



Transcending Boundaries

2015 LEGISLATIVE DIGEST: PRELIMINARY EDITION

*A Guide to State
Energy and
Environment
Legislation
in the South*





Transcending Boundaries

2015 Preliminary Legislative Digest

*A Guide to State Energy and Environment
Legislation in the South*

July 2015

Covering measures in 16 states and two U.S. territories
With an introduction by
Representative Rocky Adkins, Kentucky
SSEB Vice-Chairman



Acknowledgments

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Representative Rocky Adkins

Biography

State Representative Rocky Adkins currently serves as House Majority Floor Leader after being chosen for the post by his Democratic colleagues in November 2003. A long-time veteran of the Kentucky House of Representatives, he is now serving in his 28th year as a legislator.

A native of Sandy Hook, Kentucky, Rep. Adkins is a graduate of Elliott County High School and Morehead State University, where he also received his Master's Degree in Secondary Education.

In 1986, Rep. Adkins was elected to the 99th House District at the age of 26, making him one of the youngest members ever elected to serve in the Kentucky legislature. Rep. Adkins served on a number of influential committees

including the House Appropriations & Revenue Committee and the Budget Review Subcommittee on Transportation where he was chairman. As a member of House Leadership, Rep. Adkins is on the Rules Committee, the Committee on Committees, and the Legislative Research Commission.

A leader in the field of energy independence, Rep. Adkins has introduced several groundbreaking bills that are helping Kentucky and the nation achieve energy self sufficiency in the coming years. His legislation includes incentives for the conversion of coal to transportation fuels, use of agricultural products for energy such as biodiesel, biomass, ethanol, and cellulose, and greater utilization of renewable energy sources such as wind, solar, and hydro. Rep. Adkins' legislative initiatives also promote conservation and incentives for energy efficient home building and construction.

Rep. Adkins has been called "the South's lead legislator on energy" and is serving an unprecedented eight term as Vice Chairman of the Southern States Energy Board (SSEB).

One of the most important bills Rep. Adkins has sponsored was the 1996 Kentucky Tourism Development Act that established an incentive program for tourism development projects. The incentive program has helped attract more than \$ 1 billion in tourism investments in Kentucky and is responsible for an economic impact of \$13.5 billion. The Kentucky Tourism, Arts and Heritage Cabinet named him their 2013 Tourism Partner to honor this landmark legislation.

Rep. Adkins is the recipient of the Ora L. Cline Award, Morehead/Rowan County Chamber of Commerce's most prestigious award presented to a leader who has made a significant impact on the region.

A 20-year survivor of cancer, Rep. Adkins actively raises funds for research by sponsoring an annual golf tournament entitled the "Rocky Adkins Charity Golf Outing - Cure for Cancer" which has raised more than \$2.5 million since its inception in 1995.

Rep. Adkins has been inducted into the Morehead State University Alumni Hall of Fame and the Junior Achievement Tri State Business Hall of Fame. He has been honored for his public service



by many organizations and is the recipient of the East Kentucky Leadership Conference Public Servant Award, the FIVECO Area Development District President's Award and the Ashland Area Labor Management Council Award. He was the March of Dimes Goldenrod Division's 2007 Honoree.

Rep. Adkins, married to Leah McCormick Adkins, has three children. Kristen, a graduate of Morehead State University, is married to Josh Salyers and they have two sons, Jaxon and Abram. Rep. Adkins also has a son Branden and daughter Victoria Elise.



Introduction

Representative Rocky Adkins

It is my privilege to present the **2015 Preliminary Legislative Digest**. For more than four decades, the Southern States Energy Board has published this **Digest**, and each year the Board endeavors to ensure that the information representing the legislative trends in the South is accurate and complete.

A compendium of energy and environmental legislation enacted by the board's 18 member states and territories during the 2015 legislative sessions, this document thoroughly examines legislation passed state-by-state. No other document provides such a comprehensive review of energy and environmental legislation in our member states. This year our member states and territories passed over 570 pieces of legislation. Precise bill summaries are categorized for easy comparison. Energy measures are divided among the following categories: *Alternative Energy Development; Coal and Minerals; Emergency Management and Homeland Security; Energy Efficiency; Natural Gas and Petroleum; Reorganization and Coordination; and Utilities.*

Many acts could easily fit into several of these categories as they seek to dramatically improve our energy independence. Energy related matters accounted for 31 percent of the total legislation summarized in this document. The largest topic areas this year were *Natural Gas and Petroleum* with the passage of 54 pieces of legislation and *Utilities* with the passage of 51 bills.

Environmental measures are divided into the following categories: *Air Quality and Pollution Control; Coastal Zone Management; Emergency Management and Homeland Security; Environmental Health Services; Hazardous Waste and Substance Management; Inland Water Resource Management and Conservation; Land Management and Conservation; Radioactive Waste; Reorganization and Coordination; Solid Waste; and Water Quality and Pollution Control.* The largest two categories were *Land Management and Conservation* and *Reorganization and Coordination*. These two categories combined for 167 pieces of legislation.

When examining legislation passed state-by-state it is not unusual to observe certain trends or themes. This year was no different. Ten states and territories adopted measures pertaining to alternative energy development. Some of the alternative energy development measures focused on installation and siting concerns for wind turbines, solar panels, and transmission lines in local communities, but five states addressed net-metering and five states addressed tax incentives and financing mechanisms. An interesting trend that continued from recent years in the natural gas arena involves measurements of compressed natural gas (CNG) and liquefied natural gas (LNG) when being sold as vehicle fuel. In a continuing trend of southern states challenging the actions of the U.S. Environmental Protection Agency (EPA), ten states addressed concerns about the impact of the recently proposed Clean Air Act Rule 111(d) through new statutes and resolutions. Finally, a number of states continue to address the challenges of storm water management in regard to fees, infrastructure, and regulations based on the needs and composition of individual communities. While many states addressed similar issues, each state also had specific areas



of law that warranted special attention. That said, each SSEB member state's highlights are summarized in the following sections.

Alabama adopted 33 energy and environmental bills during the 2015 legislative session. SB 52, the Energy Security Act of 2015, gives an incumbent electric supplier the right to construct, own, operate, and maintain new electric transmission facilities or to upgrade any electric transmission facility it owns within the state. Also, it provides for resolution of disputes between incumbent electrical suppliers.

The **Arkansas** General Assembly passed 43 energy and environmental bills in 2015. SB 183 creates procedures for the development of a state plan to regulate carbon dioxide emissions from power plants. The legislation states the submission of a state plan is the preferred method of compliance with federal emission guidelines. Before initiating any development of a state plan, the Arkansas Department of Environmental Quality is required to develop several impact reports. Among other reporting, the bill requires the Department of Environmental Quality to work in conjunction with the Public Service Commission to prepare a report on the effects of the regulation on affordability, financial impacts, reliability, and other factors. The legislation requires the department to develop a report on electricity consumer impacts in conjunction with the Economic Development Commission. The bill requires legislative approval by the legislative council and the governor of a state plan before its submission to EPA, with certain exceptions. The measure establishes a rate and reliability safety valve for customer classes, including energy-intensive-trade-exposed industries.

Florida adopted 19 energy and environmental bills. HB 7109 prohibits a regulated electric utility from charging a higher rate under a tiered rate structure due to an increase in usage attributable to a billing cycle extension. The measure establishes limits on the deposit amount that a regulated electric utility may require from a customer. A regulated electric utility must notify each customer of all available rates and to provide good faith assistance to the customer in selecting the best rate. New and amended tariffs of regulated electric utilities must be approved by a vote of the Public Service Commission, except for administrative changes, unless otherwise provided by law.

Georgia passed 27 energy and environmental measures. SB 101 establishes a 25-foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, which is determined in accordance with the Coastal Marshlands Protection Act and any rules and regulations promulgated under the Act. The Erosion and Sedimentation Act establishes a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, with certain exceptions. This bill provides exceptions to the buffer requirement, as well as provisions for variances and variances by rule.

The **Kentucky** General Assembly enacted 17 energy and environmental bills. SB 186, the Kentucky Oil and Gas Regulatory Modernization Act of 2015, mandates energy companies notify nearby landowners of any planned fracking process, clean up the well before abandoning it, and disclose of the chemicals used in the fracking process. The bill establishes an "Abandoned Storage Tank" cleanup fund in the Division of Oil and Gas to begin the process of reclaiming abandoned tank battery facilities. Also, the measure defines a set of "Best Management Practices" for well site reclamation. The legislation provides



regulatory certainty for deep horizontal drilling. In addition, the bill requires FracFocus disclosure for high volume horizontal fractures. Finally, the legislation establishes water quality testing requirements and reclamation bonding for deep horizontal wells.

In **Louisiana**, 26 bills covering energy and environmental issues passed the legislature. Through SB 79, the legislature again addressed legacy lawsuits related the oil and gas industry. The measure provides for alternative dispute resolution for legacy lawsuit related cases. It requires parties to meet and confer to assess the dispute, narrow the issues, and reach agreements useful or convenient for the litigation of the action. The non-binding mediation may not eliminate court proceedings, but it could reduce the time in court and the attorney's fees. Compensation for the mediator will be negotiated between the parties.

Thirty-two measures related to energy and the environment were passed by **Maryland** legislators this year. HB 449/SB 409 requires the Maryland Department of Environment (MDE) to adopt regulations to provide for the hydraulic fracturing of a well for the exploration or production of natural gas by October 1, 2016, and prohibit the regulations that are adopted from taking effect until October 1, 2017. The bills also prohibit the MDE from issuing a permit to drill a well using hydraulic fracturing until October 1, 2017.

The **Mississippi** legislature adopted 20 acts addressing energy and environmental matters. As seen in other states in 2015 and recent years, legislatures continue to promote state agency transparency. HB 831 requires all state agencies to disclose in one report how they obtain the money for expenditures. The bill mandates that all state agencies to report annually a list of all fines, fees,, and taxes they assess and/or collect, the legal basis for those assessments,, and their methods of collection. The report also must list any amounts received from any federal agency. Further, the bill requires agencies to disclose what actions or results they promised in order to receive those federal funds.

The **Missouri** legislature adopted 20 energy and environmental measures during the 2015 legislative session. In reaction to recent actions by some local governments, HB 722 specifies that all merchants, itinerant vendors, and peddlers doing business in the state must have the option to provide customers with a paper or plastic bag for any item or good purchased. A political subdivision cannot impose any ban, fee, or tax upon the use of paper or plastic bags for packaging any item or good purchased or prohibit a consumer from using a reusable bag.

At the time of publication of the *Preliminary Edition of the 2015 Legislative Digest*, the **North Carolina** General Assembly remained in their Regular Session with 19 ratified energy and environmental measures. SB 372 provides a delayed sunset for the credit for investing in a renewable energy credit for the certain taxpayers. The credit for investing in renewable energy property applies to biomass equipment, hydroelectric generators, solar energy equipment, wind equipment, and geothermal heat pumps and equipment. The amount of the credit for investing in renewable energy property is 35 percent of the cost of the property placed in service. In the case of renewable energy property that services a single-family dwelling, the credit must be taken for the taxable year in which the property is placed in service. For all other renewable energy property, the credit must be taken in five equal installments, beginning with the taxable year in which the property is placed in service. The amount of the credit is subject to certain limits depending on the type of property and whether the property is placed in service in a residential or nonresidential



setting. The credit was set to sunset on January 1, 2016 and the bill extends the credit until January 1, 2017, for taxpayers that meet certain requirements. The legislation applies to taxpayers that have incurred at least 80 percent of the costs, and partially constructed at least 80 percent of a project with less than 65 megawatts of capacity. Also, the measure applies to taxpayers that have incurred at least 50 percent of the costs, and partially constructed at least 50 percent of a project with 65 megawatts of capacity or more.

The **Oklahoma** legislature considered and adopted 43 energy and environmental bills. SB 809 allows cities and counties to enact ordinances related to oil and gas operations as long as they are consistent with Corporation Commission rules and current state law. These include road use provisions, noise requirements, floodplain management, and setback and fencing requirements. Cities and counties may not prohibit or ban any oil and gas operations and the Corporation Commission is given jurisdiction over all other oil and gas regulations.

Since the publication of the **2014 Legislative Digest, Puerto Rico** has not enacted any energy and environmental laws.

During the 2015 session, **South Carolina** passed 19 new laws related to energy and the environment. Similar to recent actions in other states, HB 3575 revises the definition of solid waste under the state's Solid Waste Policy and Management Act to exclude steel slag, a product of the electric arc furnace steelmaking process, so long as the steel slag is sold and distributed in the stream of commerce for consumption, use, or further processing into another desired commodity. The steel slag must be managed as an item of commercial value in a controlled manner and not as a discarded material.

Tennessee enacted 44 pieces of legislation related to energy and the environment. HB 80/SB 91 redefines "lead free" for purposes of the Tennessee Safe Drinking Water Act, creates a new formula for calculating lead content, and expands the scope of the Act's lead free provisions to pipe or plumbing fittings or fixtures. The bill redefines "lead free" in regard to a pipe or pipe fitting to instead specify that pipes, pipe fittings, plumbing fittings, and fixtures are lead free if they contain no more than a weighted average of 0.25 percent lead. The measure provides a formula for calculating the weighted average, based on each wetted component. This bill specifies that the lead-free requirements will not apply to pipes, pipe or plumbing fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption. Also, the legislation does not apply to toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, fire hydrants, service saddles, or water distribution main gate valves that are two inches in diameter or larger.

Texas during their 2015 Regular Session passed 102 energy and environmental bills. HB 1794 amends the Water Code to limit the amount of a civil penalty that may be assessed against a person in a civil suit brought by a local government in response to certain environmental violations to an amount not less than \$50 and not more than \$25,000 for each day of each violation. The bill caps the total amount of a civil penalty in such a suit brought by a local government at \$4.3 million and expressly does not limit the state's authority to pursue the assessment of a civil penalty under the Water Code provisions governing enforcement. The legislation requires a trier of fact, in determining the amount of



the civil penalty in a civil suit brought by a local government, to consider the factors the Texas Commission on Environmental Quality (TCEQ) is required to consider when determining the amount of an administrative penalty. The law further requires a suit for a civil penalty brought by a local government to be brought not later than the fifth anniversary of the earlier of the date the person who committed the violation notifies the TCEQ in writing of the violation or receives a notice of enforcement from the TCEQ with respect to the alleged violation.

Since the publication of the **2015 Legislative Digest**, the **U.S. Virgin Islands** has adopted four pieces of energy and environmental legislation. Bill 17 recognizes that there is an important public interest in facilitating boating activities, marine tourism, marine-related industries, and access to the Virgin Island's marine and coastal resources. The bill gives the Department of Tourism broad powers to develop and promote tourism generally, mandates focus on developing, promoting, and marketing marine tourism, and encouraging growth of marine-related industries. The measure requires the Commissioner of Tourism to appoint or hire employees, subject to availability of funds, to compete globally for the marine tourism market and attract more international regattas, boat shows, yachting, sport fishing, and related marine industries. The measure bill requires the Department of Tourism to develop innovative marketing tools and, coordinate and participate in marketing efforts to enhance the competitiveness of the Virgin Islands as a marine tourism destination through diversifying products and services.

The **Virginia** General Assembly passed 83 pieces of energy and environmental legislation. HB 2246 prohibits the Air Pollution Control Board from adopting regulations that limit emissions from wood heaters. A wood heater is defined as a wood stove, pellet stove, wood fired hydronic heater, wood-burning forced-air furnace, or masonry wood heater designed for heating a home or a business. The bill further defines that a wood heater has either (i) uncontrolled fine particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometers (PM_{2.5}) emissions of less than 10 tons per year or with a maximum heat input of less than 1,000,000 Btu/hr or (ii) uncontrolled fine particulate matter with an aerodynamic diameter less than or equal to 10 micrometers (PM₁₀) emissions of less than 15 tons per year or with a maximum heat input of less than 1,000,000 Btu/hr. The bill also prohibits the Board from enforcing any federal regulation limiting emissions from wood heaters that was adopted after May 1, 2014.

Twenty bills related to energy and environment passed the **West Virginia** legislature. HB 2201 requires the Public Service Commission to study the state's net energy metering policy rules, prevent it from causing a cost shift from solar owners to non-solar owners, and cap it at three percent 3 percent of utility peak demand. The bill compels regulators to consider the costs and benefits of solar in their study of a possible cross-subsidization of solar owners by non-solar owners caused by net-metering.

I commend this **Preliminary Digest** of state energy and environmental initiatives to you as you prepare for the development of legislative strategies and priorities for 2016.

Representative Rocky Adkins
Commonwealth of Kentucky
SSEB Vice-Chairman





Categories of Energy Legislation

The following categories are used in the *Digest* to best organize the wide array of legislation passed in the South. The purpose of this section is to familiarize the reader with the possible categorical legislative trends in the southern region. Legislation is first categorized by state and then by category.

Alternative Energy Development

The category of *Alternative Energy Development* includes legislation related to the incentives, barriers, and costs associated with the development and use of alternative energy sources, uses and technologies.

Coal and Minerals

The category of *Coal and Minerals* addresses all aspects of coal and mineral extraction, production and transportation. Legislation in this area encompasses mineral rights, mine safety and inspection, royalty distribution, and crushing operations. (See *Land Management and Conservation* under **Environmental Legislation** for new laws relating to land restoration.)

Emergency Management and Homeland Security

The category of *Emergency Management and Homeland Security* addresses the role of state governments in response to natural or man-made emergencies involving critical energy infrastructure and supply. These emergencies may require intrastate, interstate, and/or national response and includes intentional acts of terrorism.

Energy Efficiency

The category of *Energy Efficiency* includes legislation pertaining to the development and promotion of energy efficient technologies and programs for buildings, homes, transportation, power systems, and industry and related energy conservation issues.

Natural Gas and Petroleum

The category of *Natural Gas and Petroleum* addresses regulations on all aspects of natural gas and petroleum exploration, development, production, importation, transportation, storage, and marketing.

Reorganization and Coordination

The category of *Reorganization and Coordination* is composed of legislation affecting the responsibilities or functions of existing state governmental agencies and departments that handle energy matters. Such legislation includes the creation of or changes in department or commission responsibilities and the requirements regarding notice to or coordination of agencies.

Utilities

The category of *Utilities* focuses on legislation affecting water, gas, and electric services provided by utility and power companies. The types of legislation enacted in this area deal with changes in rates, production, distribution, services, operations, least cost planning, and the location of utility services.





Categories of Environmental Legislation

Air Quality and Pollution Control

The category of *Air Quality and Pollution Control* includes legislation regarding various pollutants that are released and emitted into the atmosphere. Specifically, measures in this category include air quality control acts, emission standards, acid rain initiatives, and ozone non-attainment.

Coastal Zone Management

The category of Coastal Zone Management involves the preservation and enhancement of both offshore and onshore environments, including coastal landforms and marine ecosystems. Measures within this category include shore erosion controls, protection of aquatic vegetation and offshore reefs, control of marine harvests, and federal-state consistency provisions.

Emergency Management and Homeland Security

The category of *Emergency Management and Homeland Security* addresses the role of state governments in response to natural or man-made emergencies, which compromise environmental security and health. These emergencies may require intrastate, interstate and/or national response, and include intentional acts of terrorism.

Environmental Health Services

The category of *Environmental Health Services* includes measures enacted to discourage and prevent activities, which disrupt life-support systems for humans and other species, damage wildlife and human health, and produce nuisances such as noise.

Hazardous Waste and Substance Management

The category of *Hazardous Waste and Substance Management* contains legislation relating to toxic substances. The primary purpose of this legislation is to control the production, transportation, use and disposal of toxic substances and wastes. (See *Radioactive Waste* for new laws relating to radioactive materials; see *Solid Waste* for new laws relating to non-toxic materials.)

Inland Water Resource Management and Conservation

The category of *Inland Water Resource Management and Conservation* consists of legislation related to the conservation, permitting, management, and protection of inland water sources and/or reservoirs (e.g., lakes, rivers, streams and tributaries, groundwater, etc.). It includes measures that provide for the capture and control of the water supply, management and protection of wetlands and watersheds, and the regulation of outdoor water activities such as fishing and boating. The category also includes measures pertaining to the responsibility, function, and jurisdiction of relative state and local government agencies.

Land Management and Conservation

The category of *Land Management and Conservation* incorporates legislation concerning the management and protection of public and private lands and ecosystems. Legislation in this category includes land and growth management, land reclamation and restoration activities, including brownfield mitigation, soil erosion, abatement and prevention, environmental covenants, forestry and timber harvesting, hunting regulations, and park management.



Radioactive Waste

The category of *Radioactive Waste* focuses on legislation related to the proper handling, storage, transportation and disposal of high-level and low-level radioactive waste. High-level radioactive waste includes spent fuel and other high-level wastes generated from nuclear operations. Low-level radioactive waste includes any material discarded from a nuclear operation that has been exposed to radiation.

Reorganization and Coordination

The category of *Reorganization and Coordination* is composed of legislation affecting the responsibilities and functions of existing state governmental agencies and departments that handle environmental matters. Such legislation includes the creation of or changes in department or commission responsibilities and regarding notice to or coordination of agencies.

Solid Waste

The category of *Solid Waste* entails legislation relating to the treatment, disposal, and/or recycling of refuse, scrap, tailings, chemical effluents, litter and agricultural or industrial wastes. While some legislation uses the term “solid waste” and “hazardous waste” interchangeably, this digest will use “solid waste” for those wastes that are non-toxic and “hazardous waste” for toxic materials. (See *Radioactive Waste* for all radioactive waste materials; see *Hazardous Waste and Substance Management* for regulation of toxic substances.)

Water Quality and Pollution Control

The category of *Water Quality and Pollution Control* concerns the purity of water as a resource for public and industrial uses. Legislation within this category pertains to quality control measures that guard against the contamination of water supplied by lakes, rivers, streams and tributaries, and/or groundwater. Furthermore, this category contains legislation relating to the recycling of contaminated water and/or sewage.



Matrices and Graphs

The matrices and graphs on the following pages illustrate energy and environmental quality legislative activity observed in SSEB member states during this year’s legislative session. The matrices provide readers with a quick view of the categories of laws passed by each state.

The graphics on “Overall Energy Legislation” and “Overall Environmental Legislation” show the collective number of bills enacted by category during the year in the bar charts and as percentages in the pie charts.

A list of abbreviations used in the graphics is provided. Readers should refer to the categories section for more information on the criteria used in assigning legislation to the categories.



Abbreviations

Energy Legislation Categories

AED	Alternative Energy Development
CM	Coal and Minerals
EMHS	Emergency Management and Homeland Security
EE	Energy Efficiency
NGP	Natural Gas and Petroleum
RC	Reorganization and Coordination
U	Utilities

Environmental Legislation Categories

AQPC	Air Quality and Pollution Control
CZM	Coastal Zone Management
EMHS	Emergency Management and Homeland Security
EHS	Environmental Health Services
HWSM	Hazardous Waste and Substance Management
IWRMC	Inland Water Resource Management and Conservation
LMC	Land Management and Conservation
RW	Radioactive Waste
RC	Reorganization and Coordination
SW	Solid Waste
WQPC	Water Quality and Pollution Control

Legislation Prefix

B	Bill
HB	House Bill
HCR	House Concurrent Resolution
HJR	House Joint Resolution
HM	House Memorial
HR	House Resolution
R	Resolution
SB	Senate Bill
SCR	Senate Concurrent Resolution
SJR	Senate Joint Resolution
SM	Senate Memorial
SR	Senate Resolution



Matrix of 2015 Energy Legislation

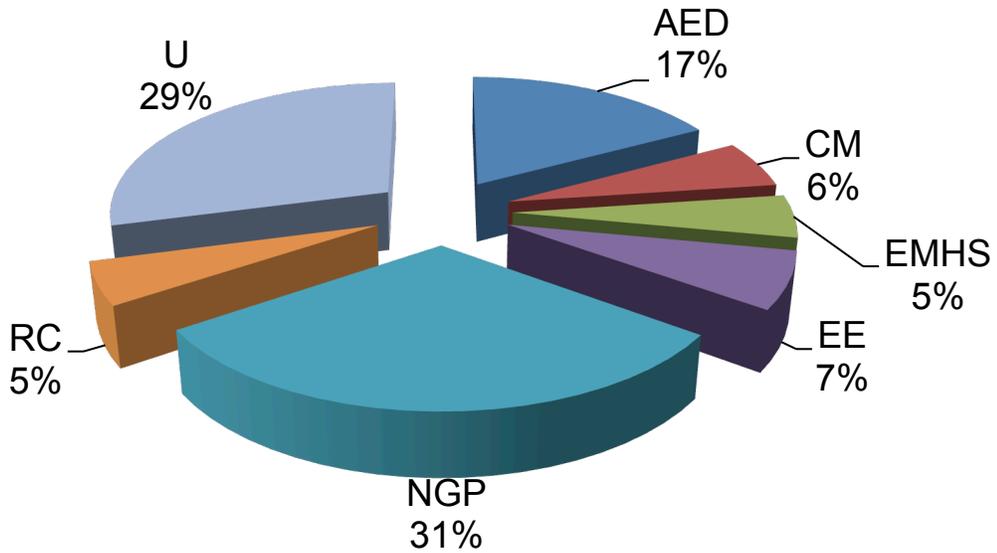
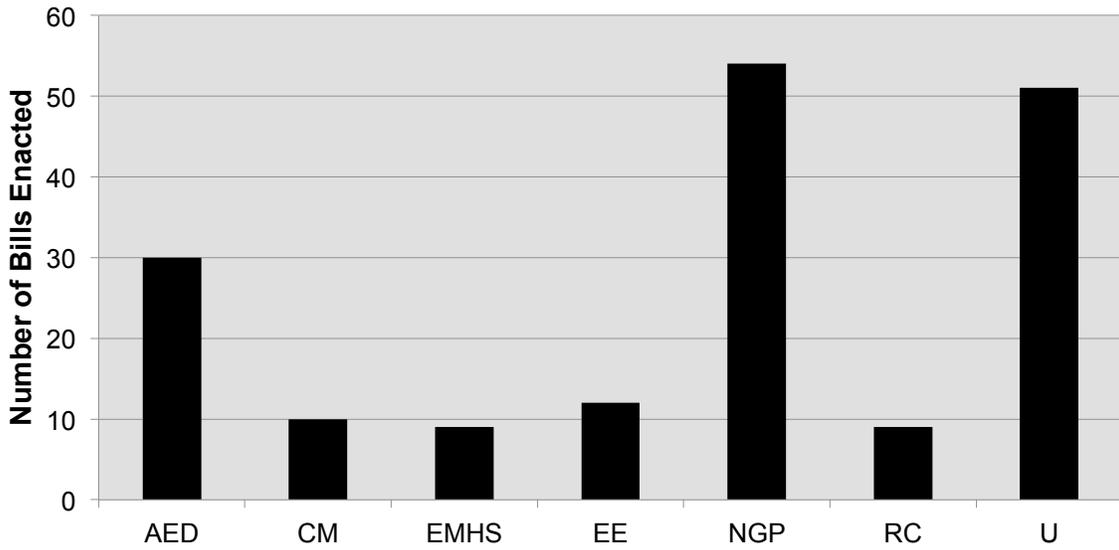
Categories of Legislation	AL	AR	FL	GA	KY	LA	MD	MS	MO	NC	OK	PR	SC	TN	TX	VI	VA	WV
AED	√	√		√		√	√			√	√				√		√	√
CM	√				√					√					√		√	√
EMHS		√				√		√			√						√	
EE	√	√		√	√		√				√				√		√	
NGP	√	√		√	√	√	√	√	√	√	√			√	√	√	√	√
RC	√	√	√				√	√						√	√			
U	√	√	√		√		√	√	√	√	√		√	√	√		√	

Matrix of 2015 Environmental Legislation

Categories of Legislation	AL	AR	FL	GA	KY	LA	MD	MS	MO	NC	OK	PR	SC	TN	TX	VI	VA	WV
AQPC	√	√		√	√	√		√	√					√			√	√
CZM	√		√	√		√	√	√		√			√		√	√	√	
EMHS				√	√						√		√					
EHS	√	√	√	√		√	√			√	√		√	√	√		√	√
HWSM		√	√	√	√	√			√		√				√		√	√
IWRMC	√	√	√	√	√	√	√		√	√	√			√	√		√	√
LMC	√	√	√	√	√	√	√	√	√	√	√		√	√	√		√	√
RW																		
RC	√	√	√	√	√	√	√	√	√	√	√		√	√	√		√	√
SW	√	√	√	√	√				√	√			√		√		√	√
WQPC		√	√	√		√	√	√	√		√		√	√	√		√	√



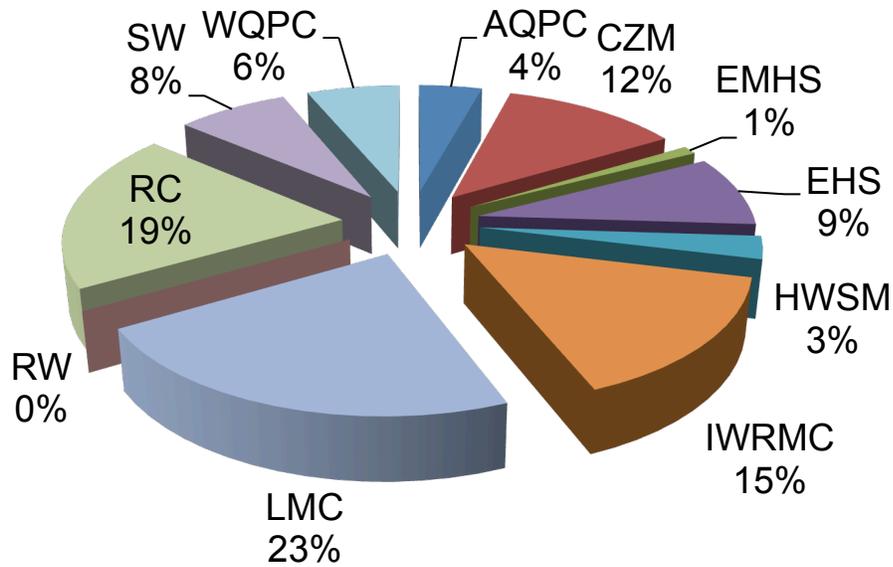
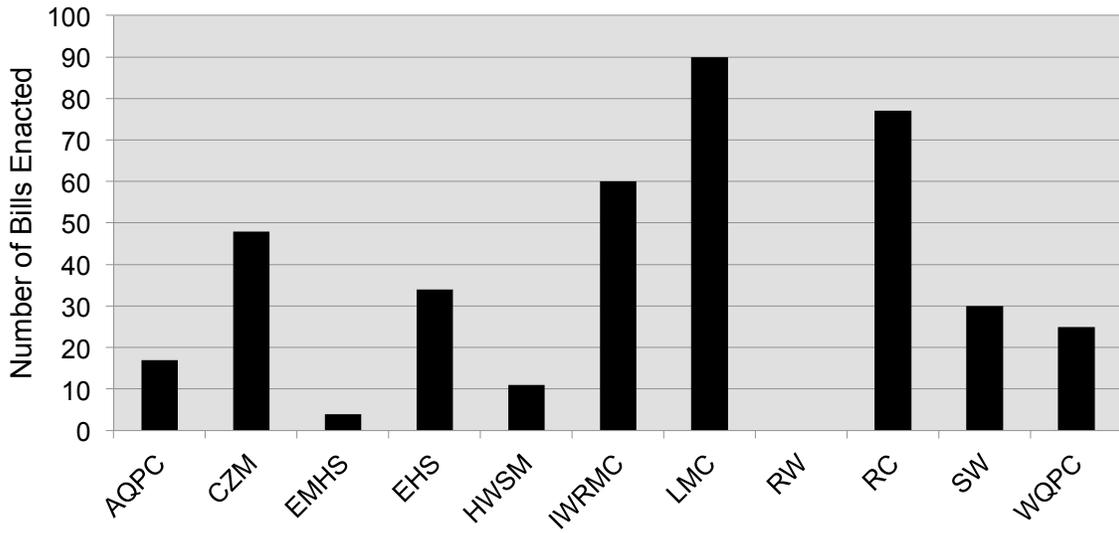
Overall Energy Legislation



- AED Alternative Energy Development
- CM Coal and Minerals
- EMHS Emergency Management and Homeland Security
- EE Energy Efficiency
- NGP Natural Gas and Petroleum
- RC Reorganization and Coordination
- U Utilities



Overall Environmental Legislation



- AQPC Air Quality and Pollution Control
- CZM Coastal Zone Management
- EMHS Emergency Management and Homeland Security
- EHS Environmental Health Services
- HWSM Hazardous Waste and Substance Management
- IWRMC Inland Water Resource Management and Conservation
- LMC Land Management and Conservation
- RW Radioactive Waste
- RC Reorganization and Coordination
- SW Solid Waste
- WQPC Water Quality and Pollution Control





Southern States Energy Board

Member States



Alabama

Energy Legislation

Alternative Energy Development

HB 629/SB 459: Wind Conversion Systems

Rep. Nathaniel Ledbetter; Sen. Steve Livingston

Requires a permit applicant for a wind energy conversion system in DeKalb County to maintain financial assurance in an amount equal to the costs associated with the reclamation plan and the removal of abandoned or unused wind energy conversion systems. Permit applicants must maintain financial assurance in the amount of a \$1 million performance bond to cover any liability for damages or cash also will be accepted as financial assurance.

Coal and Minerals

SB 250: Alabama Surface Mining Control and Reclamation Act

Sen. Greg Reed

Clarifies that procedures for hearings and appeals under the Alabama Surface Mining Control and Reclamation Act take precedence over the Alabama Administrative Procedure Act. The bill provides for judicial review of the final Alabama Surface Mining Commission actions in the circuit court of the principal location of the Commission.

Energy Efficiency

SB 220: Finance Improvements to Real Properties

Sen. Bill Hightower

Allows a county, municipality, or improvement district to adopt a program to issue bonds, notes, or other types of financing methods to finance improvements to certain real properties through assessments on property tax, for the purpose of increasing energy efficiency and community resilience to storm-related events. The measure authorizes a local government to impose assessments to fund certain improvements for qualified projects. Also, the legislation requires a local government to designate areas for project completion.

Natural Gas and Petroleum

HB 61: Pipeline Safety Violations

Rep. Lynn Greer

Increases the civil penalties for pipeline safety violations to conform with federal limits of \$200,000 for each violation each day, not to exceed \$2,000,000 for any related series of violations.



SB 133: Bonds for Sellers of Petroleum Products

Sen. Tom Whatley

Revises the bond required for persons selling petroleum products for which there is an inspection fee charged. Prior law required a bond for not less than \$2,500 or not more than \$5,000. The new law requires the bond to be for \$5,000. The revisions expand the entities required to post a bond to include: a supplier or permissive supplier of gasoline or undyed diesel fuel sold to a licensed exempt entity other than the federal government by a supplier or permissive supplier at the rack; a supplier or permissive supplier selling dyed diesel fuel or dyed kerosene at the rack at an out-of-state terminal to an importer for delivery into Alabama that is not a bonded distributor and does not have a valid inspection fee permit; and the first person selling, the person importing, or the bonded distributor of dyed diesel, dyed kerosene, or lubricating oil. The bill becomes effective on October 1, 2016.

SB 200: Theft of Consigned Motor Fuels

Sen. Steve Livingston

Clarifies that the taking of consigned motor fuels and the taking of the proceeds from the sale of consigned motor fuels without the consent of the owner constitutes theft.

SB 486: Gasoline Excise Tax

Sen. William Beasley

Authorizes the Macon County Commission to impose an excise tax on gasoline in an amount not more than two cents per gallon.

Reorganization and Coordination

SB 307: Plumbers and Gas Fitters Examining Board Fund

Sen. Gerald Allen

Provides that any funds remaining in the Alabama Plumbers and Gas Fitters Examining Board Fund at the end of each fiscal year in excess of 25 percent of the boards' prior year budget will be transferred to the Alabama Home Builders Foundation, a 501(c)(3) non-profit organization, rather than the State General Fund as currently provided by law. This provision could reduce potential future receipts to the State General Fund by an amount dependent upon the amount of excess funds carried by the Alabama Plumbers and Gas Fitters Examining Board Fund at the end of each fiscal year. No excess funds have been reverted to the State General Fund in the past five fiscal years.

This bill also allows the Alabama Plumbers and Gas Fitters Examining Board to (1) provide further for administrative fines, fees, and penalties, and other administrative disciplinary actions, including the ability to levy fines up to \$2000 plus hearing costs, (2) abolish bonding requirements, (3) authorize the board to expend funds for public awareness purposes, (4), require an apprentice gas fitter or plumber to have a current annual certificate, (5) removes provisions for the master plumber's and gas fitter's bond and the temporary certificate. These provisions could increase the receipts of the Alabama Plumbers and Gas Fitters Examining Board Fund by an undetermined amount.

Utilities

HB 58: Alabama Jobs Act

Rep. Alan Baker

Establishes the Alabama Jobs Act to authorize and provide incentives to certain businesses for projects that create any number of new employees, for a qualifying project whose predominant



activity involves chemical manufacturing, data centers, engineering, design or research, or at least 50 new employees, for all other projects. The bill authorizes an incentivized company to claim either or both (1) a jobs credit against utility taxes equal to three percent of wages paid to eligible employees in the previous year for 10 years, or (2) an investment credit against income taxes, financial institution excise taxes, insurance premium taxes, utility taxes, or some combination of these taxes in an annual amount of 1.5 percent of the capital investment for 10 years, based on the terms and conditions of the project agreement entered into between an approved company and the Governor. To qualify for an incentive, the Secretary of Commerce and the Governor must determine that a project is in fact a qualifying project and that the amount of tax incentives sought are exceeded by the anticipated revenues to the state, including income, property, business privilege, utility, and sales and use taxes as they arise from: (1) construction activities related to the qualifying project; (2) purchase of building materials and initial equipping of the qualifying project; (3) subsequent equipping of the qualifying project; and (4) the operation of the qualifying project. In addition, the Governor is authorized to decrease the amounts and duration of the incentives to ensure the anticipated revenues to the state will exceed the amount of incentives sought. The incentive period does not begin for either credit until after the project is placed into service.

The bill will reduce utility tax receipts to the Education Trust Fund to provide the jobs credit which may be realized (1) as a refund out of utility taxes, regardless of the amount of taxes actually paid, or (2) as a credit against utility taxes actually paid or, in any one year if the credit exceeds the amount of taxes owed, the incentivized company may carry forward the credit for up to five years. Distributions to the Special Mental Health Trust Fund will not be affected by the jobs credit. The measure will reduce utility tax receipts, income tax receipts, and/or insurance premium tax receipts to the Education Trust Fund and/or financial institutions excise tax receipts to the State General Fund to provide the investment credit. The investment credit will not affect distributions to municipalities, counties, or the Special Mental Health Trust Fund. The investment credit may be realized (1) as a credit against taxes actually paid or, in any one year if the credit exceeds the amount of taxes owed, the incentivized company may carry forward the credit for up to five years, (2) for an incentivized company taxed as a flow-through entity, the credit may be allocated among some or all of its owners, or (3) all or part of the first three years of the credit may be transferred and applied by another person or company, if approved by the Secretary of Commerce.

The bill allows the Department of Commerce to report to the Department of Revenue any failure of an incentivized company to meet the jobs, wages, or investment requirements specified in the project agreement and authorizes the Department of Revenue to assess an incentivized company for any unearned portion of the jobs credit or the investment credit, with allowed penalties and interest.

In addition, the measure creates the eight-member Joint Legislative Advisory Committee on Economic Incentives to monitor and evaluate the management process and standards used by the Department of Commerce in the development of project agreements and in the awarding of economic development incentives and may provide recommendations regarding the same; however, the committee will act in an advisory role only. This bill will increase the obligations of the legislature by an undetermined amount for the committee to make an annual report of its findings and recommendations to the legislature during each regular session, as required herein.

The incentives authorized in the legislation will not be available for projects for which project agreements have not been executed on or prior to December 31, 2019, unless the legislature votes to continue or reinstate the incentives for new projects after that date.

HB 59: Alabama Reinvestment and Abatements Act

Rep. Paul Lee

Enacts the Alabama Reinvestment and Abatements Act. The bill would create reinvestment incentives for Alabama-based facilities that are refurbished, upgraded, or placed back in service. A qualifying project may receive abatements of construction related transaction taxes, noneducational property tax incremental increases, and a rebate of incremental increases in utility taxes for up to 10 years. Regardless of the length of the abatement, county and municipal noneducational taxes may be abated only with the consent of the county or municipality, and state property taxes may only be abated with the consent of the Governor. A company may assign and convey the utility tax refund to another entity. Additionally there is a provision for Alabama Industrial Development Training (AIDT) worker training on new and replacement equipment.

A qualifying project for these incentives is defined as a project that: (i) proposes to invest in capital expenditures that equal or exceed \$2,000,000 as part of any addition, expansion, improvement, renovation, re-opening, or rehabilitation of a facility, or replacement of any existing equipment or tangible personal property; (ii) predominantly involves an approved activity; and (iii) for which no project agreement has been entered with the Governor for the provision of other incentives.

In order for a project to receive the utility tax refunds and/or AIDT worker training, the Secretary of Commerce is required to certify (1) that the project is in fact a qualifying project; (2) that the company has not defaulted on a project agreement or any economic incentive agreement at any time during the last 10 years; and (3) the project will promote the continued or sustained operation of the company's business in Alabama.

In addition, the bill would amend the state's 1992 abatement law to allow abatements of construction related transaction taxes and noneducational property taxes to be granted for up to 20 years, which is an additional 10 years over the current abatement period allowed by law. For ad valorem abatements longer than 10 years, county and municipal noneducational taxes may be abated only with the consent of the county or municipality, and state taxes may only be abated with the consent of the Governor. Abatements will end if the facility or property is not used for six months for its approved purpose.

The Act will increase the administrative obligations of the Departments of Commerce, Finance, and Revenue by an undetermined amount to promulgate regulations, conduct audits, and administer the program. In addition, the bill will increase the obligations of AIDT by an undetermined amount to provide worker training on new or replacement equipment.

HB 62: Excavation Activities

Rep. Lynn Greer

Revises the definition of the term "excavate or excavation" to delete the reference to state and local government maintenance employees and to provide that excavation for purposes of notification does not include routine roadway maintenance activities that are carried out by or for anyone responsible for maintaining public roadways. As enacted under previous legislation, any person conducting excavation activities on a public street, highway, or public easement is required to first notify the One-Call Notification System to determine the location of all underground facilities in the location where excavation will occur.



SB 2: Alabama Municipal Electric Authority

Sen. Gerald Dial

Provides that the number of board members of the Alabama Municipal Electric Authority would equal the number of municipalities participating in the authority and would specify that the terms of any members added to the board would be staggered. This bill authorizes the board by unanimous vote to provide compensation to board members not to exceed \$600 per meeting and deletes the requirement that the auditing firm be a national accounting firm.

SB 52: Energy Security Act of 2015

Sen. Cam Ward

Gives an incumbent electric supplier the right to construct, own, operate, and maintain new electric transmission facilities or to upgrade any electric transmission facility it owns within the state. Further, it provides for resolution of disputes between incumbent electrical suppliers. These provisions of the bill will sunset on July 1, 2023.





Alabama

Environmental Legislation

Air Quality and Pollution Control

HJR 205: Clean Power Plan

Rep. Mac McCutcheon

Urges delay or withdrawal and reconsideration of a final Clean Power Plan by the Environmental Protection Agency.

Coastal Zone Management

HB 186: Imported Catfish

Rep. Artis A.J. McCampbell

Requires restaurants to list the country of origin on foods containing catfish products.

HB 312: Marine Resources

Rep. David Sessions

Authorizes the Department of Conservation and Natural Resources to require an endorsement, stamp, or license and associated fees in order to harvest specific species and species groups of marine resources. The new fee will be in addition to any other saltwater fishing license or fee required by law and will increase receipts to the Marine Resources Fund of the Department of Conservation and Natural Resources.

SB 58: Brown Shrimp

Sen. Lee Trip Pittman

Designates the brown shrimp as the official state crustacean.

SB 455: Shrimp Harvesting

Sen. Gerald Dial

Allows the Commissioner of Conservation and Natural Resources to establish, by rule, areas that are closed for commercial and recreational harvesting of shrimp, subject to certain restrictions, in lieu of setting the minimum weight requirement of shrimp which are caught or taken in the territorial waters of Alabama as provided by the current law. This could reduce the obligations of the Marine Resources Division of the Department of Conservation and Natural Resources by a small undetermined amount due to the elimination of the weight requirement provision, which will reduce the amount of samples necessary to be taken to maintain the legal weight requirements as provided by the current law. The legislation also provides that any shrimp harvested from inland ponds or farms may be processed at the site where the harvesting occurs pursuant to rules adopted by the Alabama Department of Public Health.

In addition, this bill could increase receipts to the Seafoods Fund from fines by an amount dependent upon the number of persons charged with and convicted of the offenses provided by this legislation and the imposed penalties.



Environmental Health Services

HB 99: Overgrown Grass and Weed Abatement

Rep. Barbara Drummond

Provides that the city council in a Class II municipality may adopt procedures for the abatement of repeat overgrown grass and weed nuisances that authorize the mayor to take actions to abate the nuisances on property that has previously been subject to abatement by the city.

