



NATIONAL CONFERENCE of STATE LEGISLATURES

CLIMATE CHANGE: STATE POLICY UPDATE 2011

Updated August 2011

In January 2011, a rule giving the U.S. Environmental Protection Agency (EPA) power to regulate greenhouse gases under the Clean Air Act took effect. As this federal initiative emerged, many states responded by considering or adopting resolutions and legislation that reflect their concerns with EPA's efforts. Most often, states have introduced and passed resolutions requesting EPA to delay or postpone rule implementation or for Congress to impose a moratorium on EPA's regulatory actions related to greenhouse gas emissions. Some states have also considered bills and resolutions urging Congress to support the new rules.

Although EPA's power to regulate greenhouse gas emissions has been the focus of state climate change resolutions, many states are taking the initiative to create their own greenhouse gas limitations and reduction programs. State action was stronger in 2011 than in 2010, however at least ten states still considered creating programs to reduce emissions in 2011. A few states considered bills to repeal existing greenhouse gas emissions reduction programs. Policymakers in some states continue to introduce resolutions opposing cap-and-trade legislation, however there was less attention in 2011 than in 2010, while consideration of carbon capture and storage legislation remained about the same in 2010 and 2011.

Climate Change Resolutions

In 2010, 18 states considered and six states adopted resolutions expressing the legislature's position against the EPA greenhouse gas emission regulations, or urging Congress to prevent, postpone or delay implementation. This trend was even stronger in 2011 as 21 states introduced and 12 states adopted similar resolutions. On the other hand, four states considered—South Carolina adopted—resolutions encouraging adoption of EPA's greenhouse gas emissions regulations in 2010. Illinois and Michigan considered similar resolutions in 2011.

There was less state action supporting general climate change legislation in 2011 than in 2010. In 2010, 8 states considered (only California adopted) resolutions directly indicating support of climate change legislation. Vermont was the only state in 2011 to consider and adopt a similar resolution. Four states considered resolutions in 2010 supporting federal legislation that addresses the consequences of climate change and promotes innovative energy development, as long as it did not preempt states' rights to control emissions. Colorado and Hawaii adopted these resolutions.

Six states considered resolutions in 2010 that expressed the need to approach global climate change in a fair and effective way, while just one state, Illinois, considered a similar resolution in 2011. Only South Carolina and Tennessee adopted the resolutions in 2010.

More states considered resolutions opposing cap-and-trade in 2010 than in 2011. In 2010, 13 states considered and 6 six states adopted resolutions opposing cap-and-trade, while only three states—Georgia, New Hampshire and South Carolina—considered similar resolutions in 2011. Some states, however, considered bills as opposed to resolutions that addressed cap-and-trade, which are discussed later.

Table 1 below outlines key climate change resolutions adopted in 2010, and **Table 2** includes pending and adopted resolutions in 2011.

Actions to Limit Greenhouse Gas Emissions

In 2010, at least 20 states considered bills that set emissions reduction standards, required a greenhouse gas inventory to be created, or established an act to rec least six states enacted bills.

California created the Sonoma County Climate Protection Authority to coordinate and implement activities to help agencies meet emissions reduction goals (AB 8 1365 (enacted) created incentives for electric utilities to reduce emissions.

Louisiana enacted a bill (HB 733) authorizing carbon sequestration participation to reduce greenhouse gas emissions, and Maine implemented efficient building p state's greenhouse gas reduction goals (SB 341). In anticipation of the new U.S. EPA greenhouse gas rules for stationary sources, South Carolina enacted HB 48 adopted the regulations for the state and gave the state's Department of Health and Environmental Control enough time to promulgate appropriate regulations, ee

Washington considered at least 12 related bills and enacted three. Senate Bill 5560 required state agencies to meet specified emission limits and provided for a c response strategy; Senate Bill 5989 addressed greenhouse gas performance standards; and Senate Bill 6373 directed the Department of Ecology to adopt green reporting requirements where emissions from a single supplier meets or exceeds state limits.

In 2011, at least ten states considered and three states enacted climate-related bills. Most notably, more than 10 bills are pending in California that would amend i greenhouse gas emissions limit, create an offset program fund, or establish a program to maximize regional greenhouse gas emission reductions and sequestrati Massachusetts, seven bills are pending. One draft, HD 852, would require timely adoption of greenhouse gas limits for 2030. Eight bills are pending in New York t rules to reduce greenhouse gas emissions, create a climate change fund, set standards for small electric generating sources, establish reporting systems, or requ emissions.

Oregon enacted HB 3538 in 2011, which required the Energy Facility Siting Council to establish certain greenhouse gas goals. Texas enacted HB 1981 which rel monitoring and reporting emissions, and creating a pollutant watch list of air contaminants that may cause short or long term adverse human health effects in a gi Washington, SB 5769 (enacted) required greenhouse gas emissions reductions from large coal-fired electric power generation facilities.

