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**HOUSE BILL NO. 1357**

Offered January 22, 2010

*A BILL to amend and reenact § 10.1-1300 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-1306.1, relating to Department of Environmental Quality; carbon dioxide.*

Patrons—Morefield, Bell, Richard P., Carrico, Crockett-Stark, Edmunds, Kilgore and Merricks; Senator: Puckett

Referred to Committee on Agriculture, Chesapeake and Natural Resources

**Be it enacted by the General Assembly of Virginia:**

**1. That § 10.1-1300 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-1306.1 as follows:**

§ 10.1-1300. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advisory Board" means the State Advisory Board on Air Pollution.

"Air pollution" means the presence in the outdoor atmosphere of one or more substances which are or may be harmful or injurious to human health, welfare or safety, to animal or plant life, or to property, or which unreasonably interfere with the enjoyment by the people of life or property. *Carbon dioxide shall not be considered air pollution.*

"Board" means the State Air Pollution Control Board.

"Department" means the Department of Environmental Quality.

"Director" or "Executive Director" means the Executive Director of the Department of Environmental Quality.

"Owner" shall have no connotation other than that customarily assigned to the term "person," but shall include bodies politic and corporate, associations, partnerships, personal representatives, trustees and committees, as well as individuals.

"Person" means an individual, corporation, partnership, association, a governmental body, a municipal corporation, or any other legal entity.

"Special order" means a special order issued under § 10.1-1309.

§ 10.1-1306.1. *Authority of the Board; Department; carbon dioxide.*

*Neither the Board nor the Director shall take any action to restrict the emission of carbon dioxide. Any federal law or regulation that purports to prohibit, limit, or control in any way the emission of carbon dioxide shall be without authority, void, and of no force within the boundaries of the Commonwealth. As such, neither the Board nor the Director shall:*

*1. Regulate or adopt any regulation that restricts the emission of carbon dioxide;*

*2. Issue or amend any permit to restrict carbon dioxide emissions; or*

*3. Allocate funds, personnel, or any resources to efforts directed at the restriction of carbon dioxide emissions, including research, study, or investigation of any kind.*

INTRODUCED

HB1357