SB 84: Overgrown Grass and Weed Abatement

Sen. Tim Melson

Provides for the abatement of grass or weeds in the City of Athens which becomes a nuisance under certain conditions. Property owners must receive the prescribed notice. The bill allows for the assessment of the costs for abatement when the work is required to be performed by the city.

Inland Water Resource Management and Conservation

SB 89: Municipal Water Works Board

Sen. Jabo Waggoner

Increases the obligations of any municipal water works board that serves four or more counties and is not considered (1) a municipal utilities board operating a water works system, natural gas system, and an electric distribution system, or (2) an entity which only serves wholesale water customers, by a maximum amount of \$24,000 annually for each board member, or a total of \$216,000 annually for the nine board members, appointed pursuant to the provisions of this bill. The legislation could also increase obligations by providing each board member an additional personal expense allowance if approved by the board in an open meeting; however no board member may be reimbursed for alcohol and entertainment related expenses.

SB 122: Navigable Waters Dredging Fund

Sen. Bill Hightower

Creates the Navigable Waters Dredging Fund and allows for funding from any governmental entity or gifts from any source. This bill also provides that this Fund shall be a line item under the Alabama Department of Environmental Management to pay the U.S. Army Corps of Engineers for the dredging of Alabama navigable waters and sediment reuse.

Land Management and Conservation

HB 130: Hunting and Fishing Licenses

Rep. Tim Wadsworth

Provides for the annual issuance of hunting licenses to persons with disabilities for a reduced license fee. Also, the bill requires fishing licenses to be issued annually to persons with disabilities for a reduced annual license fee.

HB 286: Queen Honey Bee

Rep. Jim Patterson

Designates the queen honey bee as the official state agriculture insect.

SB 354: Liability for Injury Caused by Traps

Sen. Clay Scofield

Clarifies that any person who causes injury or damage to any person or domestic animal will be strictly liable for civil damages as a result of using any trap or similar device on public land to



take, capture, or kill any of the fur-bearing animals protected by the laws or regulations of the state. There is not strict liability on private land.

Reorganization and Coordination

HB 164: State Board for Registration of Architects

Rep. Howard Sanderford

Provide for the continuance of the State Board for Registration of Architects until October 1, 2019, with the following: changes the date of expiration of a certificate of registration to practice architecture from September 30 to December 31, to coincide with the continuing education reporting period.

HB 165: State Licensing Board for General Contractors

Rep. Howard Sanderford

Provides for the continuance of the State Licensing Board for General Contractors until October 1, 2019.

HB 166: Board of Examiners of Landscape Architects

Rep. Victor Gaston

Allows for the continuance of the Alabama Board of Examiners of Landscape Architects until October 1, 2019.

HB 174: Onsite Wastewater Board

Rep. Laura Hall

Provides for the continuance of the Alabama Onsite Wastewater Board until October 1, 2019.

HB 176: State Board of Licensure for Professional Engineers and Land Surveyors

Rep. Laura Hall

Allows for the continuance of the State Board of Licensure for Professional Engineers and Land Surveyors until October 1, 2019.

HB 355: Agricultural Testing

Rep. David Sessions

Authorizes the Commissioner of Agriculture and Industries, with approval of the State Board of Agriculture and Industries, to enter into agreements delegating the responsibility for laboratory tests or analyses to any laboratory operated by the United States government or any other state government. The commissioner may use the results of tests or analyses performed by these laboratories for the execution or administration of any law or rule imposed on the commissioner or the State Board of Agriculture and Industries.

SB 232: General Contractor Exemptions

Sen. Del Marsh

Clarifies an exemption under existing law, that states a person, firm, or corporation constructing a building or other improvement on his or her or its own property is exempt from the requirements of being licensed as a general contractor. The exemption may not be altered or restricted by a municipal governing body.



Solid Waste

SB 49: Junkyard Control Regulation

Sen. Gerald Allen

Amends current state law to adopt the federal definition of "primary system" for the purposes of junkyard control regulation. This bill will increase the obligations of the Department of Transportation (DOT) by a small, undetermined amount to regulate additional junkyards by expanding this definition; however, this increase could be offset by these additional junkyards being required to pay the annual \$25.00 license fee to establish, operate, or maintain a junkyard under the expanded definition of a primary system. Under the provisions of MAP-21, failure to regulate these junkyards could result in a seven percent decrease in federal highway funding, which would be equivalent to approximately \$45,000,000 in fiscal year 2015.







Arkansas

Energy Legislation

Alternative Energy Development

HB 1004: Compensation for Net-Metering Customers

Rep. Stephen Meeks

Requires electric utilities to compensate net-metering customers for net excess generation credits in certain circumstances and mandates rates charged to each net-metering customer to recover the electric utility's entire cost of providing service to each net-metering customer within each of the electric utility's class of customers. The bill addresses interconnection, service to the net-metering customer, and benefits to the electric utility's capacity, reliability, distribution system, or transmission system.

The measure establishes a system size cap eligible for net-metering. The cap is set at generating capacity of the greater of 25 kW or 100 percent of the net-metering customer's highest monthly usage in the previous 12 months for residential. For commercial, the cap is 300 kW unless otherwise allowed by the Public Service Commission.

The bill establishes that the commission is required to establish rates, terms, and conditions for net-metering customers that recover the electric utility's entire cost of providing service to each net-metered customer. The "entire" cost includes any quantifiable additional cost associated with the net-metering customer's use of the utility's capacity, distribution system, or transmission system and any effect on the utility's reliability.

Provisions in the law state that the cost is the net after any quantifiable benefits associated with the net-metering customer are taken into consideration. Under the legislation, net excess generation credits never expire and can carry over indefinitely. An exception to indefinite carry over is that after two years, the net-metered customers can elect to have the utility purchase the credits at the utility's estimated annual average avoided cost rate if the sum is at least \$100. Net excess generation credits must also be purchased by the utility when a customer is no longer a customer of the utility, ceases to utilize the net-metered facility, or transfers the facility to another person.

SR 22: Proposed Plains & Eastern Clean Line Transmission Project

Sen. Missy Irvin

Opposes the proposed Plains & Eastern Clean Line transmission project. The legislation encourages federal and state action to prevent the project or limit its consequences.

Emergency Management and Homeland Security

HB 1770: Drone Surveillance of Critical Infrastructure

Rep. Matthew Shepherd

Prohibits using an unauthorized drone to collect surveillance relating to critical infrastructure such as power generation facilities and oil refineries.



SB 925: Out-of-State Assistance During Disaster Response

Sen. Jake Files

Exempts out-of-state businesses and their employees from certain taxes and regulatory requirements during a disaster response period. The act declares an emergency and was effective on and after March 31, 2015.

Energy Efficiency

HB 1191: Rates and Charges Under the Energy Conservation Act

Rep. Charlie Collins

Allows businesses to opt out of required utility-sponsored energy conservation programs if they meet existing criteria, and if they have accepted, but have also returned, money or financing from the utility for installation of those programs.

SB 437: East Arkansas Community College

Sen. Ronald Caldwell

Provides an emergency appropriation for the East Arkansas Community College for campus energy management and an environmental control system.

SB 869: Local Government Energy Efficiency Project Bond Act

Sen. David Johnson

Creates the Local Government Energy Efficiency Project Bond Act. The bill provides that a municipality or county may enter into a guaranteed energy cost savings contract in order to reduce energy consumption, and may enter into an installment payment contract or lease purchase agreement with a qualified provider for the purchase and installation of an energy efficiency project. The legislation permits the issuance of bonds for energy efficiency projects by ordinance and provides for certain liens.

Natural Gas and Petroleum

HB 1433: Definition of Public Utility

Rep. Joe Jett

Modifies the definition of public utility under the public utilities and carriers laws and provides that the term does not include a person or corporation that furnishes compressed natural gas as a motor fuel to or for the public for compensation.

HB 1436: Severance Tax Deferral

Rep. Grant Hodges

Defers a portion of the general revenue that is derived from five percent of the natural gas severance tax revenue, to the Arkansas State Highway and Transportation Department for road and bridge repair, and maintenance grants.

HB 1536: Petroleum Storage Tanks

Rep. Les Eaves

Allows the Department of Environmental Quality to transfer eligibility for payment for corrective action on a qualified petroleum storage tank to a subsequent owner or operator.

HB 1782: Unclaimed Property and Mineral Rights

Rep. Lane Jean

Reduces the number of years that transpire before certain categories of unclaimed property are presumed abandoned. The bill specifically revises reporting requirements for mineral rights and



proceeds.

SB 47: Brine Expansion Units

Sen. Bobby Pierce

Authorizes the Oil and Gas Commission to designate brine expansion units in areas adjacent to existing brine production units.

SB 116: Technical Correction to Arkansas Code Related to Natural Gas and Economic Development

Sen. David Johnson

Makes technical corrections to Title 15 of the Arkansas Code concerning natural resources and economic development. The bill relates to compressed natural gas refueling stations, liquefied natural gas refueling stations, or liquefied petroleum gas refueling station rebates, water resources development project funds, and administrative project costs.

SB 778: Rules and Orders by the Oil and Gas Commission

Sen. Bruce Maloch

Changes language to provide that new rules or orders by the Oil and Gas Commission are only effective after an 'opportunity for' a public hearing. Previously, new rules and orders would only be effective after the holding of a public hearing.

SB 801: Sales Tax Exemptions

Sen. Jason Rapert

Expands the use of sand and other proppants that are exempt from sales and use tax to include use to re-complete, redrill, or expand an existing oil or gas well.

Reorganization and Coordination

SB 158: Steam Boiler Inspections

Sen. Jimmy Hickey, Jr.

Allows the Chief Inspector of the Boiler Inspection Division to grant an extension of up to six months on the inspection of high pressure steam boilers.

Utilities

HB 1592: Certificate of Public Convenience

Rep. Rick Beck

Requires the Public Service Commission, prior to issuing a Certificate of Public Convenience and Necessity, to find (1) the applicant's primary operation in Arkansas will serve as a public utility; and (2) state citizens are the primary beneficiaries of the applicant's services.

HB 1633: Power Purchase Agreements

Rep. Warwick Sabin

Prohibits electric utilities from entering into power purchase agreements for more than five years unless certain conditions are met.

HB 1655: Formula Rate Review Act

Rep. Charlie Collins

Creates the Formula Rate Review Act to require an annual review of a public utility's rates to determine if adjustments are needed for compliance. The measure provides new language concerning Public Service Commission authority to set utility rates. This legislation introduces a



formula rate review (FRR) mechanism for utilities and requires that the Public Service Commission approve a FRR if requested by a utility and allows a utility to use a projected test year. The bill establishes certain parameters, including the use of an earnings band 50 basis points above and below the allowed return on equity and annual rate changes not to exceed four percent of prior year revenues.

HB 1777: Release of Customer Information

Rep. Dwight Tosh

Requires public utilities to release current and former customer address information to a process server; authorizes the utility to request written documentation of the server's court appointment.

SB 197: Freedom of Information Act Exemptions

Sen. John Cooper

Exempts from the Freedom of Information Act certain information related to water systems and city-owned utilities, including transmission and delivery plans and information, and customer usage data and personal information.

SB 645: Cost Recovery for Acquisition of Operating Units

Sen. Jim Hendren

Authorizes utilities to acquire operating units or systems that are owned by the public utility's affiliate or other entities. The legislation provides that utilities claiming an exemption under the Utility Environmental Protection Act may seek facilities cost recovery.

SB 667: Public Utility Evidence of Indebtedness

Sen. David Sanders

Provides that the Public Service Commission's power to regulate the debt of public utilities is void when a public utility is a regional transmission organization with debt authorized by the Federal Energy Regulatory Commission. The bill terminates the law concerning the necessary authorization of a public utility's evidence of indebtedness in instances where the public utility is also a regional transmission organization that is jurisdictional to the Federal Energy Regulatory Commission; the debt is authorized by the Federal Energy Regulatory Commission; and does not create a lien on property in this state.

SB 727: Interim Surcharges by Public Utilities

Sen. Terry Rice

Authorizes public utilities to recover through an interim surcharge the construction and equipment costs for required compliance with legislation or administrative rules. The measure provides for a waiver of major utility facility construction hearings.

SB 814: Arkansas Underground Facilities Damage Prevention Act

Sen. Bobby Pierce

Revises the Arkansas Underground Facilities Damage Prevention Act and requires repair of underground facilities that are damaged by excavation or demolition within a reasonable amount of time after notification by the operator. An operator must respond and examine the damage within two business days of notification and must complete repairs to the damaged facilities within a reasonable amount of time.

SB 935: Certificate of Public Convenience Exemption

Sen. Terry Rice

Provides that an exemption from the requirement to obtain a Certificate of Public Convenience



held by a member cooperative of a generation and transmission cooperative extends to the generation and transmission cooperative.





Arkansas

Environmental Legislation

Air Quality and Pollution Control

SB 183: Procedures for Enacting a State Implementation Plan

Sen. Eddie Joe Williams

Creates procedures for the creation of a state plan to regulate carbon dioxide emissions from power plants. The legislation states that the submission of a state plan is the preferred method of compliance with federal emission guidelines. Before initiating any development of a state plan, the Arkansas Department of Environmental Quality must develop several impact reports. Among other reporting, the bill requires the Department of Environmental Quality to work in conjunction with the Public Service Commission to prepare a report on the regulation's impacts to affordability, financial impacts, reliability, and other factors. The legislation states that the department has to develop a report on electricity consumer impacts in conjunction with the Economic Development Commission. The bill requires legislative approval by the legislative council and the Governor of a state plan before its submission to EPA, with certain exceptions. The bill establishes a rate and reliability safety valve for customer classes, including energy-intensive-trade-exposed industries.

Environmental Health Services

HB 1529: Successor Corporation Asbestos Liability Fairness Act

Rep. Rick Beck

Creates the Successor Corporation Asbestos-related Liability Fairness Act, provides limits on successor asbestos-related liabilities, provides that a successor is not liable when the successor's cumulative successor asbestos-related liabilities exceed the fair market value of the total gross assets of the transferor as of the time of the merger or consolidation. The measure provides that a successor does not have immunity in relation to unrelated workers' compensation benefits or collective bargaining agreements.

SB 462: Criminal Offenses

Rep. David Johnson

Revises the definition and penalties for criminal offenses not in the Criminal Code including littering and refuse hauling in uncovered vehicles as well as the abandonment of motor vehicles and household appliances on public property.

Hazardous Waste and Substance Management

HB 1537: Toxic Chemical Release Forms

Rep. Scott Baltz

Increases the total of annual fees paid by facilities with toxic chemical release report forms. For each facility required to file one or more toxic chemical release forms, under the provisions of 42 U.S.C. § 11023, an annual fee of three hundred dollars (\$300) and an additional fee of \$50 for each report, with a maximum limit of \$1000 annually for each reporting facility.



Inland Water Resource Management and Conservation

HB 1082: Sewer Utility Service

Rep. Andy Davis

Requires a sewer utility to post notice of customer delinquency and provide a signed statement to its' corresponding water utility before termination of the customer's water service when the sewer utility does not own the water utility.

HB 1314: Water Performance Bond Repeal

Rep. Andy Davis

Repeals the five-year financial assurance requirement for permit-seeking nonmunicipal domestic sewage treatment works. The measure repeals the Water Performance Bond Fund, while creating a trust fund and requiring an annual trust fund contribution fee.

SB 157: Sewage Treatment Plants

Sen. Jimmy Hickey, Jr.

Allows nonmunicipal domestic sewage treatment plants to use their federal tax returns from the previous five years when proving financial solvency for the purpose of a reduction in the amount of financial assurance needed for permit renewal.

Land Management and Conservation

HB 1569: Feral Hogs

Rep. DeAnn Vaught

Requires that captured feral hogs be killed or ear-tagged and transported to a termination facility. The measure would also allow the Arkansas Game and Fish Commission to establish a depredation permit program to encourage people to participate in the eradication of feral hogs. The bill also clarifies penalties for non-compliance with laws pertaining to capturing, killing, transporting, or releasing feral hogs.

HB 1908: Eminent Domain

Rep. Rick Beck

Establishes that private property may only be taken under the power of eminent domain for private use and that a property owner has the right to an assessment of the market value of the property obtained by an entity seeking to take the property.

Reorganization and Coordination

HB 1380: Forestry Education

Rep. Ken Bragg

Allows a higher education professor to teach elements of forestry without registering for the practice of forestry and removes the teaching of forestry from the definition of the "practice of forestry."

Solid Waste

HB 1452: Solid Waste Facility Management Operators

Rep. John Baine

Allows the Director of the Department of Environmental Quality to waive licensure requirements for operators of solid waste management facilities.



HB 1496: Electronic Equipment Recycling Programs

Rep. Sheilla Lampkin

Requires annual allocation to regional solid waste management districts those special revenues collected as disposal fees for electronic equipment recycling programs. The legislation prescribes procedures to determine allocation.

HB 1497: Waste Tires

Rep. Sheilla Lampkin

Provides solid waste management districts need apply only once for a waste tire grant. The measure requires the Arkansas Department of Environmental Quality to disburse awards immediately. The legislation excludes from definition of “waste tire” the portion of a tire processed for beneficial use.

HB 1705: Landfill Post-Closure Trust Fund

Rep. Bob Ballinger

Provides that the Landfill Post-Closure Trust Fund be administered by the Department of Environmental Quality and may be used for closure of a permitted waste tire processing or disposal site owned by an insolvent regional solid waste management district.

SB 130: Technical Corrections to Arkansas Code Concerning Environmental Law

Sen. David Johnson

Makes technical corrections to the state code concerning environmental law to include creating solid waste management districts, directors, reporting, special assessments, and bonds of property assessed energy improvement districts.

SB 844: Income Tax Credit for Waste Reduction, Reuse, or Recycling Equipment

Sen. David Burnett

Clarifies the distribution of income tax credits for waste reduction, reuse, or recycling equipment when a public retirement system is an investor in a qualified Amendment 82 project. An Amendment 82 project is a large economic development project that qualifies under Amendment 82 to the Arkansas Constitution. The bill declares an emergency and was effective on and after March 31, 2015.

Water Quality and Pollution Control**HB 1067: Water Quality Regulations and Trading**

Rep. Charlie Collins

Allows the Arkansas Pollution Control and Ecology Commission to establish a nutrient water quality trading system which may involve credits, offsets, and exchanges. The bill creates a nutrient water quality trading advisory panel.





Florida

Energy Legislation

Reorganization and Coordination

HB 7109: Public Service Commission Reform

Regulatory Affairs Committee

Limits future Public Service Commission (PSC) members to three consecutive four-year terms and establishes term limits for persons appointed to serve on the PSC. The bill requires a person who lobbies the Public Service Commission Nominating Council to register as a legislative lobbyist pursuant to s. 11.045, F.S., and comply with the provisions of that section. Also, the measure requires PSC commissioners to annually complete four hours of ethics training. The legislation expands the prohibition on ex parte communications to communications in a proceeding affecting substantial interests which a commissioner knows or reasonably expects will be filed within 180 days.

Also, the bill expands the prohibition on ex parte communications to include certain communications at scheduled and noticed open public meetings of educational programs and conferences of regulatory agency associations. The Governor is authorized to remove from office a commissioner found by the Commission on Ethics to have willfully and knowingly violated the law with respect to ex parte communications. The measure requires removal from office after a second such finding.

The legislation requires the PSC to provide live streaming on the Internet of each PSC meeting attended by two or more commissioners and at which a decision is made concerning the rights or obligations of any person. The PSC must place on its website a recording of each meeting, workshop, hearing, or proceeding.

Utilities

HB 7109: Utility Rates

Regulatory Affairs Committee

Prohibits a regulated electric utility from charging a higher rate under a tiered rate structure due to an increase in usage attributable to a billing cycle extension. The measure establishes limits on the deposit amount that a regulated electric utility may require from a customer. A regulated electric utility must notify each customer of all available rates and to provide good faith assistance to the customer in selecting the best rate. New and amended tariffs of regulated electric utilities must be approved by a vote of the Public Service Commission (PSC), except for administrative changes, unless otherwise provided by law.

The bill specifies that moneys received to implement measures to encourage demand-side renewable energy systems must be used solely for that purpose, including administrative costs of such measures. The measure creates a financing mechanism by which an investor-owned electric utility, subject to the terms of a PSC order approving the use of such mechanism, may recover certain costs associated with the premature retirement of a nuclear power plant if the PSC finds that customer savings will result.





Florida

Environmental Legislation

Coastal Zone Management

HB 7021: Fish and Wildlife Conservation Commission State Affairs Committee

Modify Tarpon Tag Requirements

Eliminates angler reporting requirements for the tarpon tag because the Fish and Wildlife Conservation Commission (FWC) may obtain the same information from the International Game Fish Association (IGFA). In 2013, FWC modified its rules through its constitutional authority to restrict tarpon to a catch-and-release only fishery unless an angler is pursuing an IGFA record. In addition, the bill modifies the effective and expiration dates of tarpon tags so that each tag is valid for a full calendar year.

Repeal Restricted Species Endorsement Regulations from Statute

Removes restricted species (RS) endorsement regulations from statute, but does not remove the requirement to obtain a RS endorsement. Prior law required a commercial saltwater fisher to obtain a free RS endorsement to commercially harvest and sell the 32 groups of species designated as “restricted” by the Fish and Wildlife Conservation Commission (FWC). In June 2014, the same RS endorsement regulations were adopted into rule by FWC pursuant to its constitutional authority.

Environmental Health Services

HB 1151: Residential Master Building Permit Programs

Business & Professions Subcommittee

Provides that if a local building code administrator receives a written request from a licensed general, building, or residential contractor requesting the creation of a master building permit program, the local government that employs the recipient building code administrator shall create a residential master building permit program within six months of receipt of the written request. The program is designed to achieve standardization and reduce the time spent by local building departments during the site-specific building permit application process.

To obtain a master building permit, builders must submit certain documents, including a general construction plan, to the local building department for review and approval. The local building department must review the general construction plan to determine compliance with the building code and approve or deny the master building permit application within 120 days after receiving a complete application. If the master building permit application is approved, the builder will receive a master building permit and permit number.

To build one of the buildings approved under the master building permit, the builder must apply for a site-specific building permit and include the master building permit number with the application. The builder may submit the master building permit number an unlimited number of times with the site specific building permit applications so long as the builder uses the model design contained in the master building permit and the permit is valid. Approved master building permits are valid until the Florida Building Code is updated as provided in statute.



The governing bodies of local governments must set permit fees. A builder or design professional who willfully violates this provision will be fined \$10,000 for each dwelling or townhome built under the master building permit that does not conform to the master building permit on file with the local building department.

SB 420: Animal Control

Appropriations

Authorizes sheriffs and county animal control centers to offer for adoption or humanely dispose of impounded livestock, excluding cattle, as an alternative to the sale or auction of the livestock. The bill requires county animal control centers, in addition to sheriffs, to determine the fees allowed for impounding, serving notice, care and feeding, advertising, and disposing of impounded animals; and authorizes county animal control centers to collect payment in the same manner as sheriffs for impounding expenses when the livestock owner redeems the impounded livestock.

Under prior law, counties and societies or associations for the prevention of cruelty to children or animals (societies/associations) were authorized to appoint agents to investigate violations of certain animal cruelty laws and other laws protecting children and animals. The bill grants municipalities with certified animal control officers the same powers as counties and societies/associations. In addition, prior Florida law authorized counties and municipalities to adopt ordinances related to animal control and cruelty, and sets forth what must be in the ordinances and the procedure to assess and collect fines. These ordinances may not conflict with the animal cruelty statutes. However, prior law also authorized counties and municipalities to enforce their local ordinances through local code enforcement boards that employ code inspectors. Code enforcement boards can also hold hearings, impose enforcement fees and fines, and file liens on property. It is unclear whether these enforcement options can apply to ordinances adopted pursuant to existing animal cruelty statutes. The bill specifically authorizes counties and municipalities to use these other code enforcement options to enforce animal control and cruelty ordinances.

SB 1094: Perils of Flood

Rules

Amends current law relating to the peril of flood and the offering of private flood insurance as an alternative to coverage provided through the National Flood Insurance Program (NFIP). The bill requires surveyors and mappers to complete elevation certificates in accordance with procedures developed by the Division of Emergency Management and requires local governments to include certain coastal management elements for their comprehensive plans. In addition, the bill amends s. 627.715, F.S., to:

- Create a new type of flood insurance, called “flexible flood insurance,” which is defined as coverage for the peril of flood that may include water intrusion coverage, and includes or excludes specified provisions, including the authority to limit coverage to only the outstanding mortgage on the property and to allow dwelling loss to be adjusted only on the actual cash value of the property;
- Clarify the definition of supplemental insurance to permit coverage in excess of any other insurance covering the peril of flood;
- Require the notice that insurance agents must provide to potential insureds must stipulate to the applicant that the full risk rate may apply, if NFIP coverage at a subsidized rate is discontinued;

- Authorize the Office of Insurance Regulation (OIR) to require insurers to provide appropriate return of premium to former insureds or to credit current policyholders, if OIR determines a flood coverage rate is excessive or unfairly discriminatory; and
- Allow an insurer to request a certification from OIR that acknowledges that a private flood policy equals or exceeds the coverage offered by NFIP, and, subject to the OIR's determination that such policy is NFIP-equivalent, these certifications may be used in advertising and communications with agents, lenders, insureds, and potential insureds.

The bill provides that an insurer or agent who knowingly misrepresents that a flood policy, contract, or endorsement is certified commits an unfair and deceptive act.

Hazardous Waste and Substance Management

HB 787: Recycled and Recovered Materials

Agriculture & Natural Resources Subcommittee

Provides defenses for liability related to the costs of removal or remedial action incurred by the Department of Environmental Protection (DEP) and damages for injury to, destruction of, or loss of natural resources resulting from the release or threatened release of a hazardous substance. To avoid liability, persons must plead and prove the occurrence was solely the result of an act of war, act of government, act of God, or an act or omission of a third party.

The bill provides that a person who sells, transfers, or arranges for the transfer of recycled and recovered materials to a facility owned or operated by another person for the purpose of reclamation, recycling, manufacturing, or reuse of such materials is relieved from liability for hazardous substances released or threatened to be released from the receiving facility. The measure creates an exception or limitation to the relief from liability if the person arranging for the transfer of the recycled material fails to exercise reasonable care or if the recycling of such materials was not expected to be "legitimate" based on the information generally available to the person at the time of the arrangement. The legislation defines "recycled and recovered materials" to include scrap paper; scrap plastic; scrap glass; scrap textiles; scrap rubber, other than whole tires; scrap metal; or spent lead-acid or nickelcadmium batteries or other spent batteries. The newly created defense applies to causes of action accruing on or after July 1, 2015, and applies retroactively to causes of action accruing before July 1, 2015, for which a lawsuit has not been filed.

Inland Water Resource Management and Conservation

HB 1213: West Palm Beach Water Catchment Area

Rep. Lori Berman

Amends a special act to alter the boundaries of the West Palm Beach Water Catchment area (Catchment Area). The Catchment Area is a Class I Potable Water Supply water body that serves as a natural surface water supply source for the municipalities of West Palm Beach, Palm Beach, and South Palm Beach. Ten parcels comprise the Catchment Area. Currently, Parcel One consists of the south 450-feet of a parcel abutting the M-Canal, a canal that was created in the 1950's to augment Palm Beach's drinking water supply. Palm Beach County and the City of West Palm Beach have agreed to a land-swap to facilitate the development of a spring training baseball complex for the Washington Nationals and Houston Astros, and approximately 24 acres of the land upon which the facilities are to be built are contained within Parcel One. The bill reduces Parcel One of the Catchment Area from the South 450-feet to the South 50-feet of the southwest quarter of Section 1, Township 43 South, Range 42 East.



HB 7021: Fish and Wildlife Conservation Commission

State Affairs Committee

Life Jacket Requirements

Removes language related to life jackets specifying the labeled “type codes” and replaces it with the phrase “and used in accordance with the U.S. Coast Guard (USCG) approval label.” Florida law defers to USCG approved life jackets, specified by type, as the authorized safety equipment on Florida waters. The USCG is in the process of eliminating the classification of life jackets by “type,” classifying them instead based on their buoyancy, size, and intended use to make it easier for the public to understand.

HB 7081: Minimum Flows & Levels and Recovery & Prevention Strategies

Rulemaking Oversight & Repeal Subcommittee

Satisfies the legislative ratification requirement for Department of Environmental Protection (DEP) rule 62-42.300, F.A.C.

The DEP or the five water management districts (WMDs) are required to establish minimum flows for surface watercourses and minimum levels for groundwater and surface waters within each district. “Minimum flow” is the limit at which further water withdrawals from a given watercourse would significantly harm the water resources or ecology of the area. “Minimum level” is the level of groundwater in an aquifer or the level of a surface waterbody at which further withdrawals will significantly harm the water resources of the area.

On March 7, 2014, DEP proposed rule 62-42.300, F.A.C., establishing MFLs for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs, as well as regulatory flow recovery provisions. The proposed rule was estimated to have an economic impact in excess of \$1 million over 5 years. If an agency rule meets that economic threshold, current law requires legislative ratification of the rule before it can take effect. On April 8, 2014, the DEP filed a Notice of Change modifying the proposed rule. The legislature passed HB 7171 (2014) which exempted the April 8 version of the proposed rule from the ratification requirement. However, after enactment of that exemption, the rules were successfully challenged in the Division of Administrative Hearings (DOAH). The Administrative Law Judge ruled on September 11, 2014, finding that the proposed rules had certain technical deficiencies but also finding that the rest of proposed rules in chapter 62-42, including the springs MFLs and the recovery strategy, are valid exercises of delegated legislative authority.

On November 7, 2014, a Notice of Change was published resolving the rule’s noted deficiencies. The November change did not change the proposed minimum flows or the recovery strategy included in the proposed rule. After an unsuccessful DOAH challenge the rule was filed for adoption on February 18, 2015. A revised Statement of Estimated Regulatory Costs (SERC) was made available to the public on December 5, 2014.

The bill satisfies the legislative ratification requirement based on the rule’s economic and regulatory cost impact. The law expressly states that it serves no purpose other than satisfying the ratification requirement and that it will not be codified in the Florida Statutes.

SB 1216: Water Planning, Conservation Easements, and Community Development and Redevelopment

Fiscal Policy

Addresses water planning, conservation easements, and remediation, among other statutory provisions, through community development and redevelopment legislation.



Detailed Specific Area Plans

The bill allows conservation easements included in applications for detailed specific area plans (DSAP) to be based on digital orthophotography prepared by a licensed surveyor and mapper. Applicants may utilize and the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, or the appropriate water management district may accept recorded conservation easements as compensatory mitigation for permitting purposes. The measure requires an applicant for a DSAP to transmit copies of the application to the reviewing agencies for comment. A water management district may issue to an applicant for a DSAP, upon request, a consumptive use permit in certain circumstances. The bill specifies that a local government in its exclusive discretion may require information from an applicant beyond the minimum criteria established in the state statute.

Community Redevelopment Areas (CRAs)

The bill expands the definition of a “blighted area” for purposes of the Community Redevelopment Act to include areas where a substantial number or percentage of properties have been damaged by sinkhole activity and have not been sufficiently repaired or stabilized.

Water Supply Facilities

The bill provides that certain local governments that do not own, operate, or maintain their own water supply facilities are not required to amend their comprehensive plans in response to an updated regional water supply plan, or to maintain a work plan.

Land Management and Conservation

HB 7021: Fish and Wildlife Conservation Commission

State Affairs Committee

Modifies certain Fish and Wildlife Conservation Commission (FWC) provisions.

Citizen Support Organizations

Authorizes the FWC to reimburse citizen support organizations (CSOs) that, by contract, provide fiscal and administrative services to the commission for a grant or program that directly benefits FWC. Currently, FWC may not provide funds to CSOs unless authorized by the legislature.

Alligator Statutes

Provides certain exemptions from alligator trapping and alligator trapping agent licenses and exempts certain individuals from paying the fee for an alligator trapping license and trapping agent license. The bill also repeals sections of statutes that have been incorporated into FWC’s rules or that are obsolete, and clarifies a funding transfer to the Department of Agriculture and Consumer Services for marketing and education services for alligator products.

Penalties for Violations of Wildlife Feeding Rules

Modifies statutory penalties for violating wildlife feeding rules. Under current law, it is a second degree misdemeanor for the first violation of FWC rules governing feeding of fish or wildlife species. However, wildlife officers are generally hesitant to issue a criminal citation to a first time offender for feeding animals illegally, so they usually just issue a warning. The bill reduces the first time offender penalty to a non-criminal infraction with a \$100 mandatory fine, but makes a second violation a second degree misdemeanor, and imposes more serious criminal penalties up to a third degree felony for repeat offenders who feed bears and alligators/crocodilia.



SB 158: Civil Liability of Farmers

Sen. Greg Evers

Extends the current exemption from civil liability to farmers who allow gratuitous harvesting of crops at any time. The bill also provides that the exemption from civil liability does not apply if injury or death directly results from failure of the farmer to warn of a dangerous condition of which the farmer has actual knowledge unless the dangerous condition would be obvious to a person entering upon the farmer's land.

Reorganization and Coordination

HB 217: Licensure of Engineers

Regulatory Affairs Committee

Modifies current law related to the licensing and regulation of engineers to include structural engineers. Structural engineers will be licensed and regulated similar to licensed engineers. Beginning March 1, 2017, the bill prohibits anyone, other than a duly licensed structural engineer, from practicing structural engineering, and from using the name or title of "licensed structural engineer" or any other similar title.

The bill defines structural engineering as a service or creative work that includes the structural analysis and design of threshold buildings. The measure modifies the current law to include qualifications for applicants for a structural engineer license. In order to qualify for licensure as a structural engineer, an applicant must meet the current qualifications to become an engineer, but have four years of structural engineering experience instead of general engineering experience, and must pass a 16-hour structural engineering examination – the National Council of Examiners for Engineering and Surveying Structural Engineering Examination.

The bill provides for the simultaneous application for both an engineer and a structural engineer license and for a "grandfathering" provision for applicants prior to September 1, 2016. Applicants may receive an exemption from taking the National Council of Examiners for Engineering and Surveying Structural Engineering Examination if the applicant is licensed as an engineer in Florida and has four years of experience in structural engineering design or if the applicant is licensed as a threshold building inspector and meets other requirements.

HB 435: Administrative Procedure Act Revisions

State Affairs Committee

Amends provisions of the Administrative Procedure Act (APA) to enhance the opportunities for substantially affected parties to challenge rules. The legislation revises rulemaking procedures based on petitions to initiate rulemaking alleging an unadopted rule. The bill expands the listing of information that must be published on the Florida Administrative Register to include rules filed for adoption in the previous seven days and a listing of all rules filed for adoption but awaiting legislative ratification. Also, the measure revises the pleading requirements and burden of going forward with evidence in challenges to proposed and unadopted rules. Also, it extends the time to appeal certain final orders when notice to the party was delayed. Finally, the bill requires agencies to identify and certify all of the rules the violation of which would be a minor violation.

HB 1331: Immokalee Water and Sewer District

Rep. Kathleen Passidomo

Amends a special act pertaining to the Immokalee Water and Sewer District, an independent special taxing district in Collier County governed by a seven-member board of commissioners, to provide that each board member may be paid up to \$250 per month per member as a salary or



honorarium. At least a majority plus one vote of the board determines the amount of the salary or honorarium. A special notice of any meeting at which the board will consider a salary change for a member must be published at least once at least 14 days before the meeting. The publication must be in a newspaper of general circulation in the county in which the district is located. Board members may not be paid for unexcused absences from regularly scheduled board meetings. The board must adopt policies by resolution defining the excused and unexcused absences.

SB 428: Trust Funds Administered by the Department of Environmental Protection

Appropriations

Codifies the Environmental Laboratory Trust Fund, the Working Capital Trust Fund, the Air Pollution Control Trust Fund, and the Minerals Trust Fund within the Department of Environmental Protection. The bill also directs federal grant revenue be deposited into the Federal Grants Trust Fund instead of the Grants and Donations Trust Fund. Finally, the legislation changes the percentage distribution of revenue from the Solid Waste Management Trust Fund for solid waste management and mosquito control programs.

Solid Waste

HB 7083: Construction & Demolition Debris Disposal and Recycling

Rulemaking Oversight & Repeal Subcommittee

Ratifies Rule 62-701.730, F.A.C., “Construction and Demolition Debris Disposal and Recycling,” promulgated by the Florida Department of Environmental Protection (DEP). The solid waste rule requires liners and leachate collection systems for new or expanding construction and demolition debris facilities that are not able to demonstrate a liner is not needed. DEP adopted these amendments to conform to changes made by the legislature in 2010 to the solid waste permitting statute.

Rule 62-701.730 imposes regulatory costs exceeding \$1 million over the first five years the rule is in effect. Accordingly, the rule must be ratified by the legislature before it may go into effect.

The bill satisfies the legislative ratification requirement based on the rule’s economic and regulatory cost impact. The legislation expressly states that it serves no purpose other than satisfying the ratification requirement and that it will not be codified in the Florida Statutes.

Water Quality and Pollution Control

HB 359: Miami-Dade Lake Belt Statute Revision

Agriculture & Natural Resources Subcommittee

Provides revisions to the Lake Belt statutes by requiring amendments to local zoning and subdivision regulations so that properties located within one mile of the Lake Belt are compatible with limestone mining activities. Further, the bill prohibits amendments to local zoning and subdivision regulations that would result in an increase in residential density in certain parts of the Lake Belt until active mining operations cease within two miles of the property.

The legislation reduces the mitigation fees from 45 cents per ton to 25 cents per ton beginning January 1, 2016, to 15 cents per ton beginning January 1, 2017, and to five cents per ton beginning January 1, 2018. The reason for the mitigation fee reduction is because there are sufficient funds in the Lake Belt Mitigation Trust Fund to cover the cost of projected mitigation



requirements. The bill requires proceeds from the mitigation fee to be used to conduct water quality monitoring to ensure the protection of water resources within the Lake Belt.

The legislation removes the requirement that the South Florida Water Management District use the water treatment plant upgrade fee to pay for seepage mitigation projects, and returns the proceeds collected from the fee to Miami-Dade County. The measure reduces the water treatment upgrade fee from 15 cents to six cents per ton of limerock and sand sold. This fee will expire on July 1, 2018. The Department of Revenue must transfer two cents per ton of this fee, not to exceed \$300,000, to fund a study by the State Fire Marshall to review the established statewide ground vibration limits for construction materials mining activities and to review any legitimate claims paid for damages caused by such mining activities.

Finally, the legislation requires Miami-Dade County to provide the House and Senate with a detailed accounting of the water treatment plant upgrade fees collected and all expenditures of those fees by January 15, 2016. Also, the House and the Senate must be provided with a detailed report on all pathogen data collection and analyses related to the Northwest Wellfield and the planning and engineering studies undertaken to upgrade any water treatment plant to provide treatment for pathogens in water from the Northwest Wellfield.







Georgia

Energy Legislation

Alternative Energy Development

HB 57: Solar Power Free Marketing Act of 2015

Rep. Mike Dudgeon

Allows solar technology, at or below a defined capacity limit, to be financed by a retail electric customer through a solar financing agent, utilizing a solar energy procurement agreement so long as proper notice is given to the electric service provider serving the premises, and the solar technology and installation complies with all applicable local government ordinances and permitting requirements.

The Georgia Territorial Electric Services Act, enacted in 1973, assigned most geographic areas in Georgia to one electric supplier, within which the assigned electric supplier has the exclusive right to extend and continue furnishing service to new premises, with limited exceptions. The Georgia Cogeneration and Distributed Generation Act of 2001 authorizes a customer generator to sell excess electricity to an electric service provider without being subject to most regulations of the Public Service Commission.

HB 170: Transportation Funding Act of 2015

Rep. Jay Roberts

Alters state transportation funding mechanisms. Among other provisions, the bill requires an additional, annual license registration fee for certain alternative fueled vehicles and heavy vehicles. Also, the law reduces the income tax credit for the purchase or lease of new, low, and zero-emission vehicles.

HB 393: Electric Vehicle Sales

Rep. Chuck Martin

Allows manufacturers of zero emissions vehicles that were doing business in Georgia prior to January 1, 2015, to sell factory-direct to consumers through no more than five physical dealerships within Georgia. The manufacturers are also allowed to operate any number of facilities that engage exclusively in the repair of such manufacturer's make of motor vehicles. A qualified manufacturer must manufacture or assemble zero emissions motor vehicles exclusively and must have never sold its motor vehicles in Georgia through a franchised new motor vehicle dealer.

Energy Efficiency

HB 255: Georgia Forest Products Used in Public Buildings

Rep. Mike Cheokas

Provides that whenever green building standards are applied to the construction of any state building, the standards applied must give equal certification credits to Georgia forest products grown under the Sustainable Forestry Initiative, the American Tree Farm System, the Forest Stewardship Council, or other similar certifying organizations.



Natural Gas and Petroleum

HB 170: Transportation Funding Act of 2015

Rep. Jay Roberts

Alters state transportation funding mechanisms. Among other provisions, the bill:

- Eliminates the prepaid state tax on the sales of motor fuel; exempts sales of motor fuel entirely from state sales and use taxes; increases the rate, and changes the method of computation, of the excise tax on motor fuel; requires local option sales and use taxes on motor fuel to be at the rate of one percent of the retail sales price of motor fuel, which is not more than \$3.00 per gallon;
- Adjusts the current tax exemption for jet fuel from the one percent of the four percent state sales and use tax on June 30, 2015, and imposes certain requirements on the use of any revenue for jet fuel taxes; and
- Limits the Governor's authority to suspend or modify the collection of any rate of state taxes on the sales of motor fuel and aviation gasoline and requires the General Assembly to ratify any suspension or modification.

HB 319: Ratification of the Governor's Executive Order Suspending the Gas Tax

Rep. Chad Nimmer

Ratifies Governor Deal's Executive Order, 12.05.14.02, which suspended, commencing on December 5, 2014, the collection of any rate of prepaid state taxes on motor fuels and aviation gasoline to the extent it differed from the rate levied as of June 1, 2014.





Georgia

Environmental Legislation

Air Quality and Pollution Control

HR 613: Urges U.S. Environmental Protection Agency to Withdraw the Clean Power Plan

Rep. Chuck Martin

Encourages the United States Environmental Protection Agency (EPA) to withdraw the Clean Power Plan. The resolutions supports the comments submitted to the EPA by the Georgia Environmental Protection Division, the Georgia Public Service Commission, and the Attorney General of Georgia on the Clean Power Plan. Further, the resolution encourages Congress and the President to enact legislation delaying implementation of the final Clean Power Plan until certain criteria are met.

SR 449: Urges U.S. Environmental Protection Agency to Withdraw the Clean Power Plan

Sen. Steve Gooch

Encourages the United States Environmental Protection Agency to withdraw the Clean Power Plan. The Clean Power Plan is detrimental to Georgia because it penalizes states such as Georgia which took early actions to reduce CO₂ emissions. Additionally, the plan does not properly account for power production and reliability needs.

Coastal Zone Management

SB 5: Georgia Ports Authority Indemnification

Sen. Bill Cowsert

Empowers the Georgia Ports Authority to agree to indemnify the United States as a term or condition of an agreement to receive loans or grants from the United States. Currently, the Georgia Ports Authority is allowed to accept loans or grants, but does not have the right to enter into an indemnification agreement with the United States.

SB 101: Coastal Marshland Buffer

Sen. Ben Watson

Establishes a 25-foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, which is determined in accordance with the Coastal Marshlands Protection Act and any rules and regulations promulgated under the Act. The Erosion and Sedimentation Act establishes a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, with certain exceptions. This bill provides exceptions to the buffer requirement, as well as provisions for variances and variances by rule.

SR 26: Joint House and Senate Coastal Greenway Study Committee

Sen. William Ligon, Jr.

Creates the Joint House and Senate Coastal Greenway Study Committee (Committee) to examine the proposed Coastal Georgia Greenway trail, which would connect various historical areas and green spaces across the Georgia coast, and link to the proposed East Coast Greenway trail that runs from Maine to Florida. The Committee consists of 13 members:



- Four members appointed by the Lieutenant Governor;
- Four members appointed by the Speaker of the House of Representatives;
- The Commissioner of the Department of Transportation or his designee;
- The Commissioner of Natural Resources or his designee;
- The Commissioner of the Department of Community Affairs or his designee;
- The Director of the Department of Economic Development; and
- The Executive Director of the Coastal Georgia Greenway.

The abolishment date for the committee is December 1, 2015.

Emergency Management and Homeland Security

SB 122: Special-Purpose Local-Option Sales Tax Proceeds

Sen. Jeff Mullis

Allows an additional use for special-purpose local-option sales tax, or SPLOST, proceeds to include the repair of capital outlay projects, including, but not limited to, roads, streets, and bridges that have been damaged or destroyed by a natural disaster. Also included are capital outlay projects that are owned, operated, or administered by the state.

Environmental Health Services

SB 175: Inspection of Certain Animals Entering Georgia

Sen. Ellis Black

Amends current law to provide that the import of equines, poultry, livestock, or birds into this state without an official Certificate of Veterinary Inspection is unlawful. Further, this bill allows the commissioner to determine additional animals that may pose a significant risk of disease. No certificate is required for poultry originating from flocks participating in the National Poultry Improvement Plan under the United States Department of Agriculture.

