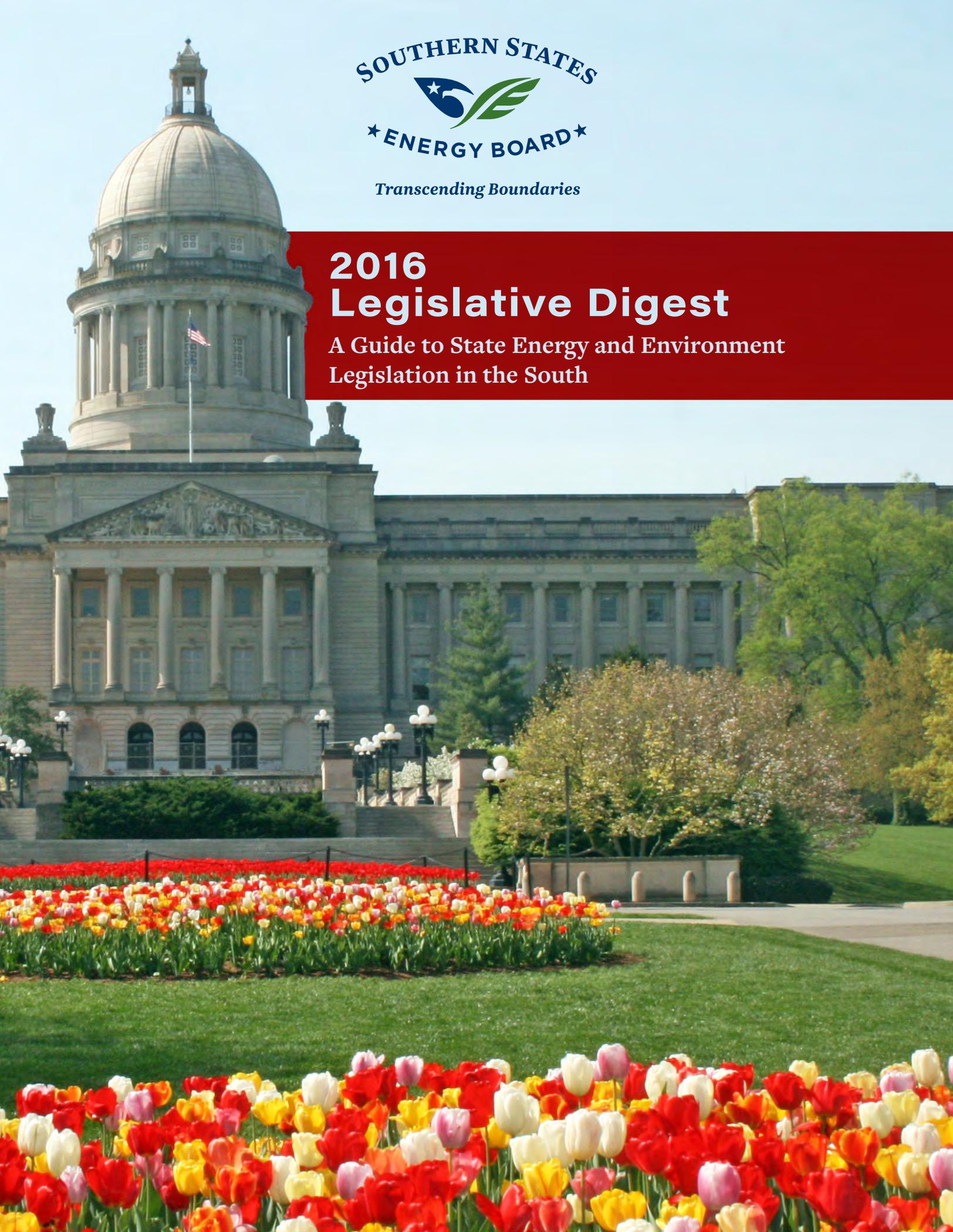




Transcending Boundaries

2016 Legislative Digest

A Guide to State Energy and Environment
Legislation in the South





2016 Legislative Digest

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

September 2016

Covering measures in 16 states and two U.S. territories

Introduction by

Representative Rocky Adkins, Kentucky

SSEB Vice-Chairman



Acknowledgments

The Southern States Energy Board's **2016 Legislative Digest** is compiled each year in collaboration with member states and territories. We would like to thank the Board members, legislative research staff and state administrative officials and their staffs as well as many other SSEB friends for assisting us in compiling and reviewing the **Digest**. A special thank you to the Kentucky Legislative Research Commission (LRC) for providing us with the cover photo.

Cover Photo

Courtesy of

LRC Public Information

2016 Legislative Digest

Published by

Southern States Energy Board

6325 Amherst Court

Peachtree Corners, Georgia 30092

Phone: (770) 242-7712

Fax: (770) 242-9956

Web: www.sseb.org

Email: sseb@sseb.org



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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 29th 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 ninth 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 **2016 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 2016 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 510 pieces of legislation. The legislation presented in this document is current through September 14, 2016.

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 27 percent of the total legislation summarized in this document. The largest topic areas this year were *Natural Gas and Petroleum* where there were 47 passed and *Utilities* with the passage of 36 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 *Environmental Health Services*. These two categories combined for 377 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. Eight states adopted measures pertaining to tax policies for alternative energy development. An interesting trend that continued from 2015 in the natural gas arena involves oil and gas infrastructure development. As natural gas development continues to favorably impact the energy generation, manufacturing, transportation, and domestic exports, states and communities continue dialogues about the development of interstate transmission infrastructure sufficient for large volumetric quantities of natural gas. Finally, a number of states continue to address the challenges of water planning, while balancing energy and environmental concerns with needs of citizens and industry. 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 section.

Alabama adopted 19 energy and environmental bills during the 2016 legislative session. SB 260 proposes an amendment to the Constitution of Alabama of 1901. The amendment prohibits any monies from the State Parks Fund, the Parks Revolving Fund, or any fund receiving revenues currently deposited in the State Parks Fund or the Parks Revolving Fund, and monies currently designated under law for use by the state parks system from being transferred to any other public account, entity, or fund. The funds cannot be used for any purpose other than the support, upkeep, and maintenance of the state parks system.



The **Arkansas** General Assembly did not have a 2016 Regular Session. During the 2016 Fiscal Session, the General Assembly did not pass legislation falling under the scope of energy and environmental topics covered in the Digest.

Florida adopted 39 energy and environmental bills. HB 491 addresses the costs of relocating utility facilities in a public easement. The bill changes the responsibility to bear relocation costs from the utility owner to the state or local government requiring the relocation of the facilities. The owner of a utility that must be relocated from a public easement is liable for relocation costs only if their lines are across, on, or within the right-of-way, rather than along a right-of way.

In **Georgia**, the legislature passed 19 energy and environmental measures. SR 1038 creates the Joint Alternative Fuels Infrastructure and Vehicles Study Committee. The committee will study how providing market incentives for installation of refueling infrastructure for alternative fuel vehicles would serve as a catalyst for the realization of cheap and clean fueling options for the public. The committee also will study whether increased market incentives for the purchase or lease of alternative fuel vehicles may drive development of infrastructure.

The **Kentucky** General Assembly enacted 18 energy and environmental bills. HB 431 recognizes “gray water technologies” as a separate category of on-site sewage disposal systems and regulates them the same as other on-site wastewater systems. The bill includes a definition of “black water” as wastewater containing liquid or solid waste generated by the use of sanitary fixtures. Examples of sanitary features include urinals, water closets, and garbage disposals. “Gray water” is wastewater generated by hygiene activities, such as laundry, lavatory sinks, and showers. As with other on-site wastewater systems, the bill requires the Cabinet for Health and Family Services to regulate the construction, installation, or alteration of gray water systems. Local health departments must review plans and specifications for proposed gray water systems, conduct site evaluations, review applications and issue permits, and conduct a final systems installation inspection. The legislation requires the cabinet to promulgate regulations updating the daily waste flow charts to account for technological improvements in water conservation using fixtures and appliances that reduce water usage and to develop a methodology for using conservation credits for gray water systems that reduce total daily waste flows.

In **Louisiana**, 67 bills covering energy and environmental issues passed the legislature. Through HB 310, the legislature addresses the regulation of pass through charges on utility bills by the Public Service Commission. The commission retains its authority to fix and regulate rates charged and services furnished by certain public utilities, including pass through charges. The legislation requires the commission to audit the adjustment clause filings of some specified public utilities. Also, the measure mandates that the commission modify an electric utility’s fuel adjustment charges if said utility assesses recoupment charges through the operation of an authorized fuel adjustment clause. The bill stipulates that the commission must conduct the audits no less than every other year.

Maryland lawmakers passed 71 measures related to energy and the environment this year. HB 1144 establishes the Retail Choice Customer Education and Protection Fund, administered by the Public Service Commission. The fund receives money from civil penalties assessed for violations of certain electric and gas marketing and consumer protection provisions. The purpose of the fund is to provide resources to improve the commission’s ability to educate customers on retail electric and gas choice and protect customers from unfair, false, misleading, or deceptive practices by electricity or gas suppliers.

The **Mississippi** legislature adopted 25 acts addressing energy and environmental matters. As seen in Mississippi and other states in recent years, the legislature continues to address the destruction of land by wild hogs. HB 485 removes and does not replace the repealer on provisions relating to the importation, release, and transportation of wild hogs. Also, the legislation provides that a violation of a regulation of the Mississippi Commission on Wildlife, Fisheries and Parks relating to wild hogs is a Class I violation. Under the statute, a Class I



violator is fined not less than \$2,000 nor more than \$5,000 and will be imprisoned in the county jail for five days. The violator must also forfeit all hunting, trapping, and fishing privileges for a period of not less than 12 consecutive months from the date of conviction.

During the 2016 legislative session, the **Missouri** legislature adopted 9 energy and environmental measures. HB 1713 and HB 1717 authorize any political subdivision to use a design-build contractor for wastewater and water treatment projects. The Missouri Department of Economic Development is required to consider design-build wastewater or water treatment projects when disbursing grants under the Community Development Block Grant program. The legislation prohibits the Missouri Department of Natural Resources from precluding design-build contracts from being considered for funding from the Water and Wastewater Loan Fund. A political subdivision may conduct an analysis, including feasibility and cost, of available options to meet the discharge requirements. If upgrading or expanding the existing system is feasible, cost effective, and will meet the state discharge requirements, the Department of Natural Resources must allow the entity to implement the option.

The **North Carolina** General Assembly completed their session with 15 ratified energy and environmental measures. SB 729 restores the calculation of the cost per gallon of motor fuel used when a taxpayer receives a refund of the motor fuel excise tax less the sales tax on the motor fuel. Previously enacted legislation, SB 20 in 2015, changed the calculation of the motor fuels excise tax rate. Conforming changes were made to the calculation of the tax refund on the motor fuels excise tax. SB 729 continues to authorize a refund of motor fuel excise tax less sales tax, but the changes omitted a method to calculate an average cost per gallon. The bill restores the method to calculate the average price per gallon of motor fuel. Prior to SB 20 in 2015, the calculation method used the average wholesale price. The new legislation requires the usage of the Consumer Price Index Detailed Reports published by the Bureau of Labor Statistics of the United States Department of Labor for retail sales of motor fuels to calculate the average price per gallon of motor fuel.

In **Oklahoma**, the legislature considered and adopted 34 energy and environmental bills. SB 1577 addresses the state's gross production tax incentive for economically at-risk oil or gas leases. The measure alters the definition of an economically at-risk oil or gas lease to mean any oil or gas lease with one or more producing wells. The wells must have an average production volume per well of 10 barrels of oil or 60 thousand cubic feet of natural gas per day or less while operating at a net loss or at a net profit that is less than the total gross production tax remitted for such lease during the previous calendar year to be considered economically at risk. The measure also establishes a \$12,500,000 annual cap for oil and natural gas produced from a qualifying lease from calendar year 2015 through 2020. The commission estimates that this change will result in a positive fiscal impact of \$120,400,000 for fiscal year 2017.

In **Puerto Rico**, 5 energy and environmental laws were adopted. SB 1276 creates a new legal framework of rules and principles governing energy subsidies and debt payments of electricity, water, and sewer services. The bill amends the laws that enabled certain subsidies by setting requirements for the approval of future subsidies and payment plans and by granting the Puerto Rico Electric Power Authority (PREPA) and the Puerto Rico Aqueduct and Sewer Authority (PRASA) greater oversight and control. The legislation also addresses the problem of debt settlement by government agencies in order to improve PREPA and PRASA's fiscal situation and cash flow and to reduce energy costs paid by their subscribers.

During the 2016 session, **South Carolina** passed 27 new laws related to energy and the environment. HB 4857 addresses ongoing widespread concerns about the disposition of coal ash. The measure establishes landfill requirements for coal ash from electrical power plants. The legislation mandates that coal combustion residuals that result from an electrical utility, an electric cooperative, a governmental entity, a corporation, or an individual producing electricity for sale or distribution by burning coal must be placed in a Class 3 solid waste management landfill unless the coal combustion residuals are: (1) located contiguous with the electric



generating unit; (2) intended to be beneficially reused; (3) placed into beneficial reuse; or (4) placed in an appropriate landfill meeting the standards of the Department of Health and Environmental Control that is owned or operated by the entity that produced the electricity which resulted in the coal combustion residuals. The legislation establishes a five-year sunset date for these requirements unless they are reenacted or otherwise extended by the General Assembly.

Tennessee enacted 43 laws on energy and the environment. HJR 507 expresses the General Assembly's support for the creation of a long-term energy plan addressing the future energy needs of the state. The joint resolution also supports the research and development of liquid-core-molten-salt-reactor and small-modular-reactor technologies as a potential solution to Tennessee's energy needs. The resolution urges Congress to mandate and provide an adequate budget for the U.S. Department of Energy for work related to nuclear energy.

Texas did not have a regular legislative session in 2016.

The **U.S. Virgin Islands** adopted six pieces of energy and environmental legislation. B330 allows the Department of Agriculture, the University of the Virgin Islands, and other selected universities to cultivate industrial hemp for research purposes. The legislation provides authority to the territory's Department of Agriculture for the regulation and promotion of commercial cultivation of industrial hemp contingent upon federal congressional authorization of hemp production.

The **Virginia** General Assembly passed 83 pieces of legislation addressing a myriad energy and environmental matters. Similar to other measures related to electricity transmission siting in recent years, HB 283/SB 136 requires the State Corporation Commission (SCC) to hold at least one hearing in the area that would be affected by the construction of an electrical transmission line of 138 kV or more upon the request of the governing body of any county or municipality through which the line is proposed to be built. Previously, the SCC was required to conduct a hearing in the affected area if requested by 20 or more interested parties. The measure also provides that the affected localities are given the same protections whenever the SCC deems a significantly different route desirable.

In 2016, 34 measures related to energy and environment passed the **West Virginia** legislature. In response to the state's ongoing concerns about the difficulties surrounding the feasibility of new coal-fired generating units, HB 4435 authorizes the Public Service Commission to approve the expedited cost recovery of electric utility coal-fired boiler modernization and improvement projects deemed just and reasonable and in the public interest. The bill cautions that the state is experiencing a significant downturn in the coal industry as a result of increasing environmental regulation and increased competition from natural gas and oil. The legislation specifically notes that West Virginia's abundant coal reserves "have created, and will continue to create, many benefits to the state and its citizens."

It is my honor and privilege as Vice-Chairman of the Southern States Energy Board to commend this **Digest** of state energy and environmental initiatives to you as you prepare for the development of legislative strategies and priorities for 2017.

**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 2016 Energy Legislation

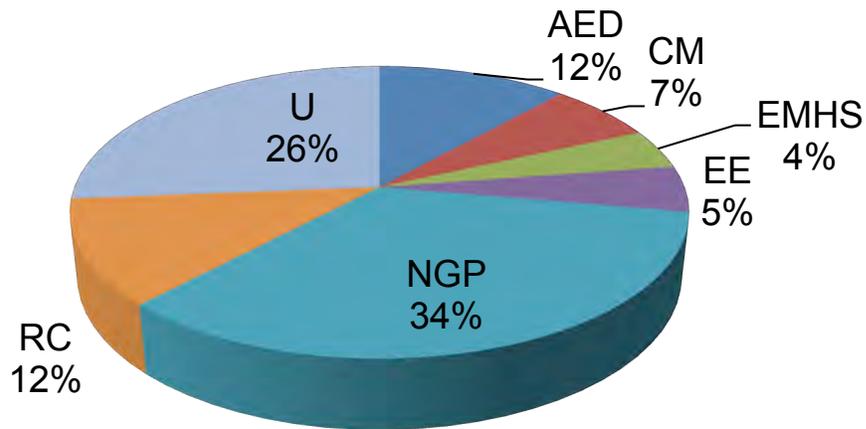
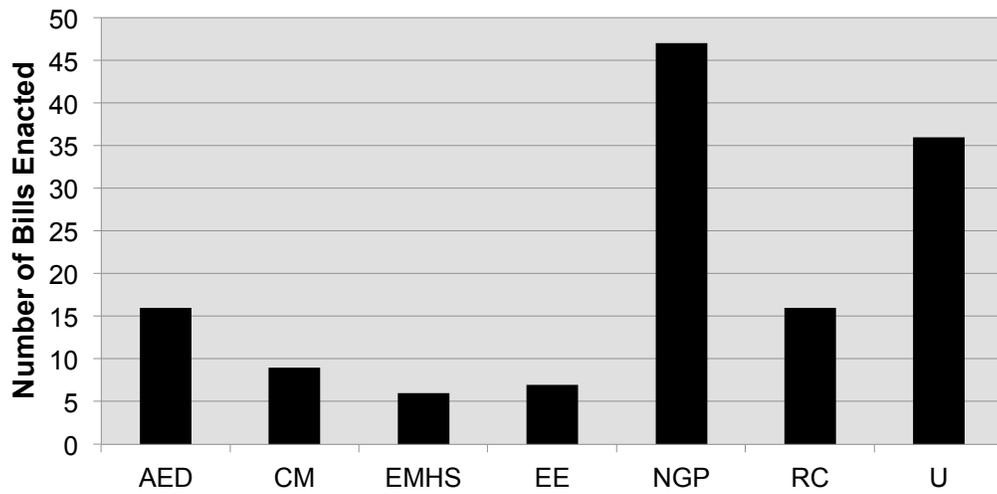
Categories of Legislation	AL	AR	FL	GA	KY	LA	MD	MS	MO	NC	OK	PR	SC	TN	TX	VI	VA	WV
AED			✓	✓		✓	✓	✓		✓			✓	✓			✓	
CM							✓		✓	✓	✓							✓
EMHS											✓		✓	✓				✓
EE			✓	✓			✓	✓		✓	✓						✓	
NGP	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	✓
RC	✓			✓	✓		✓	✓			✓			✓			✓	
U			✓	✓		✓	✓	✓		✓	✓	✓		✓		✓	✓	✓

Matrix of 2016 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	✓		✓	✓	✓	✓	✓		✓		✓			✓			✓	✓



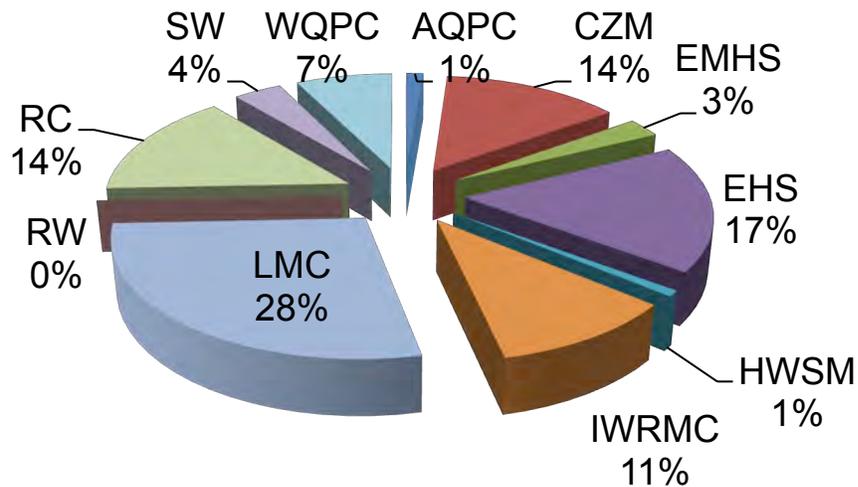
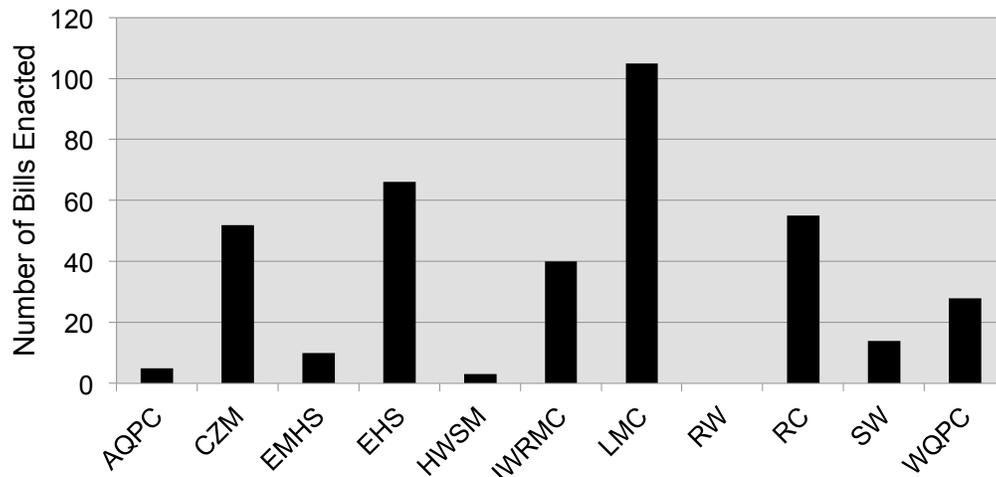
Overall Energy Legislation



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

Natural Gas and Petroleum

HB 93: Escambia Oil and Gas Severance Trust

Rep. Alan Baker

Enables the trustees of Escambia Oil and Gas Severance Trust to, in their discretion, invest in certificates of deposit of any savings and loan associations or banks whether federally or state chartered, provided that the funds so invested are fully secured by pledge of eligible SAFE 3 program securities from the issuing bank or are fully insured by the Federal Deposit Insurance Corporation (FDIC).

Reorganization and Coordination

SB 35: Alabama Liquefied Petroleum Gas Board

Sen. Paul Bussman

Provides for the continuance of the Alabama Liquefied Petroleum Gas Board until October 1, 2020.

SB 50: Public Service Commission

Sen. Paul Bussman

Extends the continuance of the Public Service Commission until October 1, 2020.





Alabama

Environmental Legislation

Emergency Management and Homeland Security

HB 215: Volunteer Fire Departments

Rep. Alan Baker

Specifies the minimum requirements for certification of volunteer fire departments and decertification of departments. The bill authorizes the Forestry Commission to adopt rules providing procedures for certification of volunteer fire departments and for the decertification of departments that do not continue to meet the minimum requirements for certification.

Environmental Health Services

SB 168: Service Dogs

Sen. Jimmy Holley

Makes it a crime to harass, injure, or cause the death of a service dog under certain conditions. The bill sets criminal penalties and provides for the restitution of certain expenses.

SB 300: Destructive Devices

Sen. Gerald Allen

Amends existing law relating to destructive devices. The measure adds and defines the term “manufacturing” as the process of combining two or more components necessary to produce a destructive device, over-pressure device, explosive, detonator, or poison gas, with the exception of commercially manufactured reactive targets used for recreational shooting purposes, or manufactured under provisions set forth under a permit issued by the State Fire Marshal. Nothing in the bill may prohibit the manufacture, possession, or transfer of a destructive device legally obtained in accordance with the provisions of the National Firearms Act.

Hazardous Waste and Substance Management

HB 417: Sumter County Waste Management Fees

Rep. Artis McCampbell

Amends the distribution of proceeds of fees levied on operators of hazardous waste disposal sites in Sumter County. Under the legislation, \$2,500 per month will be provided to the North Sumter Day Center.

Inland Water Resource Management and Conservation

HB 146: Boat Registration Identification Stickers

Rep. Margie Wilcox

Requires owners of boats and vessels to obtain from the county licensing official five-year identification stickers to be placed on both sides of the bow of a boat or vessel. The fee for the stickers is \$20 with a \$2 issuance fee paid to and expended at the sole discretion of the county licensing official. Proceeds from the stickers will be distributed to the Department of Conservation and Natural Resources and earmarked for the operation of state parks.



This act also allows the owners of boats and vessels to purchase identification stickers supporting any organization with a distinctive motor vehicle license tag. The cost of distinctive stickers is \$50, with \$25 earmarked for the supported organization and \$25 earmarked to the Department of Conservation and Natural Resources for the operation of state parks.

HB 399: Municipal Water and Sewer Boards

Rep. Oliver Robinson

Specifies that two members of municipal water and sewer boards are appointed by the mayor of the authorizing municipality and four members are appointed by the municipal governing body of the authorizing municipality.

Land Management and Conservation

HB 250: Outdoor Advertising

Rep. Dexter Grimsley

Amends laws regarding outdoor advertising to adopt the federal definition of "primary highway," as well as federal requirements for sign spacing.

HB 393: Industrial Hemp

Rep. Ken Johnson

Authorizes the Department of Agriculture and Industries to establish and administer an industrial hemp research program and to establish fees for licenses, permits, or other necessary expenses to defray the costs of implementation and operation of the program. The bill also provides a definition of industrial hemp and excludes industrial hemp from the definition of marijuana.

SB 54: Alabama Trails Commission

Sen. Cam Ward

Allows for the transfer of the Alabama Trails Commission for administrative and staff purposes from the Alabama Department of Economic and Community Affairs (ADECA) to another state agency or department upon approval from the commission, ADECA, and the director accepting the transfer.

SB 58: Seed Regulation

Sen. Tom Whatley

Prohibits local authorities from regulating seeds and specifies that the Board of Agriculture and Industry and the Commissioner of Agriculture and Industry are responsible for seed regulation.

SB 103: Hunting and Fishing Stamps

Sen. Tom Whatley

Increases receipts to the Game and Fish Fund of the Department of Conservation and Natural Resources by \$5 per waterfowl stamp issued, increasing total receipts from waterfowl stamps issued by an estimated additional \$140,000 for the fiscal year ending September 30, 2017.

This bill also authorizes the Department of Conservation and Natural Resources to periodically adjust the stamp fee based on the Consumer Price Index (CPI) for All Urban Customers, with approval of the Commissioner and Advisory Board of Conservation and Natural Resources and Legislative Council. This also could increase receipts to the Game and Fish Fund by an undetermined amount each fiscal year, dependent upon the amount of the fee increase, number of stamps issued, and the CPI adjustment.

SB 106: Scientific Collectors Permits

Sen. Greg Albritton

Modifies the current state scientific collectors permit to allow universities and others that collect protected wild invertebrate or vertebrate species, or their eggs, for research in the state's rivers and streams to purchase an all-inclusive permit.

SB 147: Nighttime Hunting

Sen. Rusty Glover

Repeals state law providing for hunting of raccoon, opossum, and fox at night. The bill codifies the legality of the hunting of raccoon, opossum, and fox at night, which was allowed by a prior administrative rule. The bill also defines the term nighttime hours and allows the Commissioner of the Department of Conservation and Natural Resources to establish rules allowing hunting of protected birds and animals during nighttime hours.

SB 163: State Parks License Plates

Sen. Gerald Dial

Provides for a distinctive license plate for state parks with all proceeds from the additional fee to be distributed to the Department of Conservation and Natural Resources for the use and benefit of the state park system.

SB 260: State Park Funding Constitutional Amendment

Sen. Clay Scofield

Proposes an amendment to the Constitution of Alabama of 1901 to prohibit any monies from the State Parks Fund, the Parks Revolving Fund, or any fund receiving revenues currently deposited in the State Parks Fund or the Parks Revolving Fund, and monies currently designated under law for use by the state parks system from being transferred to any other public account, entity, or fund or used for any purpose other than the support, upkeep, and maintenance of the state parks system.

Water Quality and Pollution Control**HB 285: Sewer Regulation**

Rep. April Weaver

Removes the requirement that the State Board of Health permit, inspect, or approve plumbing within structures located outside the jurisdiction exercised by municipal corporations.





Arkansas

Energy Legislation

Arkansas did not have a 2016 Regular Session and did not pass any legislation during the Fiscal Session falling under the scope of energy topics in the *Digest*.





Arkansas

Environmental Legislation

Arkansas did not have a 2016 Regular Session and did not pass any legislation during the Fiscal Session falling under the scope of environmental topics in the *Digest*.





Florida

Energy Legislation

Alternative Energy Development

HB 195: Special Election

Regulatory Affairs Committee

Provides that, pursuant to Section 5 of Article XI of the State Constitution, a special election will be held on August 30, 2016, concurrently with other statewide elections held on that date. At the special election, the electors will vote on amendments to the State Constitution proposed in the Committee Substitute for House Joint Resolution No. 193, 2016 Regular Session. The subject matter of the joint resolution relates to legislative authority to provide personal property tax exemptions for solar and renewable energy source devices and to prohibit the consideration of the installation of such devices in determining the assessed value of residential and nonresidential real property for the purpose of ad valorem taxation.

HJR 193: Proposed Constitutional Amendments

Appropriations Committee

Proposes amendments to Sections 3 and 4 of Article VII, Finance and Taxation, and the creation of Section 34 of Article XII, Schedule, of the State Constitution. The measure authorize the Florida Legislature, by general law, to exempt from ad valorem taxation the assessed value of solar devices or renewable energy source devices that are subject to tangible personal property tax. The amendments also authorize the Florida Legislature, by general law, to prohibit the consideration of the installation of such devices in determining the assessed value of residential and nonresidential real property for the purpose of ad valorem taxation. The amendments must be submitted to the electors of the state for approval or rejection.

The amendments were on Florida's August 30, 2016, primary election ballot as a legislatively referred constitutional amendment, Amendment 4, entitled "Solar Devices or Renewable Energy Source Devices; Exemption from Certain Taxation and Assessment." Amendment 4 was approved and takes effect on January 1, 2018, and expires on December 31, 2037. Prior to the approval of Amendment 4, the tax exemptions applied only to installations on residential properties. These exemptions are now extended to home, commercial, and industrial properties that fall under the tangible personal property tax bracket.

Energy Efficiency

HB 535: Building Code Updates

Regulatory Affairs Committee

Provides multiple statutory changes to laws related to Florida's building codes. Specifically, the bill:

- Alters the training and experience required to take the certification examinations for building code inspector, plans examiner, and building code administrator;



- Exempts employees of apartment communities with 100 or more units from contractor licensing requirements if making minor repairs to existing electric water heaters or existing electric heating, ventilation, and air conditioning (HVAC) systems, if they meet certain training and experience criteria and the repair involves parts costing under \$1,000;
- Allows Category I liquefied petroleum gas dealers, liquefied petroleum gas installers, and specialty installers to disconnect and reconnect water lines in the servicing or replacement of existing water heaters;
- Adds Division II contractors to the Florida Homeowners' Construction Recovery Fund section, which allows homeowners to make a claim and receive restitution from the fund when they have been harmed by a Division II contractor, subject to certain requirements and financial caps;
- Exempts specific low-voltage landscape lighting from having to be installed by a licensed electrical contractor;
- Clarifies that portable pools that are used for swimming lessons that are sponsored or provided by school districts and temporary pools used in conjunction with a sanctioned national or international swimming or diving event are considered private pools and are not subject to regulation;
- Provides that a residential pool that is equipped with a pool alarm that, when placed in the pool, will sound if it detects an accidental or unauthorized entrance into the water meets the safety requirements for residential pools;
- Creates the Calder Sloan Swimming Pool Electrical-Safety Task Force to study and report on specific standards, especially with regard to minimizing risks of electrocutions linked to swimming pools;
- Replaces a representative on the Accessibility Advisory Council for a defunct organization with the new organization;
- Revises the panels designated to review interpretations of the Florida Building Code and the Florida Accessibility Code for Building Construction;
- Provides funding for the recommendations made by the Building Code System Uniform Implementation Evaluation Workgroup and provides funding for Florida Fire Prevention Code informal interpretations;
- Allows local boards created to address conflicts between the Florida Building Code and the Florida Fire Prevention Code to combine to create a single local board that must include at least one fire professional;
- Requires the Florida Building Code to mandate having two fire service access elevators in all buildings above a certain height;
- Authorizes local building officials to issue phased permits for construction;
- Subjects certain building officials to discipline if they deny, revoke, or modify a specified permit without providing a reason for the denial, revocation, or modification;
- Requires a contractor and an alarm system monitoring company to provide notice to a property owner regarding the obligation to register their alarm system, if applicable;
- Provides that a contractor or an alarm system monitoring company is not liable for any penalties assessed or imposed by the applicable local government for failure to register the alarm, dispatch to an unregistered user, or excessive false alarms;
- Prohibits local enforcement agencies from requiring payment of any additional fees, charges, or expenses associated with providing proof of licensure as a contractor,

recording a contractor license, or providing or recording evidence of workers' compensation insurance covered by a contractor;

- Excludes roof covering replacement and repair work associated with the prevention of degradation of the residence from the requirement to include the provision of opening protections in any activity requiring a building permit with a cost over \$50,000;
- Adds Underwriters Laboratories, LLC, and Intertek Testing Services NA, Inc., to the list of entities that are authorized to produce information on which product approvals are based, related to the Florida Building Code;
- Reinstates a wind mitigation exemption for professional engineer certification of HVAC units being installed;
- Exempts Wi-Fi smoke alarms and those that contain multiple sensors, such as those combined with carbon monoxide alarms, from the 10-year, nonremovable, nonreplaceable battery provision;
- Provides that the mandatory blower door testing for residential buildings or dwellings does not take effect until July 1, 2017, and does not apply to construction permitted before July 1, 2017;
- Requires the local enforcement agency to accept duct and air infiltration tests conducted in accordance with the Florida Building Code if performed by certain individuals;
- Adds provisions to the Fire Prevention Code to:
 - Require new high-rise buildings to comply with minimum radio signal strength for fire department communications set by the local authority with jurisdiction. Existing high-rise buildings must comply by 2022 and existing apartment buildings must comply by 2025;
 - Require areas of refuge to be provided when required by the accessibility volume of the Florida Building Code;
 - Authorize fire officials to use the Fire Safety Evaluation System to identify low-cost alternatives for compliance; and
 - Require technicians that work on fire pump control panels and drivers to be under contract with a licensed fire protection contractor.
- Requires a restaurant, a cafeteria, or a similar dining facility, including an associated commercial kitchen, to have sprinklers only if it has a fire area occupancy load of over 200 patrons;
- Adds provisions to the Florida Building Code regarding fire separation distance and roof overhang projections;
- Creates the Construction Industry Task Force within the University of Florida Rinker School of Construction;
- Provides exceptions to the residential shower lining requirements in the Florida Building Code;
- Allows a specific energy rating index as an option for compliance with the Energy conservation volume of the Florida Building Code;
- Requires the Florida Building Commission to continue its current adoption process of the 2015 International Energy Conservation Code and to determine by October 1, 2016, whether onsite renewable power generation may be used for compliance and whether onsite renewable power generation may be used for a period longer than three years but not more than six consecutive years; and



- Requires counties and local enforcement agencies to post each type of building permit application on its website and allow for the submittal of completed applications to the appropriate building department, effective July 1, 2017.

Natural Gas and Petroleum

SB 90: Natural Gas Fuel Fleet Vehicle Rebate Program

Appropriations Committee

Authorizes the Department of Agriculture and Consumer Services to receive additional applications between June 1 and June 30 from applicants that have met the natural gas fuel fleet vehicle rebate program maximum of \$250,000 per fiscal year. Eligible applicants may apply for additional funds for vehicles that have not received a rebate, for a maximum rebate of \$25,000 per vehicle up to a total of \$250,000, awarded on a first-come, first-served basis until all appropriated funds are expended. Government applicants will have preference, and commercial applicants may use the remaining funds. Any unencumbered funds remaining in the rebate program after June 30 of each fiscal year will revert to the General Revenue Fund.

Utilities

HB 1025: Utility Security Information

State Affairs Committee

Creates a public record exemption for the following information held by a local government utility:

- Information related to the security of the technology, processes, or practices of a utility owned or operated by a unit of local government that is designed to protect the utility's networks, computers, programs, and data from attack, damage, or unauthorized access, and, if disclosed, would facilitate the alteration, disclosure, or destruction of such data or information technology resources.
- Information related to the security of existing or proposed information technology systems or industrial control technology systems of a utility owned or operated by a unit of local government, which, if disclosed, would facilitate unauthorized access to, and alteration or destruction of, such systems in a manner that would adversely impact the safe and reliable operation of the systems and the utility.

The bill provides for retroactive application of the public record exemption. The public record exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Florida Legislature. The legislation also provides a statement of public necessity as required by the Florida Constitution. The bill defines the term "utility" as a person or entity that provides electricity, natural gas, telecommunications, water, chilled water, reuse water, or wastewater.

SB 416: Relocation of Utilities

Community Affairs Committee

Provides an additional exemption to the general rule requiring utilities to bear the cost for relocating their facilities. The bill requires the Department of Transportation or the local government entity to pay for the relocation of utility facilities if the facilities are located within an existing and valid public utility easement granted by a recorded plat. The exception applies if ownership of the underlying land was acquired by the governmental entity requiring the relocation. Under this exception, the governmental entity is required to pay the full cost of the

relocation, after deductions are taken for any increase in value attributable to the new facility and any salvage value of the old facility.

The measure reduces a county's authority to grant licenses for lines to only locations "under, on, over, across, or within the right-of-way limits" of a county highway or public road, as opposed to "under, on, over, across and along" such highways or roads. Finally, the bill narrows the authority of the Department of Transportation and local governments to prescribe and enforce rules or regulations related to the placing and maintaining of a utility to "across, on, or within the right-of-way limits" of any public road or publicly owned rail corridor, as opposed to "along, across, or on" any public road or publicly owned rail corridor.





Florida

Environmental Legislation

Coastal Zone Management

HB 1025: Potential Derelict Vessels

Highway and Waterway Safety Subcommittee

Prohibits vessels that are in danger of becoming derelict from anchoring on, mooring on, or occupying the waters of Florida. The bill provides that an officer of the Fish and Wildlife Conservation Commission or of a law enforcement agency may determine that a vessel is at risk of becoming derelict when any of the following conditions exist:

- The vessel is taking on, or has taken on, water without an effective means to dewater;
- Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time;
- The vessel has broken loose or is in danger of breaking loose from its anchor;
- The vessel is left or stored aground unattended in such a state that would prevent the vessel from getting underway, is listing due to water intrusion, or is sunken or partially sunken.

Any person who anchors or moors a vessel at risk of becoming derelict or allows such a vessel to occupy such waters commits a noncriminal infraction. The penalty is in addition to other penalties provided by law. The provisions of the legislation do not apply to a vessel that is moored to a private dock or wet slip with the consent of the owner for the purpose of receiving repairs. The bill provides penalties in three tiers:

- A first offense of \$50;
- A second offense within 30 days or more after a first offense of \$100; and
- A third or subsequent offense occurring 30 days or more after a previous offense of \$250.

