

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 610

By: Myers

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5
6 AS INTRODUCED

7 An Act relating to geologic storage of carbon
8 dioxide; creating the Geologic Storage of Carbon
9 Dioxide Act; providing short title; stating
10 legislative findings and public policy; defining
11 terms; stating regulatory jurisdiction of state
12 agencies; stating exceptions; requiring Corporation
13 Commission to issue certificate of convenience and
14 necessity for storage or transmission of carbon
15 dioxide; stating procedures for application;
16 requiring notice and publication within certain time
17 period; stating criteria for consideration of
18 applications; requiring denial of certificate upon
19 certain findings; providing for judicial review;
20 stating contingencies for certain permits; requiring
21 Department of Environmental Quality to issue permits
22 for construction, operation or modification of
23 storage facilities; requiring notice and publication;
24 granting power of eminent domain and condemnation for
certain purposes; stating penalties; authorizing the
Environmental Quality Board and Corporation
Commission to promulgate rules implementing act;
providing for codification; providing for
noncodification; and providing an effective date.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 3-5-101 of Title 27A, unless
24 there is created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Geologic
2 Storage of Carbon Dioxide Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3-5-102 of Title 27A, unless
5 there is created a duplication in numbering, reads as follows:

6 A. The Legislature declares that:

7 1. Carbon dioxide is a substance that occurs naturally in the
8 environment as a result of biological processes and that exists as a
9 gas at standard temperature and pressure;

10 2. Carbon dioxide is released from the combustion of any
11 material that contains carbon including coal, natural gas, oil and
12 wood, all of which exist in abundance, and the production and use of
13 which form one of the foundations of our state's economy;

14 3. Carbon dioxide is currently being released into the
15 atmosphere in substantial volumes;

16 4. For many years, technologies for the injection, use and
17 storage of carbon dioxide in underground geologic formations have
18 been developed and successfully utilized for the extraction of
19 underground natural resources such as oil and natural gas;

20 5. The storage of carbon dioxide in underground geological
21 formations can be an effective means for reducing the release of
22 carbon dioxide into the atmosphere from anthropogenic sources; and

23 6. The transportation and storage of carbon dioxide in
24 underground geological formations for beneficial use or reuse in

1 industrial and commercial applications is expected to increase in
2 the United States and in Oklahoma due to initiatives by federal,
3 state and local governments, industry and commerce, and other
4 interested persons, and may present an opportunity for economic
5 growth and development for the state.

6 B. The Legislature further declares that:

7 1. The transportation and geologic storage of carbon dioxide
8 will benefit the citizens of the state;

9 2. Carbon dioxide is a valuable commodity to the citizens of
10 the state, particularly for its value in enhancing the recovery of
11 oil and gas, and for its potential for use in other industrial and
12 commercial processes and applications;

13 3. Transportation and geologic storage of carbon dioxide gas
14 may allow for the orderly withdrawal and use or reuse as appropriate
15 or necessary, thereby allowing carbon dioxide to be available for
16 commercial, industrial, or other uses, including the use of carbon
17 dioxide for enhanced recovery of oil and gas;

18 4. Storage of carbon dioxide in geological formations is
19 believed to be an effective and feasible strategy to deposit large
20 volumes of carbon dioxide over long periods of time; and

21 5. It is the public policy of this state and the purpose of
22 this act to provide for a coordinated statewide program for the
23 transportation and storage of carbon dioxide in underground
24 geological formations and to also fulfill the state's primary

1 responsibility for assuring compliance with the federal Safe
2 Drinking Water Act, including any amendments thereto related to the
3 underground injection of carbon dioxide.