The commissioner must maintain on the department's website a list of all other types of animals determined to pose a significant risk of disease.

Hazardous Waste and Substance Management

HB 278: Public Employee Hazardous Chemical Protection and Right to Know Act

Rep. David Clark

Transfers the enforcement of the "Public Employee Hazardous Chemical Protection and Right to Know Act" from the Department of Labor to the Office of the Safety Fire Commissioner. This legislation also repeals certain provisions made redundant by subsequent state and federal statutes and regulations, while making other clarifying changes.

Inland Water Resource Management and Conservation

HR 419: Augusta Canal Federal Reauthorization

Rep. Barbara Sims

Urges the U.S. Congress to extend the authorization of the Augusta Canal National Heritage Area to receive federal funding through 2021.



Land Management and Conservation

HB 70: State Mammal Designation

Rep. Carolyn Hugley

Designates the white-tailed deer as the official Georgia state mammal.

HB 160: Raccoon Trapping

Rep. Emory Dunahoo

Repeals the provision in prior law which prohibited the trapping of raccoons in the area north of, and including, Carroll, Fulton, DeKalb, Gwinnett, Barrow, Jackson, Madison, and Elbert counties at any time during the year.

HB 199: Timber Harvesting Notice Requirements

Rep. John Corbett

Clarifies and requires 24-hour notice to be given to the local government before and after timber harvesting operations. The authorization can be given via email. The bill also mandates that any local ordinance requires the information in the notification form to be limited to what is adjured in statute and in the Georgia Forestry Commission's regulations. Finally, if a county chooses to demand a bond in addition to the required notice, the county is only authorized to require one bond regardless of the number of tracts harvested in the county or city by the timber harvesting firm. If a bond is surrendered, a replacement bond must be issued within five days.

HB 475: Feral Hog Control Act

Rep. Tom McCall

Provides for the control and transport of feral hogs by removing certain restrictions on the hunting of feral hogs and requiring a newly-created permit to transport feral hogs.

SB 62: Probate Court Jurisdiction over Game and Fish Violations

Sen. Tyler Harper

Grants probate courts the jurisdiction over all game and fish violations. Under prior law, probate courts had jurisdiction over violations of the Game and Fish Code that were punishable as misdemeanors, except for violations of a high and aggravated nature and a first violation of hunting deer at night with the aid of a light. This bill removes those exceptions.

SB 112: Harvest Recording and Reporting Requirements; Reference Date of Certain Regulations

Sen. Tyler Harper

Removes provisions that prohibit the removal and storage of deer carcasses unless certain reporting and processing requirements are met. The bill requires the Board of Natural Resources (Board) to establish harvest recording and reporting requirements for all game animals and game birds. Any person found in violation of the provisions is guilty of a misdemeanor and, upon conviction, is punished by a fine of not more than \$200, imprisonment of not more than 30 days, or both.

Reorganization and Coordination

HB 18: Practice of Professional Engineers and Surveyors

Rep. Jason Spencer

Exempts defense, aviation, space, and aerospace companies, including certain employees and contractors of such companies, from complying with the provisions in law governing the practice of professional engineers and land surveyors.



HB 341: Qualified Inspector Certification

Rep. Howard Maxwell

Provides that a qualified inspector is also a person that holds a certification from the Building Officials' Association of Georgia meeting the minimum experience and testing requirements set forth in certain certification levels, and that each level requires a tested certification from the International Code Council (ICC) or other Building Officials' Association of Georgia Certification Committee approved testing agency. Any person possessing such a certification on the effective date of this bill is deemed a qualified inspector. Prior law defined the term "qualified inspector" to mean a person inspecting compliance with certain building, plumbing, and electrical codes who holds a certification from the ICC as an inspector.

HB 397: State Soil and Water Conservation Commission; Erosion and Sediment Control Overview Council

Rep. David Knight

Assigns the State Soil and Water Conservation Commission to the Department of Agriculture for administrative purposes. The Governor will now appoint one at-large member from each of the five soil and water conservation district regions to serve on the commission, rather than one supervisor from each of the five Georgia Association of Conservation Supervisors' groups. In addition, the legislation sets procedures for approval and dissemination of the Manual for Erosion and Sediment Control in Georgia. This bill also updates the titles of officials serving on the commission from the University of Georgia, and amends the Erosion and Sediment Control Overview Council's membership from two representatives of the highway contracting industry to one representative from such industry and one representative of the electric utility industry.

HR 395: Creates the Joint Georgia-Alabama Study Committee

Rep. Gerald Greene

Creates the Joint Georgia-Alabama Study Committee. The Speaker of the House and the President of the Senate are to each appoint five members from their respective chambers whose districts abut any part of the boundary between the two states, creating a 10-member committee. Additionally, the Speaker is to designate a member of the House as co-chair, and the President of the Senate must designate a member of the Senate as co-chair. The purpose is to provide a formal means for members of the Georgia General Assembly to meet with their counterparts from the State of Alabama to discuss issues that are common to both states and to seek solutions to common problems. The committee stands abolished on December 1st, 2016.

Solid Waste

HB 461: Scrap Metals Recyclers

Rep. Jason Shaw

Revises regulated metals law relating to verifiable information required in purchase transactions involving certain secondary metals, records of such purchase transactions, and the Georgia Bureau of Investigation (GBI) database of such transactions. Certain information submitted to the GBI is required to be submitted electronically, and the database is required to also be accessible by certain certified employees of electric suppliers and employees of telecommunications companies.



Water Quality and Pollution Control

SB 119: Water Professionals Appreciation Day

Sen. Rick Jeffares

Establishes the first Monday of May as Water Professionals Appreciation Day, in recognition of their commitment to keeping Georgia's water clean.







Kentucky

Energy Legislation

Coal and Minerals

HB 543: Jurisdiction over Surface Mining

Rep. Jim Gooch, Jr.

Provides the governmental responsibility for regulating surface coal mining operations solely to state government through the Kentucky Energy and Environment Cabinet.

SR 186: Construction of New Coal Fired Power Plants

Sen. Ray Jones, II

Encourages the United States Department of Energy to establish a 10 in 10 program of building 10 coal fired power plants in 10 years.

SR 187: Federal Coal Royalties

Sen. Ray Jones, II

Encourages the Kentucky congressional delegation to support and sponsor measures to use the federal portion of coal royalties on federal coal leases for demonstration projects and funding for carbon control and sequestration technologies.

Energy Efficiency

HB 100: Energy Project Assessment Districts

Rep. James Kay

Provides for the creation of energy project assessment district (EPAD) programs financed by additional property tax assessments on real property participating in the program. A program may be established by resolution or ordinance of a local government that includes the designation of an energy project assessment district, a statement that assessments on real property will be utilized to finance private sector energy projects to advance the conservation and efficient use of energy and water resources within the district, and a procedure for the owners of record of real property located within a district to petition the local government for participation in the program. Under the program, energy improvements will be financed by the local government or a third-party lender for repayment by assessments on the property. An assessment may be imposed only after a petition to participate in the program is filed by the owner of real property to be assessed and a written contract is signed between the local government and the owner establishing terms and conditions for the project and assessment. The petition must include the written consent of the holder of each existing mortgage lien on the property. A local government may not compel a person who owns real property in an EPAD to enter into a contract. Upon imposition of an assessment, the assessment must be: 1) recorded in the property tax records of the county in which the property is located; 2) added to the property tax bill for the relevant property; and 3) collected and distributed by the sheriff to the imposing local government in the same manner as the other taxes on the bill. The assessment constitutes a first and prior lien against the property on which the assessment is imposed from the date the notice of assessment is recorded until paid. A local government may issue bonds or notes to finance energy projects through assessments imposed under the program.



HJR 134: Building Code Enforcement Study

Rep. Tommy Thompson

Directs the Office of Housing, Buildings, and Construction to study the issue of statewide enforcement of the entire Building Code and set the reporting date for study.

Natural Gas and Petroleum

SB 186: Kentucky Oil and Gas Regulatory Modernization Act of 2015

Sen. Julian Carroll

Mandates energy companies notify nearby landowners of any planned fracking process, clean up the well before abandoning it, and disclose of the chemicals used in the fracking process. The bill establishes an “Abandoned Storage Tank” cleanup fund in the Division of Oil and Gas to begin the process of reclaiming abandoned tank battery facilities. Also, the measure defines a set of “Best Management Practices” for well site reclamation. The legislation provides regulatory certainty for deep horizontal drilling. In addition, the bill requires FracFocus disclosure for high volume horizontal fractures. Finally, the legislation establishes water quality testing requirements and reclamation bonding for deep horizontal wells.

Utilities

HB 172: Call before Digging Law Revisions

Rep. Steve Riggs

Corrects the definition of “working day” and the definition of “large project” to projects over 2,000 feet; changes the response time for large projects to five working days. The bill also allows enforcement to be determined at the conclusion of an investigation.





Kentucky

Environmental Legislation

Air Quality and Pollution Control

HCR 168: Federal Environmental Regulation Impact Assessment Task Force

Rep. Jim Gooch, Jr.

Directs the Legislative Research Commission to create the Federal Environmental Regulation Impact Assessment Task Force. The purpose of the task force is to study the potential effect of federal environmental regulations on the affordability and reliability of electricity generation in the Commonwealth. The bill establishes the membership of the task force and requires the task force to meet at least three times before the submission of its findings and recommendations. The task force must submit its findings and recommendations to the Legislative Research Commission by December 4, 2015.

Emergency Management and Homeland Security

SB 39: Severe Weather Safe Zones

Sen. Mike Wilson

Requires public schools to consult with local and state safety officials and the National Weather Service and Federal Emergency Management Agency guiding principles when identifying the best available severe weather safe zones.

Hazardous Waste and Substance Management

HB 417: Hazardous Waste Management Fund

Rep. Jim Gooch, Jr.

Extends the levy of the Hazardous Waste Management Fund assessment until June 30, 2024.

Inland Water Resource Management and Conservation

HB 276: Wastewater Treatment Loans

Rep. Tom McKee

Amends provisions governing loans made by the Kentucky Infrastructure Authority using the federally assisted wastewater fund to provide for a 30 year payback and to commence principal and interest payments on the loan no later than one year after initiation of operations. The bill additionally extends the time a loan must be fully amortized from 20 years to 30 years.

Land Management and Conservation

HB 312: Stray Equine

Rep. Tom McKee

Reduces the hold time for stray equine from 90 days to 15 days. This bill will also require county judge executives to contract with a licensed veterinarian, who will document the stray equine's breed, color, sex, marks, brands, scars, and other distinguishing features, perform a microchip scan, and identify the existence of lip tattoos, freeze brands, or microchips. The legislation requires the county judge executive to record the veterinarian's findings, the name and



residence of the taker-up, and the location of the stray equine, maintain documentation in electronic and paper format, post notification on the county of jurisdiction's website, and require the county judge/executive to post one photograph of the stray equine's front view and one photograph of the stray equine's side view. In addition, the law requires the county judge executive to send a copy of the documentation of stray equine to the Office of the State Veterinarian. It will also require the hold time for stray equines to begin after all documentation has been properly filed and posted by the county judge executive and taker-up. This bill will require the owner/claimant of the stray equine to reimburse the county judge executive for the cost of the veterinarian assessment.

HB 459: Farm Animals

Rep. Tom Mckee

Expands the definitions of "farm animal," "farm animal activity," "farm animal facility," and "farm animal professional" to include camelids, demonstrations and sales, semi-permanent structures, and shearing services, respectively.

SB 55: Donation of Game Meat

Sen. Robin Webb

Prohibits state and local government entities from restricting the donation of game meat to or from not-for-profit organizations for the purpose of free meal distribution. The bill requires that the game meat be from wildlife that was taken in the Commonwealth, properly field dressed and processed, and apparently disease-free and unspoiled.

SB 92: Timber Harvesting

Sen. Joe Bowen

Requires loggers or operators who have received bad actor designations to provide prior notice to the Division of Forestry before engaging in any timber harvesting operations until they have paid all civil penalties and performed all required site remediation. The bill mandates that the Energy and Environment Cabinet issue an emergency order demanding any third-time bad actor to cease all timber harvesting operations until all required site remediation has been performed and all civil penalties have been paid or a repayment plan has been established and maintained.

Reorganization and Coordination

HB 407: Division of Mine Safety

Rep. Rocky Adkins

Abolishes the Office of Mine Safety and Licensing, the Division of Safety Analysis, Training, and Certification, and the Division of Safety Inspection and Licensing. The bill creates the Division of Mine Safety in the Department for Natural Resources and attaches the Kentucky Mining Board to the Department for Natural Resources. The measure confirms Executive Order 2014-390.

Solid Waste

HB 19: Disposal of Vehicles

Rep. Hubert Collins

Amends statutes regarding the disposition of forfeited property, to clarify that any vehicle forfeited which is contaminated with methamphetamine may not be used, resold, or salvaged for parts, but must instead be destroyed or salvaged for scrap metal. The bill clarifies that determination of methamphetamine contamination is made by law enforcement agencies and



that the presence of prepackaged materials or other products or precursors not subject to extraction will not qualify a vehicle as being contaminated.







Louisiana

Energy Legislation

Alternative Energy Development

HB 779: Adjustment of Solar Energy Tax Credits

Rep. Erich Ponti

Repeals the credit for thermal systems and lowers the maximum sales credit to the lesser of \$2/kw, 50 percent of cost or \$10,000 per system for solar electric systems. For leased credits, FY15 outstanding claims are limited to \$19M. The leased and purchased credits are each capped at \$10M per fiscal year for FY16 and FY17 and \$5M during FY18 for claims filed prior to January 1, 2018. The bill limits a primary residence to a single credit, specifies necessary claim documentation, including notarized statement of system size, and details equipment not eligible for the credit. Electronic filing is mandatory to claim the solar credit. Installer financing is prohibited. The Louisiana Department of Revenue Secretary has discretion to withhold a credit if outstanding tax disputes are in place.

Prior law allowed a refundable income tax credit based on a percentage of the purchase and installation of a solar electric, solar thermal or a combination on a single family residence. One credit was allowed per system per residence with no installations beyond December 31, 2017, qualifying for the credit. For a purchased system, the credit was 50 percent of eligible expenses up to \$25,000 (maximum credit \$12,500) and, for a leased system, the credit is 38 percent up to a certain size which establishes the maximum value (\$4,680 per system by the end of FY 16).

The legislation retains provisions that systems must be sold and installed by a Louisiana licensed contractor and parts must be American Recovery and Reinvestment Act compliant, primarily purchased in the United States of America. A similar federal credit is also available for an additional 30 percent of these costs.

Emergency Management and Homeland Security

HB 7: Unauthorized Entry of a Critical Infrastructure

Rep. Major Thibaut

Adds three additional elements to the crime of unauthorized entry of a critical infrastructure. Prior law defined the crime as unauthorized entry into a critical infrastructure by a person without authority to do so. The additional elements to the crime are:

1. The use or attempted use of fraudulent documents to enter a critical infrastructure.
2. Remaining upon or in the premises of a critical infrastructure after having been forbidden to do so.
3. The intentional entry into a restricted area of the critical infrastructure which is marked as a restricted or limited access area that is completely enclosed by any type of physical barrier when the person is not authorized to enter that area.

The bill defines "critical infrastructure" as including chemical manufacturing facilities, refineries, electrical power generating facilities, electrical transmission substations and distribution substations, water intake structures and water treatment facilities, natural gas transmission compressor stations, natural gas and hydrocarbon storage facilities, liquefied



natural gas (LNG) terminals and storage facilities, and transportation facilities, such as ports, railroad switching yards, and trucking terminals.

The measure defines "fraudulent documents for identification purposes" as documents that are presented as being bona fide documents that provide personal identification information but that are, in fact, false, forged, altered, or counterfeit.

Natural Gas and Petroleum

HB 635: Mega-Project Energy Assistance

Rep. Katrina Jackson

Reduces certain tax rebate payments by 20 percent. The programs affected include Mega-Project Energy Assistance (Mega). Prior legislation authorized the Secretary of the Department of Economic Development to grant a Louisiana Mega-Project Energy Assistance rebate of severance taxes paid on natural gas consumed or used directly in the operation of the mega-project facility or consumed indirectly in the manufacture or creation of energy sold to the mega-project facility for its operation. The bill retains present law but, with respect to those projects for which the secretary makes a determination on or after July 1, 2015, that the consumption of energy will be a major cost component of the operation of the project, reduces the amount of the rebate from 100 percent to 80 percent of severance taxes that were paid to the state.

SB 79: Legacy Lawsuit Procedure

Sen. R. L. Bret Allain, II

Addresses legacy lawsuits related to the oil and gas industry by providing alternative dispute resolution options. The bill requires parties to meet and confer to assess the dispute, narrow the issues, and reach agreements useful or convenient for the litigation of the action. The non-binding mediation may not eliminate court proceedings, but it could reduce the time in court and the attorney's fees. Compensation for the mediator will be negotiated between the parties.

SB 88: Drilling Units and Cross-unit Wells

Sen. Robert Adley

Revises the definition of "drilling unit" from a "maximum area which may be efficiently and economically drained by one well" to a "maximum area which may be efficiently and economically drained by any well or wells designated to serve the drilling unit as the unit well, substitute unit well, or alternate unit well." Also, the legislation defines "cross-unit person," "cross-unit well," "short unit," and "timely objection."

The bill authorizes the Commissioner of the Department of Natural Resources to permit the drilling of cross-unit wells. The measure provides that the commissioner cannot authorize or permit a cross-unit well proposed that is to have less than 500 feet of perforated lateral in any unit to be served by the cross-unit well if one of the following requirements occur:

1. The preapplication notice and hearing application do not expressly set forth the cross-unit person's right to object to the application.
2. A timely objection is filed by a cross-unit person who owns an interest in a short unit, and on the date of the application hearing, the short unit either is not producing or is producing only from one or more horizontal laterals with a combined length of perforated lateral of less than 500 feet.



SB 271: Equivalency of the Special Fuels Tax with Gas Tax

Sen. Mack Bodi White, Jr.

Amends prior passed legislation that provided for taxation of special fuels - including compressed natural gas, liquefied natural gas, and liquefied petroleum gas - sold, used or consumed in Louisiana for the operation of motor vehicles licensed or required to be licensed for highway use at the rate of 16 cents per gallon. Prior law also provided that the 16 cent per gallon tax does not apply to those same gases sold to, delivered to, or used by any person who pays the annual fuel tax levied under other provisions of the prior legislation.

The bill deletes the exception allowing for an annual fuel tax. The measure delineates a method for determinations of a special fuel's energy content in relation to a gallon of gasoline or diesel beginning January 1, 2016, at specified conversion rates. The law sets forth for licensing provisions for persons utilizing, delivering, or selling the special fuels. The legislation enacts requirements for collection of the per gallon tax; application, suspension, cancellation, and revocation of licenses; bond requirements; returns, payments, credits, refunds, fines, penalties, and interest; records retention and inspection; investigative and enforcement authority; and authorization for search and seizure. The measure authorizes the Commissioner of Agriculture to assist the Department of Revenue in collecting the taxes, interest, or penalties. The bill reduces certain deductions and discounts; and requires promulgation of relevant rules pursuant to the Administrative Procedure Act to provide procedures and processes for the orderly regulation and enforcement of law governing taxation of specified gases.





Louisiana

Environmental Legislation

Air Quality and Pollution Control

HCR 29: Carbon Dioxide Emissions

Rep. Joe Harrison

Urges and requests the United States Environmental Protection Agency not to adopt the proposed guidelines on carbon dioxide emissions from existing fossil fuel-fired electric units.

Coastal Zone Management

HB 339: Coastal Protection and Restoration Authority

Rep. Gordon Dove

Provides for the functions and responsibilities of the Coastal Protection and Restoration Authority relative to certain projects.

HB 352: Integrated Coastal Protection

Rep. Walt Leger, III

Shifts authority from the Department of Natural Resources Secretary to the Coastal Protection and Restoration Authority relative to certain projects for approval of land acquisition for "integrated coastal protection projects." Such approval would extend to "ownership of minerals and other matters."

HCR 1: Integrated Coastal Protection Annual Plan

Rep. Gordon Dove

Approves 2015-16 annual plan for integrated coastal protection, as adopted by the Coastal Protection and Restoration Authority relative to certain projects.

Environmental Health Services

HB 26: Grass Cutting

Rep. Gregory Miller

Authorizes the governing authorities of the parishes of St. Charles and St. John the Baptist to amend local ordinances to require that only one yearly notice be sent to compel property owners to cut grass on their property. The measure allows parish governing authorities to require property owners to cut grass on their property. The bill authorizes the parishes to have such work done and charge the property owner for the work if the property owner does not cut the grass himself. The measure requires the parish governing authority to serve a registered or certified letter as notification to property owners each time before cutting or removing obnoxious weeds growing on the property.

HB 298: Sale of Fireworks

Rep. Roy Burrell

Allows the sale of fireworks from June 16 through July 5 and from December 15 through Jan. 1 of each year. The bill prohibits the issuance of retailer permits from June 16 through July 5 and retains the provision prohibiting the issuance of permits from December 15 through January 1 of each year.



Hazardous Waste and Substance Management

HCR 158: Hazardous Material Release Task Force

Rep. Terry Landry

Creates the Hazardous Material Release Task Force to review and study the application of the “Right-to-Know” law, and the Hazardous Materials Transportation and Motor Carrier Safety Act, and any administrative rules promulgated pursuant to either provision of law, identify resolutions for any potential conflicts in these laws and administrative rules, and propose guidelines for the assessment of penalties or fines when the persons subject to either of these laws are similarly situated.

The bill specifies that the Hazardous Material Release Task Force will be composed of the following persons:

- The Superintendent of the Office of State Police, or his designee.
- The Secretary of the Department of Environmental Quality, or her designee.
- The Chairman of the House Committee on Transportation, Highways and Public Works, or her designee.
- The Chairman of the Senate Committee on Transportation, Highways and Public Works, or his designee.
- The Chairman of the House Committee on Natural Resources and Environment, or his designee.
- The Chairman of the Senate Committee on Environmental Quality, or his designee.
- A designee of the Louisiana Motor Transport Association.
- A designee of the Louisiana Railroads Association.
- A designee of the Louisiana Gas Association.
- A designee of the Louisiana Chemical Association.
- A designee of the Louisiana Mid-Continent Oil and Gas Association.
- A designee of the Louisiana Farm Bureau Federation.
- A designee of the Professional Firefighters Association of Louisiana, Inc.
- A designee of the Louisiana Fire Chiefs Association.
- A designee of the Louisiana AFL-CIO.

Inland Water Resource Management and Conservation

HCR 5: Atchafalaya Basin

Rep. Karen Gaudet St. Germain

Approves 2015-16 annual plan for Atchafalaya Basin.

SB 71: Flood Control Project Applications

Sen. Dale Erdey

Retains prior law that required information to be provided in the application for funding of any flood control projects under the Statewide Flood Control Program. The bill adds a requirement that the application include any negative and positive impact of the project on surrounding parishes.



SB 215: T.T. Fields Dam and Spillway

Sen. Mike Walsworth

Names the dam and spillway at Bayou D'Arbonne Lake as the "T.T. Fields Dam and Spillway" and directs the Department of Transportation and Development to erect and maintain appropriate signage of this designation.

Land Management and Conservation

HB 297: Livestock and Timber Theft

Rep. Roy Burrell

Reenacts the provisions of law regarding theft of livestock and theft of timber which were repealed by Act No. 255 of the 2014 R.S. For the crime of theft of livestock, provides for criminal penalties including a fine of \$5,000, imprisonment with or without hard labor, for not more than 10 years, or both. For the crime of theft of timber, provides for criminal penalties dependent upon the value of the timber taken.

Reorganization and Coordination

HB 93: West Feliciana Parish Port Commission

Rep. Kenny Havard

Changes the frequency of meetings of the West Feliciana Parish Port Commission from monthly to yearly.

HB 126: Cameron Parish Waterworks District No. 10

Rep. Bob Hensgens

Increases the maximum per diem to \$100 for commissioners of the Cameron Parish Waterworks District No. 10.

HB 327: North Lafourche Conservation, Levee and Drainage District

Rep. Gordon Dove

Changes membership of the North Lafourche Conservation, Levee and Drainage District to reflect increased number of legislators elected from within the district, removes obsolete date references, removes that members shall be from specific areas of the district, and defines "quorum."

HB 629: Tax Credit Reductions

Rep. Katrina Jackson

Reduces certain income and franchise tax credits by 28 percent, applicable to all claims for credits on or after July 1, 2015, but before June 30, 2018, regardless of the tax year to which the claim relates. Proposed law also reduces certain tax incentives by 28 percent, with most effective on applications filed on or after July 1, 2015, rather than credits claimed after that date. Major categories of tax credits include the citizens assessment credit, education credit, new jobs credit, recycling credit, and milk producers credit, among others. The maximum alternative fuel credit for new vehicles is reduced by 50 percent to \$1,500. Tax incentives impacted in the bill are the digital media, angel investor, live music and theater productions, sound recording, brownfields, technology commercialization, and others beginning with new applications. Reductions in the ports credits, import/export cargo, and green jobs credit are effective with all credits claimed on or after July 1, 2015, instead of new applications. However, benefits reduced on returns filed after July 1, 2015, pursuant to an extension filed prior to July 1, 2015, can be recouped in one-third increments over three subsequent fiscal years, beginning with CY17 (FY 18). The reductions are not applicable to amended returns timely filed after July 1, 2015, relating to



original returns filed prior to July 1, 2015, and properly claiming an exemption, credit, rebate, or deduction.

HB 749: Tax Credit Review

Rep. Roy Burrell

Requires the review of numerous tax credits by the House Ways and Means Committee and the Senate Revenue and Fiscal Affairs Committee commencing prior to January 31, 2016, to determine the economic benefit compared to the loss of revenue. The committees must make a specific recommendation by March 1, 2017, to continue or terminate the credits. Also, the legislation repeals expired credits including the qualified recycling equipment credit, employer credit for alcohol and substance abuse treatment programs, tax credit for those failing to file an inventory tax credit from 1999 through 2003, tax credit for conversion or acquisition of trailers to haul sugarcane, and the apprenticeship tax credit. The measure requires review and recommendations but no mandatory action regarding tax credits. The review of credits must begin by January 31, 2016, and a recommendation to either continue or terminate the credits must be completed by March 1, 2017.

HCR 156: State Sovereignty

Rep. Frank Hoffmann

Recognizes that any development and implementation of environmental policies shall be cognizant of the constitutional rights of our citizens and national and state sovereignty.

SB 213: Professional Geoscientists License Plates

Sen. Mike Walsworth

Creates a special prestige license plate for the Louisiana Board of Professional Geoscientists, which may be issued to passenger cars, pickup trucks, vans, and recreational vehicles, provided there is a minimum of 1,000 applicants for such a plate. Further, the bill provides that the plate be issued, upon application, to any Louisiana licensed professional geoscientist in good standing. The measure charges the standard motor vehicle license tax, an annual royalty fee of \$25, and a handling fee of \$3.50 for the plate. The legislation requires the Department of Public Safety and Corrections (DPS&C) to collect the royalty fee of \$25 and forward it to the Louisiana Board of Professional Geoscientists. The bill requires monies received from the royalty fees to be used solely for the programs of the board. Also, the bill requires the signing of a contract authorizing use of the logo and agreeing to use the royalty fees as provided in the legislation.

Water Quality and Pollution Control

HCR 54: Drinking Water Disinfection

Rep. Frank Hoffmann

Clarifies legislative intent regarding regulation of public water systems and directs the Department of Health and Hospitals to issue rules for drinking water disinfection that comply with Act No. 573 of the 2014 Regular Session.

SB 220: Bayou Lafourche Fresh Water District

Sen. Norby Chabert

Significantly expands duties and authority of Bayou Lafourche Fresh Water District Board. Such would include prosecution of those who knowingly or willfully draining or allowing drainage of oil, salt water or noxious, toxic, hazardous or poisonous gas, liquid or substances into the waterway that would compromise its fitness for human consumption or would destroy aquatic life. The measure provides that all the rules, regulations, and ordinances enacted by the board will be enforceable by any local law enforcement agency having jurisdiction in the district and



will be prosecuted by the district attorney in the judicial district where the violation occurred. Further, the legislation provides that any penalties may include a fine not to exceed \$500 or imprisonment not to exceed six months, or both.





Maryland

Energy Legislation

Alternative Energy Development

HB 235: Sale of Electric or Nonfossil-Fuel Burning Vehicles

Del. Kirill Reznik

Authorizes a vehicle manufacturer or distributor to be licensed as a dealer if (1) the licensee deals only in electric or nonfossil-fuel burning vehicles; (2) no other dealer holds a franchise from the manufacturer or distributor; and (3) there is no cross-ownership between licensees, whereby a licensee – or any entity affiliated with or controlled by a licensee – holds a controlling interest in another licensee or other entity affiliated with or controlled by a licensee. The bill allows for the issuance of only four licenses. Finally, the legislation requires the Motor Vehicle Administration (MVA) to adopt regulations to implement the measure.

HB 1087/SB 398: Community Solar Energy Generating System Program

Del. Luke Clippinger; Sen. Catherine Pugh

Requires the Public Service Commission (PSC) to establish a three-year Community Solar Energy Generating System Pilot Program. Under the pilot program, a subscriber organization may petition the PSC to authorize the installation of solar generating equipment of which the output will be shared among several subscribers. The PSC must adhere to specified guidelines in structuring the pilot program and adopt specified regulations to implement the pilot program. The PSC must also, in consultation with the Maryland Energy Administration, convene a stakeholder workgroup to study the value and costs of the pilot program and make recommendations to the PSC on the advisability of establishing a permanent program.

SB 353: New Interconnection Agreements for Solar Energy Generating Facilities

Sen. Stephen Hershey, Jr.

Requires a person who is negotiating a contract with an eligible customer-generator to install a solar electric generating facility on the customer-generator's property to adhere to the specified application and notification requirements. The bill addresses a timing issue related to solar installations when a contract for installation could be signed by a customer and payments made to a solar installer prior to the disapproval of an interconnection agreement. Under the PSC regulations, a solar installer must receive an approved interconnection agreement from the electric company before installing the system. The legislation codifies this requirement but also requires the solar installer to notify the customer whether the application is approved or disapproved. Further, if the application for interconnection is disapproved, the solar installer must refund any payments received from the customer.

Energy Efficiency

HB 323/SB 262: Building Performance Standards

Del. Rick Impallaria; Sen. J. B. Jennings

Authorizes the Department of Housing and Community Development to adopt modifications to the Maryland Building Performance Standards that allow any innovative approach, design, equipment, or method of construction that can be demonstrated to offer performance that is at least the equivalent to the



International Building Code; or Chapter 11, “Energy Efficiency,” of the International Residential Code.

Natural Gas and Petroleum

HB 449/SB 409: Hydraulic Fracturing

Del. David Fraser-Hidalgo; Sen. Karen Montgomery

Requires the Maryland Department of Environment (MDE) to adopt regulations to provide for the hydraulic fracturing of a well for the exploration or production of natural gas by October 1, 2016, and to prohibit the regulations that are adopted from taking effect until October 1, 2017. The bills also prohibit the MDE from issuing a permit to drill a well using hydraulic fracturing until October 1, 2017.

Reorganization and Coordination

HB 35/SB 11: Change of Job Title

Del. Charles Barkley; Sen. John Astle

Codifies the Public Service Commission’s current practice by changing the statutory job title of hearing examiner to public utility law judge.

Utilities

HB 140/SB 54: Restrictions after Service on the Public Service Commission

Del. Dereck Davis; Sen. Thomas “Mac” Middleton

Prohibits an individual, for a period of one year after leaving service with the Public Service Commission (PSC) as a commissioner, from receiving financial benefit that is not otherwise generally available to the public as a customer of a public service company from (1) a public service company that is subject to PSC jurisdiction or (2) a person that directly or indirectly, or through one or more intermediaries, controls, is controlled by, or is under common control with a public service company that is subject to PSC jurisdiction.

HB 469/SB 460: Construction of Transmission Lines

Del. Sally Jameson; Sen. Brian Feldman

Authorizes a person, rather than solely an electric company, to obtain a Certificate of Public Convenience and Necessity to begin construction of an overhead transmission line that is designed to carry voltage in excess of 69,000 volts or exercise a right of condemnation with the construction, subject to specified conditions. Likewise, statutory requirements and conditions for construction related to an existing overhead transmission line are expanded to include any person, rather than solely an electric company.

HB 541: Pole Attachment

Del. Charles Barkley

Requires the Public Service Commission (PSC) to convene a workgroup to address various issues that arise when multiple entities share the same utility pole. The PSC must report its findings and recommendations to the General Assembly by December 31, 2015.



Maryland

Environmental Legislation

Coastal Zone Management

HB 207/SB 106: Investments of the Chesapeake Bay Trust

Del. Shane Robinson; Sen. John Astle

Expands a list of types of securities in which money of the Chesapeake Bay Trust may be invested to include marketable equity securities, marketable equity-related mutual funds, and debt-related mutual funds. Providing for investment in the additional types of securities is intended to allow for increased return on the trust's investments and reduced risk through diversification.

HB 287/SB 808: Aquaculture

Del. Anthony O'Donnell; Sen. Katherine Klausmeier

Establishes that a person who willfully, negligently, recklessly, wrongfully, or maliciously enters an area leased to another for aquaculture to harvest, damage, or transfer shellfish or to alter, damage, or remove markings or equipment is liable to the leaseholder for damages in the amount of (1) three times the value of the shellfish harvested, damaged, or transferred; (2) actual restoration costs; and (3) relevant attorney fees and court costs. The penalties do not apply to a properly credentialed leaseholder or agent of the leaseholder.

HB 785/SB 666: Recreational Fishing Licenses

Del. Robert Flanagan; Sen. Gail Bates

Alters the terms for a freshwater angler's license, a Chesapeake Bay and coastal sport fishing license or registration, and a resident consolidated senior sport fishing license to one year following the date of issuance.

HB 1287: Fisheries Advisory Commissions

Del. Anthony O'Donnell

Adds a representative of the aquaculture industry in the state to both the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission.

SB 600: Chesapeake Conservation Corps Program

Sen. John Astle

Increases state funding from the Environmental Trust Fund (ETF) that is directed to the Chesapeake Conservation Corps Program from \$250,000 annually to \$375,000 annually. The ETF, pursuant to existing law, receives revenue from a surcharge paid by electric companies per kilowatt-hour of electric energy distributed in the state. The bill also requires the Maryland Transportation Authority, in consultation with the Chesapeake Bay Trust, to report to the General Assembly by October 1, 2015, on the feasibility of establishing a donation program for the benefit of the Chesapeake Bay Trust to which E-Z Pass account holders may donate.

The Chesapeake Bay Trust is a private, nonprofit grant-making organization established by the General Assembly in 1985 to promote public awareness and participation in the restoration and protection of the water quality and aquatic and land resources of the Chesapeake Bay and other aquatic and land resources of the state. The trust awards grants to community-led environmental education and habitat restoration projects through a portfolio of programs and



manages the Chesapeake Conservation Corps Program as a special initiative. The corps program facilitates youth involvement in energy conservation and environmental efforts, and associated career opportunities for the participants, by pairing young individuals ages 18 to 25 with qualifying host organizations to undertake energy conservation and environmental projects.

SB 863: Watershed Protection and Restoration Programs

Senate President Thomas V. Mike Miller, Jr.

Requires a county or municipality that is subject to a specified federal stormwater permit to collect a stormwater remediation fee and establish a local watershed protection and restoration program and fund. Among other things, the bill repeals the requirement for such jurisdictions to collect a stormwater remediation fee, subject to several conditions. The legislation exempts Montgomery County from these provisions but establishes separate provisions pertaining to the county with similar requirements. Among other things, the bill also (1) alters the authorized uses and repayment terms applicable to the Water Quality Revolving Loan Fund (WQRLF); (2) authorizes jurisdictions to charge a stormwater remediation fee to the state under specified conditions; (3) establishes provisions that provide relief from the fee for specified organizations under certain conditions; (4) requires jurisdictions to file an annual financial assurance plan, which is subject to review and potential sanctions; and (5) makes several changes applicable to jurisdictions that have established a system of charges for stormwater management (separate from a stormwater remediation fee).

Environmental Health Services

SB 107: Carbon Monoxide Alarms

Sen. Joan Carter Conway

Provides that on or after April 1, 2017, a hotel or a lodging or rooming house must install a carbon monoxide alarm (1) on the wall inside each guest room that contains a device that emits carbon monoxide, is adjacent to a room or area that contains a device that emits carbon monoxide, is adjacent to an enclosed unventilated attached garage, or is connected by ductwork to an enclosed unventilated attached garage or room or area that contains a device that emits carbon monoxide; and (2) on a wall in each room or area that contains a device that emits carbon monoxide, is adjacent to a room or area that contains a device that emits carbon monoxide, or is adjacent to an enclosed unventilated attached garage.

The bill defines a “hotel” to mean a building or group of buildings that (1) is under the same management; (2) contains more than 16 sleeping accommodations for hire; and (3) is used primarily by transients who are lodged with or without meals. The term includes an inn, motel, club, and apartment hotel. The law defines “lodging or rooming house” to mean a building in which separate sleeping rooms are rented and that provides sleeping accommodations for 16 or fewer individuals on a transient or permanent basis and with or without meals, but without individual cooking facilities.

Inland Water Resource Management and Conservation

SB 401: Connecting Buildings to Water Supply Systems and Sewerage Systems

Sen. John Astle

Requires any new or replacement piping connecting a building to a water supply system or a sewerage system to be installed with a specified insulated copper tracer wire or equivalent product to make the piping detectable. The bill establishes standards and specifications regarding the wire and its installation. For replacement, the measure only applies to a complete pipe replacement, not to a partial replacement or a repair.



Land Management and Conservation

HB 14: Hunting Licenses for Retired Service Members

Del. Anthony O'Donnell

Adds an exemption from the requirement to obtain a hunting license for a retired former member of the U.S. Armed Forces for hunting on active farmland owned by a specified family of the retired member. A person who hunts under this exemption must possess the person's retired-military identification card, written permission to hunt on the farm from the farm owner (which must specify the time period the person is authorized to hunt on the farm and the person's relationship to the farm owner), and any required hunting stamps.

HB 170/SB 88: Baiting Game Birds

Del. Wendell Beitzel; Sen. John Astle

Conforms Maryland law with federal law by adding the element of criminal intent that a person must know or reasonably should know that an area is baited before the person may be convicted of hunting game birds with the aid of bait or over a baited area. Under federal law, a person may not hunt game birds with the aid of bait or over a baited area if the person knows or reasonably should know that the area is a baited area.

HB 356: Deep Creek Lake Buy Down Area Program

Del. Wendell Beitzel

Requires the Department of General Services (DGS) to establish a Deep Creek Lake Buy Down Area Program to offer owners of properties adjoining Deep Creek Lake the right to purchase state land contiguous to their properties. The bill establishes provisions regarding the purchase of such land, the administration of the program, and the use of the proceeds of the sale of property under the program.

The legislation's provisions that establish the program terminate October 31, 2017. Provisions governing the use of specified proceeds from sales under the program terminate October 31, 2019.

HB 554: Nonresident Senior Hunting Licenses

Del. Wendell Beitzel

Establishes a nonresident senior hunting license for nonresidents of the state who are at least 65 years old. The annual fee for the license is \$65, half the annual fee for a nonresident regular hunting license. The bill also reduces the annual fee for the nonresident junior hunting license from \$65 to \$32.50. By December 31, 2017, the Department of Natural Resources (DNR) is required to report to the Governor and the General Assembly (1) on the number of nonresident junior and regular hunting licenses issued for license years 2013-2014 through 2016-2017; (2) on the number of nonresident senior hunting licenses issued for license years 2015-2016 and 2016-2017; and (3) an estimate of any economic benefits to the state attributable to an increase in the issuance of nonresident hunting licenses, including increased business activity and tax receipts. The bill terminates on June 30, 2018.

HB 803: Industrial Hemp

Del. David Fraser-Hidalgo

Authorizes a person to plant, grow, harvest, possess, process, sell, or buy industrial hemp in the state, provided a person registers with the Maryland Department of Agriculture (MDA) before planting or growing industrial hemp. The bill also excludes industrial hemp from the definition of marijuana under the Maryland Controlled Dangerous Substances Act. "Industrial hemp" is



defined as the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis. The law is contingent on the taking effect of the federal Industrial Hemp Farming Act of 2015 or another federal law that delegates authority over industrial hemp to the states or authorizes a person to plant, grow, harvest, possess, process, sell, and buy industrial hemp. In addition, the registration requirement terminates October 1, 2030, and all of the provisions are null and void if a specified federal law does not take effect by October 1, 2030.

HB 860: Aquatic Invasive Species

Del. Dana Stein

Prohibits, after April 1, 2017, an owner of a vessel from placing the vessel or having the vessel placed in a lake owned or managed by the state, at a public launch ramp or public dock, unless the owner has cleaned the vessel and removed all visible organic material. An owner of a vessel who violates the prohibition is subject to specified civil penalties. The bill also requires the Department of Natural Resources to convene a workgroup to evaluate actions that reduce the spread of aquatic invasive species from vessels placed in lakes that are owned or managed by the state.

HB 1074: Complimentary Lifetime Hunting Licenses

Del. Nicholaus Kipke

Authorizes the Department of Natural Resources (DNR) to issue a lifetime complimentary hunting license to an out-of-state person who certifies that the person is a former prisoner of war or a 100 percent service-connected disabled American veteran. The DNR may issue this complimentary license only if the person's state of residence offers similar privileges to former prisoners of war or 100 percent service-connected disabled American veterans of Maryland.

SB 68: Hunting Outside of Season

Sen. Joan Carter Conway

Establishes that only the leaseholder may hunt deer on leased state-owned farmland in Charles or St. Mary's counties under a deer management permit. The bill also allows the Department of Natural Resources to authorize Sunday deer hunting in Charles or St. Mary's counties under a deer management permit. Finally, the legislation repeals a rifle shooting training program for deer hunting in Charles and St. Mary's counties and an additional three-month deer hunting season in those counties.

SB 844: Department of Natural Resources Approved Rifles for Deer Hunting

Sen. Ronald Young

Authorizes a holder of a deer management permit to use a Department of Natural Resources (DNR)-approved rifle to hunt deer consistent with the permit throughout the year, including during all deer hunting seasons. Additionally, in Frederick County Zone 1 (north), an agent of a permit holder may use the approved rifle consistent with the permit throughout the year. In Frederick County Zone 2 (south), an agent of a permit holder may use the approved rifle consistent with the permit from October 1 through March 31, except during the deer firearms season.

SB 862: Maryland Park Service Funding

Sen. Edward Kasemeyer

Ratifies, in standalone legislation, Maryland Park Service (MPS) funding provisions included in the Budget Reconciliation and Financing Act (BRFA) of 2014, with amendments requiring that certain administrative costs be allocated from the park revenues before the appropriation of the remaining revenues in accordance with the specified percentages. As a result of the appropriation of park revenues to the MPS in accordance with the required percentages, general



fund expenditures increase by \$2.2 million in fiscal 2017, and by \$4.5 million in fiscal 2018 and future years, in order to replace park revenues directed to the MPS that would otherwise be used in other parts of the Department of Natural Resources (DNR) budget. The fiscal 2016 budget appropriates 60 percent of the park revenues to MPS after allocation of revenues for administrative costs, equal to \$6.7 million.

The bill's provisions included in the BRFA 2014, Chapter 464, require the Governor to include in the state budget an appropriation for the Maryland Park Service (MPS) – from revenues derived from state parks (held in the Forest or Park Reserve Fund) – equal to 60 percent of the State park revenues in fiscal 2016, 80 percent in fiscal 2017, and 100 percent in fiscal 2018 and each fiscal year thereafter. The Attorney General's Office advised in a letter regarding the constitutionality and legal sufficiency of the BRFA of 2014 that the provisions are likely unconstitutional because they violate the one-subject rule, being inconsistent with the single subject of the legislation of helping to bring the state's budget into balance during a time of fiscal crisis.

Reorganization and Coordination

HB 509: Statute of Limitations

Del. Herb McMillan

Establishes a five-year statute of limitations for an action for an administrative penalty brought by the Maryland Department of Environment (MDE). However, the statute of limitations is tolled for an ongoing violation until the action that caused the ongoing violation has ceased. Under prior provisions, the MDE must bring a criminal prosecution or a suit for a civil penalty for a violation of any provision of the Environment Article, or any regulation, order, or permit, within three years of the date that the MDE knew, or reasonably should have known, of the violation. The relevant statute of limitations period under federal environmental laws, including the Clean Water Act and Clean Air Act, is typically five years, which is the generally applicable statute of limitations established by the U.S. Congress for civil actions, suits, and proceedings.

