of law that provide definitions and penalties under the Petroleum Products Inspection Law of Mississippi.

### SB 2297 – Chickasawhay Natural Gas District Compensation

*Sponsor: Blackwell*

Increases from \$200 to \$500 the monthly compensation of the Board of Directors of the Chickasawhay Natural Gas District and increases from \$250 to \$550 the monthly compensation of the chairperson of the board.

### SB 3141 – Kemper County Utility District Authority

*Sponsor: Hickman*

Revises the name of the Kemper County Gas District to be the Kemper County Utility District and authorizes the Board of Supervisors of Kemper County, Mississippi, to expand the scope of authority of the Kemper County Gas District to become a county utility district with the authority to administer additional public utility services, including, but not limited to, the provision of drinking water.

## **Decarbonization**

### **SB 2339 – Energy Efficiency Standards Extension**

*Sponsors: Carter and Jackson*

Extends the repealer on a statute meant to designate standards that promote efficient energy use to be implemented during the design, direction, construction, and alteration of certain buildings to July 1, 2026.

It also provides that any state, county, or municipal building codes may not prohibit or limit the use of federally approved substitute refrigerants.

## **MONTANA**

### **Fossil Energy**

#### **HB 469 – Horizontally Recompleted Well Taxation**

*Sponsor: Brewster*

Lowers the tax rate assessed on the first 18 months of oil production from horizontally recompleted wells from 5.5 to 0.5 percent.

#### **HR 8 – Keystone XL Support**

*Sponsor: Mitchell*

Expresses support for the Keystone XL pipeline.

#### **SB 32 – Natural Gas Pipeline Safety Penalties**

*Sponsor: Cuffe*

Increases the daily fine for natural gas pipeline safety violations from \$100,000 to \$239,142.

#### **SB 208 – Energy Choice**

*Sponsor: Small*

Prohibits local governments from banning or limiting energy choices, including from fossil energy sources.

## **NEVADA**

### **Fossil Energy**

#### **SB 281– Utility Planning**

*Sponsor: Nguyen*

Replaces the requirement to file an annual informational report with a requirement for a public utility which purchases natural gas for resale to 10 or more customers in the state to file with the Public Utility Commission, on or before October 1, 2025, and on or before October 1 of every third year thereafter, a plan

designed to meet the current and future needs for natural gas at the lowest reasonable cost to the public utility and its customers.

The plan is required to include certain information related to the provision of gas service by the utility, including certain expenses of the utility and certain activities and programs that the utility plans to engage in, including an assessment of supplies of geologic and commercially available nongeologic gas, including, without limitation, renewable natural gas, carbon-neutral natural gas and responsibly sourced or transported natural gas, which may include carbon capture and storage as a carbon offset.

The commission must require each public utility to meet with personnel from the commission and the Bureau of Consumer Protection in the Office of the Attorney General and any other interested persons at least four months before filing the plan or within a reasonable period before filing an amendment to an existing plan to provide an overview of the plan or amendment.

The act also prohibits a public utility which purchases natural gas for resale to 10 or more customers in the state from filing a general rate application within 180 days before or after the filing of a plan.

## **Decarbonization**

### **AB 262 – State-owned Vehicle Provisions**

*Sponsor: Watts*

Requires, to the extent practicable, each department, office, bureau, officer or employee of the state, when purchasing an automobile to give preference to automobiles that minimize emissions and the total cost of the automobile over its service life.

It further requires each department, office, bureau, officer or employee of the state to give preference to the purchase of motor vehicle fuel blended with ethanol, and, if purchasing an automobile that uses diesel fuel, ensure that the automobile is capable of using biodiesel fuel blends containing not less than 20 percent by volume of biodiesel fuel.

Finally, the measure declares that it is the policy goal of the state to pursue a transition of all publicly-owned vehicles to vehicles which emit zero tailpipe emissions by 2050.

# **NEW HAMPSHIRE**

## **Fossil Energy**

### **HB 139 – Hydrogen Advisory Committee**

*Sponsor: Chretien*

Establishes a Hydrogen Advisory Committee in order to examine the production of hydrogen from any renewable energy source.

The bill assigns the committee to consider facilities that result in the blending of hydrogen into existing natural gas transmission and distribution systems that serve residential, commercial, transportation, and industrial uses, and consider policy recommendations for inclusion of hydrogen production from fossil fuel feedstock.

# NEW JERSEY

## Decarbonization

### SB 287 – Tax Credits for Reduced Emissions Concrete

*Sponsor: Greenstein, et al.*

Provides corporation business tax (CBT) credits and gross income tax (GIT) credits to concrete producers that deliver concrete associated with reduced greenhouse gas emissions for use in certain state funded projects.

The bill also provides CBT and GIT credits to taxpayers that produce concrete or a major component of concrete for the costs of conducting environmental production declaration analyses of their products.

# NEW MEXICO

## Waste Management

### HB 142

*Sponsors: Allison, Matthews, and Szczepanski*

Enacts the San Juan Generating Station Facility and Mine Remediation and Restoration Study Act and requires the Energy, Minerals and Natural Resources Department and the Department of Environment to investigate remediation and restoration options for the station facility and mine.

# NEW YORK

## Fossil Energy

### AB 3006 – Fossil-Fuel Equipment Ban in New Construction

*Sponsor: Budget Committee*

Prohibits the installation of fossil-fuel equipment and building systems in any new building not more than seven stories in height, except for a new commercial or industrial building greater than one hundred thousand square feet in conditioned floor area, on or after December 31, 2025.

The bill further modifies the code to prohibit the installation of fossil-fuel equipment and building systems in all new buildings after December 31, 2028.

### AB 7364 – Critical Infrastructure Cyber Security

*Sponsors: Otis, Santabarbara, and Blumencranz*

Allows the commissioner of homeland security and emergency services to investigate cyber security measures for petroleum and natural gas fuel transmission facilities and pipelines.

# NORTH CAROLINA

## Fossil Energy

### HB 130 – Choice in Energy Service and Solar Decommissioning Provisions

*Sponsor: Arp, et al.*

Forbids local governments from adopting any ordinance that prohibits connection, reconnection, modification, or expansion of an energy service based on the type or source of energy to be delivered to the end-user of the energy service.

The measure also requires owners of utility-scale solar projects to responsibly decommission the projects upon cessation of operations, and to establish financial assurance to cover the decommissioning.

### HB 488 – Fuel Gas in Building Code Provisions

*Sponsor: Brody, et al.*

Temporarily prohibits the Building Code Council from adopting rules to amend the Residential Code, Parts V – Mechanical and Part VI – Fuel Gas, until the 2024 Residential Code is adopted by the Building Code Council and approved by the Rules Review Commission.