HB 1051: Anchoring Limitation Areas

State Affairs Committee

Designates the following densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant recreational boating traffic as anchoring limitation areas:

- The section of Middle River lying between Northeast 21st Court and Intracoastal Waterway in Broward County;
- Sunset Lake in Miami-Dade County;
- The sections of Biscayne Bay in Miami-Dade County lying between:
 - Riva Alto Island and Di Lido Island;
 - San Marino Island and San Marco Island; and
 - San Marco Island and Biscayne Island.

A person is prohibited from anchoring a vessel at any time during the period between one-half hour after sunset and one-half hour before sunrise in an anchoring limitation. The law



authorizes vessels under certain circumstances to anchor overnight in anchoring limitation areas.

The legislation exempts the following vessels:

- Vessels owned or operated by a governmental entity for law enforcement, firefighting, military, or rescue purposes;
- Construction or dredging vessels on an active job site;
- Vessels actively engaged in commercial fishing; and
- Vessels engaged in recreational fishing, if the persons onboard are actively tending hook and line fishing gear or nets.

The bill authorizes a law enforcement officer or agency to remove a vessel from an anchoring limitation area and impound the vessel for up to 48 hours, or cause such removal and impoundment, if the vessel operator, after being issued a citation for a violation:

- Anchors the vessel unlawfully in an anchoring limitation area within 12 hours after being issued the citation; or
- Refuses to leave the anchoring limitation area after being directed to do so by a law enforcement officer or agency.

The measure provides an expiration of the anchoring limitation area designations upon the Florida Legislature’s adoption of the Fish and Wildlife Conservation Commission’s recommendations for the local regulation of mooring vessels outside of public mooring fields under the anchoring and mooring pilot program.

The penalty for unlawfully anchoring in an anchoring limitation area is a noncriminal infraction punishable for a first offense, up to a maximum of \$50; for a second offense, up to a maximum of \$100; and for a third or subsequent offense, up to a maximum of \$250.

SB 846: Divers-Down Warning Devices

Environmental Preservation and Conservation Committee

Revises the requirements relating to divers-down flags and buoys. The bill defines the term “divers-down warning device” and revises the specification requirements to expand the types of devices that divers are required to use to alert vessels that submerged divers are in the area.

SB 1318: Shellfish Harvesting

Environmental Preservation and Conservation Committee

Amends regulations for shellfish harvesting by authorizing the harvesting of shellfish from a sovereign submerged land lease.

The law also allows individuals to use one approved dredge or mechanical harvesting device per lease at any one time. The Board of Trustees of the Internal Improvement Trust Fund is authorized to permit the harvest of shellfish using a dredge or mechanical harvesting device in a submerged lands lease under certain conditions.

Provisions prohibit the use of dredge or mechanical harvesting devices on public shellfish beds. Violations of shellfish harvesting statutes, rules, or lease conditions will result in revocation of the violator’s lease and denial of any future application to use sovereign submerged lands. The responsibility for setting the amount of oysters, clams, and mussels to be obtained for relaying or transplanting shifts from the Department of Agriculture and Consumer Services to the Fish



and Wildlife Conservation Commission (FWC). Finally, the legislation repeals the requirement that the FWC set the noncultured shellfish harvesting seasons in Apalachicola Bay by rule, along with the related reporting requirements.

SB 1470: Spiny Lobsters

Environmental Preservation and Conservation Committee

Revises administrative penalties for violations of provisions related to spiny lobster trap and trap tags by:

- Providing that a second violation of certain provisions may result in the suspension of the violator's spiny lobster endorsement for 12 months, rather than the remainder of the current license year;
- Providing that a third, rather than a third or subsequent, violation of certain provisions may result in the suspension of a spiny lobster endorsement for 24 months, rather than up to 24 months, and removing a provision directing the Florida Fish and Wildlife Conservation Commission (FWC) to revoke the violator's spiny lobster endorsement and to proceed against the violator's saltwater products license; and
- Providing that a fourth violation that occurs within 48 months after any three previous violations results in permanent revocation of the violator's saltwater fishing privileges.

The bill provides the following penalties for possession of undersized spiny lobsters:

- It is a major violation for a recreational or commercial harvester to possess an undersized spiny lobster, unless authorized to do so by a FWC rule; and
- For violations involving fewer than 100 undersized spiny lobsters, each undersized spiny lobster may be charged as a separate misdemeanor offense; however, the total misdemeanor penalties for any one scheme or course of conduct may not exceed four years imprisonment and a civil fine of \$4,000.

The measure also provides the following additional penalties for possession of undersized spiny lobster:

- A first violation is a second degree misdemeanor;
- A second or subsequent violation is a first degree misdemeanor; and
- A violation involving 100 or more undersized spiny lobsters is punished as a third degree felony, the violator is subject to a civil fine of at least \$500, the FWC must assess an administrative penalty of up to \$2,000, and the FWC may suspend the violator's license privileges under Chapter 379, Florida Statutes, for up to 12 months.

The law also makes changes to Level 5 of the Offense Severity Ranking Chart relating to stone crabs and spiny lobsters.

Emergency Management and Homeland Security

HB 773: Special Assessments on Classified Agricultural Lands

State Affairs Committee

Prohibits a county or municipality from levying or collecting a special assessment for the provision of fire protection services on classified agricultural lands, unless the agricultural lands contain a residential dwelling, or a nonresidential farm building with a just value that is over \$10,000. For land to be classified as agricultural, it must be used “primarily for bona fide agricultural purposes” which is defined as a good faith commercial agricultural use of the land.

The bill requires special assessments that are levied to be based solely on the special benefit that accrues to the dwelling, including the curtilage, or the nonresidential farm building. The measure excludes agricultural pole barns from the imposition of the special assessment and defines “agricultural pole barns” as nonresidential farm buildings in which 70 percent or more of the perimeter walls are permanently open and allow free ingress and egress.

HB 7033: Open Records Exemption

Government Operations Subcommittee

Prevents the repeal of the public records exemption for any information furnished by a person to an agency for the purpose of being provided with emergency notifications from the agency. Sheriffs’ offices, universities, public utilities, and many other governmental entities throughout Florida have emergency notification systems in place. The governmental entities send warnings on a variety of topics, including boil water orders, severe weather, sexual predator notification, missing persons, hazardous materials, flood warning, evacuations, terrorist activities, mass shootings, utility outages, school closures, and road closures.

SB 1288: Emergency Management

Military and Veterans Affairs, Space, and Domestic Security Committee

Defines the term “activate” to mean the execution and implementation of the necessary plans and activities required to mitigate, respond to, or recover from an emergency or disaster pursuant to the State Emergency Management Act and the State Comprehensive Emergency Management Plan. The definition in the legislation is intended to allow the Division of Emergency Management (DEM) to provide additional clarity to the Federal Emergency Management Agency when applying for disaster assistance.

Additionally, the bill instructs the DEM to implement a statewide certification system to facilitate the transport and distribution of essentials in commerce throughout the state in the event of a declared emergency. The term “essentials” is defined as goods that are consumed or used as a direct result of a declared emergency or that are consumed or used to preserve, protect, or sustain life, health, safety, or economic well-being. Certification by the DEM will allow those certified to enter or remain in an area in which a curfew has been imposed as a result of a declared emergency for the limited purpose of facilitating the transport or distribution of essentials. The certification is applicable to both pre- and post-emergency declarations and is valid for up to one year with the option to renew.



Environmental Health Services

HB 431: Fire Safety

Regulatory Affairs Committee

Alters the Florida Fire Prevention Code for agricultural property. The bill defines an “agricultural pole barn” and exempts them from the Florida Fire Prevention Code, the National Codes, and the Life Safety Code. It also clarifies that tents currently exempt from such codes can be any shape up to 900 square feet. The measure defines a “nonresidential farm building” and establishes classes for use in which such buildings can be exempt from the Florida Fire Prevention Code, the National Codes, and the Life Safety Code:

- Class 1: A nonresidential farm building that is used by the owner 12 times per year or fewer for agritourism activity with up to 100 persons occupying the structure at one time. A structure in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is not subject to the Florida Fire Prevention Code but is subject to rules adopted by the State Fire Marshal.
- Class 2: A nonresidential farm building that is used by the owner for agritourism activity with up to 300 persons occupying the structure at one time. A structure in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is not subject to the Florida Fire Prevention Code but is subject to rules adopted by the State Fire Marshal.
- Class 3: A structure or facility used primarily for housing, sheltering, or otherwise accommodating members of the general public. A structure or facility in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is subject to the Florida Fire Prevention Code.

The legislation requires the State Fire Marshal to adopt rules for the use of alternative life safety and fire prevention standards for Classes 1 and 2; notification and inspection requirements for structures in Class 1 and Class 2; and the application of the Florida Fire Prevention Code for structures in Class 3. Also, the State Fire Marshall must issue any other standards or rules deemed necessary in order to facilitate the use of structures for agritourism activities. Finally, the bill encourages a local fire official to consider the National Fire Prevention Association’s (NFPA) document *NFPA 101A: Guide on Alternative Approaches to Life Safety* to identify low-cost, reasonable alternatives to fire safety.

HB 1205: Fumigation

Rep. MaryLynn Magar

Requires the Department of Agriculture and Consumer Services to adopt a rule specifying the circumstances when less than 24-hour notification of structural fumigation is acceptable. The legislation removes the current emergency exception. The department must adopt rules that include additional safety measures to be taken regarding the clearance of residential structures before reoccupation after fumigation. These measures can include extended aeration times or specific clearance procedures.

Additionally, the law authorizes the department to adopt rules that establish conditions of registration or reregistration for structural fumigants that include requirements for registrants (manufacturers) to:

- Train distributors and end users in safety measures and proper use, safe storage, and management of fumigant materials;

- Obtain continuing education program approval for stewardship training programs;
- Conduct quality assurance reviews;
- Report to the department any probation or stop-sale notices issued to end users. The department must then notify all other structural fumigant registrants of the reported probation or stop-sale notice; and
- Assist the department, upon request, with the removal of fumigant containers from distributors and end users for compliance with permanent or extended stop-sale notices.

SB 1274: Limited Sinkhole Coverage Insurance

Fiscal Policy Committee

Allows insurers to offer a new type of personal lines residential sinkhole insurance coverage. Limited sinkhole coverage provides coverage for “sinkhole loss,” which is structural damage to the covered building, including the foundation, caused by sinkhole activity. Limited sinkhole coverage also would be subject to the statutory requirements for sinkhole insurance with some exceptions. The coverage may be limited to repairs to stabilize the building and repair the foundation and does not have to include contents replacement or coverage for additional living expenses. Deductibles may be in an amount agreed to by the insured and insurer. Policy limits may be in an amount agreed to by the insured and insurer, provided policy limits below \$50,000 are not allowed unless that amount exceeds the full replacement cost of the property. An applicant for limited sinkhole coverage must sign a notice stating that he or she has read and understands the coverages of the limited sinkhole insurance policy, including that the coverage limits are for less than the full replacement cost or that he or she is agreeing to a deductible greater than allowed by law.

If the sinkhole loss cannot be repaired within policy limits for a limited coverage policy, the insurer must:

- (a) Pay the cost, without regard to policy limits, to complete the repairs recommended by the insurer’s professional engineer; or
- (b) Pay the cost, not to exceed the policy limits, to complete the repairs upon the policy holder entering into a contract to repair the sinkhole loss in accordance with the repairs recommended by the insurer’s professional engineer.

However, if the policy holder obtains a lower-cost alternative repair recommendation from a professional engineer for stabilizing the land or the building and repairing the foundation, the insurer must pay the cost, not to exceed the policy limits, to complete the lower-cost alternative repair upon the policy holder entering into a contract to repair the sinkhole loss in accordance with the lower-cost alternative repair recommendation by the policy holder’s professional engineer. Such lower-cost alternative repair is subject to reasonable cost adjustment by the insurer; however, the insurer may not depart from the engineering requirements of the policy holder’s professional engineer’s lower-cost alternative repair recommendation. Except when payment for sinkhole loss is made under option (a) above, the policy holder is responsible for the amount of the repair costs in excess of policy limits, if any.

Insurers are allowed to establish limited sinkhole policy forms not subject to filing with and approval by the Office of Insurance Regulation (OIR). Until October 1, 2019, insurers may file rates for limited sinkhole insurance coverage that are not subject to filing and review requirements. The bill prohibits the Citizens Property Insurance Corporation for offering limited sinkhole insurance coverage and establishes surplus requirements of \$7.5 million for new and existing insurers that solely transact limited sinkhole insurance coverage. Insurers providing



limited sinkhole insurance coverage must notify the OIR at least 30 days prior to offering the coverage in the state. Insurers impacted by the legislation must file a plan of operation and financial projections or revisions to such plan, as applicable, with the OIR.

Inland Water Resource Management and Conservation

HB 347: Water Utility Projects

Finance and Tax Committee

Establishes a new mechanism, utility cost containment bonds, available to a utility authority to finance projects related to water or wastewater service on behalf of a local agency. The bonds are secured by a utility project charge levied on the local agency's utility customers. This separate charge is designed to satisfy rating agency criteria to achieve a higher bond rating and, therefore, a lower interest rate and more favorable terms for bonds issued to fund eligible projects. The legislation defines "utility authority" and states that the authority or at least one member of the authority must provide retail water or wastewater services to at least 75,000 customers.

The law authorizes an authority to work with local agencies that request assistance to determine the most cost-effective manner of financing regional water projects. If the entities determine that the issuance of utility cost containment bonds will result in lower financing costs for a project, the authority is authorized to cooperate with such local agencies and, if requested by them, to issue utility cost containment bonds. For these purposes, the following entities are designated as those permitted to seek issuance of utility cost containment bonds as a "local agency": a member of the authority, or an agency or subdivision of that member, which is sponsoring or refinancing a utility project; or any municipality, county, authority, special district, public corporation, regional water authority, or other governmental entity of the state that is sponsoring or refinancing a utility project.

HB 491: Water and Wastewater

Regulatory Affairs Committee

Directs the Division of Bond Finance to review the allocation of private activity bonds to determine the availability of additional allocation and reallocation of bonds for water and wastewater infrastructure projects.

The bill also creates an exemption from Public Service Commission (PSC) regulation and for persons who resell water service to individually metered residents at a price that does not exceed the purchase price of water service plus the actual cost of meter reading and billing, not to exceed nine percent of the actual cost of the water service.

The PSC may authorize a utility to create a utility reserve fund for infrastructure repair and replacement with disbursement subject to PSC approval. The PSC is directed to adopt rules governing the implementation, management, and use of the fund.

The legislation expands the types of specified expenses eligible for pass-through treatment to include fees charged for wastewater biosolids disposal; costs incurred for any tank inspection required by the Department of Environmental Protection (DEP) or a local governmental authority; treatment plant operator and water distribution system operator license fees required by the DEP or a local governmental authority; water or wastewater operating permit fees charged by the DEP or a local governmental authority; and consumptive or water use permit fees charged by a water management district.

Under the measure, the PSC must establish by rule certain additional specific expense items eligible for pass-through treatment and requires the PSC to review the rule at least once every five years. Recovery expenses over a period of longer than four years may occur if a longer period can be justified and is in the interest of the public. A utility may not earn a return on the unamortized balance of a rate case expense, and any unamortized balance of a rate case expense shall be excluded in calculating the utility's rate base. Rate case expenses for attorney fees or fees of other outside consultants may not be awarded if a utility receives staff assistance in changing rates and charges, unless the Office of Public Council or interested parties have intervened. Rate case expenses may be awarded if such fees are incurred for the purpose of providing consulting or legal services to the utility after the initial staff report is made available to customers and the utility or for costs incurred after a protest or appeal. The PSC must propose rules to administer the recovery of attorney fees or fees for outside consultants by December 31, 2016.

The bill also allows the PSC to review water quality as it pertains to secondary drinking water standards established by the DEP and review wastewater service as it pertains to odor, noise, aerosol drift, or lighting.

Finally, the legislation allows the DEP to make or request a corporation to make loans, grants, and deposits to for-profit, privately owned, or investor-owned water systems to assist in the planning, design, and construction of public water systems.

HB 525: Small Community Sewer Construction Assistance Act

Rep. Halsey Beshears

Expands grant eligibility to small disadvantaged communities in need of adequate sewer facilities to include counties and special districts that fall under the same population and per capita annual income parameters as currently required under the Small Community Sewer Construction Assistance Act. Prior to the legislation, a "financially disadvantaged small community" was defined in statute as a municipality that has a population of 10,000 or fewer, according to the last decennial census, and a per capita annual income less than the state per capita annual income as determined by the United States Department of Commerce. Specifically, the bill includes only special districts whose public purpose includes water and sewer services, utility systems and services, or wastewater systems and services.

HB 703: Vessel Safety

Highway and Waterway Safety Subcommittee

Revises what constitutes as careless operation of a vessel to only apply if a person is operating a vessel in an unreasonable or imprudent manner that endangers the life, limb, or property of another person outside of the vessel or endangers the life, limb, or property of another person due to vessel overloading or excessive speed.

The law requires the issuance of safety inspection decals by law enforcement officers to operators of vessels that have been found in compliance with the safety equipment carriage and use requirements. Law enforcement officers are prohibited from stopping a vessel solely for the purpose of inspecting the safety equipment carriage and use requirements, if the vessel has a properly displayed valid safety inspection decal, unless there is reasonable suspicion that a violation is occurring or has occurred of the safety equipment carriage and use requirements.

SB 1176: Dredge and Fill Activities

Environmental Preservation and Conservation Committee

Authorizes the Department of Environmental Protection (DEP), subject to agreement with the United States Army Corps of Engineers (USACE), to implement a voluntary state programmatic general permit for all dredge and fill activities impacting ten acres or less of wetlands or other surface waters, if the general permit is at least as protective of the environment and natural resources as existing state law and federal law under the Clean Water Act and the Rivers and Harbors Act of 1899.

The measure clarifies that by seeking to use a statewide programmatic general permit, an applicant consents to applicable federal wetland jurisdictional criteria as required by the USACE.

The bill authorizes the DEP to pursue delegation or assumption of federal permitting programs regulating the discharge of dredged or fill material, rather than only complete assumption which encompasses all dredge and fill activities in, on, or over jurisdictional wetlands or waters, including navigable waters, within the state.

Land Management and Conservation

HB 59: Agritourism

State Affairs Committee

Prohibits a local government from enforcing any local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under state law. However, the bill specifies that a local government is not limited by the prohibitions when adopting or enforcing local regulations that address substantial off-site impacts of agritourism activities.

Also, the measure adds “civic,” “ceremonial,” and “training and exhibition” activities to the enumerated list of agritourism activities defined in state law. It also adds “livestock operation” to the list of places where an agritourism activity can occur. The bill provides that lands classified as agricultural cannot be divested of that classification as long as the land remains used primarily for bona fide agricultural purposes.

HB 447: Florida Environmental Stewardship Act

Agriculture and Natural Resources Appropriations Subcommittee

Creates the Florida Environmental Stewardship Act. The legislation amends the Areas of Critical State Concern Program. The program is intended to protect resources and public facilities of major statewide significance, within designated geographic areas, from uncontrolled development that would cause substantial deterioration of such resources.

The bill expands the use of the local government infrastructure surtax to include acquiring any interest in lands for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern. The measure defines “infrastructure” under the local government infrastructure surtax to include “any fixed capital expenditure or fixed capital outlay associated with...all other professional and related costs to bring the public facilities into service.” The term “public facilities” is redefined to include a wide variety of major capital improvements including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks, and recreational facilities; healthcare systems and facilities; and water



management and control facilities, alternative water systems, and certain spoil disposal sites for maintenance dredging in waters of the state.

The legislation adds the City of Key West Area of Critical State Concern to the list of eligible areas for which the Everglades restoration bonds may be issued and expands the range of uses to include projects that protect, restore, or enhance nearshore water quality and fisheries, such as storm water or canal restoration projects, and projects to protect and enhance the water supply to the Florida Keys. Lands that are purchased in the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern from the Everglades restoration bond proceeds may be surplus under certain circumstances. The applicable general purpose local government must agree to the disposal of lands and must be offered the first right to purchase those lands.

The measure revises the Department of Environmental Protection's (DEP) criteria for the recommendation to the board for the purchase of lands in an area of critical state concern to include lands that conserve sensitive habitat; lands that protect, restore, or enhance nearshore water quality and fisheries; lands used to protect and enhance water supply to the Florida Keys, including alternative water supplies such as reverse osmosis and reclaimed water systems; and lands used to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern if the acquisition of such lands fulfills a public purpose. As distributed in the Florida Forever Act, at least \$5 million of the funds allocated for land acquisition and capital projects must be spent within the Florida Keys Area of Critical State Concern beginning in Fiscal Year 2017-2018 and continuing through Fiscal Year 2026-2027.

The legislation appropriates \$5 million in nonrecurring funds from the General Revenue Fund for the 2016-2017 fiscal year to the DEP. These funds must be distributed in accordance with the existing interlocal agreement among specified local governmental entities in Monroe County for various water purposes and to enhance the water supply in the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern; or, alternatively, for the purposes of land acquisition within the Florida Keys Area of Critical State Concern.

Finally, the bill expands the powers of an area of critical state concern land authority to include the prevention or satisfaction of private property rights' claims resulting from limitations imposed by the designation of areas of critical state concern and to contribute funds to the DEP for the purchase of lands. The land authority may only make an acquisition or contribution if the acquisition or contribution is not used to improve public transportation facilities or otherwise increase road capacity to reduce hurricane evacuation clearance times.

HB 589: Environmental Law Revisions

State Affairs Committee

Allows land set-asides and land use modifications not otherwise required by state law or permit to be used to generate credits for water quality credit trading.

Also, the legislation modifies a prohibition against granting environmental regulation variances that would result in the provisions or requirements being less stringent than federal law. The bill authorizes moderating provisions or requirements under state law, subject to any necessary approval by the U.S. Environmental Protection Agency.

HB 989: Implementation of Water and Land Conservation Constitutional Amendment

Rep. Gayle Harrell

Requires the following minimum distributions from the Land Acquisition Trust Fund to be appropriated annually:

- The minimum of the lesser of 25 percent of the funds remaining after the payment of debt service or \$200 million for Everglades projects;
- The minimum of the lesser of 7.6 percent of the funds remaining after the payment of debt service or \$50 million for spring restoration, protection, and management projects; and
- \$5 million through the 2025-2026 fiscal year for projects dedicated to the restoration of Lake Apopka.

The measure requires the distributions to be reduced by an amount equal to any debt service paid on bonds issued for such purposes.

HB 971: Community Development Districts

Local Government Affairs Subcommittee

Revises the 1,000-acre threshold to 2,500 acres so that Community Development Districts (CDD) of 2,500 acres or more are now reviewed at the state level and are established by administrative rule, and CDDs of fewer than 2,500 acres are reviewed at a local level and established by ordinance. Prior law provided two different tracks for the establishment of a CDD. CDDs of 1,000 acres or more were reviewed at a state and local level and established by administrative rule. Smaller CDDs of fewer than 1,000 acres were reviewed at a local level and established by ordinance, though local governments could refer a petition for a smaller CDD to the state for processing.

The revised statute explicitly empowers a CDD to contract with a towing operator to remove a vehicle or vessel from a CDD-owned facility or property with a certain notice and procedural requirements. The bill also provides a new process for the merger of CDDs, permitting up to five CDDs to combine into one surviving CDD, prescribing the composition for the surviving CDD board of supervisors, and establishing other requirements for the merger.

HB 1073: Fish and Wildlife Conservation Commission

Agriculture and Natural Resources Subcommittee

Revises statutes to consolidate the penalties for violations relating to recreational hunting, freshwater fishing, and saltwater fishing within the four-tier penalty structure. The bill offers violators of recreational hunting, freshwater fishing, and saltwater fishing the option to purchase the respective license or permit in addition to a civil penalty rather than pay the cost of such license or permit and penalty without actually receiving the license or permit. The fine for illegally killing, taking, possessing, or selling game or fur-bearing animals while committing burglary or trespass increases from a \$250 fine to a \$500 fine and expands the scope to include illegally killing, taking, possessing, or selling all fish and wildlife.

The measure makes it a third degree felony to knowingly possess marine turtles or the eggs or nests of marine turtles and clarifies that the prohibition on knowingly taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing of marine turtles includes the hatchlings or parts thereof. Finally, the legislation



authorizes, rather than requires, the Fish and Wildlife Conservation Commission to retain an administration fee on donations provided by application to the Southeastern Guide Dogs, Inc.

HB 1075: State Land Management

State Affairs Committee

Alters state land management provisions. Specifically, the bill:

- Revises the management requirements for conservation lands from managed for the purposes for which the lands were acquired to managed for conservation, recreation, or both, consistent with the land management plan;
- Requires the Board of Trustees of the Internal Improvement Trust Fund to encourage the use of sovereignty submerged lands for minimal secondary non-water dependent uses related to water-dependent uses;
- Provides the Department of Environmental Protection (DEP) with additional options to consider lands for which the managing or leasing entities are not meeting their short-term goals as established in a land management plan for conservation lands or a land use plan for nonconservation lands;
- Creates a process whereby a person who owns land contiguous to land titled to the board may submit a request to the Division of State Lands to exchange all or a portion of state-owned land, with the state retaining a permanent conservation easement over all or a portion of the contiguous privately owned land;
- Removes the requirement that the board, before they are authorized to sell any land to which they hold title, provide notice and afford an opportunity to a county in which the land is situated to receive such lands before the board is authorized to sell such land;
- Requires the DEP to add federally owned conservation lands, lands on which the federal government holds a conservation easement, and all lands on which the state holds a conservation easement to the Florida State-Owned Lands and Records Information System by July 1, 2018;
- Requires each local government to submit a list to the DEP of all conservation lands it owns or holds a permanent conservation easement on by July 1, 2018. Financially disadvantaged small communities have an additional year to submit such information;
- Directs the DEP to complete a study regarding the technical and economic feasibility of including privately owned conservation lands in a public lands inventory by July 1, 2018;
- Revises the noticing requirements that a water management district must adhere to when selling or exchanging lands and provides an expedited process for selling surplus lands that are valued at \$25,000 or less;
- Requires increased priority to be given to proposed Florida Forever projects that:
 - Can be acquired in less than fee ownership;
 - Contributes to improving the quality and quantity of surface water or groundwater; or
 - Contributes to improving the water quality and flow of springs;
- Authorizes the Fish and Wildlife Conservation Commission to establish spring protection zones; and
- Requires the Department of Agriculture and Consumer Services to follow certain acquisition procedures when acquiring conservation easements through the Rural and Family Lands Protection Programs.



HB 1361: Growth Management

Economic Affairs Committee; Local Government Affairs Subcommittee

Amends the state's growth management programs. Specifically, the measure:

- Adds that a county governing board may hold joint public meetings with the governing body or bodies of one or more adjacent municipalities or counties to discuss matters regarding land development or other multi-jurisdictional issues at any appropriate public place within the jurisdiction of any participating municipality or county;
- Provides that an ex officio, nonvoting representative of a military installation is not required to file an annual statement of financial interests (CE Form 1) due solely to service on a local land planning or zoning board;
- Establishes a timeframe for issuing a final order if the state land planning agency fails to take action;
- Amends the minimum acreage for application of a sector plan from 15,000 to 5,000 acres;
- Changes the acreage for annexation of enclaves under certain circumstances from 10 to 110 acres;
- Replaces the Administration Commission with the state land planning agency as the reviewing entity for modifications and proposed changes dealing with plans and regulations for the Apalachicola Bay Area of Critical State Concern;
- Authorizes a developer, the Department of Economic Opportunity, and a local government to amend a development of regional impact (DRI) agreement when a project has been determined to be essentially built out;
- Authorizes a local government to approve the exchange of one approved DRI land use for another so long as there is no increase in impacts to public facilities;
- Specifies that persons do not lose the right to complete DRIs upon certain changes to those developments;
- Clarifies that certain proposed developments which are currently consistent with the local government comprehensive plan are not required to be reviewed pursuant to the State Coordinated Review Process for comprehensive plan amendments;
- Revises conditions under which the DRI aggregation requirements do not apply; and
- Establishes procedures relating to rights, duties, and obligations related to certain development orders or agreements if a development elects to rescind a development order.

SB 100: Pollution Discharge Removal and Prevention

Appropriations Committee

Global Risk Based Corrective Action (RBCA) and Brownfield Program Cleanup Statutes

Defines "background concentration" to mean the concentration of contaminants naturally occurring or resulting from anthropogenic (human) impacts unrelated to the discharge of pollutants or hazardous substances at a contaminated site undergoing site rehabilitation and deletes the phrase "naturally occurring" in determining the cleanup target level (CTL). Under the measure, "long-term natural attenuation" means natural attenuation approved by the Department of Environmental Protection (DEP) as a site rehabilitation program task for a period of more than five years.

The measure provides that Global RBCA does not apply to nonprogram petroleum-contaminated sites unless requested by the person responsible for site rehabilitation. Rules

concerning rehabilitation program tasks must include protocols for long-term natural attenuation where site conditions warrant. The law creates an exception when applying state water quality standards to CTLs for surface water exposed to contaminated groundwater when it has been demonstrated that the contaminants do not cause or contribute to the exceedance of applicable surface water quality criteria. The bill encourages the DEP to utilize long-term attenuation monitoring when additional site rehabilitation is necessary to reach a finding of “No Further Action.” The DEP must consider the interactive (as opposed to additive) effects of contaminants when determining what constitutes a rehabilitation program task. The use of risk assessment modeling and probabilistic risk assessment may create site-specific alternative CTLs. Alternative CTLs without institutional controls may be used if certain specified conditions exist.

Abandoned Tank Restoration Program

Removes the June 30, 1996, deadline for applications for the Abandoned Tank Restoration Program. The measure provides that certain sites eligible for the Petroleum Cleanup Participation Program are not eligible for the Abandoned Tank Restoration Program. Provisions are removed that exclude sites from eligibility when the sites are owned by a person who had knowledge of the polluting condition when the title was acquired unless the person acquired the title to the site after issuance of a notice of site eligibility by the DEP.

Petroleum Restoration Program, the Low Scored Site Initiative (LSSI), and “No Further Action” Findings

Authorizes continued state funding for certain sites that have received a site rehabilitation completion order. The bill substantially revises the criteria for a finding of “No Further Action” by the DEP. An expiration date of July 1, 2016, no longer exists for the obligation of funds from the Inland Protection Trust Fund (IPTF) for payments of program deductibles, copayments, and certain reports. The measure allows the DEP to pay for institutional controls for costs associated with certain surveys and obtaining a title report and recording fees. Payment of costs for limited remediation may include up to 12 months, rather than six months, of groundwater monitoring and 12 months of limited remediation activities.

The legislation increases the amount available for groundwater monitoring and for limited remediation activities from \$30,000 to \$35,000 for sites where the DEP has determined that the assessment and limited remediation, if applicable, will likely result in a determination of “No Further Action.” The DEP may approve an additional amount not to exceed \$35,000 for limited remediation needed to achieve a determination of “No Further Action.” Assessment and limited remediation work must be completed no later than 15 months, rather than six months, after the DEP authorizes the start of a state-funded LSSI task. If groundwater monitoring is required after the assessment and limited remediation in order to satisfy certain conditions, the DEP may authorize an additional 12 months to complete the monitoring. The bill increases the amount that may be encumbered from the IPTF for the LSSI from \$10 million to \$15 million per year.

Petroleum Cleanup Participation Program (PCPP)

Specifies that participation in the cost-sharing cleanup program under the PCPP is available for property contaminated by discharges of petroleum or petroleum products from a petroleum storage system. The bill removes the December 31, 1998, deadline for applications for the PCPP. The DEP may approve supplemental funding of up to \$100,000 for additional remediation and monitoring if such remediation and monitoring is necessary to achieve a determination of “No Further Action.”

Advanced Cleanup Program

Revises the criteria for an application for advanced cleanup by increasing the amount the DEP may enter into contracts for advanced cleanup work each fiscal year from \$15 million to \$25 million. The measure allows a property owner or responsible party to enter into a voluntary cost-share agreement in which the property owner or responsible party commits to bundle multiple sites and lists the facilities that will be included in those future bundles. Facilities listed are not subject to agency term contractor assignment pursuant to the DEP rule. The DEP may terminate or amend the voluntary cost-share agreement for any identified site under the voluntary cost-share agreement, if the property owner or responsible party fails to submit an application to bundle any site not already covered by an advance cleanup contract under such voluntary cost-share agreement within a subsequent open application period during which it is eligible to participate.

SB 190: Conservation Easements

Community Affairs Committee

Provides that once an original application for an ad valorem tax exemption for property subject to a perpetual conservation easement has been granted, the property owner is not required to file a renewal application until the use of the property no longer complies with the restrictions and requirements of the conservation easement.

Reorganization and Coordination

HB 561: Organizational Structure of the Department of Environmental Protection

Agriculture and Natural Resources Appropriations Subcommittee

Removes the statutory enactment of each office within the Department of Environmental Protection (DEP). The bill establishes the Office of the Secretary within the DEP and authorizes the secretary to establish offices within the department's division or within the Office of the Secretary to promote the efficient and effective operation of the DEP. The law requires the secretary to appoint a general counsel who is directly responsible to and serves at the pleasure of the secretary and who is responsible for all legal matters of the DEP. The measure also establishes the Division of Water Restoration Assistance within the DEP.

HB 707: Department of Agriculture and Consumer Services

State Affairs Committee, Agriculture and Natural Resources Appropriations Subcommittee

Addresses the following issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services:

- Designates tupelo honey as the official state honey;
- Changes the procedure to obtain and renew a pest control operator's certificate and eliminates a late charge;
- Preempts to the department the regulation of the use or sale of polystyrene products by entities regulated under the Florida Food Safety Act;
- Changes the deadline to submit a recertification application for the limited certification for urban landscape commercial fertilizer application and eliminates the \$50 per month late charge for late recertification;
- Adds the term "dietary supplements" to the list of possibly adulterated foods;
- Defines the term "vehicle" to provide clarity to the types of mobile carriers that fall under the department's regulatory authority;



- Adds allergen information labeling requirements to the list of possibly misbranded foods;
- Authorizes the department to sponsor “events” (not just breakfasts, luncheons, or dinners) to promote agriculture and agricultural business products;
- Authorizes the department to secure letters of patent, copyrights, and trademarks on any work products of the department and accordingly to enforce its rights;
- Authorizes the department to use money deposited in the Pest Control Trust Fund to carry out any of the powers and duties of the Division of Agricultural Environmental Services;
- Creates an Office of Agriculture Technology Services;
- Removes the requirement for the department to provide administrative staff relating to meetings and office space for the Florida Agriculture Center and Horse Park Authority;
- Specifies the intent of the “Fresh From Florida” marketing brand;
- Amends membership requirements for the Florida Agricultural Promotional Campaign Advisory Council;
- Modifies the reporting period for fertilizer tonnage sales from monthly to quarterly and changes the reporting requirement from 15 days to 30 days following the close of the reporting period;
- Preempts regulatory authority for commercial feed and feedstuff to the department;
- Removes the requirement that the department notify a property owner that a plant infested or infected with plant pests or noxious weeds has been found on their property, if the plant is infested with pests or noxious weeds that are determined to be widely established in Florida. This change provides the department with the flexibility to not have to require an owner to destroy or remove the plant;
- Modernizes the Soil and Water Conservation Districts (SWCDs) statutes to reflect the actual functions of the districts;
- Removes obsolete statutory references relating to Watershed Improvement Districts;
- Adds definitions for “school breakfast program,” “summer nutrition program,” and “universal school breakfast program” to specify that they are programs which are authorized by federal law;
- Authorizes the department to implement the Farmers’ Market Nutrition Program to provide participants in the Supplemental Nutrition Program for Women, Infants, and Children with locally grown fruits and vegetables;
- Eliminates a federal licensing requirement for certain citrus fruit inspectors;
- Requires the department to provide the highest rate of reimbursement to which it is entitled under the federal school breakfast program to a “severe need school”;
- Renames the “Florida Farm Fresh Schools Program” to be the “Florida Farm to School Program”;
- Eliminates the requirement that each grain dealer report monthly to the department the value of the grain it received from producers for which the producers have not received payment;
- Eliminates the Florida Forest Service’s power to dedicate its land for use by the public as a park; and
- Re-designates the Pompano State Farmers Market as the “Edward L. Myrick State Farmers Market.”



SB 754: Public Records Exemption

Commerce and Tourism

Creates a new public records exemption for the Department of Agriculture and Consumer Services (DACS). The exemption provides that criminal or civil intelligence, investigative information, or any other information held by the DACS as part of a joint or multiagency examination with another state or federal agency will be confidential and exempt from public disclosure. The exemption does not apply to information held by the DACS that would otherwise be available for public inspection if the DACS performed an independent investigation. The public records exemption created by the legislation is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2021, unless it is reviewed and saved from repeal through reenactment by the Florida Legislature.

Solid Waste

HB 589: Solid Waste Funding

State Affairs Committee

Alters the allowable use of funds from the solid waste landfill closure account for contracting with a third party for the closing and long-term care of solid waste management facilities. The measure allows the use of funds when a facility was not required to obtain a permit to operate the facility and expands the types of financial assurances permittees may provide for closure of solid waste management facilities.

Authority is given to the Department of Environmental Protection to use funds from the Solid Waste Management Trust Fund to pay for or reimburse additional expenses needed for performing or completing a facility closure or long-term care when the amount available under an insurance policy or other financial assurance mechanism is not sufficient.

SB 922: Solid Waste Management

Appropriations Committee

Revises provisions related to the Solid Waste Management Trust Fund and the solid waste management grant program. The bill establishes a waste tire abatement program and provides funding for the program. The measure removes the waste tire grant program and authorizes the consolidated grant program for small counties to provide grants for waste tire abatement. The population requirement for eligibility for the consolidated grant program is amended for small counties, increasing it from counties with populations of fewer than 100,000 to those with populations of fewer than 110,000.

The legislation modifies provisions related to the use of funds from the solid waste landfill closure account for contracting with third parties for the closing and long-term care of solid waste management facilities. The measure allows the use of funds when a facility was not required to obtain a permit to operate the facility and expands the types of financial assurances permittees may provide for closure of solid waste management facilities.

The Department of Environmental Protection may use funds from the Solid Waste Management Trust Fund to pay for or reimburse additional expenses needed for performing or completing a facility closure or long-term care when the amount available under an insurance policy or other financial assurance mechanism is not sufficient.

Water Quality and Pollution Control

HB 589: Environmental Law Revisions

State Affairs Committee

Well Contractors

Revises the number of letters required to provide proof of the length of time an applicant wishing to take the water well contractor licensure examination has been engaged in the business of construction, repair, or abandonment of water wells from two letters to one.

Stormwater Management

Allows construction of a stormwater management system to proceed without any further agency action by the Department of Environmental Protection (DEP) or water management district (WMD) if, before construction begins, rather than within 30 days after construction begins, an electronic self-certification is submitted to the DEP or the WMD which certifies that the proposed system was designed by a Florida registered professional and that the registered professional has certified that the proposed system meets all statutory requirements.