Water Quality and Pollution Control

HB 156/SB 133: Authorized Uses of Bay Restoration Fund

Allegany County Delegation; Sen. George Edwards

Adds to the authorized uses of the Bay Restoration Fund (BRF), beginning in fiscal 2016, funding for up to 87.5 percent of the cost of projects, as approved by the Maryland Department of the Environment (MDE), relating to combined sewer overflows (CSO) abatement, rehabilitation of existing sewers, and upgrading conveyance systems, including pumping stations. (This funding authority previously existed between fiscal 2005 and 2009, capped at \$5 million annually.) The bill also alters the priority of BRF funding beginning in fiscal 2018 by making grants for septic system upgrades, stormwater management, and CSO and sewer abatement projects of equal priority, with funding decisions made on a project-specific basis. The law adds "public health benefits" to the factors that the MDE must consider. Finally, the bill expands the scope of local stormwater management projects eligible for BRF grants by repealing the reference to a specific section of law.

HB 216: Synthetic Plastic Microbeads

Del. Dan Morhaim

Prohibits the manufacture of a personal care product containing "synthetic plastic microbeads," which is defined in the bill, beginning December 31, 2017, and the sale of such a product beginning December 31, 2018. Under the legislation, a "personal care product" means a



manufactured good or a component of a manufactured good that is intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for purposes of cleansing, beautifying, promoting attractiveness, or altering appearance. A “personal care product” does not include a prescription drug. The manufacture or sale of an “over-the-counter drug,” also defined in the bill, containing synthetic plastic microbeads is prohibited beginning December 31, 2018. Synthetic plastic microbeads are considered to be an effective mild abrasive ingredient used to gently remove dead skin. They can be found in various products including facial cleansers, shampoos, and toothpastes. Supporters of a ban on the use of microbeads contend that plastic microbeads cannot be treated by conventional wastewater treatment technologies, resulting in their discharge into waterways and posing a threat to the ecosystem through ingestion by fish and other animals in the food chain. Microbeads also pose a potential public health threat from human consumption of fish and other animals that have ingested microbeads, as well as from the pollution of water supplies. Additionally, the MDE is required to adopt regulations that identify biodegradable guidelines for wastewater treatment plants and must periodically review those guidelines to ensure that the most scientifically effective methods are being used.

SB 83: Vibrio Public Information Campaign

Sen. Bryan Simonaire

Requires the Maryland Department of Environment (MDE), in consultation with the Department of Natural Resources (DNR), the Department of Health and Mental Hygiene, and other specified stakeholders, to develop and implement a public health campaign about the risks associated with the Vibrio bacteria by June 15, 2015. The campaign must (1) identify that Vibrio is a naturally occurring bacteria that is a rare waterborne cause of illness nationwide; (2) target the geographical areas and times of year that the Vibrio bacteria is most active; (3) warn of the dangers of contracting a Vibrio infection; (4) emphasize preventative measures; (5) implement processes to ensure that the medical community is aware of the risks and symptoms of, and is prepared to treat, a Vibrio infection; and (6) post additional information about Vibrio infections on MDE’s website.

SB 863: Watershed Protection and Restoration Programs

Sen. Thomas V. Mike Miller, Jr.

Alters provisions that require a county or municipality that is subject to a specified federal stormwater permit to collect a stormwater remediation fee and establish a local watershed protection and restoration program and fund. Among other things, the bill repeals the requirement for such jurisdictions to collect a stormwater remediation fee, subject to several conditions. The measure exempts Montgomery County from these provisions but establishes separate provisions pertaining to the county with similar requirements. Among other things, the legislation also (1) alters the authorized uses and repayment terms applicable to the Water Quality Revolving Loan Fund (WQRLF); (2) authorizes jurisdictions to charge a stormwater remediation fee to the state under specified conditions; (3) establishes provisions that provide relief from the fee for specified organizations under certain conditions; (4) requires jurisdictions to file an annual financial assurance plan, which is subject to review and potential sanctions; and (5) makes several changes applicable to jurisdictions that have established a system of charges for stormwater management (separate from a stormwater remediation fee).





Mississippi

Energy Legislation

Emergency Management and Homeland Security

HB 420: Mutual Aid Compacts

Rep. Scott Bounds

Clarifies the authority of the Mississippi Emergency Management Agency to sponsor and develop mutual aid plans and agreements between the political subdivisions of the state and the Mississippi Band of Choctaw Indians.

SB 2762: Out-of-State Business Aid

Sen. Joey Fillingane

Enacts the “Facilitating Business Rapid Response to State Declared Disasters Act of 2015.” The bill provides that an out-of-state business that conducts operations within the state to perform work or provide services related to a declared state disaster or emergency during the disaster response period will not be considered to have established a level of presence that would require that business to register, file, or remit state or local taxes. The bill also relates to insurance company reserves.

Natural Gas and Petroleum

HB 443: Measurements Used for Fuel Sales

Rep. Mark Baker

Provides that liquefied natural gas used as motor fuel shall be sold in diesel gallon equivalents and compressed natural gas used as a motor fuel shall be sold in gasoline gallon equivalents.

Reorganization and Coordination

HB 830: State Liquefied Compressed Gas Board Expenses

Rep. Greg Snowden

Allows members to be reimbursed for certain travel expenses to attend board meetings.

HB 1127: Iran Divestment Act of 2015

Rep. Jerry Turner

Restricts the state’s financial involvement with any person or company that conducts significant energy-related business with Iran.

SB 2278: State Liquefied Compressed Gas Board Per Diem Reimbursements

Sen. Russell Jolly

Allows members to receive per diem expense reimbursements.

Utilities

HB 425: Jurisdiction of the Public Service Commission

Rep. Charles Jim Beckett

Clarifies that the Public Service Commission does not have jurisdiction over the governance, management or other internal affairs of gas or electricity by cooperative gas or electric power



associations to the members thereof as consumers, except where such service is rendered in a municipality.

HB 881: Mississippi Excavation Regulations

Rep. Charles Jim Beckett

Revises regulations for excavations near underground utility facilities. The markings provided by operators and the locate request number shall only be valid for a period of fourteen (14) calendar days from the date and time the locate request ticket is processed or entered into the system by Mississippi 811, Inc. The person responsible for the excavation project must renew the notification with Mississippi 811, Inc., at least two and not more than three working days prior to this expiration date and shall continue to renew such notification in the same manner throughout the duration of the excavation. The renewal notice will be valid for a period of fourteen calendar days from the date and time the renewal locate request is processed or entered into the system by Mississippi 811, Inc.





Mississippi

Environmental Legislation

Air Quality and Pollution Control

SCR 637: Clean Power Plan Response

Sen. Terry Burton

Urges the federal administration to withdraw and reconsider the proposed Clean Power Plan, supports the comments submitted to the United States Environmental Protection Agency (EPA) by the Mississippi Department of Environmental Quality (MDEQ) and the Mississippi Public Service Commission (PSC) on the Clean Power Plan, and encourages Congress and the President of the United States to enact legislation delaying implementation of the final Clean Power Plan until certain criteria are met.

Coastal Zone Management

HB 879: Oyster Cultivation Leases

Rep. Casey Eure

Revises the authority of the Mississippi Commission on Marine Resources to lease bottoms for oyster cultivation. The bill also changes the authority of the Mississippi Commission on Marine Resources to lease bottoms for oyster cultivation. The measure increases, from 100 to 500 acres, the maximum acreage of bottoms allowed to be leased by any individual, corporation, partnership, or association. In addition, the legislation increases lease terms from one to five years and provides for additional five-year renewal leases. The bill removes the total limitation of the number of years for renewal.

SB 2516: Licensure Revocation

Sen. Brice Wiggins

Authorizes the Commission on Marine Resources to revoke the license of a person violating seafood laws.

Land Management and Conservation

HB 718: Investigation Costs

Rep. Scott Bounds

Provides that the Mississippi Agricultural and Livestock Theft Bureau and the Mississippi Department of Wildlife, Fisheries, and Parks can recoup investigation costs.

HB 839: Nonnative Plant Species

Rep. Randy Boyd

Prohibits the cultivation of potentially invasive nonnative plant species except under the special permit requirement for plantings in excess of one acre for the purpose of controlling the cultivation of nonplant species for fuel production by the Department of Agriculture and Commerce.



HB 841: Hunting License Exemptions

Rep. Joey Hood

Exempts Purple Heart recipients from license requirements while hunting hogs on private land. Combat wounded Veterans awarded the Purple Heart are no longer required to have a hunting license in Mississippi when hunting nuisance animals.

HB 1423: Mosquito and Pest Control

Rep. Sara Thomas

Extends the date of repeal from December 31, 2015, to December 31, 2018, on the provision of law that authorizes the City of Indianola, Mississippi, to provide services for mosquito and pest control by fixing and collecting fees for service.

SCR 647: Evaluation of Crop Protection

Sen. Billy Hudson

Expresses the intent of the Mississippi legislature to require the use of sound science in evaluating crop protection chemistries and nutrients.

Reorganization and Coordination

HB 831: State Agency Transparency

Rep. Toby Barker

Requires all state agencies to disclose in one report how they obtain the money they spend. The bill mandates that all state agencies report annually a list of all fines, fees, and taxes they assess and/or collect, the legal basis for those assessments, and their methods of collection. The report also must list any amounts received from any federal agency. Further, the bill requires agencies to disclose what actions or results they promised in order to receive those federal funds.

HB 896: Utility District Boards

Rep. Patricia Willis

Provides that for any water and sewer district located within the corporate limits of a municipality that was incorporated on or after January 2012, the powers of the district must be vested in and exercised by a board of commissioners consisting of five members, each to be appointed by the governing authority of such municipality and one member to be appointed from each municipal ward in the city. Each commissioner shall be appointed and must hold office for a term of five years. Any vacancy occurring on the board of commissioners must be filled by the governing authority of the municipality at any regular meeting. Appointments to fill vacancies in unexpired terms of office will be for the remaining unexpired term of office for such position. Also, under the legislation, any person who is designated by a mayor to be a director on the board of the Hancock County Utility Authority will have the same voting powers on the board as the mayor who designated such person.

SB 2456: Board of Mississippi Levee Commissioners

Sen. Eugene Clarke

Authorizes the Board of Mississippi Levee Commissioners to enter into agreements with the U.S. Army Corps of Engineers.



Water Quality and Pollution Control

HB 1097: Water Pollution Control Revolving Fund

Rep. John Read

Allows repayment of funds to be made at terms consistent with federal law, which increases the time for repayment to 30 years.







Missouri

Energy Legislation

Natural Gas and Petroleum

HB 92: Oil and Gas Production

Rep. Rocky Miller

Replaces the one member on the State Oil and Gas Council from the Division of Geology and Land Survey with the state geologist and removes the requirement that one of the public members on the council be a resident of a third or fourth class county. The bill removes the Division of Geology and Land Survey from the advisory committee to the council and replaces it with the Department of Natural Resources and transfers certain authority from the State Oil and Gas Council to the Department of Natural Resources.

The statute changes the laws regarding oil and gas production to reflect the change from the division to the department and to reflect the transfer of the Land Survey Program to the Department of Agriculture. The definition of "oil" is modified to include hydrocarbons that do not flow to a wellhead but are produced by other means.

The measure creates the Oil and Gas Resources Fund consisting of all gifts, donations, transfers, moneys appropriated by the General Assembly, permit application fees, operating fees, closure fees, late fees, severance fees, and bequests to be used to administer provisions of law relating to oil and gas. The bill repeals the provision allowing moneys in the Oil and Gas Remedial Fund to be used to pay the expenses incurred by the council.

Currently, the council does not charge a fee for obtaining a permit for drilling operations. The bill allows the council to authorize the Department of Natural Resources to file an order of rulemaking amending the fee structure for permit application fees, operating fees, closure fees, late fees, and extraction or severance fees as specified in these provisions. The authority to revise the fee structure in this manner will expire on August 28, 2025. If any applicant fails to pay the appropriate fee, a penalty may be assessed and relief may be sought by the department in the appropriate circuit court.

A permit must be obtained from the state geologist prior to commencing injection activities for enhanced recovery of oil or gas or for the disposal of fluid. Currently, applicants seeking a permit for noncommercial gas wells are required to file a bond or other instrument of credit. The legislation repeals the allowance to file any other instrument of credit.

Orders regarding spacing units are entered by the state geologist. The bill requires the department to enter the order and repeals the provisions exempting noncommercial gas wells from the spacing units set by the council.

Currently, the council is required to bring suit against any person appearing to violate the provisions relating to oil and gas. The legislation allows the department or the council to request the Attorney General to bring the suit.



HCR 15: Expression of Support for Keystone XL Pipeline and Arctic Drilling

Rep. Shane Roden

Calls upon President Obama to support the TransCanada Keystone XL pipeline and the permitting for oil production off the northern coast of Alaska.

SB 12: Fuel Pump Labeling

Sen. Brian Munzlinger

Modifies provisions relating to agriculture, including requiring the Department of Agriculture to promulgate rules regarding the labeling of motor fuel pumps.

SB 231: Motor Fuel for Watercraft

Sen. Mike Kehoe

Creates a motor fuel tax exemption for fuel delivered to a marina for use solely in watercraft. Such motor fuel shall also be exempt from sales tax.

Utilities

HB 1119: Missouri Lineworker Appreciation Day

Rep. Craig Redmon

Designates the second Monday in April as Missouri Lineworker Appreciation Day.





Missouri

Environmental Legislation

Air Quality and Pollution Control

HB 92/SB 142: State Implementation Plan

Rep. Rocky Miller; Sen. Gary Romine

Requires the Department of Natural Resources, when developing a state implementation plan, state plan, or non-point source management plan for submission to the U.S. Environmental Protection Agency, to prepare an implementation impact report in lieu of a regulatory impact report in collaboration with certain other state entities. The report shall contain certain criteria as set forth in this act, and shall be delivered to the Governor, Joint Committee on Government Accountability, President Pro Tempore of the Senate, and the Speaker of the House of Representatives along with the proposed plan 45 calendar days prior to submission to the Environmental Protection Agency. The report and proposed plan shall also be posted on the Department's website home page. If such plan is revised prior to submission to the Environmental Protection Agency, such revised plan shall also be provided to such elected officials and posted on the department's website. Under this, the Department of Natural Resources is also required to hold one stakeholder meeting in developing a plan for the Environmental Protection Agency submission that includes certain groups as set forth in the act.

The bill allows, upon receiving the implementation impact report, the Joint Committee on Government Accountability to hold at least two public hearings to seek public comment on the plan and the report. The Joint Committee may also request that a representative from the Environmental Protection Agency attend at least one of the hearings. Nothing in this act shall confer authority on the Public Service Commission or the Department of Natural Resources jurisdiction over rural electric cooperatives or municipally-owned utilities, nor may it affect the development of emission standards for certain carbon dioxide standards.

HR 425: Carbon Pollution Emission Guidelines

Rep. Robert Ross

Urges the withdrawal of a proposed federal rule regarding carbon pollution emission guidelines for existing stationary sources.

Hazardous Waste and Substance Management

SCR 5: Lead Industry Employment, Economic Development, and Environmental Remediation Task Force

Sen. Gary Romine

Establishes the Missouri Lead Industry Employment, Economic Development, and Environmental Remediation Task Force to consider prompt environmental settlements, ways to promote and develop a clean lead industry, clean lead industry legislative proposals, and the economic potential of implementing clean lead industry policies.

The task force will consist of eleven members, three of which will be members of the General Assembly appointed by the President Pro Tem of the Senate, three of which will be members of the General Assembly appointed by the Speaker of the House of Representatives, one being the Governor or his or her designee, one being the Attorney General or his or her designee, two



members of industry appointed by the President Pro Tem of the Senate and the Speaker of the House, and one being the Director of Natural Resources or his or her designee. The task force must meet within fifteen days of the adoption of this concurrent resolution and shall expire by December 31, 2016.

Inland Water Resource Management and Conservation

HB 269/SB 231: Fire Extinguishers on Boats

Rep. Rocky Miller; Sen. Mike Kehoe

Requires every Class 2 recreational motorboat operating upon Missouri waters to carry two B1 type fire extinguishers, one B2 fire extinguisher, or a fixed fire extinguishing system, and one B1 type fire extinguisher.

HB 402: Safe Boating Week

Rep. Don Phillips

Designates the first full week before Memorial Day as Safe Boating Week.

HCR 21: Waters of the U.S.

Rep. Rocky Miller

Urges the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers to withdraw their proposed rule expanding the definition of "waters of the United States" under the Clean Water Act.

SB 231: Recreational Water Use Laws Brochure

Sen. Mike Kehoe

Requires the Water Patrol Division of the State Highway Patrol to develop a brochure regarding recreational water use laws and distribute it to recreational water equipment rental facilities and all county commissioners in the state.

Land Management and Conservation

HB 1052: Land Surveyors

Rep. Rocky Miller

Removes from the description of the practice of a professional land surveyor work which involves the survey of easements. The survey and location of rights-of-way are not exclusive to professional land surveyors unless the survey affects real property rights as defined in current law. The bill specifies that any document prepared between August 27, 2014, and August 28, 2015, must remain valid and enforceable even though any legal description contained in the document was not prepared by a professional land surveyor.

SB 12: Agriculture Laws

Sen. Brian Munzlinger

Modifies provisions relating to agriculture, including:

Urban Agricultural Zones (UAZ)

Adds a definition for "mobile unit" and modifies the definition of "processing UAZ" to include produce. Under this act, any local sales tax revenues received from the sale of agricultural products sold by a mobile unit associated with a vending UAZ shall also be deposited into the Urban Agricultural Zone Fund. Fund moneys shall be split evenly between school districts providing certain curriculum and municipalities for UAZ improvements. Municipalities'



allocation of fund moneys shall be based upon the municipality's percentage of local sales tax revenues deposited into the fund.

Certified Commercial Pesticide Applicator

Under prior enacted law, a certified commercial pesticide applicator must furnish evidence of financial responsibility with the Director of the Department of Agriculture in order to receive a license. Currently, the amount of the surety bond or liability insurance required is \$25,000 for property damage and bodily injury. Under this act, the amount is modified to \$50,000 for each occurrence. Further, the applicator is not required to furnish such evidence for license renewal, unless upon request. If the director so requests, the applicator shall furnish such evidence within 10 days of receiving the request. The director shall be notified of cancellation or reduction of financial responsibility for any applicator or employer of the applicator. The applicator or applicator's employer must also maintain evidence of financial responsibility at their business location. If the financial responsibility furnished becomes unsatisfactory, new financial responsibility instruments shall be immediately executed and maintained at the business location, or the applicator's license may be affected as set forth in this act.

Foreign Ownership of Agricultural Land

Under prior law, no sale of agricultural land could occur unless approved by the Director of the Department of Agriculture. Instead, the measure only requires that the sale of agricultural land be submitted to the Director if there is no completed IRS Form W-9 signed by the purchaser. Further, this bill states that no security interest in agricultural land acquired in violation of certain sections shall be divested or invalidated by such violation.

Livestock Waiver of Liability

Under prior law, equine activity sponsors and equine professionals were not liable for an injury or death of a participant resulting from the inherent risks of equine activities. This act extends this waiver of liability to livestock activity sponsors, livestock owners, livestock facilities, livestock auction markets, and any of their employees for any injury or death of a participant resulting from the inherent risks of livestock activities. This waiver of liability does not extend to all circumstances as set forth in this act.

Also, equine activity sponsors were required to post warning signs on or near stables, corrals, or arenas where equine activities are conducted. This bill extends this warning sign requirement to places where livestock activities are conducted.

Reorganization and Coordination

HB 92: Permit Decision Appeal Procedures

Rep. Rocky Miller

Amends prior provisions that provide that when certain permits or licenses are issued, renewed, denied, suspended, or revoked by the Department of Natural Resources, the decision is appealed to the commission with appropriate jurisdiction, including the Hazardous Waste Management Commission, the Safe Drinking Water Commission, the Air Conservation Commission, the Clean Water Commission, and the Missouri Mining Commission. The bill changes the appeals procedure to require the applicant, or for some permits any aggrieved party, to appeal the decision by filing a petition with the Administrative Hearing Commission within 30 days. The Administrative Hearing Commission may consider certain factors regarding permit decisions for mining as specified in the bill. The Administrative Hearing Commission will then issue a recommended decision to the commission with appropriate jurisdiction. The commission with appropriate jurisdiction must then issue the final decision, and the decision must be subject to



judicial review, except the Administrative Hearing Commission must issue the final decision for all permits relating to solid waste.

Under prior law, the department director was required to order an abatement, file an abatement complaint with the Clean Water Commission, or file a complaint to revoke a permit when a violation of the Missouri Clean Water Law has failed to be corrected. The bill changes the revocation process so that the director may not revoke a permit, but may request legal action by the Attorney General.

SB 12: Missouri Livestock Marketing Law

Sen. Brian Munzlinger

Modifies provisions relating to agriculture, including the Missouri Livestock Marketing Law. The bill requires that all license fees collected by the Department of Agriculture under the Missouri Livestock Marketing Law not yield revenue greater than the costs of administering the law during the ensuing year.

Solid Waste

HB 92/SB 445: Solid Waste Provisions

Rep. Rocky Miller; Sen. Gary Romine

Amends environmental protection laws including:

Audits

Modifies the frequency of financial audits for solid waste management districts. Under prior provisions, districts receiving more than \$200,000 annually are required to have an annual audit while districts receiving less than \$200,000 are required to have an audit every two years. The Department of Natural Resources (DNR) is required to audit district grants every three years. Under the legislation, districts receiving more than \$800,000 annually are required to have an annual audit, while districts receiving \$800,000 or less but more than \$250,000 are required to have an audit every two years. All other districts must be monitored every two years by the Department of Natural Resources, and they may be required to arrange an independent audit. Further, the department will audit district grants every five years, or as deemed necessary based upon district grantee performance.

As provided for under prior law, the state auditor must conduct audits of solid waste management districts and may request reimbursement for such audits. Under the bill, the state auditor may conduct audits and may request reimbursement for such audits with the reimbursement deposited in the Petition Audit Revolving Trust Fund. If the auditor does request such reimbursement, the solid waste management districts shall reimburse the auditor for such audits. Such reimbursements are limited to two percent of the solid waste management district's annual allocation.

Textiles

Under prior law, solid waste management districts are required to address the recycling, reuse, and handling of certain products. The bill adds textiles to this requirement.

Solid Waste Management District Executive Boards

Prevents solid waste management district executive boards from performing solid waste management projects that compete with a qualified private enterprise. They are required to encourage small businesses to engage and compete in the delivery of recycling and solid waste management services.



No person may be disqualified from receiving a grant for providing solid waste management and recycling services if they have a familial relationship with any member of the Solid Waste Management District Executive Board. However, their grant application must be approved by a vote of 2/3 of the board and such executive board member must abstain from voting on the grant application or the member will forfeit membership on the Solid Waste Management District Executive Board and Council.

Solid Waste Management Plans

Requires that the Department of Natural Resources (DNR) prepare model solid waste management plans. The bill requires the plans to provide for economical recycling and waste management through regional and district cooperation.

The legislation repeals the requirement that any county within a region that is not a member of a district is required to submit a solid waste management plan to the Department of Natural Resources.

Allocation of Solid Waste Management Fund Monies and Grants

Extends the moratorium to 2027 on increasing the sanitary landfill tipping fee, the demolition landfill tipping fee, and the transfer station tipping fee.

The measure lists criteria that solid waste management districts may use in establishing district grant priority. Any allocated district moneys remaining at the fiscal year due to inadequate grant applications must be reallocated for grant applications in subsequent years and projects other than district operations. Any district moneys remaining after five years will revert to the Solid Waste Management Fund.

The legislation sets forth a timeline for which DNR is required to either approve or deny an application.

Solid Waste Advisory Board

Requires that the Solid Waste Advisory Board will be composed of the chairman of the executive board of each solid waste management district, or his or her designee. Under prior provisions, the Solid Waste Advisory Board was composed of the chairman of the executive board of each solid waste management district. Also, five additional members were appointed to the board by the Director of the Department of Natural Resources. The bill changes the appointing authority from the Director of the DNR to the Program Director of the Solid Waste Management Program.

The bill modifies the duties of the Solid Waste Advisory Board by requiring that the board submit an annual report to the Department of Natural Resources on a number of subjects, including unfunded solid waste management projects. The legislation also requires the board to prepare an annual report to committees in the General Assembly regarding solid waste.

Under the measure, the Solid Waste Advisory Board is required to hold regular meetings on a quarterly basis. A special meeting of the board may occur under certain conditions. In addition, the legislation modifies the conditions under which the board may conduct business.

HB 722: Paper and Plastic Bags

Rep. Dan Shaul

Specifies that all merchants, itinerant vendors, and peddlers doing business in this state must have the option to provide customers with a paper or plastic bag for any item or good purchased.



A political subdivision cannot impose any ban, fee, or tax upon the use of paper or plastic bags for packaging any item or good purchased or prohibit a consumer from using a reusable bag.

SCR 3: Joint Committee on Solid Waste Management District Operations

Sen. Wayne Wallingford

Establishes the Joint Committee on Solid Waste Management District Operations. The joint committee shall be composed of five members of the Senate and five members of the House of Representatives, with not more than three from each chamber being from the same party. The joint committee may hold hearings and prepare a report with its recommendations for any legislative action deemed necessary, for submission to the General Assembly by December 31, 2016, at which time the joint committee shall be dissolved.

Water Quality and Pollution Control

HB 92: Water Policy

Rep. Rocky Miller

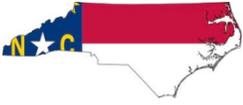
Changes the definition of "waters of the state" by removing "waters of the United States" lying within the state from the definition. The legislation modifies the definition of "waters of the state" by adding that such waters include all waters that are within the jurisdiction of this state and removing the words "and includes waters of the United States lying within the state" in relation to the provisions of law relating to hazardous substance cleanup and the Missouri Clean Water Law.

The bill modifies the policy statement of the Missouri Clean Water Law by stating that it is the policy of this state to strive to meet the objectives of the Missouri Clean Water Law while maintaining maximum employment and full industrial development of this state. The Clean Water Commission must seek the accomplishment of the objectives of the law by all practical and economically feasible methods.

Currently, the Department of Natural Resources is required to perform a finding of affordability when issuing permits under the Missouri Clean Water Law for discharges from specified publicly owned treatment works. The bill requires that the finding also be performed when issuing permits for discharges from water or sewer treatment works.

The legislation modifies the definition of "finding of affordability" as it applies to the Missouri Clean Water Law to mean a statement by the department as to whether an individual or a household receiving an income in an amount equal to or lower than the median household income for the applicant community would be required to make unreasonable sacrifices in the individual's or the household's essential lifestyle or spending patterns, or undergo hardships in order to make the projected monthly payments for sewer services.





North Carolina

Energy Legislation

The North Carolina section of the 2015 Preliminary Edition of the *Digest* contains legislation that was ratified as of June 30, 2015. At the time of publication, the North Carolina General Assembly had not concluded their 2015 legislative session.

Alternative Energy Development

SB 372: Renewable Energy Safe Harbor

Sen. Bob Rucho

Provides a delayed sunset for the credit for investing in a renewable energy for certain taxpayers. The credit for investing in renewable energy property applies to biomass equipment, hydroelectric generators, solar energy equipment, wind equipment, and geothermal heat pumps and equipment. The amount of the credit for investing in renewable energy property is 35 percent of the cost of the property placed in service. In the case of renewable energy property that services a single-family dwelling, the credit must be taken for the taxable year in which the property is placed in service. For all other renewable energy property, the credit must be taken in five equal installments, beginning with the taxable year in which the property is placed in service. The amount of the credit is subject to certain limits depending on the type of property and whether the property is placed in service in a residential or nonresidential setting. The credit is set to sunset on January 1, 2016, and the bill extends the credit until January 1, 2017, for taxpayers that meet certain requirements. The legislation applies to taxpayers that have incurred at least 80 percent of the costs, and partially constructed at least 80 percent of a project with less than 65 megawatts of capacity. Also, the measure applies to taxpayers that have incurred at least 50 percent of the costs, and partially constructed at least 50 percent of a project with 65 megawatts of capacity or more.

Coal and Minerals

HB 157: Interstate Mining Compact Commission

Rep. Pat McElraft

Authorizes the Governor to send an official from the Department of Environment and Natural Resources (DENR) to act on the Governor's behalf at meetings of the Interstate Mining Compact Commission, among other provisions.

Natural Gas and Petroleum

HB 157: Rulemaking Directive for Air Toxics from Drilling Operations

Rep. Pat McElraft

Clarifies that the Environmental Management Commission would only be required to adopt a rule on air toxics from drilling operations if it determined that the state's current air toxics program, and any applicable federal regulations adopted by the state by reference, were inadequate. Current law provides that the commission must adopt rules on regulation of air toxics from drilling operations.



SB 20: Motor Fuel Tax Rate

Sen. Bill Rabon

Reduces the motor fuels tax rate from 37.5 cents to 36 cents beginning April 1, 2015, through December 31, 2015. The bill sets the rate at 35 cents per gallon (cpg) from January 1, 2016, through June 30, 2016, and at 34 cpg from July 1, 2016, through December 31, 2016. The measure changes the variable component of the formula for determining the rate. Beginning January 1, 2017, the rate would be 34 cpg multiplied by a percentage reflecting population change and the annual change in the energy component of the Consumer Price Index for all urban consumers as produced by the U.S. Bureau of Labor Statistics. The legislation replaces the two six-month base periods used in determining the gas tax rate with a single 12-month base period. Finally, the legislation takes \$3.35 million and \$10.1 million reductions in the Highway Trust Fund and Highway Fund budgets for the 2014-2015 fiscal year.

Utilities

HB 140: Lineman Appreciation Day

Rep. Kelly Hastings

Recognizes and honors the work linemen do in North Carolina and designates Lineman Appreciation Day on April 18th of 2015 and on the second Monday in April of each year thereafter.

HB 415: Fontana Dam Charter

Rep. Roger West

Amends the Town of Fontana Dam's charter to authorize the town council to establish an electric power board to manage and control the town's electric public enterprise service. The Town of Fontana Dam Electric Power Board will consist of five members appointed by the town council. Members of the power board would serve four-year staggered terms. The power board will have full control and complete jurisdiction over the management, operation, maintenance, and improvement of the electric utility system. The bill provides that three of the five members of the board may reside outside the town, but must be residents of the state.

SB 305: Sale of Ownership Interest in Electric Generation Facilities

Sen. E. S. (Buck) Newton

Enacts legislative changes needed to effectuate the sale of the ownership interest in electric generation facilities of a municipal power agency to an investor-owned utility. The first part of the bill provides cost recovery for a public utility that purchases generation assets from a municipal power agency. The second part of the bill authorizes the municipal power agency to issue bonds to pay the difference in the price paid for the assets and any outstanding amount owed on the assets. The second part of the legislation also provides bonding authority and other statutory changes necessary to allow the power agencies to enter into power purchase agreements to replace the electricity that had been provided through the ownership interest in the electric generation facilities.

SB 716: Mountain Energy Act of 2015

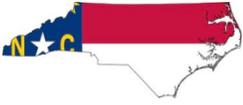
Sen. Tom Apodaca

Directs the North Carolina Utilities Commission to render an expedited decision, under certain conditions, on an application for a Certificate of Public Convenience and Necessity for an applicant to construct a generating facility that uses natural gas as the primary fuel.



Also, the measure modifies certain requirements under the Coal Ash Management Act of 2014 for coal ash surface impoundments located on sites at which all coal-fired generating units present on those sites will permanently cease operations by January 31, 2020.





North Carolina

Environmental Legislation

The North Carolina section of the 2015 Preliminary Edition of the *Digest* contains legislation that was ratified as of June 30, 2015. At the time of publication, the North Carolina General Assembly had not concluded their 2015 legislative session.

Coastal Zone Management

SB 112: Commercial Fishing and Aquaculture Classes

Sen. Bill Cook

Urges all of the community colleges that serve the coastal area of the state to offer classes in commercial fishing and aquaculture. The bill would direct the North Carolina Community Colleges System Office to provide technical assistance to these community colleges to offer courses on commercial fishing and aquaculture and directs the office to report to the Joint Legislative Education Oversight Committee on any fiscal and administrative issues that limit the colleges' ability to offer such courses.

Environmental Health Services

HB 706: Regulations of Open Air Cabins

Rep. Chuck McGrady

Modifies the regulation of open air camp cabins under the North Carolina Building Code. The bill defines "open air camp cabin" to mean a single-story structure that (i) has three walls consisting of at least 20 percent screened openings no more than 44 inches above the floor; (ii) has no heating or cooling system; (iii) is occupied for no more than 150 days within any rolling 365-day time span; and (iv) accommodates 36 or fewer persons.

The bill provides that for open air camp cabins, the Building Code Council must not enforce requirements more stringent than the following:

- The open air camp cabin must have at least two remote unimpeded exits, but lighted exit signs are not required.
- The open air camp cabin will not be required to have plumbing or electrical systems, but if the cabin has these systems, then the provisions of the Building Code otherwise applicable to those systems apply.
- Smoke detectors and handheld fire extinguishers may be required as otherwise provided in the Building Code, but no requirement for a sprinkler system may be imposed.

The Building Code Council must amend the Building Code to be consistent with these provisions.

SB 25: Zoning Ordinances

Sen. Rick Gunn

Prohibits cities and counties from adopting zoning ordinances that regulate building design elements of structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings.



The phrase "building design elements" means any of the following:

- Exterior building color.
- Type or style of exterior cladding materials.
- Style or materials of roof structure or porches.
- Exterior nonstructural architectural ornamentation.
- Location and architectural styling of windows or doors.
- Number, type, and interior layout of rooms.

The phrase "building design elements" specifically excludes setback provisions, use of buffering or screening to minimize visual impacts or impact of light and noise, or regulations governing permitted uses of land.

Cities or counties can adopt ordinances regulating building design elements under the following circumstances:

- If the structures are located in historic districts, or if the structures are designated as historic landmarks.
- If regulation is directly and substantially related to applicable safety codes.
- Where regulations apply to manufactured housing, consistent with state and federal law.
- Where regulations are a condition of participation in the National Flood Insurance Program.

The measure does not impact the enforcement or validity of restrictive covenants.

Inland Water Resource Management and Conservation

HB 86: Relocation of Water and Sewer Lines

Rep. Allen McNeill

Requires the Department of Transportation to pay the nonbetterment cost of relocating water and sewer lines owned by boards of education.

Land Management and Conservation

HB 65: Fox Trapping

Rep. Jeffrey Elmore

Permits fox trapping in Wilkes County, New Hanover County, and Cherokee County during the trapping season set by the Wildlife Resources Commission (WRC) and allows for the sale of foxes legally taken by trapping.

HB 574: Virginia Opossum

Rep. Roger West

Provides that no state or local statutes, rules, regulations, or ordinances governing the capture, captivity, treatment, or release of wildlife apply to the Virginia opossum between December 29 of each year and January 2 of each subsequent year.

HB 601: Sale of Deer Skin

Rep. Jeffrey Elmore

Allows the sale of skin of deer lawfully taken by hunting, subject to tagging and reporting requirements and season limits set by the Wildlife Resources Commission (WRC).



HB 795: State Environmental Policy Act

Rep. John Torbett

Reforms and amends the State Environmental Policy Act (SEPA). The bill increases the thresholds for when the SEPA applies, increases the number of exemptions from the Act, and otherwise amends the Act as follows:

- SEPA requirements would only apply when there are significant expenditures of public moneys. The bill defines "significant expenditure of public moneys" as expenditures of public funds greater than \$20,000,000.
- An environmental impact statement for a project would only include the direct environmental impacts of an action. The bill provides that "direct environmental impact" does not include impacts that are speculative, secondary, or cumulative.
- Provides that failure of an agency to provide comments on an action within the comment period or to request an extension of the comment period will be treated as a conclusion by the agency that there is no significant environmental impact.
- Provides that the "use of public land" means land-disturbing activity of greater than 20 acres that results in substantial, permanent changes in the natural cover or topography of those lands. Under current law, "use of public land" means activity that results in changes in the natural cover or topography of those lands.
- Provides that each state agency must adopt minimum criteria that include actions that have no significant long-term impact to the environment and to which the SEPA requirements will not apply. Under current law, each state agency may adopt minimum criteria that include actions that have no significant impact to the environment and to which SEPA requirements will not apply.
- Expands existing and creates new exemptions from SEPA requirements as follows:
 - Expands the current utility line exemption to include "similar infrastructure projects."
 - Expands the current action under a general permit exemption to include actions approved under the following:
 - A Coastal Habitat Protection Plan.
 - A special order to stop water or air pollution.
 - An action to address an environmental emergency.
 - Remedial action under the waste, water, air, and brownfields programs.
 - A certificate of convenience for a public utility.
 - Industrial or pollution control project financing approved by the Secretary of Commerce.
 - Water and sewer infrastructure project financing approval.
 - A water quality certification.
 - Expands the lease or easement exemption as follows:
 - Expands the submerged lands lease or easement exemption to exempt placement of other wastewater structures or uses on or under submerged lands.
 - Exempts the granting of a lease or easement for a facility for the use or benefit of a public education institution.
 - Exempts the granting of a lease or easement for a healthcare facility financed under the State Health Care Facilities Finance Act or receiving a certificate of need.
 - Expands the public incentives exemption to include use of public lands.
 - Adds an exemption for facilities related to the closure of coal ash impoundments.
 - Adds an exemption for any project or facility specifically required or authorized by the General Assembly.



- Adds an exemption for mitigation projects, including wetlands and buffer mitigation projects and banks, coastal protections and mitigation projects, and noise mitigation projects.

The bill also directs the Division of Water Resources of the Department of Environment and Natural Resources to establish an environmental assessment process for projects funded from certain state water and sewer infrastructure loan and grant funds that is sufficient to meet federal environmental assessment requirements for such projects.

Also, the bill clarifies that the changes to the SEPA statutes do not affect the requirements to prepare environmental documents for interbasin transfers.

Reorganization and Coordination

HB 157: Administrative Changes & Appointment Procedures

Rep. Pat McElraft

Amends provisions related to programs at the Department of Environment and Natural Resources (DENR), including:

Name Change of Ecosystem Enhancement Program to Division of Mitigation Services

Changes the name of the Ecosystem Enhancement Program to the Division of Mitigation Services. The Ecosystem Enhancement Program is a program within DENR that implements programs to protect and mitigate impacts to wetlands and streams.

Energy Policy Council Amendments

Provides that the Secretary of Environment and Natural Resources, the Secretary of Commerce, and the Lieutenant Governor may appoint designees to represent them on the Energy Policy Council. The Energy Policy Council is a state agency located within DENR that was created to advise and make recommendations on increasing domestic energy exploration, development, and production within the state and region to promote economic growth and job creation to the Governor and the General Assembly. The measure also provides that a member of the Energy Policy Council will be automatically removed if he or she fails to attend three successive meetings without just cause and would allow the Governor to remove any member of the council for misfeasance, malfeasance, or nonfeasance.

Solid Waste

HB 157: Solid Waste Laws

Rep. Pat McElraft

Amends provisions related to solid waste, including:

Recycled and Recovered Materials

Excludes steel slag that is a product of the electric arc furnace steelmaking process from the definition of solid waste, provided that the slag is sold and distributed in the stream of commerce for consumption, use, or further processing into another desired commodity and is managed as an item of commercial value in a controlled manner and not as a discarded material or in a manner constituting disposal.

The measure clarifies requirements for "recovered materials" under the statutes governing the management of solid waste. Under current law, if a material qualifies as "recovered material," it



is not subject to regulation as solid waste. The bill would amend the existing qualifications as follows:

- Provides that materials that are accumulated speculatively (as that term is defined under federal law) do not qualify as a recovered material, and are subject to regulation as solid waste.
- Requires that a recovered material must be managed as a valuable commodity in a manner consistent with the desired use or end use.
- Specifies that 75 percent of the recovered material stored at a facility at the beginning of a calendar year must be removed from the facility through sale, use, or reuse by the end of the same year. Current law requires that a "majority" of the material be removed within the year period.
- Requires that operations that process recovered material be conducted in a manner to ensure that recovered material or by-products from processing of the material are not discharged, deposited, injected, dumped, spilled, leaked, or placed into or upon any land or water, emitted into the air, otherwise enter the environment, or pose a threat to public health and safety.
- Requires that the recovered material must not contain significant concentrations of foreign constituents that render it unserviceable or inadequate for sale, or its intended use or reuse.

The bill adds provisions specifying that construction and demolition debris and garbage diverted from the waste stream or collected as source separated material are subject to solid waste permits for transfer, treatment, and processing in a permitted solid waste management facility.

Also, the legislation modernizes definitions included in the statutes governing management of discarded computer equipment and televisions.

Finally, the bill requires facilities that recover or recycle discarded computer equipment, televisions, or other electronic devices to register annually with DENR.

Coal Ash Management Technical Corrections and Amendments

Amends several sections of the Coal Ash Management Act of 2014 to clarify which state agencies are responsible for implementing various provisions of the Act. The bill specifies that certain responsibilities related to corrective action are under the authority of the Secretary of Environment and Natural Resources.

The Coal Ash Management Act of 2014 placed a moratorium on the use of coal combustion products as structural fill until August 1, 2015, in order to allow DENR, the Environmental Management Commission, and the General Assembly time to review and evaluate the use of coal combustion residuals as structural fill. The Act included two exceptions to the moratorium: structural fill projects that include many of the requirements for solid waste landfills and structural fill projects that are the base of a concrete or asphalt paved road. The bill makes a correction to the exceptions to the structural fill moratorium to clarify that all of the listed requirements apply. Also, it makes a technical correction to the effective date of the moratorium on the use of coal combustion products as structural fill. The corrections are retroactively effective to September 20, 2014, and apply to the use of coal combustion products as structural fill contracted on or after that date.



SB 14: Coal Combustion Residuals Management Fund

Sen. Harry Brown

Clarifies the appropriation of funds from the Coal Combustion Residuals Management Fund, among other provisions. The bill states that it is the intent of the General Assembly that 26.5 percent of the funds in the Coal Combustion Residuals Management Fund shall be used by the Coal Ash Management Commission and that the remainder shall be used by the Department of Environment and Natural Resources. The measure provides that up to 25, rather than exactly 25, positions are created in the Department of Environment and Natural Resources to carry out the duties imposed by G.S. 130A- 309.202.







Oklahoma

Energy Legislation

Alternative Energy Development

HB 1728: Alternative Fuels Technician Certification Act

Rep. Leslie Osborn

Amends the Alternative Fuels Technician Certification Act. Responsibility for administration of certification exams is moved to the Commissioner of Labor. The timetable for conducting certification examinations is altered, and the waiting period to retake the test after failing is shortened from 90 days to 30. Liability insurance requirements are removed as a condition for certification. A new trainee certification is created.

The measure provides that any company installing or servicing equipment used in converting engines or used on alternative fuel stations would be required to provide proof of liability insurance to the Department of Labor with limits no less than \$1 million.

The bill would move enforcement and penalty authority from the Alternative Fuels Technician Hearing Board to the Commissioner of Labor. The processes for denial, revocation or suspension of a certificate would be modified. Thirty days written notice would be required, during which time the applicant or licensee could request a hearing. New penalties are added, including failure to meet minimum National Fire Protection Association standards and performing work without certification.

Finally, the measure creates two new revolving funds using monies collected under the Act for the purpose of promoting the alternative fuels industry.

SB 351: Steam Export Capacity

Sen. Dan Newberry

Provides that steam export capacity at a qualified renewable energy resource counts toward a 2015 renewable energy generation goal.

SB 498: Property Tax Exemption for Wind Developers

Sen. Mike Mazzei

Ends a property tax exemption for wind power developers that have assets placed in commercial operation after January 1, 2017. Prior to the legislation, the five-year exemption allowed wind developers to avoid paying property taxes for the first five years that a wind farm was in operation and accounted for over half of the total exemptions claimed by all eligible manufacturers.

SB 502: Job/Investments Tax Credit

Sen. Marty Quinn

Prohibits companies engaged in wind power production from claiming the Investment/New Jobs tax credit beginning January 1, 2017.



SB 808: Evidence of Financial Security

Senate President Pro Tem Brian Bingman

Requires the owner of a wind energy facility to give the Corporation Commission an estimate of the total cost of decommissioning the facility, as well as evidence of financial security totaling 125 percent of that estimate. For any facility reaching its commercial generation date before December 31, 2016, this must be submitted once it has been in operation for 15 years; otherwise, it must be submitted by the fifth year of operation. The measure also includes setback requirements for new wind energy facilities by specifying that the base of any tower must be no closer than one and one-half miles from an airport, a public school, or a hospital.

Finally, the bill includes notice requirements for new wind energy facility construction. Notification of intent to build must be submitted to the Corporation Commission, published in a general circulation newspaper in the county or counties, and a public meeting must be held. No construction may begin until all of these notification requirements are met.

Emergency Management and Homeland Security

SB 499: Facilitating Business Rapid Response to State Declared Disasters Act of 2015

Sen. Anthony Sykes

Creates the Facilitating Business Rapid Response to State Declared Disasters Act of 2015. The measure provides that out-of-state businesses that come to Oklahoma to perform work or services in response to a declared state disaster or emergency in Oklahoma are not considered to have established a level of presence that would require the business to register, file, or remit state or local taxes. Furthermore, the employees of the out-of-state business would be exempt from any state licensing or registration requirements or filing and remitting Oklahoma personal income tax for work accrued during the disaster response period. However, fuel taxes, sales tax, hotel taxes, and car rental taxes will not be exempt.