The measure also temporarily forbids the Building Code Council from adopting rules to amend the Residential Code, or any part of the Code that applies to buildings, dwellings, and structures to which the Residential Code applies, that relate to energy conservation or efficiency until 2026. This section and the prior paragraph apply retroactively to March 1, 2023, and expire January 1, 2026.

Further, the bill directs the Department of Environment Quality, by September 1, 2023, to develop a plan for submittal to the United States Environmental Protection Agency that streamlines the implementation of the Sedimentation Pollution Control Act and federal requirements for stormwater discharge from construction activities, and to report back to the Environmental Review Commission on the status of their activities pursuant to the law, beginning August 1, 2024, until the General Assembly repeals the requirement.

The legislation limits water connection requirements by specifying that a county or city may only require connection of an owner's premises to a sewer line when the county or city has adequate capacity to transport and treat the proposed new wastewater at the time of connection.

Finally, the legislation requires local governments issuing stormwater permits to transfer permits in accordance with the same requirements for the transfer of state-issued stormwater permits.

# NORTH DAKOTA

## Fossil Energy

### HB 1170 – Pipeline Tax Exemption

*Sponsors: Kannianen, Patten, Sorvaag, and Wanzek*

Declares that all property, excluding the land on which it is situated, which is part of a natural gas transmission or distribution pipeline system constructed in this state is exempt from taxation for a period of fifteen years following the taxable year in which the pipeline becomes operational.

The exemption under this section applies only if construction of the pipeline commences after January 1, 2023, the pipeline provides service to a city or township located within the state in which the majority of households or businesses did not have access to natural gas service as of January 1, 2023, and the pipeline is located within this state.

### HB 1234 – Utility Service Restrictions

*Sponsor: Heinert, et al.*

Establishes that a county may not adopt or enforce an ordinance, resolution, or policy that prohibits or impedes, or has the effect of prohibiting or impeding, the connection or reconnection of an electric, natural gas, propane, or other energy utility service based on fuel source provided by a public utility, municipal utility, cooperative utility, or propane service.

### HB 1272 – Enhanced Oil Recovery Potential Review

*Sponsor: Olson, et al.*

States that a surface owner may request a review of the enhanced oil recovery potential status of a well that has been on enhanced oil recovery potential status for at least twelve years.

The Industrial Commission requires notice and hearing to review the enhanced oil recovery potential status. After notice and hearing, the surface owner may request a review of the enhanced oil recovery potential status every two years.

### HCR 3015 – Environmentally Sound Economic Activities

*Sponsor: Mock, et al.*

Urges the federal government to recognize natural gas and nuclear energy as environmentally sustainable economic activities.

## **Decarbonization**

### SB 2089 – Clean Natural Gas Capture and Emissions Reduction Program

*Sponsor: Finance and Taxation Committee*

Establishes the Clean Natural Gas Capture and Emissions Reduction Program.

The program must provide an incentive for natural gas capture and utilization systems on an oil or gas well site or gathering pipeline facility which collect or utilizes over fifty percent of propane and heavier hydrocarbons from an oil and gas well site for beneficial use by:

- Compressing or liquefying gas for artificial lift, uses as fuel, or for nonpipeline transport to processing facility;
- Conversion to liquid fuels;
- Conversion to electricity for onsite use or supply to the electrical grid;
- Conversion to computational power;
- Collection of tank vapors for beneficial use or transport to a processing facility;

- Temporary gas injection into producing wells in lieu of flaring or shutting in wells; or
- Other value-added processes as approved by the industrial commission.

## OKLAHOMA

### Fossil Energy

#### HB 2010 – Carbon Monoxide Requirements for Motorized Vessels

*Sponsor: Davis, et al.*

Requires any motorized vessel to have a carbon monoxide warning sticker in plain view to the interior of the vessel.

#### HB 2561 – Anti-price Gouging on Natural Gas During State of Emergency

*Sponsors: McBride, Montgomery, and O'Donnell*

Subjects natural gas commodity markets to the anti-price gouging restriction in the Emergency Price Stabilization Act that caps prices of goods and services during a state of emergency.

#### HB 2806 – Energy Resources Board Extension

*Sponsors: Kendrix and Daniels*

Extends the Oklahoma Energy Resources Board until July 1, 2025, in accordance with the provisions of the Oklahoma Sunset Law.

#### SB 605 – Clean-burning Motor Vehicle Fuel Property Tax Credit Increase

*Sponsors: Rader and Pfeiffer*

Increases the percentage of the qualified clean-burning motor vehicle fuel property tax credit that gets calculated each year and transferred to the Compressed Natural Gas Conversion Safety and Regulation Fund from five percent to 12 percent.

### Carbon Capture & Related Technology

#### SB 19 – Biomass Energy Provisions

*Sponsors: Burns, Caldwell, Bullard, and Rogers*

Requires energy produced from biomass to be considered renewable and carbon neutral.

Such biomass energy must be considered carbon negative when the carbon dioxide byproduct, produced as a result of the biomass energy production, is captured.

Energy produced from bagasse biomass must also be considered renewable and carbon neutral. Again, when the carbon dioxide byproduct is captured, bagasse biomass production must be considered carbon negative, according to the measure.

## SB 200 – Oklahoma Carbon Capture and Geologic Sequestration Act Review

*Sponsors: Rader and Boles*

Requires a review of the Oklahoma Carbon Capture and Geologic Sequestration Act adopted in 2009 and a report on recommended changes or statutory adjustments.

Specifically, the measure requires the Corporation Commission and Department of Environmental Quality to evaluate the regulatory and statutory framework that governs the agency and identify and report any areas in which modifications may be needed to the Secretary of Energy and Environment to provide for the development of underground injection control Class VI wells.

### **Decarbonization**

#### HB 2472 – Initial Payments for Performance-based Efficiency Contracts

*Sponsors: Archer, Paxton, and Hill*

Allows public entities to make an initial payment for a performance-based efficiency contract from any funds available at its disposal.

Such payments are required to be offset by savings to the public entity over the term of the agreement. Qualifying contracts include:

- Utility services;
- HVAC improvements;
- Lighting upgrades;
- Air quality betterment; and
- Water efficiency improvements.

#### SB 852 – Carbon Credits from Methane Emissions

*Sponsors: Rader and Boles*

Allows the Corporation Commission to measure methane from an orphaned oil, gas, brine, or injection well and obtain any carbon credits that may be available for the measured emissions, with any proceeds from the sale of the credits being used to offset the costs of the programs.

The measure states that the commission may promulgate rules as needed to effectuate the capture of emissions and obtaining of credits under this act.