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3-5-103 of Title 27A, unless
6 there is created a duplication in numbering, reads as follows:

7 As used in this act:

8 1. "Board" means the Environmental Quality Board;

9 2. "Carbon dioxide" means anthropogenically sourced carbon
10 dioxide including its derivatives and all mixtures, combinations and
11 phases thereof;

12 3. "Carbon dioxide transmission pipeline" means a pipeline,
13 compressors, meters and associated equipment and appurtenances used
14 for the purpose of transporting carbon dioxide in this state for
15 underground storage in this state or another state. Carbon dioxide
16 transmission pipeline shall not include carbon capture equipment
17 located at the generator of the carbon dioxide or pipelines that are
18 part of a storage facility. The Corporation Commission shall
19 establish the beginning point and ending point of a carbon dioxide
20 transmission pipeline;

21 4. "Commercial operator" means an entity that operates a
22 storage facility or carbon dioxide transmission pipeline, or both,
23 and that provides storage facility services or carbon dioxide
24 transmission pipeline services on an open-access, nondiscriminatory

1 basis pursuant to such rules and regulations and upon such rates and
2 terms and conditions of service as the Corporation Commission may
3 establish;

4 5. "Commission" means the Corporation Commission as established
5 by Article 9, Section 15, of the Oklahoma Constitution;

6 6. "Department" means the Department of Environmental Quality
7 as established by Title 27A, Section 2-3-101 et seq. of the Oklahoma
8 Statutes;

9 7. "Depleted" means that the production of oil or gas, coal,
10 coalbed methane, or any other underground natural resource is not or
11 is no longer commercially feasible in an area where carbon dioxide
12 will be stored;

13 8. "Oil or gas" or "oil and gas" means oil, natural gas,
14 coalbed methane or gas condensate;

15 9. "Pipeline operator" means an entity authorized by the
16 Corporation Commission to operate a carbon dioxide transmission
17 pipeline, including both commercial operators and private operators;

18 10. "Private operator" means an entity that is not a commercial
19 operator and, pursuant to state authorization, operates a storage
20 facility or carbon dioxide transmission pipeline for the purpose of
21 providing dedicated storage facility services or carbon dioxide
22 transmission pipeline services solely to one or more entities;

23 11. "Reservoir" means that portion of any underground
24 geological stratum, formation, aquifer, cavity or void (whether

1 natural or artificially created), depleted oil and gas formation,
2 and depleted coal or coalbed methane seam, having pore space which
3 is suitable for or capable of being made suitable for the injection
4 and storage therein of carbon dioxide, among other things;

5 12. "Storage" means placement of carbon dioxide in a reservoir;

6 13. "Storage facility" means the reservoir, the underground
7 equipment and pipelines internal to the storage operation, and
8 surface buildings and equipment utilized in the storage operation,
9 excluding pipelines used to transport the carbon dioxide from one or
10 more capture facilities to the storage injection site or sites. The
11 reservoir component of the storage facility includes any necessary
12 and reasonable areal buffer and subsurface monitoring zones
13 designated by the Department of Environmental Quality for the
14 purpose of ensuring the safe and efficient operation of the storage
15 facility for the storage of carbon dioxide and to protect against
16 pollution, invasion, and escape or migration of carbon dioxide. A
17 storage facility shall not include carbon capture equipment located
18 at the generator of the carbon dioxide;

19 14. "Storage operator" means any entity authorized by the
20 Department of Environmental Quality to operate a storage facility,
21 including both commercial operators and private operators; and

22 15. "Storage well" means a well drilled in a storage field for
23 the purpose of injecting carbon.
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1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-5-104 of Title 27A, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Except as provided in subsections B and C of this section,
5 the Department of Environmental Quality shall have sole and
6 exclusive jurisdiction and authority over all entities and property
7 necessary to issue or deny permits for the establishment of storage
8 facilities in accordance with this act, to monitor and enforce
9 compliance with permit conditions and the legal requirements
10 established in accordance with this act and to regulate any
11 subsequent withdrawal of stored carbon dioxide that is intended for
12 commercial, industrial or other uses. In exercising such
13 jurisdiction and authority, the Department may conduct hearings,
14 issue and enforce orders, and adopt, modify, repeal and enforce
15 procedural, interpretive and legislative rules concerning geologic
16 storage of carbon dioxide.

17 B. The jurisdiction of the Corporation Commission with respect
18 to carbon dioxide storage facilities and carbon dioxide transmission
19 pipelines shall be as follows:

20 1. Storage operators in this state and pipeline operators in
21 this state shall be deemed to be public utilities providing public
22 services and are subject to the general power of the public service
23 commission to regulate public utilities.