Energy Efficiency

SB 95: Oklahoma State Facilities Energy Conservation Program

Senate President Pro Tem Brian Bingman

Amends the Oklahoma State Facilities Energy Conservation Program. The measure exempts technology center school districts from the definition of “state agency” and from the requirements of the act. It instead encourages them to implement local conservation efforts.

Natural Gas and Petroleum

HB 1014: Liquefied Petroleum Gas Research, Marketing, and Safety Commission

Rep. George Faught

Terminates the Oklahoma Liquefied Petroleum Gas Research, Marketing, and Safety Commission and creates a private nonprofit successor to be known as the Oklahoma Propane Education and Safety Council.

HB 1283: Measurement of Compressed Natural Gas

Rep. Josh Cockroft

Requires the Department of Labor to adopt new standard measurements for compressed natural gas (CNG) and liquefied natural gas (LNG). CNG would be sold in gasoline gallon equivalents, set at 5.66 pounds, and LNG would be sold in diesel gallon equivalents, set at 6.06 pounds. These values could be updated later through the department’s rulemaking authority.



HB 1751: Oklahoma Liquefied Petroleum Gas Regulation Act

Rep. Tom Newell

Amends the Oklahoma Liquefied Petroleum Gas Regulation Act and deletes the previously required appliance dealer permit. Under prior law, the appliance dealer permit was originally one of 12 classifications that required permits. Others included dealers, truck transporters, installers, and drivers.

HB 2234: Seeping Gas Lines

Rep. Earl Sears

Addresses the problem of seeping gas lines on housing and business properties. The bill allows the Corporation Commission to use up to eight percent of the funds in the Plugging Fund in their efforts to abate seeping natural gas occurrences. The fund already exists and eight percent of the balance would average between \$130,000-\$150,000 per year.

SB 208: Fees for Injection of Drinking Water Treatment Residuals

Sen. Ron Justice

Amends provisions impacting the Department of Environmental Quality's fees for injection of drinking water treatment residuals into a Class V underground injection well. The total fee shall be not less than \$2,000 nor more than \$5,000 per year. In addition, the fee for disposing liquid waste other than hazardous waste in an underground injection well that is required to be permitted is changed to two-hundredths of one cent "(2/100 of \$0.01)" per gallon from current laws two hundredths of one cent "(0.002)."

SB 326: Fuel Storage and Measuring Device Inspections

Sen. Nathan Dahm

Removes code references to the Office of State Fuel Inspector. Fuel storage and measuring device inspections are to be completed by Corporation Commission employees. The measure also modifies the penalties for a noncompliance or a tampering conviction related to fuel storage and measurement and refers to penalties established in Title 17 (Corporation Commission). The measure repeals three sections related to penalties and recodifies the sections to reflect the role of the Corporation Commission.

SB 656: Emergency and Transportation Revolving Fund

Sen. Clark Jolley

Creates the Emergency and Transportation Revolving Fund. The bill requires the Statewide Circuit Engineering Board to expend funds for the purpose of financing counties to purchase or convert fleet vehicles to compressed natural gas vehicles.

SB 809: Local Ordinances for Oil and Gas Operations

Senate President Pro Tem Brian Bingman

Allows cities and counties to enact ordinances related to oil and gas operations as long as they are consistent with Corporation Commission rules and current state law. These include road use provisions, noise requirements, floodplain management, and setback and fencing requirements. Cities and counties may not prohibit or ban any oil and gas operations and the Corporation Commission is given jurisdiction over all other oil and gas regulations.



Utilities

SB 562: Grand River Dam Authority

Sen. Kim David

Exempts from the Open Records Act and the Open Meeting Act the Grand River Dam Authority's security plans and procedures. The measure also exempts meetings related to transportation contracts and power purchase agreements.

SB 635: Reporting Requirements for Grand River Dam Authority

Sen. Eddie Fields

Removes a requirement that the Grand River Dam Authority notify the Attorney General of meetings and conferences that relate to issuance of bonds for one of their coal-fired plants. The measure further removes a requirement that the Attorney General attend those meetings and report back to the Speaker of the House and the Senate President Pro Tempore.

The bill also grants authority to enter into agreements to purchase letters of credit or other financial instruments, on a vote of five or more members of the board.

SB 797: Sale of Generation Equipment

Sen. Kim David

Allows the board of directors of the Grand River Dam Authority to vote to sell electrical generating equipment it deems necessary for operations.





Oklahoma

Environmental Legislation

Emergency Management and Homeland Security

HB 1403: Care and Disposition of Disaster Animals Act

Rep. John Pfeiffer

Establishes holding periods and accommodations for companion animals at shelters because of a disaster.

Environmental Health Services

HB 1103: Infectious Animal Disease Reports

Rep. Scott Biggs

Exempts certain reports of infectious animal diseases from the Oklahoma Open Records Act. When release is required according to statute, the measure requires confidentiality of an individuals' identification.

HB 1406: Fire-Resistant Rules

Rep. John Pfeiffer

Repeals the codified requirement for the State Fire Marshal Commission to adopt rules relating to the fire-resistant qualities of thermal insulating materials.

HB 1890: Oklahoma Uniform Building Code Commission

Rep. Dan Kirby

Amends the Oklahoma Uniform Building Code Commission. The bill includes provisions changing commission membership, requiring all public projects to abide by the state minimum standards and requirements, authorizing training for a code academy as part of a code inspection certification process and providing free regional continuing education, plus continuing education for residential and commercial construction industry professionals.

SB 152: Commercial Pet Breeding

Sen. Kyle Loveless

Provides that no commercial pet breeder shall be located within 2,500 feet of a public or private school or licensed day care facility in a municipality having a population of more than 300,000. A commercial pet breeder license or permit may not be issued to a commercial pet breeder to be located within 2,500 feet of a public or private school or licensed day care facility in a municipality having a population of more than 300,000.

SB 658: Asbestos Abatement

Sen. Ron Justice

Places primary authority for asbestos abatement with the Labor Commissioner. The measure adds to the duties of the Labor Commissioner, to protect health from hazards posed by friable asbestos.



Hazardous Waste and Substance Management

SB 482: Temporary Storage for Hazardous Waste

Sen. Bryce Marlatt

Prohibits hazardous waste that is temporarily stored in confinement to constitute disposal of the hazardous waste.

Inland Water Resource Management and Conservation

HB 1420: Oklahoma Weather Modification Act

Rep. Jason Murphey

Repeals portions of the Oklahoma Weather Modification Act that apply to county governments. The Oklahoma Water Resources Board retains jurisdiction over weather modification projects.

HB 1650: Harvesting Aquatic Turtles

Rep. Steve Vaughan

Removes the mesh size restrictions in place for commercial turtle traps and nets.

SB 155: Oklahoma Scenic Rivers Commission Patrol Officers

Sen. Wayne Shaw

Provides a dual office holding exemption for certain Scenic Rivers Commission officers allowing the Oklahoma Scenic Rivers Commission to hire off-duty municipal and county law enforcement officers as part-time river patrol officers.

Land Management and Conservation

HB 1462: Exemptions from Burn Bans

Rep. Kevin Wallace

Exempts agricultural producers from burn bans, if the producer:

- Submits his or her plan to the local fire department;
- Notifies the sheriff prior to conducting the burn;
- Conducts prescribed burns in accordance with rules set forth by the Department of Agriculture, Food, and Forestry;
- Does not burn debris; and
- Has the local fire department on site when conducting the burn.

HB 1514: Oklahoma Concentrated Animal Feeding Operations Act

Rep. Casey Murdock

Modifies the Oklahoma Concentrated Animal Feeding Operations (CAFO) Act by creating a deadline for the Department of Agriculture, Food, and Forestry to respond to applications for new CAFOs. The department cannot act on an application if an affected property owner requests a hearing and the request meets the requirements set forth in the bill. The measure provides deadlines and an administration process for the hearing and places the burden of proof on the affected property owner. The measure revises the CAFO license requirements to match procedures approved several years ago by the legislature for swine license hearings.

HB 1651: Hunting Prohibitions and Exemptions

Rep. Travis Dunlap

Exempts persons using non-lethal, non-chemical capture, or restraint of animals on commercial hunt areas for management, viewing, or photographic purposes from the prohibition against



using traps, bait, and other implements. Also, the bill extends a prohibition of traps, bait, and other implements that currently exists for game mammals and all birds to include exotic wildlife. The measure also allows certain physically disabled hunters to hunt exotic wildlife by computer-assisted remote control.

HB 1652: Archery Hunting Nonresident License Expiration Dates

Rep. Scooter Park

Provides that an archery hunting license for deer for nonresidents which shall expire on January 15 of the calendar year after the year purchased or if purchased during the deer archery season, it shall expire at the end of that deer archery season.

HB 1653: Department of Wildlife

Rep. Steve Vaughan

Allows the Department of Wildlife to use all types of decoys, not just deer and turkey. The measure also authorizes the department to seize any item associated with a second or subsequent violation of headlighting prohibitions.

HB 1774: Wildlife Conservation Passport

Rep. Charles McCall

Creates a three-day wildlife conservation passport for \$15 for use on lands owned by the Wildlife Conservation Commission. The measure also provides a substitute 30-day license in lieu of posting bond for a person who is arrested without a passport. The substitute license is \$50 for residents and \$90 for nonresidents. Fees collected will be deposited in the Wildlife Conservation Fund.

HB 1857: Fur Trappers and Dealers

Rep. Harold Wright

Requires non-resident fur dealers to provide advance notice of every place business is transacted and requires the trapper to carry written permission when setting and tending traps. The bill removes language directing signs to be posted in regards to smooth-jawed double-spring traps.

HB 2208: Oklahoma Registered Poultry Feeding Operations Act

Rep. William Fourkiller

Amends the Oklahoma Registered Poultry Feeding Operations Act. Included in the bill are amendments to definitions, best management practices, applications to register a poultry feeding operation, nutrient management plan, identification of person having day-to-day control of the operation, filing requirements, soil testing in watersheds and ground waters, and annual reports on all poultry waste removed from or applied to land.

HJR 1012: Constitutional Amendment to Protect Citizens' Rights to Engage in Farming and Agriculture

Rep. Scott Biggs

Allows Oklahomans to vote to amend the State Constitution to protect citizens' rights to engage in farming and agriculture in all cases, unless prohibited because of a compelling state interest. All 50 states guarantee the right to farm and protect generally accepted agricultural practices, but this measure would further protect activities in Oklahoma by making them a constitutional right, if the state question is approved in November 2016.



SB 165: Highway Advertising Control Act of 1968

Sen. Kyle Loveless

Modifies the Highway Advertising Control Act of 1968. The measure modifies the definition of “unzoned commercial or industrial areas.” The measure also states that the spacing of signs must not violate federal spacing regulations.

SB 229: Pollinator Protection Program

Sen. Ron Justice

Directs the State Board of Agriculture to develop a pollinator protection plan to promote the health of and mitigate the risks to honeybees and other managed pollinators.

Reorganization and Coordination

HB 1450: Issuers of Permits under the Oklahoma Uniform Environmental Permitting Act

Rep. Kevin Calvey

Adds the chief engineer of the Department of Environmental Quality (DEQ) as one of the persons to whom the DEQ executive director can delegate authority to sign certain types of permits.

SB 256: Viticulture and Enology

Sen. Eddie Fields

Transfers the Oklahoma Viticulture and Enology Center Development Revolving Fund from the State Department of Commerce to the State Department of Agriculture, Food, and Forestry. Enology is the science of wine and wine making. Viticulture is the cultivation or culture of grapes.

SB 394: Ability to Provide Scholarships

Sen. Dan Newberry

Allows the Board of Governors of the Licensed Architects, Landscape Architects, and Registered Interior Designers of Oklahoma to contract with other state agencies or non-profits to set up scholarships.

Water Quality and Pollution Control

HB 1826: Wastewater from Splash Pads

Rep. Scott Martin

Allows the use of wastewater from splash pads. The bill provides that the Department of Environmental Quality shall not require a permit for reusing captured wastewater from a splash pad for irrigation or land application, with or without intermediary storage units, if the splash pad is within the jurisdictional boundaries of a regulating municipality or county. The measure includes facilities known as spray pools, spray pads, and spray grounds.





Puerto Rico

Energy Legislation

Since the publication of the *2014 Legislative Digest*, *Puerto Rico* has not enacted any energy laws.





Puerto Rico

Environmental Legislation

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South Carolina

Energy Legislation

Utilities

SB 304: Power Purchase Contracts

Sen. Larry Martin

Provides for the renewal or extension of contracts to buy power for additional periods not to exceed fifty years from the date of the renewal or extension. The revisions allow the Piedmont Municipal Power Association to extend its contractual arrangement with Duke Power regarding the Catawba Nuclear Station.





South Carolina

Environmental Legislation

Coastal Zone Management

SB 578: Construction Activity in the Coastal Tidelands and Wetlands

Sen. Greg Hembree

Makes provisions for a three-year statute of limitations on enforcement violations on minor development activities in the coastal tidelands and wetlands. An exception is provided to address situations when the alleged violator knowingly or intentionally withheld information regarding the alleged violation. Failure to obtain required permits and modifications before commencing development activities must be considered to be an act of concealment. This legislation applies to all enforcement actions pending as of January 1, 2015, and all future enforcement actions.

Emergency Management and Homeland Security

HB 3168: South Carolina Emergency Management Law Enforcement Act

Rep. Edward R. "Eddie" Tallon, Sr.

Establishes procedures for the use of out-of-state law enforcement officers who are deployed to this state during declared emergencies or disasters under the provisions of the Emergency Management Assistance Compact that South Carolina has entered into with its fellow states.

Environmental Health Services

HB 3343: Euthanasia in Animal Shelters

Rep. Chip Huggins

Disallows the use of lethal gas for euthanasia in animal shelters and makes provisions for the use of sodium pentobarbital and other substances that are recognized by the American Veterinary Medical Association as being clinically proven to be as humane.

HB 3725: Rehabilitation of Abandoned Buildings and Historic Structures

Rep. James Smith, Jr.

Revises tax credits for the rehabilitation of abandoned buildings and historic structures. The bill includes criteria for a state-owned abandoned building that affords tax credit eligibility for rehabilitating a building of a certain size abandoned for more than five years that was most recently owned by the state, or an agency, instrumentality, or political subdivision of the state. The legislation revises tax credit provisions for rehabilitating certified historic structures to provide that a taxpayer may elect a twenty-five percent tax credit in lieu of the current ten percent tax credit, not to exceed one million dollars for each certified historic structure. A three-year, rather than a five-year, write-off period is established for the tax credits for rehabilitation expenses of abandoned buildings and historic structures.



Land Management and Conservation

HB 3118: Wild Turkey Hunting

Rep. Michael Pitts

Addresses observed declines in the state's wild turkey population. The bill restructures the provisions for the hunting and taking of male wild turkeys so that they are, temporarily, the same across the state, providing for an expanded season for most of the state. Under the legislation's statewide hunting provisions, the season bag limit per person for male wild turkeys is three taken by any lawful means and the daily bag limit per person for male wild turkeys is two taken by any lawful means. The legislation makes provisions for a "Youth Turkey Hunting Weekend" in March of each year that include certain temporary waivers that apply to a youth hunter under the age of eighteen who is accompanied in the field by a licensed hunter who is at least twenty-one years old. After the third turkey season conducted under the legislation's statewide unified provisions, the Department of Natural Resources (DNR) must conduct an analysis of the wild turkey resources in South Carolina and draft a report recommending any changes to the wild turkey season and bag limits. This report must be submitted to the General Assembly and the DNR is required to produce an annual report on wild turkey resources which must be submitted to the Chairman of the Senate Fish, Game, and Forestry Committee and the Chairman of the House Agriculture and Natural Resources Committee. The provisions for the statewide unified turkey seasons and related revisions are to remain in effect until November 7, 2018, and at such time will revert back to the original law. The DNR is authorized to promulgate emergency regulations considered necessary and expedient for the proper control of the harvesting of wild turkeys in the state's game zones. The legislation enhances penalties for violations and provides for required tags to be validated before a turkey is moved from the point of kill.

HB 3266: Trespasser Responsibility Act

Rep. David Hiott

Codifies common law provisions relating to trespassers under which a possessor of land owes no duty to a trespasser except to refrain from causing a willful or wanton injury. These limitations on a landowner's legal liability include certain exceptions and conditions that relate only to trespassers who are children or individuals with an intellectual disability. The legislation does not affect any immunities from or defenses to civil liability established by another section of the South Carolina Code of Laws or available as common law to which a possessor of land may be entitled.

HB 3393: Federal Migratory Hunting and Conservation Stamp

Rep. Phillip Lowe

Provides that for the privilege of hunting migratory waterfowl a hunter must also obtain a federal migratory hunting and conservation stamp in addition to the required state hunting license and permits. In order to provide convenience for hunters, the legislation affords the Department of Natural Resources authority to contract with the United States Fish and Wildlife Service to make a federal migratory hunting and conservation stamp available through the license sales system of the department.

HB 3762: Animal Traps

Rep. Jackie "Coach" Hayes

Allows for a customer number issued by the Department of Natural Resources to be used in order to identify the owner of an animal trap. The bill also eliminates an outdated protocol for game wardens to inspect skins, furs, pelts, or hides of furbearing animals before they may be transported out of state.



SB 592: Depredation Permits

Sen. George E. “Chip” Campsen, III

Provides that feral hogs, coyotes, and armadillos may be hunted at any time of the year under authority of the conditions contained in a depredation permit. Any legal firearm, bow and arrow, or crossbow may be used from the last day of February to the first day of July of that same year when notice is given to the department. This bill also provides conditions for hunting these animals at night.

Reorganization and Coordination**HB 3323: South Carolina Noxious Weed Act**

Rep. Steve Moss

Transfers authority for managing the South Carolina Noxious Weed Act responsibilities from the Department of Agriculture to Clemson University’s Division of Regulatory and Public Service Programs which already manages the state’s crop pest program.

HB 3549: Delta Waterfowl Special License Plates

Rep. Russell Ott

Provides authorization for the Department of Motor Vehicles to issue Delta Waterfowl Special License Plates.

HB 3880: Migratory Waterfowl Committee

Rep. Russell Ott

Increases the membership of the Migratory Waterfowl Committee from nine to ten by adding a designee of Delta Waterfowl of South Carolina who is not a paid employee.

HR 4040: Earth Day

Rep. James Smith, Jr.

Recognizes April 22, 2015, as Earth Day and acknowledges scientific proof of climate change.

SB 11: Freedom of Information Act

Sen. Larry Martin

Requires government bodies to publish agendas before public meetings, requires a 2/3 vote to alter an agenda within 24 hours of a meeting of a public body, and also requires an additional finding of emergency circumstances if there has not been and will not be an opportunity for public comment or if the added item is the final action.

SJR 463: Checking of Harvested Game

Sen. Shane Martin

Directs the Department of Natural Resources to conduct a review of wildlife tagging, validation, and methods of checking harvested game utilized in other states and to report its findings. The department must submit recommendations to the Chairman of the Senate Fish, Game, and Forestry Committee, and the Chairman of the House of Representatives Agriculture and Natural Resources Committee by January 5, 2016.



Solid Waste

HB 3035: Take Palmetto Pride in Where You Live Commission

Rep. Gilda Cobb-Hunter

Establishes the twelve-member Take Palmetto Pride in Where You Live Commission under the Department of Natural Resources to serve as the lead agency for statewide litter removal, litter reduction and prevention, and litter law enforcement through facilitating communication, cooperation, and coordination of the efforts and resources of state agencies, local governments, the private profit and nonprofit sectors, business, and industry. Comprised of the directors and presidents of various departments, agencies, and associations, the members of the commission all serve in an ex officio capacity, and payment of any mileage, per diem, or subsistence is the responsibility of the department or organization the member represents. Charged with forming and maintaining a strategic state plan for litter, the commission is to be staffed by the Department of Natural Resources and must meet at least twice a year.

HB 3575: Solid Waste Policy and Management Act

Rep. Joseph H. Jefferson, Jr.

Revises the definition of solid waste under the state's Solid Waste Policy and Management Act to exclude steel slag, a product of the electric arc furnace steelmaking process, so long as the steel slag is sold and distributed in the stream of commerce for consumption, use, or further processing into another desired commodity and is managed as an item of commercial value in a controlled manner and not as a discarded material.

Water Quality and Pollution Control

HB 3646: Passive Soil-Based On-Site Disposal Systems

Rep. James Mikell "Mike" Burns

Revises the provision relating to passive soil-based on-site disposal systems used to collect, treat, and discharge, or reclaim wastewater or sewage, and enrolled the legislation for ratification. Prior provisions allow soil dispersal systems to be sized two-thirds of that required for a conventional gravel trench. Certain other restrictions are also imposed including requirements for manufacturers to maintain financial assurances and provisions that limit installation of these systems to single-family dwellings. As a result of these systems being used successfully for the past ten years, the legislation increases trench sizing from two-thirds to three-quarters of that required for a conventional gravel trench and repeals, as unnecessarily burdensome, requirements such as financial assurances and single-family dwelling limitations.





Tennessee

Energy Legislation

Natural Gas and Petroleum

HB 81/SB 92: Tennessee Petroleum Underground Storage Act Revisions

Rep. Gerald McCormick; Sen. Mark Norris

Amends the Tennessee Petroleum Underground Storage Act, and modifies provisions regarding the Underground Storage Tanks and Solid Waste Disposal Control Board.

The measure authorizes the Commissioner of the Department of Environment and Conservation to bring suit in the name of the department for violations of the Act, the rules promulgated under it, or the orders of the commissioner or the board.

This bill gives an owner or operator of an underground tank the option to request a refund of the annual fee or a waiver or reduction of the penalties in certain circumstances. The commissioner may, in the commissioner's sole discretion, grant such a refund if:

1. The annual fee notice was issued after the commissioner approved an application for permanent closure of the tank;
2. The commissioner finds that the refund is in the best interest of the state; and
3. The tank was empty for temporary closure from the beginning of the applicable annual billing cycle until permanent closure, and the tank was permanently closed during the billing cycle.

This bill revises various provisions regarding meetings of the board to reflect the 2012 consolidation of the Solid Waste Disposal Control Board and the Petroleum Underground Storage Tank Board. In relation to instances where the board is acting as the board of appeals to review actions of the Commissioner of Environment and Conservation arising from the implementation of the Tennessee Hazardous Waste Management Act, this bill requires eight members, instead of five, for a quorum, and specifies that the board is to follow the appeal procedures provided in the Tennessee Hazardous Waste Management Act.

HB 1167/SB 1172: Weights and Measures

Rep. Curtis Halford; Sen. John Stevens

Requires that liquefied natural gas motor fuel be sold in diesel gallon equivalents and that compressed natural gas motor fuel be sold in gasoline gallon equivalents or diesel gallon equivalents. The bill requires the Commissioner of Agriculture to promulgate rules that are necessary to establish conversion units from mass to gasoline gallon equivalents and from mass to diesel gallon equivalents.

Reorganization and Coordination

HB 912/SB 478: Southern Growth Policies Board

Rep. Jeremy Faison; Sen. Mike Bell

Terminates the Southern Growth Policies Board, with no subsequent wind-down period.



Utilities

HB 195/SB 417: Utility Districts

Rep. Pat Marsh; Sen. Jim Tracy

Defines “genuine signature” for the purpose of filing a petition pursuant to the Utility District Law of 1937. The bill eliminates criminal penalty for a utility’s failure to forward a financial audit to the Comptroller of the Treasury. A “customer” is defined as someone who receives water or sewer service from a utility. The legislation makes the comptroller, or his designee, chair of the utility management review board.

Bonds for utilities which operate a gas distribution system may only be issued to utilities which have a positive net position on the most recent audited financial statement and have had a positive change in net position in one out of the last three years.

The legislation authorizes the utility management review board to conduct informal hearings on any policy of any utility district, in which it may consider evidence relating to customer or developer complaints as well as the reasonableness of the utility district’s policy in question. The measure requires that complaints to the utility management review board, concerning the reasonableness or justness of the utility district’s requirement that the customer or the developer build utility systems dedicated to the utility district or the justness and reasonableness of fees or charges against the customer or the developer related to the utility systems, be filed in writing within 30 days after the utility board has taken action. Finally, the bill makes the decisions of the utility management review board common law certiorari in the county where the hearing was held.

HB 256/SB 418: Utility Districts

Rep. Kent Calfee; Sen. John Stevens

Adds requirement that newly-created utility districts must have the approval of the county legislative body. The bill adds a provision to established law allowing for petitions for re-creation of a utility district for the purpose of redefining its incorporated boundary, which must be filed with the utility management review board simultaneously with the filing of the petition with the county mayor. The petitions are not subject to approval or disapproval by the utility management review board and are not subject to approval of the county legislative body.

HB 389/SB 261: Utility Management Review Board

Rep. Jeremy Faison; Sen. Mike Bell

Extends the termination date of the utility management review board to June 30, 2020.

HB 1337/SB 379: Excavation Activity Permits

Rep. Art Swann; Sen. Bill Ketron

Requires a permit in order to engage in certain excavation activities, and requires notification to an operator of a utility prior to excavation. The measure authorizes operators to form and operate a one-call service providing for mutual receipt of notifications of excavation or demolition operations in a defined geographical area. All underground utilities owned by an operator that are installed on or after January 1, 2017, must be installed in a manner that will make those underground utilities locatable using a generally accepted electronic locating method. Also, the legislation amends provisions relating to the structure of the Underground Utility Damage Prevention Advisory Committee.



SJR 92: License Application for Watt's Barr

Sen. Ken Yager

Encourages the Nuclear Regulatory Commission to support the license application of the Tennessee Valley Authority related to the safe operation of Watts Bar Unit 2.





Tennessee

Environmental Legislation

Air Quality and Pollution Control

HB 346/SB 216: Air Pollution Control Board

Rep. Jeremy Faison; Sen. Mike Bell

Extends the termination of the Air Pollution Control Board to June 30, 2019.

HB 868/SB 1325: Response to Federal Requirements for Regulating Carbon Dioxide Emissions

Rep. Kelly Keisling; Sen. Randy McNally

Requires the Tennessee Advisory Commission on Intergovernmental Relations (TACIR), upon submission of the final state plan for regulating carbon dioxide emissions from covered electric-generating units by the Department of Environment and Conservation to U.S. Environmental Protection Agency, to prepare a report that assesses the effects of the state plan on the electric power sector; electricity consumers within this state; employment within this state, both directly and indirectly; economic development in this state; the competitive position of this state relative to neighboring states and other economic competitors; state and local governments; and existing state laws, and any proposed legislation that may be necessary to implement the state plan. A "covered electric-generating unit" means an existing fossil-fuel-fired electric-generating unit located within this state that is subject to regulation under EPA emission guidelines.

The legislation requires TACIR to transmit a copy of the report required above to the Chairs of the Government Operations Committees of the Senate and the House of Representatives and to present the findings of the report at the next regularly scheduled meeting of the Joint Government Operations Committee. The measure provides that the report required above does not have to be prepared if the final federal emission guidelines approved by the EPA:

1. Do not establish carbon dioxide emission control requirements for this state that are based on the decrease in carbon dioxide emissions resulting from the operation of new nuclear-generating facilities currently under construction in this state; and
2. Authorize this state to receive full credit for the decrease in carbon dioxide emissions resulting from nuclear-generating facilities under construction as of the effective date of this act, for purposes of demonstrating compliance with carbon dioxide emission control requirements under the final EPA emission guidelines.

Finally, the legislation requires the Commissioner of Environment and Conservation to notify the Secretary of State and the Executive Secretary of the Tennessee Code Commission of the effective date of federal emissions guidelines as soon as reasonably practical after such effective date is known. The bill will take effect concurrently with the effective date of federal emissions guidelines.

HB 1320/SB 1333: Industrial Machinery Tax Exemption

Rep. Jimmy Matlock; Sen. Randy McNally

Exempts from sales and use tax, as industrial machinery, co-generation equipment that is purchased or leased by a qualified manufacturing facility and that is used for generating, producing, and distributing utility service directly to the qualified manufacturing facility. For



purposes of the exemption, "qualified manufacturing facility" means a manufacturing facility that is located within a nonattainment area, as designated by the Environmental Protection Agency, in Loudon County; significantly reduces pollution particulate matter; and makes a capital investment exceeding \$30 million. The exemption applies only to co-generation equipment used for the local production of power, and the exemption will expire December 31, 2016.

Environmental Health Services

HB 63/SB 73: Regulation of Pest Control Providers

Rep. Gerald McCormick; Sen. Mark Norris

Provides that if the Commissioner of Agriculture (commissioner) believes that any person (whether or not that person is a charter holder, licensee, or certificate holder) has violated the Tennessee Application of Pesticides Act of 1978, or has used any economic poison in violation of the Tennessee Insecticide, Fungicide, and Rodenticide Act, the commissioner will be authorized to:

1. Deny, revoke, suspend, or modify a license, charter, or certification. The denial, suspension, revocation, or modification may be indefinite or for a time certain;
2. Impose civil penalties of up to \$1,000 for each violation or issue a warning notice; or
3. Take disciplinary action under (1) and impose civil penalties under (2).

Under the legislation, instead of requiring the commissioner to hold a hearing before acting under (1)-(3), the commissioner will be required to give the alleged violator notice of the charges and the alleged violator may request a hearing.

The bill also requires that a charter automatically be suspended if the licensed pest control operator whose name appears on the charter ceases to be in charge of the charter holder's pest control operations. A grace period of no more than 120 days may be granted to the charter holder so that another qualified person may be examined in accordance with the Tennessee Application of Pesticides Act of 1978.

HB 314/SB 533: Removal of Vegetation and Debris

Rep. Steve McDaniel; Sen. Dolores Gresham

Allows removal of overgrown vegetation and accumulated debris on owner-occupied residential property in Henderson County.

HB 796/SB 717: Disclosure of Sinkholes

Rep. Jay Reedy; Sen. Mark Green

Requires a seller of real property to disclose to a buyer the presence of any known sinkhole on the property.

HB 917/SB 1036: Smoke Alarms

Rep. Dale Carr; Sen. Bill Ketron

Requires the installation of "smoke alarms" rather than "smoke detectors" and requires that all smoke alarms comply with, and be installed in conformity with, the minimum statewide building construction safety standards promulgated by the State Fire Marshal.



HB 934/SB 874: Exploding Targets

Rep. Judd Matheny; Sen. Frank Nicely

Permits the use of exploding targets in lawful sporting activity, and exempts the use of exploding materials for lawful sporting activity from the Tennessee Blasting Standards Act of 1975.

HB 1308/SB 647: Carbon Monoxide Alarms

Rep. Art Swann; Sen. Bill Ketron

Requires any hotel in existence prior to July 1, 2016, that has a fossil-fuel-burning heater or appliance, a fireplace, an attached garage, or other feature, fixture, or element that emits carbon monoxide as a byproduct of combustion to install and maintain carbon monoxide alarms that are installed in accordance with either the standards of the National Fire Protection Association or the manufacturer's directions, unless the standards or directions conflict with applicable law. The alarms may be wired directly, hardwired to the building's power supply, powered by a self-monitored battery, or operated with a plug-in outlet fitted with a plug restrainer device provided that the outlet is not controlled by any switch other than the main power supply. A violation of this bill's requirements for installation of carbon monoxide alarms in an existing hotel is a Class C misdemeanor. Also, tampering with or removing such an alarm is a Class C misdemeanor.

Inland Water Resource Management and Conservation**HB 161/SB 304: Drinking Water Revolving Fund**

Rep. Pat Marsh; Sen. Ken Yager

Allows a privately owned for-profit community public water system to have access to the Drinking Water Revolving Fund (DWRF).

HB 349/SB 222: Board of Ground Water Management

Rep. Jeremy Faison; Sen. Mike Bell

Extends the Board of Ground Water Management until June 30, 2019.

HB 390/SB 262: West Fork Drakes Creek Dam and Reservoir Interstate Authority

Rep. Jeremy Faison; Sen. Mike Bell

Extends the termination date of the West Fork Drakes Creek Dam and Reservoir Interstate Authority to June 30, 2020.

HB 747/SB 762: Confidentiality of Water Usage Data

Rep. Karen Camper; Sen. Reginald Tate

Adds water usage data to the definition of "private records" for the purpose of public utilities treating such information as confidential and not open to the public for inspection.

Land Management and Conservation**HB 135/SB 205: Restrictions on Killing Wild Animals**

Rep. Jeremy Faison; Sen. Frank Nicely

Specifies that the killing or injuring of a threatening wild animal is justified when a person reasonably believes the action is necessary to protect the person or any other individual against imminent attack which is likely to result in serious bodily injury or death. The measure requires the person to report within 24 hours any such killing or injuring of a threatening wild animal to the Tennessee Wildlife Resources Agency (TWRA). The measure prohibits the moving of any large game without authorization of the TWRA. The bill creates a Class C misdemeanor for failure to report such incidence.



HB 137/SB 287: Eminent Domain

Rep. William Lamberth; Sen. John Stevens

Requires that actions that could be brought for trespass or nuisance in connection with the exercise of eminent domain be brought within 12 months after the land has been actually taken possession of and the work of proposed improvement begun.

HB 147/SB 1204: Animal Abuser Registration Act

Rep. Darren Jernigan; Sen. Jeff Yarbrow

Enacts the Tennessee Animal Abuser Registration Act, which requires the Tennessee Bureau of Investigation (TBI) to post to its web site, a list of persons convicted of the following criminal offenses against animals: aggravated animal cruelty; felony animal fighting; bestiality and related offenses; and cruelty to animals. The list, which is to be publicly accessible beginning January 1, 2016, will include the animal abuser's full legal name, photograph, and any other identifying data the TBI determines is necessary to identify the abuser and to exclude innocent persons. The list may not include the abuser's social security number, driver license number, or any other state or federal identification number. Under the bill, within 21 calendar days of the judgment, court clerks must forward to the TBI a copy of the judgment and date of birth of any person convicted of a qualifying animal abuse offense.

Upon a first conviction of an animal abuse offense, a person's name and identifying information will remain on the list for two years following the conviction, and the TBI will remove the name at the end of the two-year period, unless that person commits another animal abuse offense during that time. If a person is convicted of an animal abuse offense a second or subsequent time, that person's name will remain on the list for five years, and the TBI will remove it at the end of that time, unless the person commits another animal abuse offense during the five-year period.

HB 246/SB 68: Tort Liability and Reform

Rep. Andrew Farmer; Sen. John Stevens

Adds liability protections to landowners, lessees, occupants, or other persons in control of land or premises, when such land or premises is used for sport clay shooting, shooting sports, and other target shooting, including archery and shooting range activities.

HB 292/SB 323: Development within Floodplains

Rep. Gerald McCormick; Sen. Mark Norris

Provides that buildings and development within the one hundred-year floodplain in a county participating in the national flood insurance program must be regulated by the county, but only to the minimum extent necessary to comply with the National Flood Insurance Program.

HB 454/SB1185: Land Bank Program Authorization

Rep. Bud Hulsey; Sen. Rusty Crowe

Authorizes the City of Kingsport to join the local land bank program.

HB 537/SB 616: Immunity for Removing Endangered Animals and Minors from Vehicle

Rep. David Hawk; Sen. Joey Hensley

Extends immunity from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a minor or an animal from the vehicle for any person who:

1. Determines the vehicle is locked or there is otherwise no reasonable method for the minor to exit the vehicle;



2. Has a reasonable, good faith belief that forcible entry into the vehicle is necessary because the animal is in imminent danger of suffering harm if not immediately removed from the vehicle;
3. Contacted either the local law enforcement agency, the fire department, or the 911 operator prior to forcibly entering the vehicle;
4. Places a notice on the vehicle's windshield with the person's contact information, the reason the entry was made, the location of the minor and that the authorities have been notified;
5. Remains with the minor in a safe location, out of the elements but reasonably close to the vehicle until law enforcement, fire, or other emergency responder arrives; and
6. Uses no more force to enter the vehicle and remove the animal from the vehicle than is necessary under the circumstances.

HB 716/SB 704: Planting and Harvesting Season

Rep. Debra Moody; Sen. Paul Bailey

Specifies that the annual planting and harvest seasons for the state extend from January 1 to December 31 of each year.

HB 823/SB 978: Public Works Projects

Rep. Ron Lollar; Sen. Mark Norris

Increases, from \$25,000 to \$50,000, the threshold for public works projects that require a registered architect, registered engineer, or registered landscape architect.

HB 846/SB 1232: Land Use Restrictions

Rep. Gerald McCormick; Sen. Mike Bell

Establishes a means by which certain industrial, commercial, or business establishments will be allowed to continue in operation after the land on which it is located becomes subject to land use restrictions imposed pursuant to a redevelopment plan or the land use restrictions imposed on the land area are amended by a redevelopment plans. The bill adds that any operation, rebuilding, or expansion of an off-site sign that has been in existence for 10 years or more will not be denied solely on the basis that the original permit for the sign does not exist to prove that it was a lawful use when constructed.

HB 962/SB 1024: Animal Fighting Penalties

Rep. Jon Lundberg; Sen. Bill Ketrone

Creates a new Class A misdemeanor for knowingly causing a minor to attend an animal fight. Any punishment must include a fine between \$1,000 and \$2,500.

HB 1051/SB 1097: Fox Extermination

Rep. Tim Wirgau; Sen. Paul Bailey

Removes the prohibition on taking or killing foxes in Washington County and authorizes the Fish and Wildlife Commission to regulate the taking or killing of foxes in this state.

HB 1079/SB 1237: Hunter Education Requirements

Rep. Ron Travis; Sen. Mike Bell

Increases from one to three, the number of consecutive years that a person may purchase annual permits to exempt themselves from hunter education requirements.

HB 1185/SB 904: Illegal Hunting

Rep. Pat Marsh; Sen. Jim Tracy

Replaces the present law authorization for the Tennessee Wildlife Resources Agency (TWRA) to seek civil damages against a person who illegally or improperly kills or possesses a dead deer,



wild turkey, bear, wild elk, or wild hog. The bill modifies the present law restitution provisions concerning wild elk. The measure instead authorizes any court that convicts a person of illegally killing or possessing a white-tailed deer, wild turkey, bear, or wild elk to order that person to pay restitution for the animal to the agency in the following amount:

1. Not less than \$1,500 for each bear or wild elk illegally killed or possessed; and
2. Not less than \$1,000 for each white-tailed deer or wild turkey illegally killed or possessed.

If the court orders a person pay restitution pursuant to (1) or (2), the measure requires the court to order the person to pay additional restitution as follows:

- A. For an antlered wild elk or antlered white-tailed deer with at least eight but not more than 10 points, \$500 for each point;
- B. For an antlered wild elk or antlered white-tailed deer with 11 or more points, \$750 for each point; and
- C. For a female bear, \$3,000.

If two or more defendants are convicted of an offense involving the killing or possession of the same animal or animals for which restitution is ordered pursuant to the bill, all of the defendants will be jointly and severally liable for the full amount of the restitution. The legislation requires any court that convicts a person of illegally killing or possessing a white-tailed deer, wild turkey, bear, or wild elk to revoke any hunting, fishing, or trapping license that was issued to the person until the person has paid in full all of the court ordered restitution.

HB 1291/SB 1114: Punishment for Intentionally Killing Certain Animals

Rep. Jeremy Durham; Sen. Jack Johnson

Requires any conviction for intentionally killing a police dog, fire dog, search and rescue dog, or police horse to be punished as a Class E felony unless the grading of the value of the animal would result in a higher classification. Class E felony is punished by not less than one year imprisonment nor more than six years, and, in addition a fine of up to \$3,000 may be assessed.

HB 1318/SB 204: Black Vultures

Rep. Kelly Keisling; Sen. Frank Niceley

Specifies that it is not a state offense to take a black vulture and that state resources may not be used to enforce any prohibition against taking black vultures in this state.

HB 1363/SB 1273: Microchips for Dangerous Carnivores

Rep. Kent Calfee; Sen. Ken Yager

Requires any person who obtains a Class I carnivore on or after July 1, 2015, to have a microchip permanently implanted in the animal, within six months of obtaining the animal. Class I carnivores includes all species inherently dangerous to humans. These species may only be possessed by zoos, circuses, and commercial propagators with certain exceptions.

The microchip must have an identification number that is unique to the microchip. In addition, the microchip must contain a passive integrated transponder, which must have a frequency of 125 kilohertz, 134.2 kilohertz, or 400 kilohertz. Any person who possesses a Class I carnivore prior to July 1, 2015, and who continues to possess the animal on or after July 1, 2015, must have a microchip that meets the technical specifications permanently implanted in the animal by July 1, 2018.



Reorganization and Coordination

HB 71/SB 81: Architect and Engineer Certificates

Rep. Gerald McCormick; Sen. Mark Norris

Authorizes the State Board of Examiners for Architects and Engineers to deny certain certificates of registration to persons with felony convictions; removes certain board notifications to governmental entities when revoking or suspending certificates of registration; revises other various provisions governing certain regulatory boards.

HB 365/SB 232: Department of Environment and Conservation

Rep. Jeremy Faison; Sen. Mike Bell

Extends the termination date on the Department of Environment and Conservation (TDEC) to June 30, 2019.

HB 788/SB 703: Utility District Commissioners

Rep. Cameron Sexton; Sen. Paul Bailey

Provides that if the proposed utility district is to be comprised of three or more counties or parts of three or more counties, the petition must nominate a number of commissioners equal to the number of counties or parts of counties to be included in such district; provided, that where the proposed district is to comprise an even number of counties or parts of counties, up to six, the petition must nominate a number of commissioners equal to the number of counties, plus one commissioner at large.

Under the legislation, if the proposed district is to be comprised of eight or more counties or parts of counties, the petition must nominate eight residents of the district, and it will not be necessary for each county to be represented on the board; however, each of the eight commissioners must be from separate counties. Any existing districts with seven commissioners serving districts comprised of more than seven counties or parts of seven counties must add a qualified commissioner from the county having the largest number of district customers among those counties not already having a commissioner. Also, any commissioner added pursuant to the legislation to existing utility districts must be added utilizing the applicable procedures described in present law. The term for the added commissioner will be four years beginning July 12, 2016. The first certified list of nominees must be submitted to the appropriate county mayor no later than May 1, 2016.

HB 820/SB 522: Lawrence County Water Utility District

Rep. Barry Doss; Sen. Joey Hensley

Requires the Lawrence County water utility district, by January 31 of each year, to notify the county mayor of the county that created the utility district of the beginning and ending dates of terms of office for each member of the utility district's board of commissioners in office on January 1 of each calendar year.

Water Quality and Pollution Control

HB 80/SB 91: Lead Content in Plumbing Fixtures

Rep. Gerald McCormick; Sen. Mark Norris

Redefines "lead free" for purposes of the Tennessee Safe Drinking Water Act, creates a new formula for calculating lead content, and expands the scope of the Act's lead free provisions to pipe or plumbing fittings or fixtures. The bill redefines "lead free" in regard to a pipe or pipe fitting to instead specify that pipes, pipe fittings, plumbing fittings, and fixtures are lead free if



they contain no more than a weighted average of 0.25 percent lead. The measure provides a formula for calculating the weighted average, based on each wetted component.

This bill specifies that the lead-free requirements will not apply to pipes, pipe or plumbing fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption. Also, the legislation does not apply to toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, fire hydrants, service saddles, or water distribution main gate valves that are two inches in diameter or larger.

HB 928/SB 1344: Water Treatment Machinery

Rep. Dennis Powers; Sen. Randy McNally

Classifies machinery used by water and wastewater treatment authorities, which are created by private act or pursuant to the Water and Wastewater Treatment Authority Act (WWTAA), as industrial machinery for the purpose of the machinery being considered exempt from sales and use tax.







Texas

Energy Legislation

Alternative Energy Development

HB 706: Ad Valorem Tax Exemption for Solar or Wind-Powered Energy Device

Rep. Jessica Farrar

Amends the Tax Code to add the property tax exemption for solar and wind-powered energy devices to the exemptions that, once allowed, need not be claimed in subsequent years and that, except as otherwise provided, are applicable to the property until it changes ownership or a person's qualification for the exemption changes.

HB 735: Alternatively Fueled Vehicle Information Collection

Rep. Celia Israel

Establishes an annual DMV report to count the number of hybrid, electric, and natural gas-powered vehicles registered in Texas. The Texas Department of Motor Vehicles (TxDMV) has estimated that there are 5,537 electric vehicles and 194,516 hybrid vehicles registered in Texas. Electric, hybrid, and natural gas vehicles generally use less fuel than traditionally powered vehicles. The state currently lacks the necessary procedures to keep an up-to-date count of electric, hybrid, and natural gas vehicles registered in Texas.

Accurate data regarding these alternatively fueled vehicles is critical to planning and estimating funding levels for long-term infrastructure needs. Fuel tax revenues are a primary funding source for building and maintaining Texas roadways. Forecasting fuel tax revenue is made more difficult without accurate information on alternatively fueled vehicles.

HB 745: Installation of Solar-Powered Stop Signs by a Home Owners' Association

Rep. Dwayne Bohac

Amends the Transportation Code to authorize a property owners' association to install a solar-powered light-emitting diode (LED) stop sign on a road, highway, or street in the association's jurisdiction if the association receives the consent of the governing body of the political subdivision that maintains the road, highway, or street for the placement of the sign and the association pays for the installation of the sign. The bill establishes that a property owners' association that installs such a sign is responsible for the maintenance of the sign.