## **OREGON**

### **Fossil Energy**

#### HB 2772 – Domestic Terrorism and Critical Infrastructure

*Sponsor: Evans, et al.*

Creates the crime of domestic terrorism in the first degree and domestic terrorism in the second degree,

which will apply to attempts to destroy or damage critical infrastructure, including pipelines and fossil-fueled generating stations.

## PENNSYLVANIA

### Fossil Energy

#### HR 131 – Impact Fees and Severance Taxes Study

*Sponsor: Steele, et al.*

Directs the Legislative Budget and Finance Committee to conduct a study to compare impact fees and severance taxes in the largest natural gas producing states and examine the competitive business climate for the industry in those states.

#### SR 9 – Keystone XL Pipeline Completion

*Sponsor: Langerholc, et al.*

Urges the President of the United States to restart and expedite the completion of the Keystone XL pipeline.

## PUERTO RICO

### Fossil Energy

#### HR 253 – Power Authority Diesel and Natural Gas Conversion Study

*Sponsor: Gonzalez*

Orders the House Committee on Government to investigate the adjudication and contracting process between the Electric Power Authority and NFEnergia LLC, for the conversion of units five and six from the San Juan power station for burning diesel to natural gas and for the sale and supply of natural gas for the amount of \$1.5 billion.

### Waste Management

#### HR 948 – Coal Ash Study

*Sponsors: Cuadrado, González, Santiago, and Lugo*

Orders the Health Commission of the House of Representatives of the Commonwealth of Puerto Rico to carry out an investigation on the handling of coal ash deposited in the municipal landfill by the company Applied Energy Systems in Humacao.

The investigation must examine the impact on the health of the residents of the surrounding communities and the possible damage to the quality of water and air in that municipality.

# **SOUTH CAROLINA**

## **Fossil Energy**

### **SB 657 – Chester County Natural Gas Authority Provisions**

*Sponsor: Fanning*

States that all net revenues, as directed by the governing board of the Chester County Natural Gas Authority, may act to supplement the fees charged to its customers so that the customers do not have to bear inordinate increases in their rates when the price of gas to the authority rises precipitously, and the authority must also have access to ready funding when the system requires expansion or extraordinary maintenance or updating.

The bill also states board members must be appointed by the governor upon the recommendation of a majority of the existing board, and such recommendation is approved by the Chester County Delegation, including the Senator. The initial terms of office begin as of the effective date of this act and continue for a term of six years and until the appointment and qualification of their successors. A vacancy in office must be filled for the unexpired term in the manner of the original appointment.

# **TENNESSEE**

## **Fossil Energy**

### **HB 224/SB 58 – Board of Water Quality, Oil, and Gas Extension**

*Sponsors: Ragan; Roberts and Bowling*

Extends the Tennessee Board of Water Quality, Oil, and Gas to June 30, 2028.

### **HB 232/SB 66 – Underground Storage Tanks and Solid Waste Disposal Control Board Extensions**

*Sponsors: Ragan; Roberts*

Extends the Underground Storage Tanks and Solid Waste Disposal Control Board to June 30, 2027, and establishes that any voting member of the board who misses more than 50 percent of the scheduled meetings in a calendar year is removed as a member of the board.

### **HB 319/SB 271 – Brownfield Redevelopment Area Fund**

*Sponsors: Lamberth, et al.; Johnson, Rose, and Yager*

Establishes a Brownfield Redevelopment Area Fund to be used by the Department of Environment and Conservation to administer a Brownfield Redevelopment Area Grant Program.

The measure further creates a franchise and excise tax credit equal to the remediation costs for a brownfield property for a qualified development project in a tier three or tier four enhancement county.

### **HB 483/SB 367 – Energy Source and Appliance Restriction Prohibition**

*Sponsors: Boyd, et al.; Walley, et al.*

Restricts political subdivisions from prohibiting, based on the type or source of energy to be delivered to

an individual customer, the sale or installation of an appliance utilized for cooking, space heating, water heating, or another end use.

## HB 993/SB 808 – Primacy and Reclamation Act Amendments

*Sponsors: Lamberth, Cochran, and Powers; Johnson, Southerland, Yager, and Walley*

Amends the Primacy and Reclamation Act of Tennessee of 1977.

Specifically, the measure requires the state to suspend efforts to obtain exclusive jurisdiction over surface coal mining and reclamation operations within the state under the federal Surface Mining Control and Reclamation Act of 1977 until the commissioner of the Department of Environment and Conservation (TDEC) notifies the governor that the following two stipulations have been met:

- The surface coal mining industry in the state is fiscally self-sufficient to support a state-operated program, with revenues from fees and taxes generated from the industry anticipated to meet required expenditures; and
- The state has allocated monies sufficient to address actual and potential liabilities resulting from insufficient bonding relative to surface coal mining and reclamation operations.

The bill also requires TDEC, during any period of suspension, to consult with industry stakeholders regarding the status of surface mining and reclamation operations in Tennessee, and it further compels TDEC, by July 1, 2024, and each July 1 thereafter until July 1, 2028, to submit a report to the governor, the Speaker of the Senate, and the Speaker of the House of Representatives containing data on both the tonnage of coal severed from the ground in surface coal mining reclamation operations in the state during the prior fiscal year and the amount of projected revenue from acreage fees, severance taxes, permit fees, and amendment fees that would have been required under state law if the state had exclusive jurisdiction over surface coal mining and reclamation operations in the state during the prior fiscal year.

If the commissioner has not notified the aforementioned individuals prior to July 1, 2028, the measure indicates that any obligation of the state to seek to obtain exclusive jurisdiction over surface coal mining and reclamation operations within the state under the Federal Surface Mining Control and Reclamation Act of 1977 terminates.

## SB 210 – Natural Gas-powered Vehicle Weight Limits

*Sponsor: Massey*

Authorizes, to the extent required by federal law, a vehicle operated by an engine fueled by natural gas or powered primarily by means of electric battery power to exceed vehicle weight limits, up to a maximum gross vehicle weight of 82,000 pounds, under criteria similar to the exception provided for vehicles operated by an engine fueled primarily by natural gas.

## Carbon Capture & Related Technology

### HB 80/SB 261 – Underground Injection Regulatory Limits

*Sponsors: Lamberth, et al.; Johnson and Lowe*

Specifies that underground injection activities authorized by rule are not subject to the general five-year term limit for discharge permits under the Water Quality Control Act of 1977.

## **Decarbonization**

### **HB 799/SB 1377 – Updating Energy Conservation Standards**

*Sponsors: Zachary, et al.; Southerland, Rose, Stevens, and Walley*

Updates the Energy Conservation Standards for a new residential building construction on or after July 1, 2023, to the 2018 International Energy Conservation Code published by the International Code Council.