Phosphates

Exempts constructed clay settling areas at phosphate mines from the rate of reclamation and financial assurance requirements, when their beneficial use has been extended, until the beneficial use of the settling area is completed.

SB 552: Water Resource Quality

Appropriations Committee

Addresses numerous topics related to Florida's environmental resources.

Florida Springs and Aquifer Protection Act

Creates the Florida Springs and Aquifer Protection Act for the protection and restoration of Outstanding Florida Springs (OFSs). The bill provides timelines and deadlines for the restoration of OFSs through the Basin Management Action Plan (BMAP) process. The development of Onsite Sewage Treatment and Disposal System (OSTDS) remediation plans must occur when OSTDSs contribute significantly to the pollution of an OFS.

The law prohibits certain activities within a priority focus area for an OFS. The Department of Environmental Protection (DEP) must develop rules relating to groundwater withdrawals including the creation of a uniform definition for "harmful to the water resources" for OFSs. Water management districts (WMDs) may adopt a more restrictive definition.

Northern Everglades and Estuaries Protection Program

Updates and restructures the Northern Everglades and Estuaries Protection Program to reflect and build upon the DEP's implementation of BMAPs for Lake Okeechobee, the Caloosahatchee River and Estuary, and the St. Lucie River and Estuary.

The BMAPs will include the construction of water projects, water monitoring programs, and the implementation, verification, and enforcement of best management practices (BMPs) within these watersheds. The BMAPs will include 5, 10, and 15-year measurable milestones toward achieving the total maximum daily loads for those water basins within 20 years.

Consumptive Use Permits

Revises provisions relating to Consumptive Use Permits (CUPs) to require monitoring and

reporting for certain sized wells and authorizes WMDs to have more stringent monitoring requirements.

Permitted allocations may not be decreased because of additional conservation measures implemented by the permit holder, changes in certain agricultural conditions, or practices that result in actual water use being less than permitted. The WMDs must adopt rules to incentivize water conservation. The legislation creates a preference for new CUP applicants that are nearest to a water source when two or more applications otherwise qualify equally.

Minimum Flows and Levels

Sets deadlines for the WMDs to adopt minimum flows and levels (MFLs) for waterways within their jurisdiction. WMDs must concurrently adopt recovery or prevention strategies for any waterway that is not meeting an MFL or that will fall below an MFL within 20 years.

Best Management Practices

Requires the DEP and the Department of Agriculture and Consumer Services (DACS) to adopt rules to verify implementation of BMPs or other measures. The rules must include enforcement procedures.

Tracking and Monitoring

Requires the tracking and monitoring of progress toward conservation and restoration goals. The Office of Economic and Demographic Research must conduct an annual assessment of water resources and conservation lands. The DEP must publish an online, publicly accessible database of conservation lands where public access is compatible with conservation and recreational purposes. The DEP will conduct a feasibility study for creating and maintaining a web-based, interactive map of the state's waterbodies that provides information on the status of each waterbody with respect to minimum flows and levels and nutrient impairment. The DEP, in coordination with other entities, must establish statewide standards for the collection and analysis of water quantity, water quality, and related data. The DEP, the DACS, and the WMDs are subject to a number of new planning and reporting requirements relating to water quantity and quality.

Other Provisions

Requires the DEP to adopt by rule a specific surface water classification for surface waters used for treated potable water supply.

The bill revises membership requirements for the Harris Chain of Lakes Restoration Council.

Included in the measure is the creation of a pilot program for alternative water supply development in restricted allocation areas and a pilot program for innovative nutrient and sediment reduction and conservation.

The legislation codifies the Central Florida Water Initiative (CFWI) and ensures that the appropriate governmental entities continue to develop and implement uniform water supply planning, consumptive use permitting, and resource protection programs in the area encompassed by the CFWI.

Public-private partnerships with agricultural land-owners who provide certain environmental benefits are encouraged in the provisions. In addition, the DEP and the WMDs are encouraged to provide technical assistance to water self-suppliers.



Georgia

Energy Legislation

Alternative Energy Development

SR 1038: Joint Alternative Fuels Infrastructure and Vehicles Study Committee

Sen. Jeff Mullis

Creates the Joint Alternative Fuels Infrastructure and Vehicles Study Committee. The committee will study how providing market incentives for installation of refueling infrastructure for alternative fuel vehicles would serve as a catalyst for the realization of cheap and clean fueling options for the public. The committee also will study whether increased market incentives for the purchase or lease of alternative fuel vehicles may drive development of infrastructure.

The committee must be composed of 10 members with the President of the Senate appointing five members of the Senate and designating one co-chairperson. The Speaker of the House of Representatives will appoint five members of the House of Representatives to the committee and will also designate one co-chairperson.

Energy Efficiency

HB 951: Sales Tax Holiday

Rep. Chad Nimmer

Reauthorizes the energy efficient products sales tax holiday for 2016. The exemption applies to the purchase of Energy Star Qualified Products or WaterSense Products with a sales price of \$1,500 or less per product purchased for noncommercial home or personal use on September 30, 2016, through October 2, 2016.

Natural Gas and Petroleum

HB 1036: Moratorium on Eminent Domain Powers of Pipeline Companies

Rep. Bill Hitchens

Provides for a moratorium on the exercise of eminent domain powers of pipeline companies through June 30, 2017. The stated intention of the moratorium is to provide the General Assembly with time to study the need for any changes to land use controls or restrictions related to pipeline companies seeking to deliver petroleum to residents of this state or other states. The possible controls and restrictions include, but are not limited to, those related to the siting of pipelines. The moratorium will allow the assessment of various proposals relating to the eminent domain powers that pipeline companies presently enjoy, the issuance of certain environmental permits to pipeline companies, and the enactment of additional laws to ensure the consistency of pipeline development and operation with the state's land use goals and standards.

Additionally, the bill creates the State Commission on Petroleum Pipelines. The State Commission on Petroleum Pipelines will be composed of the following:

- Three members of the House of Representatives to be appointed by the Speaker of the House of Representatives;



- Three members of the Senate to be appointed by the President of the Senate; the Director of the Environmental Protection Division of the Department of Natural Resources or his or her designee;
- The Commissioner of Community Affairs or his or her designee; and
- Five members to be appointed by the Governor, including one member who must represent the petroleum industry and four members who must represent a cross section of the interests of local government, business, agriculture, and conservation.

The Speaker of the House of Representatives and the President of the Senate will each select a co-chairperson. The co-chairpersons must call all meetings of the commission. Administrative support for the commission must be provided by the staff of the Office of Planning and Budget, the staff of the Environmental Protection Division of the Department of Natural Resources, or the staff of the Department of Community Affairs, as appropriate.

Reorganization and Coordination

HB 822: Tax Exemption for Energy Used in Agriculture

Rep. Christian Coomer

Defines 'energy used in agriculture' for tax purposes to mean fuels used for agricultural purposes, other than fuels subject to prepaid state tax. The term includes, but is not limited to, off-road diesel, propane, butane, electricity, natural gas, wood, wood products, or wood by-products; liquefied petroleum gas or other fuel used in structures in which broilers, pullets, or other poultry are raised. The term also applies to the aforementioned fuels used in structures in which swine are raised, in which dairy animals are raised or milked or where dairy products are stored on a farm, in which agricultural products are stored, and in which plants, seedlings, nursery stock, or floral products are raised primarily for the purposes of making sales of such plants, seedlings, nursery stock, or floral products for resale.

The term 'energy used in agriculture' also includes electricity or other fuel for the operation of an irrigation system that is used on a farm exclusively for the irrigation of agricultural products and electricity or other fuel used in the drying, cooking, or further processing of raw agricultural products, including, but not limited to, food processing of raw agricultural products.

Utilities

HB 767: Passing of Utility Service Vehicles

Rep. Allen Powell

Provides that an operator of a motor vehicle approaching a stationary towing or recovery vehicle, or a stationary highway maintenance vehicle, or a stationary utility service vehicle that is utilizing traffic cones or displaying flashing yellow, amber, white, or red lights must approach the vehicle with due caution and must, absent any other direction by a peace officer, proceed as follows:

- (a) Make a lane change into a lane not adjacent to the towing, recovery, or highway maintenance, or utility service vehicle if possible in the existing safety and traffic conditions; or
- (b) If a lane change would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which must be less than the posted speed limit, and be prepared to stop.

Under the legislation, 'utility service vehicle' means any vehicle being used by an employee or contractor of any entity, including, but not limited to, a political subdivision of this state or a



local authority or commission related thereto, an electric cooperative, or a public or private corporation, in connection with the provision of utility services. 'Utility services' means and includes electric, natural gas, water, waste-water, cable, telephone, or telecommunication services or the repair, location, relocation, improvement, or maintenance of utility poles, transmission structures, pipes, wires, fibers, cables, easements, rights of way, and associated infrastructure.

SB 191: Utility Locating

Sen. Lindsey Tippins

Prevents a local governing authority from enforcing any ordinance or resolution which imposes fines for a violation of a local ordinance or resolution that establishes requirements for lining, marking of utility facilities, re-marking of utility facilities, or otherwise locating utility facilities or sewer laterals for any locate request or large project.

SR 954: Granting of Easements

Sen. Rick Jeffares

Authorizes the granting of nonexclusive easements for the construction, operation, and maintenance of facilities, utilities, roads, and ingress and egress in, on, over, under, upon, across, or through property owned by the State of Georgia in the counties of Bartow, Bulloch, Carroll, Chatham, Columbia, Coweta, DeKalb, Emanuel, Gordon, Henry, Marion, Murray, Paulding, Sumter, Ware, and Whitfield.





Georgia

Environmental Legislation

Environmental Health Services

HB 727: Regulation of Sale and Use of Fireworks

Rep. Paul Battles

Creates new restrictions on locations where consumer fireworks may not be used. The measure revises permitted times during which consumer fireworks may be ignited, including by special use permit. The measure allows for the lawful use of consumer fireworks between 10 p.m. and midnight until January 31, 2018, if the use is lawful pursuant to any local noise ordinance. Local governments may also regulate temporary fireworks stands until January 31, 2018. The Governor may restrict fireworks activity during a time of drought. The bill also restricts the use of consumer fireworks while under the influence of drugs or alcohol.

SB 184: Limiting Breed-Specific Regulation to Enactment by General Law

Sen. Ellis Black

Provides requirements for the classification of hunting dogs. Under the legislation, any domestic dog that is registered with the American Kennel Club or United Kennel Club as a sporting breed group dog, hound breed group dog, or nonsporting breed group dog or that is of a breed used in the lawful pursuit of hunting that is used during an established hunting season to aid an individual to pursue or hunt wildlife, and whose owner or other member of the household has a hunting permit from the Department of Natural Resources must be classified as a hunting dog. The owner of any such dog must receive the same registration, licensing, or permitting fee from any local government as is available to owners of spayed and neutered dogs.

SB 350: Dedication of Funds from Excise Taxes

Sen. Jeff Mullis

Provides for the dedication of excise tax revenues on fireworks to trauma care, fire safety, and public safety. This bill will not become effective unless the constitutional amendment proposed by SR 558 is adopted in the November 2016 General Election.

SR 558: Dedication of Funds from Excise Taxes on Fireworks Constitutional Amendment

Sen. Jeff Mullis

Proposes a constitutional amendment which would allow the General Assembly to dedicate revenues from excise taxes on fireworks to trauma care, fire service, and public safety services. The proposed amendment will appear on the November 2016 General Election ballot.

Hazardous Waste and Substance Management

HB 1028: Requiring Notice of Solid or Hazardous Waste Release

Rep. Bill Werkheiser

Requires owners and operators of solid waste landfills to notify local governments of any release of a contaminant which is likely to pose a danger to human health within 14 days of such release. Notice of the release must be published in the legal organ in the county of the landfill's location.



Inland Water Resource Management and Conservation

HB 172: Floating Under the Influence

Rep. Eddie Lumsden

Allows individuals 21 years old and over to consume alcoholic beverages while floating on the water as long as their raft doesn't have a motor and they stay within 100 feet of shore on a lake, pond, or other nonflowing body of water.

SB 206: Water Liens

Sen. William Ligon

Restores existing law under which the ban on refusing to supply water service applies only to residential property. The measure changes provisions regarding delivery of notices of overdue charges and provides that certain provisions do not apply to condominium associations that supply water.

Land Management and Conservation

HB 1014: Property Donated for Conservation Use

Rep. Jay Powell

Extends the sunset on tax credits for donation of property for conservation through December 31, 2021. The Department of Natural Resources must issue a report on the activity of the donation program occurring during recent years. The report must include, but not be limited to, the number of applications and the total number of acres donated; the value of the qualified donations accepted into the program and which conservation purposes were the basis for the qualification of the property; the aggregate amount of income tax credits granted; and a list of the direct and indirect benefits to the state due to the donation of land for conservation purposes.

SB 383: Tree Trimming

Sen. Frank Ginn

Allows agritourism facilities to apply for a tree trimming permit for a lawfully erected outdoor advertising sign promoting such facility, so long as the sign is located on the premises of the facility and comports with local ordinances.

SR 730: Coastal Georgia Greenway

Sen. William Ligon

Encourages the Coastal Regional Commission and other entities to support implementation of the Coastal Georgia Greenway.

Reorganization and Coordination

SB 356: Recovering Costs of Impounded Animals

Sen. Michael Williams

Authorizes animal control agencies impounding one or more animals as part of any investigation of inhumane treatment of animals, cruelty to animals, dog fighting, or otherwise providing care for one or more impounded animals, to file a petition in civil court requesting the court to require the animal's owner to pay into a registry of the court to cover all anticipated costs of impoundment and care. A sworn peace officer must personally serve written process of the petition on the animal's owner. Upon the court's receipt of return of the petition on the owner, the court will set a hearing to determine the need to care for and provide for the animal. The hearing must be conducted between 10 and 15 business days after the court receives the petition. The result of the hearing and any statement made by the owner are inadmissible in any



criminal prosecution related to the animal's impoundment, and the scope of the hearing is limited to the authorization of the animal's impoundment.

Under the measure, if the court determines that the impoundment was authorized, the court will require the owner to pay into a registry an amount sufficient to cover all costs of impoundment and care, as determined by the court, for a period beginning on the date of impoundment and ending 30 days after the date of the order. The owner must then continue to make deposits every 30 days until the owner relinquishes the animal or until the animal's final disposition. If the required funds are not deposited within five days of the original order, or within five days after the expiration of each subsequent 30-day period, then the animal will be forfeited to the petitioning agency and may be disposed of by sale, adoption, or euthanasia.

The owner may also relinquish ownership of the animal at any time before the final disposition. All costs of impoundment and care for the animal from the date of impoundment to the date of the relinquishment must still be paid by the owner. If the owner is indigent, the court may reduce or waive the costs to pay for the animal, providing that only one animal was impounded. The court may also adjust the owner's 30-day obligation of payment upon a motion made by the owner or petitioning agency.

Water Quality and Pollution Control

SR 1018: Proposed Waters of the United States Rule

Sen. John Wilkinson

Encourages the U.S. Environmental Protection Agency to withdraw the proposed Waters of the United States rule.





Kentucky

Energy Legislation

Natural Gas and Petroleum

HB 563: Technologically Enhanced Naturally Occurring Radioactive Material

Rep. Cluster Howard

Directs the Energy and Environment Cabinet and Cabinet for Health and Family Services to review and revise existing regulations to ensure proper management of Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) associated with oil and gas production. The measure clarifies the significance of enforcing the current prohibition on importation of TENORM into Kentucky for disposal.

SB 188: Requirements for Test Wells

Sen. Jared Carpenter

Creates a definition for stratigraphic test wells and provides requirements for well permitting. Under the legislation, wells must receive a permit and follow regulatory requirements prior to producing oil or gas. The bill also allows for a three-year period of confidentiality of information produced by the test well upon completion of the drilling. Test wells allow drillers to collect important subsurface information.

Reorganization and Coordination

HB 187: Fuel Tank Storage Fund

Rep. Brent Yonts

Extends the date to participate in the Petroleum Storage Tank Fund from 2016 to 2021. The legislation also extends the date to perform corrective action using money from the petroleum storage tank account from 2019 to 2024 and the date for the small operator assistance account from 2016 to 2021.

SB 141: Board Member Residency for Municipal Electrical Utilities

Sen. Danny Carroll

Allows one board member or commission member of a municipal electric utility to reside outside the city limits. One board member or commission member may be appointed who lives in a portion of the utility's service area that is not within the city if that portion contains 10 percent or more of the utility's customers and that member has been a customer of the utility for not less than one year.





Kentucky

Environmental Legislation

Environmental Health Services

HB 106: Chemical Weapons Destructions

Rep. Rita Smart

Amends state law regarding destruction of the chemical weapons stockpile at Blue Grass Army Depot. After the compounds listed in the legislation have been treated to the identified treatment or destruction values, or to comparable destruction or treatment values established by the Energy and Environment Cabinet, the cabinet must reclassify any residues of the demilitarization process (secondary wastes) to ensure proper management and disposal consistent with the toxicity and hazard potential of those residual waste streams. The scope of the bill is limited to the demilitarization of certain, identified stockpile of chemical weapons.

HB 272: Radon Mitigation Certification Requirements

Rep. Tommy Thompson

Provides that a building contractor installing vent pipes during the construction of a commercial building or home is not required to meet radon mitigation certification requirements.

HB 422: Local Code Enforcement

Rep. Michael Meredith

Consolidates all current local code enforcement provisions into one Kentucky Revised Statutes chapter and statutory scheme. Consolidation creates lien priority for all city code enforcement liens except tax liens. The bill additionally permits the use of a hearing officer to issue final orders and creates a mechanism allowing for notification of lienholders when final orders are issued.

The measure clarifies the authority of a code enforcement board to enforce an ordinance classified as a civil offense, including zoning and nuisance ordinances. Ordinances must either set forth a specific fine or fines that may be imposed for each violation of the ordinance or establish a maximum fine for contested citations and a minimum fine for uncontested citations. Cities may choose either option.

Under the legislation, a code enforcement board may assign a hearing officer to conduct hearings. Any member of the code enforcement board, including the chair, may be assigned as a hearing officer. An individual that is not a member of the code enforcement board may be assigned by the board as a hearing officer as long as the individual does not hold any elected or appointed position, office, or position of employment with a unit of local government that created the code enforcement board.

The bill requires local governments to create a notification system that provides lienholders and others that elect to do so with electronic notification of all final orders that meets minimum requirements related to timing, contact information, and electronic records.

HB 428: Dog Fighting

Rep. Wilson Stone

Provides that a dog owner, an owner of property on which a dog fight is conducted, anyone who



participates in the organization of a dog fight for pleasure or profit, and anyone who knowingly owns, possesses, keeps, trains, sells, or otherwise transfers a dog for the purpose of dog fighting is guilty of cruelty to animals in the first degree, a Class D felony. Activities of dogs engaged in hunting, field trials, dog training, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife Resources do not constitute dog fighting. Also, activities of dogs engaged in working or guarding livestock do not constitute dog fighting.

SB 230: Blighted or Deteriorated Properties

Sen. Morgan McGarvey

Permits the legislative body of any local government to establish a vacant property review commission to review and certify vacant properties as blighted or deteriorated. Prior to the legislation, only cities and consolidated local governments were authorized to establish a vacant property review commission. The bill allows the duties that could be fulfilled by a vacant property review commission to instead be assigned to an “alternative government entity” defined as a code enforcement board, land bank authority, urban renewal and community development agency, or local development authority established by the legislative body of a local government with a compatible purpose.

Inland Water Resource Management and Conservation

HB 261: Water Utilities

Rep. Linda Belcher

Requires the Public Service Commission (PSC), prior to granting a certificate of public convenience and necessity, to require an applicant for construction of a sewage collection, transmission, or treatment facility to provide a surety bond or a reasonable guaranty that the applicant will operate the facility in a reasonable and reliable manner for a period of at least five years. No surety bond or guaranty may be required for an applicant that is a water district, water association, or an applicant that the PSC finds has sufficient assets to ensure the continuity of sewage service. The surety bond or guaranty must be in an amount sufficient to ensure the full and faithful performance by the applicant or its successors of requirements under Kentucky Revised Statutes Chapter 278 and applicable state and federal environmental laws.

Additionally, the bill prohibits the transfer or control of a sewage collection, transmission, or treatment facility unless the PSC finds the person or entity acquiring the utility has provided sufficient evidence of financial integrity to ensure the continuity of sewage service in the event that the acquirer cannot continue to provide service.

Operators of a sewage collection, transmission, or treatment facility desiring to abandon a facility or cease providing services must file an application with the PSC requesting authority to abandon the facility or cease providing services. Prior to filing an application, the applicant must provide written notice of the filing to the Kentucky Division of Water, the Office of the Attorney General, and the county judge/executive, mayor, health department, planning and zoning commission, and public sewage service provider of each county and each city in which the applicant provides sewage collection, transmission, or treatment services.

Finally, the bill requires the PSC to hold a hearing on an application requesting authority to abandon a sewage collection, transmission, or treatment facility or cease providing services no earlier than 90 days from the date the application is accepted for filing unless the PSC finds it necessary for good cause to act earlier on the application. The PSC may grant or deny any application upon terms and conditions as it deems necessary or appropriate.



HB 529: Kentucky Water Resources Board

Rep. Rick Rand

Establishes the 11-member Kentucky Water Resources Board and identifies the role and function of the board in developing water resource policy. The measure places agriculture in the list of reasons water resources have become of vital importance to Kentucky.

The measure requires the Energy and Environment Cabinet to provide leadership for on-farm and rural community drought and water assessment, monitoring, and improvements for agricultural purposes. The bill attaches the board to the Energy and Environment Cabinet for administrative purposes. The measure authorizes the cabinet to receive and disperse federal, state, and other funds for on-farm and community drought and water assessment, monitoring, and improvements.

HJR 152: Water Resources for Agriculture

Rep. Mike Denham

Directs the Division of Water to meet with the United States Army Corps of Engineers and the Natural Resources Conservation Service to determine procedures for developing water resources for agriculture. The resolution provides that the Division of Water must report findings and recommendations to the Legislative Research Commission by December 1, 2016.

Land Management and Conservation

HB 208: Prescribed Fires

Rep. Tom McKee

Allows the Division of Forestry to exempt a person certified by the Kentucky Prescribed Fire Council's Burn Boss program from certain statutory requirements. The measure provides that prescribed fires may not be set during local burn bans or red flag warning days. It also requires persons exempted to give notice to the Division of Forestry 24 hours prior to the burn. Notice to local landowners and local emergency medical service, or EMS, must be given on the day of the burn.

HB 497: Seed Registrations

Rep. Wilson Stone

Provides that no local government or other political subdivision of the Commonwealth of Kentucky may adopt or continue to enforce any ordinance, resolution, rule, or regulations regarding the registration, packaging, labeling, sale, storage distribution, use, application, or propagation of seeds. Any local legislation in violation of the bill is void and unenforceable. The law may not be construed to abrogate the planning and zoning authority granted to local governments pursuant to Kentucky Revised Statutes Chapter 100.

HCR 101: Establishment of the Free-Roaming Horse Task Force

Rep. Fitz Steele

Directs the Legislative Research Commission (LRC) to establish the Free-Roaming Horse Task Force. The purpose of the task force is to study issues regarding free-roaming horses and to develop consensus legislative recommendations to address those issues. The measure designates the membership of the task force and requires the task force to meet three times before submitting its legislative recommendations. The resolution requires the legislative recommendations to be submitted to the LRC by November 30, 2016.



Reorganization and Coordination

SB 242: Veterinary Licensing Provisions

Sen. David Givens

Defines within the veterinary licensing provisions the terms "veterinary wellness program" and "student" and eliminates the "veterinary technologist" designation. The bill allows a retailer to provide information and suggestions on over-the-counter animal products.

The measure also explains how the Board of Veterinary Examiners may allow the renewal of retired or inactive licenses and increase the size of the board. It will provide board members immunity from personal liability in any action based on an official act of the member and allow the board to establish a veterinary wellness committee.

Solid Waste

HB 402: Taxation Treatment of Municipal Landfills

Rep. Mike Denham

Requires the valuation and assessment of real and tangible personal property of a municipal solid waste disposal facility to be performed by the Department of Revenue in the same manner as real and tangible personal property of all other taxpayers effective January 1, 2016, and each January 1 thereafter. In the case of tangible personal property certified as a pollution control facility that is incorporated into a landfill facility, the tangible personal property will be presumed to remain tangible personal property if used for its intended purpose.

Under the legislation, the Department of Revenue must promulgate administrative regulations to implement a valuation methodology for municipal solid waste disposal facilities. Prior to the measure, municipal solid waste disposal facilities were taxed on their operating property as a public service company.

Water Quality and Pollution Control

HB 431: Gray Water

Rep. Rocky Adkins

Recognizes "gray water technologies" as a separate category of on-site sewage disposal systems and regulates them the same as other on-site wastewater systems. The bill includes a definition of "black water" as wastewater containing liquid or solid waste generated by use of sanitary fixtures. Examples of sanitary features include urinals, water closets, and garbage disposals. "Gray water" is wastewater generated by hygiene activities, such as laundry, lavatory sinks, and showers.

As with other on-site wastewater systems, the bill requires the Cabinet for Health and Family Services to regulate the construction, installation, or alteration of gray water systems. Local health departments must review plans and specifications for proposed gray water systems, conduct site evaluations, review applications and issue permits, and conduct a final systems installation inspection. The legislation requires the cabinet to promulgate regulations updating the daily waste flow charts to account for technological improvements in water conservation using fixtures and appliances that reduce water usage and to develop a methodology for using conservation credits for gray water systems that reduce total daily waste flows.





Louisiana

Energy Legislation

Alternative Energy Development

HR 207: Solar Energy Tax Credit Information

Rep. Major Thibaut

Urges and requests the Secretary of the Department of Revenue to notify each taxpayer whose solar energy systems tax credit claim is pending of their priority position within the credit caps established for fiscal year 2016-17 and fiscal year 2017-18.

Natural Gas and Petroleum

HB 465: Waste Collection

Rep. Stuart Bishop

Modifies fee collection by the Department of Natural Resources Office of Conservation for exploration and production waste. The bill authorizes a monthly fee payable to the Office of Conservation of 2 cents per barrel of exploration and production waste delivered from the original generator of the waste to the following facilities:

- Office of Conservation permitted off-site commercial facilities;
- Transfer stations permitted by the Office of Conservation for waste transfer to out-of-state treatment or disposal facilities; and
- Any other legally permitted Louisiana off-site waste storage, treatment, or disposal facilities also approved by the Office of Conservation for the receipt of exploration and production waste.

The bill prohibits exploration and production waste bound for permitted salvage oil operators, including produced brine, produced water, or salvageable hydrocarbons.

HB 524: Record Keeping for Petroleum Products

Rep. Robby Carter

Provides a penalty of up to \$5,000 for any dealer, distributor, or importer of petroleum products that willfully and knowingly fails to provide a full and complete record of petroleum products received, used, sold, or delivered within the state.

HB 591: Vehicle Weight Limit Exemptions

Rep. Terry Landry

Permits vehicles operated by engines fueled wholly or partially with compressed or liquefied natural gas to exceed the gross vehicle weight limits and axle weight limits by up to 2,000 pounds.

HB 632: Financial Security for Drillers

Rep. Jim Morris

Mandates that applicants provide financial security for a permit to drill, or to amend a permit to drill for a change of operator, in a form acceptable to the Commissioner of Conservation. An applicant for a permit to drill must provide security within 30 days of the completion date of the application or from the date that the operator is notified of the required financial security. An



applicant seeking to amend a permit to drill for a change of operator must provide the security as required by the legislation or by the establishment of a site-specific trust account prior to the operator change. The amount of financial security required will be provided for in the rules and regulations promulgated by the Commissioner of Conservation and may be on individual wells or multiple wells and categorized by location.

The legislation sets the amount of required financial security for an individual well located on land of a depth equal to or less than 3,000 feet at \$2 per foot. Further, it stipulates that the commissioner may increase the financial security by rules promulgated after September 1, 2017, in accordance with the Administrative Procedures Act. Financial security will not be required for wells declared to be orphaned by the commissioner and subsequently transferred to another operator or wells drilled by an operator who has a certain plugging agreement with the Office of Conservation.

HB 640: Natural Resource Damages Restoration Bank Program

Rep. Walt Leger, III

Authorizes the Coastal Protection and Restoration Authority Board to establish a natural resource damages restoration bank program as an alternate method to offset damages sustained as a result of oil spills in coastal areas of the state. The legislation defines the bank as a site where land or resources are restored, created, enhanced, or preserved to restore natural resource injuries from oil spills in coastal areas. Establishment of the bank must occur through the promulgation of rules under the Administrative Procedure Act.

The legislation requires oversight of the rules by the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources. The rules must accomplish all of the following:

- Set forth procedures for certification of restoration banks in the state including criteria for adoption of a restoration banking instrument;
- Ensure certification can only be given to banks qualifying under the established criteria;
- Ensure priority certification to banks that enhance the resilience of coastal resources to inundation and coastal erosion;
- Ensure certification is given only to banks with secured adequate financial assurance and permanent protection for any restored lands or resources; and
- Establish a system for the transfer of restoration credits to a responsible party or natural resource trustee.

The measure requires that the process and procedures adopted be in compliance with the federal Oil Pollution Act of 1990 and the Louisiana Oil Spill Prevention and Response Act. The bill stipulates that neither the state nor any state agency can act as a natural resource damage restoration bank sponsor and defines a "bank sponsor" as a person responsible for developing and operating a natural resource damage restoration bank.

The board may establish a compensation schedule for the unauthorized discharge of oil in the coastal areas of the state. The legislation requires the schedule to be promulgated under the Administrative Procedure Act with oversight by the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources. The compensation schedule must reflect adequate compensation for unquantifiable damages taking into account issues such as the characteristics of any oil spilled, the sensitivity of the affected area, and actions taken by the responsible party to mitigate the damage or impede the detection of the oil spill.



The legislation also requires the Coastal Protection and Restoration Authority Board to report annually to the Natural Resources committees the banks that have been certified, the principals to those banks, the restoration credits traded over the past year, and the parties who have traded those credits.

HB 819: Oilfield Site Restoration Fund Bonds

Rep. Jim Morris

Allows the issuance of bonds secured by revenue deposited into the Oilfield Site Restoration Fund and bases the fees on oil production deposited into that fund on the price of a barrel of crude oil. The legislation allows a bond issuer, on behalf of the Oilfield Site Restoration Commission and at the direction of the Secretary of Natural Resources, to issue bonds to raise funds to use for the authorized purposes of the commission, provided that the annual debt service not be in excess of 50 percent of the pledged revenues estimated to be received in the calendar year of the bond's issuance. Bonds may be secured by an irrevocable pledge and dedication of revenues consisting of the oilfield site restoration fees and penalties and any other revenue to the extent appropriated, provided that the annual debt service not be in excess of 50 percent of the pledged revenues estimated to be received in the calendar year the bonds are issued, but must not include site specific trust account monies. A pledge does not constitute a pledge of the full faith and credit of the state. The legislation requires the bonds be entitled to priorities on the revenues of the commission as provided in a loan agreement, trust indenture, or other instrument.

Under the legislation, when any bonds have been issued and secured, neither the commission, the department, the state, nor any other entity may act to impair any obligation or contract for the benefit of the holders of the bonds or discontinue or decrease any fee, rate, or other revenue in anticipation of the collection of which the bonds have been issued until all of the bonds have been retired as to principal and interest. Also, debt retirement may come through an irrevocable provision otherwise made for their complete redemption and payment in principal, interest, and redemption premium, if any, and the complete payment of all amounts due under the applicable trust agreement.

The bill allows for the validity of the pledge of revenues without physical delivery, notice, or recordation. The secretary or undersecretary of the Department of Natural Resources may execute certain agreements and documents necessary or desirable to carry out the issuance of bonds. The measure allows the creation of funds or accounts for the revenues and proceeds of the bonds and the pledged revenues and authorizes the collection and disbursement of revenues in accordance with documents providing for the issuance of the bonds. The secretary may distribute revenue to pay principal, interest, and related costs in connection with the issuance of bonds.

The bill retains the existing oilfield site restoration fund fee for gas. The measure changes the fee from 1.5 cents per barrel of oil and condensate to a fee based on the average New York Mercantile Exchange price of a barrel of crude oil as follows:

- (a) Price per barrel is \$60 or less, the fee is 1.5 cents.
- (b) Price per barrel is greater than \$60 and at or less than \$90, the fee is 3 cents.
- (c) Price per barrel is greater than \$90, the fee is 4.5 cents.

The legislation increases the fund balances necessary to suspend or resume fee collections from \$10 million to \$14 million to suspend and from \$6 million to \$10 million to resume. Under the bill, the funds generated from the issuance of bonds pursuant to R.S. 30:83.1 also will not be



counted in determining the balance of the fund with such limitation. Also, the funds in site-specific trust accounts remain as revenue not counted in determining the balance of the fund.

The bill increases the amount that the Department of Natural Resources may use for the administration of the Oilfield Site Restoration Fund from \$750,000 to \$950,000.

Finally, the bill requires \$1 million or 20 percent of the amount appropriated, whichever is less, from the Oil Field Site Restoration Fund be used to plug orphaned wells drilled less than 3,000 feet deep in the Shreveport and Monroe office of conservation districts for three fiscal years beginning FY 2016-17 and through the end of FY 2018-19. However, these monies are subject to being disbursed and expended for any costs associated with response and emergency.

HB 1068: Licensing of Gas Fitters

Rep. Joseph Lopinto

Indicates that the State Plumbing Board is the sole and exclusive agency in the state empowered to license any natural person or regulated business entity who is engaged or who seeks to engage in the business of work for the general public that includes installation, repair, improvement, alterations, or removal of natural gas piping, tanks, and appliances annexed to real property. The legislation clarifies that nothing in the measure may be construed to supersede either the authority of the State Licensing Board for Contractors to regulate mechanical contractors as defined in present law or the authority of the Louisiana Liquefied Petroleum Gas Commission to regulate gas fitter installations.

The bill authorizes the board to promulgate rules and regulations related to gas fitting and clarifies that those rules and regulations will preempt any conflicting local laws.

Notwithstanding any provision of a home rule charter to the contrary, the provisions of the act preempt any municipal or other local regulatory examination authority over gas fitters and master gas fitters.

The law prohibits municipalities and other local regulatory authorities from requiring that any gas fitter or master gas fitter apply for or maintain any gas fitter or master gas fitter's license, or any equivalent thereof, as a condition to performance of gas fitter work in any municipality or other local jurisdiction unless that gas fitter or master gas fitter's license is issued by the board.

The measure allows municipalities or other local regulatory authorities to assess and collect locally adopted fees and charges relative to gas fitting work that is performed in their respective jurisdictions, but only from licensed individuals.

The board must ensure that gas fitting work is performed only by persons who have proven knowledge of and skill in the gas fitting trade. Under the legislation, the board will adopt tests of qualification to be possessed by individuals actually engaged in gas fitting-related work. The board must adopt rules and regulations allowing for the waiver of any examination requirements imposed on persons performing gas fitting work who satisfied the statutory performance conditions prior to July 1, 2016. The bill adds that, for all other purposes of regulation, testing, and licensing, the regulation, testing, and licensing of gas fitters by the board must be subject to the same requirements and treated in the same manner as the regulation, testing, and licensing of plumbers. The legislation does not apply to work performed by individuals on their personal residences.

HCR 72: Plugging of Orphaned Wells

Rep. Jim Morris

Urges and requests the Commissioner of Conservation to develop and implement a pilot program to reduce the cost of plugging orphaned wells and decrease the number of wells on the orphan wells list.

SB 165: Land Owner Notification

R. L. Bret Allain, II

Obliges the Commissioner of Conservation to require that a well operator must identify, on a form approved by the commissioner, the surface owner of lands on which a well site is located no later than 30 days after the issuance of an amended permit to transfer a well to another operator. The legislation defines "surface owner" as the person shown in the assessor's rolls of the parish as the current owner of the surface rights for the land on which the well site is located.

The bill retains the provisions requiring the commissioner to seek to notify the last operator of record, at his last known address contained in DNR records, of the site that is to be declared orphaned and publish a notice in the Louisiana Register that the oilfield site is to be declared orphaned, prior to declaring a site to be an orphaned oilfield site. The provision requires the assistant secretary to notify the surface owner of the site, at the address provided by the operator, that the site is declared orphaned. The legislation specifies that the failure to notify the surface owner does not invalidate the decision declaring a site as orphaned.

SB 257: Environmental Trust Funds

Sen. Mike Walsworth

Revises the definitions of "date of release," "motor fuels," and "regulated substance." Existing statutes provide that monies deposited in the Environmental Trust Fund will be used to defray the cost to the state for administering the Underground Storage Tank Program and to provide money or services as the state's share of matching funds for federal grants. The legislation retains present law, but includes monies deposited into the Tank Trust Fund and further provides that the funds may be used for other purposes related to the delivery of motor fuels. Under the measure, the secretary will promulgate regulations governing loans from the Tank Trust Fund. Existing statute states that beginning July 1, 2001, all interest monies earned by the Tank Trust Fund must be used for the closure of abandoned motor fuels underground storage tanks, assessment, and remediation of property contaminated by abandoned motor fuel underground storage tanks. The bill retains present law and adds monies received from payments that are the result of cost recovery efforts and makes the use of the money discretionary.

SB 388: Agreements for Drilling Units

Sen. Patrick Page Cortez

Eliminates the notification requirement to all other owners in the unit by an owner drilling or intending to drill a unit well, a substitute unit well, an alternate unit well, or a cross-unit well on any drilling unit, prior to the actual spudding of the well. The legislation requires the payment of estimated drilling costs be deemed timely if received by the drilling owner within 60 days of the spudding of the well or the receipt of a notice by the notified owner, whichever is later. Failure of the drilling owner to provide written notice to an owner will not affect the validity of the written notice properly provided to any other owner in the unit.



SB 427: Plugging of Abandoned Well Credits

Sen. R. L. Bret Allain, II

Removes the discretionary authority granted to the Commissioner of Conservation to require a reasonable bond with security for the performance of the duty to plug wells and to perform site cleanup. The bill authorizes transferrable plugging credits in lieu of the bond with security as required by previously enacted statutes in order to promote the plugging of orphaned oilfield sites and oilfield sites that have been inactive for at least five years. A plugging credit will be issued for the plugging of orphaned oilfield sites and oilfield sites that have been inactive for at least five years, with the specific requirements and procedures for issuance, transfer, and acceptance of such credits to be developed by the commissioner. The measure requires that the regulations provide criteria under which plugging credits may be earned as well as approval by the commissioner for the earning, using, banking, or selling of the plugging credits. The commissioner must make, after notice and public hearings, any rules, regulations, and orders that are necessary to require reasonable bond with security for the performance of the duty to plug each dry or abandoned well and to perform the site cleanup as required. The rules, regulations, and orders may classify based on the location of the well and must not provide for the following exceptions from the reasonable bond with security requirement:

- (a) Wells exempt prior to September 1, 2015, that remain with the operator of record as of that date.
- (b) Wells utilizing plugging credits pursuant to new law.
- (c) Wells exempt due to having provided the required financial security in order to obtain a drilling permit.