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1 2. Commercial operators in this state shall be subject to the
2 general power of the Commission with respect to rates and terms and
3 conditions of service. A private operator shall not be subject to
4 the power of the Commission with respect to rates and terms and
5 conditions of service for the transportation or storage of carbon
6 dioxide. A commercial operator and a public utility utilizing the
7 services of a storage operator or a pipeline operator shall be
8 entitled to an opportunity to recover the reasonable and prudent
9 costs including a reasonable return on and associated with a storage
10 facility or carbon dioxide transmission pipeline in its rates
11 regulated by the Commission.

12 3. The Commission shall have the power and authority to
13 prescribe, enforce and implement safety standards for pipelines
14 subject to this act; provided, however, that no such standards shall
15 be more stringent than comparable federal requirements.

16 4. The Commission shall have the power and authority to grant
17 certificates of public convenience and necessity and to authorize
18 storage facilities as provided in section 5 of this act.

19 C. The provisions of this act shall not apply to:

20 1. The use of carbon dioxide as a part of or in conjunction
21 with any enhanced recovery operation where the sole purpose of the
22 project is enhanced oil, coalbed methane or natural gas recovery; or

23 2. A natural gas storage operation certificated by the Federal
24 Energy Regulatory Commission or the Commission. The Commission is

1 authorized to promulgate rules to allow conversion of any such
2 enhanced recovery operation or natural gas storage field into a
3 storage facility. Upon approval of the conversion of such an
4 operation, the provisions of this act shall apply.

5 D. No agency of state government or any political subdivision
6 may regulate any facility or activity for the purpose of the
7 transportation, storage or withdrawal of carbon dioxide except as
8 authorized by the provisions of this act.

9 SECTION 5. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 3-5-105 of Title 27A, unless
11 there is created a duplication in numbering, reads as follows:

12 A. No entity shall begin construction of a storage facility or
13 carbon dioxide transmission pipeline unless and until such entity
14 shall have obtained from the Corporation Commission a certificate of
15 public convenience and necessity approving the construction and
16 proposed location of such facilities in accordance with this
17 section.

18 B. The application for such certificate shall be in such form
19 as the Commission may prescribe and shall contain:

20 1. The names of the owners and operators of the facility
21 including any officer, secretary, manager, person owning five
22 percent (5%) or more interest or any other person conducting or
23 managing the affairs of the applicant as to the proposed facility;

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1 2. A description, in such detail as the Commission may
2 prescribe, of the general location and type of facilities which the
3 applicant proposes to construct;

4 3. A statement justifying the need for such facilities;

5 4. If the applicant seeks to become a private operator, an
6 explanation and justification, the identity of the entity or
7 entities to whom dedicated services will be provided, and copies of
8 the contracts under which services will be provided to such entity
9 or entities, and such data as the Commission shall require by rule
10 regarding the anticipated cost of constructing and operating the
11 proposed facilities;

12 5. With respect to any carbon dioxide transmission pipelines, a
13 statement of the environmental impact;

14 6. The average monthly tonnage of carbon dioxide anticipated to
15 be stored in the proposed storage facility or transported in the
16 proposed carbon dioxide transmission pipeline during the phase of
17 the project that is the subject of the application;

18 7. The anticipated life span and closure date of such
19 facilities and the period of time that is the subject of the
20 application in the case of a project that is being implemented in
21 multiple phases;

22 8. Proof of the financial ability of the applicant to construct
23 and operate the project; and

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1 9. Such other information as the applicant may deem relevant or
2 the Commission may require by rule.

3 C. The Commission shall grant or deny a certificate of public
4 convenience and necessity in accordance with provisions set forth in
5 this section. If the Commission grants a certificate of public
6 convenience and necessity, the Commission may include reasonable
7 conditions required by the public convenience and necessity not
8 inconsistent with the criteria set forth in this act; provided,
9 however, that in matters within the jurisdiction of the Department
10 of Environmental Quality, the Commission shall defer to the
11 Department of Environmental Quality.