HB 994: Ad Valorem Tax Exemption related to Landfill-Generated Gas

Rep. Rafael Anchia

Makes permanent the previous temporary ad valorem tax exemption on equipment used by landfills to collect gas generated by the landfill, compress and transport the gas, process the gas so that it may be delivered into a natural gas pipeline, or used as a transportation fuel in methane-powered on-road or off-road vehicles or equipment, and deliver the gas into a natural gas pipeline or to a methane fueling station.

The legislation requires that the rules limit the value of the exemption to only the value of the equipment used as business personal property on which gas is collected.



SB 1626: Residential Solar Energy Device Regulation

Sen. José Rodríguez

Amends the Property Code to limit a declarant's authority to prohibit or restrict an owner of property in a residential subdivision from installing a solar energy device during the development period to a development with fewer than 51 planned residential units.

Coal and Minerals

SB 1589: Reporting Requirements for Unclaimed Mineral Proceeds

Sen. Judith Zaffirini

Requires a holder of unclaimed mineral proceeds regulated by the Railroad Commission of Texas under the Natural Resources Code provisions generally applicable to the conservation and regulation of oil and gas to include in the property report for the proceeds:

- The lease, property, or well name;
- Any lease, property, or well identification number used to identify the lease, property, or well; and
- The county in which the lease, property, or well is located.

The bill makes this reported well information confidential and not subject to disclosure under state public information law but authorizes the comptroller of public accounts to release reported information about a well to a claimant of mineral proceeds from the well if the claim is approved by the comptroller. The measure requires the comptroller to compile and revise each year an alphabetical list by county of the number of filed property reports for mineral proceeds attributable to all wells located in each respective county and the aggregate amount of reported mineral proceeds attributable to all wells, if any, located in each respective county. The law requires the comptroller to make the list available for public inspection during all reasonable business hours. The bill subjects the information compiled in the list to disclosure under state public information law.

Energy Efficiency

HB 1184: Local Government Energy Savings Performance Contracts

Rep. Chris Paddie

Redefines "energy savings performance contract" to mean a contract between a local government and a provider for energy or water conservation or usage measures in which the estimated energy savings, utility cost savings, increase in billable revenues, or increase in meter accuracy resulting from the measures is subject to guarantee to offset the cost of the energy or water conservation or usage measures over a specified period.

The bill defines "pilot program" to mean a pilot program operated by the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station, in consultation with the Texas Facilities Commission (TFC) and the State Energy Conservation Office.

HB 1736: Energy Efficiency Performance Standards

Rep. Jason Villalba

Amends the Health and Safety Code to adopt the Energy Efficiency Chapter of the International Residential Code, as it existed on May 1, 2015, as the Energy Code in Texas for single-family residential construction. The bill authorizes the State Energy Conservation Office (SECO), on or after September 1, 2021, to adopt and substitute for that Energy Code the latest published edition of the Energy Efficiency Chapter of the International Residential Code, based on written



findings on the stringency of the chapter submitted by the Energy Systems Laboratory at the Texas Engineering Experiment Station of The Texas A&M University System. The legislation prohibits SECO from adopting an updated edition more often than once every six years.

HB 1736 authorizes SECO for all other residential, commercial, and industrial construction, to adopt and substitute for the International Energy Conservation Code as it existed on May 1, 2001, the latest published edition of the International Energy Conservation Code, based on written findings on the stringency of the edition submitted by the laboratory. The bill also:

- Requires SECO to establish, by rule, an effective date for an adopted edition of either the International Residential Code or the International Energy Conservation Code, as applicable, that is not earlier than nine months after the date of adoption.
- Includes manufacturers of building materials and products among the persons that SECO is required to consider as having an interest in adoption of new energy codes when establishing by rule a procedure for such persons to have an opportunity to comment on code updates.
- Requires the laboratory to submit to SECO written findings on the stringency of the latest published edition of the International Residential Code energy efficiency provisions only if it has been six or more years since the adoption of a new edition and requires the laboratory to submit to SECO written findings on the stringency of the latest published edition of the International Energy Conservation Code not later than six months after publication of a new edition.
- Removes a county's authorization to establish procedures to adopt local amendments to the International Energy Conservation Code and the Energy Efficiency Chapter of the International Residential Code.
- Authorizes a municipality located in a nonattainment area or in an affected county to establish procedures to adopt local amendments to the energy rating index in an optional compliance path of an adopted energy code.
- Requires an energy rating index in an optional compliance path of an energy code described by the bill to be considered in compliance, and
- In a temporary provision set to expire September 1, 2025, sets out the Energy Rating Index used to measure compliance for single-family residential construction in an optional compliance path of an edition of the Energy Efficiency Chapter of the International Residential Code that uses an energy rating index for climate zones 2, 3, and 4.

Natural Gas and Petroleum

HB 40: Exclusive Jurisdiction of the State to Regulate Oil & Gas Activities

Rep. Drew Darby

Amends the Natural Resources Code to subject an oil and gas operation to the exclusive jurisdiction of the state. The bill prohibits a municipality or other political subdivision from enacting or enforcing an ordinance or other measure, or an amendment or revision of an ordinance or other measure, that bans, limits, or otherwise regulates an oil and gas operation within the boundaries or extraterritorial jurisdiction of the municipality or political subdivision.

The legislation defines "commercially reasonable" as a condition that would allow a reasonably prudent operator to fully, effectively, and economically exploit, develop, produce, process, and transport oil and gas, as determined based on the objective standard of a reasonably prudent operator and not on an individualized assessment of an actual operator's capacity to act.



In addition, the law defines "oil and gas operation" as an activity associated with the exploration, development, production, processing, and transportation of oil and gas, including drilling, hydraulic fracture stimulation, completion, maintenance, reworking, recompletion, disposal, plugging and abandonment, secondary and tertiary recovery, and remediation activities.

HB 239: Storage of Flammable Liquids

Rep. Drew Springer

Amends the Health and Safety Code to authorize storage of compressed natural gas, liquefied natural gas, and propane in an aboveground storage tank at a retail service station located in an unincorporated area or in a municipality with a population of less than 5,000. The measure also removes current tank capacity restriction of "not more than 4,000 gallons."

In addition, the bill authorizes a commissioner's court of a county with a population of 3.3 million or more by order to limit the maximum volume of an aboveground storage tank in an unincorporated area of the county in accordance with the county fire code.

The law includes compressed natural gas, liquefied natural gas, and propane among the flammable liquids for which a retail service station is authorized to have a tank for each separate grade, but not more than one tank for the same grade.

HB 497: Saltwater Pipelines

Rep. Gene Wu

Expands the definition of "saltwater pipeline facility," as applicable to statutory provisions governing such a facility located in the vicinity of a public road, to include a pipeline facility that conducts water that contains salt and other substances and is intended to be used in drilling or operating a well used in the exploration for or production of oil or gas, including an injection well used for enhanced recovery operations.

HB 1633: Oil or Gas Drilling Within a Texas Department of Transportation Easement

Rep. Ramon Romero, Jr.

Requires the Railroad Commission of Texas' application for a permit to drill an oil or gas well to include an affirmation as to whether the well is located within an easement held by the Texas Department of Transportation (TxDOT) or within 50 yards of such an easement, and requires RRC to notify TxDOT as such.

The bill expressly does not grant to TxDOT any authority regarding the approval of an application for a permit to drill an oil or gas well.

HB 2207: Foreclosure Sale of Property Subject to an Oil or Gas Lease

Rep. Jim Keffer

Establishes that an oil or gas lease covering real property subject to a security instrument that has been foreclosed remains in effect after the foreclosure sale if the oil or gas lease has not terminated or expired on its own terms, and was executed and recorded in the real property records of the county before the foreclosure sale.

The bill establishes that, if real property that includes the mineral interest in hydrocarbons together with the surface overlying such mineral interest is subject to both an oil or gas lease and a security instrument and the security interest is foreclosed, the foreclosure sale terminates and extinguishes any right granted under the oil or gas lease for the lessee to use the surface of the real property. This requirement applies to the extent that the security instrument under



which the real property was foreclosed had priority over the rights of the lessee under the oil or gas lease.

Furthermore, the law establishes that an agreement, including a subordination agreement, between a lessee of an oil or gas lease and a mortgagee of real property or the lessee of an oil or gas lease and the purchaser of foreclosed real property supersedes any conflicting bill provision. The bill prohibits an agreement between a mortgagor and mortgagee from modifying the application of the bill's provisions unless the affected lessee agrees to the modification. The legislation exempts from the law's provisions a security instrument that does not attach to a mineral interest in hydrocarbons in the mortgaged real property.

HB 2521: Use of Oil & Gas Lease Payments

Rep. Garnet Coleman

Modifies the Natural Resources Code regarding royalty and lease payments from minerals that reside under lands owned by counties, such as county roads, and directs that the funds be paid to the counties to be used for road maintenance and construction only.

HB 3291: Transactions Involving Oil, Gas, or Condensate

Rep. Richard Raymond

Creates an offense for those persons who transport or receive oil, gas, or condensate without the required Railroad Commission permit, approval, or authorization.

HB 4025: County Funding for Infrastructure Projects

Rep. Jim Keffer

Revises the criteria for transportation grants as laid out in SB 1747 (83R), to better reflect that the purpose of the funds is to provide relief to counties that have experienced road damage due to the truck traffic brought by oil and gas exploration.

The measure mandates that weight tolerance permits must be related to oil and gas activities when being used to factor grant rewards.

SB 529: Unemployment Benefits for Landmen

Sen. Kelly Hancock

Amends the Labor Code to remove certain conditions from the circumstances under which "employment" under the Texas Unemployment Compensation Act does not include service performed for a private for-profit person by a landman, and to instead provide for the definition of "landman" by reference to the Private Security Act.

SB 757: Repealing Production Taxes on Crude Petroleum and Sulphur

Sen. Charles Perry

Repeals provisions of the Natural Resources Code relating to a regulatory tax on the production of crude oil and certain production reports and repeals provisions of the Tax Code relating to a sulphur production tax.

Also, the legislation amends the Tax Code to exempt sulphur from the limited sales, excise, and use tax.

The bill amends the Natural Resources Code to require salaries and other expenses necessary in the administration and enforcement of the state's oil and gas laws to be paid by warrants drawn by the comptroller of public accounts on the state treasury from general revenue.



SB 1985: Ad Valorem Appraisal of Real Property Interest in Oil or Gas In Place

Sen. Carlos Uresti

Amends the Tax Code to replace the projected price of imported low-sulfur light crude oil with the projected spot price of West Texas Intermediate crude oil as the benchmark used by a chief appraiser when calculating the price adjustment factor for oil for the purposes of a requirement that a method of appraising a real property interest in oil and gas in place take into account the future income from the sale of oil or gas at which the oil or gas produced from the interest is projected to be sold in the current calendar year.

The bill specifies that the projected spot price of West Texas Intermediate crude oil and the projected spot price of natural gas at the Henry Hub price adjustment factor benchmarks be expressed in nominal dollars per barrel or per million British thermal units, as applicable. The legislation replaces the most recently published *Early Release Overview of the Annual Energy Outlook* with the most recently published edition of the *Annual Energy Outlook* as the source for such spot price projections for the current calendar year.

Reorganization and Coordination

HB 3187: Water and Energy Improvement Assessments and Fees

Rep. Jim Keffer

Amends the Local Government Code to make the establishment and operation of a program under the Property Assessed Clean Energy Act by a local government that is a municipality or county a governmental function for all purposes and to replace references in the Act to a local government official with references to a local government representative.

The bill removes the specification that the collecting of proposed contractual assessments be with property taxes in a statement included in a resolution of intent adopted by the governing body of a local government for the establishment of such a program identifying the appropriate entities for purposes of consulting regarding collecting proposed contractual assessments imposed on assessed property.

The law requires fees that offset the costs of administering a program that are assessed as a program application fee paid by the property owner requesting to participate in the program to be expressed as a set amount, a percentage of the amount of the assessment, or in any other manner.

Utilities

HB 1101: System Benefit Fund

Rep. Sylvester Turner

Eliminated the non-bypassable fee that funded the system benefit fund and provided a mechanism to exhaust the remainder of the funds by providing a significant increase in electricity discount to low income Texans on their electric bills during the summer months. It was the intent to end the fund on September 1, 2016, however, the Public Utility Commission has reported there are still funds available to provide the discount.

In an effort to ensure system benefit funds are distributed for their intended purpose for which the fee was originally collected, to assist low-income electricity customers, HB 1101 will temporarily continue the fund until September 1, 2017, and allow the remaining funds to be distributed to eligible low-income individuals.



HB 1535: Rates and Certificate of Convenience and Necessity for Non-ERCOT Utilities

Rep. John Frullo

Encourages investment in the non-ERCOT areas of the state by reducing regulatory lag and allowing non-ERCOT utilities to recover investments closer to the time that customers benefit from those investments.

HB 2558: Length of a Billing Month

Rep. Jason Isaac

Prohibits the bill of a retail customer of propane gas purchased from and delivered by a distribution system retailer through a propane gas system from including charges for a period of more than 32 days for a billing month in which the majority of days in the billing month occur in December, January, or February, or for a period of more than 31 days for a billing month in which the majority of days in the billing month occur in any other month.

SB 734: Interest Rates on Utility Deposits Set by the Public Utility Commission

Sen. Troy Fraser

Requires the Public Utility Commission of Texas, on or before each December 1, rather than each December 1 or the next regular workday if December 1 is a Saturday, Sunday, or legal holiday, to set the annual interest rate for the next calendar year on deposits governed by this chapter at the average rate paid over the previous 12-month period on United States treasury bills with a 26-week maturity.

SB 774: Study of Electric Utility Rates

Sen. Troy Fraser

Extends the expiration of periodic rate adjustments (PRAs) for electric utility distribution investments from January 1, 2017, until September 1, 2019. The legislation expands a currently contemplated study on utility ratemaking, including a state-by-state analysis of ratemaking and legislative recommendations, which must be delivered to the legislature on January 31, 2017.

SB 776: Municipally Owned Utilities and Power Agencies

Sen. Troy Fraser

Provides that all Memorandums of Understanding (MOUs), if building transmission outside of their service area, must seek a Certificate of Convenience and Necessity (CCN) through the Public Utility Commission and follow the same routing process as any other electric utility.

The law extends the authorization for the Texas Municipal Power Agency (TMPA), a "joint powers agency," which under Chapter 163 (Joint Powers Agency), Utilities Code, allows the municipally owned utilities of Bryan, Denton, Garland, and Greenville to collectively generate, transmit, and sell power to themselves. Under previous law the ability for the TMPA to participate in long-term power sales contracts is scheduled to terminate on September 1, 2018.

The bill addresses the continued governance and operation of the TMPA as well as clearly defining how the agency could be dissolved in the future.

SB 932: Public Utility Commission Assistance for Federal Proceedings

Sen. Troy Fraser

Extends from 2017 to 2023 the authority of the Public Utility Commission (PUC) to use outside consultants, auditors, engineers, or attorneys to represent the commission in a proceeding before the Federal Energy Regulatory Commission (FERC) for matters relating to Entergy Texas, Inc.



The bill also gives the PUC that same authority to use outside counsel in proceedings before FERC for two other non-Electric Reliability Council of Texas (ERCOT) utilities, the Southwestern Public Service and Southwest Electric Power Company (SWEPCO). Each authorization also would have an expiration date of 2023 and would include the 12-month expenditure limit of \$1.5 million.

SB 933: Public Utility Commission Review of Interconnections for Imports or Exports from Electric Reliability Council of Texas

Sen. Troy Fraser

Prohibits a person, including an electric utility or municipally-owned utility, from interconnecting a facility to the Electric Reliability Council of Texas (ERCOT) transmission grid that enables additional power to be imported into or exported out of the ERCOT power grid unless the person obtains a certificate from the Public Utility Commission of Texas (PUC) stating that public convenience and necessity requires or will require the interconnection.

SB 1148: Public Utility Commission Functions Relating to Water and Sewer Service

Sen. Kirk Watson

Refines provisions of the Water Code to conform water rate setting to the Public Utility Commission's (PUC) current processes. The bill also clarifies PUC's authority and process to issue an emergency order if necessary and grants additional time for processing certain rate cases. The 83rd Legislature, Regular Session, 2013, transferred the economic regulation of water and sewer rates from the Texas Commission on Environmental Quality to the PUC.





Texas

Environmental Legislation

Coastal Zone Management

HB 30: Seawater and Brackish Groundwater Development

Rep. Lyle Larson

Seeks to encourage and facilitate the development of brackish groundwater. HB 30 provides incentives for the development of brackish groundwater in areas where that development would have a minimal impact on existing fresh groundwater use, while respecting private property rights.

The legislation amends Section 16.053(e), Water Code, to require each regional water planning group to submit to the Texas Water Development Board (TWDB) a regional water plan that includes but is not limited to consideration of opportunities for and the benefits of developing large-scale desalination facilities for seawater or brackish groundwater that serve local or regional brackish groundwater production zones identified and designated under Section 16.060(b)(5).

The law requires the TWDB to prepare a biennial progress report on the implementation of seawater or brackish groundwater desalination activities. The bill requires the TWDB to work together with groundwater conservation districts and stakeholders and to consider the ***Brackish Groundwater Manual for Texas Regional Water Planning Groups*** and related activities.

HB 1915: Hotel Occupancy Tax Revenue for Barrier Island Coastal Municipalities

Rep. Abel Herrero

Amends the Tax Code to change one of the components included within the boundaries of an eligible barrier island coastal municipality, for purposes of the allocation of hotel occupancy tax revenue to such a municipality, from a portion of a national seashore to an institution of higher education that is part of the Texas Coastal Ocean Observation Network.

The bill includes as an authorized use of hotel occupancy tax revenue received by an eligible barrier island coastal municipality, the cleaning and maintenance of bay shores owned by that municipality or leased by that municipality from the state.

HB 2031: Marine Seawater and Desalination

Rep. Eddie Lucio, III

Amends the Water Code to require a water supply entity, including a retail public utility, a wholesale water supplier, or an irrigation district, to obtain a permit to divert and use state water that consists of marine seawater if the point of diversion is located less than six miles from any point located on the coast of Texas or if the seawater contains a total dissolved solids concentration based on a yearly average of samples taken at the water source of less than 20,000 milligrams per liter.

The measure authorizes a water supply entity to divert and use state water that consists of marine seawater without obtaining a permit in cases where a permit is not required. The bill authorizes a water supply entity to use applicable marine seawater for any beneficial purpose if



the seawater is treated in accordance with rules adopted by the Texas Commission on Environmental Quality (TCEQ) before it is used.

The law requires a water supply entity to obtain a permit to discharge marine seawater into a flowing natural stream in Texas or a lake, reservoir, or other impoundment in Texas or to discharge waste resulting from the desalination of marine seawater into the Gulf of Mexico. The bill requires a water supply entity to treat marine seawater so as to meet standards that are at least as stringent as the water quality standards applicable to the receiving stream or impoundment adopted by the TCEQ before discharging the seawater under a permit. In addition, HB 2031 requires a water supply entity to comply with all applicable state and federal requirements when discharging waste resulting from the desalination of marine seawater into the Gulf of Mexico under a permit, and prohibits a water supply entity from discharging waste resulting from the desalination of marine seawater into a bay or estuary.

The statute requires the Parks and Wildlife Department (TPWD) and the General Land Office (GLO) jointly to conduct a study to identify zones in the Gulf of Mexico that are appropriate for the diversion of marine seawater and a study to identify zones in the Gulf of Mexico that are appropriate for the discharge of waste resulting from the desalination of marine seawater, taking into account the need to protect marine organisms. The measure also requires the TPWD and the GLO jointly to recommend zones for designation by the TCEQ.

HB 2031 authorizes a water supply entity, with prior authorization granted under rules prescribed by the TCEQ, to use the bed and banks of any flowing natural stream in Texas or a lake, reservoir, or other impoundment in Texas to convey marine seawater that has been treated so as to meet standards that are at least as stringent as the water quality standards applicable to the receiving stream or impoundment adopted by the TCEQ.

The legislation amends the Health and Safety Code to require the TCEQ to adopt rules to allow water treated by a desalination facility that is intended to treat marine seawater for the purpose of producing water for the public drinking water supply to be used as public drinking water and rules to ensure that water treated by a desalination facility meets applicable public drinking water requirements and rules. The bill requires the TCEQ approval of the construction of a desalination facility that treats marine seawater for the purpose of removing primary or secondary drinking water contaminants before a person may begin construction of the facility. The provisions do not apply to a desalination facility used to produce nonpotable water.

HB 2031 repeals Section 16.060, Water Code, relating to the TWDB desalination studies and research.

HB 2230: Oil & Gas Waste Injection Wells

Rep. Lyle Larson

Amends the Water Code to authorize the Texas Commission on Environmental Quality (TCEQ) to authorize by individual permit, by general permit, or by rule a Class V injection well for the injection of nonhazardous brine from a desalination operation or nonhazardous drinking water treatment residuals into a Class II injection well that is also permitted by the Railroad Commission of Texas under statutory provisions relating to oil and gas waste and injection wells.

The bill requires the TCEQ and the Railroad Commission by rule to enter or amend a memorandum of understanding to implement and administer the bill's provisions.



HB 4097: Seawater Desalination Projects

Rep. Todd Hunter

Amends the Water Code to authorize the Texas Commission on Environmental Quality (TCEQ) to issue a permit to authorize a diversion of state water from the Gulf of Mexico or a bay or arm of the Gulf of Mexico for desalination and use for industrial purposes. The bill requires a permit application be submitted to the TCEQ and establishes that the TCEQ is not required to make a finding of water availability for an application.

The bill requires the TCEQ to evaluate whether any proposed diversion is consistent with any applicable environmental flow standards, authorizes the TCEQ to include any provisions necessary to comply with the environmental flow standards, and establishes that a permit does not require public notice and is not subject to a contested case hearing.

HB 4097 also sets out provisions relating to permits authorizing discharges from seawater desalination facilities applicable only to a facility that generates water treatment residuals from the desalination of seawater for use as part of an industrial process.

The law authorizes a permit for the disposal of brine produced by a desalination operation or of drinking water treatment residuals in a Class I injection well to authorize the disposal of water treatment residuals produced by desalination of seawater.

HB 4097 amends the Utilities Code to require the Public Utility Commission of Texas (PUC), in cooperation with transmission and distribution utilities and the ERCOT independent system operator, to study whether existing transmission and distribution planning processes are sufficient to provide adequate infrastructure for seawater desalination projects.

SB 695: Feasibility Study for Creating a Coastal Barrier Program

Sen. Larry Taylor

Establishes a joint interim committee to continue to study the feasibility and desirability of creating and maintaining a coastal barrier system in Texas that includes a series of gates and barriers to prevent storm surge damage to gulf beaches or coastal ports, industry, or property.

The bill establishes the composition of the committee and requires the Lieutenant Governor and the Speaker of the House of Representatives to jointly designate a chair or, alternatively, designate two co-chairs from among the committee membership. The provisions authorize the committee to adopt rules necessary to carry out the committee's duties and requires the committee, not later than December 1, 2016, to report to the Governor and the legislature the findings of the study and any recommendations developed by the committee.

SB 991: Studying the Use of Wind or Solar Power for Desalination

Sen. José Rodríguez

Requires the General Land Office (GLO) in consultation with the Texas Water Development Board (TWDB) to conduct a study regarding the use of wind or solar power to desalinate brackish groundwater on real property owned by the state.

Environmental Health Services

HB 790: Studying Sound Mitigation Measures on Highways

Rep. Cindy Burkett

Requires the Texas A&M Transportation Institute to conduct a study assessing the implementation and effectiveness of sound mitigation measures on highways that are part of the



state highway system and toll roads or turnpikes under the jurisdiction of a toll project entity. The bill requires the study to include:

- An analysis of the process and methodology used by the Texas Department of Transportation (TxDOT) or toll project entity for selecting and implementing sound mitigation measures, including factors that affect the process and how outcomes are determined; an analysis of whether any kind of live testing is conducted at any point to determine the actual traffic noise level for neighboring properties;
- An evaluation of the effectiveness of the process and methodology used by the TxDOT or a toll project entity for selecting and implementing sound mitigation measures in reducing the traffic noise level for neighboring properties; and
- An evaluation of the effectiveness of implemented sound mitigation measures in reducing the traffic noise level for neighboring properties.

The bill requires the institute, not later than November 1, 2016, to submit a report on the results of the study and any recommendations to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the presiding officer of each standing committee of the legislature with jurisdiction over transportation matters. The law's provisions expire August 31, 2017.

Hazardous Waste and Substance Management

HB 942: Storage of Hazardous Chemicals

Rep. Kyle Kacal

Amends the Agriculture Code to require the owner or operator of an ammonium nitrate storage facility to allow a fire marshal to enter the facility to make a thorough examination of the facility and allow the local fire department access to the facility to perform a pre-fire planning assessment. The bill requires a fire marshal to notify the owner or operator of the facility of the need to correct hazardous conditions noted upon the inspection.

HB 942 requires the owner or operator of an ammonium nitrate storage facility, on request by a fire marshal or the Texas Feed and Fertilizer Control Service, to provide evidence of compliance with the Manufacturing Facility Community Right-To-Know Act or the Nonmanufacturing Facilities Community Right-To-Know Act, as applicable, and federal registration requirements; to post National Fire Protection Association 704 warning placards on the outside of the storage area; to store ammonium nitrate or ammonium nitrate material separately from any non-fertilizer materials and in a fertilizer storage compartment or bin constructed of wood, metal, or concrete that is protected against impregnation by the ammonium nitrate or ammonium nitrate material; and to separate ammonium nitrate or ammonium nitrate material from combustible or flammable material by 30 feet or more.

The legislation transfers from the Department of State Health Services (DSHS) to the Texas Commission on Environmental Quality (TCEQ), the powers, duties, obligations, and liabilities of the DSHS relating to the Texas Community Right-To-Know Acts (TCRAs); all unobligated and unexpended funds appropriated to the DSHS designated for the administration of the TCRAs; all equipment and property of the DSHS used solely or primarily for the administration of the TCRAs; all files and other records kept by the DSHS relating to the administration of the TCRAs; and employees of the DSHS whose duties relate solely or primarily to the administration of the TCRAs. The bill authorizes DSHS to agree with the TCEQ to transfer any DSHS property to the TCEQ to implement the required transfer.



Amends the Health and Safety Code, to require TCEQ to implement the developed outreach program concerning the public's ability to obtain information under the TCRAs that is similar to the outreach program required under the Hazard Communication Act. The bill requires a facility operator under the TCRAs to file an updated tier two form with TCEQ not later than the 90th day after the date on which the operator has a change in the chemical weight range, as listed in specified federal regulations, of a previously reported hazardous chemical or extremely hazardous substance and as otherwise required by TCEQ rule.

HB 942 makes additional changes relating to reporting, regulation, fees, fines, etc., in support of these changes.

Inland Water Resource Management and Conservation

HB 163: Interstate Cooperation on Regional Water Issues

Rep. Lyle Larson

Establishes the Southwestern Water Commission to replace the Multi-State Water Resources Planning Commission. The purpose of the commission is to advise the Governor and the legislature on cross-boundary water issues. The commission is authorized to initiate discussions with neighboring states and Mexico concerning water needs and development of water supply sources, and initiate discussions with outer states on the need for establishing interstate compacts.

The commission will consist of three members, including the Governor or the Governor's designee, a member of the House committee having jurisdiction over natural resources appointed by the Governor, and a member of the Senate committee having jurisdiction over water issues appointed by Governor. The commissioners would serve for staggered terms of four years. The Water Development Board will provide administrative support to the commission.

HB 200: Regulation of Groundwater

Rep. Jim Keffer

Clarifies vested property rights in the ownership of groundwater, ensures "loser pay" provisions apply to suits challenging groundwater districts, establishes science as the determining factor for establishing a desired future condition, maintains the development process and timelines of desired future conditions as a planning tool for the continued local regulation of groundwater resources by groundwater districts, establishes an appeal process for affected persons to challenge the reasonableness of desired future conditions, provides a mediation period where parties may reach agreement before proceeding through the administrative process, and develops an administrative hearing process for parties in order to develop findings of fact and conclusions of law.

HB 280: Texas Water Development Board Information Regarding Use of State Water Implementation Fund

Rep. Ron Simmons

Increases the amount of information required to be posted by the Texas Water Development Board (TWDB) staff on the TWDB's website regarding the use of the State Water Implementation Fund for Texas (SWIFT). The TWDB will be required to regularly post and update additional information regarding:

- The amounts of bonds issued, terms of the bonds, and summary of the bond enhancement agreement;
- The status of repayment of the loan and default risk assessment;



- A "check register" for the project;
- Information on financial management of the fund's investment portfolio;
- A description of the point system for prioritizing projects and points awarded to each project;
- Any non-confidential information submitted as part of a SWIFT application that is approved by the TWDB; and
- Administrative and operating expenses for creation of the state water plan and providing financial assistance for projects included in the plan.

HB 655: Storage and Recovery of Water in Aquifers

Rep. Lyle Larson

Creates a regulatory framework for aquifer storage and recovery projects that:

- Clarifies that an amendment to a water right permit is not required to obtain an aquifer storage and recovery permit,
- Grants the Texas Commission on Environmental Quality exclusive jurisdiction to regulate aquifer storage and recovery projects, and
- Clarifies that an aquifer storage and recovery project does not have to obtain a permit from a local groundwater conservation district as long as native groundwater is not being produced.

HB 908: Red River Boundary Commission

Rep. Larry Phillips

Amends the Natural Resources Code to specify that the boundary line between Texas and Oklahoma in the Texoma area that is required to be redrawn by the Red River Boundary Commission and representatives appointed on behalf of Oklahoma in order to negate any effects the currently drawn boundary has on property interests in the Texoma area be redrawn on any real property for which the United States Army Corps of Engineers granted an easement before August 31, 2000, to at least two districts or authorities created as conservation and reclamation districts for the construction, operation, and maintenance of a water pipeline and related facilities. The provisions require that the boundary line be redrawn in such a way that there is no net loss of property between either state so as to ensure that the redrawn boundary does not increase the political power or influence of either state. The bill clarifies that the applicable property interests are those associated with those easements.

HB 930: Water Well Drillers and Pump Installers

Rep. Doug Miller

Amends the Occupations Code to change the fee required to be submitted to the Texas Department of Licensing and Regulation (TDLR) by an applicant for a license as a water well driller from an examination fee to an application fee, to remove language specifying that the fee is to be paid at the time the license application is submitted, and to specify that the application is to be submitted to the TDLR.

The bill removes the minimum specified frequency with which the TDLR must offer examinations for such a license and for a license as a water well pump installer. The law requires the Texas Commission of Licensing and Regulation by rule to establish an apprentice driller program and an apprentice pump installer program. The measure expands the methods by which a driller may deliver to specified recipients the required copy of a well log to include delivery by first class mail and electronic delivery.



HB 930 requires the Texas Commission of Licensing and Regulation, not later than December 1, 2015, to adopt rules to implement the bill's provisions and prohibits the commission from requiring a person to hold a license or license specialty endorsement as an apprentice driller or apprentice pump installer before June 1, 2016.

HB 995: Stormwater Control and Recapture Facilities

Rep. Mary González

Amends the Local Government Code to establish a stormwater control and recapture planning authority in each county in Texas that has a population of 800,000 or more and receives an average annual rainfall of 15 inches or less based on the most recent 10-year period according to data available from a reliable source. The bill makes such an authority a political subdivision of the state and establishes that an authority's territory includes all of the territory in the affected county in which the authority is located except any territory within the boundaries or extraterritorial jurisdiction of that county's largest municipality, provided that the municipality has a plan in place for the control of stormwater on the date the authority is established.

The legislation establishes that the governing body of an authority is a board of directors composed of a representative of the county in which the authority is located and of each municipality within the territory of the authority, a representative of each water utility within the territory of the authority not in a municipality, a representative of each water district within the territory of the authority that has been in operation for at least 15 years, and each member of the state legislature whose legislative district is wholly or partly in the territory of the authority.

HB 995 requires an authority to coordinate and adopt a long-range master plan to facilitate the development and management of integrated stormwater control and recapture projects and facilities within the authority's territory; apply for, accept, and receive gifts, grants, loans, and other money available from any source to perform its purposes; and assist certain entities represented on the board of directors in carrying out an objective included in the authority's master plan. The bill authorizes the authority to enter into contracts as necessary to carry out the authority's powers and duties and also authorizes the authority to employ staff and consult with and retain experts. The legislation prohibits the authority from imposing a tax, issuing bonds, or regulating the structures or facilities of an electric utility. The Act's provisions expire September 1, 2023.

HB 1016: Special Designation of Ecologically Unique Stream Segments

Rep. Tracy O. King

Designates as being of unique ecological value certain river or stream segments of the Nueces River, Frio River, Sabinal River, San Marcos River, and Comal River. The bill specifies that this designation means only that a state agency or political subdivision of the state may not finance the actual construction of a reservoir in the designated segment. It does not affect the ability of a state agency or political subdivision of the state to construct, operate, maintain, or replace a weir, a water diversion, flood control, drainage, or water supply system, a low water crossing, or a recreational facility in the designated segment; does not prohibit the permitting, financing, construction, operation, maintenance, or replacement of any water management strategy to meet projected water supply needs recommended in, or designated as an alternative in, the 2011 or 2016 Regional Water Plan for Region L; and does not alter any existing property right of an affected landowner.

HB 1042: Designation of Reservoir Construction Sites

Rep. James Frank

Designates the site of the proposed Ringgold reservoir, to be located on the Little Wichita River in Clay County approximately one-half mile upstream from its confluence with the Red River, as



having unique value for the construction of a dam and reservoir and further determines that the reservoir is necessary to meet water supply needs.

HB 1221: Disclosures Related to Residential Property Subject to Groundwater Regulation

Rep. Eddie Lucio, III

Amends Section 5.008(b) of the Property Code to include disclosure of whether any portion of the property is located in a groundwater conservation district, a subsidence district, or other special purpose district with the authority to regulate the withdrawal of groundwater.

HB 1224: Use of Texas Water Development Board Revolving Funds

Rep. Eddie Lucio, III

Amends the Water Code to authorize the Texas Water Development Board (TWDB) by resolution to approve the use of assets of the State Water Pollution Control Revolving Fund, the Safe Drinking Water Revolving Fund, or an applicable additional state revolving fund as a source of revenue or security, or both revenue and security, for the payment of the principal of and interest on state revolving fund bonds.

The bill defines "state revolving fund bonds" for this purpose as revenue bonds issued by the TWDB to provide funds for the State Water Pollution Control Revolving Fund, the Safe Drinking Water Revolving Fund, or an applicable additional state revolving fund.

HB 1232: Studying Hydrology and Geology of Aquifers

Rep. Eddie Lucio, III

Requires the Texas Water Development Board (TWDB) to study, define, and map the quality and quantity of groundwater in confined and unconfined aquifers in the State of Texas and report the results to the Lieutenant Governor, the Speaker of the House of Representatives, and the standing committees in the Senate and House of Representatives that have jurisdiction over natural resources.

HB 1665: Water Level Fluctuations of Impounded Water

Rep. Dennis Bonnen

Amends the Property Code to require a seller of residential or commercial real property adjoining an impoundment of water constructed and maintained under certain Water Code provisions governing water rights and having a storage capacity of at least 5,000 acre-feet at the impoundment's normal operating level, to give to the purchaser a written notice of water level fluctuations.

The bill sets out the language for the notice and requires the notice to be delivered by the seller to the purchaser on or before the effective date of an executory contract binding the purchaser to purchase the property. The legislation authorizes the purchaser, if a contract is entered into without the seller providing the notice within that period, to terminate the contract for any reason within seven days after the date the purchaser receives the notice from the seller or receives information described by the notice from any other person.

HB 1665 authorizes the purchaser, after the date of the conveyance, to bring an action for misrepresentation against the seller if the seller failed to provide the notice before the date of the conveyance and had actual knowledge that the water level fluctuates for various reasons.



HB 1902: Graywater and Alternative Onsite Water

Rep. Donna Howard

Amends the Health and Safety Code to specify that the minimum standards adopted and implemented by the Texas Commission on Environmental Quality (TCEQ) rule for the use and reuse of graywater are for the indoor and outdoor use and reuse of treated graywater and to expand such standards to include minimum standards for the indoor and outdoor use and reuse of alternative onsite water.

The bill defines "alternative onsite water" as rainwater, air-conditioner condensate, foundation drain water, storm water, cooling tower blowdown, swimming pool backwash and drain water, reverse osmosis reject water, or any other source of water considered appropriate by the TCEQ.

The law requires those standards to assure that the use of graywater or alternative onsite water does not threaten human health and requires the standards relating to domestic use to allow the use of graywater and alternative onsite water for toilet and urinal flushing. The bill authorizes the TCEQ adopt and implement rules providing for the inspection and annual testing of a graywater or alternative onsite water system by the TCEQ and requires the TCEQ to develop and make available to the public a regulatory guidance manual to explain applicable rules relating to standards for graywater and alternative onsite water.

Furthermore, the bill expands the exemption from TCEQ permitting requirements for the domestic use of less than 400 gallons of graywater each day to include the use of alternative onsite water. The measure revises the conditions under which the exemption applies to provide for indoor use by the occupants of a private residence as allowed by rule, removes the requirement that the water be collected using a system that overflows into a sewage collection or on-site wastewater treatment and disposal system and instead requires the water to be collected using a system that may be diverted into such a system, and specifies that the tanks the water is required to be stored in are surge tanks and that the water is required to be stored in such tanks only if required by rule.

Provisions amend the Water Code to require the standards adopted by the TCEQ for the use of graywater for domestic use to allow the use of graywater for toilet and urinal flushing.

HB 1919: Invasive Species

Rep. Larry Phillips

Amends the Parks and Wildlife Code to prohibit the Texas Parks and Wildlife Department (TPWD) from requiring a permit under statutory provisions relating to the regulation of exotic harmful or potentially harmful fish and shellfish or relating to the regulation of exotic harmful or potentially harmful aquatic plants for specified water transfers, and to establish that such a water transfer is not a violation of those provisions.

The bill's provisions apply to a water transfer that is through a water supply system, is undertaken by a utility owned by a political subdivision, and meets one or more of the following descriptions:

- Is from a water body in which there is no known exotic harmful or potentially harmful fish or shellfish population or no known exotic harmful or potentially harmful aquatic plant population, as applicable;
- Is into a water body in which there is such a known fish or shellfish population or such a known aquatic plant population, as applicable;
- Is directly to a water treatment facility;



- Is of water that has been treated prior to the transfer into a water body; or
- Is from a reservoir or through a dam to address flood control or to meet water supply requirements or environmental flow purposes.

HB 2179: Groundwater Conservation District Permits

Rep. Eddie Lucio, III

Amends the Water Code to specify that the groundwater conservation district hearing on a permit or permit amendment application that a district's general manager or board may schedule is a public hearing, authorizes a board to take action on any uncontested application at a properly noticed public meeting held at any time after the public hearing at which the application is scheduled to be heard, and authorizes the board to issue a written order to grant the application, grant the application with special conditions, or deny the application.

Further, the bill applies the strict standards of the administrative hearings process to groundwater conservation districts, ensuring clear and fair public notice, hearing, and other applicable practices.

HB 2767: Groundwater Conservation Districts

Rep. Jim Keffer

Amends the Water Code to set out provisions relating to the powers, duties, and administration of groundwater conservation districts. The bill applies and sets definitions, fees and other processes, expands provisions relating to conflicts and disclosures, and public access certain information.

The legislation authorizes a district to assess any appropriate fees for certain wells that no longer meet certain requirements, and removes language restricting such authority to a well located in the Hill Country Priority Groundwater Management Area for a well from which the exempt groundwater withdrawals are no longer used solely for domestic use or to provide water for livestock or poultry.

The law requires a district's annual audit to be performed according to the generally accepted government auditing standards adopted by the American Institute of Certified Public Accountants, expands to the county or counties where a district is to be located the authority of the district to pay all costs and expenses necessarily incurred in the creation and organization of the district, and specifies that a county may be reimbursed for money advanced for such purposes, and makes other related changes.

HB 2819: Sabine-Neches Navigation District

Rep. Joe Deshotel

Amends current law relating to improvement projects of the Sabine-Neches Navigation District of Jefferson County, Texas, and provides authority to issue anticipation notes and time warrants.

HB 4112: Groundwater Rights

Rep. DeWayne Burns

Amends the Water Code to establish that the groundwater ownership and rights recognized by the legislature entitle a landowner, including a landowner's lessees, heirs, or assigns, to have any right recognized under common law and not just the right to drill for and produce the groundwater below the surface of real property without causing waste or malicious drainage of other property or negligently causing subsidence.



SB 551: Water Conservation Advisory Counsel

Sen. Kel Seliger

Amends the Water Code to require the Water Conservation Advisory Council to submit to the Governor, Lieutenant Governor, and Speaker of the House of Representatives, the statutorily required biennial progress report on water conservation, in Texas, including conservation through the reduction of the amount of water lost because of evaporation as well as recommendations for legislation to advance water conservation.

SB 854: Groundwater Conservation Districts

Sen. Judith Zaffirini

Requires automatic renewal of operating permits by groundwater districts if the permit holder submits the renewal application in a timely manner with all required fees and is not requesting a change that would require a permit amendment. The district would not be required to renew a permit if the applicant was delinquent in paying a fee required by the district or was subject to a pending enforcement action for a violation of a district permit, order, or rule. If the holder of an operating permit requests a change to the permit that requires an amendment under district rules, the original permit would remain in effect until the conclusion of the permit amendment process.

This bill also allows a groundwater conservation district to initiate an amendment process for an operating permit, in connection with the renewal of the permit or otherwise, to achieve the district's statutory purposes, including achieving desired future conditions for the relevant aquifers within the district's management area.

SB 1137: Sabine-Neches Navigation District

Sen. Brandon Creighton

Amends current law relating to improvement projects of the Sabine-Neches Navigation District of Jefferson County, Texas, and provides authority to issue anticipation notes and time warrants.

SB 1356: Water Efficient Products Sales Tax Exemption

Sen. Juan "Chuy" Hinojosa

Amends the Tax Code to exempt the sale of a product that has been designated as a WaterSense certified product under the federal WaterSense program from the sales tax if the sale takes place during a period beginning at 12:01 a.m. on the Saturday preceding the last Monday in May and ending at 11:59 p.m. on the last Monday in May.

Land Management and Conservation

SB 1734: Eradication of Carrizo Cane along the Rio Grande River

Sen. Carlos Uresti

Amends the Agriculture Code to require the State Soil and Water Conservation Board to develop and implement a program to eradicate Carrizo cane along the Rio Grande River.

HB 3618: Prohibiting Camping and Fires

Rep. Jason Isaac

Amends the Parks and Wildlife Code to prohibit a person from camping or building a fire in a dry riverbed in a section of the Blanco River that is not located in a county adjacent to a county with a municipality with a population greater than 1.5 million.



The bill makes a violation of that prohibition a Class C misdemeanor offense and exempts that section of the Blanco River from a statutory provision prohibiting the restriction, obstruction, interference with, or limitation of public recreational use of a protected freshwater area.

Reorganization and Coordination

HB 1235: Annexation by the Wise County Water Control and Improvement District No. 1

Rep. Phil King

Authorizes the board of directors of the Wise County Water Control and Improvement District No. 1 to call an election in Wise County to authorize the district's annexation of all parts of Wise County that, on the bill's effective date, are not within the district's boundaries or the boundaries of another water control and improvement district, and authorizes related activities.

HB 1336: Fees for Velasco Drainage District

Rep. Dennis Bonnen

Authorizes a supervisor of the Velasco Drainage District to receive fees of office in accordance with Water Code provisions generally governing such fees for a water district director but to prohibit the district from setting the annual limit on the fees of office that a supervisor may receive in a year at an amount greater than \$12,000.

HB 1421: Fees Charged by the Coastal Plains Groundwater Conservation District

Rep. Dennis Bonnen

Authorizes the district to assess an export fee on groundwater exported from the district in an amount not to exceed 150 percent of the maximum wholesale water rate charged by the City of Houston and to assess other fees authorized by Water Code provisions generally governing groundwater conservation districts.

HB 1716: Lease Terms for Navigation Districts

Rep. René Oliveira

Increases from 30 years to 50 years the maximum term for which the navigation and canal commissions of certain navigation districts may lease the surface of land by entry of an order on the commission's minutes and the execution of a lease in the manner provided by the original order.

HB 1794: Local Government Lawsuits Related to Texas Commission on Environmental Quality Regulations

Rep. Charlie Geren

Amends the Water Code to limit the amount of a civil penalty that may be assessed against a person in a civil suit brought by a local government in response to certain environmental violations to an amount not less than \$50 and not more than \$25,000 for each day of each violation. The bill caps the total amount of a civil penalty in such a suit brought by a local government at \$4.3 million and expressly does not limit the state's authority to pursue the assessment of a civil penalty under Water Code provisions governing enforcement. The legislation requires a trier of fact, in determining the amount of the civil penalty in a civil suit brought by a local government, to consider the factors the Texas Commission on Environmental Quality (TCEQ) is required to consider when determining the amount of an administrative penalty. The law further requires a suit for a civil penalty brought by a local government to be brought not later than the fifth anniversary of the earlier of the date the person who committed the violation notifies the TCEQ in writing of the violation or receives a notice of enforcement from the TCEQ with respect to the alleged violation.