SCR 102: Above Ground Bulk Fuel Storage Study

Sen. Mike Walsworth

Urges and requests the Department of Environmental Quality, in consultation with the Louisiana Oil Marketers and Convenience Store Association and Response Action Contractors, to study above ground bulk storage facilities in the Motor Fuels Underground Storage Tank Trust Fund.

SR 116: Outer Continental Shelf Oil and Gas Leasing

Sen. Sharon Hewitt

Requests the U.S. Bureau of Ocean Energy Management maintain region-wide leasing in the Gulf of Mexico in the 2017-2022 Outer Continental Shelf Oil and Gas Leasing Program without any further exclusions or restrictions.

Utilities

HB 27 (Special Session 2): Further Processing of Raw Materials

Rep. Chris Broadwater

Provides for the non-taxability of sales or use of raw materials purchased for further processing. Under previous law, "sale at retail" was defined to exclude the sale of materials for further processing into articles of tangible personal property. Under new law, the term "sale at retail" is redefined to exclude the purchase of raw materials for the production of raw or processed agricultural, silvicultural, or aquacultural products. The following criteria are added to qualify the exclusion:

- The raw materials become a recognizable and identifiable component of the end product;
- The raw materials are beneficial to the end product; and



- The raw materials are materials for further processing, and as such, are purchased for the purpose of inclusion into the end product.

Raw materials purchased for processing into a byproduct for sale must not be deemed to be a sale for further processing, and the sale must be taxable. Further, if a byproduct is sold at retail and sales and use tax has been paid by the seller on the cost of the base or raw materials, a credit is authorized in an amount equal to the sales tax collected by the seller on the taxable retail sale of the byproduct. These provisions are applicable to refund claims submitted or assessments of additional taxes due that were filed or issued on or after June 23, 2016.

HB 61 (Special Session 1): Expansion of Sales and Use Tax

Rep. Jay Morris

Imposes a statewide sales and use tax on business utilities, which are taxable at 3 percent through July 1, 2018, then 1 percent through April 1, 2019. The revenue projection is \$180 million per year until 2018. Additionally, manufacturing machinery and equipment becomes taxable at 1 percent until June 30, 2018.

HB 62 (Special Session 1): New Sales and Use Tax

Rep. Deborah Vivien

Levies an additional 1 percent sales and use tax on sales of tangible property and certain services, upon an existing 4 percent statewide sales and use tax, with specific exclusions for some items from April 1, 2016, through July 1, 2018. Items that were not taxable under the original 4 percent state sales tax but are taxable under the new additional 1 percent sales tax include business utilities, purchases during sales tax holidays, and manufacturing machinery and equipment, among other transactions until July 1, 2016.

HB 250: Underground Utility Notification Laws

Rep. Thomas Carmody

Adds certain circumstances to the definition of "excavation" or "excavate." The legislation excludes certain circumstances resulting as a consequence of any force majeure, act of God, or act of nature from the definition of "excavation" or "excavate." The bill adds Memorial Day and Christmas Eve to the list of holidays to be observed by regional underground utility notification centers.

HB 310: Regulation of Pass Through Charges

Rep. Patrick Connick

Grants the Public Service Commission (PSC) the authority to fix and regulate rates charged and services furnished by certain public utilities, including pass through charges. The legislation requires the PSC to audit the adjustment clause filings of a public electric utility and requires the PSC to modify an electric utility's fuel adjustment charges if said utility assesses recoupment charges through the operation of an authorized fuel adjustment clause. The bill stipulates that the PSC must conduct such audits no less than every other year.

HB 431: Public Service Commission Fees

Rep. Thomas Carmody

Adjusts the fees certain motor carriers and public utilities pay for the inspection, control, and supervision of their business service and rates to the Public Service Commission. The fees must be paid quarterly and based on amounts per \$1,000 for gross receipts. The legislation increases the fees by \$.07 per \$1,000 for gross receipts in amounts ranging from \$1,000 to \$100 million and \$.08 per \$1,000 for gross receipts in excess of \$100 million.





Louisiana

Environmental Legislation

Air Quality and Pollution Control

HCR 118: Open Burn and Open Detonate Facilities

Rep. Gene Reynolds

Urges and requests the Department of Environmental Quality to develop and implement a sampling plan for air testing certain commercial open burn and open detonate facilities for munitions. The test results must be reported to the legislative oversight committees within six months. The resolution requires the Department of Environmental Quality and Clean Harbors Colfax, LLC to form a dialogue committee within 30 days of the adoption of the resolution.

SCR 101: Reid Vapor Pressure Study

Sen. Mike Walsworth

Requests the Department of Environmental Quality to study the removal of lower summer Reid vapor pressure (RVP) requirements in certain parishes. RVP is a common measure of the volatility of gasoline. It is defined as the absolute vapor pressure exerted by a liquid at 100 °F (37.8 °C) as determined by the test method ASTM-D-323.

Coastal Zone Management

HB 290: Oyster Scraper

Rep. Jerry "Truck" Gisclair

Changes the name of certain oyster harvest gear from "dredge" to "scraper" and alters the allowable dimensions of a scraper used on the public seed grounds and natural reefs. The legislation limits scrapers used to harvest oysters from the public seed grounds or the natural reefs to 54 inches measured along the tooth bar with no one scraper weighing more than 175 pounds. The bill prohibits the attachment of diving boards, hydrofoils, or any other apparatus intended to create downward pressure on scrapers. The legislation retains the five-inch length limit from the statute and requires a minimum of two and one-half inch spacing measured from the center of the tooth to the center of the adjacent tooth with each tooth no thicker than 11/16ths of an inch. The law changes the number of scrapers that may be in use at any one time from seven to two and stipulates that oyster scraper bags can only be single mesh with a minimum stretched mesh size of three inches.

HB 303: Oyster Harvest Education

Rep. Chris Leopold

Requires that, beginning in license year 2017 and thereafter, any person applying for an oyster harvester license must complete the oyster harvester education program in the Louisiana Department of Wildlife and Fisheries (LDWF) within the previous three years. The LDWF must develop an oyster harvester education program for the purpose of developing professionalism in the oyster harvest industry. The oyster harvester education program must include training in the state's Shellfish Sanitation Program. Also, the oyster harvester education program will include best practices for conservation of the species.



HB 636: Public Oyster Seed Ground Development

Rep. Chris Leopold

Increases the fees for the permits for a single oyster scraper vessel to \$250 for a resident and \$1,000 for a nonresident and for a double scraper vessel to \$500 for a resident and \$2,000 for a nonresident. The legislation dedicates all the fees derived from the sale of the permits to the Public Oyster Seed Ground Development Account. The bill authorizes, notwithstanding the date limitation contained in the statute, a person who owns an oyster vessel who has satisfactorily completed the requirements of a professionalism program to submit an application for a seed ground vessel permit. The Wildlife and Fisheries Commission must develop, establish, and monitor a professionalism program to train vessel owners in the appropriate methods and practices of oyster harvest from the public seed grounds.

HB 902: Lifting of Oyster Lease Moratorium

Rep. Chris Leopold

Lifts the oyster lease moratorium. Prior to the commencement of any of the phases delineated in the legislation, the State Land Office must make a determination of state ownership of all water bottoms for oyster lease applications submitted before the imposition of the moratorium. The measure also establishes a process of allowing preferential rights to be claimed or forfeited in five phases. Each phase must be taken in order, and each phase cannot begin until all applications under the previous phases are received. The law limits the availability of water bottoms eligible for leasing under the two lottery phases to those water bottoms for which there is not a pending application under any of the earlier phases.

As delineated in the bill, for any oyster lease initially applied for after July 1, 2016, or any judicial partition or renewal of such lease, further subordinates the lessee's right of use to the following:

- Any person engaged in any activity authorized by a coastal use permit for which the coastal use permit application was issued prior to the date the oyster lease application was issued. The legislation applies the subordination of right of use to an area 75 feet from the center of a pipeline or 250 feet from the outside of a well, platform, shell pad, or facility.
- Any person operating, maintaining, replacing, repairing, or removing any pipeline, well, platform, shell pad, or facility placed prior to September 20, 1980, and placed prior to the issuance date for the oyster lease. Under the measure, the subordination of right of use is applied to an area 75 feet from the center of a pipeline or 250 feet from the outside of a well, platform, shell pad, or facility.
- Any person crossing an oyster lease to access an activity, pipeline, well, platform pad, or facility through a single access channel identified in the coastal use permit for such activity or a single access channel identified by the permit holder. The bill applies this subordination of right of use to an area within 50 feet of the centerline of the access channel and a spoil area previously identified and limited to 80 feet to one side of the access channel.

Under the legislation, the Coastal Protection and Restoration Authority (CPRA) must determine areas of the coast where buffer zones between oyster leases and the shoreline may be necessary to protect sensitive and eroding coastal lands. The CPRA must review each application for an oyster lease or renewal or expansion of an oyster lease to determine if the water bottom applied for is located in an area where a buffer zone may be necessary and must delineate the extent of the buffer zone necessary for each application.



The bill stipulates that no lessee has a right to maintain any action against another person arising from an activity delineated measure if that person has not violated any coastal use permit, determination, or other coastal use authorization pursuant to any Louisiana or federal law or regulation applicable to the activity.

HB 1130: Dual Leasing of Water Bottoms

Rep. Ray Garofalo

Authorizes the Louisiana Department of Wildlife and Fisheries (LDWF) to enter into an agreement with a private claimant whereby certain water bottoms may, in cooperation between the state and the private claimant, be leased to a third party for the cultivation and harvest of oysters. The legislation specifies that any such agreement does not in any way indicate or determine ownership of the water bottom nor does the agreement allocate or designate ownership of mineral rights beneath the water bottom. The LDWF may promulgate the processes for the negotiations and administration of agreements.

Under the bill, an agreement may originate with either the LDWF or the private claimant. Annual rental payments must be made to the LDWF. Except for a determination of state ownership, the lease is subject to the provisions in law that govern oyster leasing in addition to any other conditions of the agreement between the state and the private claimant. The measure specifies that the joint agreement between the state and the private claimant remains in effect for the term of any lease issued subject to the agreement or until ownership of the water bottom has been determined by final judgment of the court. Any lease subject to the joint agreement may terminate at the time a court has issued a final determination of ownership of the water bottom. The legislation defines "dual claim" as a claim to immovable property for which a private claimant holds title and to which the state claims ownership as a sovereign navigable water bottom but for which the title has not been adjudicated.

The measure provides that between July 1, 2016, and the final implementation of Phase Three of the oyster moratorium lifting process, oysters found on a vessel owned by the holder of a private oyster lease properly recorded prior to February 1, 2016, are presumed to be legally harvested. A certified copy of the lease must be carried on each vessel harvesting oysters from the private lease. The LDWF must recognize as valid a private oyster lease properly recorded prior to February 1, 2016, until the processing of Phase Three of the oyster moratorium lifting process is complete. The legislation provides that recognizing the validity of such lease is not to be interpreted to indicate ownership of the water bottom or mineral rights beneath the water bottom.

HCR 2: Annual Integrated Coastal Protection Plan

Rep. Stuart Bishop

Approves the annual integrated coastal protection plan for fiscal year 2017 as adopted by the Coastal Protection and Restoration Authority.

HCR 30: Enforcement of Shrimping Law and Regulations

Rep. Jerry "Truck" Gisclair

Urges and requests the Department of Wildlife and Fisheries to provide stricter enforcement of shrimping laws and regulations.

HCR 70: Gulf Hypoxia Action Plan

Rep. Jerome Zeringue

Urges continued support for the efforts by Louisiana and others in the Mississippi River Basin to



work together toward achieving the goals of the Gulf Hypoxia Action Plan and a reduction of the hypoxic zone off the coast.

SB 4 (Special Session 1): Deepwater Horizon Economic Damages Collection Fund

Sen. Eric LaFleur

Creates the Fiscal Year 2015-2016 Deficit Elimination Fund and provides that the first \$200 million of receipts from the Deepwater Horizon (DWH) litigation are to be deposited into the fund. The legislation retains previously enacted law for receipts from the DWH litigation received after the first \$200 million is deposited into the fund.

The bill further provides that the monies in the fund must be appropriated and used solely to provide a source of funds to eliminate all or a portion of the Fiscal Year 2015-2016 budgetary deficit. Under the legislation, the fund may be composed of noncoastal restoration monies.

SCR 6: Enforcement of Fishing Gear Laws

Sen. Dan Claitor

States legislative intent that gear restrictions and methods of take for reef fish resources within the three-mile state offshore boundary be enforced as prescribed under Louisiana law and in accordance with state regulations, including but not limited to bandit and long line gear. However, such restrictions must not be enforced in the portion of Louisiana's territorial waters seaward of the three-mile state offshore boundary out to nine nautical miles.

Further, the resolution states the legislature's intent that the recreational take of reef fish with gear authorized by federal law and regulation and federally permitted commercial take of reef fish with gear authorized by federal law and regulation, including bandit and long line gear, may be allowed beyond the historical three-mile territorial sea, out to the congressionally recognized nine-mile extended boundary, so long as that fisherman holds all required Louisiana licenses and permits.

SCR 29: Coastal Protection and Restoration Fund Study

Sen. Norby Chabert

Requests the Coastal Protection and Restoration Financing Corporation to study the feasibility of employing financing techniques to convert future settlement payments received as a result of the consent decree entered into in the case "In re: Oil Spill by the Oil Rig 'Deepwater Horizon' in the Gulf of Mexico, on April 20, 2010," MDL No. 2179, United States District Court of the Eastern District of Louisiana, into current assets to be deposited in and credited to the Coastal Protection and Restoration Fund.

Environmental Health Services

HB 292: Operation of Abandoned Cemeteries

Rep. Jeff Hall

Authorizes and regulates certain persons licensed to operate abandoned cemeteries. The bill requires that an abandoned cemetery sales and management license be issued only to a nonprofit juridical person, and the officers and directors of the entity must serve voluntarily and without compensation for their services. Any excess funds realized by a licensee must be deposited into an account, and the funds of the account may be used only for the maintenance and upkeep of the cemetery and the cemetery records. Nonprofit juridical persons whose officers, directors, or members have ancestors within an abandoned cemetery may apply for an abandoned cemetery sales and management license if they meet the qualifications required by



present law relative to licensure as a cemetery sales organization or a cemetery management organization.

Nothing in the measure restricts a licensee from paying necessary expenses and maintenance costs to contractors. The licensee may not destroy or remove any original grave markers from the premises of the cemetery without the permission required by previously enacted laws. The bill clarifies that nothing in law may prohibit the licensee from removing trash or other common waste or debris from the cemetery premises. In the event of an inadvertent discovery of an unknown or unmarked grave by a licensee, the licensee must document the existence of the grave and close the grave. However, he or she may neither disturb any human remains therein nor reuse the grave without the authority of statutorily-named individuals.

HB 335: Unmanned Aerial System

Rep. Clay Schexnayder

Adds Southern University Agricultural Research and Extension Center as an entity that may administer the agricultural education and safety training course that each applicant applying for a license to operate an unmanned aerial system in the act of an agricultural commercial operation. The bill authorizes the Commissioner of Agriculture and Forestry to establish an agricultural education and safety training course fee not to exceed \$50, payable to the Louisiana State University Agricultural Center or the Southern University Agricultural Research and Extension Center for conducting the agricultural education and safety training course. Also, the measure authorizes the commissioner to establish, by rule, a registration fee for each unmanned aerial system not to exceed \$100.

HB 464: Pipeline Inspection Fee Increase Authorization

Rep. Stuart Bishop

Provides for possible increases in annual safety inspection fees. Under the bill, the fees may not exceed \$44.80 per mile of pipeline used in a jurisdictional gas pipeline system, or \$800 per pipeline facility, whichever is greater, imposed on all distributors of jurisdictional gas that own or operate any jurisdictional gas gathering or transmission system. The legislation also increases the annual inspection fee on hazardous liquid pipelines to fund safety regulations of such pipelines. The measure specifies that the maximum fee is \$44.80 per mile of pipeline or \$800 per pipeline facility, whichever is greater. The fee is subject to annual review by the Commissioner of Conservation.

HB 635: Invasion of Privacy by Unmanned Aircraft

Rep. Marcus Hunter

Adds the use of unmanned aircraft systems as elements of certain crimes involving the invasion of privacy.

HB 900: Department of Environmental Quality Fee Increases

Rep. Chris Leopold

Authorizes the Department of Environmental Quality (DEQ) to increase fees in effect in the Louisiana Administrative Code (LAC) as of March 14, 2015, in the following areas: ground water, air, hazardous waste, solid waste, water, underground storage tanks, and radiation fees. Also, the legislation increases the maximums on fees for any application for accreditation by a commercial laboratory.

The DEQ must require a minimum advance fee for requested reviews of environmental conditions of a specified tract of immovable property at an amount not to exceed \$1,650, which is an increase from the previous law's maximum of \$1,500.

The LAC authorized DEQ to collect 20 cents per ton of solid waste deposited in a construction and demolition landfill. The fee only applies to waste that is subject to a fee by the facility. The bill increases the fee from 20 cents per ton to 25 cents per ton.

All owners of registered motor fuel underground storage tanks must pay a registration fee of \$60 for each tank, which is used for storage tank activities. Prior to the legislation, the fee was \$54.

The legislation increases fees paid into the Lead Hazard Reduction Fund, fees for training organizations, and notification fees for contaminated buildings and soil. The bill authorizes a fee (\$1,500 minimum) to process a request for a declaratory ruling not to exceed the maximum per hour overtime salary, including associated-related benefits, of a civil service employee of the department per-hour or portion thereof required to conduct the review plus reasonable indirect costs calculated as a percentage of the hourly fee. The percentage must be determined annually by an agreement between the DEQ and the U.S. Environmental Protection Agency for use on grants and contracts.

SB 141: Unmanned Aircraft Crimes

Sen. Dan Claitor

Criminalizes unwanted unmanned aircraft flying on private property. Enacted statutes provide that no person is allowed to enter upon immovable property owned by another, or remain in or upon property owned by another, without express, legal, or implied authorization. The legislation alters "enter upon immovable property" and "remain in or upon property" to include the operation of an unmanned aircraft system in the air space over immovable property owned by another with the intent to conduct surveillance of the property or of any individual lawfully on the property. The law does not apply to any person operating an unmanned aircraft system in compliance with federal law.

SB 216: Louisiana Animal Shelter Registry

Sen. Troy Carter

Creates the Louisiana Animal Shelter Registry. The Louisiana Animal Welfare Commission must establish and maintain the state Animal Shelter Registry. Each parish governing authority must submit to the commission a list of all public animal shelters located within the parish's jurisdiction. Each public animal shelter will submit the Basic Animal Data Matrix, submitted as "transparent" data, to the Shelter Animals Count database found at www.shelteranimalscount.org. Also, public animal shelters may submit the matrix electronically through the website or fill it out manually and mail it to the commission, which will input the data on behalf of the shelter.

Inland Water Resource Management and Conservation

HB 424: Cooperative Endeavor Agreement

Rep. Stuart Bishop

Extends the possible timeframe for a cooperative endeavor agreement for use of the state's surface water. The measure requires that a cooperative endeavor agreement to withdraw running surface water will have an initial term not to exceed two years. Further requires that no new cooperative endeavor agreement can be entered into for which an application was received by the Department of Natural Resources after December 31, 2018.

HB 729: Water Cooperative Rate Changes

Rep. Jack Montoucet

Regulates the initial assessment and subsequent changes in the rates charged by water cooperatives for water usage. Under the legislation, any request for a change to the rate structure of a water cooperative that receives financing from the U.S. Department of Agriculture (USDA) or the Louisiana Department of Health and Hospitals (DHH) must be granted when all of the following requirements are satisfied:

- (a) A rate assessment or study has been conducted by a qualified third party.
- (b) A majority vote of the board of directors of a water cooperative has been conducted in accordance with the bylaws of the water cooperative and approves the proposed rate structure.
- (c) The financing agency, either USDA or DHH, has granted final approval.

The measure provides that any request for a change to the rate structure of a water cooperative that receives no financing from a lending entity or that receives financing and the lending entity is neither the USDA nor DHH must be granted when all of the following requirements are satisfied:

- (a) A rate assessment or study has been conducted by the Louisiana Rural Water Association (LRWA).
- (b) The rate assessment or study conducted by the LRWA has been approved by the legislative auditor.
- (c) A majority vote of the board of directors of a water cooperative has been conducted in accordance with the bylaws of the water cooperative and approves the proposed rate structure.

Any request for a change to the rate structure of a water cooperative that receives financing from multiple lending entities must be granted when the water cooperative obtains approval in accordance with one of the applicable provisions of the legislation.

The bill applies only to water cooperatives that were eligible to receive financing from the USDA prior to January 1, 2011.

HCR 10: Water Withdrawals for Oil and Gas Operations

Rep. Robby Carter

Urges and requests the Department of Wildlife and Fisheries, in cooperation with the Department of Natural Resources, to study the effects of water withdrawals for oil and gas operations from rivers and river segments in the natural and scenic river program and to report the findings to the oversight committees on or before March 1, 2017.

HCR 115: Southern Hills Aquifer System

Rep. Robby Carter

Urges and requests the Commissioner of Conservation to study the effects of the ground water withdrawals on the sustainability of the Southern Hills Aquifer System and on the water supplies and levels of parishes currently relying on that ground water. The commissioner must report findings to the oversight committees on or before March 1, 2017.



Land Management and Conservation

HB 179: Blaze Pink as Alternative for Hunter Orange

Rep. Malinda White

Adds "blaze pink" as an alternative to hunter orange. The legislation defines "blaze pink" as a daylight fluorescent pink color. Under a previously enacted statute, any person hunting any wildlife during the open gun season was required to display not less than 400 square inches of "hunter orange."

HB 188: Catch and Cook Program

Rep. Stuart Bishop

Adds alligator into the Catch and Cook Program in the Louisiana Department of Wildlife and Fisheries (LDWF). The previously existing Catch and Cook Program within the LDWF authorizes retail food establishments to receive and prepare any freshwater or saltwater recreational fish taken by a licensed recreational fisherman for consumption by that recreational fisherman or any person in his party.

HB 423: Purchasing of Reptiles and Amphibians

Rep. Stuart Bishop

Requires any wholesale/retail seafood dealer who purchases reptiles or amphibians to complete a commercial receipt form and return it to the Department of Wildlife and Fisheries. The form requires the following information:

- Wholesale/retail seafood dealer's name and license number;
- Commercial fisherman's name;
- License number and signature;
- Transaction date;
- Species identification,
- Quantity and units of each species;
- Size and condition of each species;
- Unit price of each species; and
- Permit number for species requiring a permit to harvest.

HCR 9: Feral Hog Management Advisory Task Force

Rep. Major Thibaut

Creates the Feral Hog Management Advisory Task Force. The task force is charged with the responsibility to make recommendations with respect to issues pertaining to feral hog management efforts, including public awareness programs, to the various state agencies charged with the responsibility for managing the feral hogs in this state, including the Department of Wildlife and Fisheries (LDWF), the Department of Agriculture and Forestry, and the Louisiana Legislature. The resolution requires the task force to consider hunter-based solutions based on input from stakeholder groups. The task force must submit an annual report by February 1st of each year, and the task force sunsets on January 1, 2020. The measure directs the LDWF, from monies appropriated to the department, to provide an additional \$360,000 to fund activities related to feral hog management, education, research, and control during fiscal year 2016 over and above the amount expended during fiscal year 2015.



SB 382: Regulation of Seeds

Sen. Francis Thompson

Grants the Commissioner of Agriculture and Forestry exclusive jurisdiction and authority over all matters related to the regulation of seeds. The bill prohibits municipalities, parishes, local governmental entities, or governing authorities of any public or private group or association having jurisdiction over a specific geographic area from enacting ordinances or subdivision restrictions or regulations regarding seeds that in any way affect the registration, distribution, sale, or planting of seeds.

Municipalities, parishes, local governmental entities, and governing authorities of a public or private group or association having in effect, on July 1, 2016, an ordinance or subdivision restriction or regulation affecting the registration, distribution, sale, or planting of seeds must submit the ordinance or subdivision restriction or regulation to the commissioner on or before December 1, 2016, for approval. Any such ordinance or subdivision restriction or regulation received by the commissioner on or before December 1, 2016, will continue in full force and effect, unless the commissioner disapproves the ordinance or subdivision restriction or regulation. Any such ordinance or subdivision restriction or regulation not received by the commissioner on or before December 1, 2016, is voided by the legislation.

Reorganization and Coordination

HB 178: Department of Wildlife and Fisheries

Rep. Stuart Bishop

Recreates the Department of Wildlife and Fisheries until June 30, 2021.

HB 181: Department of Natural Resources

Rep. Stuart Bishop

Recreates the Department of Natural Resources until June 30, 2021.

HB 209: Louisiana Scrap Metal Recyclers Law

Rep. Chad Brown

Repeals the sunset provision applicable to the Louisiana Scrap Metal Recyclers Law.

HB 241: Services for the Coastal Protection and Restoration Authority

Rep. Jerome Zeringue

Provides for discretion in utilizing administrative and budgetary services provided by the Department of Natural Resources to the Coastal Protection and Restoration Authority (CPRA). The legislation modifies existing statute allowing, instead of requiring, the CPRA to utilize the Department of Natural Resources Office of Management and Finance for those services. Also, the bill makes technical changes throughout the statutes to correct references to the CPRA, Coastal Protection and Restoration Authority Board, the chairman of the board, the executive director, and the executive director of the CPRA.

HB 251: Soil and Conservation Commission

Rep. Charles R. "Bubba" Chaney

Increases the membership of the state soil and water commission from eight to nine members. The bill replaces the chancellor of the Louisiana State University Agriculture Center with the Louisiana State University Vice President for Agriculture and Dean of the College of Agriculture.



HB 332: Crawfish Promotion and Research Board

Rep. Jack Montoucet

Reduces the size of the board from 13 members to 11 members. The bill also reduces the number of appointed members who engage in harvesting wild crawfish from four members to three members, and repeals the requirement for one member to be a landowner engaged in commercial crawfish leasing. Also, the measure requires the commissioner of agriculture and forestry to appoint a member from the state-at-large if no member north of U.S. Highway 190 is available.

HB 516: Aquatic Chelonian Research and Promotion Board

Rep. Andy Anders

Reduces the number of members on the Louisiana Aquatic Chelonian Research and Promotion Board from 10 to six. Also, the bill requires five members be licensed turtle farmers. The legislation alters the requirement for the commissioner to appoint one alternate for each appointed member. The measure provides that the alternate appointed to represent a member nominated by a trade group must be appointed from the list of four persons submitted by the representative trade group. Also, the legislation stipulates that each alternate must be a licensed turtle farmer.

HCR 36: False River Watershed Council

Rep. Major Thibaut

Extends the existence of the False River Watershed Council until June 30, 2017.

SB 75: Interstate Pest Control Compact

Sen. Francis Thompson

Withdraws Louisiana from participation in the Interstate Pest Control Compact which authorizes states to complement each other's activities when faced with conditions of infestation and reinfestation. The bill removes the roles specified state officials mentioned within the Interstate Pest Control Compact.

SB 140: Office of Environmental Assessment

Sen. Mike Walsworth

Creates the Office of Environmental Assessment. Under the legislation, the Office of Environmental Assessment must provide for environmental air quality assessment and water quality assessment, and it must administer underground storage tank service activities, all remediation services, and such duties as delegated by the secretary. The bill repeals requirements that the Secretary of the Department of Environmental Quality is responsible for the functions of environmental air quality assessment, water quality assessment, remediation services, and laboratory services and must assign each of these functions to either the Office of Environmental Compliance or the Office of Environmental Services.

SB 186: White Lake Property Advisory Board

Sen. Dan Morrish

Discontinues the White Lake Property Advisory Board and removes statutory references to the board.

SB 390: Game and Fish Preserve Commissions

Sen. Gerald Long

Increases the number of members from five to seven for the Saline Lake Game and Fish Preserve Commission. Under the legislation, the number of members appointed by the

governing authority of Winn Parish moves from three to four and the number of members appointed by the governing authority of Natchitoches Parish changes from two to three.

Also, the bill increases the Northeast Louisiana Game and Fish Preserve Commission membership from five to seven members and provides for appointments to include five electors appointed by the governing authority of Natchitoches Parish and two electors appointed by the governing authority of Red River Parish. The law requires that commissioners serve a term of four years.

SCR 2: Atchafalaya Basin Annual Plan

Sen. Rick Ward, III

Approves the 2016-2017 Atchafalaya Basin Annual Plan.

SCR 77: Lake Providence Watershed Council

Sen. Francis Thompson

Extends the sunset of the Lake Providence Watershed Council until December 31, 2018.

SR 123: Lower Pearl River Basin Ecosystem Study Commission

Sen. Sharon Hewitt

Recreates the Lower Pearl River Basin Ecosystem Study Commission with the same membership, duties, powers, and limitation on compensation as stated in SR 159 (2014). The measure requires a report to the legislature no later than April 30, 2017, and provides that the commission will terminate on April 30, 2017. The commission will continue to study and make recommendations to the legislature and federal agencies on the development of a long-term comprehensive master plan to protect and preserve the Lower Pearl River Basin ecosystem.

Solid Waste

HB 631: Waste Tire Fee Reporting

Rep. Blake Miquez

Imposes a delinquent fee of \$25 upon any person failing to timely submit a required monthly waste tire fee report, in addition to the existing delinquency fee of 10 percent of the unpaid fee or \$25, whichever is greater, on any person failing to timely remit waste tire fees. The measure dedicates the proceeds from the delinquent reporting fee provided for in proposed law to special waste tire projects as determined by the secretary. Any such proceeds remaining at the end of the fiscal year that have not been used for special projects must be deposited in the Waste Tire Management Fund. Also, the bill adds tires used on all-terrain vehicles and utility terrain vehicles as well as spare tires to the definition of “tire.”

Water Quality and Pollution Control

HB 670: Sewer System Requirement Waivers

Rep. Bob Hensgens

Requires the Department of Health and Hospitals Office of Public Health to temporarily waive applicable requirements of the state sanitary code regarding individual sewerage systems during the construction of a community sewerage system for properties located within the boundaries of any parish with a population between 6,800 and 6,900 according to the latest federal decennial census. The bill stipulates a temporary waiver be granted only if certain conditions are met. The parish or any municipality within the parish may provide appropriate enforcement mechanisms to discourage citizens owning property within the boundaries of the parish from doing certain actions. Also, the law permits a sewerage district located wholly within a parish with a population between 120,000 and 160,000 to merge with another sewerage district wholly within the same parish.





Maryland

Energy Legislation

Alternative Energy Development

HB 105/SB 173: Removal of Electric Generating Capacity Limits

Del. Luke Clippinger; Sen. Brian Feldman

Removes the limit on electric generating capacity on renewable energy projects financed by commercial property owners through a clean energy loan program.

HB 387/SB 912: Residential Clean Energy Loan Program

Del. Charles Barkley; Sen. Brian Feldman

Requires the Maryland Clean Energy Center (MCEC) to conduct a study to determine strategies for the optimal design and implementation for a residential clean energy loan program in the state. The study must include consideration of whether the strategies will work advantageously with loans made by private lenders for residential energy efficiency and renewable energy projects. MCEC must consult with specified entities when conducting the study, including the Maryland Energy Administration and the Maryland Association of Counties among others. By October 1, 2016, MCEC must report to the General Assembly the findings of the study and any recommended policy actions to implement a residential clean energy loan program.

HB 440/SB 811: Solar Electric Generating Facility

Del. Benjamin Kramer; Sen. Joanne Benson

Requires an electric company to issue acceptance and final approval to operate a customer-generator's solar electric generating facility on the company's distribution facilities within 20 business days after the completion of the installation process and receipt of specified paperwork and documentation. The electric company must do so for at least 90 percent of installation processes completed during the year in the company's service territory. The Public Service Commission may temporarily waive the requirement on a showing of good cause.

HB 1106/SB 921: Requirements for Meeting State Renewable Portfolio Standards

Del. William Frick; Sen. Catherine Pugh

Increases the annual percentage requirements for meeting the state Renewable Portfolio Standards (RPS) using Tier 1 Nonsolar and Tier 1 Solar sources from the current 20 percent by 2022 to be 25 percent by 2020. Generally, the bills slightly reduce alternative compliance payments (ACPs) for Tier 1 Nonsolar and Tier 1 Solar. The Maryland Energy Administration (MEA) may use the Strategic Energy Investment Fund (SEIF), including money that the fund received from Public Service Commission approval of the Cove Point liquefied natural gas export facility, to provide funding for access to capital for small, minority, and women-owned businesses in the clean energy industry. The legislation requires the Department of Labor, Licensing, and Regulation to conduct a study related to the clean energy workforce needs in the state.

The incremental cost imposed by the legislation is the cost of additional renewable energy credits (REC) and Solar RECS (SRECs) required to meet the enhanced requirements plus the cost of any ACPs paid by electricity suppliers if the enhanced percentage requirements are physically not able to be met. The additional cost of RPS compliance ranges from \$5 million to \$19.8 million in 2017 and peaks in 2020 at \$49 million to \$196 million.



According to the fiscal analysis of the bills, the additional compliance costs are spread out over electricity sales in each year. This equates to a monthly bill increase for the average residential customer of between \$0.08 and \$0.32 in 2017. The potential monthly bill increase peaks at between \$0.77 and \$3.06 in 2020 and decreases moderately thereafter to between \$0.48 and \$1.94 in 2025.

SB 726: Task Force on the Maryland Clean Energy Center

Sen. James Mathias, Jr.

Establishes the Task Force on the Maryland Clean Energy Center. The charge of the task force is to:

- (a) Assess the programs currently provided by the Maryland Clean Energy Center and the programs that, within its mission, charge, and structure, may be provided by the center;
- (b) Review existing state financing instrumentalities that may have similar financing capabilities for purposes of determining whether there are advantages to the center to coordinate or partner with those state financing instrumentalities on financing programs;
- (c) Identify the availability of resource capacity in state financing instrumentalities for purposes of determining whether there are cost-effective opportunities for the center to share resources with those state financing instrumentalities on financing programs; and
- (d) Review other cost-effective opportunities that may assist the center as it works toward the goal of becoming self-sustaining.

The task force includes three members of the Senate and three members of the House of Delegates. The Presiding Officers shall designate the co-chairs of the task force from the members of the General Assembly appointed by the Presiding Officers.

SB 936: Clean Energy Incentive Tax Credit

Sen. Roger Manno

Extends the termination date of the clean energy incentive tax credit from December 31, 2015, to December 31, 2018, and removes eligibility for facilities that produce electricity from a qualified energy resource that is co-fired with coal. The bill specifies that the amount of credits the Maryland Energy Administration can award in fiscal years 2018 and 2019 cannot exceed the amount of money appropriated to a reserve fund established by the bill.

Coal and Minerals

HB 576/SB 525: Use of Mineral Interests

Del. Wendell Beitzel; Sen. George Edwards

Clarifies that when an owner of a mineral interest takes any of the following specified actions in relation to any mineral that is part of the mineral interest, the action constitutes use of the entire mineral interest owned by that owner:

- (a) Active mineral operations on or below the surface of the real property or other property used or pooled with the real property; and
- (b) Recordation of an instrument that creates, reserves, or otherwise evidences a claim to, or the continued existence of, the mineral interest.

Additionally, under the legislation, the payment of specified taxes by or under the authority of an owner of the taxed mineral interest constitutes use of the entire mineral interest that is taxed and any other mineral interest that is not taxed but on which the owner owns all or a partial

interest. Finally, the bills clarify that a judgment or decree recorded by or under the authority of an owner that makes a specific reference to any mineral interest that is part of the mineral interest constitutes use of the mineral interest specified in the judgment or decree.

Energy Efficiency

HB 57: Adoption Deadline for Maryland Building Performance Standards

Del. Andrew Cassilly

Extends the period of time, from 12 to 18 months, within which the Department of Housing and Community Development must adopt, by regulation, each subsequent version of the Maryland Building Performance Standards (MBPS) after it is issued. The measure also extends the period of time, from 6 to 12 months, within which each local jurisdiction must implement and enforce any modification to the MBPS after it is adopted by the state.

Natural Gas and Petroleum

HB 75/SB 162: Amendments to Approved Gas Infrastructure Replacement Plans

Del. Charles Barkley; Sen. John Astle

Extends from 120 to 150 days, the deadline by which the Public Service Commission (PSC) must take final action to approve or deny an amendment to an approved gas infrastructure replacement plan. Prior legislation authorized gas companies to file a plan with the PSC requesting permission to include a surcharge on customer bills for recovering certain costs of proposed infrastructure replacement projects. The PSC must take final action to approve or deny a plan within 180 days after a gas company files a plan.

SB 520: Motor Fuel Taxes for School Buses

Washington County Senators

Exempts from the motor fuel tax the motor fuel that is purchased for use in a school bus either owned by a county board of education or used to transport students by a school bus operator under contract with a county board of education. The bill also authorizes a refund of motor fuel tax paid for motor fuel purchased for the same uses.

Reorganization and Coordination

HB 1281: Strategic Energy Investment Advisory Board

Del. Sally Jameson

Requires the Governor of Maryland to appoint a chair for the Strategic Energy Investment Advisory Board from among its voting members and authorizes the board to meet at the discretion of the chair or the request of the Director of the Maryland Energy Administration (MEA). The measure mandates MEA to report on a plan for Strategic Energy Investment Funds expenditures to the board each year, rather than only in a plan development year, which occurs every three years.

Utilities

HB 696/SB 480: Maryland Underground Facilities Damage Prevention Authority Funding

Del. Dereck E. Davis; Sen. John Astle

Authorizes the Maryland Underground Facilities Damage Prevention Authority to obtain funding for its operational expenses from an additional assessment or charge of up to 5 cents per ticket, if the assessment or charge is not imposed on a county or municipality and is approved by a two-thirds vote of all members of the authority.

HB 1144: Retail Choice Customer Education and Protection Fund

Del. Warren Miller

Establishes the Retail Choice Customer Education and Protection Fund, administered by the Public Service Commission. The fund receives money from civil penalties assessed for violations of certain electric and gas marketing and consumer protection provisions. The purpose of the fund is to provide resources to improve the PSC's ability to educate customers on retail electric and gas choice and protect customers from unfair, false, misleading, or deceptive practices by electricity or gas suppliers.

SB 1069: Certificate of Public Convenience and Necessity Applications

Sen. Thomas Middleton

Alters the requirements for how the Public Service Commission (PSC) must give prior notice of a public hearing and opportunity to comment in connection with a certificate of public convenience and necessity (CPCN) application. In addition to the current requirement that the PSC advertise in a newspaper in general circulation in the local jurisdiction each of the four weeks immediately prior to the hearing and opportunity for public comment on a CPCN application, the PSC must also provide notice on two types of social media and on its website. On the day of a public hearing, an informational sign must be posted prominently at or near each public entrance of the building in which the public hearing will be held.