According to the measure, for new residential building construction on or after July 1, 2023, the energy conservation standards in the 2018 International Energy Conservation Code published by the International Code Council are the state energy conservation standards.

### **HB 946/SB 1389 – Approved Sources of Clean Energy**

*Sponsors: Boyd, et al.; Southerland, et al.*

Requires a political subdivision that imposes requirements or expectations related to the source of clean energy used by a public utility to include the following as permissible sources:

- Solar energy;
- Photovoltaic cells and panels;
- Hydropower;
- Wind power;
- Hydrogen fuel;
- Nuclear power;
- Natural gas;
- Fuel cells;
- Energy from waste-to-energy facilities;
- Energy storage systems or technologies;
- Geothermal energy;
- Dedicated crops grown for energy production;
- Industrial byproduct technologies that use fuel as energy that is a byproduct of an industrial process;
- Waste heat recovery from capturing and reusing the waste heat in an industrial process for heating or generating mechanical or electric work;
- Combined heat and power systems;
- Pump storage hydropower; and
- Compressed air energy storage.

The bill further requires a political subdivision that imposes requirements or expectations related to the source of renewable energy used by a public utility to include the following as permissible sources:

- Solar energy;
- Photovoltaic cells and panels;
- Hydropower;
- Wind power;
- Hydrogen fuel;
- Geothermal energy;
- Biomass;
- Renewable natural gas; and
- Nuclear power.

#### HB 1346/SB 1147 – Private Property Rights

*Sponsors: Powers, et al.; Niceley, Bailey, Pody, and Rose*

Prohibits the state and its political subdivisions from adopting or implementing policy recommendations that deliberately or inadvertently infringe or restrict private property rights without due process, as may be required by policy recommendations originating in, or traceable to, "Agenda 21," adopted by the United Nations in 1992 at its Conference on Environment and Development, the 2030 Agenda for Sustainable Development and the U.N.'s proposal to reach net zero emissions by 2050, or any other international law or ancillary plan of action that contravenes the constitution of the United States or the constitution of the state.

## TEXAS

### Fossil Energy

#### HB33 – Oil and Gas Regulatory Provisions

*Sponsor: Landgraf, et al.*

Prohibits a state agency or person employed by a state agency from contracting with or in any other manner assisting a federal agency or official regarding the enforcement of a federal statute, order, rule, or regulation purporting to regulate oil and gas operations if the decree, order, rule, or regulation imposed a prohibition, restriction, or other regulation does not exist under state law.

#### HB 450 – Bad Faith Washouts for Oil and Gas Leases

*Sponsors: Craddick, Burrows, Morales, and Hughes*

Authorizes a person to bring a cause of action for a bad faith washout of the person's overriding royalty interest in an oil and gas lease in a district court of a county in which any part of the property subject to the lease is located and entitles the person to a remedy from that action in specific situations.

The measure also requires the person to bring the action not later than the second anniversary of the date the person obtained actual knowledge that the washout occurred. Additionally, the bill authorizes an owner who prevails in action to recover actual damages, court costs, and attorney's fees, and the enforcement of a constructive trust on the oil and gas lease or mineral estate acquired to accomplish the washout of the overriding royalty interest. These remedies are cumulative of other remedies provided by common law or statute.

## HB 697 – Fuel Gas Piping Disclosures

*Sponsor: Holland, et al.*

Adds corrugated stainless steel tubing (CSST) fuel gas piping disclosures to the home seller's list of required disclosures.

The seller must note whether the house was built with black iron pipe, CSST, or copper, according to the measure.

## HB 2073 – Provisions for Review and Adjustment of Utility's Fuel Factor

*Sponsor: Price, et al.*

Revises the Utilities Code to set out provisions relating to the review and adjustment of an electric utility's fuel factor, which are a replacement for the requirements for the Public Utility Commission of Texas (PUC) to render a timely decision approving, disapproving, or modifying the adjustment to a utility's fuel factor and provide by rule for the reconciliation of a utility's fuel costs on a timely basis and the requirement for the procedures implemented by the PUC providing for the timely adjustment of a fuel factor to require that an affected party receive notice and have the opportunity to request a hearing before the PUC.

The bill requires the PUC rules that implement the procedures providing for the timely adjustment of an electric utility's fuel factor to ensure the utility collects as contemporaneously as reasonably possible the electric fuel and purchased power costs that the utility incurs and the utility's under-collected or over-collected balance of electric fuel and purchased power costs is collected from or refunded to customers through adjustment of the utility's fuel factor not later than the 90th day after the date the balance is accrued.

The legislation authorizes the PUC, on a finding that an electric utility has an under-collected balance that is the result of extraordinary electric fuel and purchased power costs that are unlikely to continue, to direct the utility by order to adjust the utility's fuel factor to defer recovery to take place over a period not to exceed two years, with the utility receiving on the balance during the recovery period a return set at the utility's most recently established weighted average cost of capital set in a base rate case.

A customer of the electric utility, a municipality with original jurisdiction over the utility, or the Office of Public Utility Counsel are authorized to protest an established fuel factor and establishes as the sole issue that may be considered in the protest whether the factor reasonably reflects costs the utility has incurred or will incur so that the utility is not substantially over-collecting or under-collecting the utility's reasonably stated fuel and purchased power costs on an ongoing basis, including the true-up of any over- or under-collected balance. The bill requires the PUC, on a finding that the utility is over-collecting or under-collecting on that basis, to order the utility to modify the utility's fuel factor to reflect the utility's costs and attempt to remedy any over-collected or under-collected position before the 90th day after the date the PUC issues the order more accurately.

An electric utility is required to apply to reconcile the utility's electric fuel and purchased power costs at least once every two years and not later than the 180th day after the last day of the period to be reconciled. The bill authorizes the PUC by rule to establish the calendar year timing of the reconciliation period for each electric utility to facilitate efficient work by the PUC. To the extent a reconciliation results in a change to the utility's under-collected or over-collected fuel balance, that change must be incorporated into the utility's fuel factor to eliminate any resulting under-collected or over-collected balance in commensurate increments over a three-month period. The bill also authorizes the PUC to extend the three-month period for a reasonable time if the utility demonstrates that the change in the fuel balance will impact the utility's financial integrity. The bill establishes that the prudence of the costs the utility has incurred or will incur so that the utility is not substantially over-collecting or under-collecting the utility's reasonably stated fuel and purchased power costs on an ongoing basis may be considered only in the fuel reconciliation proceeding.

Finally, the act requires an electric utility, the first time the utility applies to reconcile its fuel costs and purchase power costs after the PUC adopts the rules required to implement the requirement to do so, to include in the application any previous periods that have not been addressed in a prior reconciliation proceeding.