12 D. Upon the filing of such application, the applicant shall
13 publish, in such form as the Commission directs, the publication
14 area for such publication to be each county in which any portion of
15 the proposed storage facility or carbon dioxide transmission
16 pipeline is to be constructed, a notice of the filing of such
17 application and that the Commission may approve the same unless
18 within fifteen (15) days after completion of publication a written
19 request for a hearing thereon has been received by the Commission
20 from a person or persons alleging that the proposed storage facility
21 or carbon dioxide transmission pipeline is against the public
22 interest. If such request be timely received and the issues raised
23 cannot be dealt with by order of the Commission without a hearing,
24 the Commission shall set the matter for hearing on a date within

1 sixty (60) days from completion of the publication, and shall
2 require the applicant to publish notice of the time and place of
3 hearing in the same manner as is herein required for the publication
4 of notice of the filing of the application.

5 E. In considering whether to grant a certificate of public
6 convenience and necessity, the Commission shall consider, but is not
7 limited to considering, the following factors:

8 1. The demonstrated need for the project;

9 2. The economic reasonableness of the project;

10 3. The managerial and technical competence of the applicant to
11 effectively construct and manage the project; and

12 4. Such other criteria related to making the determinations
13 required by paragraph F of this subsection as the Commission
14 specifies in its duly promulgated rules.

15 F. Within sixty (60) days after the filing of the application,
16 or if hearing shall be held thereon, within ninety (90) days after
17 final submission on oral argument or brief, the Commission shall
18 approve the application if it shall find and determine:

19 1. That the proposed storage facility or carbon dioxide
20 transmission pipeline will economically, adequately and reliably
21 contribute to meeting the present and anticipated requirements for
22 storage or transportation of carbon dioxide;

23 2. That the proposed storage facility or carbon dioxide
24 transmission pipeline is in the public convenience and necessity;

1 3. The horizontal and vertical boundaries of the storage
2 facility;

3 4. That the storage facility and reservoir are suitable and
4 feasible for the injection, storage and, if proposed, withdrawal of
5 carbon dioxide;

6 5. That the use of the storage facility for the storage of
7 carbon dioxide will not contaminate other formations containing
8 fresh water or oil, gas (including stored natural gas), coal, or
9 coalbed methane;

10 6. That the storage field will not be used to inject carbon
11 dioxide into that part of a formation that is within the
12 certificated boundaries, including the protective area, of an
13 existing natural gas storage field certificated by the Federal
14 Energy Regulatory Commission or the Commission;

15 7. That the storage facility will be operated in such a manner
16 as to protect human health and the environment; and

17 8. That the quality of the carbon dioxide to be managed at the
18 storage facility will not compromise the safety and efficiency of
19 the reservoir.

20 G. The Commission shall deny a certificate of public
21 convenience and necessity upon one or more of the following
22 findings:

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1 1. The proposed facilities are not reasonably cost effective in
2 light of alternative storage and transportation facilities that are
3 available at the time of the public service commission's decision;

4 2. The applicant is not qualified or financially capable of
5 performing;

6 3. The proposal, taken as a whole, is inconsistent with the
7 public convenience and necessity; or

8 4. The proposed storage facility is geologically or
9 operationally unsuitable.

10 H. The Commission's grant of authority for a storage facility
11 or carbon dioxide transmission pipeline shall be contingent upon
12 obtaining any necessary permits or authorizations from the
13 Department of Environmental Quality or other agencies prior to
14 commencing operation.

15 I. Any party aggrieved by a decision of the Commission granting
16 or denying a certificate of public convenience and necessity may
17 obtain judicial review thereof pursuant to Section 318 of Title 75
18 of the Oklahoma Statutes.

19 J. No person may sell, lease or transfer a certificate of
20 public convenience and necessity without first obtaining the consent
21 and approval of the Commission.

22 K. The Commission is authorized and empowered to adopt, modify,
23 repeal and enforce procedural, interpretive and legislative rules
24 relating to the certification of storage facilities and carbon

1 dioxide transmission pipelines authorized pursuant to this act and
2 shall define in such rule minor modifications that do not require an
3 amendment of an existing certificate of public convenience and
4 necessity.