Maryland

Environmental Legislation

Air Quality and Pollution Control

SB 323: Greenhouse Gas Emissions Reduction Targets

Sen. Paul Pinsky

Repeals the termination date of the current requirement to reduce Greenhouse Gas (GHG) emissions by 25 percent from 2006 levels by 2020 and establishes a new reduction requirement for the state to develop plans, adopt regulations, and implement programs to reduce GHG emissions by 40 percent from 2006 levels by 2030. This 2030 reduction requirement terminates December 31, 2023.

Under the legislation's requirements, the Maryland Department of Environment (MDE) must submit its proposed 2030 GHG emissions reduction plan to the Governor and the General Assembly by December 31, 2018. The proposed plan must be made publicly available, and MDE must convene public workshops to provide interested parties with an opportunity to comment on the proposed plan. MDE must include the Maryland Department of Agriculture, the Maryland Farm Bureau, the Maryland Association of Soil Conservation Districts, the Delmarva Poultry Industry, the Maryland Dairy Industry Association, and the Maryland Agricultural Commission in discussions on the role to be played by agriculture to reduce GHG emissions while developing plans, adopting regulations, and implementing programs to reduce GHG emissions in accordance with the bill's provisions.

After consultation with appropriate state and local agencies, MDE must adopt the final 2030 emissions reduction plan by December 31, 2019. The final plan must include adopted regulations that implement all of the plan's measures and a timeline for seeking additional legislative authority if necessary. The Maryland Commission on Climate Change must oversee an independent academic study of the economic impact of requiring GHG emissions reductions from the manufacturing sector. The institution of higher education responsible for the independent study must complete and submit the study to the Governor and the General Assembly by October 1, 2022.

Finally, the bill requires MDE to submit a report by October 1, 2022, and every five years thereafter, on the progress toward achieving the 2030 GHG emissions reduction goal and the reductions needed by 2050 to avoid specified climate changes, based on contemporary science. On receipt of the required independent study, MDE's October 1, 2022, progress report, and future progress reports, the General Assembly may act to maintain, revise, or eliminate the 40 percent reduction requirement and must consider whether to continue specified provisions related to the manufacturing sector.

Coastal Zone Management

HB 63: Commercial Finfish Trotlines

Chair, Environment and Transportation Committee

Authorizes the Department of Natural Resources, in consultation with the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, to adopt regulations defining and governing the use of commercial finfish trotlines. The bill terminates on June 30, 2019.



HB 318: Extended Fishing Privileges

Del. Jay Jacobs

Gives commercial license holders in Kent County additional time for the harvest of carp due to weather and tides. Under prior statute, in Baltimore and Harford counties, a person may fish for carp with a haul seine during the period from Friday midnight until sunrise on Monday in the tidal waters of the state. The same extended fishing privilege is given to commercial license holders in Kent County under the legislation.

HB 319: Dredge Boats for Oyster Harvesting

Del. Jay Jacobs

Establishes that provisions of law, including increased daily oyster harvest limits, that apply to a dredge boat may only apply to a vessel that meets the following criteria:

- (a) Is a functional sailing vessel used to catch oysters or clams by dredge;
- (b) Is built in the style of a traditional Chesapeake Bay bugeye, schooner, or skipjack;
- (c) Uses a sailing rig composed of at least one mast and one boom capable of holding sails and configured for sailing;
- (d) Includes a set of davits capable of removing an auxiliary yawl boat from the water;
- (e) Does not have a screw, a propeller, an engine, a turbine, or any other device for self-propulsion used in catching oysters by dredge; and
- (f) Meets all U.S. Coast Guard requirements.

The daily oyster harvest limit for dredge boats is 150 bushels per boat. In comparison, those harvesting by power dredge are limited to 12 bushels per licensee and 24 bushels per boat, and those harvesting by shaft tong, patent tong, or diving apparatus are limited to 15 bushels per licensee and 30 bushels per boat. Dredge boats have a higher harvest limit in large part due to historic and operational reasons.

HB 389: Chesapeake and Atlantic Coastal Bays Critical Area Program

Del. Anthony O'Donnell

Alters the definition of "immediate family" to include a sibling for purposes related to the Chesapeake and Atlantic Coastal Bays Critical Area Program. The Chesapeake and Atlantic Coastal Bays Critical Area Program, which is implemented through local critical area programs developed and enforced by local jurisdictions, regulates development activity in the "critical area" surrounding and including the Chesapeake Bay and Atlantic Coastal Bays. A local jurisdiction, as part of its local program, may allow for a transfer of a parcel of land despite development limitations under the program to establish a residence for an immediate family member.

HB 799: Damage to Aquaculture Areas

Del. Anthony O'Donnell

Establishes that a person who willfully, negligently, recklessly, wrongfully, or maliciously enters any area leased to another person for aquaculture purposes to harvest, damage, or transfer shellfish or to alter, damage, or remove any markings or equipment is, in addition to being liable to the leaseholder, liable to any agent, employee, business partner, or contractor of the leaseholder.

HB 1161: Docking and Boat Storage User Fee Revenues

Del. Mary Ann Lisanti

Expands the authorized uses of docking and boat storage user fee revenues to include land acquisition and the related construction and maintenance of public facilities to enhance public use and water access. Municipalities may impose, by ordinance, a user fee on charges for the docking and storage of boats.



HB 1387/SB 1054: Commercial Northern Snakehead Bowfishing License

Del. Kevin B. Hornberger; Sen. James Mathias, Jr.

Establishes a commercial northern snakehead bowfishing license, authorizing the holder to catch for sale northern snakeheads in the tidal waters of the state using a bow and arrow attached to a retrieval line. A licensee may not fish within 100 yards of the following:

- (a) Another person or vessel;
- (b) A public or private swimming area;
- (c) A diver down flag; or
- (d) An occupied offshore stationary blind.

An applicant does not need to hold a tidal fishing license to be eligible for the snakehead license. The term of a license is one year, and the annual license fee is \$15.

HB 1462/SB 614: Compounded Prescriptions for Animals

Del. Eric Bromwell; Sen. Joan Carter Conway

Establishes an exception authorizing a licensed veterinarian to dispense compounded nonsterile or compounded sterile preparations if the following conditions are met:

- (a) The preparations are to be used for a nonfarm animal;
- (b) The nonfarm animal is a patient of the licensed veterinarian;
- (c) The quantity of the preparations dispensed does not exceed a seven-day supply;
- (d) The licensed veterinarian determines that timely access to a compounding pharmacy is not available or that the preparations are not otherwise commercially available;
- (e) The preparations are provided to the licensed veterinarian by a pharmacist in accordance with specified provisions; and
- (f) The preparations are dispensed in a container with a label clearly showing specified information.

Under the bills, the State Board of Veterinary Medical Examiners will define the term “nonfarm animal” through regulations.

HB 1527: Water for Oyster Aquaculture

Del. Anthony O'Donnell

Exempts the use of tidal waters for oyster aquaculture purposes from the requirement to obtain a water appropriation and use permit if the water is returned to the same body of water from which it is appropriated.

SB 61: Chesapeake and Atlantic Coastal Bays 2010 Trust Fund

Sen. Bryan Simonaire

Revises provisions of law relating to forest lands and the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund. References to the “Chesapeake 2000 Agreement” were replaced with the “2014 Chesapeake Bay Watershed Agreement,” and references to achieving the state’s “tributary strategies” were replaced with references to supporting “state and local watershed implementation plans” by targeting limited financial resources on the most effective nonpoint source pollution control projects.

SB 620: Chesapeake Bay Awareness Week

Sen. Thomas Middleton

Requires that the Governor annually proclaim the second week in June as Chesapeake Bay Awareness Week. The proclamation must urge educational and environmental organizations, including the Chesapeake Bay Foundation, Alliance for the Chesapeake Bay, Choose Clean Water Coalition, and Chesapeake Bay Commercial Fisherman’s Association to observe



Chesapeake Bay Awareness Week properly with appropriate events, activities, and programs designed to increase awareness of the importance of the Chesapeake Bay.

SB 937: Fishery Management Plan for Oysters

Sen. Roger Manno

Requires the Department of Natural Resources (DNR), in consultation with the University of Maryland Center for Environmental Science, to conduct, as part of its fishery management plan for oysters, a study to:

- (a) Identify available data that may be used to conduct an oyster stock assessment;
- (b) Identify stock assessment techniques;
- (c) Provide a stock assessment that provides guidance for the development of biological reference points (BRPs); and
- (d) Identify objective and measurable means to determine if the oyster fishery is operating within the BRPs.

The study must be submitted to a peer review panel. Based on the determination of whether the oyster fishery is operating within the BRPs, DNR must identify management strategies for the oyster population and fishery through a public process. The bill requires DNR to submit interim and final reports to the Governor, the Oyster Advisory Commission, and the General Assembly on the results of the study and any proposed or implemented management strategies.

Environmental Health Services

HB 46: Microchipped Animals

Del. Mark Chang

Adds “microchip” to the listed types of identification for which an animal control unit must inspect an impounded animal to ascertain the owner. An animal control unit must make a reasonable effort to notify an impounded animal’s owner of the location of and the procedure for retrieving the animal. A person who violates the bill’s requirements is subject to a civil fine of up to \$500 for a first offense and for a second or subsequent offense is guilty of a misdemeanor and subject to a fine of up to \$500.

HB 132: Pollinator Habitat Plan

Del. Stephen Lafferty

Requires the Department of Natural Resources, the Maryland Environmental Service, and the State Highway Administration to each establish, in consultation with the Maryland Department of Agriculture (MDA), a pollinator habitat plan by July 1, 2017. Among other things, a pollinator habitat plan must include best management practices for the maintenance, creation, enhancement, and restoration of pollinator habitats and must adhere to MDA’s managed pollinator protection plan. Each agency must adhere to the following guidelines:

- (a) Make the agency’s pollinator habitat plan available to the public on its website by September 1, 2017;
- (b) Report to specified legislative committees on the plan by January 1, 2018; and
- (c) Implement the plan by July 1, 2018.

HB 211/SB 198: Neonicotinoid Pesticides

Del. Anne Healey; Sen. Shirley Nathan-Pulliam

Establishes specified restrictions, effective January 1, 2018, on the sale and use of neonicotinoid pesticides. The restrictions do not apply to the following:

- (a) Pet care products used to mitigate fleas, mites, ticks, heartworms, or other animals that are harmful to the health of a domesticated animal;
- (b) Personal care products used to mitigate lice and bedbugs; and
- (c) Indoor pest control products used to mitigate insects indoors, including ant bait.

Under the bills, the pesticides may be used only by a certified applicator or a person working under the supervision of a certified applicator, a veterinarian, or a farmer or a person working under the supervision of a farmer who uses the pesticide for certain agricultural purposes. A person who violates any of the provisions is subject to a civil penalty of \$250.

The bills also require the Maryland Department of Agriculture (MDA) to incorporate pollinator habitat expansion and enhancement practices into the state's managed pollinator protection plan. In addition, on completion of the U.S. Environmental Protection Agency's (EPA) pollinator risk assessment of four specified neonicotinoid pesticides, MDA must review the state's pesticide laws and regulations and make recommendations for any changes necessary to ensure state laws and regulations are protective of pollinators while taking into account EPA's recommendations. MDA must report its findings and recommendations within six months of EPA's completed pollinator risk assessment.

HB 326: Business Projects Funding

Chair, Environment and Transportation Committee

Makes specified changes to various programs within Department of Housing and Community Development (DHCD) to enhance financial assistance to businesses. Generally, the bill enacts the following measures:

- (a) Authorizes the Community Development Administration and the Maryland Housing Fund to support business projects;
- (b) Expands the geographic area in which the Neighborhood Business Development Program operates;
- (c) Expands the types of financial assistance that can be provided under specified programs; and
- (d) Makes changes to streamline the efficiency of specified programs by removing dollar-specific loan limits and requirements for significant outside funding and instituting a notice and review policy for projects in local jurisdictions.

A project qualifies as a "business project" under the legislation if the project is located in an area designated as a priority funding area under state procurement law and acquired, owned, developed, constructed, reconstructed, rehabilitated, or improved by a person or an entity for the purposes of carrying on a business. DHCD must reserve at least the lesser of \$5 million or the annual capital appropriation for the fund to make financial assistance available to a project located in sustainable communities. By December 31, 2018, the department must report to legislative committees on financial assistance provided to business projects as specified under the bill.

HB 410: Deer Poaching

Del. Anthony O'Donnell

Requires that if a person is convicted of poaching deer in the state, the court must order the person, in addition to any criminal penalties, to pay restitution and perform community service



as determined by the court. For an act of poaching that involves trespassing on another's property, the additional restitution and community service penalties apply with respect to the trespass violation only if the act of trespass is performed knowingly or willfully. Any restitution collected under the bills' provisions is credited to the State Wildlife Management and Protection Fund.

Under the legislation, a person convicted of poaching deer must pay restitution of between \$2,000 and \$5,000, in an amount deemed reasonable by the court, and perform 80 hours of community service for each sika deer or antlered white-tailed deer with a Boone and Crockett Club score of 150 gross inches or less that is taken. If a person is convicted of poaching an antlered white-tailed deer with a Boone and Crockett Club score of more than 150 gross inches, the person must pay restitution of between \$5,000 and \$10,000, in an amount deemed reasonable by the court, and perform 80 hours of community service. If a person is convicted of poaching an antlerless white-tailed deer, the person must pay restitution of between \$300 and \$500, in an amount deemed reasonable by the court, or perform 40 hours of community service.

HB 494: Animal Shelter Requirements

Del. Christian Miele

Requires an animal shelter to establish the following by January 1, 2017:

- (a) A written veterinary care protocol for dogs and cats that is consistent with specified guidelines;
- (b) A written protocol for reclaiming animals from the animal shelter; and
- (c) An annual summary of specified intake and disposition data.

An animal shelter must make the required protocols and information publicly available. The bill also establishes a civil penalty of up to \$500 for a violation of the requirements. "Animal shelter" is defined as any of the following:

- (a) A county or municipal animal control facility;
- (b) An organization that contracts with a county or municipality for animal control; or
- (c) An organization that shelters animals and has received a grant from Maryland Department of Agriculture's Spay/Neuter Fund during the previous year.

HB 684: Baltimore Regional Neighborhood Initiative Program

Del. Peter Hammen

Codifies the existing Baltimore Regional Neighborhood Initiative Program within the Department of Housing and Community Development (DHCD) and establishes a Baltimore Regional Neighborhood Initiative Program Fund to provide financial assistance under the program. The program provides strategic investment in local housing and businesses by focusing on areas where modest investment will have an appreciable neighborhood revitalization impact.

HB 686: Strategic Demolition and Smart Growth Impact Fund

Del. Peter Hammen

Establishes the Strategic Demolition and Smart Growth Impact Fund to provide grants and loans through the program to government agencies and community development organizations for specified revitalization projects in any area designated as a sustainable community. The bill directs the \$21.5 million appropriated to the Department of Housing and Community Development (DHCD) for fiscal year 2017 in Supplemental Budget No. 2 to the fund and requires the Governor to include in the annual budget bill an appropriation to the fund of \$25.6 million in fiscal 2018 and \$28.5 million in fiscal 2019. For fiscal years 2017 through 2019, grant or loan recipients must provide a 25 percent funding match. The measure also specifies the allocation and distribution of those funds, the majority of which are directed to Baltimore City.



HB 849/SB 182: Carbon Monoxide Alarms in Residential Rental Units

Del. Sheree Sample-Hughes; Sen. James Mathias, Jr.

Requires a rental dwelling unit to have a carbon monoxide alarm installed outside and in the immediate vicinity of each separate sleeping area and on every level of the unit, including the basement, by April 1, 2018. A “rental dwelling unit” is defined as a room or group of rooms that form a single independent habitable rental unit for permanent occupation by one or more individuals that has living facilities with permanent provisions for living, sleeping, eating, cooking, and sanitation.

HB 1024: Specified Building Requirements in Montgomery County

Prince George's County Delegation and Montgomery County Delegation

Corrects an inadvertent change made by the code revision process and clarifies that a municipality or governed special taxing district in Montgomery County may adopt specified building requirements that regulate the construction, repair, or remodeling of “other structures,” in addition to single-family residential houses or buildings, on land zoned for single-family residential use.

HB 1113/SB 663: Sale of Dogs and Cats

Del. Benjamin Kramer; Sen. Joanne Benson

Prohibits a person from “offering for sale” a dog or a cat at any public place. The prohibition does not apply to an “animal welfare organization” or animal control unit under specified circumstances or a dog breeder and a specific individual purchaser conducting a prearranged sale of a dog if the location of the prearranged sale is not at a regularly scheduled or recurring event. A person who violates the provision is subject to a civil penalty of up to a \$500 fine for a first violation and enhanced fines for a second or subsequent violation. Moreover, a retail pet store may only offer a dog or cat for sale if the animal is obtained from specified entities. A violation of this provision is an unfair or deceptive trade practice under the Maryland Consumer Protection Act (MCPA), subject to MCPA’s civil penalty provisions. Under the legislation, the violator is not subject to the MCPA’s criminal provisions. The bills alter the entities to which retail pet store laws do not apply.

HB 1400: Seed Community Development Anchor Institution Fund

Del. Cheryl Glenn

Establishes a Seed Community Development Anchor Institution Fund within the Department of Housing and Community Development (DHCD) to provide grants and loans to anchor institutions for community development projects in blighted areas of the state. To be eligible for a grant or loan, an anchor institution must provide evidence of matching funds from a private source. For fiscal years 2018 through 2022, the Governor must include in the annual budget bill an appropriation of \$5 million to the fund.

Under the legislation, an “anchor institution” is defined as an institution of higher education in the state or a hospital institution in the state that has at least five physicians and offers diagnostic and treatment services, including overnight care, for two or more unrelated individuals. According to the Maryland Independent College and University Association, several colleges, universities, and hospitals formed coalitions to serve as anchor institutions in various areas of Baltimore City to build and support communities. The association further advised that four institutions of higher education signed agreements in 2014 with the Mayor of Baltimore to engage in numerous projects to build stronger neighborhoods, attract residents, create jobs, and support economic growth.

HB 1417/SB 401: Guns Used by Deer Management Permit Holders

Del. Matthew Morgan; Sen. Steve Waugh

Authorizes a deer management permit holder in Charles and St. Mary’s counties to use a



shotgun or breech-loading, center-fired rifle approved by the Department of Natural Resources throughout the year, instead of just during deer hunting season.

SB 113: Transportation and Shipment of Bees, Bee Colonies, and Used Equipment

Chair, Education, Health, and Environmental Affairs Committee

Repeals the requirement that a person request an entry permit from Maryland Department of Agriculture (MDA) before shipping or transporting any bee colony or used bee equipment into the state. Also, the bill repeals the prohibition against shipping or transporting into the state a colony or equipment that is not accompanied by an entry permit. However, the bill maintains the requirement that an inspection certificate from the state of origin and other specified information be submitted to MDA before shipping or transporting a bee colony or used bee equipment into the state. The bill also preserves the requirement that the inspection certificate accompany the colony or equipment. The legislation also modifies a provision governing MDA's enforcement actions to apply in any case where a colony or bee is transported into the state in a manner that does not meet applicable requirements.

SB 283: Dog Fighting Implements

Sen. Susan Lee

Prohibits a person from possessing, with the intent to unlawfully use, an "implement of dogfighting." A dogfighting implement includes any of the following:

- (a) A breaking stick;
- (b) A cat mill;
- (c) A springpole;
- (d) A fighting pit or other confined area designed to contain a dogfight;
- (e) A breeding stand; or
- (f) Any other instrument or device commonly used for training, preparation, breeding, and conditions for dogfights.

Violators are guilty of a misdemeanor and on conviction are subject to 90 days imprisonment and/or a \$5,000 fine.

SB 1136: Radiation Monitoring Waiver

Sen. Adelaide Eckardt

Exempts, beginning after June 30, 2016, a temporary pro bono dental clinic that operates less than 100 hours a year from the requirement to pay fees for monitoring and regulating sources of radiation.

Inland Water Resource Management and Conservation

HB 14/SB 58: Vessel Excise Tax

Del. Nicholas R. Kipke; Sen. John Astle

Makes permanent the \$15,000 per vessel cap on the amount of the vessel excise tax, but requires the cap to increase by \$100 on July 1 of each year beginning on July 1, 2016.

HB 797: Wetland Mitigation

Chair, Environment and Transportation Committee

Repeals provisions of law that establish compensation ratios for wetland mitigation through mitigation banks. The bill also repeals the preference for on-site alternatives and sites in the same watershed and county as the project requiring mitigation during the mitigation siting process. Instead, mitigation through a mitigation bank must be accomplished within a "service area," as determined by the Maryland Department of Environment. A "service area" is defined as the geographic area within which impacts can be mitigated at a specific mitigation bank, as



designated in its instrument. The bill also requires public notice and comment when siting any wetland bank, not just those that are greater than five acres in size.

Land Management and Conservation

HB 20: Archery Hunting Safety Zone

Del. Anthony O'Donnell

Decreases the archery hunting safety zone radius in Calvert and St. Mary's counties from 150 to 50 yards, thus making available additional hunting grounds.

HB 132: Specified Pollinator Habitat Plan

Del. Stephen Lafferty

Requires the Department of Natural Resources, the Maryland Environmental Service, and the State Highway Administration to each establish, in consultation with the Maryland Department of Agriculture, a specified pollinator habitat plan by July 1, 2017.

HB 276/SB 137: Preservation and Conservation Easement Income Tax Credit

Del. Dana Stein; Sen. Adelaide Eckardt

Expands the existing preservation and conservation easement income tax credit by allowing a member of a pass-through entity to claim the credit and for easements conveyed to the Department of Natural Resources to qualify for the credit. The Board of Public Works must approve credits for pass-through entities on a first-come, first-served basis, and no more than \$200,000 in aggregate credits may be claimed by members of pass-through entities in a taxable year.

HB 321/SB 46: Decrease in Archery Hunting Safety Zone

Anne Arundel County Delegation; Sen. Edward Reilly

Decreases the archery hunting safety zone radius in Anne Arundel County from 150 to 100 yards.

HB 443: Industrial Hemp

Del. David Fraser-Hidalgo

Authorizes the Maryland Department of Agriculture (MDA) or an institution of higher education to grow or cultivate industrial hemp for agricultural research or academic research purposes. A site used to grow or cultivate industrial hemp must be certified by and registered with MDA. "Industrial hemp" is defined as the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis. "Industrial hemp" does not include any plant or part of a plant intended for a use that is regulated under the state's medical cannabis program. The legislation terminates on the taking effect of Chapter 456 of 2015, which is contingent on specified federal law taking effect and authorizes a person to plant, grow, harvest, process, possess, sell, or buy industrial hemp, provided a person registers with MDA before planting or growing industrial hemp.

HB 462: Program Open Space Funding

Speaker Michael Busch

Restores certain funding to the special fund into which transfer tax revenues are deposited, the Transfer Tax Special Fund, and ultimately to Program Open Space (POS) and other land preservation programs, which consist of state and local shares of funding, and other programs and purposes supported by the fund. The bill also modifies the amount of POS funding that must be allocated for direct grants to Baltimore City for park purposes and eliminates certain required appropriations to the Rainy Day Fund.



HB 516: Archery Hunting Safety Zone in Harford County

Del. Glen Glass

Decreases the archery hunting safety zone radius in Harford County from 100 to 50 yards, but requires an archery hunter who is within 50 to 100 yards of a building or camp to use a tree stand.

HB 766: Reciprocal Licensing

Chair, Environment and Transportation Committee

Establishes the same complimentary privileges that apply to angler's licenses to the Chesapeake Bay and coastal sport fishing license. Under the statute, the Department of Natural Resources may issue an annual complimentary hunting or angler's license to the President of the United States, the governor of any state, and a fish and game official of any other state.

HB 870/SB 876: Black Fly Prevention Controls

Del. Neil Parrott; Sen. Andrew Serafini

Authorizes the Department of Natural Resources to implement a program to control the spread of black flies in the state, in conjunction with the Maryland Department of Agriculture and the University of Maryland's Department of Entomology, subject to available funding. The program must initially be implemented in Washington County.

HB 883/SB 306: Agricultural Land Transfer Tax

Del. Aruna Miller; Sen. Richard Madaleno, Jr.

Alters the definition of the "agricultural land transfer tax" to specify that the tax does not include the 25 percent surcharge. The bills also define the "total rate of tax" as the rate of tax imposed for the agricultural land transfer tax plus the county transfer tax rate. Accordingly, beginning in fiscal year 2017, local jurisdictions will not have to include the 25 percent surcharge when calculating the county transfer tax rate limit. In *Montgomery County v. Phillips, et al.*, 445 Md. 55 (2015), the Maryland Court of Appeals held that the 25 percent state surcharge imposed on instruments of writing transferring title to certain agricultural land is, by definition, a part of the state agricultural land transfer tax and must be calculated into, and treated as a part of, the tax ceiling limiting a county's transfer tax.

SB 759: Heritage Structure Rehabilitation Tax Credit Program

Sen. Richard Madaleno, Jr.

Reestablishes the Sustainable Communities Tax Credit Program as the Heritage Structure Rehabilitation Tax Credit Program, extends the termination date of the program through fiscal year 2022, and requires the Governor to include an appropriation for the commercial credit program in fiscal years 2018 through 2022. The bill also alters certain program eligibility requirements and procedures, including the elimination of the requirement that the Maryland Historical Trust must evaluate as part of its commercial project scoring system whether proposed projects are located in jurisdictions that have been historically underrepresented in the award of commercial rehabilitation tax credits.

SB 775: Recreational License Donation Program

Sen. Bryan Simonaire

Establishes a recreational license donation program, through which a person may purchase and donate a recreational hunting or fishing license and any corresponding stamps for issuance, free of charge, by the Department of Natural Resources (DNR) to a gold star recipient, a disabled veteran or member of the U.S. military, or a permanently disabled person who requires the use of a wheelchair. Under the legislation, a recipient of a donated license or stamp must be sponsored by a qualifying nonprofit charitable organization that provides recreational hunting or fishing opportunities to gold star recipients, disabled veterans or members of the U.S. military, or permanently disabled persons who require the use of a wheelchair. The DNR is

required to submit a report on the program to the Governor and the General Assembly by December 31, 2018. The bill terminates on June 30, 2019.

Reorganization and Coordination

HB 51: Aquaculture Coordinating Council

Del. Anthony O'Donnell

Adds two members to the Aquaculture Coordinating Council. One new member is a representative of the Oyster Recovery Partnership, a nonprofit organization that plans, promotes, and implements science-based and sustainable shellfish restoration, aquaculture, and wild fishery activities. The other new member is a representative of the Maryland Farm Bureau, a nonprofit organization focused on increasing farm income and quality of life.

HB 62: Licensing Procedures

Chair, Environment and Transportation Committee

Alters the requirements and procedures for the application for, and issuance of, hunting and fishing licenses and registrations to conform to actual practice under the COMPASS system. COMPASS issues all hunters an account with a free Department of Natural Resources (DNR) identification number. Once a hunter obtains their unique number, it can be used to identify that person as a returning customer at DNR Service Centers or Agent locations to speed up service. A hunter can also use his or her email address as a username and login to a personalized COMPASS account.

HB 65: Regulation of Tree Experts

Chair, Environment and Transportation Committee

Provides that changes established under legislation in 2011 that give the Department of Natural Resources (DNR) the authority to set by regulation tree expert license fees and the timetable and procedure for license renewal, are made permanent under the bill and no longer terminate on September 30, 2016. The DNR licenses tree experts, who are professionals engaged in the business or work of treatment, care, or removal of trees more than 20 feet tall for compensation, working in the state.

HB 497/SB 200: State Board of Environmental Health Specialists

Del. Peter Hammen; Sen. Joan Carter Conway

Extends the termination date for the State Board of Environmental Health Specialists (BEHS) by five years to July 1, 2027, and requires a preliminary evaluation of the board be conducted by December 15, 2023. The BEHS must include a financial statement and a plan for special fund revenues in its annual report as well as monitor and work with the Long Term Environmental Health Workforce Work Group regarding recruitment and retention and statutory licensing exemptions. BEHS also must take specified actions and submit a follow-up report on implementation of those required actions to specified committees of the General Assembly by January 1, 2017.

HB 854: Relocation of Publicly Owned Utility Lines

Del. Mary Ann Lisanti

Requires the State Highway Administration (SHA), when the relocation of a water or sewer line of a publicly owned utility is needed due to a federal project, to notify the political subdivision or agency that owns the utility of the estimated cost of the relocation. Under the bill, SHA must also investigate funding sources to help the political subdivision or agency meet its share of the cost and, if needed, develop a payment plan.

HB 1457: Professional Land Surveyor Licensure

Del. Michael Vaughn

Alters and makes further changes to the education and experience requirements for licensure as

a professional land surveyor so that there are four permanent options and one temporary option available through 2025.

SB 4: Maryland Environmental Trust

Sen. Joan Carter Conway

Increases the number of members on the Maryland Environmental Trust’s Board of Trustees, from 15 to 19, and modifies the manner of election for the trustees other than the Governor, President of the Senate, and Speaker of the House. The bill generally requires those 16 trustees to be elected (by a majority vote of trustees present), four each year, to serve four-year terms, from recommendations submitted by the Governor, President of the Senate, and Speaker of the House. The recommendations, insofar as is practicable and consistent with the purposes of the trust, must meet certain criteria regarding distribution of professions and geographies, diversity, and experience. The Maryland Environmental Trust acquires and holds conservation easements, serves as a steward of land protected by such easements, and provides training, technical assistance, and support to nonprofit land trusts as well as other education and outreach.

SB 106: Heating, Ventilation, Air Conditioning, and Refrigeration Contractors

Chair, Education, Health, and Environmental Affairs Committee

Specifies that the state Heating, Ventilation, Air Conditioning, and Refrigeration Contractors (HVACR) Board is subject to the supervision of the Secretary of Labor, Licensing, and Regulation. As a result of the new statutory language, the state will be able to assert state-action immunity as a defense in a court case involving either board.

SB 132: Critical Area Commission for the Chesapeake and Atlantic Coastal Bays

Sen. James Mathias, Jr.

Authorizes the Mayor of Ocean City to appoint a designee to serve on the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays in place of the mayor. The bill also establishes that the mayor or the mayor’s designee, unlike appointed members of the commission, is not subject to the advice and consent of the Senate.

SB 226: Professional Engineering Documents

Sen. Bryan Simonaire

Requires that an engineering document prepared at the request of the state or a political subdivision in the state, in connection with projects where the skills of a professional engineer are required, be signed, sealed, and dated by the professional engineer who prepared or approved the document.

Solid Waste

HB 835/SB 631: Local Facility Closure Reserve Funds

Cecil County Delegation

Authorizes local governments to contract with external asset managers to manage or invest money designated for local facility closure reserve funds in the same manner that they invest funds for employee pensions, other post employment benefits, trust funds, and self-insurance purposes. The bills further authorize local governments to create pooled facility closure reserve investment funds with separate accounts for each local government that participates in the fund.

Under state statute, local facility closure reserve funds set up by a local government are used to fund the long-term liabilities resulting from the closure of local facilities such as landfills. In addition to the costs of capping and closing these facilities in a manner that protects the environment, a local government will also incur additional post-closure liabilities as a result of fulfilling state and federal laws to monitor, inspect, and maintain the landfill and its protective systems for at least 30 years following the facility closure.



Water Quality and Pollution Control

HB 90: Bay Restoration Fund Septics Account

Del. Stephen Lafferty

Expands the authorized uses of the Bay Restoration Fund Septics Account to include providing financial assistance to low-income homeowners for up to 50 percent of the cost of an operation and maintenance contract of up to five years for an on-site sewage disposal system that utilizes nitrogen removal technology. Either the Maryland Department of Environment or a local government must determine an applicant's eligibility and the level of assistance to be provided based on the average cost of such a contract provided by vendors in the applicant's area.

HB 1101: Closed Swimming Lake

Montgomery County Delegation

Exempts a "closed swimming lake" that is located within and maintained by a municipality, and that is only accessible to residents of the municipality, from state regulations that apply to public bathing beaches or any county regulations related to public swimming facilities. A "closed swimming lake" is defined as a body of water that is 1.5 acres in surface area or less, is used for swimming, and does not have a circulation system. A municipality that maintains a closed swimming lake must establish a policy to assess and monitor the water quality of the closed swimming lake, which must be consistent with specified requirements in state regulations regarding sanitary quality, tiered monitoring, and public notification.

HB 1128: Testing for Unregulated Contaminants

Prince George's County Delegation and Montgomery County Delegation

Alters the basis on which the Washington Suburban Sanitary Commission (WSSC) must conduct the testing to be the latest cycle of unregulated contaminant monitoring regulations established by the U.S. Environmental Protection Agency, rather than the third cycle of the regulations. As required by statute, the WSSC is to conduct quarterly testing of drinking water for unregulated contaminants included in specified federal regulations. Within 30 days of receiving results that indicate the presence of a contaminant, the WSSC must report the results to the county executives of Montgomery and Prince George's counties and publish the results on the WSSC website.



Mississippi

Energy Legislation

Alternative Energy Development

SCR 88: Solar Cars

Sen. Russell Jolly

Commends and congratulates the Houston Sundancer Solar Car Race Team for bringing attention to alternative energy programs through its success as the first high school vehicle to complete in and win the World Solar Car Challenge Adventure Class in Adelaide, Australia.

Energy Efficiency

HB 906: Energy Efficiency Standards Extension

Rep. Angela Cockerham

Extends a law passed in 2013 requiring public and commercial buildings be designed and built to an updated standard promoting energy efficiency (ASHRAE 90.1-2010). The bill extends the current law until July 1, 2019.

Natural Gas and Petroleum

SB 2050: Natural Gas System Expansion

Sen. Rita Potts Parks

Authorizes the expansion of a natural gas system in the Town of Walnut. The governing authorities of the Town of Walnut in Tippah County, Mississippi, may, in their discretion, construct, expand, operate, and maintain the gas distribution system of the Town of Walnut for a distance not exceeding eight miles from the corporate limits of the Town of Walnut. Whenever such gas utility service is furnished to any customer residing outside the corporate limits of the Town of Walnut, the consumer may not be charged at a rate greater than twice the rate charged for the same service within the corporate limits of the Town of Walnut.

SB 2935: Municipal Natural Gas Distribution System Expansion into Counties

Sen. Jenifer Branning

Authorizes the Town of Walnut Grove to expand its natural gas distribution system into certain areas in Leake and Scott Counties.

Reorganization and Coordination

HB 486: Mississippi Gulf Coast Region Utility Board

Rep. Jason White

Extends the repealer on the Mississippi Gulf Coast Region Utility Board until July 1, 2019.

HB 499: Public Service Commission

Rep. Jason White

Extends the repeal of the Public Service Commission (PSC) until December 31, 2018. Also, the bill extends the PSC and the Executive Director of the Public Utilities Staff ability to each enter into professional services contracts with one or more attorneys or consultants from a competent, qualified, and independent firm as may be required by the commission or the executive director until July 1, 2018.



HB 1130: Petroleum Products Inspection Law

Rep. Bill Pigott

Extends the Petroleum Products Inspection Law repealer until July 1, 2020.

SB 2321: Forest Acreage Tax Extension

Sen. Nickey Browning

Extends to the board of supervisors of all counties the power to levy a special tax known as "the forest acreage tax" until June 30, 2020.

Utilities**HB 1138: Regulation of Generation and Transmission Cooperatives**

Rep. Jim Beckett

Provides provisions applicable to generation and transmission cooperatives under electric power association laws. The legislation recognizes that generation and transmission cooperatives are subject to rules, regulations, and requirements from the Rural Utilities Service, the Federal Energy Regulatory Commission, and the North American Electric Reliability Corporation, as well as the rules and requirements of regional transmission organizations to which they belong and to competitive pressures from the wholesale market.

In order to avoid the inefficiencies and confusion caused by duplicative, overlapping, unnecessary, or conflicting regulations, requirements, and rules, the bill declares that the Mississippi Public Service Commission (PSC) and political subdivisions of the state do not have jurisdiction over and may not regulate generation and transmission cooperatives with the exception that a generation and transmission cooperative must obtain certificates of public convenience and necessity from the PSC.

HB 1139: Relationship between Electric Power Associations and Regulators

Rep. Jim Beckett

Modernizes an existing regulatory act defining the relationship between member-owned electric power associations and state utility regulators. The measure provides for the following:

- Perpetual duration of a corporation;
- Requires the name of a corporation to include the words electric power association or electric cooperative;
- Relates to procedures for filing a certificate of incorporation with the Secretary of State; and
- Relates to consolidation, dissolution of a corporation, nonmember rates, bonds, investments, jurisdictions, billing errors, taxes, financial audits, and time limits on actions for collections.

SB 2755: Damage Prevention

Sen. Terry Burton

Exempts certain activity by government entities in their rights-of-way from the laws regulating the excavation of underground utility lines. The legislation creates the Underground Pipeline Facilities Advisory Committee and the Underground Facilities Damage Prevention Board. The bill prescribes the powers of the board, provides for investigations of complaints of violations, and creates the Underground Damage Prevention Fund for the proceeds of civil penalties.





Mississippi

Environmental Legislation

Air Quality and Pollution Control

HB 116: Conflicts of Interest by Regulators

Rep. John Read

Provides that at least a majority of the members of the Department of Environmental Quality Commission must represent the public interest and may not derive any significant portion of their income from persons subject to permits under the federal Clean Air Act or enforcement order under the federal Clean Air Act. In the event of any potential conflict of interest by a member of the commission, such member must disclose the potential conflict to the other members of the commission and must recuse him or herself from participating in or voting on any matter related to the conflict of interest.

Coastal Zone Management

HB 815: Oyster Harvesting at Night

Rep. Casey Eure

Provides that it is unlawful for any person to fish, catch, or take oysters from any of the oyster reefs in the state waters of Mississippi by the use of any tongs, dredge, rake, or other mechanical device during the hours between sunset and sunrise of each day. Violations of the nighttime oyster harvesting provisions are punishable by a fine not to exceed \$10,000 and/or up to imprisonment not to exceed one year in the county jail or both.

HB 1124: Commission on Marine Resources

Rep. Casey Eure

Provides for the expiration of permits issued by the Commission on Marine Resources for activities affecting coastal wetlands. Permits will be valid for not more than five years from the date of issuance, except that permits for maintenance dredging of existing channels maintained by a local governmental entity may be valid for not more than ten years. The commission may issue one extension not to exceed two years in length if the applicant requests it in writing before the expiration date of the permit.

SB 2597: Oyster Aquaculture Facility Development Regulation

Sen. Tommy Gollott

Revises the authority of the Commission on Marine Resources over oyster aquaculture facility developments. Under the legislation, the commission may construct, operate, and maintain onshore, molluscan facilities using any federal or special funds, other than general funds, for the purpose of testing and proving technology relating to oysters and other shellfish.

SB 2600: Special Oyster Harvesting Permits

Sen. Tommy Gollott

Allows the Commission on Marine Resources to issue special permits for the purpose of catching oysters outside the open season or in areas not normally open to harvest to nonprofit organizations that are tax exempt under Section 501(c) of the United States Internal Revenue



Code and which have on file with the state Department of Revenue a tax exemption letter issued by the United States Internal Revenue Service.