HB 1819: Election of Directors of the Hill Country Water Conservation District

Rep. Doug Miller

Changes the election date for the board of directors for the Hill Country Underground Water Conservation District from the November uniform election date each even-numbered year to the May uniform election date each odd-numbered year and to require the board of directors to adjust the terms of office to conform to this change.

HB 2407: Creating the Comal Trinity Groundwater Conservation District

Rep. Doug Miller

Creates the Comal Trinity Groundwater Conservation District, the boundaries of which are coextensive with the boundaries of Comal County excluding any territory that is included in the boundaries of the Trinity Glen Rose Groundwater Conservation District.

The bill authorizes the district to set a reasonable fee for administrative management on a per well basis.

HB 2528: Authority of a Water District to Accept Donations

Rep. Patricia Harless

Authorizes certain water districts located in the unincorporated area of a county with a population of four million or more to accept a donation in any form from any source approved by the district's governing board to provide funds to a nonprofit organization providing economic development programs that the board determines will preserve property values in the district.

HB 3163: Civil Suits Against Groundwater Conservation District Board Members

Rep. John Cyrier

Amends the Water Code to establish that for liability purposes only, a director of a groundwater conservation district is considered a district employee under the Texas Tort Claims Act even if the director does not receive fees of office voluntarily, by district policy, or through a statutory exception. The bill grants a director immunity from suit and immunity from liability for official votes and official actions.

HB 3220: Powers and Duties of the Hidalgo County Water Control and Improvement District No. 18

Rep. Armando Martinez

Establishes provisions relating to the Hidalgo County Water Control and Improvement District No. 18 to provide certain improvements, projects, and services for public use and benefit. The bill provides for authority for road projects, road standards and requirements, and district participation in water conservation projects.

HB 3405: Powers and Duties of the Barton Springs-Edwards Aquifer Conservation District

Rep. Jason Isaac

Amends current law relating to the territory, jurisdiction, board composition, elections, and powers of the Barton Springs-Edwards Aquifer Conservation District, including its authority to regulate certain wells for the production of groundwater, and imposes a cap on certain fees.



HB 3545: Establishment of an Infrastructure Improvement Council by the Rio Grande Regional Water Authority

Rep. René Oliveira

Establishes an Infrastructure Improvement Council by the Rio Grande Regional Water Authority and provides authority to impose a voluntary assessment.

HB 3858: Fees Charged by the Coastal Bend Groundwater Conservation District

Rep. Phil Stephenson

Changes the production fees the district may assess from general production fees to production fees as authorized by certain Water Code provisions governing groundwater conservation districts. The bill caps the district's export fee at 150 percent of the maximum wholesale water rate charged by the City of Houston and authorizes the district to assess other fees authorized by Water Code provisions governing groundwater conservation districts.

HB 4130: Elections for the Jonah Water Special Utility District

Rep. Larry Gonzales

Establishes that the Jonah Water Special Utility District is governed by a board of nine directors, and requires a person to be a district resident and a district retail water or sewer service customer in order to be eligible to serve as a director. The bill authorizes the board by rule to provide for the election of some or all of the directors from single-member districts and requires a person to be a resident of that district in addition to the bill's other qualifications.

HB 4148: Compensation for Directors of Refugio County Drainage District No. 1

Rep. Geanie Morrison

Repeals the statutory provision for the compensation of and reimbursement of travel expenses for commissioners of the Refugio County Drainage District No. 1.

HB 4168: Board of Directors of the Gulf Coast Water Authority

Rep. Dennis Bonnen

Authorizes the Gulf Coast Water Authority, in connection with the acquisition of water or the treatment, storage, or transportation of water, to enter into retail service agreements within the Electric Reliability Council of Texas (ERCOT) for the purchase of electricity for the district's own use and to sell electricity in a sale or resale only by way of a registered power marketer or power generation company in accordance with applicable Public Utility Commission rules and ERCOT requirements.

The statute revises the composition of the district's board of directors and sets terms for the board.

HB 4202: Substitution of Land Within the Harris County Water Control and Improvement District No. 157

Rep. Mike Schofield

Establishes that the Harris County Water Control and Improvement District No. 157 is created to serve a public purpose and to accomplish the purposes of a water control and improvement to the district as provided by general law and the state constitution.

HB 4203: Substitution of Land Within the Harris County Water Control and Improvement District No. 159

Rep. Mike Schofield

Establishes that the Harris County Water Control and Improvement District No. 159 is created to serve a public purpose and to accomplish the purposes of a water control and improvement district as provided by general law and the state constitution.



HB 4207: Creating the Aransas County Groundwater Conservation District

Rep. Geanie Morrison

Creates the Aransas County Groundwater Conservation District, provides for the dissolution of the district on September 1, 2019, and sets the bill's provisions to expire on September 1, 2021, if the creation of the district is not confirmed at a confirmation election held before September 1, 2019. The bill, among other provisions, prohibits the district from exercising the power of eminent domain and caps district property taxes at one cent on each \$100 of assessed valuation of taxable property in the district.

SB 363: Election Dates for the Bandera County River Authority and Groundwater District

Sen. Troy Fraser

Clarifies the name of the management district created as the Springhills Water Management District as the Bandera County River Authority and Groundwater District and that a reference in law to the Springhills Water Management District means the Bandera County River Authority and Groundwater District.

The bill establishes that directors of the district serve staggered four-year terms and requires an election for the appropriate number of directors to be held every two years on the uniform election date in November.

SB 394: Environmental Remediation by Local Governments

Sen. Charles Perry

Requires the Texas Commission on Environmental Quality to allow cities and counties that are first time violators for a specific offense in a five-year period an opportunity to apply penalties to remediation. The penalties must be used for remediation for the underlying cause of the environmental violation by the local government.

SB 709: Environmental Permit Applications

Sen. Troy Fraser

Preserves the current public participation opportunities available in the environmental permitting process. The bill establishes that the starting place for a contested case hearing is a presumption that a draft permit issued by the Texas Commission on Environmental Quality (TCEQ) meets all legal and technical requirements and is protective of public health and the environment.

SB 855: Canyon Regional Water Authority

Sen. Judith Zaffirini

Clarifies that the Canyon Regional Water Authority's (CRWA) territory is coexistent with its member entities' territories, and that if a new member is added, its area, covered by its Certificate of Convenience and Necessity (CCN), is added to the CRWA territory. Likewise, if a member resigns, it takes its CCN from the CRWA.

The bill clarifies that a CRWA board member who also serves on the board or governing body of a CRWA member entity is not prohibited from serving on both boards by the common law doctrine of incompatibility.

In addition, the law makes CRWA subject to the eminent domain powers found in Section 49.222, Water Code. This change requires a CRWA to follow the eminent domain provisions followed by most other water districts in Texas.



SB 1162: Non-substantive Revisions of Laws Covering Water and Wastewater Special Districts

Sen. Kelly Hancock

Adds chapters to the Special District Local Laws Code, with each chapter representing the local law or laws governing a particular special district. The substance of the law has not been altered. The sole purpose of the proposed chapters is to compile the local laws, arranged in a logical fashion, and rewrite them without altering their meaning or legal effect.

SB 1301: Texas Water Resources Finance Authority

Sen. Charles Perry

Amends the Water Code to make a technical correction regarding the number of members who serve on the board of directors of the Texas Water Resources Finance Authority and to specify that the board may hold special meetings on request of a majority of the directors.

Solid Waste

HB 274: Municipal Rules for Illegal Dumping

Rep. Borris Miles

Amends the Local Government Code, Government Code, and Code of Criminal Procedure to raise from \$2,000 to \$4,000 the cap on a fine or penalty for the violation of a municipal rule, ordinance, or police regulation that governs the illegal dumping of refuse.

HB 281: Landfill Expansion Limitations

Rep. Ron Simmons

Limits expansion of Type I municipal solid waste landfills permitted before 1980 that are located wholly within the boundaries of a municipality and owned by a municipality other than that in which it is located. The bill prohibits Texas Commission on Environmental Quality (TCEQ) from approving such an application, amendment or permit renewal without prior approval of the municipality in which the landfill is located.

HB 1331: Treatment and Recycling of Oil and Gas Production Related Waste

Rep. Phil King

Amends the Natural Resources Code to establish that unless otherwise expressly provided by a contract, bill of sale, or other legally binding document that when drill cuttings are transferred to a permit holder who takes possession of the cuttings for the purpose of treating the cuttings for a subsequent beneficial use, the transferred material is considered to be the property of the permit holder until the permit holder transfers said cuttings.

The bill also establishes that when a permit holder who takes possession of drill cuttings under the provisions of this bill, the transferred product or byproduct is considered to be the property of the person to whom the material is transferred.

The legislation defines "drill cuttings" as bits of rock or soil cut from a subsurface formation by a drill bit during the process of drilling an oil or gas well and lifted to the surface by means of the circulation of drilling mud. The bill defines "permit holder" as a person who holds a permit from the Railroad Commission of Texas to operate a stationary commercial solid oil and gas waste recycling facility.

HB 1331 waives liability in tort for a person who generates drill cuttings and transfers the drill cuttings to a permit holder with the contractual understanding that the drill cuttings will be used in connection with road building or another beneficial use for a consequence of the



subsequent use of the drill cuttings by the permit holder or by another person. The bill requires a permit holder who takes possession of drill cuttings from the person who generated the drill cuttings to provide to the generator a copy of the holder's permit.

HB 2002: Recycling of County Property

Rep. Jim Keffer

Amends the Local Government Code to authorize the disposal of a county's surplus or salvage property that is unable to be sold by competitive bid or auction to be accomplished through a recycling program under which the property is collected, separated, or processed and returned to use in the form of raw materials in the production of new products.

HB 2187: Metal Recycling Entities

Rep. Wayne Smith

Amends current law relating to the regulation of metal recycling entities; imposes an administrative penalty, and amends provisions subject to a criminal penalty.

The bill restricts the methods of payment for a metal recycling entity's purchase of regulated materials, as defined under statutory provisions governing metal recycling entities, to payment by cash or debit card, if the seller has been issued a cash transaction card; check; money order; or direct deposit by electronic funds transfer. The bill authorizes a metal recycling entity to pay a seller for a purchase of regulated material by cash or debit card only if, before the entity issues payment, the seller presents to the entity a valid cash transaction card issued by the entity or by another metal recycling entity located in Texas or the entity obtains a copy of the seller's cash transaction card from the entity's records.

The act requires a metal recycling entity's record of purchase of regulated material to include the amount of the purchase and, as applicable, a copy of the seller's cash transaction card or approved cash transaction card application if the entity paid for a purchase of regulated material by cash, the debit card receipt, and the seller's cash transaction card, or approved application if the entity paid for a purchase of regulated material by debit card, or the check, if the entity paid for a purchase of regulated material by check.

HB 2244: Regulation of Medical Waste

Rep. John Zerwas

Amends the Health and Safety Code to make the Texas Commission on Environmental Quality (TCEQ) responsible for the regulation of the handling, transportation, storage, and disposal of medical waste and defines the term.

The legislation requires the TCEQ to accomplish the purposes of the Solid Waste Disposal Act by requiring a permit, registration, or other authorization for and otherwise regulating the handling, storage, disposal, and transportation of medical waste, and sets applicable standards.

Also, the provisions include requiring medical waste facilities, on-site treatment services, and mobile treatment units that send treated medical waste and treated medical waste including sharps or residuals of sharps, other than home generated wastes, to a solid waste landfill to include a statement to the landfill that the shipment has been treated by an approved method in accordance with a specified Texas Administrative Code provision.

Furthermore, the law amends the Water Code to redefine "medical waste," for purposes of statutory provisions relating to certain criminal offenses and penalties relating to water administration, as having the meaning assigned under the bill's provisions.



HB 2598: Steel Slag as Solid Waste

Rep. John Kuempel

Amends the Health and Safety Code to prohibit the Texas Commission on Environmental Quality (TCEQ) from considering steel slag as solid waste if the steel slag is an intended output or result of the use of an electric arc furnace to make steel, introduced into the stream of commerce, and managed as an item of commercial value, including through a controlled use in a manner constituting disposal, and not as discarded material.

HB 2763: Studying Economic Impacts of Recycling

Rep. Ed Thompson

Requires the Texas Commission on Environmental Quality (TCEQ) to conduct a study on the current and potential economic impacts of recycling, including state and local revenue that may be considered lost because recyclable materials are not recycled.

The law prescribes requirements for the study and requires the TCEQ, to the extent practicable, to use methodologies developed for other recycling studies performed in Texas in performing the study. The bill requires the TCEQ to prepare a written report on the results of the study and include the report in the 2016 summary report titled "Municipal Solid Waste in Texas: A Year in Review."

Water Quality and Pollution Control

HB 949: Retail Public Utility Mitigation of System Water Losses

Rep. Eddie Lucio, III

Amends the Water Code to authorize the Texas Water Development Board (TWDB), on the request of a retail public utility providing potable water that receives financial assistance from the TWDB and if such a utility's system water loss meets or exceeds a certain threshold based on a water audit, to waive the requirement that the utility use a portion of the financial assistance to mitigate the utility's system water loss if the TWDB finds that the utility is satisfactorily addressing the water loss.

HB 1146: Public Water Supply System Operators

Rep. Kyle Kacal

Amends the Health and Safety Code to authorize a volunteer to be the licensed operator of a public water supply system. The bill requires the owner or manager of a public water supply system that is operated by a volunteer to maintain a record of each volunteer operator showing the volunteer's name and contact information and the time period for which the volunteer is responsible for operating the water supply system.

The legislation also requires a person who operates a public water supply on a volunteer basis to hold the appropriate occupational registration issued by the Texas Commission on Environmental Quality (TCEQ).

HB 3264: Operation of a Domestic Wastewater Treatment Facility

Rep. Ryan Guillen

Authorizes the Texas Commission on Environmental Quality (TCEQ) to issue an emergency order suspending operations of a treatment facility that handles waste and wastewater from humans or household operations, when it is required to obtain a permit from TCEQ, and is operating without the required permit.



SB 789: Provision of Sewer Service Without First Obtaining a Certificate of Public Convenience and Necessity

Sen. Kevin Eltife

Authorizes certain municipalities to provide sewer service to an area entirely within the municipality's boundaries without first having to obtain from the Texas Commission on Environmental Quality (TCEQ) a Certificate of Public Convenience and Necessity that includes the area to be served, regardless of whether the area to be served is certificated to another retail public utility.

The provisions limit the applicability to a municipality with a population of more than 95,000, that owns and operates a utility that provides sewer service, that has an area within the boundaries of the municipality that is certificated to another retail public utility that provides sewer service, and that is located in a county that borders Lake Palestine and has a population of more than 200,000.

SB 912: Wastewater Facility Reporting Requirements

Sen. Kevin Eltife

Amends the Water Code to exempt an individual required to notify the Texas Commission on Environmental Quality (TCEQ), local government officials, and local media of certain accidental discharges or spills which cause or may cause pollution from such requirement if the discharge or spill is:

- A single accidental discharge or spill of treated or untreated domestic wastewater that occurs at a wastewater treatment or collection facility owned or operated by a local government;
- Has a volume of 1,000 gallons or less;
- Is not associated with another simultaneous accidental discharge or spill;
- Is controlled or removed before the accidental discharge or spill enters water in Texas or adversely affects a public or private source of drinking water;
- Will not endanger human health or safety or the environment; and
- Is not otherwise subject to local regulatory control and reporting requirements.

The law requires the TCEQ by rule to establish standard methods for calculating the volume of an accidental discharge or spill and requires the individual to calculate the volume of an accidental discharge or spill using an established standard method to determine whether the discharge or spill is exempted from the notification requirements.

In addition, the legislation requires the individual to submit to the TCEQ at least once each month a summary of exempted accidental discharges and spills that occurred during the preceding month, and requires the TCEQ by rule to consider the compliance history of the individual and establish procedures for formatting and submitting a summary, including requirements that a summary include the location, volume, and content of each accidental discharge or spill.



SB 1101: Groundwater Impacts on Public Health

Sen. Kevin Eltife

Amends the Water Code to require a regional water planning group's regional water plan be consistent with the desired future conditions adopted for the relevant aquifers located in the regional water planning area, and to require the regional water planning group to determine the supply of groundwater for regional planning purposes if no groundwater conservation district exists within the area of the regional water planning group.





U.S. Virgin Islands

Energy Legislation

Natural Gas and Petroleum

B 21: Appropriation for Litigation Costs

Sen. Marvin Blyden

Appropriates \$1,000,000, to the Office of the Governor for litigation costs and legal fees directly related to the litigation between the government and Hess Oil V.I. Corp., HOVENSA, LLC, and Petroleos de Venezuela, PDVSA V.I., Inc., and related refining entities.





U.S. Virgin Islands

Environmental Legislation

Coastal Zone Management

B 17: Marine Tourism

Sen. Janette Millin Young

Recognizes that there is an important public interest in facilitating boating activities, marine tourism, marine-related industries, and access to the Virgin Island's marine and coastal resources. The bill gives the Department of Tourism broad powers to develop and promote tourism generally, mandates focus on developing, promoting, and marketing marine tourism, and encouraging growth of marine-related industries. The measure requires the Commissioner of Tourism to appoint or hire employees, subject to availability of funds, to compete globally for the marine tourism market and attract more international regattas, boat shows, yachting, sport fishing, and related marine industries. The bill requires the Department of Tourism to develop innovative marketing tools and coordinate and participate in marketing efforts to enhance the competitiveness of the Virgin Islands as a marine tourism destination through diversifying products and services.

B 127: Permitted Dredging

Sen. Neville A. James

Ratifies Major Coastal Zone Permit No. CZX-2-15(W) issued by the Virgin Islands Port Authority to dredge approximately 38,800 cubic yards of material from within the existing Schooner Bay Channel located in the Christiansted Harbor, St. Croix, Virgin Islands.

B 128: Development and Occupancy Permit

Sen. Neville A. James

Ratifies Major Coastal Zone Permit No. CZX-31-14L&W issued by the Port Authority for the development, occupancy at, and seaward of Plot No. 10 Water Gut Reclaimed Land in Christiansted, St. Croix.





Virginia

Energy Legislation

Alternative Energy Development

HB 1297: Machinery Used for Renewable Energy Production

Del. Sam Rasoul

Creates a separate class of property for purposes of the Machinery and Tools Tax for machinery and tools owned by a business and used directly in producing or generating renewable energy. Renewable energy means energy derived from sunlight, wind, falling water, biomass, sustainable or otherwise, energy from waste, landfill gas, municipal solid waste, wave motion, tides, or geothermal power, but does not include energy derived from coal, oil, natural gas, or nuclear power.

Localities are authorized to levy a tax on this separate class of property at a different rate from that levied on other machinery and tools, but which does not exceed the rate for the general class of machinery and tools. The rate of tax does not apply to machinery and tools owned by public service corporations, unless such rate of tax would result in a lower property tax on such machinery and tools.

HB 1446/SB 801: Clean Energy Improvements Financing

Del. Daniel Marshall, III; Sen. John Watkins

Expands the requirements of a local ordinance authorizing contracts to provide loans for clean energy improvements. The bill adds water efficiency improvements to the list of improvements for which loans may be offered; allows a locality to contract with a third party to administer the loan program; and requires a locality to identify any administrative fee it intends to impose on participants and sets parameters for the imposition of that fee. The legislation also details the priority, enforceability, and other characteristics of the lien, now called a voluntary special assessment lien, that a locality is permitted to place against the property where the clean energy systems are installed. Finally, the measure directs the Department of Mines, Minerals, and Energy (DMME) to develop underwriting guidelines for local loans made to finance clean energy improvements. The DMME must finalize the guidelines by December 1, 2015, incorporating input from certain groups representing real estate, energy efficiency, banking, and other interests or industries and evaluating certain specific criteria. This bill is a recommendation of the Virginia Housing Commission.

HB 1843/SB 1037: Green Job Tax Credit Extension

Del. Matthew James; Sen. Emmett Hanger, Jr.

Extends the sunset date for the Green Job Creation Tax Credit for three years, from January 1, 2015, to January 1, 2018. Under the tax credit's structure, taxpayers may claim an income tax credit of \$500 for each new green job created in Virginia with a salary of \$50,000 or more. The credit is allowed for the taxable year in which the job has been filled for at least one year and for each of the four succeeding taxable years provided the job is continuously filled during the respective taxable year. Green jobs include employment in industries relating to the field of renewable, alternative energies. Each taxpayer is allowed the credit for up to 350 jobs. Taxpayers may qualify for this credit and the Enterprise Zone Grant Program, but a taxpayer is not allowed a tax credit for any green job for which the taxpayer is allowed a major business



facility job tax credit or a federal tax credit for investments in manufacturing facilities for clean energy technologies.

HB 1950/SB 1395: Net-Metering

Del. Jennifer McClellan; Sen. Rosalyn Dance

Increases, from 500 kilowatts to one megawatt, the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer that may be eligible for participation in the utility's net energy metering program. In addition, the capacity of any generating facility installed under this section after July 1, 2015, may not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available. The measure also (i) requires any eligible customer-generator seeking to participate in net energy metering to notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility and (ii) clarifies requirements regarding the customer-generator's obligation to bear the costs of equipment required for the interconnection to the supplier's electric distribution system. The change to the definition of an eligible customer-generator affects the definition of a qualified energy project as used in the Virginia Small Business Financing Act.

HB 2237: Purchasing of Solar Generation

Del. David Yancey

Authorizes an investor-owned electric utility that purchases a generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, to recover the costs of acquiring the facility, with an enhanced rate of return on equity, through a rate adjustment clause. A utility filing a petition for approval of such a project may propose a rate adjustment clause based on a market index in lieu of a cost of service model for such facility. The measure also states that (i) the construction or purchase by a utility of one or more generation facilities with at least one megawatt of generating capacity, and with an aggregate rated capacity that does not exceed 500 megawatts, that use energy derived from sunlight and are located in the commonwealth, regardless of whether any of such facilities are located within or without the utility's service territory, and (ii) planning and development activities for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from sunlight with an aggregate capacity of 500 megawatts, are in the public interest.

HB 2267: Virginia Solar Energy Development Authority

Del. Timothy Hugo

Creates the Virginia Solar Energy Development Authority to facilitate, coordinate, and support the development of the solar energy industry and solar-powered electric energy facilities in the commonwealth. The authority is directed to do so by developing programs to increase the availability of financing for solar energy projects, facilitate the increase of solar energy generation systems on public and private sector facilities in the commonwealth, promote the growth of the Virginia solar industry, and provide a hub for collaboration between entities to partner on solar energy projects. The authority will be composed of 11 members, of whom six will be appointed by the Governor, three will be appointed by the Speaker of the House, and two will be appointed by the Senate Committee on Rules. Members may be representatives of solar businesses, solar customers, renewable energy financiers, state and local government solar customers, and solar research academics.

The authority is charged with, among other tasks, (i) identifying existing state and regulatory or administrative barriers to the development of the solar energy industry; (ii) collaborating with



entities such as higher education institutions to increase the training and development of the workforce needed by the solar industry in Virginia, including industry-recognized credentials and certifications; (iii) applying to the U.S. Department of Energy for loan guarantees for such projects; and (iv) performing any other activities as may seem appropriate to increase solar energy generation in Virginia and the associated jobs and economic development and competitiveness benefits. These activities include assisting investor-owned utilities in the planned deployment of at least 400 megawatts of solar energy projects in the commonwealth by 2020 through entering into agreements in its discretion in any manner provided by law for the purpose of planning and providing for the financing or assisting in the financing of the construction or purchase of solar energy projects that are authorized pursuant to a provision of Chapter 23 of Title 56.

The Director of the Department of Mines, Minerals and Energy may utilize non-state-funded support to carry out any duties assigned to the director. Funding may be provided by any source, public or private, for the purposes for which the authority is created. The bill has a sunset date of July 1, 2025.

Coal and Minerals

HB 2058: Coalbed Methane Escrow Funds

Del. Terry Kilgore

Requires an operator of a previously pooled coalbed methane gas well to request, by the beginning of 2016, the release of any funds held in escrow or suspense to the person who possesses a claim through a gas title. A coal claimant may halt such a release of funds by providing evidence that the coal and gas claimants have reached an agreement or that a proceeding against the gas claimant is pending. For a well that is pooled after July 1, 2015, the bill requires the operator to pay royalties directly to the gas claimant unless the coal claimant provides evidence of an agreement or a proceeding within a certain time. The Virginia Oil and Gas Board, under certain conditions, is authorized to extend the time for the payment of funds held in escrow and is not required to order payment if the gas claimant fails to provide information needed by the board in order to distribute the funds. The bill also provides that it shall not create a fiduciary duty or extinguish any cause of action, including an action for an accounting.

HB 2257/SB 1366: Mine Safety

Del. Todd Pillion; Sen. A. Benton Chafin

Provides that mine-wide tracking systems, firefighting, and fire sensor equipment be maintained and in usable and operative conditions and that electric equipment be maintained in safe operating condition at all times while it is being used, and any unsafe condition shall be corrected promptly or the equipment shall be removed from service. The bill also provides that mine foremen are responsible for compliance with health and safety requirements and are responsible for ensuring that every miner is aware of all hazardous conditions prior to working at the mine.

Emergency Management and Homeland Security

HB 1386: Disaster Relief Assistance

Del. Lee Ware

Provides that out-of-state businesses and employees who come into the commonwealth solely for the purpose of performing disaster-related or emergency-related work in response to a declared disaster or emergency shall not be subject to state or local taxes or registration



requirements. However, nothing in the bill is to be construed as to change the obligation of the business or employee to be subject to withholding or pay income taxes in the employee's home state during the disaster response period. Upon request, the State Corporation Commission may require such a business to provide certain information. The commission is required to maintain a record of such information and to make the record available to the public. The bill contains an emergency clause.

HB 1522/SB 778: Fuel Supply Protocol During Emergencies

Del. Kathy Byron; Sen. Stephen Newman

Directs certain state agencies to establish a protocol for a declaration of a state of emergency for resource shortages that adversely affect the delivery of motor fuels, gasoline, diesel, kerosene, number one and number two heating oils, or liquid propane gas and to report on such protocol by the first day of the 2016 Session.

SB 1238: Electromagnetic Pulses and Geomagnetic Disturbances

Sen. Bryce Reeves

Requires the Department of Emergency Management, in carrying out its duties related to disaster preparedness planning and response, to specifically plan for disasters caused by electromagnetic pulses and geomagnetic disturbances.

Energy Efficiency

HB 1345: Tax Exemption for Certain Light Bulbs

Del. Betsy Carr

Expands the list of qualified products that are exempt from sales and use tax during the Energy Star and WaterSense tax holiday to include all Energy Star light bulbs. Under prior law, only Energy Star compact fluorescent light bulbs were exempt.

Natural Gas and Petroleum

HB 1475/SB 1163: Recovery of Costs for System Expansion

Del. Lee Ware; Sen. Richard Saslaw

Establishes a procedure under which a natural gas utility may seek State Corporation Commission (SCC) approval of a system expansion plan that includes, among other things, a schedule for recovery of eligible system expansion infrastructure costs through a system expansion rider and a methodology for deferral of unrecovered eligible system expansion costs. A system expansion plan and system expansion rider must allocate and charge costs in accordance with cost causation principles in order to avoid any undue cross-subsidization between rate classes. The SCC is barred from examining other revenue requirement or ratemaking issues in its consideration of the natural gas utility's application. Costs recovered under the legislation will be in addition to all other costs that the natural gas utility is permitted to recover, may not be considered an offset to other approved costs of service or revenue requirements, and cannot be included in any computation relative to a performance-based regulation plan revenue-sharing mechanism. The measure does not apply to interstate pipeline companies regulated by the Federal Energy Regulatory Commission. Construction projects undertaken pursuant to this measure are required to be completed in accordance with standards filed with the Department of Environmental Quality.

HB 1705/SB 1308: Local Gas Severance Tax Extension

Del. Will Morefield; Sen. A. Benton Chafin

Extends the sunset date from December 31, 2015, to January 1, 2018, for the local gas severance



tax that is dedicated to (i) the local Coal and Gas Road Improvement Fund, (ii) the Virginia Coalfield Economic Development Fund, and (iii) water, sewer, and natural gas systems and lines. The localities that comprise the Virginia Coalfield Economic Development Authority may impose a local gas road improvement tax that is capped at a rate of one percent of the gross receipts from the sale of gases severed within the locality. The revenues generated from this tax are allocated as follows: 75 percent are paid into a special fund in each locality called the Coal and Gas Road Improvement Fund, where at least 50 percent are spent on road improvements and 25 percent may be spent on new water and sewer systems or the construction, repair, or enhancement of natural gas systems and lines within the locality; and the remaining 25 percent of the revenue is paid to the Virginia Coalfield Economic Development Fund. The Virginia Coalfield Economic Development Authority is comprised of the City of Norton, and the Counties of Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise.

SB 1331: Natural Gas Conservation and Ratemaking Efficiency Act

Sen. Chapman Petersen

Requires the State Corporation Commission, when determining whether a natural gas conservation or energy efficiency program is cost-effective, to assign administrative costs associated with the conservation and ratemaking efficiency plan to the portfolio as a whole. The measure requires the assignment of education and outreach costs associated with each program in a portfolio of programs to such program, and not to individual measures within a program, when such administrative, education, or outreach costs are not otherwise directly assignable. The measure also provides that a cost-effective conservation and energy efficiency program shall not include a program designed to convert propane customers to natural gas.

Utilities

HB 1613: Utility Cost Reimbursement Program

Del. Jeffrey Campbell

Expands the population bracket limiting the counties to which the utility cost reimbursement program applies from a population of 32,000 - 34,000 to 30,000 - 34,000 for the secondary highway system.

HB 2289: Electric Utility Vehicle Lights

Del. Thomas Wright, Jr.

Provides that any electrical service utility vehicle owned and operated by a public utility and having a gross vehicle weight rating greater than 15,000 pounds may be equipped with clear auxiliary lights mounted on the lower portion of the vehicle and aimed downward for the exclusive use of ground lighting. The lights are not to be used in a manner that may blind or interfere with the vision of the drivers of approaching vehicles, and in no event are such lights to be lighted while the vehicle is in motion.

SB 1334: Electric Utility Cost Recovery

Sen. A. Benton Chafin

Permits investor-owned electric utilities to recover from certain customers, through a rate adjustment clause, the projected and actual costs of designing, implementing, and operating State Corporation Commission-approved programs that accelerate the vegetation management of distribution rights-of-way. The measure provides that these costs shall not be allocated to or recovered from certain classes of large customers.

SB 1349: Suspension of Regulatory Reviews of Utility Earnings

Sen. Frank Wagner

Bars the State Corporation Commission (SCC) from conducting a biennial review of the rates, terms, and conditions for any service of (i) Dominion Virginia Power for the five test periods beginning January 1, 2015, and ending December 31, 2019, and (ii) Appalachian Power for the four test periods beginning January 1, 2014, and ending December 31, 2017 (the Transitional Rate Period). An investor-owned incumbent electric utility's existing tariff rates may not be adjusted between the beginning of the Transitional Rate Period and the conclusion of the first biennial review after the conclusion of the Transitional Rate Period, except as permitted for fuel factor and purchased power cost adjustments, rate adjustment clauses, and emergency temporary rate increases.

During the Transitional Rate Period, the SCC shall have the right to inspect the books, papers, and documents of any such utility and to require it to provide special reports and statements concerning its business. The SCC is directed to conduct two biennial proceedings for each such utility during the Transitional Rate Period to determine what constitutes the utility's fair rate of return on common equity for use in connection with rate adjustment clauses. Dominion Virginia Power is prohibited from recovering from customers 50 percent of certain deferred fuel expenses, and the SCC is required to reduce the utility's fuel factor rate.

Except for early retirement plans identified in an integrated resource plan filed by September 1, 2014, an electric utility may not permanently retire an electric power generation facility from service during the Transitional Rate Period without first obtaining the SCC's approval, which may be granted if the SCC determines that the retirement is reasonable and prudent. During the Transitional Rate Period, an electric utility must recover the costs associated with asset impairments related to early retirement determinations for utility generation facilities resulting from the implementation of carbon emission guidelines for existing electric power generation facilities issued pursuant to § 111(d) of the Clean Air Act, costs associated with severe weather events, and costs associated with natural disasters, only through its existing tariff rates for generation or distribution services. During the Transitional Rate Period, the SCC and Department of Environmental Quality must provide reports that address issues related to the implementation of such carbon emission guidelines issued pursuant to the federal Clean Air Act.

The measure also (i) authorizes a utility to recover, through a rate adjustment clause, the costs of constructing or purchasing solar energy facilities, and (ii) requires Dominion Virginia Power and Appalachian Power to conduct and fund pilot programs for energy assistance and weatherization for low-income, elderly, and disabled individuals in their respective service territories in the commonwealth. The measure also requires each electric utility to file updated integrated resource plans by July 1, 2015, and thereafter each May 1; currently, such updates are required to be filed biennially. The plans must consider options for maintaining and enhancing rate stability, energy independence, economic development including retention and expansion of energy-intensive industries, and service reliability. In preparing a plan, a utility is required to evaluate the effect of current and pending environmental regulations upon the continued operation of existing electric generation facilities or options for construction of new electric generation facilities and the most cost effective means of complying with current and pending environmental regulations.

SB 1435: Eminent Domain

Sen. Creigh Deeds

Requires that any and all liability for lost profits claimed in an action for compensation pursuant to a taking under eminent domain be set forth specifically in the award for just compensation and that in a partial acquisition, in the event that the owner of the property being condemned



and the owner of the business or farm operation claiming lost profits are the same, then any enhancement shall be offset against both damage to the residue and lost profits. The bill also defines lost profits as a loss of business profits for a period not to exceed three years from the date of valuation if there is a partial taking and for a period not to exceed one year from the date of valuation if the entire parcel of property is taken.

SB 1466: Commission on Electric Utility Regulation

Sen. Thomas Norment, Jr.

Postpones the scheduled expiration of the Commission on Electric Utility Regulation from July 1, 2015, to July 1, 2018.





Virginia

Environmental Legislation

Air Quality and Pollution Control

HB 1341/SB 1218: Motor Vehicle Emissions Inspection Program

Del. Edward Scott; Sen. Bryce Reeves

Exempts autocycles that have not been emissions certified with an on-board diagnostic system by the U.S. Environmental Protection Agency from the motor vehicle emissions inspection program.

HB 1551/SB 702: Antique Motor Vehicles

Del. Matthew Fariss; Sen. Richard Black

Exempts an antique motor vehicle manufactured prior to 1950, provided that the engine is comparable to that designed as standard factory equipment for that particular vehicle and that the exhaust system is in good working order, from the requirement that motor vehicle exhaust systems "prevent excessive or unusual noise."

HB 2246: Emissions from Wood Heaters

Del. Charles Poindexter

Prohibits the Air Pollution Control Board from adopting regulations that limit emissions from wood heaters. A wood heater is defined as a wood stove, pellet stove, woodfired hydronic heater, wood-burning forced-air furnace, or masonry wood heater designed for heating a home or a business. The bill further defines that a wood heater has either (i) uncontrolled fine particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometers (PM_{2.5}) emissions of less than 10 tons per year or with a maximum heat input of less than 1,000,000 Btu/hr or (ii) uncontrolled fine particulate matter with an aerodynamic diameter less than or equal to 10 micrometers (PM₁₀) emissions of less than 15 tons per year or with a maximum heat input of less than 1,000,000 Btu/hr. The bill also prohibits the board from enforcing any federal regulation limiting emissions from wood heaters that was adopted after May 1, 2014.

SB 869: Emissions from Diesel Incinerators

Sen. John Cosgrove

Exempts carbon monoxide emissions of certain diesel-powered incinerators from certain permitting regulations of the State Air Pollution Control Board. An incinerator whose emissions are exempted must be installed prior to July 1, 2015, owned by a locality, and used exclusively for the incineration of animal carcasses collected from public rights-of-way. The provisions of the bill expire on July 1, 2019.

Coastal Zone Management

HB 1324: Boating Safety Education Course Exemption

Del. Mark Cole

Exempts a motorboat operator who is serving or has served in any branch of the Armed Forces, the U.S. Navy, Coast Guard, or Merchant Marine as an Officer of the Deck Underway, a boat coxswain, boat officer, boat operator, watercraft operator, or Marine Deck Officer from the boating safety education course requirement.



HB 1535: Watershed Implementation Plans

Del. David Bulova

Repeals the requirement that the Secretary of Natural Resources report annually to certain standing committees and the Virginia delegation to the Chesapeake Bay Commission on Chesapeake Bay tributary plans. The tributary plans have been replaced by the Watershed Implementation Plans.

HB 1536: Tributary Strategy Plans

Del. David Bulova

Removes out-of-date references to the tributary strategy plans that appear in the Virginia Water Quality Improvement Act of 1997. The tributary strategy plans have been replaced by the Chesapeake Bay TMDL Watershed Implementation Plan as the approach for cleaning up the Chesapeake Bay.

HB 1734: Loans for Living Shorelines

Del. Keith Hodges

Authorizes the State Water Control Board to provide loans from the Virginia Water Facilities Revolving Fund to (i) a local government for the purpose of establishing living shorelines that protect or improve water quality and prevent water pollution or (ii) a local government that has developed a funding program to provide low-interest loans or other incentives to individuals to assist in establishing living shorelines.

HB 1784: Port Authority Expenditures

Del. James P. "Jimmie" Massie, III

Restricts expenditures by the Virginia Port Authority (VPA) on capital projects to those located on real property that is owned, leased, or operated by the VPA. The restriction would not apply to projects related to agreements with the US Army Corps of Engineers, local government grants, or specified access road or rail projects.

HB 1811: Harvesting of Clams

Del. Robert Bloxom, Jr.

Authorizes the Marine Resources Commission to issue permits for the possession and use of a handheld hydraulically operated device for harvesting cultured clams from leased grounds.

HB 1812: Chesapeake Bay reporting Requirements

Del. Robert Bloxom, Jr.

Updates the requirements for the annual report concerning the Chesapeake Bay prepared by the Secretary of Natural Resources by substituting the recently agreed-to 2014 Chesapeake Bay Watershed Agreement for the Chesapeake Bay 2000 Agreement, which is now obsolete. The recipients of the report are also updated under the legislation.

HB 2067: Daylighted Streams

Del. Vivian Watts

Provides that the State Water Control Board (SWCB), when developing the criteria for a Resource Protection Area (RPA) under the Chesapeake Bay Preservation Act, shall not require that a daylighted stream become an RPA. The bill requires any locality that does not designate an RPA adjacent to a daylighted stream to use a water quality impact assessment to ensure that development adjacent to the stream does not result in the degradation of the stream. The locality's assessment must (i) be consistent with the SWCB's criteria for water quality impact assessments in RPAs, (ii) identify the impacts of proposed development on water quality, and (iii) determine measures to mitigate adverse impacts. The bill defines a daylighted stream as a stream that has been previously diverted into a culvert, pipe, or other underground drainage



system, and is redirected into an aboveground channel using natural channel design concepts. The bill does not limit a locality's authority to include such a stream within an RPA.

HB 2195: Revocation of Fishing Privileges

Del. Scott Lingamfelter

Authorizes the Marine Resources Commission to revoke the privilege to fish in tidal waters of any person who has been convicted of unlawfully taking oysters or other shellfish from oyster grounds. Currently, such a conviction only results in the revocation of a person's tidal fishing license. The bill also increases from two years to five years the maximum duration of the revocation of a fishing license or the privilege to fish in tidal waters. The legislation also authorizes the commission to assess a civil penalty not to exceed \$10,000 against a person if it finds that the person has engaged in fishing other than for recreational purposes during the revocation period. The bill requires the commission to consider the person's history of violating the conservation, health, and safety laws or regulations in setting the amount of the civil penalty.

HB 2273/SB 1358: Police Powers of the Virginia Port Authority

Del. Christopher Stolle; Sen. Jeffrey McWaters

Clarifies the police powers of the Virginia Port Authority (VPA) by stating that VPA may employ special police officers on property owned, leased, or operated by VPA or its subsidiaries. Under prior law, the code grants such authority on VPA property, but it is not clear if the authority extends to property leased or operated by VPA. In addition to the terminal facilities owned by VPA, VPA leases a marine terminal in Portsmouth and operates the Port of Richmond.

SB 1007: Economic Development for the Port of Virginia

Sen. John Watkins

Allows a qualified company to receive a second grant from the Port of Virginia Economic and Infrastructure Development Grant Fund if the company locates or expands an additional facility within the commonwealth, creates at least 300 new permanent full-time positions at the additional facility, and increases cargo volumes through the Port of Virginia by at least five percent.

SB 1030: Virginia Marine Resources Commission Conveyance

Sen. Ryan McDougle

Authorizes the Virginia Marine Resources Commission to convey to Virginia Electric and Power Company (Dominion Virginia Power) an easement and rights-of-way needed for constructing and maintaining an overhead electric transmission line across the Rappahannock River in Middlesex and Lancaster Counties. The bill provides that none of the right-of-way property that lies within the Baylor Survey shall be considered part of the natural oyster beds, rocks, and shoals of the commonwealth. The bill contains an emergency clause.

SB 1201: Dredging Operations in the Chesapeake Bay Watershed

Sen. Frank Wagner

Directs the State Water Control Board (the Board) to establish a procedure for the approval of dredging operations in the Chesapeake Bay watershed as a method by which to meet pollutant reduction and loading requirements. The bill provides that before the board is required to establish the procedure, the Chesapeake Bay Program shall first approve the procedure as a creditable practice for pollutant removal. The bill requires that dredging operations comply with all applicable laws. The measure also provides that any locality imposing certain stormwater fees may make funds available for stormwater maintenance dredging, including at the point of discharge, where stormwater has contributed to the deposition of sediment in state waters.



SB 1203: Chesapeake Bay Watershed Implementation Plan

Sen. Frank Wagner

Directs state agencies to remove the Little Creek watershed from inclusion in the James River Basin for purposes of the Chesapeake Bay Watershed Implementation Plan.

SB 1284: Watershed Implementation Plans

Sen. Emmett Hanger, Jr.

Replaces the tributary strategies for cleaning up the Chesapeake Bay and its tributaries, which were last prepared in 2003-2004, with the Watershed Implementation Plans (WIPs) developed pursuant to the Chesapeake Bay total maximum daily load (TMDL). The bill authorizes the Secretary of Natural Resources to oversee the development and implementation of the WIPs.

SB 1461: Waterfowl Blinds in Virginia Beach

Sen. Frank Wagner

Exempts persons holding a waterfowl blind license for a blind located in Virginia Beach from the requirement to remove his blind when his license expires, if he notifies the Department of Game and Inland Fisheries that he intends to renew the license. Licenses for blinds in Virginia Beach that have expired in 2014 and thereafter may be renewed by the license holder up to one year after such license expired. The bill requires that the licensee pay a late fee of \$75 for each license renewed.

SB 1464: Management of the Menhaden Fishery

Sen. Lynwood Lewis, Jr.

Authorizes the Governor to implement by proclamation a revised quota for menhaden landings if the Atlantic States Marine Fisheries Commission acts to increase the total allowable landings during a specific time period and removes a general set of proclamation requirements. The bill also removes the July 1, 2016, sunset date for management of the menhaden fishery and contains an emergency clause.

Environmental Health Services

HB 1723: Radon Testing Provisions

Del. Marcus Simon

Updates and clarifies provisions governing the credentialing of individuals who may conduct or offer to conduct radon screening, testing, or mitigation in the commonwealth. Also, the measure revises governing the standards for radon testing in the commonwealth.

HB 2094: Building Code Violations

Del. Christopher Peace

Provides that prosecutions for Uniform Statewide Building Code violations relating to the maintenance of existing buildings or structures shall commence within one year of the issuance of a notice of violation for the offense by the building official. Under current law, such prosecutions shall commence within one year of the discovery of the offense by the building official.

HB 2103: Requirements for Home Inspectors

Del. Christopher Peace

Makes it unlawful for any person who is not a certified home inspector and who has not successfully completed the training module required by § 54.1-517.2 to conduct a home inspection on any new residential structure. The bill also authorizes the Virginia Board for Asbestos, Lead, and Home Inspectors (the Board) to issue a certificate to practice as a certified



home inspector to any applicant who, in addition to other requirements, has submitted satisfactory evidence that he has successfully completed such training module, which the bill requires the board to develop in conjunction with the Department of Housing and Community Development, based on the International Residential Code component of the Virginia Uniform Statewide Building Code. The bill has a delayed effective date of July 1, 2016, with the exception of provisions relating to the development of the training module, which become effective in due course.

HB 2283: Building Code Enforcement on Indian Reservations

Del. Keith Hodges

Authorizes a state-recognized Indian tribe to be responsible for the enforcement of the Uniform Statewide Building Code (USBC) on any Indian reservation recognized by the commonwealth if the Indian tribe has adopted the USBC by tribal ordinance and (i) assumed sole responsibility for existing buildings and new construction on the reservation and (ii) retained firms or individuals to function as the building official for purposes of enforcing the ordinance.

SB 1001: Restrictions on the Sale of Pets

Sen. William Stanley, Jr.