## HB 3599 – Motor Fuel Tax and Motor Vehicle Registration Fee Exemptions

*Sponsor: Thierry, et al.*

Provides nonprofit food banks with an exemption from payment of motor fuel taxes and motor vehicle registration fees.

## HB 3651 – Motor Fuel Tax Definitions

*Sponsors: Bailes and Nichols*

Redefines, in order to eliminate tax fraud, several terms related to motor fuel taxes.

Specifically, the measure:

- Removes the term "mounted" from the definition of "cargo tank" to ensure that transferring fuel into any cargo tank qualifies as a taxable transaction, regardless of whether the tank is affixed to a vehicle used to transfer the fuel;
- Defines "container" to include any receptacle used to store motor fuel;
- Defines "delivery" to ensure that any transfer of fuel constitutes a delivery; and
- Modifies the definition of "motor fuel" to include any motor fuel capable of use for a motor vehicle licensed on a public highway to expand the types of motor-fuel-powered vehicles beyond those using gasoline or diesel, such as compressed or liquified natural gas;
- Classifies individuals who illegally acquire and transport motor fuel as "motor fuels transporters" and subjects them to violations for failure to obtain the appropriate license;
- Broadens the definition of "transport vehicles" to include any vehicle used to carry motor fuel, including a motor vehicle, such as modified cars, vans, box trucks, or pickup trucks that fall outside the current definition of transport vehicle; and
- Adds the act of "receiving" motor fuel to ensure taxes are due on each subsequent sale of motor fuels, even if the individual is only receiving the fuel with the intent to sell or resell for profit.

## HB 3837 – Advanced Clean Energy Project Definition

*Sponsors: Geren, Bailes, Isaac, and Sparks*

Provides that "advanced clean energy project" includes facilities for which an authorization to use a standard permit was approved after January 1, 2020, but before September 1, 2023, and that utilizes natural gas to create methanol and that converts methanol to zero-sulfur transportation fuels.

## HB4856 – Recharge Injection Well Permitting

*Sponsors: Darby, Perry, and Zaffirini*

Provides that the Texas Commission on Environmental Quality (TCEQ) has exclusive jurisdiction over the regulation and permitting of recharge injection wells, including recharge injection wells used for the injection of fluid oil and gas waste.

The measure also prohibits a recharge injection well from being used for the injection of fluid oil and gas waste unless the waste has been treated to meet the standards adopted by TCEQ.

## SB 502 – Liability Protections for Oil and Gas Operators

*Sponsors: Hughes, Zaffirini, Darby, and Morales*

Clarifies a previous law by providing a tort liability shield for oil and gas operators who choose to send their drill cuttings and associated wastes for commercial recycling and/or commercial disposal.

## SB 1210 – Orphaned Oil and Gas Well Geothermal Conversion

*Sponsor: Blanco, et al.*

Allows a geothermal operator to adopt an orphaned oil and gas well to convert it into a geothermal electricity production well.

## SB 1364 – Vehicle Weight Limits for Electric and Natural Gas Semitrucks

*Sponsors: Alvarado, Lujan, and Lopez*

Increases the maximum gross vehicle weight for electric semitrucks to 82,000 pounds.

The bill allows electric and natural gas semitrucks to exceed the current overall gross weight limit for comparable conventional fuel vehicles by up to 2,000 pounds.

## SR 101 – Supporting Energy Resource Development

*Sponsor: Azinger, et al.*

Supports the development of energy resources, pipelines, and energy infrastructure in and through the state and beyond.

It also recognizes the importance of the continued development of pipelines throughout the United States to encourage the use of clean burning natural gas for the citizens of West Virginia and the nation.

Finally, the resolution urges decision makers throughout the nation to support economic development efforts to expand the nation's domestic natural gas economy by responsibly reforming and streamlining permitting requirements and procedures in order to encourage energy independence and create family sustaining domestic jobs.

## **Carbon Capture & Related Technology**

### **HB 4018 – Carbon Sequestration Agreements on Lands Under TPWD Jurisdiction**

*Sponsor: Ashby, et al.*

Amends the Parks and Wildlife Code as it relates to the use of land Texas Parks and Wildlife Department (TPWD) land and revenues deposited to the credit of certain dedicated accounts.

The measure permits TPWD to enter into agreements with public or private entities for the purposes of developing carbon sequestration or similar ecosystem services projects on lands under the department's jurisdiction.

The bill does not authorize TPWD to enter into agreements to develop carbon dioxide injection wells on department land. Revenue generated under these agreements on land primarily used for game or fish conservation must be deposited to the credit of the Game, Fish and Water Safety Account No. 9. Revenue generated under these agreements on land primarily used for parks, recreation, or historic sites must be deposited to the credit of the State Parks Account No. 64.

## **Decarbonization**

### **HB 2263 – Natural Gas Energy Conservation Educational Programs**

*Sponsors: Darby, Hughes, and Eckhardt*

Allows a local natural gas distribution company to provide customers and prospective customers with an energy conservation educational program pending approval by the state's Railroad Commission.

The bill further allows distribution companies to recover the costs of energy conservation programs if approved by the commission. A company seeking to recover the costs must apply to the railroad commission before beginning recovery of the costs and at least once every three years after the date the company first applies for the cost recovery.

If the commission approves the local distribution company's application or approves the application with modifications, the company may recover costs prudently incurred to implement the energy conservation programs, including costs incurred to design, market, implement, administer, and deliver an energy conservation program.

### **HB 4246 – Energy Efficiency Assistance Cap**

*Sponsor: Orr, et al.*

Changes the cap on the amount of money that may be transferred during a state fiscal year by nonprofit cooperative corporations to a scholarship fund for rural students, stimulate rural economic development, or provide energy efficiency assistance to members of electric cooperatives from \$2 million to 50 percent of the total money reported for that year by those nonprofit cooperative corporations.

### **HB 4885 – Emissions Reduction Initiatives**

*Sponsor: Landgraf, et al.*

Requires the Texas Commission on Environmental Quality (TCEQ) and the comptroller to provide grants or funding for emissions reduction initiatives, including the Texas Hydrogen Infrastructure, Vehicle, and Equipment Grant Program.

The measure also specifies the allocation of funds from the Texas emissions reduction plan as follows:

- Eight percent of the funds are authorized for the Texas hydrogen infrastructure, vehicle, and equipment grant program, as well as the new technology implementation grant program;
- Seven and a half percent is allocated for the Texas natural gas vehicle grant program; and
- Additional funds are allocated for administrative costs, outreach, education, and emissions reduction credit review.