SB 2699: Derelict Vessel Removal

Sen. Tommy Gollott

Revises the procedure for the removal of derelict vessels on the coastal wetlands. Under the legislation, "derelict" means any of the following:

- (a) Grounded;
- (b) Allowed to remain in an unseaworthy or dilapidated condition; or
- (c) Submerged or in immediate danger of sinking.

A ship submerged for 100 years or more is not derelict. In the waters of Harrison, Hancock, and Jackson counties, a person must not leave derelict any vessel on the coastal wetlands, marine waters, or on public or privately owned lands without the owner's permission.

Only a party with standing may initiate the derelict vessel procedures. For the purposes of the legislation, the following parties have standing:

- (a) The owner of the property where the vessel came to rest or to which the vessel was made fast;
- (b) Any harbormaster, police department, municipality, or agent of the state that agrees to accept or process a derelict vessel; or
- (c) Any professional marine salvager when the salvager is engaged by a person with standing.

After the initial notice period has lapsed, the Department of Wildlife, Fisheries and Parks (MDWFP) or the party with standing may remove the derelict vessel. Prior to disposition of the vessel, the MDWFP or the party with standing must inquire as to the status of the vessel in regard to the Mississippi Boating Law of 1960. The inquiry must provide the description of the vessel, including the vessel registration number. Upon request of the MDWFP, satisfactory evidence must be furnished as to dereliction in compliance with this section. The MDWFP will advise the inquirer of proper registration procedures, where indicated, depending on the method of disposition of the vessel. The bill further outlines procedures for vessel removal, cost recovery, and the court process.

The legislation authorizes the MDWFP to enter into contracts with individuals, firms, and corporations for the removal of vessels. The salvage value, if any, of the vessel may be used to offset the costs of the removal of the vessel and the restoration of the affected area. Under the legislation, the MDWFP may enter into noncompetitive contracts or agreements with any state or federal entity for the removal of vessels. The Commission on Marine Resources (CMR) must adopt rules and regulations necessary and appropriate to carry out the legislation.

Finally, the bill provides that the State of Mississippi, the CMR, the MDWFP, and their employees and representatives must not be liable for any damages resulting from the removal, sale, or disposal of any vessel declared derelict or hazardous.

Inland Water Resource Management and Conservation

HB 188: Marine Enforcement Officer Training

Rep. Casey Eure

Extends to twelve months after initial employment the time for which marine enforcement



officers must attend the necessary training or comply with other qualifications or successfully complete any law enforcement qualification examinations as required by the Mississippi Law Enforcement Officers' Training Academy in order to continue to receive a salary.

Land Management and Conservation

HB 485: Wild Hogs

Rep. Jason White

Removes and does not replace the repealer on provisions relating to the importation, release, and transportation of wild hogs. Also, the legislation provides that a violation of a regulation of the Mississippi Commission on Wildlife, Fisheries and Parks relating to wild hogs is a Class I violation. Under the statute, a Class I violator is fined not less than \$2,000 nor more than \$5,000 and will be imprisoned in the county jail for five days. The violator must also forfeit all hunting, trapping, and fishing privileges for a period of not less than 12 consecutive months from the date of conviction.

HB 767: Duty of Care to Trespassers

Rep. Joey Hood

Codifies the duty of care by property owners to trespassers. Under the legislation, a possessor of real property owes no duty of care to a trespasser, except a duty to refrain from willfully or wantonly injuring such a person. However, a possessor of real property may be subject to liability for injury to a trespasser if:

- (a) The possessor discovers the trespasser in a position of peril on the property and fails to exercise reasonable care to prevent injury to that trespasser; or
- (b) The trespasser is a child injured by an artificial condition on the possessor's property and all of the following apply:
 - i. The place where the condition existed was one upon which the possessor knew or had reason to know that a child would be likely to trespass;
 - ii. The condition is one of which the possessor knew or had reason to know and which the possessor realized or should have realized would involve an unreasonable risk of death or serious bodily harm to a child;
 - iii. The injured child because of his or her youth did not discover the condition or realize the risk involved in intermeddling with it or in coming within the area made dangerous by it;
 - iv. The utility to the possessor of maintaining the condition and the burden of eliminating the danger was slight as compared with the risk to the child; and
 - v. The possessor failed to exercise reasonable care to eliminate the danger or otherwise to protect the child.

The legislation does not create or increase the liability of any possessor of real property and does not affect any immunities from or defenses to civil liability established by another section of the Mississippi Code of 1972 or available at common law.

HB 1151: Hunting and Fishing License Fees

Rep. Scott Bounds

Raises the allowable fee for the combination fishing and small-game hunting license, which excludes hunting turkey and deer, from \$8 to \$10. A fishing and hunting license, which allows hunting of turkey and deer, increases from \$17 to \$25. The cost of a sportsmen's license, for fishing and for hunting that includes primitive weapons and bow and arrow, increases from \$32



to \$45. The revenue collected from any increase in license fees must be designated for use by the Department of Wildlife, Fisheries and Parks for recruitment, training, equipping, and compensation of conservation officers to fill existing vacancies.

HB 1157: Outdoor Magazine

Rep. Shane Barnett

Authorizes the Commission on Wildlife, Fisheries and Parks to set a subscription fee and publish a digital version of an official magazine concerning the activities of the Mississippi Department of Wildlife, Fisheries and Parks (MDWFP) and other matters of interest to Mississippi hunters, fishermen, boaters, and other outdoorsmen. The bill authorizes the MDWFP to sell advertisements in and on any media falling under its control, including the official magazine, the department's website, and any mobile application.

SB 2150: State Wildlife Heritage Museum

Sen. Eugene Clark

Designates the Mississippi Wildlife Heritage Museum in Leland as the official state wildlife heritage museum.

SB 2209: Seed Regulation

Sen. Eugene Clark

Provides for preemption of local regulations in conflict with state law and regulations related to seeds.

Reorganization and Coordination

SB 2342: Agricultural Promotions Program

Sen. Billy Hudson

Allows the Department of Agriculture to assess a fee to cover costs associated with the Mississippi Agricultural Promotions Program.





Missouri

Energy Legislation

At the time of publication, the Missouri General Assembly was beginning its Annual Veto Session. This section of the *Digest* contains legislation that was ratified as of September 14, 2016.

Coal and Minerals

HB 2381: Tax Assessments for Mining Property

Rep. Craig Redmon

Provides that any real property that is available for mining, but has not been bonded or permitted for such mining activity, must be assessed based upon the current usage of the property. Any information declared by law to be confidential, including individual taxpayer information and a specific taxpayer's mine property, cannot be disclosed to a county assessor or other public entity which administers tax policies.

Natural Gas and Petroleum

SB 657: Fuel Laws

Sen. Brian Munzlinger

Petroleum Storage Tank Insurance Fund

Stipulates that an owner or operator of a petroleum storage tank may not be denied benefits by the Petroleum Storage Tank Insurance Fund if their claim arises from a release of motor fuel or a regulated petroleum substance that is incompatible with the motor fuel underground or aboveground storage tank system, except in cases of fraud on the application for coverage.

Liability for Motor Fuel

Provides that no refiner, supplier, terminal, wholesaler, distributor, retailer, or other vendor of motor fuel that is blended with ethanol or renewable fuel that complies with motor fuel quality and labeling laws will be liable for property damages related to a customer's purchase of such motor fuel so long as the selection of motor fuel was made by the customer and not the vendor. No motor fuel that is blended with ethanol can be considered a defective product for purposes of property damage claims.

Under the legislation, motor vehicle and internal combustion engine manufacturers and dealers cannot be liable for property damages related to a customer's purchase of motor fuel blended with renewable fuels if the selection and purchase of the motor fuel was made by the customer and does not comply with specific fuel recommendations found in the vehicle or product owner manual.

SB 657/SB 665: Per Barrel Motor Fuel Inspection Fee

Sen. Brian Munzlinger; Sen. Mike Parson

Establishes that the per barrel motor fuel inspection fee may not exceed 4 cents per barrel from 2017 to 2021 and cannot exceed 5 cents per barrel from 2022 and thereafter. The fee prior to the legislation for the inspection of certain motor fuels could not be less than 1.5 cents per barrel and could not exceed 2.5 cents per barrel.





Missouri

Environmental Legislation

At the time of publication, the Missouri General Assembly was beginning its Annual Veto Session. This section of the *Digest* contains legislation that was ratified as of September 14, 2016.

Emergency Management and Homeland Security

SB 572: Nuisance Abatement

Sen. Eric Schmitt

Mandates that an ordinance for the abatement of nuisances must require a written notice be provided to the property owner which describes the condition of the lot, what action will remedy the nuisance, and allows not less than 10 days to abate or commence removal of each condition identified in the notice. If the property owner does not occupy the property, then the notice shall be given to any occupant. Any city may recover the costs for enforcing the nuisance abatement ordinance by including the fines in the annual real estate tax bill for the property, rather than issuing a special tax bill against the property. The legislation stipulates that any costs and fines not paid by December 31st of that year will be considered delinquent. Under a prior statute, certain cities and counties may enact an ordinance to provide for the abatement of nuisances, and the ordinance may stipulate that if the nuisance is not removed or abated then the building commissioner or designated officer may remove or abate the nuisance.

SB 641: Income Deductions for Agricultural Producers

Sen. David Schatz

Creates an income tax deduction for payments received as part of a program that compensates agricultural producers who have suffered a loss due to disaster or emergency, including the:

- Livestock Forage Disaster Program;
- Livestock Indemnity Program;
- Emergency Assistance for Livestock, Honeybees, and Farm-Raised 100 Fish;
- Emergency Conservation Program;
- Noninsured Crop Disaster Assistance Program;
- Pasture, Rangeland, Forage Pilot Insurance Program;
- Annual Forage Pilot Program;
- Livestock Risk Protection Insurance Plan; and
- Livestock Gross Margin insurance plan.

The deduction will be available for all tax years beginning on or after January 1, 2014.

Land Management and Conservation

HB 1414: Agricultural Data Disclosure

Rep. Jay Houghton

Specifies that certain information on an agricultural producer or owner of agricultural land in connection with a producer or owner's voluntary participation in a government program that is maintained by the Department of Agriculture or the Department of Natural Resources is not



considered a public record and is not subject to public disclosure. The departments may disclose the information under limited circumstances.

Under the legislation, participation of a producer or owner in any program administered by the departments may not be conditioned on the consent of the producer or owner to disclose this information. Certain information relating to animals is not considered a public record and may not be subject to disclosure except under specific circumstances. Any person who knowingly releases such data may be subject to civil action, and a court may order appropriate relief, including damages up to \$10,000 and reasonable attorney's fees.

SB 844: Trespassing Animals

Sen. Mike Parson

Provides that the owner of a trespassing animal is only liable for damages sustained to another's property if the animal owner was negligent. Under prior statute, if any horses, cattle, or other livestock broke through any fence or trespass onto another's property, the owner of such animal was strictly liable for damages sustained by the animal to another's property.

Reorganization and Coordination

SB 655: Fertilizer Control Board

Sen. Brian Munzlinger

Repeals the Advisory Council to the Director of the Missouri Agriculture Experiment Station and establishes the Fertilizer Control Board. The legislation requires that the board be composed of 13 members, five of which must be nominated by the nonprofit corporation organized under Missouri law to promote the interests of the fertilizer industry, five of which must be nominated by Missouri not-for-profit corporations that represent farmers, and three at-large members. The filling of vacancies, the selection of officers, and meeting conduct shall be outlined in the bylaws established by the board. The board must perform certain duties as set forth in the legislation. The bill also authorizes agents of the Fertilizer Control Board to perform certain duties.

The measure stipulates where a preliminary analysis shows that a fertilizer has a potential plant food deficiency, the distributor must be provided notification within two business days by phone or email in addition to a letter delivered by mail. Once the analysis is certified, a certification of the penalties assessed will be mailed to the distributor liable for the penalty. The total penalties assessed to a fertilizer distributor may not exceed \$5,000 per year, or the amount of the current value of the plant food deficiency, whichever is greater. A fertilizer distributor who knowingly violates provisions of law relating to fertilizers will be assessed a penalty of not more than \$25,000 for each offense.

Water Quality and Pollution Control

HB 1713/HB 1717: Water Treatment

Rep. Tim Remole; Rep. Donna Lichtenegger

Authorizes any political subdivision to use a design-build contractor for wastewater and water treatment projects. The Department of Economic Development is required to consider design-build wastewater or water treatment projects when disbursing grants under the Community Development Block Grant program.

The legislation prohibits the Department of Natural Resources (DNR) from precluding design-build contracts from being considered for funding from the Water and Wastewater Loan Fund.

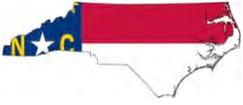
The bill modifies the term "water resource project" to mean a project containing planning, design, construction, or renovation of public water supply, flood control storage, or treatment or transmission facilities for public water supply. The legislation changes the name of the



"Multipurpose Water Resource Program Renewable Water Program Fund" to the "Multipurpose Water Resource Program Fund." The DNR is required to establish rules by which water resource project sponsors can remit contributions to the fund. Any plan submitted to the DNR Director for the construction of a water resource project must include a schedule, proposed by the sponsor, to remit contributions back to the fund. The contributions are to be used to administer the fund and to provide financial assistance under the Multipurpose Water Resource Program.

The measure requires public water systems under Chapter 640 of the Revised Statutes of Missouri and water supply districts under Chapter 247 to notify the Department of Health and Senior Services, the DNR, and its customers at least 90 days prior to any meeting held at which a vote to modify the fluoridation of water in the system or district will occur. If the water system is an investor-owned water supply, the entity calling for the modifications is responsible for the meeting and the notice requirements.

The DNR also must provide any municipality or community currently served by a wastewater treatment system with information regarding options to upgrade the existing lagoon system to meet discharge requirements. The information must cover available advanced technologies, including biological treatment options. The municipality or community, or a third party it hires, may conduct an analysis, including feasibility and cost, of available options to meet the discharge requirements. If upgrading or expanding the existing system is feasible, cost effective, and will meet the discharge requirements, the DNR must allow the entity to implement the option.



North Carolina

Energy Legislation

Alternative Energy Development

SB 770: Renewable Fuel and Energy Facilities

Sen. Brent Jackson

Extends the sunset date by three years for production credits related to constructing renewable fuel facilities. Established under previous law, a taxpayer that constructs and places in service a commercial facility for processing renewable fuel is allowed a production credit with certain stipulations. The credit is equal to 25 percent of the cost to the taxpayer of constructing and equipping the facility. This section of the law is repealed effective for facilities placed in service on or after January 1, 2020, in the case of a taxpayer that meets both of the following conditions:

- (a) Signs a letter of commitment with the Department of Commerce on or before September 1, 2013, stating the taxpayer's intent to construct and place into service in this state a commercial facility for processing renewable fuel.
- (b) Begins construction of the facility on or before December 31, 2013.

The measure also prioritizes swine and poultry renewable energy facilities in the interconnection queue. An electric public utility that receives a request to interconnect to the public utility's distribution system from a renewable energy facility that meets all of the following requirements must move that request to the front of the respective study queue relative to all other pending valid interconnection requests:

- (a) The facility is fueled by only swine or only poultry waste or is fueled solely by a combination of swine and poultry waste.
- (b) Prior to May 21, 2016, the facility has entered into the interconnection queue and either obtained a certificate of public convenience and necessity under General Statutes 62-110.1(a) or reported to the North Carolina Utilities Commission that it proposes to construct the facility under General Statutes 62-110.1(g).

A renewable energy facility that meets the requirements may not be moved in front of an interconnection request that has either initiated the system impact study process or received a system impact study report and is continuing through the interconnection process. Any prioritization of a renewable energy facility granted pursuant to this law must be based on original queue numbers, and the facility must otherwise comply with the North Carolina Interconnection Standard approved by the commission. This section of the law expires on January 1, 2017.

Coal and Minerals

HB 630: Coal Combustion Residuals

Rep. Larry Yarborough

Requires a coal combustion residuals impoundment owner to provide permanent alternative water supplies for residents in areas surrounding coal combustion residuals surface impoundments. The measure modifies the closure requirements for coal combustion residuals surface impoundments under the Coal Ash Management Act of 2014.



The law also repeals statutory provisions related to the Coal Ash Management Commission and modifies appointments to the Mining Commission and the Oil and Gas Commission.

Energy Efficiency

SB 770: Water Heaters

Sen. Brent Jackson

Excludes certain minor repairs from building permit requirements. No permit is required under the North Carolina Building Code or any local variant for replacement of water heaters in one- or two-family dwellings, provided (1) the energy use rate or thermal input is not greater than that of the water heater which is being replaced and there is no change in fuel, energy source, location, or routing or sizing of venting and piping; (2) the work is performed by a person or employee of a company licensed under General Statutes 87-21 or pursuant to General Statutes 87-21(i); and (3) the replacement is installed in accordance with the current edition of the Code. The bill also provides for permitting exclusions related to electrical devices and lighting fixtures, such as the repair or replacement of dishwashers, disposals, and water heaters.

Natural Gas and Petroleum

SB 673: Natural Gas Economic Development Infrastructure

Sen. Tom Apodaca

Provides recovery of capital-related costs incurred by a natural gas utility for constructing natural gas infrastructure to serve a project the North Carolina Department of Commerce determines is eligible. The North Carolina Utilities Commission must adopt rules for implementation. The measure limits cost recovery to natural gas economic development infrastructure the commission determines satisfies all of the following conditions.

- (a) The project will be located in an area where adequate natural gas infrastructure for the eligible project is not economically feasible.
- (b) Either the developer, prospective customer, or the occupant of the eligible project provides, prior to initiation of construction of the natural gas economic development infrastructure, a binding commitment in the form of a commercial contract or other form acceptable to the commission to the natural gas local distribution company regarding service needed for a period of at least 10 years from the date the gas is made available.
- (c) The projected margin revenues not recoverable under General Statutes 62–133.4 from the eligible project will not be sufficient to cover the cost of the natural gas infrastructure associated with the project.

The commission will permit a natural gas local distribution company to recover reasonable and prudent natural gas economic development infrastructure costs only to the extent necessary to make the construction of the infrastructure economically feasible, as determined by the commission. In determining economic feasibility, the commission will employ the net present value method of analysis. Only natural gas economic development infrastructure with a negative net present value will be determined to be economically infeasible.

Eligible economic development infrastructure development costs are the reasonable and prudent costs determined by the commission to be both directly related to the construction of natural gas infrastructure for an eligible project and economically infeasible. The costs may include any of the following:

- (a) Planning costs.
- (b) Development costs.

- (c) Construction costs and an allowance for funds used during construction and a return on investment once the project is completed, calculated using the pretax overall rate of return approved by the commission in the company's most recent general rate case.
- (d) A revenue retention factor.
- (e) Depreciation.
- (f) Property taxes.

The commission will permit recovery of eligible economic development infrastructure costs in a rate adjustment surcharge mechanism. The mechanism must allow for recovery on an annual or semiannual basis, as determined by the commission, subject to audit and reconciliation procedures. Any rate adjustment surcharge mechanism adopted under this section must terminate upon the earlier of the full recovery of the costs or the natural gas local distribution company's next general rate case in which the eligible infrastructure development costs must be included in the natural gas distribution company's rate base. Nothing in this law precludes the natural gas local distribution company from recovering eligible economic development infrastructure costs in a general rate case.

A natural gas local distribution company may not invest more than \$25 million of eligible infrastructure development costs in any year. The aggregate amount of eligible infrastructure development costs recovered under rate adjustment surcharge mechanisms for all natural gas local distribution companies in the state cannot exceed \$75 million. Cumulative rate adjustments allowed under a rate adjustment surcharge mechanism approved by the commission must not exceed five percent of the total annual service margin revenues not recoverable under General Statutes 62–133.4 approved by the commission in the natural gas local distribution company's last general rate case.

The bill also establishes eligibility criteria for projects that require natural gas service infrastructure. Costs of natural gas service infrastructure for projects the Department of Commerce determines are eligible projects under this section may be recovered by natural gas local distribution companies with approval of the commission.

An eligible project is an economic development project that the department determines satisfies all of the following conditions:

- (a) The eligible project will provide opportunities for natural gas usage, jobs, and other economic development benefits in addition to those provided by the project.
- (b) The department certifies that the business has invested or intends to invest at least two hundred million dollars (\$200,000,000) of private funds in improvements to real property and additions to tangible personal property in the project.
- (c) The business employs or intends to employ at least 1,500 full-time employees or equivalent full-time contract employees at the project at the time the application is made and the business agrees to maintain at least 1,500 full-time employees or equivalent full-time contract employees at the project.

A project may be considered an eligible project only if the project is undertaken by a business that satisfies a wage standard at the project. A business satisfies the wage standard if it pays an average weekly wage that is at least equal to 110 percent of the average wage for all insured private employers in the county. The Department of Commerce must annually publish the wage standard for each county. In making the wage calculation, the business must include any jobs that were filled for at least 1,600 hours during the calendar year, regardless of whether the jobs are full-time positions or equivalent full-time contract positions. Each year that a rate

adjustment surcharge mechanism is in effect, the business must provide the department a certification that the business continues to satisfy the wage standard.

A project may be considered an eligible project only if the project is undertaken by a business that makes available health insurance for all of the full-time employees and equivalent full-time contract employees of the project with respect to which the application is made. A business makes available health insurance if it pays at least 50 percent of the premiums for health care coverage. The business also must not have citations under the Occupational Safety and Health Act that have become a final order within the last three years for willful serious violations or for failing to abate serious violations with respect to the location of the eligible project. Further, the business must certify that, at the time of the application, the business satisfies the environmental impact standard. No more than three eligible projects are authorized under this law. Each year that a rate adjustment surcharge mechanism is in effect, the business must provide the department a certification that the business continues to make available health insurance for all full-time employees of the project governed by the agreement.

SB 729: Fuel Excise Tax Exemption

Sen. Bob Rucho

Restores the calculation of the cost per gallon of motor fuel used when a taxpayer receives a refund of the motor fuel excise tax less the sales tax on the motor fuel. Previously enacted legislation, Senate Bill 20 in 2015, changed the calculation of the motor fuels excise tax rate. Conforming changes were made to the calculation of the tax refund on the motor fuels excise tax. Senate Bill 729 continues to authorize a refund of motor fuel excise tax less sales tax, but the changes omitted a method to calculate an average cost per gallon. The bill restores the method to calculate the average price per gallon of motor fuel. Prior to SB 20 in 2015, the calculation method used the average wholesale price. The new legislation requires the usage of the Consumer Price Index Detailed Reports published by the Bureau of Labor Statistics of the United States Department of Labor for retail sales of motor fuels to calculate the average price per gallon of motor fuel.

Utilities

HB 392: Fayetteville Public Works Commission

Rep. John Szoka

Amends the Charter of the City of Fayetteville to make changes related to the membership and operation of the Fayetteville Public Works Commission. The bill specifies that the term of office of each member is four years for no more than two consecutive terms, and the Mayor of Fayetteville may annually appoint a member of the City Council to serve on the commission as an ex officio, non-voting member. The measure further outlines the required qualifications of the commissioners, the organization of the commission, bonds required of the members, compensation guidelines, and the process of member removal for neglect of duty. Provisions are provided for the powers and duties of the commission to include the management, control, and operations of the electric utility plant, waterworks, sewerage, and any other utility the Commission is authorized to undertake.

SB 481: Fees for Utility Use of Right-of-Way

Sen. Tamara Barringer

Prohibits cities from charging fees for utility use of right-of-way, including businesses supplying piped natural gas, telecommunications, video programming, and electricity.

SB 848: Town of Cary Utility Easements and Agreements

Sen. Tamara Barringer

Modifies the Charter of the Town of Cary by adding that the Town Council may authorize the Town Manager or Deputy Town Manager to grant utility easements and agreements, or similar interests, in real property over town-owned property without obtaining Town Council approval.





North Carolina

Environmental Legislation

Environmental Health Services

SB 326: Building Inspections for Hazardous Conditions

Sen. Rick Gunn

Revises the conditions under which counties and cities may inspect building or structures. The inspection department may make periodic inspections for unsafe, unsanitary, or otherwise hazardous and unlawful conditions. This bill provides that when the inspection department determines that a safety hazard exists in one of the dwelling units within a multifamily building, which in the opinion of the inspector poses an immediate threat to the occupant, the inspection department may inspect, in the absence of a specific complaint and actual knowledge of the unsafe condition, additional dwelling units in the multifamily building to determine if that same safety hazard exists. Under previous law, the county required periodic inspections as part of a targeted effort within a geographic area that has been designed by the county commissioners. The measure adds granularity to the law by indicating that the total aggregate of targeted areas in the county at any one time must not be greater than one square mile or five percent of the area within the county, whichever is greater. A targeted area designated by the county must reflect the county's stated neighborhood revitalization strategy and must consist of property that meets the definition of a "blighted area" or "blighted parcel."

SB 770: Agricultural Emergency Response Act

Sen. Brent Jackson

Authorizes the North Carolina Department of Agriculture and Consumer Services to aid and assist agricultural operations and landowners in the preparedness for, response to, and recovery from agricultural emergencies. An "agricultural emergency" is defined as an emergency that results in exposure of or damage to pre- or post-harvest of plants, livestock, feed, water resources, or infrastructure which adversely affects one or more members of the agricultural community and the economic viability of the agriculture industry within North Carolina. When the Commissioner of Agriculture determines, in consultation with the Governor, that there is an imminent threat of an agricultural emergency or that an agricultural emergency exists within the state that threatens to cause damage to or has caused damage to agricultural lands, facilities, and operations, the commissioner is authorized to deploy agricultural emergency response teams to aid in prevention measures and recovery efforts on the premises of agricultural landowners throughout the state, wherever located.

Inland Water Resource Management and Conservation

SB 770: Private Drinking Water Wells

Sen. Brent Jackson

Authorizes certified well drillers to install certain water pipes and electrical wiring in a single ditch.

Land Management and Conservation

HB 483: Land-Use Regulatory Changes

Rep. Jonathan Jordan

Modifies the state of North Carolina's land-use regulatory laws. The bill defines "multi-phased development" as a development containing 100 acres or more that is submitted for site plan



approval for construction to occur in more than one phase and is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval. Amendments in zoning ordinances, subdivision ordinances, and unified development ordinances are not applicable or enforceable without the written consent of the owner with regard to a multi-phased development. A multi-phased development must be vested for the entire development with the zoning ordinances, subdivision ordinances, and unified development ordinances then in place at the time a site plan approval is granted for the initial phase of the multi-phased development. A right which has been vested must remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development.

HB 992: Industrial Hemp Research Program

Rep. Mark Brody

Modifies the industrial hemp research program by clarifying the definition of research purposes and the responsibilities of licensees, creating civil and criminal penalties for violations of the industrial hemp program, and granting rule-making authority to the industrial hemp commission. The bill defines “industrial hemp research program” as the research program established pursuant to General Statutes 106-568.53(1) and “state land grant university” as North Carolina State University and North Carolina A&T State University. The measure also increases the number of members on the North Carolina Industrial Hemp Commission from five to nine and raises the requirement from three to five members of the commission needed to constitute a quorum for the transaction of business. The commission’s powers and duties are amended to allow for industrial hemp research programs to be directly managed and coordinated by state land grant universities. These programs must consist primarily of demonstration plots planted and cultivated in North Carolina by selected growers, which must be licensed prior to planting any industrial hemp. The bill also allows for the Department of Agriculture to collect and manage all fees charged by the commission and to remit all funds to the commission at least monthly, less its actual expenses associated with the cultivation licenses. Under this measure, the commission also has the duty to notify the State Bureau of Investigation and all local law enforcement agencies of the duration, size, and location of all industrial hemp demonstration plots authorized pursuant to the industrial hemp research program.

Two new sections are added to the statute to stipulate the responsibilities of licensees and to identify authorized research purposes. A person granted an industrial hemp license pursuant to this section must:

- (a) Maintain records that demonstrate compliance with this Article and with all other state laws regulating the planting and cultivation of industrial hemp;
- (b) Retain all industrial hemp production records for a minimum of three years;
- (c) Allow industrial hemp crops, throughout sowing, growing, and harvesting, to be inspected by and at the discretion of the commission, the State Bureau of Investigation, or the chief law enforcement officer of the unit or units of local government where the farm is located; and
- (d) Maintain a current written agreement with a state land grant university that states that the grower is a participant in the industrial hemp research program managed by that institution.

As part of the industrial hemp research program directly managed by a state land grant university, a licensed grower may engage in any of the following research activities:

- (a) Studying and investigating marketplace opportunities for hemp products to increase the job base in the state by means of employment related to the production of industrial hemp.
- (b) Studying and investigating methods of industrial hemp cultivation that are best suited to soil conservation and restoration.
- (c) Overseeing and analyzing the growth of industrial hemp by licensed growers for agronomy research and analysis of required soils, growing conditions, and harvest methods relating to the production of various varieties of industrial hemp that may be suitable for various commercial hemp products.
- (d) Conducting seed research on various types of industrial hemp that are best suited to be grown in North Carolina, including seed availability, creation of North Carolina hybrid types, and in-the-ground variety trials and seed production. The commission may establish a program to recognize certain industrial hemp seeds as being North Carolina varieties of hemp seed.
- (e) Studying the economic feasibility of developing an industrial hemp market in various types of industrial hemp that can be grown in the state, including by commercial marketing and sale of industrial hemp.
- (f) Reporting on the estimated value-added benefits, including environmental benefits, to North Carolina businesses of an industrial hemp market of North Carolina-grown industrial hemp varieties.
- (g) Studying the agronomy research being conducted worldwide relating to industrial hemp varieties, production, and use.
- (h) Researching and promoting on the world market industrial hemp and hemp seed that can be grown in the state.
- (i) Promoting research into the development of industrial hemp and commercial markets for North Carolina industrial hemp and hemp products.
- (j) Studying the feasibility of attracting federal or private funding for the North Carolina industrial hemp research program.
- (k) Studying the use of industrial hemp in new energy technologies, including electricity generation, biofuels, or other forms of energy resources; the growth of industrial hemp on reclaimed mine sites; the use of hemp seed oil in the production of fuels; and the production costs, environmental issues, and costs and benefits involved with the use of industrial hemp for energy.

In addition to any other liability or penalty provided by law, the commissioner may assess a civil penalty of not more than \$2,500 per violation against any person who:

- (a) Violates any provision of this Article or a rule adopted by the commission, or conditions of any license, permit, or order issued by the commission.
- (b) Manufactures, distributes, dispenses, delivers, purchases, aids, abets, attempts, or conspires to manufacture, distribute, dispense, deliver, purchase, or possesses with the intent to manufacture, distribute, dispense, deliver, or purchase marijuana on property used for industrial hemp production, or in a manner intended to disguise the marijuana due to its proximity to industrial hemp. This penalty may be imposed in addition to any other penalties provided by law.
- (c) Provides the commission with false or misleading information in relation to a license application or renewal, inspection, or investigation authorized by this Article.
- (d) Tamper with or adulterates an industrial hemp crop lawfully planted pursuant to this Article.



The commissioner must remit the clear proceeds of civil penalties assessed to the Civil Penalty and Forfeiture Fund.

Criminal penalties also are established by the legislation. Any person that manufactures, distributes, dispenses, delivers, purchases, aids, abets, attempts, or conspires to manufacture, distribute, dispense, deliver, purchase, or possesses with the intent to manufacture, distribute, dispense, deliver, or purchase marijuana on property used for industrial hemp production, or in a manner intended to disguise the marijuana due to its proximity to industrial hemp, must be deemed guilty of a Class I felony. This penalty may be imposed in addition to any other penalties provided by law. Any person that provides the commission with false or misleading information in relation to a license application or renewal, inspection, or investigation authorized by this Article must be deemed guilty of a Class 1 misdemeanor. Any person that tampers with or adulterates an industrial hemp crop lawfully planted pursuant to the law must be deemed guilty of a Class 1 misdemeanor.

The law removes the commission's duty to study and investigate marketplace opportunities from hemp products and methods of industrial hemp cultivation that are best suited to soil conservation and restoration.

SB 747: State-Owned Real Property Management

Sen. Rick Gunn

Requires the Department of Administration to actively manage the state's portfolio of real property. The bill requires measurement of the current utilization of state-owned facilities. To ensure the accuracy of the real property inventories maintained by the Department of Administration, the measure outlines requirements for a database to serve as the state inventory. The department must ensure that the use of state-owned space is maximized before leases are entered into or renewed, as recommended by the program evaluation division of the General Assembly.

Reorganization and Coordination

HB 742: Professional Engineer Initial Licensure

Rep. Dean Arp

Clarifies the requirements for initial licensure as a professional engineer.

SB 770: Wildlife Resources Commission and Soil and Water District Supervisors

Sen. Brent Jackson

Allows employees of the Wildlife Resources Commission and employees of federal agencies whose responsibilities include fisheries and wildlife management, in the performance of such employees' official duties, to cull feral swine from aircraft, with the written permission of the landowner. However, no such activity may occur in coastal counties during waterfowl season.

The measure also requires training for appointed and elected soil and water district supervisors. All district supervisors, whether elected or appointed, must complete a minimum of six clock hours of training annually. The training must include soil, water, and natural resources conservation and the duties and responsibilities of district supervisors. The training may be provided by the School of Government at the University of North Carolina at Chapel Hill or other qualified sources as approved by the Soil and Water Conservation Commission.





Oklahoma

Energy Legislation

Coal and Minerals

SB 1614: Coal Tax Credits

Sen. Clark Jolley

Modifies a tax credit for the purchase of Oklahoma-mined coal and a tax credit for businesses engaged in mining, producing, or extracting coal. The measure reduces the value of the statutory credit by 25 percent for activities occurring on or after January 1, 2016.

Emergency Management and Homeland Security

HB 2599: Unmanned Aircraft Over Critical Infrastructure

Rep. Justin Wood

Prohibits the operation of unmanned aircraft over a critical infrastructure facility if the unmanned aircraft is less than 400 feet above ground level. The measure defines critical infrastructure facilities. The measure exempts the government, law enforcement, the owner of the critical infrastructure facility, and operators authorized by the FAA to conduct operations over that airspace. Any person in violation may be civilly liable for damages to the critical infrastructure, the environment, or human health.

“Critical infrastructure facility” means one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property, are reasonably likely to come to the attention of intruders, and indicate that entry is forbidden or flight of unmanned aircraft without site authorization is forbidden:

- (a) A petroleum or alumina refinery;
- (b) An electrical power generating facility, substation, switching station, or electrical control center;
- (c) A chemical, polymer, or rubber manufacturing facility;
- (d) A water intake structure, water treatment facility, wastewater treatment plant, or pump station;
- (e) A natural gas compressor station,
- (f) A liquid natural gas terminal or storage facility;
- (g) A telecommunications central switching office;
- (h) Wireless telecommunications infrastructure, including cell towers;
- (i) A port, railroad switching yard, trucking terminal, or other freight transportation facility;
- (j) A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids;
- (k) A transmission facility used by a federally licensed radio or television station;
- (l) A steelmaking facility that uses an electric arc furnace to make steel;
- (m) A facility identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program;



- (n) A dam that is regulated by the state or federal government; or
- (o) A natural gas distribution utility facility, including, but not limited to, pipeline interconnections, a city gate or town border station, metering station, aboveground piping, a regulator station, and a natural gas storage facility.

Also, critical infrastructure means any aboveground portion of an oil, gas, hazardous liquid, or chemical pipeline that is enclosed by a fence or other physical barrier that is obviously designed to exclude intruders.

HB 3158: Corporation Commission’s Authority in an Emergency

Speaker Jeffrey Hickman

Clarifies the Oklahoma Corporation Commission’s authority when responding to emergency situations. The measure authorizes the commission to take necessary action to promptly respond to a situation with potential environmental or public safety impact that results from activities within its jurisdiction.

Energy Efficiency

HB 3116: State Facilities Energy Conservation Program

Rep. Scott Martin

Clarifies the exemption for the State Facilities Energy Conservation Program. Upon notification by a state agency, the Director of the State Facilities Energy Conservation Program must consider any organizational behavior-based or performance-based energy conservation programs under contract with a state agency prior to August 24, 2012.

Natural Gas and Petroleum

HB 2303: Corporation Commission Plugging Fund

Rep. Weldon Watson

Extends the Corporation Commission Plugging Fund and certain oil- and gas-related excise taxes from the current termination date on July 1, 2016, to July 1, 2021.

HB 2357: Oklahoma Storage Tank Regulation Act

Rep. Weldon Watson

Removes references and language related to hazardous substances from the Oklahoma Storage Tank Regulation Act. The measure also removes the definition of “hazardous substance” and clarifies language in other definitions.

HB 2444: Transportation of Liquids

Rep. Terry O’Donnell

Provides that any person who has been determined by the Oklahoma Corporation Commission to have violated any provision of any rule, regulation, or order issued pursuant to the provisions of the commission related to pipeline safety shall be liable for a civil penalty of not more than \$100,000 for each day that said violation continues. The maximum civil penalty may not exceed \$1,000,000 for any related series of violations.

Also, the legislation stipulates that any person who has been determined by the commission to have violated any provisions of the Hazardous Liquid Transportation System Safety Act or any rule, regulation, or order issued pursuant to the provisions of the Hazardous Liquid Transportation System Safety Act will be liable for an administrative penalty of not more than



\$100,000 for each day that said violation continues. The maximum administrative penalty may not exceed \$1,000,000 for any related series of violations.

SB 1577: Gross Production Tax Incentive

Senate President Brian Bingman

Modifies a gross production tax incentive for economically at-risk oil or gas leases. The measure alters the definition of an economically at-risk oil or gas lease to mean any oil or gas lease with one or more producing wells with an average production volume per well of 10 barrels of oil or 60 thousand cubic feet of natural gas per day or less while operating at a net loss or at a net profit that is less than the total gross production tax remitted for such lease during the previous calendar year. The measure also establishes a \$12,500,000 annual cap for oil and natural gas produced from a qualifying lease from calendar year 2015 through 2020. The commission estimates that this change will result in a positive fiscal impact of \$120,400,000 for fiscal year 2017.

Reorganization and Coordination

HB 2622: Alternative Fuel Certifications

Rep. Leslie Osborn

Amends the Alternative Fuels Technician Certification Act. The bill authorizes the Department of Labor to issue an alternative fuels compression trainee certificate to an applicant meeting certain criteria. The measure also removes the requirement that one of the appointees to the Committee of Alternative Fuels Technician Examiners be selected from a list submitted by the State Board of Career and Technology Education. The fee schedule is updated to reflect the “Alternative Fuels Equipment or Compression Training Certificate.”

Also, the renewal fuel station certification fee is modified from a flat \$1,000 fee to \$250 per dispenser meter with a cap of \$1,000.

HB 2623: Gross Production Tax Revenue on Oil

Rep. Leslie Osborn

Extends the sunset date for gross production tax revenue on oil currently accruing to specific funds. Under the legislation, 4.28 percent of collections, on a 7.0 percent levy, are divided evenly to the Oklahoma Tourism and Recreation Expenditure Revolving Fund, the Oklahoma Conservation Commission Infrastructure Revolving Fund, and the Community Water Infrastructure Development Revolving Fund. The measure extends the sunset date to June 30, 2019. Upon sunset, revenue will accrue to the Oklahoma Water Resources Board Rural Economic Action Plan Water Projects Fund.