Opposing Greenhouse Gas Requirements

In 2010, at least five states considered bills prohibiting action to restrict emissions or repealing existing greenhouse gas reduction goals. Arizona enacted HB 244: agency cannot adopt a program to regulate greenhouse gases without express legislative authorization. In 2011, six states considered similar legislation and Nev: repeal state greenhouse gas reporting requirements since they would duplicate EPA reporting requirements.

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Cap-and-Trade

Some states consider bills to address cap-and-trade rather than resolutions. California, Georgia and Minnesota considered bills opposing cap-and-trade in 2010, and New Hampshire considered similar bills in 2011. A pending bill in California, AB 333, would require the State Air Resources Board to make findings and submit legislation on the readiness of a proposed cap-and-trade program.

In 2011, policymakers in at least four states considered measures that urged withdraw from regional climate initiatives. Maine enacted SB 231, stating that the state will withdraw from the regional greenhouse gas initiative if a sufficient number of states withdraw first. In 2010, Maine and Massachusetts considered bills that urged continued participation in the goals and implementation of regional greenhouse gas initiatives, and New Jersey adopted a bill in 2011 encouraging the state's continued participation.

Carbon Capture and Storage

State legislative attention to carbon capture and storage remained about the same in 2011 as in 2010. Thirteen states considered bills in 2010, at least four of which were enacted. Most notably, California adopted a bill, AB 1504, directing a board to consider the capacity of forest resources to sequester carbon dioxide emissions to meet reduction requirements. Louisiana adopted HB 733 to authorize participation in carbon sequestration to reduce greenhouse gas emissions. In Oklahoma, SB 610 created the Storage of Carbon Dioxide Act, and SB 679 recreated a task force to continue studying issues necessary to implement transmission and storage of carbon dioxide. Oklahoma's Senate Bill 629 (enacted) also related to carbon sequestration and requested an assessment of public lands for sequestration potential.

In 2011, 13 states considered and at least 6 states enacted carbon capture and storage legislation. Arizona adopted a resolution (SCR 1033) encouraging general legislation including those designed for CCS, to be as efficient as economically possible. Kentucky enacted two bills, including HB 259 seeking projects to demonstrate injected underground storage reservoirs. In Mississippi, SB 2723 created the Geologic Sequestration of Carbon Dioxide Act, and Montana enacted SB 285 to require carbon dioxide well monitoring for 50 years. North Dakota enacted a bill (SB 2318) to consider studying carbon dioxide storage easements.

State Attention to Climate Change Legislation is Likely to Continue

Although the U.S. EPA's regulation of greenhouse gas emissions drew attention to states' rights and many policymakers attempted to delay or postpone rule implementation, many lawmakers continue to debate climate change policy. While some states do not support federal action, many are likely to continue with emissions reduction programs.

Table 1. 2010 Adopted State Resolutions for/against Climate Change Legislation

State	Resolution	Summary
Alaska	HJR 45 - Adopted	Urged Congress to not enact cap-and-trade legislation.
	HJR 49 - Adopted	Urged Congress to enact a resolution disapproving EPA's climate regulations.
California	SJR 17 - Adopted	Reaffirmed the Legislature's commitment to reduce greenhouse gases in California to 2020. Urged EPA to regulate greenhouse gases and the federal government to maintain leadership in efforts addressing global climate change.
	AJR 26 - Adopted	Requested Congress to establish a comprehensive framework, including funding, for protecting the nation's wildlife, habitats, coasts, river, and other natural resources and ecosystems from climate change.
Colorado	HJR 1028 - Adopted	Requested Congress to adopt legislation that promotes jobs and innovative energy development and positions the United States to address climate change consequences without preempting states' rights to control emissions.
Georgia	SR 801 - Adopted	Requested Congress to avoid passing cap-and-trade legislation.
Hawaii	HCR 67 - Adopted	Requested Congress to pass legislation promoting jobs and innovative energy development and positions the U.S. to be an international leader in clean energy, and addressing climate change without preempting states' rights to control emissions.
Idaho	HJM 11 - Adopted	Urged the state's members of Congress to vote against cap-and-trade policy.
Kansas	SR 1809 - Adopted	Opposed EPA's greenhouse gas regulations.
Kentucky	HR 132 - Adopted	Encouraged Congress to adopt legislation postponing EPA's regulation of greenhouse gas emissions from stationary sources.
	HR 211 - Adopted	Urged EPA to consider increased emissions in relation to increased electricity generation when determining whether to apply New Source Review to a modification of a generation plant.
Michigan	SR 77 - Adopted	Memorialized Congress to oppose implementation of a cap-and-trade program.
Missouri	HCR 46 - Adopted	Urged EPA to rescind its formal endangerment finding on greenhouse gases.
Oklahoma	HCR 1035 - Adopted	Opposed implementation of a cap-and-trade system on greenhouse gas emissions.
Rhode Island	S 887 - Adopted - Resolution No. 2009-194	(Resolution) Promoted goals to reduce global warming pollution through the support of clean energy and green in pledge.
	H 7223 - Adopted - Resolution No. 2010-42	(Resolution) Requested the U.S. Senate to hold coal plants accountable in the senate bill.