TCEQ is required to administer the Texas Hydrogen Infrastructure, Vehicle, and Equipment Grant Program and provide funding for eligible projects that reduce nitrogen oxide emissions in nonattainment areas.

Eligible projects include hydrogen infrastructure implementation, on-road and non-road hydrogen vehicle or equipment purchase/lease, replacement of heavy-duty vehicles or equipment with newer hydrogen-powered versions, and repowering/conversion of vehicles/equipment to hydrogen power, according to the measure.

Finally, the act expands grant consideration to new technology projects that reduce emissions from various oil and gas production, processing, and refining activities.

### **HB 4932 – Foreign Emissions Inclusion**

*Sponsor: Lopez, et al.*

Amends the Health and Safety Code to require the Texas Commission on Environmental Quality (TCEQ) to estimate the amount of foreign emissions at federal air quality monitoring sites in Texas nonattainment areas and create a recommendation to the commission on whether to revise the state implementation plan (SIP) to account for those foreign emissions.

The bill defines “foreign emissions” as emissions of air contaminants emanating from outside the United States, and it authorizes TCEQ to contract with a third party to produce the required estimates.

### **SB 784 – Regulating Greenhouse Gas Emissions**

*Sponsors: Birdwell and Landgraf*

Provides that, to the extent not preempted by federal law, the state has exclusive jurisdiction over the regulation of greenhouse gas emissions within its borders.

The bill further clarifies that a municipality or other political subdivision may not enact or enforce an ordinance or other measure that directly regulates greenhouse gas emissions.

## **Waste Management**

### **HB 3060 – Recycling Goals and Program Requirements**

*Sponsors: Thompson and Hancock*

Requires the Texas Commission on Environmental Quality (TCEQ) or a political subdivision of the state that establishes goals or requirements for recycling or the use of recycled material to base those goals or requirements on the definitions and principles established by provisions relating to waste reduction programs and disposal fees.

The requirement expressly does not apply to a program described by the Manufacturer Responsibility and Consumer Convenience Computer Equipment Collection and Recovery Act or the television equipment recycling program.

The measure also, in a provision prohibiting the TCEQ from considering post-use polymers or recoverable feedstock to be solid waste if they are converted using pyrolysis or gasification into certain valuable items, replaces as such an item a valuable raw product with a valuable raw material and expands the types of conversion processes to include solvolysis and depolymerization.

With regard to a facility that reuses or converts recyclable materials through pyrolysis or gasification that is not subject to regulation as a solid waste facility, the bill expands the reuse and conversion processes to include solvolysis and depolymerization and replaces the facility's primary function from the conversion of materials that have a resale value greater than the cost of converting the materials for subsequent beneficial use to the conversion of materials into products for subsequent beneficial use.

The measure revises the definition of “recyclable material” applicable to provisions relating to waste reduction programs and disposal fees under the Solid Waste Disposal Act such that it expands the waste stream from which applicable material must be recovered or diverted from the solid waste stream to any waste stream, includes as recyclable material applicable material that can be recovered or diverted from the waste stream, and replacing as such an item a valuable raw product with a valuable raw material and expanding the conversion processes to include solvolysis and depolymerization.

## UTAH

### Fossil Energy

#### HB 370 – Critical Infrastructure Protections

*Sponsor: Hinkins*

Makes it a criminal offense to destroy, damage, or tamper with a critical infrastructure facility, such as a petroleum refinery or power generating station, and makes it a criminal offense to impersonate a critical infrastructure facility officer or employee.

#### HB 425 – Energy Security Amendments

*Sponsors: Ivory and Owens*

Requires a project entity to provide notice to the Legislative Management Committee 180 days prior to the decommissioning of a coal-powered electrical generation facility.

#### SB 62 – Hydrogen Advisory Council

*Sponsor: Hinkins*

Creates a hydrogen advisory council within the Office of Energy Development consisting of seven to nine members—one of which must have expertise in fossil-based power generation in order to explore using fossil fuels as a hydrogen feedstock.

# VIRGINIA

## Fossil Energy

### HB 1643/SB 1121 – Coal Mine Methane Capture

*Sponsors: Kilgore; Hackworth, et al.*

States that it is the policy of the Commonwealth to encourage the capture and beneficial use of coal mine methane.

The bill directs the Department of Energy to evaluate policy options to encourage the capture and beneficial use of coal mine methane and submit a report of its findings by November 15, 2023.

### HB 1777/SB 1075 – Deferred Fuel Costs Process

*Sponsors: O'Quinn and Williams; Ruff*

Authorizes Appalachian Power to petition the State Corporation Commission for a financing order for deferred fuel costs.

The bill sets forth specific transaction terms and other provisions related to the financing order. Before granting a financing order, the commission is required to find that the proposed issuance of deferred fuel cost bonds is in the public interest and the associated deferred fuel cost charges are just and reasonable and the structuring and pricing of the deferred fuel cost bonds are reasonably expected to result in reasonable deferred fuel cost charges consistent with market conditions at the time the deferred fuel cost bonds are priced and the terms set forth in such financing order.

The measure requires the financing order to include, among other things:

- The amount of deferred fuel costs to be financed using deferred fuel cost bonds;
- A requirement that deferred fuel cost charges authorized under a financing order are non-bypassable and paid by all retail customers of the electric utility, irrespective of the generation supplier of such customer, except for certain exempt customers;
- A formula-based true-up mechanism for making annual adjustments to the deferred fuel cost charges; and
- A method of tracing funds collected as deferred fuel cost charges.

The legislation directs the utility to permit certain retail customers to opt out of financing the customer's pro rata obligation for the deferred fuel cost charges through deferred fuel cost bonds. Under the bill, the financing order is irrevocable, and it creates the deferred fuel cost charge and provides that the revenues generated by the charge, known as deferred fuel cost property, are a property right that can be transferred and pledged as security for the deferred fuel cost bonds.

The bill also establishes the procedures for creating, perfecting, and enforcing the security interest in deferred fuel cost property, and it includes a state non-impairment obligation. Under the bill, if the deferred fuel cost bonds are issued, the Commonwealth and its agencies, including the commission, agree not to take any action that would limit or alter the deferred fuel cost charges until the deferred fuel cost bonds have been paid and performed in full.

The act also removes the requirement for Appalachian Power to file an integrated resource plan with the commission.

#### **HB 2178 – Green and Alternative Energy Job Creation Tax Credit**

*Sponsor: Morefield*

Adds methane extracted in Planning District 2 to the list of alternative sources of energy production that qualify an industry as a creator of green jobs for purposes of the Green Job Creation Tax Credit, which is renamed the Green and Alternative Energy Job Creation Tax Credit by the bill.