5 L. A private operator that desires to become a commercial
6 operator shall file an application with the Commission for a
7 certificate of public convenience and necessity in the manner herein
8 provided, together with such other information as the Commission may
9 reasonably require by rule. In addition, the private operator shall
10 file proposed rates and terms and conditions of service. A private
11 operator shall not become a commercial operator until the Commission
12 has issued a certificate of public convenience and necessity and
13 accepted the initial rates and terms and conditions of service
14 subject to refund.

15 SECTION 6. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3-5-106 of Title 27A, unless
17 there is created a duplication in numbering, reads as follows:

18 A. The owner or operator of a storage facility shall obtain a
19 permit pursuant to this act from the Department of Environmental
20 Quality prior to the construction, operation or modification of a
21 storage facility. Any entity owning or operating a storage facility
22 in existence on the effective date of this act is hereby authorized
23 to continue operating until such time as the Department has
24 established operational and procedural requirements applicable to

1 such existing storage facilities and the entity owning or operating
2 such facility has had a reasonable opportunity to comply with those
3 requirements.

4 B. The use of a reservoir as a storage facility for carbon
5 dioxide is hereby authorized, provided that the Department shall
6 first issue a permit authorizing such proposed storage of carbon
7 dioxide after the applicant has obtained a certificate of public
8 convenience and necessity from the Corporation Commission pursuant
9 to this act.

10 C. Public notice required by this subsection shall be published
11 in a newspaper in general circulation in a county or counties where
12 the facility will be located. The applicant shall publish public
13 notice at the time of the filing of an application stating that such
14 an application has been filed and where the public can review the
15 application. The Department shall publish public notice upon
16 issuance of a draft permit stating where the public can review the
17 draft permit and the nature of the public's opportunity to comment
18 on the draft permit. The Department shall also issue a public
19 notice announcing any public hearing that may be held on the draft
20 permit. The Department shall allow at least thirty (30) days for
21 public comment on the draft permit. Upon request of the permit
22 applicant, the public comment period may be extended for an
23 additional thirty (30) days. Further extension of the comment
24 period may be granted by the Department for good cause shown but in

1 no case may the further extension exceed an additional thirty (30)
2 days. Public notice of a public hearing shall be given at least
3 thirty (30) days before the hearing. Public notice of the hearing
4 may be given at the same time as public notice of the draft permit,
5 and the two notices may be combined. The Department shall establish
6 by rule the procedures, including, but not limited to, the content
7 of public notices; the content of the public notice of hearing; and
8 the management of public comments filed.

9 D. The Department shall issue and enforce such orders, and
10 shall adopt, modify, repeal and enforce such rules, including
11 establishment of appropriate and sufficient financial sureties or
12 bonds, as may be necessary, for the purpose of regulating the
13 drilling of wells related to a storage facility, the injection and
14 withdrawal of carbon dioxide, the operation of the storage facility,
15 well plugging and abandonment, and removal of surface buildings and
16 equipment of the storage facility and as necessary to protect the
17 storage facility against pollution, invasion, and the escape or
18 migration of carbon dioxide.

19 E. In addition to all other powers and duties prescribed in
20 this article or otherwise by law, and unless otherwise specifically
21 set forth in this article, the Department shall perform any and all
22 acts necessary to carry out the purposes and requirements of the
23 federal Safe Drinking Water Act, as amended, relating to this
24 state's participation in the underground injection control program

1 established under that act with respect to the storage of carbon
2 dioxide. To that end, the Department is authorized and empowered to
3 adopt, modify, repeal and enforce procedural, interpretive and
4 legislative rules.

5 SECTION 7. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 3-5-107 of Title 27A, unless
7 there is created a duplication in numbering, reads as follows:

8 A. Any storage operator or pipeline operator is hereby
9 authorized, after obtaining any permit from the Department of
10 Environmental Quality required by this article and any certificate
11 of public convenience and necessity from the Corporation Commission
12 required by this act, to exercise the power of eminent domain to
13 acquire surface and subsurface rights and property interests
14 necessary or useful for the purpose of constructing, operating or
15 modifying the storage facility or carbon dioxide transmission
16 pipeline, including easements and rights-of-way across lands for
17 pipelines transporting carbon dioxide to and among facilities
18 constituting the storage facility. The right of eminent domain
19 shall be exercised in the same manner and by like proceedings as
20 provided for railroad corporations by the laws of this state.