South Carolina	S 802 - Adopted	(Resolution) Memorialized Congress to examine each state's current and projected capabilities and economic conditions when considering greenhouse gas emission in for the immediate future, we must rely on the growth of nuclear energy.
	H 3508 - Adopted	(Resolution) Memorialized Congress to address climate change through the adoption of an effective approach that safeguards jobs, ensures affordable energy, and maintains global competitiveness.
	H 4606 and H 4610 - Adopted	(Concurrent Resolution) Memorialized Congress to adopt legislation that would post regulating greenhouse gas emissions.
	H 4888 - Enacted - Act No. 341	Adopted EPA's greenhouse gas regulations to give the state department of health an control time to promulgate appropriate regulations, if required.
South Dakota	HCR 1008 - Adopted	Urged Congress to oppose energy and climate legislation.
Tennessee	SR 200 and HJR 323 - Enacted	Regarded the need for Congress to provide a fair and effective approach to climate c safeguards jobs, ensures affordable energy, and maintain's global competitiveness.
Utah	HJR 12 - Adopted	Urged EPA to cease its carbon dioxide reduction policies, programs, and regulations and global warming science are substantiated.
	HJR 21 - Adopted	Urged Utah to withdraw from the Western Climate Initiative
West Virginia	SCR 9 - Adopted	Expressed the will of the legislature opposing adoption of national cap-and-trade prc

Table 2. 2011 Pending or Adopted State Resolutions for/against Climate Change Legislation

State	Resolution	Status	Summary
Alaska	HJR 22	Pending - Carryover	Urges Congress to pass legislation imposing a moratorium on new EPA from greenhouse gas emissions.
Alabama	HJR 197	Enacted - Act No. 2011-131	Urged Congress to adopt legislation that prohibits EPA from regulating greenhouse gas emissions without Congressional approval.
Florida	H 1375	Enacted	(Memorial) Urged Congress to take additional action to clarify EPA's legal and regulatory obligations with respect to greenhouse gas emissions.
Iowa	HR 52	Adopted	Called for curtailment and assessment of EPA's regulatory authority.
Illinois	HJR 34	Pending	Supports EPA in its efforts to fulfill the charge of the Clean Air Act.
	HR 120	Adopted	Stated that each public university in the state shall have a goal of reducing its expense footprint for power, gas and water consumption by at least 15 percent within two years.
	SR 171 and HR 265	Pending	Urged Congress to adopt legislation prohibiting EPA from regulating greenhouse gas emissions, including if necessary defunding EPA's greenhouse gas regulatory activities.
Indiana	HR 13 and SR 39	Adopted	Opposed the EPA regulations.
Kansas	HR 6008	Adopted	Opposed the EPA regulations.
Kentucky	SR 116	Adopted	Urged Congress to adopt legislation prohibiting EPA from regulating greenhouse gas emissions, and urges Congress to impose a moratorium on the promulgation of any new air quality regulations by EPA except in the event of an imminent health or environmental emergency.
Massachusetts	H 223	Pending	Relates to reviewing the economic impact of proposed rules governing greenhouse gas emissions.
Michigan	SCR 6, SR 10, HR 19	Adopted	Memorialized Congress to take immediate steps to impose a moratorium on EPA from regulating greenhouse gas, air quality, and other regulatory actions.
	HR 40	Pending	Memorializes Congress to safeguard EPA's authority under the Clean Air Act to fight emissions.
Minnesota	S 322	Pending	Memorializes Congress in opposition to regulation of carbon dioxide emissions by EPA.
Missouri	HCR 42	Adopted	Urged Congress to prohibit EPA from regulating greenhouse gas emissions to take action on climate change.
Montana	SJR 10	Adopted	Urged Congress to prevent EPA from regulating greenhouse gas emissions.

North Carolina	SB 308	Pending	Prohibits state agencies from adopting, implementing, or regulates greenhouse gas emissions or limits human act of reducing emissions if the rule is not required by a federal law more stringent than a corresponding federal law.
North Dakota	HCR 3028	Adopted	Urged Congress to adopt legislation prohibiting EPA by a regulating greenhouse gas emissions.
New Hampshire	LSR 335	Pending	Requires the attorney general to join the federal lawsuits trade.
Ohio	HCR 15	Pending	Urges Congress to take action regarding EPA's proposed quality and greenhouse gas emissions.
South Carolina	S 96	Pending	(Concurrent Resolution) Requests Congress to oppose certain legislation and legislation that encourages states to establish their own renewable energy portfolio standards.
Utah	HJR 19	Adopted	Expressed opposition to EPA's regulation of greenhouse congressional approval. Called on Congress to adopt legislation that would prevent EPA from regulating greenhouse gases without congressional approval.
Virginia	HR 72	Adopted	Urged Congress to address the proposed EPA greenhouse gas regulations.
Vermont	HR 6	Adopted	Urged action on climate change related policies.
Wyoming	SJR 6	Adopted	Requested Congress to limit air quality regulations by EPA.

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