#### **HB 2238/SB 1134 – Precision Plastic Manufacturing Grant Fund**

*Sponsors: Cherry and Coyner; Ruff, et al.*

Establishes the Precision Plastic Manufacturing Grant Fund to provide up to \$56 million in grants between July 1, 2027, and July 1, 2035, to a qualified company that engages in the manufacture and distribution of precision plastic products in an eligible county and that between June 1, 2022, and December 31, 2035, is expected to make a capital investment of at least \$1 billion and create at least 1,761 new full-time jobs related to or supportive of its business.

#### **HB 2334 – Natural Gas and Oil Sales and Use Tax Exemptions**

*Sponsor: Morefield*

Extends from July 1, 2022, to July 1, 2024, the sunset date of the sales and use tax exemption for materials and equipment used in the drilling, extraction, or processing of natural gas or oil and the reclamation of a well area.

#### **SB 1298 – Liquefied Petroleum Gas Refills in an Emergency**

*Sponsor: Deeds*

Provides that when a qualifying emergency is in effect, a residential customer who can demonstrate that he has less than a 24-hour supply of petroleum gas in his liquefied petroleum gas container must make a good faith effort to procure delivery of liquefied petroleum gas from the owner of the container.

If the owner is unable to fulfill the customer's good faith request within 24 hours, the bill allows the customer to have an emergency supplier fill, refill, or otherwise deliver liquefied petroleum gas into the customer's container.

### **Carbon Capture & Related Technology**

#### **HB 1781/SB 1116 – Southwest Virginia Energy Research and Development Authority Provisions**

*Sponsors: O'Quinn; Hackworth, et al.*

Provides for the powers and duties of the Southwest Virginia Energy Research and Development Authority. Specifically, the bill gives the authority the ability to accomplish the following:

- Support energy development projects, including pump storage hydropower, energy storage, hydrogen

production and uses, carbon capture and storage, geothermal energy, and advanced wind and solar energy;

- Promote energy development projects on closed power plant sites, brownfield sites, former coal mine sites, reclaimed coal mine sites, abandoned mine sites lands, and lands adjacent thereto;
- Promote energy workforce development and energy supply chain development;
- Identify and work with, through mutually agreed collaborations, the Commonwealth's research and development partners, in advancing efforts related to energy development in Southwest Virginia; and
- Promote the capture and beneficial use of coal mine methane from active, inactive, and abandoned coal mines as a low-carbon intensity feedstock for manufacturing and energy generation projects located in Southwest Virginia.

The bill defines "energy development project" as any activity that generates, produces, or stores energy, any energy efficiency system, and any supporting ancillary activities located within Southwest Virginia and includes interests in land, improvements, and ancillary facilities and research, development, commercialization, and deployment activities designated by the authority to the nonprofit collaborative. It also defines "nonprofit collaborative" as a multi-site nonprofit innovative energy technology testbed established as a collaborative effort of the Department of Energy, the authority, and its business partners to support the authority's purpose through energy technology research, development, commercialization, and deployment.

#### **HB 2386/SB 1464 – Virginia Power Innovation Program and Fund**

*Sponsors: O'Quinn, Walker, Wiley, and Williams; Vogel*

Creates the Virginia Power Innovation Fund with funding to be used solely for the purposes of research and development of innovative energy technologies, including nuclear, hydrogen, carbon capture and utilization, and energy storage.

The bill also creates the Virginia Power Innovation Program to use moneys from the fund to establish a Virginia nuclear innovation hub and award competitive grants to support energy innovation.

#### **Decarbonization**

##### **SB 1323 – Annual Energy Efficiency Savings Targets**

*Sponsors: McClellan, Hashmi, and Boysko*

Requires the State Corporation Commission to establish for Dominion Energy Virginia annual energy efficiency savings targets for customers who are low-income, elderly, disabled, or veterans of military service.

The bill requires the commission, in establishing such targets, to seek to optimize energy efficiency and the health and safety benefits of utility energy efficiency programs. It also directs Dominion Energy Virginia to make best efforts to coordinate such energy efficiency programs with any health and safety upgrades provided through energy efficiency programs authorized by provisions of the Code of Virginia, when reasonably feasible to do so and at the utility's sole discretion. The bill has an expiration date of January 1, 2031.

## **Waste Management**

### **SB 1050 – Coal Ash Landfill Permitting Prohibition**

*Sponsor: McPike*

Prohibits the Department of Environmental Quality from approving an application for a new coal ash landfill permit if the facility boundary is located within one mile of an existing residential area that is not served by municipal water supply, unless the owner or operator of the coal ash landfill has offered to provide, at its expense, municipal water supply service for such residential area and any requested service connections for residential properties in existence at the time such permit application is filed.

The legislation requires any such owner or operator of a coal ash landfill offering to provide such municipal water supply service or requested service connections to make such offer in writing to any resident located within one mile of the facility boundary and in coordination with the municipal water supply service authority in which the coal ash landfill will be located.

### **SJR 258 – Waste Coal Piles Study**

*Sponsor: Hackworth*

Requests the Department of Energy to study the economic and environmental impacts of eliminating waste coal piles in Southwest Virginia.

## **WASHINGTON**

### **Fossil Energy**

#### **HB 1018 – Hog Fuel Provisions**

*Sponsor: Tharinger, et al.*

Changing the expiration date for the sales and use tax exemption of hog fuel to comply with the 2045 deadline for fossil fuel-free electrical generation in Washington state and to protect jobs with health care and retirement benefits in economically distressed communities.

## **WEST VIRGINIA**

### **Fossil Energy**

#### **HB 2817 – Alternative Fuel Definition and Temporary Electric Charging Locations**

*Sponsor: Cannon, et al.*

Revises the definition of “alternative fuel” to include propane and modifies “alternative fuel vehicle” as a motor vehicle primarily fueled by natural gas, methanol, propane, or electricity.

The measure declares that persons or entities generating electricity for retail sale for alternative fuel vehicles at temporary electric charging locations using movable generators are not public utilities and the Public

Service Commission has no jurisdiction over them, provided that the temporary electric charging locations are at:

- Fairs, festivals, and other special events;
- Locations where the electric distribution grid has been adversely effected by emergencies or disasters, natural or otherwise; or
- Locations which facilitate evacuations from such emergencies or disasters, impending or otherwise.

## HB 3110 – Funding Oil and Gas Well Inspection

*Sponsor: Anderson, et al.*

Ensures that the Department of Environmental Protection's Office of Oil and Gas has sufficient money to inspect the oil and gas wells of the state by providing for the apportionment of three fourths of one percent of oil and gas severance taxes to office.

