

# Green Legal News

*A publication of the Green Energy and Environmental Design Practice Group*

Week of April 5, 2008

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## Energy Efficiency

### California

A bill would establish the Green Jobs Corps Act of 2008 to provide financial assistance to energy efficiency and renewable energy worker training programs for individuals, including at-risk youth and formerly incarcerated individuals, seeking employment. This bill would establish the green jobs corps grant program, which would be administered by the labor and workforce development agency for purposes of awarding grants to community-based organizations, local agencies, and service providers, or partnerships of those entities, to establish and operate energy efficiency and renewable energy worker training programs for those individuals. AB 2147.

A bill would require the State building commission to develop the California green building program as a model program for use by local jurisdictions interested in promoting voluntary green building standards for commercial buildings that are more stringent than those adopted by the commission. AB 2144.

### Louisiana

A bill was introduced which provides for green building standards for certain public buildings and other buildings which are fully or partially funded with public funds. The proposed law requires the following projects to be certified to at least the U.S. Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as the silver standard (LEED silver standard): (1) All major facility projects of public agencies that have not entered the design phase prior to Oct. 1, 2008. (2) All major facility projects of a public school district, where the project receives any funding from the state capital construction or operating budget, that have not entered the design phase prior to Jan. 1, 2009. (3) All major facility projects by any person, corporation, or entity

other than a public agency or public school district, where the project receives any funding from the state capital construction or operating budgets, and which have not entered into the grant application process before Jan. 1, 2009.

The proposed law provides that a major facility project does not have to meet the LEED silver standard if: (1) There is no appropriate LEED silver standard for that type of building or renovation project, or there is no practical way to apply the standard. In such case, the division will set lesser green building standards that are appropriate to the project. (2) The building or renovation project is an electricity transmitter building, a water pumping station, or a hospital. Defines the term "major facility project" to mean a building construction project larger than 5,000 gross square feet of occupied or conditioned space or a building renovation project when the cost is greater than 50% of the assessed value, and the project is larger than 5,000 gross square feet of occupied or conditioned space. HB 351

A competing proposed law requires all major facility projects to be designed, constructed, and at least certified as receiving two globes using the Green Globes Rating System or receiving the LEED Silver standard. The proposed law requires all major facility projects in this state to be analyzed using a life cycle cost analysis comparing the cost and benefits of designing, constructing, maintaining, and operating the facility at the LEED Silver standard or two globes standard or better with certification, normal industry and regulatory standards as applicable, or some standard between the two that causes the project to be designed and constructed in a manner that achieves the lowest thirty year life cycle cost. The proposed law requires a major facility project obtaining certification as receiving two globes using the Green Globes Rating System to earn at least twenty percent of the available points for energy performance under "C. 1. 1 Energy Consumption". The proposed law requires a major facility project obtaining certification as meeting the LEED Silver standard to earn at least forty percent of the available points for

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energy performance under "EA Credit 1: Optimize Energy Performance". The proposed law requires all major facility projects that were certified at the LEED Silver standard or higher to be inspected by a third-party commissioning agent in the 5th, 10th, and 15th year following certification. The third-party commissioning agent shall determine whether the building is operating at the standard to which it was originally designed and certified. The proposed law requires all major facility projects that were certified at the LEED Silver standard or higher shall be inspected by a third-party commissioning agent in the 5th, 10th, and 15th year following certification. The third-party commissioning agent shall determine whether the building is operating at the standard to which it was originally designed and certified. HB 707.

## Greenhouse Gas

### National

Officials of 17 states and the District of Columbia are taking the Environmental Protection Agency back to court to try to force it to comply with a Supreme Court ruling on global warming.

### California

A bill would require sellers of voluntary greenhouse gas emission offsets to hire independent 3rd-party verifiers to ensure that the project or projects generating the greenhouse gas emission offsets meet protocols and requirements to be developed by the state board. A person selling offsets in the state would be required to disclose specified information in its marketing materials for those offsets. The bill would also create a voluntary California certified greenhouse gas emission offset program, to allow those that meet the program's requirements, which would include registration and paying a fee, to sell and advertise offsets as "California certified greenhouse gas emission offsets." The bill would make violators of its requirements liable for a civil penalty of not more than \$ 10,000 for each violation, and would authorize the state board to levy administrative penalties. AB 1851

### Kansas

The House passed a bill that imposes a carbon tax of \$37 on each ton of excess CO2 emissions. SB 471. The next day, the House voted 74-51 against the bill. The sponsors of the proposed CO2 measure drafted it so that the tax probably would be paid by a single utility the Board of Public Utilities in Kansas City, Kan.

### Maryland

A Maryland proposal to set the nation's toughest carbon caps to address global warming does not appear to be passable. The Senate passed a version of the bill, but it was loaded with amendments to address concerns that the greenhouse gas measures would have gone too far, forcing factories to close and people to stop driving cars. Now the House is considering the weaker version of the proposal. The original proposal called for Maryland to reduce carbon emissions 25 percent by 2020 and 90 percent by 2050, a reduction from 2006 levels that would have been the nation's most ambitious if adopted.

### Oregon

The Oregon Department of Environmental Quality is proposing new rules to require certain businesses to report greenhouse gas emissions. The agency developed the proposed reporting requirements with help from an advisory committee representing a broad coalition of interest groups. State regulators say that accurate data on greenhouse gas emissions is key to meeting the goals of the Western Climate Initiative led by Oregon Gov. Ted Kulongoski. The Legislature put those goals into state law last year, including a 10 percent decrease in greenhouse gas emissions by 2020. Public comments on the proposed rules are due by May 16th.

## Renewable Energy Portfolio

### California

A bill was amended that would require every electrical corporation to develop a methodology for determining a

base rate to be paid for electricity that is generated by a renewable electric generation facility and to adjust the base rate to be paid in future years so that the base rate declines over time to reflect improvements in technology and operational practices. The bill would authorize an electrical corporation to make adjustments to the base rate to incentivize the generation of electricity to meet load within the electrical corporation's individual service territory, including generation of electricity to match peak demand and regional adjustments to match deliverability of electricity to load centers. The bill would require the commission to reduce the tariff rate to reflect federal and state tax and other credits, subsidies, or other incentives received for a renewable electric generation facility. The bill would provide that any renewable energy credit, as defined, for electricity delivered to the grid and purchased by the electrical corporation belongs to the electrical corporation, and that any renewable energy credit associated with electricity generated by the customer that is utilized by the customer and not delivered to the grid remains the property of the customer. AB 1807.

## Solar/Photovoltaic

### Colorado

A bill that would allow communities to help homeowners and businesses finance solar, wind and energy efficiency improvements won unanimous approval in the House Transportation Committee. The bill (House Bill 1350) will allow people who invest in renewable energy and efficiency improvements to pay back loans through a property lien.

## Wind

### Rhode Island

The state has requested bids from private companies to develop an off-shore wind farm. The state wants to create a wind farm just south of Block Island that

would generate 1.3 million megawatt-hours per year of renewable energy. The wind farm proposal is part of the governor's overall goal to increase the use of renewable energy sources. The Governor has proposed building enough offshore wind turbines to generate about 15 percent of the state's electricity needs by 2011. His administration would review the qualification and experience of the bidder, as well as the cost to Rhode Island ratepayers and the number of jobs that would be created under the proposals.

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