Utilities

HB 1951: One-Call Notification Center

Rep. Weldon Watson

Requires municipalities operating underground facilities to participate in the one-call notification center and mark or provide the location of those facilities in the same manner as non-municipal operators have been required under statute. The bill deletes the existing exemption for municipalities from being required to participate in the OKIE-811 notification center.



SB 361: Eminent Domain

Sen. Nathan Dahm

Removes from law the ability to exercise eminent domain for the purpose of constructing a mill. The measure also strikes from law the requirement to pay an appraiser an additional \$4 per day for their services in appraising properties subjected to eminent domain proceedings.

The bill further removes obsolete language dealing with telegraphs lines and the responsibility for a common carrier to pay for any expenses associated with modifying a telegraph line because of eminent domain. Finally, the measure repeals several provisions relating to the licensure of coal pipeline companies and their designation as a common carrier and ability to exercise eminent domain.

SB 993: Rural Electric Cooperative Elections

Sen. Joseph Silk

Allows mail-in ballots to count toward the quorum for a meeting of a rural electric cooperative if allowed by that cooperative's bylaws.





Oklahoma

Environmental Legislation

Emergency Management and Homeland Security

HB 2519: Cleaning of County Roads

Rep. Randy Grau

Authorizes expenditures from the county highway fund to include the removal and disposal of storm debris and dead animal carcasses from county roads and rights-of-way.

SB 1027: Oklahoma Incident Management Team Advisory Committee

Sen. Don Barrington

Creates the Oklahoma Incident Management Team Advisory Committee to assist the Commissioner of Public Safety in the development of goals, objectives, and priorities with respect to state-sponsored, all-hazard emergency incident management team functions. The committee also will advise and assist the commissioner in establishing standards and credentialing guidelines for emergency incident management functions and responders within the Team Advisory Committee's scope of authority. The bill provides for a forum for discussion of issues between the organizations within the Team Advisory Committee. According to the legislation, the seven-member committee is not to receive compensation or travel reimbursement.

Inland Water Resource Management and Conservation

HB 1116: Water from the Department of Corrections

Rep. Bobby Cleveland

Authorizes the Department of Corrections to enter into a water purchase agreement with a public nonprofit rural water district for the purpose of selling at cost groundwater found beneath real property owned by the department.

HB 1654: Boats on the Upper Illinois River

Rep. Kevin Wallace

Prohibits motorized boats, jet skis, and jet boats in certain sections of the upper Illinois River, except when used for law enforcement, hazard removal, or search and rescue.

HB 1717: Grand River Dam Authority

Rep. Doug Cox

Authorizes the Grand River Dam Authority to hire volunteer reserve officers to enforce the Boating Safety Regulation Act and the Grand River Dam Authority Act. The volunteer reserve officers must be certified by the Council on Law Enforcement Education and Training (CLEET).

HB 2446: Waters of the State

Rep. Terry O'Donnell

Affirms that the protection of waters of the state, as defined in the statute, is a compelling state interest, subject only to legislative authority and the regulatory authority granted by the Legislature to any state agency assigned with the responsibility within its respective areas of jurisdiction as set forth in Section 1-1-202 of Title 27A of the Oklahoma Statutes. The measure



complements State Question 777 (HJR 1012-2015 Session) on the November 2016 ballot and proposes a constitutional amendment to protect the right to engage in farming and ranching.

HB 2500: Coordination of Department of Environmental Quality with Nonprofit Entities

Rep. John Pfeiffer

Formalizes the ability of the Department of Environmental Quality to contract with the Oklahoma Rural Water Association or other nonprofit entities that provide technical assistance to rural water and wastewater system operators throughout the state.

SB 1122: Industrial Use of Produced Water

Sen. AJ Griffin

Requires the Corporation Commission to work with the Secretary of Energy and Environment, the Oklahoma Water Resources Board, and the Department of Environmental Quality to encourage industrial use of produced water from oil and gas operations.

SB 1219: Water Resources Board Rulemaking

Sen. Eddie Fields

Directs the Oklahoma Water Resources Board to promulgate rules that establish a permitting process for aquifer storage and recovery (ASR). The Water for 2060 Advisory Council recommended this conservation method, which allows communities to capture floodwater, treat it, and store it underground for future use during periods of drought.

Land Management and Conservation

HB 2553: Highway Advertising Relocation Permit Process

Rep. Harold Wright

Modifies the process related to highway advertising. The bill amends the definition of “Relocation Permit” by adding that all potential relocation sites compliant with all applicable federal, state, county, or municipal codes or regulations must be exhausted before a relocation permit can be issued for a location not in compliance with all restrictions on outdoor advertising signs set forth in a municipal or county code or ordinance.

HB 2637: Hunting Freedom Act

Rep. Kevin Wallace

Requires that suppressors or silencers comply with the National Firearms Act. The measure also prohibits subsonic ammunition used in combination with a suppressor or silencer on public land.

HB 2642: Special-Use Permits for Private Land

Rep. Steve Vaughn

Removes the 4,000 acre threshold required for the Wildlife Conservation Commission to issue special-use permits for private land leased and administered by the Department of Wildlife Conservation.

HB 2646: Prescribed Burns

Rep. Kevin Wallace

Modifies the notification procedures required by agricultural producers that use prescribed burns to manage lands. The bill states that the maximum length of a county commission-issued burn ban is 14 days and requires that prescribed burn plans be approved within 72 hours.



SB 1388: Repeal of the Scenic Rivers Commission

Sen. Kim David

Repeals the Scenic Rivers Commission and transfers all authority, personnel, assets, and obligations of the commission to the Grand River Dam Authority (GRDA) effective July 1, 2016. The measure also exempts state law enforcement officers serving under the authority of the Oklahoma Tourism and Recreation Department or GRDA from dual office holding. Finally, the measure authorizes the GRDA to collect fees for camping, facility use, and use of off-road and all-terrain vehicles on its public lands. Fees may be used only for maintaining, policing, improving, expanding existing parks or public use areas, or acquiring new lands for public use.

SCR 33: Crop Insurance

Sen. Eddie Fields

Calls on the United States government to reform or revise rules applicable to crop insurance to remove requirements or incentives for irrigators to continue to apply water to crops past the point of certain failure for that season due to drought or other conditions.

Reorganization and Coordination

HB 2351: Confidentiality of Application Information

Rep. Dustin Roberts

Requires the Oklahoma Department of Agriculture, Food, and Forestry to keep email addresses submitted in the online licensing system confidential.

SB 16: Oklahoma Water Resources Board

Sen. Eddie Fields

Gives the Oklahoma Water Resources Board some flexibility in its meeting schedule. The measure changes the requirement from a monthly meeting to nine times per calendar year, with no more than two consecutive months between meetings.

SB 955: Unclassified Grand River Dam Authority Personnel

Sen. Gary Stanislawski

Removes a listing of which Grand River Dam Authority (GRDA) personnel are directed to be unclassified and authorizes the GRDA to employ unclassified personnel as deemed necessary by its Board of Directors. The measure also clarifies the unclassified status of certain engineering employees.

SB 1446: Application Procedures

Sen. Darcy Jech

Amends the application procedure for several licenses issued by the Oklahoma Department of Agriculture, Food, and Forestry by removing the requirement that the applications be submitted under oath. The affected applications are:

- (a) Farmed cervidae facilities;
- (b) Semiannual inspection fee and tonnage report for fertilizer distributors;
- (c) Poultry feeding operations;
- (d) Swine feeding operations;
- (e) Concentrated animal feeding operations; and
- (f) Licensed forester registration.



SB 1597: Employees at Department of Agriculture, Food, and Forestry

Sen. Clark Jolley

Modifies the list of unclassified employment positions at the Oklahoma Department of Agriculture, Food, and Forestry.

Solid Waste

HB 2407: State Recycling and Recycled Materials Procurement Act

Rep. George Faught

Modifies the Oklahoma State Recycling and Recycled Materials Procurement Act by removing the requirement for the Director of Central Services to coordinate and report certain information.

Water Quality and Pollution Control

SB 1029: Delinquent Waste Water and Sewage Services

Sen. David Holt

Authorizes a public entity that provides waste water and sewage services to a property that receives water services from a separate public entity to request that the entity providing water terminate services if the property becomes delinquent for nonpayment. The measure requires public entities that wish to use the termination authorization to create notice and hearing procedures to ensure property owners receive proper notice and opportunity for hearing prior to the termination of services.





Puerto Rico

Energy Legislation

Utilities

SB 1276: Energy Subsidy Reform

Sen. Ramón L. Nieves Pérez

Creates a new legal framework of rules and principles governing energy subsidies and debt payments of electricity, water, and sewer services. The bill amends the laws that enabled certain subsidies by setting requirements for the approval of future subsidies and payment plans and by granting the Puerto Rico Electric Power Authority (PREPA) and the Puerto Rico Aqueduct and Sewer Authority (PRASA) greater oversight and control. The legislation also addresses the problem of debt settlement by government agencies in order to improve PREPA and PRASA's fiscal situation and cash flow and to reduce energy costs paid by their subscribers.

SB 1523: Revitalization Act of the Electric Power Authority

Sen. Eduardo Bhatia Gautier

Creates a separate corporation, the PREPA Revitalization Corp., which will issue new bonds to be exchanged for existing Puerto Rico Electric Power Authority (PREPA) bonds that are currently on the market through a new securitization. The bonds will be used to finance \$400 million for the Aguirre liquefied natural gas facility. The bill reconstitutes PREPA's board, creates a new structure of contribution in lieu of taxes with cities, and allows for an increase in utility rates through the Energy Commission. The restructuring will be financed through a transition charge to consumers.





Puerto Rico

Environmental Legislation

Environmental Health Services

SB 318: Autonomous Municipalities Act

Sen. Luis D. Rivera Filomeno

Establishes that municipalities will proceed with court action corresponding to the foreclosure and sale at public auction of brownfield sites, including the structures located therein and wastes that have been declared public nuisances, to recover from their owners the cleanup costs incurred and the amount of unpaid fines for such costs. The legislation empowers the municipalities of Puerto Rico to declare any site a public nuisance if it is abandoned, vacant, or the conditions present danger or are offensive or harmful to health and public safety. Once the declaration of a public nuisance is issued for a site, the owner is obligated to clean or perform actions necessary to eliminate the dangerous or harmful conditions at the site within a reasonable period of time provided within the notification of the decision. If the owner fails to clean the site, the municipality will do so at the owner's cost. Expenses incurred and not recovered by the municipality in managing, cleaning, or removing the detrimental condition will constitute a lien on the property and will be recorded in the Land Registry. In cases where the municipality has incurred the cost of cleaning on more than two occasions, the owner will be punished by the addition of a fine to be paid to the municipality where the site is located. In the event of non-payment, the amount of the cleaning and any fines must be included in the tax on the corresponding site. Six months after the latest collection attempt has been made and is unsuccessful, the municipality will proceed with the foreclosure of the property and its sale at auction as provided in the Rules of Civil Procedure 2009.

Inland Water Resource Management and Conservation

HB 2288: Conservation, Development, and Use of Water Resources of Puerto Rico Act Amendments

Rep. José R. Torres Ramírez

Establishes that it is the public policy of the commonwealth to maintain the purity of the waters of Puerto Rico for the welfare, safety, and development of the island and to ensure the availability of the water supply that may be needed by present and future generations. The legislation creates mechanisms for the commonwealth to adjudicate the rights of all water rights claimants. The bill also establishes a procedure to determine the priorities and vested rights, franchise applications, and other procedures for a just distribution of water resources when the rights are claimed by the government of the United States of America.

Solid Waste

HB 2670: Proper Tire Disposal

Rep. César Hernández Alfonzo

Responds to the Environmental Quality Board's declaration of an emergency situation related to the accumulation of discarded tires. The legislation allows the Fund for the Sound Management of Discarded Tires to be used to pay for specialized personnel and the purchase or rental of equipment and materials needed for waste tire remediation.





South Carolina

Energy Legislation

Alternative Energy Development

HB 3874: Renewable Energy Tax Credits

Rep. Harold Mitchell, Jr.

Makes provisions for an income tax credit for a taxpayer who constructs, purchases, or leases and places into service large-scale, nonresidential solar energy equipment located on property in South Carolina that is included on the U.S. Environmental Protection Agency's National Priority List, National Priority List Equivalent Sites, or on a list of related removal actions, as certified by the Department of Health and Environmental Control. The income tax credit covers 25 percent of the cost, including the cost of installation, of the property up to a cap of \$2.5 million for each installation of solar energy property. A sunset provision is included so that new credits are allowed only through 2017.

The legislation also expands the renewable energy tax credit geared toward residential customers that allows an income tax credit to address a portion of the cost of purchasing and installing solar energy systems or small hydropower systems so that this tax credit also applies to geothermal machinery and equipment. A sunset provision is included so that the income tax credits for geothermal machinery and equipment are available only through 2018.

Emergency Management and Homeland Security

HB 5299: Goods and Services Transported During Curfews

Rep. Murrell Smith, Jr.

Establishes authority for transporting necessary goods and services to disaster areas during curfews. The statute revises the Governor's authority in times of emergency to make provisions for a certification process to authorize someone to enter a disaster area and operate during times when a curfew has been imposed for the purpose of transporting necessary commercial goods to the curfew area, assisting in ensuring the availability of these needed goods, or assisting in restoring utility services.

Natural Gas and Petroleum

HB 4328: Fuel Taxes

Rep. Brian White

Establishes a state sales tax exemption for liquefied petroleum gas and natural gas sold to a person with a miscellaneous fuel user fee license for use as motor fuel in motor vehicles. All other applicable motor fuel user fees must be remitted to the Department of Revenue.

SB 868: Eminent Domain Restrictions for Pipelines

Sen. Tom Young, Jr.

Disallows the use of eminent domain powers by private for-profit pipeline companies, including publicly traded for-profit companies, not defined as a public utility. Provisions of the bill are set to sunset and expire on June 30, 2019, unless the General Assembly makes other arrangements.



SB 1122: Alternative Fuel Vehicles

Sen. Luke Rankin

Provides that for a motor vehicle that is fueled wholly or partially by alternative fuel and that was acquired after 2015 but before 2026, the gross capitalized cost is reduced by the differential costs of a comparable diesel or gasoline powered vehicle, not to exceed 30 percent of the total acquisition cost of the motor vehicle. The reduction in the bill applies for the first 10 property tax years for which the tax is due following the acquisition of the vehicle. "Alternative fuel" is defined as compressed natural gas, liquefied natural gas, or liquefied petroleum gas dispensed for use in motor vehicles and compressed natural gas, liquefied natural gas, or liquefied petroleum gas dispensed by a distributor or facility.

SJR 1065: Petroleum Pipeline Study Committee

Sen. Tom Young, Jr.

Creates a temporary petroleum pipeline study committee charged with submitting a report to the General Assembly that sets forth findings and recommendations regarding matters related to the presence of petroleum pipelines in South Carolina by June 30, 2017.





South Carolina

Environmental Legislation

Coastal Zone Management

HB 4709: Fishing Limitations in the Southern Cobia Management Zone

Rep. Bill Hixon

Revises fishing limitations imposed in the Southern Cobia Management Zone, which encompasses all waters of South Carolina south of Jeremy Inlet, Edisto Island. The legislation provides that, subject to the size limit established by federal regulation, possession of cobia caught in the Southern Cobia Management Zone is limited to one person per day and no more than three per boat per day from June 1 to April 30. It is unlawful to take and possess cobia in the Southern Cobia Management Zone from May 1 to May 31 and at any time federal regulations provide for the closure of the recreational cobia season in the waters of the South Atlantic Ocean.

SB 139: Beach and Dune Critical Areas

Sen. Raymond Cleary, III

Authorizes the use of certain techniques for protecting beach and dune critical areas under an emergency order and expands certain exceptions on construction or reconstruction. The bill revises provisions governing the 40-year policy of retreat from development of the shoreline such that the established baseline that parallels the shoreline for each standard erosion zone and each inlet erosion zone must not move seaward from its position on December 31, 2017.

SB 788: Managed Tidal Impoundment Preservation Act

Sen. George E. "Chip" Campsen, III

Enacts the "Managed Tidal Impoundment Preservation Act." The legislation exempts property that is deemed eligible under a general permit issued by the United States Army Corp of Engineers from the permitting requirements for routine, normal, or emergency maintenance or repair activities. The bill grants enforcement authority to the Coastal Division of the South Carolina Department of Health and Environmental Control.

SB 1076: Canal Dredging

Sen. Greg Hembree

Provides that an individual does not need to apply for a permit to dredge a manmade, predominately armored, recreational use or essential access canal. Specifically, the legislation applies to dredging in existing navigational canal community developments by individuals, counties, or municipalities of manmade, predominately armored, recreational use canals and essential access canals conveyed to the state or dedicated to the public for that purpose between 1965 and the effective date of the bill, if the maintenance dredging is authorized by a permit from the United States Army Corps of Engineers pursuant to the federal Clean Water Act, as amended, or the Rivers and Harbors Act of 1899.

Emergency Management and Homeland Security

HB 4717: South Carolina Farm Aid Fund

Rep. Brian White

Responds to the unprecedented damage of the October 2015 floods by creating the "South



Carolina Farm Aid Fund” to assist farmers in order to prevent the economic collapse of many of the state’s farms, which could cause a severe disruption in the state’s economy and food supply chain. Established with a \$40 million appropriation from the 2014-2015 Contingency Reserve Fund, the South Carolina Farm Aid Fund is created for making financial awards to farmers who have experienced a verifiable loss of agricultural commodities of at least 40 percent as a result of the catastrophic flooding of October 2015. Grant awards must be used for agricultural production expenses and losses due to the flood that demonstrate an intent to continue the agricultural operation, such as purchases of seed and fertilizer. Awards may not be used to purchase new equipment. Grant awards that are falsely obtained or misspent must be refunded to the state. Criminal penalties are provided to address fraud. The legislation makes provisions for each grant to equal up to 20 percent of the person’s verifiable loss of agricultural commodities and establishes limitations so that grants may not exceed \$100,000 and may not, when combined with losses covered by insurance, exceed 100 percent of the actual loss.

The grant program will be administered by the Department of Agriculture in consultation with the Department of Revenue and a Farm Aid Advisory Board composed of:

- The Commissioner of Agriculture, or his designee, who serves as chairman;
- The Director of the Department of Revenue, or his designee;
- The Vice President for Public Service and Agriculture of Clemson Public Service Activities, or his designee,
- The Vice President for Land Grant Services of South Carolina State Public Service Activities, or his designee;
- One member representing South Carolina Farm Bureau appointed by the Commissioner of Agriculture;
- One member representing a farm credit association appointed by the Commissioner of Agriculture;
- One member representing the crop insurance industry appointed by the Director of the Department of Revenue; and
- One member who is an agricultural commodities producer appointed by the Director of the Department of Revenue.

Sunset provisions are included so that the Farm Aid Fund and the advisory board are dissolved no later than June 30, 2017.

Environmental Health Services

HB 3343: Methods of Euthanasia

Rep. Chip Huggins

Addresses methods of euthanasia in animal shelters. The measure disallows the use of lethal gas for euthanasia in animal shelters and provides for the use of sodium pentobarbital and other substances that are recognized by the American Veterinary Medical Association as clinically proven to be humane.

HB 4712: Outdoor Advertising Signs

Rep. Brian White

Clarifies the classification of off-premises outdoor advertising signs as personal property for tax purposes. The bill establishes conditions under which an off-premises outdoor advertising sign is classified as tangible personal property for tax purposes, and it establishes provisions under which the value of a lease or lease income on such billboards may not be used in the assessment



of the tax value of the real property on which the sign is erected. Any sign permit required by local, state, or federal law is to be considered as intangible personal property for ad valorem property tax purposes.

SB 1252: Community Fireworks Display Permits

Sen. Shane Martin

Requires the State Fire Marshal to issue a license for a community fireworks display in a county with a population of less than 30,000 people if certain safety conditions and other requirements are met.

Inland Water Resource Management and Conservation

HB 3449: Hoop Nets along the Wateree River

Rep. Jimmy Bales

Permits the Department of Natural Resources to issue a recreational license to someone who is at least 65 years old for the use of hoop nets along the Wateree River. The legislation includes a sunset provision so that the requirements for recreational licenses and commercial hoop net licenses along the Wateree River are repealed on January 1, 2021.

HB 5218: Water Safety Awareness Month

Rep. Wendell Gilliard

Declares the month of May of every year as "Water Safety Awareness Month" in South Carolina to promote an understanding of water safety practices and the critical importance of water safety in an effort to reduce drowning deaths among children in the state.

SB 780: Grass Carp

Sen. Thomas McElveen, III

Clarifies the language in current law dealing with importing, possessing, or selling imported fish by stating that the South Carolina Department of Natural Resources will continue to issue permits for the importation, breeding, and possession of grass carp or grass carp hybrids. The legislation modifies statutes to incorporate references to the more familiar designation of grass carp alongside the less recognizable name for the fish white amur.

SB 1030: Size and Catch Limits for American Eel

Sen. Ronnie Cromer

Revises the size and catch limits for the American eel. The legislation reduces the number from 50 to 25 of American eel (*Anguilla rostrata*) that may be taken each day by recreational fishermen. In addition, the size of the American eel that may be taken is increased from six inches to nine inches long.

Land Management and Conservation

HB 3313: Green Spaces for Conservation

Rep. Tommy Pope

Creates provisions for the portion of a parcel of real property changed from agricultural use for the purposes of residential or commercial development. The bill applies to such developments that are designated on the recorded development plat of the parcel as "green space for conservation" or "open space," if it equals 10 percent or more of the area included within the outermost boundaries of the development, to be valued according to its new "green space for conservation" or "open space" use for the purpose of calculating the roll-back tax due on the parcel. After a parcel of real property has been sold or undergone another assessable transfer of

interest, the delinquent property tax and penalties assessed, because the property was improperly classified as owner-occupied residential property while owned by the transferor, are solely a personal liability of the transferor, do not constitute a lien on the property, and are not enforceable against the property after the assessable transfer of interest, if the transferee is a bona fide purchaser for value without notice.

Under the legislation, taxes and penalties assessed because of misclassification of real property remain the obligation of the property owner at the time of the misclassification, rather than the responsibility of the buyer of the property. The sole personal liability of the transferor also applies to trust distributions and property settlements in divorces. The bill stipulates that roll-back taxes must not be applied solely because the owner of the property fails to make written application for an agricultural assessment, if the actual use of the property remains agricultural. If the property assessment is changed from agricultural or the property is assessed roll-back taxes, the owner may appeal. If an appeal is made, the property must continue to be assessed as agricultural and the roll-back taxes may not be applied until the final appeal date. The legislation also establishes a protocol for authorizing a county to allow a taxpayer the option of receiving certain property tax bills and receipts in electronic form.

HB 3972: Real Property Transfers

Rep. Dwight Loftis

Provides that the submission of a land development plan or land use plan is not a prerequisite and must not be required before the execution of a deed transferring undeveloped real property. A local governmental entity may still require the grantee to file a plat at the time the deed is recorded.

HB 4743: Lake Conestee Nature Park

Rep. Eric Bedingfield

Stipulates that land known as the Lake Conestee Nature Park, which is owned and managed by the private nonprofit conservation organization Conestee Foundation, Inc., located in Greenville, South Carolina, is a wildlife sanctuary for the protection and conservation of game, songbirds, waterfowl, fish, amphibians, other animals, and plant life.

SB 454: Deer Hunting Tags

Sen. George E. "Chip" Campsen, III

Requires the issuance of deer hunting tags for in-state residents and non-residents. The new tagging system does not revise game zones or seasons, but it does include requirements for hunters to tag every deer taken in the state. The legislation provides for the Department of Natural Resources (DNR) to issue eight doe day specific tags and three buck tags with the purchase of a South Carolina hunting license and big game permit for in-state residents. Hunters, including youth and gratis licensees, have the option to purchase two additional buck (with four points on one side or a minimum 12-inch antler spread) tags at \$5 each and/or four additional doe tags at \$5 each. All funds collected from the two additional buck tags sales will go into a Coyote Management Program.

With the purchase of a hunting license and big game permit, non-resident hunters will pay \$50 for the first purchased antlered tag and \$20 for each additional antlered tag, with a maximum purchase of four tags of which two must have size restrictions. There is a \$10 charge for each antlerless tag purchased. The bill provides for antlerless and antlered deer limits to be two doe taken per day and two bucks taken per day. The DNR must provide a four-year study report by July 1, 2022, to the Chairman of the Senate Fish, Game and Forestry Committee and the

Chairman of the House Agriculture, Natural Resources and Environmental Affairs Committee on such issues as the status of the state's white-tailed deer population and a review of the tagging program.

Reorganization and Coordination

HB 4138: Heating and Air Conditioning Mechanical Contractor Credentials

Rep. Eric Bedingfield

Requires the display of heating and air conditioning mechanical contractor credentials. The legislation establishes requirements for those holding licenses in the mechanical contractor subclassification of air conditioning, heating, or packaged equipment to display their mechanical contractor licenses in a conspicuous manner at their principal places of business and to display their mechanical contractor license numbers on their commercial vehicles, invoices, and proposal forms.

SB 667: State Boundary Lines

Sen. Robert Hayes, Jr.

Clarifies the boundary between South Carolina and North Carolina. The bill addresses the legal issues regarding the boundary between South Carolina and North Carolina and specifies requirements for individuals and businesses moving between two states as a result of the boundary clarification. The boundary clarification is expected to affect three businesses, approximately twelve residences, and agricultural property.

SB 685: Regulation of Engineers and Surveyors

Sen. Hugh K. Leatherman, Sr.

Modifies the requirements for the licensure and regulation of engineers and surveyors, including the following:

- Revisions to training requirements;
- Requirements that certain members of the South Carolina State Board of Registration for Professional Engineers and Surveyors must be actively practicing their professions;
- Provisions governing the operation of branch offices; and
- Authorizations for the issuance of waivers of licensing and credentialing requirements for up to 90 days to allow out-of-state engineers to respond to emergencies in South Carolina.

SB 1205: Surety Bonds for Natural Resources Enforcement Officers

Sen. Greg Hembree

Revises the requirements for surety bonds for natural resources enforcement officers. The legislation provides for every Department of Natural Resources (DNR) officer to be covered by a surety bond of not less than \$2,000 with premiums on the bonds paid by the DNR. The prior bonding requirement was \$1,000.

Solid Waste

HB 4857: Landfill Requirements for Coal Ash from Electric Power Plants

Rep. David Hiott

Establishes landfill requirements for coal ash from electrical power plants. The legislation mandates that coal combustion residuals that result from an electrical utility, an electric cooperative, a governmental entity, a corporation, or an individual producing electricity for sale

or distribution by burning coal must be placed in a Class 3 solid waste management landfill unless the coal combustion residuals are:

- (a) Located contiguous with the electric generating unit;
- (b) Intended to be beneficially reused;
- (c) Placed into beneficial reuse; or
- (d) Placed in an appropriate landfill meeting the standards of the Department of Health and Environmental Control that is owned or operated by the entity that produced the electricity which resulted in the coal combustion residuals.

The legislation establishes a five-year sunset date for these requirements unless they are reenacted or otherwise extended by the General Assembly.





Tennessee

Energy Legislation

Alternative Energy Development

HJR 507: Support for Nuclear Technologies

Rep. Jay Reedy

Expresses the General Assembly's support for the creation of a long-term energy plan addressing the long-term energy needs of the state and research and development of liquid-core-molten-salt-reactor and small-modular-reactor technologies as a long-term solution to Tennessee's energy needs. The resolution urges Congress to mandate and provide an adequate budget for the U.S. Department of Energy for such work.

Emergency Management and Homeland Security

HB 1563/SB 1627: Deadly Force at Nuclear Power Facilities

Rep. Ron Travis; Sen. Ken Yager

Clarifies that deadly force may be used by nuclear security officers at nuclear power reactor facilities and not just category I nuclear facilities.

HB 1811/SB 2106: Unmanned Aircraft over Critical Infrastructure

Rep. William Lamberth; Sen. Jack Johnson

Creates the offense of using an unmanned aircraft to fly within 250 feet of a critical infrastructure facility for the purpose of conducting surveillance of, gathering evidence or collecting information about, or photographically or electronically recording critical infrastructure data. Under the legislation, "critical infrastructure facility" means:

- (a) An electrical power generation system, electrical transmission system, either as a whole system or any individual component of the system, or electrical distribution substation;
- (b) A petroleum refinery;
- (c) A manufacturing facility that utilizes any combustible chemicals either in storage or in the process of manufacturing;
- (d) A chemical or rubber manufacturing facility;
- (e) A petroleum or chemical storage facility;
- (f) A water or wastewater treatment facility; or
- (g) Any facility, equipment, or pipeline infrastructure utilized in the storage, transmission, or distribution of natural gas.

Natural Gas and Petroleum

HB 879/SB 799: Sales Tax Exemption for Compressed Natural Gas

Rep. Kevin Brooks; Sen. Steven Dickerson

Exempts compressed natural gas from state sales tax in the same manner that the present law exempts motor fuel and liquefied gas from sales tax.

HB 1503: Petroleum Underground Storage Tank Act Revisions

Rep. David Hawk; Sen. Mike Bell

Authorizes the Underground Storage Tanks and Solid Waste Disposal Control Board to suspend



tank fees if the board finds that the condition of the petroleum underground storage tank fund warrants it. Under present law, the board is only allowed to lower the tank fees under such circumstances. The bill adds damages, costs, restitution awards, and other recoveries collected or received by the state related to or arising from claims under the Tennessee Petroleum Underground Storage Tank Act to the list of items to be deposited into the fund to the extent that such recoveries represent the restoration of amounts disbursed from the fund, including any costs charged to the fund in pursuing such claims.

The measure requires the board, when adjusting underground storage tank fees by rule, to consider all reasonably anticipated current and future liabilities and income of the petroleum underground storage tank fund. Further, the board must adjust underground storage tank fees, using an equitable and fiscally sound approach to sustain the long-term viability of the fund, to levels that are intended to result in sufficient funding of the current obligations and actuarially determined obligations after taking into account projected revenues that are reasonably expected to be available to fund these obligations as they become due.

The board may not consider lowering or suspending the fees to a level that will result in a failure to maintain a balance above an amount sufficient to cover the then projected annual amount of claims against the fund as well as anticipated administrative expenses for the year. After consideration of all relevant information, including information requested by the board from the Department of Energy and Conservation and any additional information provided by the department, the board shall choose the process, timing, and assumptions to be used in the board's determinations of the obligations, anticipated income, and appropriate fund balance.

HB 2108/SB 1737: Taxes on Petroleum Products Sold to Government Agencies

Rep. Art Swann; Sen. Steve Southerland

Extends, from March 31 to June 30, the deadline for a licensed wholesaler, importer, or supplier to apply for a refund of taxes or fees paid on any petroleum products subsequently sold free of tax to a governmental agency holding an exemption permit, for any exempt sales made during the previous calendar year on which a claim for refund has not previously been made.

The legislation removes a requirement that, in order to qualify for a tax exemption, a governmental agency must purchase petroleum products in lots of at least 500 gallons and complete the delivery of such products within 72 hours following commencement of the delivery.

Reorganization and Coordination

HB 1542/SB 2545: Office of Energy Programs

Rep. Gerald McCormick; Sen. Mark Norris

Transfers the Tennessee Division of Energy from the Department of Economic and Community Development (ECD) to the Department of Environment and Conservation (TDEC) and renames it the Office of Energy Programs. The Governor's Executive Order No. 25 transferred the Division of Energy from ECD to TDEC effective January 1, 2013. The legislation updates Tennessee Code Annotated to reflect the transfer that has been completed pursuant to the Executive Order.

HB 1586/SB 1532: Southeast Interstate Low Level Radioactive Waste Compact

Rep. Jeremy Faison; Sen. Mike Bell

Extends the termination date of the Southeast Interstate Low Level Radioactive Waste Compact



to June 30, 2022. Under the Tennessee Governmental Entity Review Law, the Compact is scheduled to terminate on June 30, 2016.

Utilities

HB 1664/SB1233: Rural Electric and Community Services Cooperative Act

Rep. Art Swann; Sen. Ken Yager

Repeals the four-year property tax exemption for rural electric cooperatives on newly-constructed cooperative facilities and plants. Also, the bill requires cooperatives to maintain possession of abandoned property for a length of time determined by statutory requirements. The legislation sets forth distribution options of unclaimed abandoned property available to cooperatives after a period of 18 months.

HB 2264/SB 1924: Hawkins County Natural Gas Utility Districts

Rep. Gary Hicks; Sen. Frank Niceley

Authorizes natural gas utility districts in Hawkins County to provide funding to chambers of commerce and economic and community organizations pursuant to a resolution adopted by the governing body.

HB 2349/SB 2430: Municipal Energy Authority Act

Rep. Matthew Hill; Sen. Rusty Crowe

Authorizes a municipality that has adopted home rule, is located in a county with a population of 150,000 or less, and operates an electric system to authorize the city mayor or other person to form a municipal electric or telecommunication authority upon the adoption of a resolution urging a municipal mayor or other person to form such authority. The measure states the authority will be for the purpose of planning, acquiring, constructing, improving, furnishing, equipping, financing, owning, operating, and maintaining electric utility or telecommunication systems within or outside the corporate limits of the associated municipality and within or outside of the state. An authority providing telecommunication services is subject to all of the obligations, restrictions, and limitations imposed upon municipalities under present state and federal law.

The bill outlines the requirements to be included in the certificate of incorporation that must be filed and approved by the Secretary of State (SOS) and outlines the process for amending the certificate of incorporation. The bill also declares that the approval from the SOS is conclusive evidence that the authority has been formed, and it requires the authority to be a public corporation and a political subdivision of the state and a body politic and corporate.

The legislation specifies the powers of the authority and specifies that the authority is required to operate independently of any others and shall be self-sustaining. The measure also states the affairs of the authority and the exercise of the powers of the authority are vested in the authority's board of directors, and it outlines the powers and selection process of and for authority board members.

Under the law, the authority may not be operated for gain or profit or primarily as a source of revenue to the associated municipality or any other person or entity. However, the authority may collect rates, fees, or charges for the services, facilities, and commodities made available by the authority that will allow the authority to remain self-supporting without appropriations from the state or any other political subdivision of the state.

The bill authorizes the authority to issue bonds with the approval of the authority board for specified purposes and outlines the items to which the proceeds resulting from the sale of any bond may be applied. Also, the provisions state that all systems, property, revenue, and bonds issued by the authority and the income therefrom of the authority is exempt from state, county, and municipal taxation except otherwise provided by the laws of the state.

Finally, the measure provides that in the event an authority ceases to exist, all remaining assets after the satisfying of obligations and liabilities will become the property of the associated municipality.





Tennessee

Environmental Legislation

Environmental Health Services

HB 1439/SB 1462: Overgrown Property

Rep. Ryan Williams; Sen. Paul Bailey

Authorizes Putnam County to remove overgrown vegetation and debris from any owner-occupied residential property.

HB 1529/SB 2529: Livestock Cruelty Examinations

Rep. Gerald McCormick; Sen. Mark Norris

Authorizes the Commissioner of Agriculture or a qualified agent of the Commissioner instead of a county agriculture extension agent to conduct livestock cruelty examinations.

HB 1541/SB 2544: Used Oil Collection Act

Rep. Gerald McCormick; Sen. Mark Norris

Broadens the scope of the Used Oil Collection Act of 1993 to address the proper disposal of used antifreeze, transmission fluid, and power steering fluid. Under this bill, an automotive fluid collection center that accepts any other automotive fluid must meet any management standards established by the Department of Environment and Conservation. This bill authorizes the department to develop management standards for the collection of other automotive fluids by automotive fluid collection centers if the department determines that the standards will promote the health and welfare of the public.

This measure authorizes a retailer of any other automotive fluid to request from the department a sign to post on the retailer's premises that informs the public of the importance of the proper collection and disposal of other automotive fluids from private citizens and that contains the toll-free number established by the department pursuant to present law through which callers may receive information regarding the locations and operating hours of collection centers.

HB 1941/SB 2591: Nuisance Provisions Related to Farming

Rep. Tim Wirgau; Sen. Mark Norris

Revises the statutory provisions governing the rebuttable presumptions that farms, farming operations, and new type of farming operations are not public or private nuisances. The bill removes standards regarding nuisance actions on new types of farming operations, effectively requiring the same burden of proof in nuisance actions brought against established farming operations.

HB 2189/SB 2332: Audiovisual Animal Inspection

Rep. Judd Matheny; Sen. Jim Tracy

Authorizes an owner of any animal that is subject to an inspection for the purpose of determining compliance with any statutory or regulatory requirement to personally or through a designee record such inspection by audiovisual means unless prohibited by federal law.

HB 2343/SB 1949: Environmental Risks with Sale of Real Property by Government

Rep. Kent Calfee; Sen. Ken Yager

Requires the mayor of each county, after taking charge of lands bought by the county at



delinquent tax sales, to evaluate the property within 90 to 120 days and determine whether the value of the property or amount of money the county is likely to receive if the county sold the property exceeds the financial or environmental risks associated with the property. If the county mayor evaluates the property during the required time period and determines that the financial or environmental risks of the property outweigh the value of the property or the amount of money the county is likely to receive if the county sold the property, then the county legislative body may adopt a resolution by a two-thirds vote stating that the financial or environmental risks associated with the property are such that it is not in the best interest of the county to acquire such property and directing the county mayor to petition the chancellor for relief. Upon receipt of this resolution, the county mayor must file a petition for relief with the chancery court of the county.

Under the legislation, it is the duty of the chancellor to hear the petition. If satisfactory proof of the financial or environmental risks associated with the property is presented to the chancellor, then the chancellor will void the sale to the county and refer the property to a special master for deferred sale. The master must file intent and terms of a proposed deferred sale 30 days in advance with the chancellor and with the county mayor and the assessor of property and proceed to conduct the sale on the proposed terms unless otherwise ordered by the court. Proceeds of a sale of the property, in accordance with those terms, will be applied in the manner otherwise provided by law, and all liens securing the taxes for which the property is sold will thereby be released. Further, the purchaser at this deferred sale may tender an amount equal to the tax due upon the property accruing prior to the time of sale based on the alternate value established by the deferred sale, and the tendered amount with accrued penalty and interest will be accepted in satisfaction of liens securing the tax, with approval of the court. Such alternate value will not be considered determinative of the assessed value of the property for any tax years that become due subsequent to the sale by the special master.

The bill provides that in the event that there is no bidder at a subsequent sale conducted by the special master pursuant to this amendment, the property will remain in the custody of the special master and will be offered at sale again within six months of the date of the initial sale by the special master. The sale will be conducted under such conditions as determined by the court to be most likely to result in a successful sale; provided, however, that if it is the opinion of the special master that economic conditions relative to the property are such that it is not feasible to attempt an additional sale during that time period under any conditions, the special master may petition the court to extend the time before the next sale must be conducted.