The measure also establishes three tiers of annual oversight fees for certain wells producing more than 10,000 cubic feet of gas per day, and it increases the expedited permit modification fee by \$2,500 over the current level. The one million dollar cap on deposits to the Oil and Gas Operating Permit and Processing Fund is eliminated from collections of fees for expedited permits and expedited permit modifications by the bill.

## HB 3303 – Office of Coalfield Community Development Director Duties

*Sponsor: Reynolds, et al.*

Revises the duties of the director of the Office of Coalfield Community Development to include coordinating the expenditure of grants issued by the United States Department of Energy and the U.S. Department of Commerce's Economic Development Administration for coalfield economic development or coalfield revitalization projects.

The measure also allows the director to:

- Identify coal assets, including, but not limited to, coal mine operations, coal-fired electric utilities, and coal-based manufacturing or steelmaking facilities, within West Virginia or in states that provide markets for, and consume, West Virginia steam or metallurgical coal and offer assistance and to sustain, protect, and expand their continued operation and reliance on West Virginia coal;
- Develop an educational program and policy materials in support of West Virginia's coal industry, to be incorporated into a program designed to educate the public on the economic and societal benefits provided by the coal industry, including the provision of reliable baseload electric generation by coal-fired power plants; and
- Coordinate a program of recruitment and training of industrial workers in conjunction with the West Virginia Office of Miners' Health Safety and Training and Workforce West Virginia to respond to West Virginia's growing manpower needs generally and coal mining particularly. The state-of-art training facility in Julian (Boone County) will serve as host to the "West Virginia Mine Safety and Training Academy" to attract and train new and experienced miners and other industrial workers.

## HB 3482 – Coal Fired Grid Stabilization and Security Act of 2023

*Sponsor: Howell*

Creates the Coal Fired Grid Stabilization and Security Act of 2023, which aims to encourage the development, transportation and use of electricity generated using West Virginia coal as the energy source for generating electricity by directing the West Virginia Department of Economic Development to identify and designate sites suitable for coal electric generation facilities and by providing for timely consideration and decision concerning applications for permits to construct and operate coal electric generation facilities and by requiring the Air Quality Board to promptly hear and issue decisions on appeals of permit decisions concerning coal electric generation facilities.

## HR 17 – Capture and Use of Coal Mine Methane

*Sponsor: Anderson, et al.*

Urges the West Virginia Geologic and Economic Survey to work with groups to evaluate policy options to encourage the capture and beneficial use of coal mine methane.

## SB 188 – Facilitating Natural Gas Business Activity

*Sponsor: Trump, et al.*

Declares that facilitating the development of business activity directly and indirectly related to natural gas electric generation development, transportation, storage, and use serves the public interest of the citizens of the state by promoting economic development, improving economic opportunities for the citizens of the state, and providing additional opportunities to stabilize the price of electricity while increasing its reliability and availability.

The measure provides criteria for the identification of suitable sites for natural gas electric generation projects as follows:

- Geographic locations near producing natural gas wells, or pipelines carrying natural gas produced in the state, capable of supplying and sustaining one or more natural gas electric generation facilities for the economic life of the facilities;
- Geographic locations near existing electric transmission infrastructure capable of transmitting the generated electricity to wholesale markets;
- Geographic locations that fulfill the air quality conditions imposed by the Division of Air Quality of the West Virginia Department of Environmental Protection for one or more natural gas electric generation facilities; and
- Geographic locations that can demonstrate that allowable emission increases from one or more natural gas electric generation facilities, in conjunction with all other applicable emission increases or reductions (including secondary emissions), would not cause or contribute to air pollution in violation of:
  - Any national or West Virginia ambient air quality standard in any air quality control region; or
  - Any applicable maximum allowable increase over the baseline concentration in any area.

Following identification of economically viable sites that may be suitable for natural gas electric generation projects, the Secretary of the Department of Economic Development must identify and designate each site it has determined to be suitable for natural gas electric generation projects as a "designated site" and communicate the designated sites to the West Virginia Department of Environmental Protection's Division of Air Quality and the West Virginia Public Service Commission.

### **SB 609 – Power Plant Decommissioning Approval Process Modifications**

*Sponsor: Smith, et al.*

Modifies the power plant decommissioning approval process such that no existing coal, oil, or natural gas fueled power plant may undertake any decommissioning or deconstructing activities prior to obtaining approval from the Public Energy Authority.

The authority may approve the decommissioning or deconstructing of an existing coal, oil, or natural gas fueled power plant upon the submission of a petition containing, at a minimum, the following information:

- An analysis by an authority approved third party that evaluates the social, environmental, and economic impact at a local and statewide level of such decommissioning and deconstruction; and
- Potential alternatives to decommissioning and deconstruction, including the reconstruction that make use of other technologies, including novel technologies and green technologies as alternative fuel sources.

### **Carbon Capture & Related Technology**

#### **SB 162 – Pore Space Leasing**

*Sponsor: Blair, et al.*

Authorizes the Director of the Department of Natural Resources to lease state-owned pore spaces in certain areas for carbon sequestration.

### **Decarbonization**

#### **HB 2640 – Department of Environmental Protection Rulemaking**

*Sponsor: Foster*

Authorizes the Department of Environmental Protection to promulgate various legislative rules.

Specifically, the measures authorizes the department to promulgate a legislative rule relating to:

- Standards of performance for new stationary sources;
- Requirements for operating permits;
- Standards for hazardous air pollutants;
- Control of ozone season nitrogen oxides emissions;
- Quarrying and reclamation;
- The Recycling Assistance Grant Program;

- The Reclamation of Abandoned and Dilapidated Properties Grant Program; and
- Reclamation of solar and wind electricity generation facilities.

## WYOMING

### Fossil Energy

#### HB 69 Litigation Funding for Coal-fired Facility Closures

*Sponsor: Larsen*

Expands who lawsuits related to impeding Wyoming's ability to export coal to include the federal government and its agencies, local governments and third parties including a corporation, partnership or other unincorporated association.

The act also expands the subject matter of the lawsuits. The lawsuits may involve federal, state or local laws or regulations that result in the decreased use of Wyoming coal or the closure of coal-fired electric generation facilities that use Wyoming coal.

#### SF 154 – Wyoming Energy Authority Purpose

*Sponsor: Burkhart, et al.*

Clarifies that one of the purposes of the Wyoming Energy Authority is to support efforts to maintain and expand the mineral industry and the oil-and-gas industry in Wyoming through the development of mineral processing and concentration facilities and oil-and-gas refineries.

The act allows the Energy Authority to issue and have outstanding bonds under its existing bonding authority to finance the construction or expansion by oil-and-gas refineries in Wyoming.

# 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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