21 B. The exercise of the right of eminent domain granted in
22 Section 8 of this act shall not prevent entities having the right to
23 do so from drilling through the storage facility in such manner as
24 shall comply with the rules issued for the purpose of protecting the

1 storage facility against pollution or invasion and against the
2 escape or migration of carbon dioxide. Furthermore, the right of
3 eminent domain set out in this act shall not prejudice the rights of
4 the owners of the lands or other rights or interests therein as to
5 all other uses not acquired for the storage facility.

6 C. The eminent domain authority authorized under this act shall
7 be in addition to any other power of eminent domain authorized by
8 law.

9 SECTION 8. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 3-5-108 of Title 27A, unless
11 there is created a duplication in numbering, reads as follows:

12 The right of condemnation and eminent domain hereby granted
13 shall be without prejudice to the rights of the owners of the lands
14 or of other rights or interests therein to drill or bore through the
15 underground stratum or formation so appropriated in such manner as
16 shall comply with orders and rules of the Corporation Commission
17 issued for the purpose of protecting underground storage strata or
18 formations against pollution and against the escape of natural gas
19 therefrom and shall be without prejudice to the rights of the owners
20 of the lands or other rights or interests therein as to all other
21 uses thereof. The additional cost of complying with such rules or
22 orders in order to protect the storage shall be paid by the public
23 utility.

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1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-5-109 of Title 27A, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Any person who violates any provision of this act, any
5 permit or any rule or order issued pursuant to this act, is subject
6 to a civil penalty not to exceed One Thousand Dollars (\$1,000.00)
7 per violation, unless the violation involves a knowingly false
8 statement or misrepresentation in any application or other document
9 permitted or required to be filed under the provisions of this
10 article, in which case the civil penalty shall not exceed Five
11 Thousand Dollars (\$5,000.00) per violation. Civil penalties shall
12 be recovered in a civil action brought by the Attorney General in
13 the name of the State of Oklahoma in the district court of any
14 county wherein the person resides or is engaged in the activity
15 complained of.

16 B. Any person who violates any provision of this act, any
17 permit, rule or order issued pursuant to this act, is guilty of a
18 misdemeanor and, upon conviction thereof, shall be fined not more
19 than One Thousand Dollars (\$1,000.00) per violation; however, any
20 person who, with the intention of evading any provision of this act,
21 or any permit, rule or order issued pursuant to this act, knowingly
22 makes or causes to be made any false statement or misrepresentation
23 in any application or other document permitted or required to be
24 filed under the provisions of this act, shall be guilty of a

1 misdemeanor and, upon conviction thereof, shall be fined not more
2 than Five Thousand Dollars (\$5,000.00) per violation, or imprisoned
3 in the county jail for a period not to exceed six (6) months, or
4 both fined and imprisoned.

5 C. The Attorney General may seek an injunction against any
6 person in violation of any provision of this act or any permit, rule
7 or order issued pursuant to this act. In seeking an injunction, it
8 is not necessary for the Attorney General to post bond nor to allege
9 or prove at any stage of the proceeding that irreparable damage will
10 occur if the injunction is not issued or that the remedy at law is
11 inadequate.

12 SECTION 10. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 3-5-110 of Title 27A, unless
14 there is created a duplication in numbering, reads as follows:

15 A. The Environmental Quality Board and the Corporation
16 Commission are authorized to promulgate rules necessary to implement
17 the provisions of this act.

18 B. The Department of Environmental Quality and the Corporation
19 Commission are authorized to enter into cooperative agreements with
20 other governments or government entities for the purpose of
21 regulating carbon dioxide storage projects that extend beyond state
22 regulatory authority under the provisions of this act.

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SECTION 11. This act shall become effective January 1, 2011.

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