Prohibits the sale or display of a dog or cat on or in a roadside, parking lot, flea market, or similar place, with certain exceptions. The bill limits the sources of pet shop dogs to humane societies, public or private animal shelters, and those who meet certain qualifications, and establishes a recordkeeping requirement for pet shops selling dogs. The bill also applies the existing misdemeanor penalty for a violation of the section to each dog sold or offered for sale.

SB 1204: Secondhand Building Materials

Sen. Frank Wagner

Exempts the donation of certain secondhand material from requirements otherwise applicable to transactions involving such materials, when the materials are donated by their owner or the owner's contractor or subcontractor to a nonprofit tax-exempt corporation. The sale of such material by the nonprofit corporation is likewise exempted from the requirements, which include obtaining a permit, keeping records of transactions, and making reports to law-enforcement officials. The exempted material consists of heating or plumbing fixtures or supplies, electrical fixtures or any wiring, gas fixtures or appliances, water faucets, pipes, locks, bathtubs, gutters, downspouts, or other secondhand fixtures pertaining to a building or structure.

Hazardous Waste and Substance Management

SB 811: Chemical Storage

Sen. John Watkins

Directs the Director of the Department of Environmental Quality, the State Health Commissioner, and the State Coordinator of Emergency Management to evaluate various existing laws and regulations to ensure that chemical storage is conducted in a manner that protects human health and the environment. The bill provides guidance regarding the areas that are to be evaluated by the three agency heads. The law has an expiration date of January 1, 2017.



Inland Water Resource Management and Conservation

HB 1424/SB 868: Delinquent Water Bills

Del. Daniel Marshall, III; Sen. A. Benton Chafin

Repeals a provision of the Virginia Water and Waste Authorities Act that limits a landlord's liability for a tenant's separately metered sewer or water charges to three delinquent billing periods of no more than 90 days in total. The repealed provision also prohibited a water or sewer authority from refusing service to the affected premises, or other premises of the landlord, on account of the delinquency as long as the landlord has paid the charges for which he is liable.

HB 1507: Virginia Scenic Rivers Systems

Del. James Edmunds, II

Designates a 38.6-mile segment of the Dan River as part of the Virginia Scenic Rivers System.

HB 1642/SB 775: Flood Plain Areas

Del. Christopher Stolle; Sen. Mamie Locke

Requires the owner's representation to a prospective purchaser of residential property under the Virginia Residential Property Disclosure Act that the owner makes no representations with respect to whether the property is located in one or more special flood hazard areas and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) review of any map depicting special flood hazard areas, and (iii) whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract.

HB 1686: Fishing for Large Mouth Bass

Del. Matthew Fariss

Directs the Board of Game and Inland Fisheries to add largemouth bass and other members of the sunfish family to the types of fish that may be raised and sold from privately owned facilities. No license to fish from such facility is required if the owner of the facility allows public fishing and has paid the permit fee.

HB 1817/SB 1079: Flood Protection Plan

Del. Christopher Stolle; Sen. Mamie Locke

Directs the Department of Conservation and Recreation to regularly update the flood protection plan for the commonwealth and to make the plan accessible online. This is a recommendation of the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding.

HB 1871: Registration of Wells

Del. David Bulova

Requires certified water well systems providers to register wells being constructed in ground water management areas with the State Water Control Board (SWCB) within 30 days of the completion of the well's construction. The bill requires the Department of Health (VDH) to provide the SWCB annually with a list of the wells that were permitted during the previous year and the SWCB to provide VDH annually with a list of the wells that were registered during the previous year.



HB 1924/SB 1341: Eastern Virginia Groundwater Management Advisory Committee

Del. Keith Hodges; Sen. Thomas Norment, Jr.

Establishes the Eastern Virginia Groundwater Management Advisory Committee (the Committee) to assist the Department of Environmental Quality (DEQ) in developing, revising, and implementing a management strategy for ground water in the Eastern Virginia Groundwater Management Area. The bill prohibits the State Water Control Board and the DEQ from issuing draft permits that would require reductions in the volume of permitted ground water withdrawals prior to December 31, 2015, unless otherwise agreed to by the permittee. The bill has a sunset date of January 1, 2018.

HB 2240: Blue Catfish

Del. Margaret Ransone

Makes it unlawful for any person to introduce into, stock in, or release into waters of the commonwealth, the blue catfish; however, a blue catfish may be released into the same water body in which it was caught. A violation of the provisions of the bill is a Class 2 misdemeanor.

Land Management and Conservation

HB 1277/SB 955: Industrial Hemp Production

Rep. Joseph Yost; Sen. Rosalyn Dance

Allows the cultivation of industrial hemp by licensed growers as part of a university-managed research program. The bill defines industrial hemp as the plant *Cannabis sativa* with a concentration of tetrahydrocannabinol (THC) no greater than that allowed by federal law, excludes industrial hemp from the definition of marijuana in the Drug Control Act, and bars the prosecution of a licensed grower under drug laws for the possession of industrial hemp as part of the research program. The bill directs the Commissioner of the Department of Agriculture and Consumer Services to adopt relevant regulations and establish an industrial hemp research program to be managed by public institutions of higher education.

HB 1483: Land Use Valuation

Del. Nick Rush

Permits localities to set acreage requirements less than the current five-acre requirement for agricultural property to qualify for land use valuation.

HB 1488: Easements under the Virginia Land Conservation Foundation

Del. Brenda Pogge

Allows a landowner or other party to a conservation easement to request that the Virginia Land Conservation Foundation use the Administrative Dispute Resolution Act to resolve a dispute relating to the interpretation of the easement.

HB 1516: Trapping Technology

Del. David Bulova

Requires the Board of Game and Inland Fisheries to adopt regulations allowing trappers to use remote trap-checking technology to check traps under specified conditions. Prior law required trappers to visit their traps either daily or, in the case of body-gripping traps that are completely submerged, once every 72 hours and remove all animals that have been caught in the traps.

HB 1542: Development of Statewide Trail System

Del. Scott Lingamfelter

Establishes an advisory committee of the Department of Conservation and Recreation to assist in developing and implementing a statewide system of attractive, sustainable, connected, and enduring trails for the perpetual use and enjoyment of citizens. The bill has a sunset date of January 1, 2021.

HB 1594: Outdoor Advertising

Del. Mark Cole

Allows county governing bodies to take over from the Commissioner of Highways the regulation of authorized outdoor advertising or notices that are on public park or school property owned by the county and are not visible from interstates or other components of the National Highway System.

HB 1724: Forest Products Tax

Del. Matthew Fariss

Revises the forest products tax by shifting the imposition of the tax to the first manufacturer using, consuming, processing, or storing the forest product for sale or shipment out of state. A manufacturer would be defined as any person that for commercial purposes at a fixed place of business i) processes forest products into various sizes and forms, including chips; ii) processes forest products into other products; iii) uses or consumes forest products; or iv) stores forest products for sale or shipment out of state. The bill would convert the rate of tax for chips and mulch to a cents per ton rate for loads consisting of pine and loads consisting of other species. The law also would impose the forest products tax on loads of chips and mulch consisting of both pine and other species, including products such as biomass chips and fuel chips, at the rate of \$0.10 per ton.

HB 1828/SB 1019: Land Preservation Tax Credit

Del. Lee Ware; Sen. John Watkins

Makes several changes to the land preservation tax credit by (i) reducing the maximum amount of tax credits that may be issued in each calendar year from \$100 million to \$75 million beginning in 2015; (ii) with the exception of credits issued for fee simple interest donations, reducing the maximum amount of the land preservation tax credit that may be claimed in any year from \$100,000 in taxable year 2014 to \$20,000 in taxable years 2015 and 2016 and \$50,000 for each taxable year thereafter; (iii) requiring that a complete application for the tax credit with regard to a conveyance be filed with the Department of Taxation by December 31 of the year following the calendar year of the conveyance; and (iv) prohibiting the Department of Taxation from issuing any tax credit for a donation from any allocation or pool of tax credits attributable to a calendar year prior to the year in which the complete tax credit application for the donation was filed.

HB 1898: Pulp, Paper, and Fertilizer Advanced Manufacturing Performance Grant Program

Del. Kirkland Cox

Creates the Pulp, Paper, and Fertilizer Advanced Manufacturing Performance Grant Program (Program), which would provide grants to any pulp, paper, and fertilizer manufacturer that invests at least \$2 billion in real or personal property and creates at least 2,000 new full-time jobs pursuant to a memorandum of understanding with the commonwealth. The total amount of grants paid under the program will not exceed \$20 million. Grants must be paid when the qualifying manufacturer attains the capital investment and job creation requirements included in the memorandum of understanding. The grants will be paid from the Pulp, Paper, and Fertilizer Advanced Manufacturing Performance Grant Program Fund, established in the bill.



HB 2072/SB 989: Transporting Forest Products

Del. Barry Knight; Sen. John Cosgrove

Establishes an overweight permit for hauling forest products and provides for the weight limits and the fee of \$130 for the permit.

HB 2111: Electronic Copies of Licenses

Del. Michael Futrell

Allows a person who is required to carry certain hunting, trapping, or fishing licenses or a hunter education certificate to meet the requirement by carrying an electronic copy of the relevant license or certificate. The bill requires a license for bear, deer, or turkey to be carried in hard copy.

HB 2331: Weasel Hunting and Trapping

Del. Michael Webert

Includes the fisher in the definition of "fur-bearing animals" for the purposes of hunting and trapping provisions of the Code of Virginia. The fisher (*Martes pennanti*), a small carnivorous mammal native to North America, is a member of the weasel family.

SB 1081: Roping of Horses

Sen. Jill Holtzman Vogel

Prohibits the intentional roping of or interference with the legs of an equine in order to cause it to trip or fall for the purpose of engagement in a rodeo or other contest or entertainment. The bill exempts from the prohibition such actions that are in the practice of accepted animal husbandry or for the purpose of allowing the administration of veterinary care. The bill makes a violation of the ban a Class 1 misdemeanor, with a second or subsequent violation constituting a Class 6 felony.

Reorganization and Coordination**HB 1859/SB 858: Breaks Interstate Park Commission**

Del. Todd Pillion; Sen. A. Benton Chafin

Establishes qualifications and procedures for the commissioning as conservation officers of employees of Breaks Interstate Park, a park located in both Kentucky and Virginia and administered by the Breaks Interstate Park Commission. The bill gives all conservation officers jurisdiction over Virginia portions of the park, with the agreement of the commission, and obligates conservation officers to uphold the rules and regulations of the commission.

HB 2019/SB 1359: Procurement by the Virginia Port Authority

Del. Mamyé BaCote; Sen. Jeffrey McWaters

Adds (i) conveyance and transfers of real property by state agencies and (ii) temporary transfers of use of property between state agencies and lease to private entities to the list of exemptions for the Virginia Port Authority. The bill also allows the board of commissioners of the authority to approve policies in order for the authority to have specified exemptions from the Public Procurement Act. Current law allows these exemptions only with board approval of regulations. The bill requires the Virginia Port Authority to develop policies or adopt regulations for the implementation of the bill's provisions no later than January 1, 2017, prior to which date the authority may exercise the authority granted by the bill subject to the approval of the Secretary of Transportation.



HB 2052: Interstate Pest Control Compact Repeal

Del. Mark Sickles

Repeals the Pest Control Compact which codified Virginia's participation in the Interstate Pest Control Compact (IPCC). The IPCC governing board voted to dissolve the compact in 2012.

HB 2226/SB 1376: Master Plans for State Parks

Del. James Edmunds, II; Sen. Emmett Hanger, Jr.

Changes the requirement that the Department and Board of Conservation and Recreation review and update the master plan for each state park from once every five years to once every ten years.

HB 2288: Virginia Tourism Authority

Del. Edward Scott

Adds the Secretary of Agriculture and Forestry as a member of the Board of Directors of the Virginia Tourism Authority.

HB 2293: Value Engineering

Del. Matthew James

Eliminates the need for a value engineering report for projects that (i) are designed utilizing either the design-build or construction management at risk basis and (ii) have the value engineering process as an integral component. The bill also eliminates the requirement that a designee of the Department of General Services (the Department) participate in all cost-saving decisions for such projects having a waiver granted by the director of the department. The bill requires that only a written summary of the cost savings that have been incorporated into the design be provided to the Division of Engineering and Buildings prior to moving forward to the construction phase of the contract.

Solid Waste**HB 1364/SB 1413: Testing and Monitoring of Land Application of Industrial Wastes**

Del. Christopher Peace; Sen. Rosalyn Dance

Allows localities to adopt ordinances that provide for the testing and monitoring of the land application of solid or semisolid industrial wastes. The bill requires the State Water Control Board (Board) to adopt regulations no later than January 1, 2016, requiring persons that land-apply industrial wastes to collect a fee from the generator of the industrial wastes and remit the fee to the Department of Environmental Quality (DEQ). The legislation sets the fee at \$5 per ton until altered by the board. The measure requires the board's regulations to include procedures for (i) collection of the fees by DEQ, (ii) deposit of the collected fees into the Sludge Management Fund, and (iii) disbursements from the fund to localities for the testing and monitoring of the industrial wastes. The DEQ is required to establish and implement a program to train the employees of the localities who will be responsible for testing and monitoring the land application of industrial wastes. The bill specifies the minimum instructional elements of the training program.

HB 1554/SB 1205: Recyclable Materials Tax Credit

Del. Daniel Marshall, III; Sen. Frank Wagner

Changes the recyclable materials tax credit by (i) extending the expiration date of the credit by five years to January 1, 2020; (ii) increasing the credit allowed from 10 to 20 percent of the purchase price of qualifying machinery and equipment; (iii) prohibiting denial of the credit based solely on another person's use of tangible personal property produced by the credit



applicant from recyclable materials; (iv) clarifying that no credit will be allowed for machinery and equipment that does not manufacture, process, compound, or produce items of tangible personal property from recyclable materials; and (v) establishing an annual cap of \$2 million in recyclable materials tax credits that may be issued by the Department of Taxation. The provisions of the bill are effective for taxable years beginning on or after January 1, 2015.

HB 2184/SB 1259: Salvage and Rebuilt Vehicles

Del. Ronald A. Villanueva; Sen. Stephen Newman

Enhances and clarifies certain requirements and practices relating to the licensing and activities of vehicle demolishers, rebuilders, salvage dealers, salvage pools, scrap metal processors, and vehicle removal operators.

HB 2342/SB 1430: Salvage Licenses

Del. Ronald Villanueva; Sen. John Cosgrove

Prohibits advertising to the public the sale, transport, delivery, removal, or receipt of a salvage or nonrepairable vehicle, or the major component parts of such vehicle, unless the seller is a licensee or an exempt individual. The bill requires a licensee advertiser to display its salvage license number in such advertisement and to state in any such advertisement placed in a newspaper, online, or by other electronic means the company's name, address, and telephone number in addition to its salvage license number.

Water Quality and Pollution Control

HB 1804: Septic Tank Permits

Del. Barry Knight

Provides that an owner of real property who (i) obtained a waiver to repair a failing onsite sewage system on or between July 1, 2004, and July 1, 2011, (ii) completed such repair, and (iii) desires to upgrade the system to meet the minimum regulatory requirements of the Board of Health that were in place on the date such waiver was obtained may request a waiver from all requirements established by the Board of Health after the date the initial waiver was obtained. The bill requires the Commissioner of Health to grant any request for such waiver.

HB 1827: Erosion and Sediment Control Act Exemption

Del. Edward Scott

Exempts routine highway maintenance projects of the Virginia Department of Transportation from the requirements of the Erosion and Sediment Control Act, including the reduction of flow runoff rates. The exemption is consistent with the exemption for similar routine highway maintenance projects under the Stormwater Management Program.

SB 1047: Stormwater Utility Fees

Sen. Emmett Hanger, Jr.

Provides that where two adjoining localities subject to a revenue sharing agreement each hold a permit to discharge stormwater from a municipal separate storm sewer system (MS4), a waiver of charges to a public entity for property that is covered by an MS4 permit shall also apply to property of each locality and of its school board that is accounted for in that locality's MS4 plan, regardless of whether such property is located within the adjoining locality.





West Virginia

Energy Legislation

Alternative Energy Development

HB 2001: Partial Repeal of the Alternative and Renewable Energy Portfolio Act

Del. Marty Gearheart

Repeals sections of the Alternative and Renewable Energy Portfolio Act of 2009 but retains language that creates net-metering for customer generators, which gives credits to customers with solar or wind power systems that generate electricity for the power grid.

The 2009 Act required power companies in the state to use fuels other than coal for a portion of their electricity production a decade from now. The law required power plants to reach thresholds for using alternative fuels, ultimately to account for 25 percent of electricity generated by 2025.

HB 2201: Net-Metering

Del. Woody Ireland

Requires the Public Service Commission to study the state's net energy metering policy rules, prevent it from causing a cost shift from solar owners to non-solar owners, and cap it at three percent of utility peak demand. The bill compels regulators to consider the costs and benefits of solar in their study of a possible cross-subsidization of solar owners by non-solar owners caused by net-metering.

HB 2227: Coal Heritage Authority

Del. Linda Phillips

Modifies the National Coal Heritage Area Authority. The legislation expands the number of member counties, increases the number of members, and allows county commissioners rather than the Governor to make the appointments. It also creates a chairperson of the organization, who is appointed by the Secretary of Education and the Arts.

Coal and Minerals

HB 2626: Abandoned Land Reclamation Fund

Del. Bob Ashley

Relates to the use of the Abandoned Land Reclamation Fund. It removes the 30 percent cap placed on abandoned mine land's (AML) waterline funding and increases from 10 percent to 30 percent the amount of the annual AML grant that can be retained in the Acid Mine Drainage (AMD) Set-Aside Fund. These changes bring AML into conformance with the 2006 amendments to the federal Surface Mining Control and Reclamation Act of 1977 (SMCRA).

SB 357: Creating Coal Jobs and Safety Act of 2015

Sen. Jeff Mullins

Revises multiple safety and environmental provisions relating to coal mining.



Equalization of Drug Testing Standards

Strengthens the drug testing program for all miners. Prior to the legislation, if miners failed a drug test they immediately lost their certification until they worked through an established appeal procedure before the Governor's appointed Coal Mine Board of Appeals. Others, under a collective bargaining agreement, did not immediately lose their certification upon failing a drug test. The measure removes those differences and now everyone in the industry will work under the same standard.

Movement of Mining Equipment Underground

Prior to the bill, the movement of mining equipment, except for sectional moves, was prohibited with men inby. The federal law allows for equipment moves with men inby even where energized trolley wire exists. The measure allows for equipment to be moved with men inby, as long as there is no energized trolley wire in the immediate area.

Track Maintenance

For mines that transport miners exclusively by track, prior law required the track to be no more than 500 feet from the face. However, the State Coal Mine Technical Review Committee and the Office of Miners' Health Safety and Training (OMHS&T) regularly granted variances, some of which extend up to 1,600 feet. The measure eliminates the administrative step of obtaining a variance by increasing the distance track must be maintained to 1,500 feet from the face. Under the legislation, two self-propelled vehicles must be readily available on each section and capable of transporting miners in case of an emergency.

Sideboards on Shuttle Cars with Cameras

The measure allows the use of sideboards on shuttle cars if those shuttle cars are equipped with cameras. Further, the director of the OMHS&T must give approval for manufacturer-specified sideboards without the use of cameras.

Termination of Diesel Commission

Prior to the bill, diesel equipment had to be approved by a six-member Diesel Commission. The measure removes unnecessary delays by abolishing the Diesel Commission and placing the testing, review, and approval of diesel equipment in the hands of the West Virginia Office of Miners Health, Safety, and Training, that currently does the inspection and final approvals before deployment.

Aluminum Standards to Hardness-based Standard

Prior to the legislation, the state's strict aluminum limit did not take into account anything but the pure amount of aluminum in the effluent. The legislation changes the aluminum limit to a hardness-based standard. The harder the water in the stream (i.e., natural positive ions like calcium) the less effect aluminum has on aquatic life.

Proposal of New Contemporaneous Reclamation Rules

Requests that the Department of Environmental Protection (DEP) revise their regulations on contemporaneous reclamation to match more closely the federal rules.

Requirement for New Inactive State Rules

Requests that the DEP revise their regulations on inactive state rules to match more closely the federal rules. Currently there is a three-year limit on putting a mine on inactive status, then reclamation must begin, while there is no time limit under federal rule.

Additional Methods for Refuse Impoundments

Allows mining companies to use other methods to construct refuse impoundments taking into consideration technological advancements.

Penalty Conformity

Conforms the state penalty process for National Pollutant Discharge Elimination System (NPDES) permits to that of EPA.

Permit as a Shield

Enacts “permit as a shield” language that DEP has placed in their water quality standard regulations. It will treat coal mining NPDES permits as every other industrial NPDES permit, meaning compliance with those standards/parameters specifically named in the permit.

Natural Gas and Petroleum

SB 280: Well Work Permit Transfers

Senate President Bill Cole

Eliminates the reapplication process and authorizes the transfer of existing well permits with approval from the West Virginia Department of Environmental Protection. The bill requires the transferee to give notice of the transfer and update its emergency point of contact. Prior to the legislation, companies acquiring oil and gas assets from existing operations in West Virginia were required to re-apply for well permits.

SB 390: Cost Recovery of Natural Gas Utility Infrastructure

Sen. Charles Trump, IV

Authorizes the West Virginia Public Service Commission to approve expedited cost recovery of natural gas utility infrastructure projects deemed just and reasonable and in the public interest.



West Virginia

Environmental Legislation

Air Quality and Pollution Control

HB 2004: State Implementation Plan under 111(d)

Del. Joshua Nelson

Relates to the submission of West Virginia's compliance plan with the EPA's new emission standards under Section 111(d) of the Clean Air Act. The EPA set forth new rules in June of 2014 for states' carbon emissions and requires states to create a plan to reduce these emissions. The bill requires the Department of Environmental Protection to submit a compliance plan for both houses of the legislature to approve of the plan. The legislation also includes language for the plan to be rendered void should the EPA's rules not be put into effect.

Environmental Health Services

SB 411: Asbestos Claims

Sen. Tom Takubo

Creates the Asbestos Bankruptcy Trust Claims Transparency Act and the Asbestos and Silica Priorities Act. The bill establishes legal standards and procedures for the handling of certain asbestos and silica claims. Additionally, the bill establishes medical criteria procedures, statute of limitations standards, and requires disclosure of existing and potential asbestos bankruptcy trust claims.

The measure requires plaintiffs to provide information regarding asbestos bankruptcy trust claims to defendants during civil litigation. First, plaintiffs must affirmatively identify all asbestos trust claims made by a plaintiff or anyone on his or her behalf no later than 120 days before the trial date. The sworn statement must be signed under penalty of perjury, based upon a good faith investigation of all potential claims against such trusts. The bill further requires plaintiffs to supplement their disclosures throughout the pendency of the civil litigation. Should plaintiffs fail to satisfy the requirements of the new law, the court may order various sanctions, including continuing the trial date, staying the action or any other sanction authorized by the West Virginia Rules of Civil Procedure.

The legislation precludes plaintiffs from claiming that privilege or confidentiality bars discovery of evidence relating to bankruptcy trust claims. Further, the measure declares that trust documentation is relevant and admissible in evidence. Trust claims may be used to support a jury finding that the plaintiff was exposed to the trust's products and that such exposure caused the plaintiff's injury.

Hazardous Waste and Substance Management

HB 2625: Hazardous Waste Management Fee

Del. Bob Ashley

Continues the state's current hazardous waste management fee by extending its sunset provision from June 30, 2015, to June 30, 2020.



SB 423: Aboveground Storage Tank Act Amendments

Sen. Mike Hall

Amended the Aboveground Storage Tank (AST) Act of 2014 to mitigate unintended consequences to AST owners created by the AST Act.

The bill alters the AST Act by regulating only tanks that are physically closer to public water supply intakes, or contain designated hazardous substances, or have a capacity of 50,000 gallons or more. The measure provides flexibility to the West Virginia Department of Environmental Protection (WVDEP) to develop rules that are more risk-based, considering tank location, contents, and size. The bill also allows DEP to review and modify existing permits and plans to incorporate requirements relating to ASTs, thereby avoiding duplicative and overlapping regulatory programs.

Definition of an Aboveground Storage Tank

Under the legislation, ASTs are defined to include devices that have a capacity greater than 1,320 gallons of fluids that are liquid at standard temperature and pressure and more than 90 percent of the capacity of which is above the surface of the ground. The definition includes all ancillary pipes and dispensing systems up to the first point of isolation.

Under the legislation, certain categories of containers have been carved out of the AST definition, including but not limited to the following:

- certain regulated shipping containers and barges;
- mobile tanks;
- process vessels;
- devices containing drinking water for human or animal consumption, surface water or groundwater, or food or food-grade materials for human or animal consumption;
- devices located on a farm used exclusively for farm purposes (unless located within a zone of critical concern [“ZCC”]);
- swimming pools; and
- empty tanks held in inventory or offered for sale.

Accordingly, the categories of devices expressly exempted from the definition of “aboveground storage tank” are not subject to the AST Act in any respect. Further, mobile tanks are not ASTs and do not need to be registered, unless and until they remain in one location on a continuous basis for 365 days, compared to only 60 days prior to the legislation.

Regulated Aboveground Storage Tanks

The primary focus of the amended AST Act is on two categories of “regulated tanks.” Level 1 regulated tanks are those tanks that have been determined to pose the greatest potential for harm to public drinking water supplies and encompass the following:

1. ASTs located within a zone of critical concern, source water protection area, public surface water influenced groundwater supply source area, or any other AST designated by the WVDEP as a Level 1 tank;
2. ASTs that contain a “hazardous substance” under CERCLA, 42 U.S.C. § 9601(14), or identified on the United States Environmental Protection Agency’s “List of Lists” in a concentration of one percent or greater, regardless of the AST’s location, except that ASTs containing petroleum are not Level 1 tanks based solely upon containing constituents on these lists; or
3. ASTs with a capacity of 50,000 gallons or more, regardless of contents or location.

Level 1 tanks will be more highly regulated than Level 2 tanks because they are associated with a higher risk of contamination to public water supplies based on their location.

Level 2 regulated tanks are those tanks located within a “zone of peripheral concern” (“ZPC”), which are deemed to pose a lesser potential for harm to any “public surface water supply source and public surface water influenced groundwater supply source” while still meriting some degree of regulation. The ZPC is a yet-to-be-designated area and extends an additional five-hour time of travel upstream from a public water supply intake beyond the perimeter of the ZCC. The ZPC roughly doubles the area in which ASTs are deemed to be “regulated tanks.” The area included in the new ZPC will need to be developed by the WVDEP or the West Virginia Department of Health and Human Resources as part of the implementation of the amended Act. Presumably, WVDEP will identify for AST owners those tanks located within a ZPC once that area is calculated and mapped.

Regulatory Program

The references to a permit program in the AST Act are deleted and replaced with a certificate to operate requirement consistent with the approach proposed by the WVDEP in its rules governing ASTs, 47 C.S.R. 63. That proposed rule was not formally submitted to the West Virginia legislature so those rules will not become effective.

With regard to the substantive standards to govern “regulated tanks,” the measure directs the WVDEP to develop a regulatory program, by use of emergency or legislative rulemaking, for new and existing regulated ASTs and secondary containment that sets out “tiered requirements” for Level 1 and Level 2 tanks and takes into consideration the size, location, and contents of the tanks. For entities that are already subject to provisions of Chapter 22 of the West Virginia Code that necessitate individual, site-specific permits or plans requiring appropriate containment measures to prevent releases from reaching waters of the state—including permits issued:

- Pursuant to the Surface Coal Mining and Reclamation Act;
- By the Office of Oil and Gas under W. Va. Code §§ 22-6 or 22-6A or spill pollution and control measures plans required under 35 C.S.R. 1;
- Pursuant to the National Pollution Discharge Elimination System;
- Pursuant to the Solid Waste Management Act; and
- Pursuant to the Groundwater Protection Act.

Those permits or plans may be amended at the request of the permittee to include conditions pertaining to ASTs that the WVDEP deems sufficient to protect waters of the state, in combination with those practices and protections already in place. Any AST owner or operator whose permit/plan has been amended by the WVDEP to address ASTs and secondary containment shall be deemed compliant with the requirements of the AST Act, so long as the registration requirements have been met.

Evaluation and Certification of Regulated ASTs

The bill requires regulated ASTs and the associated secondary containment structure to be evaluated by a qualified registered professional engineer licensed in West Virginia, or by an American Petroleum Institute or Steel Tank Institute certified inspector, or by a person holding certification under another program approved by the WVDEP. A certification that each regulated tank and its associated secondary containment structure have been evaluated by a qualified person must be submitted to the WVDEP within 180 days of the effective date of the rules establishing standards and not more frequently than once per calendar year thereafter. However, the certification of the AST and associated secondary containment may be signed by a

person designated by the owner or operator, in addition to any person qualified to perform the evaluation as described above. Thus, the measure requires evaluation and certification of ASTs only after standards have been established by rulemaking.

Spill Prevention and Response Plans

Under the measure, owners or operators of regulated ASTs are still required to submit detailed spill prevention and response (“SPR”) plans to the WVDEP, but the bill authorizes regulated AST owners or operators to certify (instead of sending DEP a copy) that they are subject to an alternative plan (including a federal spill prevention control and countermeasures [“SPCC”] plan under 40 C.F.R. Part 112, or a groundwater protection plan) in lieu of preparing and submitting an SPR plan. The amended Act requires updates to the SPR plans no less frequently than every five years, instead of three years as previously required.

AST Fees

Prior to promulgating emergency or legislative rules for the assessment and collection of fees, the legislation authorizes the WVDEP to collect registration fees of \$40.00 per AST placed in service prior to July 1, 2015, and \$20.00 per AST placed into service on or after July 1, 2015.

The bill required the fees associated with maintaining the Aboveground Storage Tank Administrative Fund and Protect Our Water Fund to be assessed only against regulated ASTs. The Protect Our Water Fund will be maintained at no more than \$1 million. The fees associated with those funds will be the subject of rulemaking in the coming months, including emergency rules if WVDEP so elects.

Miscellaneous Provisions

Other changes in the bill include:

- The public access to information provisions protect trade secrets, proprietary business information, and information designated by the Division of Homeland Security and Emergency Management from release to the public and provide for penalties for any person who makes any unauthorized disclosure of such confidential information.
- Instead of annual inspections by the WVDEP of ASTs located in a ZCC, Level 1 regulated tanks must be inspected once every three years, and an inspection protocol will be developed by the WVDEP for Level 2 tanks.
- The financial responsibility requirements are expressly limited to regulated ASTs and the secretary is authorized to determine which existing bonds and guarantees satisfy the requirements of the AST Act.

Inland Water Resource Management and Conservation

SB 261: Dam Ownership

Sen. Daniel Hall

Makes technical corrections to the definition of a dam owner versus the owner of the land.

"Owner" means any person who:

1. Holds legal possession, ownership, or partial ownership of an interest in a dam, its appurtenant works or the real property the dam is situated upon;
2. Has a lease, easement, or right-of-way to construct, operate, or maintain a dam; or
3. Is a sponsoring organization with existing or prior agreement with the Natural Resources Conservation Service for a dam or its appurtenant works constructed with

assistance from Public Law 78-534, Section 13 of the Flood Control Act of 1944; Public Law 83-566, the Watershed Protection and Flood Prevention Act of 1954; the pilot watershed program authorized under the heading "Flood Prevention" of the Department of Agriculture Appropriation Act of 1954, Public Law 156, 67 Stat. 214; or Subtitle H of Title XV of the Agriculture and Flood Act of 1981, commonly known as the Resource Conservation and Development Program, 16 U. S. C. §3451: provided, that the owner of the land upon which a dam is owned, maintained, or operated by a sponsoring agency, such as a conservation district or other political subdivision of the state, is not responsible for or liable for repairs, maintenance, or damage arising from the regular operation, maintenance, deficiencies, or ownership of the dam. The owner of the land shall not be cited as a noncompliant dam owner for any deficiencies of the dam, so long as the owner of the land does not intentionally damage or interfere with the regular operation and maintenance of the dam.

SB 310: Business and Occupation Tax for Water and Sewer Companies

Sen. Dave Sypolt

Exempts nonprofit water and sewer companies governed by the Public Service Commission of West Virginia and organized and operated for the exclusive benefit of their members, from the business and occupation tax.

Land Management and Conservation

HB 2515: Elk Restoration and Hunting Provisions

Del. Rupert Phillips, Jr.

Establishes an active restoration plan for the elk species in West Virginia as well as gives the Division of Natural Resources the authority to manage the elk population through hunting. Crossbow hunting has been added for hunters across the state during rifle season. Also, this measure authorizes for a Sunday hunting question to appear on local ballots in those counties that did not have the ability to place the question on a ballot previously. Further, the bill defines the legal open-carry of a firearm while in the woods for any individual legally allowed to possess a firearm. Finally, trappers are no longer limited to .22 caliber firearms when dispatching game.

SB 13: Open and Obvious Doctrine

Sen. David Nohe

Reinstates and codifies the open and obvious doctrine, as it existed prior to judicial abolition. Though open and obvious, a property owner is not liable for injuries to a person that was sustained by an obvious or well-known danger.

SB 237: Captive Deer Farming

Sen. Daniel Hall

Regulates captive cervid (deer) farming as an enterprise in the state and allows the sale of venison in the state. The bill defines the powers and duties of the Department of Agriculture and commissioner and creates the application process and classes of licenses.

Reorganization and Coordination

SB 106: Sanitary Board Engineers

Sen. Mitch Carmichael

Provides that a sanitary board is no longer required to have a professional licensed engineer on the board if the board is supervising a project with a contracted engineer involved in the project.



The bill aims to eliminate the redundancy of multiple professional engineers when others are present. It also aims to reduce costs by no longer having to pay funds required in the hiring of an engineer by the sanitary board.

SB 250: West Virginia Conservation Agency Programs

Sen. Charles Trump, IV

Provides that conservation district supervisors have their applications to participate in West Virginia Conservation Agency Financial Assistance Programs evaluated and approved or rejected by the West Virginia Conservation Agency. The measure prohibits a conservation district supervisor from voting for authorization, approval, or ratification of a contract in which he or she or an immediate family member is beneficially interested. The bill requires the State Conservation Committee to propose rules for legislative approval.

Solid Waste

SB 352: Recycling Cooperative Associations

Sen. Chris Walters

Allows businesses or individuals to form a non-profit recycling cooperative, which would be able to bypass the requirement to obtain a Certificate of Need in order for the co-op to operate. Prior to the bill, only waste haulers who received a Certificate of Need from the State Public Service Commission were legally allowed to collect commercial waste and recycling.

Water Quality and Pollution Control

SB 234: Jurisdiction over Municipal Water and Sewer Utilities

Sen. Charles Trump, IV

Removes any municipality with more than 4,500 customers and more than \$3 million in annual revenues completely from Public Service Commission (PSC) rate making jurisdiction for water and sewer utilities.

Several aspects of the legislation is related to all municipalities, including:

- Sale of utility can now be authorized by a 60 percent vote of the governing body without an election.
- Under protests claiming discrimination the inside/outside claim and the one person claiming discrimination opportunities no longer apply to municipal water or sewer. The percentage is the same for any claim with a requirement that at least 25 percent of the customers served must file claim.
- All municipalities are now authorized to receive technical assistance from the PSC on rates and other matters. Prior to the bill, only Class III's and IV's could request assistance.
- All utilities are now in statute allowed a cash working capital account of at least 1/8 of annual operations and maintenance expense to allow for timely and self-funded response to unplanned conditions.

PSC regulation over political subdivision utilities is continued regarding the water and sewer rules, including customer service and measurement of service delivered (metering), utility accounting, reporting/public information, subpoena and hearings, and inter-utility disputes.





Southern States Energy Board Members

2014-2015 Executive Committee

The list of members below reflects officials who serve the Board as of July 8, 2015. For a current roster, please contact the SSEB staff or visit our website at www.sseb.org.

Chairman

The Honorable Earl Ray Tomblin, Governor of West Virginia

Vice-Chairman

Representative Rocky Adkins, Commonwealth of Kentucky

Treasurer

Representative Weldon Watson, Oklahoma

Member, Executive Committee

The Honorable Robert Bentley, Governor of Alabama

Member, Executive Committee

The Honorable Phil Bryant, Governor of Mississippi

Member, Executive Committee

Senator Robert Adley, Louisiana

Member, Executive Committee

Representative Myra Crownover, Texas

Member, Executive Committee

Senator Mark Norris, Tennessee

Chair, SLC Energy & Environment Committee

Representative William E. Sandifer, South Carolina ●

Federal Representative

The Honorable Jim Powell ●

Secretary

Kenneth J. Nemeth, Executive Director, SSEB ●

- Ex-Officio, Non-Voting Executive Committee Members



Members of the Board

Alabama

The Honorable Robert Bentley, Governor
Senator Jimmy W. Holley
Senator Cam Ward (Alternate)
Representative Randy Davis
Representative Howard Sanderford
(Alternate)
Representative Micky Hammon (Governor's
Alternate)

Arkansas

The Honorable Asa Hutchinson, Governor
Senator Eddie Joe Williams
Senator Bobby J. Pierce (Alternate)
Representative Ken Henderson
Representative Sue Scott (Alternate)
Governor's Alternate (*pending appointment*)

Florida

The Honorable Rick Scott, Governor
Senator Anitere Flores
Representative Jose Felix Diaz
Governor's Alternate (*pending appointment*)

Georgia

The Honorable Nathan Deal, Governor
Senator Ross Tolleson
Senator Jeff Mullis (Alternate)
Representative Lynn Smith
Representative Chuck Martin (Alternate)
Ms. Mary Walker (Governor's Alternate)

Kentucky

The Honorable Steve Beshear, Governor
Senator Brandon Smith
Senator Jared Carpenter (Alternate)
Representative Rocky Adkins
Representative Jim Gooch Jr. (Alternate)
Dr. Leonard K. Peters (Governor's Alternate)

Louisiana

The Honorable Bobby Jindal, Governor
Senator Robert Adley
Senator Gerald Long (Alternate)
Representative Joe Harrison
Representative Raymond Garofalo, Jr.
(Alternate)
Commissioner Scott Angelle (Governor's
Alternate)

Maryland

The Honorable Larry Hogan, Governor
Senator Thomas McLain (Mac) Middleton
Delegate Dereck E. Davis
Delegate Sally Y. Jameson (Alternate)
Governor's Alternate (*pending appointment*)

Mississippi

The Honorable Phil Bryant, Governor
Senator Terry C. Burton
Senator Sean J. Tindell (Alternate)
Representative Gary Staples
Representative Angela Cockerham (Alternate)
Mr. Chris Champion (Governor's Alternate)

Missouri

The Honorable Jay Nixon, Governor
Senator Mike Kehoe
Representative Jeanie Riddle
Representative Rocky Miller (Alternate)
Mr. Jeff Harris (Governor's Alternate)

North Carolina

The Honorable Pat McCrory, Governor
Senator Robert Rucho
Senator E. S. Newton (Alternate)
Representative Mike Hager
Mr. Mitch Gillespie (Governor's Alternate)



Oklahoma

The Honorable Mary Fallin, Governor
Senator Bryce Marlatt (Alternate)
Senator A. J. Griffin (Alternate)
Representative Weldon Watson
Representative Josh Cockroft (Alternate)
Secretary Michael Teague (Governor's
Alternate)

Puerto Rico

The Honorable Alejandro Garcia Padilla,
Governor
Senator Ramon L. Nieves
Honorable Cesar Hernandez Alfonzo
Mr. Jose Maeso (Governor's Alternate)

South Carolina

The Honorable Nikki Haley, Governor
Senator Lawrence Grooms
Senator Thomas C. Alexander (Alternate)
Representative William E. Sandifer
Governor's Alternate (*pending appointment*)

Tennessee

The Honorable Bill Haslam, Governor
Senator Mark Norris
Representative John Ragan
Mr. Robert "Bob" Martineau (Governor's
Alternate)

Texas

The Honorable Rick Perry, Governor
Senate (*pending appointment*)
Representative Myra Crowover
Chairman Christi Craddick (Governor's
Alternate)

U.S. Virgin Islands

The Honorable John P. deJongh, Governor

Virginia

The Honorable Terry McAuliffe, Governor
Senator John C. Watkins
Senator John S. Edwards (Alternate)
Senator Frank W. Wagner (Alternate)
Delegate James W. (Will) Morefield
Delegate Charles D. Poindexter (Alternate)
Delegate Israel D. O'Quinn (Alternate)
Mr. Randy J. Marcus (Governor's Alternate)

West Virginia

The Honorable Earl Ray Tomblin, Governor
Senate President William (Bill) Cole
Delegate John B. McCuskey
Delegate L. K. (Woody) Ireland (Alternate)
Mr. Jeff F. Herholdt (Governor's Alternate)





Addendum to the 2015 Legislative Digest as of 9/25/2015

The Final Edition of the 2015 Legislative Digest will be published upon the adjournment of the North Carolina Legislature. It will be available on the Southern States Energy Board Website and statutory members of the board will receive a bound copy. Actions by the executive and legislative branches in several states and territories since the publication of the Preliminary Edition will be reflected in the Final Edition. The bills below reflect some of the legislative actions since June 20, 2015.

Louisiana

The following items have been signed into law since June 28, 2015. These summaries will be integrated into the Final Edition of the Legislative Digest.

HB 668: Shrimp Net Rules and Regulations

Rep. Dorothy Sue Hill

Provides that the Wildlife and Fisheries Commission may promulgate rules and regulations in accordance with the Administrative Procedure Act relative to the use, possession, and configuration of devices designed to exclude the take of certain fish and other aquatic life from fishing gear within the territorial waters of the state and in the federal exclusive economic zone. The measure requires that during the time period from June 1, 2016, through Dec. 31, 2018, at all times while enforcing turtle excluder device requirements, a wildlife agent must wear an electronic device capable of recording video and audio data. The bill provides that in the event that the electronic device is broken, malfunctioning, powered off, absent, or otherwise unavailable, new law will not prohibit a wildlife agent from making a case, a district attorney or federal prosecutor from prosecuting a violation, or a court from considering all applicable evidence when adjudicating such an offense.

HB 746: Waste Tire Program

Rep. Blake Miguez

Defines "processed" as any method or activity that alters whole waste tires so that they are no longer whole; such as, cutting, slicing, chipping, shredding, distilling, freezing, or other processes as determined by the administrative authority. At a minimum, the tire must be cut more than half to be considered processed. The bill prohibits the standards and requirements from including disposal as an end market use of eligible waste tire material. The requirements may not contravene existing law prohibiting waste tire disposal in solid waste facilities and providing for waste tires commingled with solid waste.

HB 830: Central Louisiana Regional Port

Rep. Lance Harris

Changes the name of the Alexandria Regional Port to the Central Louisiana Regional Port and changes territorial limits of such port from the municipal limits of the city of Alexandria to the parish of Rapides, excluding any private port facility.

HB 846: Bayou Vermilion District

Rep. Stephen Ortega

Changes the name of the Lafayette Parish Bayou Vermilion District to the Bayou Vermilion District. Existing law authorizes the district to make or construct works of public improvement within the geographic limits of the district by performing such work or contracting for it, all subject to laws applicable to public works contracts. The measure authorizes the district to undertake, as otherwise provided in existing law, work to improve water quality and flow in Bayou Vermilion within Lafayette Parish and Bayou Carencro.

SB 50: Sewer and Water Board of New Orleans

Sen. Edwin Murray

Authorizes the Sewerage and Water Board of New Orleans to adopt rules and procedures to adjust, release, or extinguish any indebtedness of an individual's sewerage and water bill. The measure requires that the rule limit the board's compromising authority to instances where either the district is at fault or an employee of the board fails to read a customer's water meter or the customer is not at fault or the customer is qualified under an established program.

SCR 46: Water Resource Management

Sen. Gerald Long

Expresses the Louisiana Legislature's historical and constitutional right to be the ultimate authority to manage the use and protection of its water.

North Carolina

As of September 25, 2015, the North Carolina Legislature remained in session. The list of bills below delineates measures that have passed the legislature since June 28, 2015. Measures enacted prior to that time appear in the Preliminary Edition of the 2015 Legislative Digest. Full summaries of all enacted energy and environment by North Carolina Legislation will placed in the Final Edition of the 2015 Legislative Digests.

HB 44: Local Government Regulatory Reform 2015

HB 55: Public Exhibit of Fireworks/NCSU

HB 255: Building Code Regulatory Reform

HB 291: Hazardous Materials in Safe Deposit Boxes

HB 339: Fonta Flora Trail

HB 356: North Utilities Commission Fee

HB 538: Water and Sewer Services

HB 634: Stormwater/Built-Upon Area Clarification

HB 640: Outdoor Heritage Act

HB 705: Septic Tank Requirements

HB 721: Land Development Changes

HB 795: State Environmental Policy Act Reform

SB 25: Zoning and Aesthetic Controls

SB 88: Pole Attachment Disputes

SB 284: Infrastructure Assessments Sunset

ALABAMA
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KENTUCKY
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MARYLAND
MISSISSIPPI
MISSOURI
NORTH CAROLINA
OKLAHOMA
PUERTO RICO
SOUTH CAROLINA
TENNESSEE
TEXAS
U.S. VIRGIN ISLANDS
VIRGINIA
WEST VIRGINIA



Transcending Boundaries