Under the measure, for undeveloped or unimproved property, the special master may recommend transfer of the property to nongovernmental entity claiming contractual rights to dues or assessments. Finally, for property that includes structures or improvements whose condition creates environmental or financial liabilities that exceed the estimated value that the property is likely to generate at a sale, the special master may recommend to the court that the property be returned to the owner of record of the property at the time the taxes were allowed to go delinquent.

HB 2346/SB 1480: Cemeteries

Rep. Ryan Williams; Sen. Paul Bailey

Authorizes all local forms of government to use general funds and other solicited funds to rehabilitate or maintain dilapidated or abandoned cemeteries upon a majority vote of the respective legislative body.



Hazardous Waste and Substance Management

HB 2169/SB 2228: Liability under the Hazardous Waste Management Act

Rep. David Hawk; Sen. Steve Southerland

Clarifies that arrangers of recyclable material, which are excluded from liability under the federal Superfund Recycling Equity Act (SREA), are also excluded from the list of liable parties specified under the Hazardous Waste Management Act (HWMA) of 1983. The HWMA provides requirements for the generation, storage, treatment, and disposal of hazardous waste. Under the HWMA, a liable party is the owner or operator of an inactive hazardous substance site, any person who at the time of disposal was the owner or operator of an inactive hazardous substance site, any generator of hazardous substance who at the time of disposal caused such substance to be disposed of at an inactive hazardous substance site, or any transporter of hazardous substance which is disposed of at an inactive hazardous substance site who, at the time of disposal, selected the site of disposal of such substance.

Inland Water Resource Management and Conservation

HB 1633/SB 1620: Watercraft Cutoff Switch

Rep. Glen Casada; Sen. Jack Johnson

Authorizes operation of a personal watercraft not equipped with a lanyard-type engine cutoff switch, if such switch was not installed at the time of production by the manufacturer.

HB 1821/SB 1753: Asian Carp Advisory Taskforce

Rep. Jay Reedy; Sen. Mark Green

Creates a nine-member advisory task force to review the effects of invasive Asian carp. The bill requires the Speaker of the Senate to appoint three members and the Speaker of the House of Representatives to appoint three members. The Tennessee Fish and Wildlife Commission must appoint three members to the advisory task force by a majority vote of the commission. The advisory task force must report its findings and recommendations to the Governor, the Speaker of the Senate, and the Speaker of the House of Representatives no later than January 1, 2017, at which time the task force will cease to exist. The Tennessee Wildlife Resources Agency will provide administrative support services to the task force. Members of the task force are to serve without compensation, but the bill authorizes reimbursement for travel expenses.

Land Management and Conservation

HB 716/SB 704: Planting and Harvest Season

Rep. Debra Moody; Sen. Paul Bailey

Declares the annual planting and harvest season for Tennessee to extend from January 1 to December 31 of each year. The bill also clarifies that the year-round planting and harvest season will not change the harvest season for wild ginseng, which is September 1 through December 31 of each year.

HB 978/SB 822: Tennessee Native Species Lumber Act

Rep. Matthew Hill; Sen. Paul Bailey

Allows Tennessee lumber mills to sell native timber for agricultural buildings, including barns and sheds. The Tennessee Native Species Lumber Act will create a certification program offered by the agricultural extension of the University of Tennessee for owners or representatives of sawmills. The mill is then certified to grade lumber and to certify in writing to the purchaser that the quality and safe working stresses of the lumber are equal to or better than No. 2 grade. The



program will be offered biannually and in each of Tennessee's three grand divisions at a nominal cost.

HB 1318/SB 204: Black Vultures

Rep. Kelly Keisling; Sen. Frank Niceley

Declares that it is not an offense under the Tennessee Nongame and Endangered or Threatened Wildlife Species Conservation Act to disturb the habitat of, alter, take, attempt to take, possess, or transport a black vulture in this state, also known as the *Coragyps atratus*. The bill prohibits the use of state funds, personnel, or other state resources to be used for enforcing any prohibition against the specified types of disturbances to the black vulture.

HB 1789/SB 1828: Highway Signs

Rep. Kelly Keisling; Sen. Steve Southerland

Extends, from 180 days to 12 months, the time in which a person granted a permit authorizing a digital billboard has to erect and begin displaying an advertising message before revocation of the permit. The legislation allows an extension period of an additional 12 months if the permit holder applies to the commissioner of transportation and pays an additional permit fee of \$200 prior to the expiration of the original 12-month period. The additional \$200 fee will be separate from any annual permit renewal fee.

HB 1946/SB 1934: Authority over Seeds

Rep. Ron Lollar; Sen. Ken Yager

Establishes that the Commissioner of Agriculture has the authority to regulate seeds in Tennessee except as otherwise specifically provided for by state law. The bill requires the commissioner to maintain a comprehensive scheme for regulating seeds, which is to be uniform and applicable throughout the state, and establishes that the commissioner has sole authority to prohibit the planting, cultivation, harvesting, handling, or movement of agricultural seeds.

HB 2032/SB 1611: Industrial Hemp

Rep. Jeremy Faison; Sen. Frank Niceley

Revises the "Tennessee Right to Farm Act" to address industrial hemp cultivation. Under the Act, "industrial hemp" means the plants and plant parts of the genera *cannabis* that do not contain a delta-9 tetrahydrocannabinol (THC) concentration of more than 0.3 percent on a dry mass basis, grown from seed certified by a certifying agency. This amendment includes in the definition of "industrial hemp," for purposes of the act, plants and plant parts grown by an institution of higher education that offers a baccalaureate or post-graduate level program of study in agricultural sciences.

Also, the bill requires any person who cultivates an industrial hemp crop of any size or processes industrial hemp to obtain a license from the Department of Agriculture. Failure to obtain a license results in the crop being considered marijuana.

HB 2064/SB 1971: Jurisdiction over Highway Signs

Rep. Martin Daniel; Sen. Jim Tracy

Specifies that the state Department of Transportation (DOT) has sole and exclusive jurisdiction over the design, erection, installation, and maintenance of tourist-oriented directional signs (TODS) located within the right-of-way of any highway designated as part of the state highway system, including TODS signs within the corporate limits of municipalities. The legislation defines "TODS signs" as only the specific category of guide signs authorized in the Manual on Uniform Traffic Control Devices for use on rural conventional roads to display business



identification and directional information for eligible tourist-oriented facilities. TODS signs do not include specific service signs, community wayfinding signs, or other types of guide signs authorized in the Manual on Uniform Traffic Control Devices.

The bill provides that any TODS sign that was or is erected or installed within the right-of-way of any state highway by any local government or any entity other than the department or a contractor acting for the department is declared illegal, and the sign must be removed by the local government or entity that erected or installed it. The legislation exempts tourist-oriented directional signs erected by local governments in Sevierville prior to the date that the bill becomes a law. The cost of removal may be recovered from the facility or facilities advertised on the sign. If the local government or entity fails or refuses to remove the sign within 180 days after ordered by the department, the department will remove the sign and may recover the cost of removal from the local government that constructed the sign.

Under this legislation, TDOT is required to promulgate rules establishing an application process for obtaining a TODS sign. The Department must develop and maintain an inventory of TODS signs located within state highway rights-of-way, including signs erected by the department or any other person or entity, and indicating whether the signs are located within or outside the corporate limits of a municipality. The initial inventory must be completed by no later than July 1, 2018.

HB 2162/SB 1951: Borrowing by Soil Conservation Districts

Rep. John Mark Windle; Sen. Ken Yager

Authorizes a soil conservation district and the supervisors of the district, subject to the approval of the Commissioner of Agriculture, to borrow money for the following purposes:

- (a) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; and
- (b) To maintain, administer, and improve any properties acquired to receive income from the properties and to expend the income in carrying out the Soil Conservation Districts Law.

The bill specifies that all such borrowings must be evidenced as notes in the form and manner required by present law governing capital outlay notes, and they will be subject to the approval of the comptroller of the treasury or the comptroller's designee. The notes must be secured with lawfully available district revenues and a guarantee of the full faith, credit, and unlimited taxing power of each local government within which the district is located. Also, the notes may be secured in lawfully available district revenues and a statutory lien on the property financed by the notes.

HB 2376/SB 2470: Images Captured by Drones

Rep. Andy Holt; Sen. John Stevens

Allows the use of an unmanned aircraft to capture an image, if the image is captured for the practice of land surveying by a duly registered land surveyor and provided the image of any person or thing on private property captured in the course of land surveying will be subject to the present law provision described above as an image captured incident to the lawful capturing of an image. Also, an unmanned aircraft may be used to capture an image by the Department of Transportation, or a person under contract with or otherwise acting under the direction of or on behalf of the Department of Transportation, for the purpose of planning, locating, designing,

constructing, maintaining, or operating transportation programs or projects. The image of any person or thing on private property captured by or for the Department of Transportation will be subject to present law as a lawfully captured incident to the lawful capturing of an image.

Reorganization and Coordination

HB 1539/SB 2542: Department of Environment and Conservation

Rep. Gerald McCormick; Sen. Mark Norris

Requires the Commissioner of Environment and Conservation to maintain separate accounts for monies collected and expended by each division of the Department of Environment and Conservation in administering these funds:

- (a) Laws concerning subsurface sewage disposal;
- (c) The Tennessee Safe Drinking Water Act of 1983;
- (d) The Water Environmental Health Act;
- (e) The Wastewater Facilities Act of 1987;
- (f) The Radiological Health Service Act;
- (g) The Medical Radiation Inspection Safety Act;
- (h) The Tennessee Air Quality Act;
- (i) The Tennessee Solid Waste Disposal Act;
- (j) The Tennessee Hazardous Waste Management Act;
- (k) The Water Quality Control Act of 1977;
- (l) Laws concerning water wells;
- (m) The Safe Dams Act of 1973;
- (n) Laws concerning the production of oil and gas; and
- (o) Other fees and charges for departmental services, other than ones related to parks.

HB 1569/SB 1549: Water and Wastewater Operators, Board of Certification

Rep. Jeremy Faison; Sen. Mike Bell

Extends the termination date of the Water and Wastewater Operators Board of Certification to June 30, 2022. Under the Tennessee Governmental Entity Review Law, the board was scheduled to terminate on June 30, 2016.

HB 1608/SB 1510: Tennessee Center for Earthquake Research

Rep. Jeremy Faison; Sen. Mike Bell

Extends the termination date of the Tennessee Center for Earthquake Research and Information to June 30, 2022. Under the Tennessee Governmental Entity Review Law, the center was scheduled to terminate on June 30, 2016.

HB 1877/SB 1590: West Tennessee River Basin Authority

Rep. Curtis Halford; Sen. Ed Jackson

Authorizes the Speaker of the House of Representatives and the Senate to appoint members of the General Assembly from the same political party to the Board of Directors of the West Tennessee River Basin Authority, when there is an absence of members from another political party representing part of the area of the West Tennessee River Basin.

HB 2342/SB 1463: Wildlife Resources Commission

Rep. Kent Calfee; Sen. Paul Bailey

Specifies that at least 10 years of full-time work experience in wildlife or fisheries management, wildlife biology, or other related work experience in this state or another state be considered the

equivalent of a bachelor's degree in an acceptable field for a person to qualify for the position of wildlife officer within the Tennessee Wildlife Resources Agency.

HB 2381/SB 2364: Hamilton County Water and Wastewater Treatment Authority

Rep. Mike Carter; Sen. Bo Watson

Sunsets the Hamilton County water and wastewater treatment authority, granted pursuant to the Water and Wastewater Treatment Authority Act, effective July 1, 2021.

Solid Waste

HB 587/SB 1049: Davidson County Solid Waste

Rep. Bill Beck; Sen. Jeff Yarbro

Authorizes Davidson County to impose and collect a solid waste collection, processing, and disposal fee, to be used to:

- (a) Establish and maintain solid waste collection, processing, and disposal services including, convenience centers;
- (b) Establish and maintain material recovery venues and programs; and
- (c) Cover costs borne by the county as a consequence of disposal, including the expenses incurred in determining such costs.

The bill specifies that all residents of Davidson County will have access to the services, venues, and programs established and maintained in (1) and (2).

The legislation requires that the amount of the fee bear a reasonable relationship to the cost of providing the services, venues, and programs established and maintained in (1) and (2). The county must set the fee in consultation with and subject to the approval of the Underground Storage Tanks and Solid Waste Disposal Control Board. All monies collected from the fee must be segregated from the general fund.

HB 764/SB 689: Solid Waste Management Plan Reporting

Rep. Brenda Gilmore; Sen. Steve Southerland

Requires the Tennessee Department of Environment and Conservation to include in its annual report to the Governor and General Assembly concerning the solid waste management system the progress implementation updates, including projected implement steps, on each specific component of the state's comprehensive solid waste management plan.

HB 1540/SB 2543: Solid Waste Tipping Fees

Rep. Gerald McCormick; Sen. Mark Norris

Changes eligibility criteria for counties that receive rebates against the solid waste disposal tipping fee surcharge in lieu of a recycling equipment grant from the 11 highest waste generating counties to the five most populous counties.

HB 2197/SB 2225: Organic Solid Waste

Rep. Brenda Gilmore; Sen. Steve Southerland

Requires the Commissioner of Environment and Conservation to conduct a study to define the processing of organic waste and incorporate the findings and recommendations into the state's comprehensive solid waste management plan.



Water Quality and Pollution Control

HB 1850/SB 2714: Green Infrastructure

Rep. Darren Jernigan; Sen. Jeff Yarbro

Authorizes the use of green infrastructure practices within areas that have combined sanitary sewage and storm water systems. The bill expands the definition of “sewerage system” to include the installation of green infrastructure practices, including, but not limited to, trees, tree boxes, vegetated roofs, infiltration strops, rain gardens, cisterns, dry wells, permeable pavement, soil amendments, pocket wetlands, and vegetated swales. At the discretion of an incorporated town or city, green infrastructure practices may be implemented on both public and private property.

HB 1892/SB 1830: Stormwater Management

Rep. Curtis Halford; Sen. Steve Southerland

Prohibits any National Pollutant Discharge Elimination System (NPDES) permit that is issued to a municipal separate storm sewer system (“MS4”) administrator in this state from imposing post-construction stormwater requirements, except to the extent necessary to comply with the minimum requirements of federal law. Any such permit that includes numeric or narrative effluent limitations to manage post-construction stormwater must allow the local MS4 administrator discretion in selecting measures to meet the limitations.

The bill prohibits the state from requiring any entity that administers a MS4 under an NPDES permit to impose control measures for post-construction stormwater that exceed the minimum requirements of federal law. Any local governmental entity that adopts control measures that exceed the minimum requirements of federal law must do so by ordinance or resolution by the local legislative body upon a majority vote. The measure's requirements for local control measures that exceed minimum federal requirements will not apply to any ordinance or resolution that is in effect on the date that this bill becomes a law. However, when a local government entity seeks coverage under a future version of the NPDES permit after the date that this bill becomes a law, the ordinance or resolution must comply with this amendment's requirement for approval by a majority vote of the local legislative body. The legislation requires any local MS4 administrator that seeks to impose control measures that exceed the minimum requirements of federal law to submit the control measures in writing to the local legislative body at least 30 days in advance of a vote in order to allow for public comment.

HB 2212/SB 2450: Notice Requirements for Lead

Rep. Jason Powell; Sen. Lee Harris

Expands the statutory notice requirement when lead is present in the drinking water supply. Existing law generally requires that all pipes, pipe or plumbing fittings or fixtures, solder, or flux that is used in the installation or repair of any public water system be lead free. Existing law requires each water supplier to identify and provide notice to all persons that may be affected by lead contamination of their drinking water where such contamination results from the following:

- (a) The lead content in the construction materials of the public water distribution system;
- or
- (b) Corrosivity of the water supply sufficient to cause leaching of lead.

The statutory notice must be provided in such manner, form, and frequency as may be reasonably required by the Commissioner of Environment and Conservation. The notice must be provided even if there is not a violation of any drinking water regulation of the state. Present



law specifies that the notice must provide a clear and readily understandable explanation of the following:

- (a) The potential sources of lead in the drinking water;
- (b) Potential adverse health effects;
- (c) Reasonably available methods of mitigating known or potential lead content in drinking water;
- (d) Any steps the supplier is taking to mitigate lead content in drinking water; and
- (e) The necessity for seeking alternative water supplies, if any.

The legislation adds a requirement that a public water system notify the commissioner within 24 hours of confirming that the lead and copper 90th percentile lead action level, in accordance with the federal Safe Drinking Water Act, has been exceeded. The commissioner must direct the public water system to conduct appropriate follow-up actions in accordance with state and federal drinking water rule requirements.

The legislation requires that, within 72 hours after a public water system confirms that any individual lead monitoring result is above the federal lead action level, notice must be provided to the customer or residence where the sample was collected. No later than 72 hours after the public water system confirms that the federal action level has been exceeded, the public water system must provide public notification to all customers. If a public water system fails to notify persons that may be affected by lead contamination within 72 hours or three days after retesting, the bill requires the commissioner to take appropriate action to ensure the public water system provides such notice within at least 10 days of such a failure. After the commissioner ensures proper notice has occurred by the public water system, the commissioner must provide direct technical assistance to and oversight of the public water system to ensure the public water system conducts appropriate follow up testing and exercises the necessary treatment optimization and distribution system modifications, where necessary, to achieve compliance.



Texas

Energy Legislation

Texas did not have a regular legislative session in 2016.





Texas

Environmental Legislation

Texas did not have a regular legislative session in 2016.





U.S. Virgin Islands

Energy Legislation

Natural Gas and Petroleum

B 301: Lonesome Dove Petroleum Company

Sen. Clifford Graham

Authorizes the Virgin Islands Public Finance Authority to receive, hold, and manage the shares of Lonesome Dove Petroleum Company as the sole stockholder. The Lonesome Dove Petroleum Co. Special Revolving Fund is established and will be administered by the Commissioner of Finance to oversee the company's payment of income tax obligations and the disposition of any income realized from the shares. The first \$500,000 deposited in the fund annually must be used to assist the Senior Citizens' Center Fund for the upkeep, maintenance, and operation of senior citizens' centers under the jurisdiction of the Department of Human Services and to acquire vehicles for the transportation of senior citizens throughout the territory, as approved by the Governor.

B 375: Appropriation for Litigation Costs

Sen. Neville James

Repeals Act No. 7730 relating to the appropriation of \$1,000,000 for costs and legal fees related to the litigation between the Government of the Virgin Islands and Hess Oil V.I. Corporation, HOVENSA, LLC, and Petroleos de Venezuela, PDVSA V.I., Inc.

Utilities

B 71: Tax and Public Sewer System User Fee Auctions

Sen. Marvin Blyden

Amends the Virgin Islands Code relating to penalties for improperly conducting tax and public sewer system user fee auctions by making it a felony to knowingly and willfully violate the Code. Any person who participates in the manipulation of an auction conducted under this chapter to fraudulently restrict other potential bidders from making legitimate bids on any property offered at any auction under this chapter shall be imprisoned not more than three years and fined not more than \$20,000, or both.





U.S. Virgin Islands

Environmental Legislation

Coastal Zone Management

B 333: Mooring and Anchoring of Vessels

Sen. Nouvelle Francis, Jr.

Amends previous law by increasing fee schedules related to mooring and anchoring vessels. The bill also directs the Commissioner of Planning and Natural Resources to charge a \$100 fee for permit processing and a \$500 fee for requested enforcement vessel assistance.

Environmental Health Services

B 318: Zoning Variance for Flammable Liquid Storage

Sen. Samuel Sanes

Provides a zoning variance from the uses permitted in the C (Commercial) zoning districts for certain parcels of land, consisting of approximately 2.748 U.S. acres, to allow for flammable liquid storage. All other requirements of the commercial zoning district remain in effect for the subject property.

Land Management and Conservation

B 330: Hemp Cultivation

Sen. Terrence Positive Nelson

Allows the Department of Agriculture, the University of the Virgin Islands, and other selected universities to cultivate industrial hemp for research purposes. The legislation provides authority to the territory's Department of Agriculture for the regulation and promotion of commercial cultivation of industrial hemp contingent upon federal congressional authorization of hemp production.





Virginia

Energy Legislation

Alternative Energy Development

HB 444/SB 745: Retail Suppliers of Renewable Energy

Del. G. M. (Manoli) Loupassi; Sen. Frank Wagner

Requires the State Corporation Commission (SCC) to post on its website the names, telephone numbers, and available hyperlinks to websites for suppliers of electric energy that are licensed to sell retail electric energy pursuant to a specific program. The bill applies to those suppliers that expressly state in their applications for licensure, or for any renewal thereof, that they offer electric energy supplied from renewable energy to retail customers. Also, suppliers must request in any applications that they be identified on the SCC's website as making such offers. The measure also requires each investor-owned electric utility to include a notice in customer bills directing them to the SCC's website at least once each calendar quarter.

HB 1305: Solar Projects Tax Exemptions for Public Service Corporations

Del. Jackson Miller

Provides public service corporations with a sales and use tax exemption for machinery, tools, and equipment used to generate energy derived from sunlight or wind. The exemption expires on June 30, 2027.

The legislation also alters the types of projects of solar photovoltaic (electric energy) systems that qualify for the real and personal property tax exemptions on photovoltaic equipment and facilities. The full exemption is for equipment and facilities used in:

- Projects equaling 20 megawatts or less for which an initial interconnection request form is filed on or before December 31, 2018;
- Projects equaling 20 megawatts or less that serve a public institution of higher education or a private college; and
- Projects equaling 5 megawatts or less for which an initial interconnection request form is filed on or after January 1, 2019.

The exemption from local taxation applies to 80 percent of the assessed value for projects greater than 20 megawatts first in service on or after January 1, 2017, for which an initial interconnection request form was filed after January 1, 2015. The measure stipulates that the exemption from local taxation also applies to 80 percent of the assessed value for projects greater than 5 megawatts for which an initial interconnection request form is filed on or after January 1, 2019. The local exemption for solar photovoltaic projects greater than 20 megawatts will not apply to projects beginning construction after January 1, 2024.

Energy Efficiency

HB 1053/SB 395: Measurement of Energy Efficiency

Del. Terry Kilgore; Sen. Kenneth Alexander

Directs the State Corporation Commission (SCC) to evaluate the establishment of uniform protocols for measuring, verifying, validating, and reporting the impacts of energy efficiency



measures implemented by investor-owned electric utilities. The measure also directs the evaluation of the establishment of a methodology for estimating annual kilowatt savings and a formula to calculate the levelized cost of saved energy for such energy efficiency measures. The SCC must submit a report of its findings and recommendations to the Governor and the General Assembly by December 1, 2016.

Natural Gas and Petroleum

HB 23: Fuel Tax Refunds

Del. Peter Farrell

Provides refunds of fuel taxes for fuels used in highway vehicles owned by a Section 501(c)(3) entity organized with a principal purpose of providing hunger relief services or food to the needy, when the vehicle is used solely for providing such hunger relief services or food to the needy.

SB 557: Reformulated Gasoline

Sen. William DeSteph, Jr.

Directs the Department of Environmental Quality to seek an exemption from the federal reformulated gasoline program for conventional ethanol-free gasoline sold by a marina for marine use.

Reorganization and Coordination

HB 1152/SB 182: Usage of Tax Revenues

Del. Will Morefield; Sen. A. Benton Chafin, Jr.

Allows localities comprising the Virginia Coalfield Economic Development Authority (VCEDA) to use the portion of the local gas road improvement tax and the local coal road improvement tax revenues paid into the Coal and Gas Road Improvement Fund, dedicated before to the construction of new water or sewer systems and lines, for the repair or enhancement of existing water or sewer systems and lines. The city of Norton, and the counties of Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise comprise the VCEDA.

The localities comprising the VCEDA may impose a local coal road improvement tax at a rate of 0.75 percent of the gross receipts from the sale or utilization of coal from small mines and a rate of one percent of the gross receipts from the sale or utilization of all other coal. Such localities also 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. No local gas road improvement tax may be imposed on or after January 1, 2018.

SB 743: Division of Energy

Sen. Frank Wagner

Adds to the Division of Energy of the Department of Mines, Minerals and Energy the duty of serving as the state certifying authority in determining conformity with state requirements for solar energy projects and the production of coal, oil, and gas.

Utilities

HB 283/SB 136: Electric Transmission Line Construction

Del. Randall Minchew; Sen. Barbara Favola

Requires the State Corporation Commission (SCC) to hold at least one hearing in the area that

would be affected by the construction of an electrical transmission line of 138 kV or more upon the request of the governing body of any county or municipality through which the line is proposed to be built. Previously, the SCC was required to conduct a hearing in the affected area if requested by 20 or more interested parties. The measure also provides that the affected localities are given the same protections whenever the SCC deems a significantly different route desirable.

SB 478: Eminent Domain Proceedings

Sen. Mark Obenshain

Provides that costs and fees may be awarded in compensation actions initiated by public service companies, public service corporations, railroads that have been delegated the power of eminent domain, or government utility corporations where the amount that the owner is awarded at trial as compensation for the taking of or damage to the owner's real property is 30 percent or more greater than the amount of the petitioner's final written offer. The bill further provides that, for owners whose property is taken by condemnation under Title 25.1 or Title 33.2, costs and fees may be awarded where such compensation is 25 percent or more greater than the amount of the condemnor's initial written offer.

The provisions of the measure do not apply to condemnation proceedings in which the petitioner filed, prior to July 1, 2016, a petition in condemnation or a certificate of take or deposit. The provisions of Section 25.1-245 in effect prior to July 1, 2016, must govern condemnation proceedings in which a petitioner filed a petition in condemnation or certificate of take or deposit after July 1, 2005, and prior to July 1, 2016.

SB 543: Inverse Condemnation Proceedings

Sen. Mark Obenshain

Directs the court to reimburse a plaintiff for the costs of an inverse condemnation proceeding for "damaging" property if a judgment is entered for the plaintiff. Under prior law, the court was directed to award costs only for the "taking" of property. The change made in the legislation corresponds with the language of amendments to Article I, Section 11, of the Constitution of Virginia, which became effective on January 1, 2013. The provisions of the bill do not apply to declaratory judgment proceedings filed prior to July 1, 2016.

SB 748: Economic Development Programs by Utilities

Sen. Frank Wagner

Authorizes an electric or natural gas public utility to conduct an Economic Development Program. Under such a program, the utility is authorized to acquire a utility right-of-way for a qualified economic development site. The measure establishes criteria for the Virginia Economic Development Partnership Authority to certify a qualified economic development site. The State Corporation Commission (SCC) is authorized to approve a proposal for a program that satisfies certain conditions, including a finding that implementation of the program will provide significant economic development benefits that might not otherwise be attained absent its approval. A utility's capital investment is capped at \$10 million in the aggregate of all of the utility's programs and at \$5 million for any specific qualified economic development site.

The SCC may approve, or approve with appropriate modifications, a proposed program if it authorizes a natural gas utility to recover costs incurred in implementing the program through a supplemental surcharge paid only by its retail customers at the qualified economic development site that connects to natural gas line extensions installed in utility rights-of-way or other interests in real property acquired through the program. Additionally, the SCC may approve, or

approve with appropriate modifications, a proposed program if it authorizes an electric utility to recover its transmission-related costs incurred in implementing the program through a rate adjustment clause pursuant to existing provisions that address recovery of transmission expenses. The SCC cannot approve a program proposed by a natural gas utility unless it finds that the associated charges resulting from implementation of the program will not impact the rates of customers other than customers receiving service at the qualified economic development site.

A program may not have as its primary purpose the conversion of propane customers to natural gas or electricity. The measure does not authorize a natural gas utility or any firm, corporation, company, or partnership that is organized for the bona fide purpose of operating as a natural gas company to acquire utility right-of-way for or in furtherance of an interstate natural gas pipeline or related infrastructure.

The legislation does not change any existing law governing electric utility ratemaking and cost recovery, and it provides that if an electric utility files a plan, then any cost recovery must be in accordance with existing law governing electric utility ratemaking and cost recovery.





Virginia

Environmental Legislation

Coastal Zone Management

HB 136: Damaged Duck Blinds in Virginia Beach

Del. Barry Knight

Requires a person who holds a duck blind license for a stationary blind located in the City of Virginia Beach to immediately notify the Department of Game and Inland Fisheries when the blind has been abandoned or does not meet the duck blind standards. Any owner of a damaged blind who fails to place a PVC pipe marker with reflecting tape into the water six feet above mean low water at the site of the blind within seven days of discovery of the condition of the blind or within seven days of notification by the department of the marking requirement is subject to a civil penalty of up to \$100.

HB 327/SB 307: Expedited Permitting for Emergency Beach Restoration

Del. Robert Bloxom, Jr.; Sen. Lynwood Lewis, Jr.

Directs the Virginia Marine Resources Commission to develop an expedited process for issuing a permit for emergency sand restoration activities on a publicly-owned beach when the erosion is caused by a discrete, identifiable weather event that was the subject of a local or state declaration of emergency. The bill exempts the permit process from certain provisions of the Administrative Process Act.

HB 514: Fish and Shellfish as Agricultural Products

Del. Steven Landes

Clarifies that commercially-harvested wild fish and commercially-harvested wild shellfish are included within the definition of "agricultural products." The Governor's Agriculture and Forestry Industries Development Fund issues grants or loans to expand the processing of Virginia-grown agriculture and forestry products.

HB 526: Tax Exemption for Living Shoreline Projects

Del. M. Keith Hodges

Establishes that any living shoreline project approved by the Virginia Marine Resources Commission or the applicable local wetlands board and not prohibited by local ordinance must qualify for full exemption from local property taxes.

HB 813: Offshore Waters and Submerged Lands

Del. Barry Knight

Updates the description of the offshore waters over which the Commonwealth of Virginia has jurisdiction. In place of a reference to certain seas claimed in the Virginia Constitution of 1776, the bill provides for jurisdiction over offshore waters for a distance of three geographical miles as determined by metes and bounds surveys. The measure also directs the Secretary of Natural Resources to conduct surveys of the three-mile boundary and to request that the Attorney General file the surveys in the United States Supreme Court.



HB 903: Recurring Flooding Resiliency

Del. Christopher Stolle

Designates the Commonwealth Center for Recurrent Flooding Resiliency jointly at Old Dominion University, the Virginia Institute of Marine Science, and The College of William and Mary to perform the following:

- (a) Serve, advise, and support the Commonwealth of Virginia by conducting interdisciplinary studies and investigations; and
- (b) Provide training, technical and nontechnical services, and outreach in the area of recurrent flooding and resilience research to the Commonwealth of Virginia and its political subdivisions.

HJ 31: Chesapeake Bay Awareness Week

Del. L. Scott Lingamfelter

Designates the second week in June, in 2016 and in each succeeding year, as Chesapeake Bay Awareness Week in Virginia.

HJ 84/SJ 58: Joint Subcommittee to Address Recurrent Flooding

Del. Christopher Stolle; Sen. Mamie Locke

Continues the study of recurrent flooding for two additional years and renames the joint subcommittee as the Joint Subcommittee on Coastal Flooding to more accurately reflect its mission.

SB 282: Virginia Shoreline Resiliency Fund

Sen. Lynwood Lewis, Jr.

Establishes the Virginia Shoreline Resiliency Fund for the purpose of creating a low-interest loan program to help residents and businesses that are subject to recurrent flooding. Monies from the fund may be used to mitigate future flood damage.

SB 283: Crab Pots

Sen. Lynwood Lewis, Jr.

Directs the Virginia Marine Resources Commission to charge recreational gear license fees of \$36 for crab pots with turtle excluder devices and \$46 for crab pots without such devices.

SB 284: Oyster Harvesting

Sen. Lynwood Lewis, Jr.

Limits to public oyster grounds or unleased bottom open for harvest during the legally prescribed oyster season the taking of one bushel of oysters in any one day for personal use for purposes of the current exemptions from licensing requirements and for the taking of oysters on Sunday during daylight hours.

SB 529: Menhaden Quotas

Sen. Richard Stuart

Increases the total allowable landings for Atlantic menhaden, a North American species of fish in the herring family, from 144,272.84 metric tons per year to 158,700.12 metric tons per year. The bill also repeals the sunset provision that would have removed the Virginia Marine Resources Commission's authority to establish the annual harvest cap for the purse seine fishery for Atlantic menhaden.

SB 625: Transfers to the Port Opportunity Fund

Sen. Kenneth Alexander

Provides that when the Virginia Port Authority's (VPA) revenues exceed their costs by at least 5

percent, the VPA will transfer to the Port Opportunity Fund up to 5 percent of the revenues, not to exceed \$2 million, unless the Secretary of Transportation determines that the transfer is not in the long-term interest of the VPA. The legislation also requires that the secretary evaluate whether the forecasted revenue and planned needs of the VPA support deposits of funding into and the continuation of the Port Opportunity Fund and the continuation of the Port of Virginia Economic and Infrastructure Development Grant Fund and Program. The secretary is required to report on the evaluation and any corresponding recommendations by November 15, 2016.

SB 643: Attempts at Federal Jurisdiction over Fishing or Shellfish Harvesting

Sen. Lynwood Lewis, Jr.

Directs the Virginia Marine Resources Commission to monitor any effort by the U.S. Department of the Interior to expand federal jurisdiction regarding fishing or shellfish harvesting in the waters adjoining the Assateague Island National Seashore and to seek to preserve the right and ability of Virginia watermen to use such waters.

Emergency Management and Homeland Security

SB 163: Local Regulation of Driving in Flooded Areas

Sen. Mamie Locke

Allows localities to, by ordinance, prohibit any person from operating a motor vehicle or watercraft on a flooded street in such a manner as to increase the floodwaters to a level that causes or could reasonably be expected to cause damage to any real or personal property. The measure creates a Class 4 misdemeanor for a violation of the ordinance and requires a locality to post signs warning of the prohibition and penalties. This prohibition does not apply to law-enforcement officers, firefighters, emergency medical services personnel, or operators of Department of Transportation or utility vehicles in the performance of their official duties.

Environmental Health Services

HB 340: Regulations for Private Animal Shelters

Del. Robert Orrock, Sr.

Requires the Board of Agriculture and Consumer Services to adopt regulations that determine whether a private animal shelter meets the purpose of finding permanent adoptive homes for animals.

HB 412: Regulation of Unmanned Aircraft Systems

Del. Terry Kilgore

Provides that no locality may regulate the use of privately-owned, unmanned aircraft systems within its boundaries. The provisions of the bill expire on July 1, 2019.

HB 476: Submission of Animal Intake Policy

Del. Matthew Fariss

Requires animal control officers, law enforcement officers, humane investigators, animal shelters, humane societies, and releasing agencies to submit a copy of their animal intake policy to the State Veterinarian.

HB 735: Virginia Residential Landlord and Tenant Act

Del. Jackson Miller

Stipulates in the Virginia Residential Landlord and Tenant Act (VRLTA) that unless a tenant is at fault in cases of mold needing remediation, the landlord is obliged to pay all costs associated with the tenant's temporary relocation as well as the costs of mold remediation.

Also, the measure requires a tenant to maintain carbon monoxide detectors to the standards established in the Uniform Statewide Building Code.

HB 1211/SB 651: Animal Control Officers

Del. James A. (Jay) Leftwich, Jr.; Sen. John Cosgrove, Jr.

Requires animal control officers hired on or after July 1, 2017, to complete a basic animal control course within one year after the date of hire or within two years of the date of hire if the officer is attending a law-enforcement academy. Previously, the law required completion of the training course within two years after the date of hire.

HB 1264: Virginia Residential Property Disclosure Act

Del. Roxann Robinson

Provides that, in delivering the residential property disclosure statement to a prospective purchaser of residential property under the Virginia Residential Property Disclosure Act, the owner makes no representations with respect to the following:

- (a) Any covenants and restrictions that may be recorded in land records that affect the real property or any improvements located on the property;
- (b) Zoning classification or permitted uses of adjacent parcels; or
- (c) The costs associated with maintaining, repairing, or inspecting any wastewater system, including any costs or requirements related to the pump-out of septic tanks.

The bill also replaces a reference to "certified home inspection" with "home inspection," relating to a prospective purchaser's exercise of due diligence. The law requires the Housing Commission to study the provisions of the Virginia Residential Property Disclosure Act to determine whether the required disclosures contained in the act may be consolidated or otherwise addressed in a more comprehensive way. The Housing Commission must report its findings and any recommendations for legislation to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology by November 1, 2016.

HJ 160: Animal Licensing

Del. Robert Orrock, Sr.

Requests the Virginia Department of Health to study Virginia's procedures for licensing dogs and cats.

HB 1231: Securing and Transferring Ownership of Dogs

Del. Christopher Collins

Allows the district court to order that any dog that has been found to have injured or killed poultry be microchipped and either confined securely or transferred to another owner whom the court deems appropriate. Prior law required the court to order that such a dog be killed immediately or removed to another state.

SB 9: Forcible Entry to Remove Unattended Companion Animals

Sen. Kenneth Alexander

Provides that first responders who forcibly enter a motor vehicle to remove an unattended companion animal that is at risk of serious bodily injury or death are immune from liability for property damage to the vehicle or injury to the animal resulting from the forcible entry and removal of the animal.



SB 268: Violations of Agriculture Laws

Sen. A. Benton Chafin, Jr.

Authorizes the Board of Agriculture and Consumer Services to assess civil penalties not to exceed \$1,000 per violation in lieu of criminal penalties for violations of the laws controlling livestock and poultry diseases and shooting enclosures, with the exception of violations of regulations to prevent and control avian influenza in the live-bird marketing system, which remain subject to both criminal and existing civil penalties. The legislation designates monies generated from any such civil penalties to be deposited into the Livestock and Poultry Disease Fund created by the bill. Monies in the fund are to be disbursed to control the spread of infectious diseases among animals.

SB 348: Virginia Pesticide Control Act

Sen. R. Creigh Deeds

Clarifies the process by which the Board of Agriculture and Consumer Services assesses a penalty for a violation of the Virginia Pesticide Control Act (VPCA), aligning the provisions of the VPCA with those of the Administrative Process Act (APA). The measure provides that a notice of an alleged violation does not constitute a case decision under the APA and gives the recipient of such notice 30 days to provide additional relevant facts. The bill preserves the recipient's rights to an informal fact-finding conference, an appeal of a final order, and other aspects of due process.

Inland Water Resource Management and Conservation

HB 115: Zebra Mussels

Del. Kaye Kory

Requires the Director of the Department of Game and Inland Fisheries to establish a program of education for boaters and other members of the public in methods of preventing zebra mussels or other nonindigenous aquatic nuisance species from infesting Virginia waters. The law requires the program to include cleaning and draining guidelines, designated dry times, and public outreach. The statute allows the Board of Game and Inland Fisheries to deliver the education program through the mandatory boating safety education program by posting on the department's website or by other means.

HB 208: Tributary Plans

Del. David Bulova

Repeals provisions that prescribe the content of tributary plans as part of the tributary strategies. Watershed Implementation Plans have replaced tributary strategies.

SB 349: Free Fishing Days

Sen. R. Creigh Deeds

Removes the prohibition against fishing without a license in any inland waters of Virginia that are stocked with trout by the Department of Game and Inland Fisheries or other public body on days designated by the department as free fishing days.

Land Management and Conservation

HB 114: Warning Notice at Agritourism Locations

Del. Barry Knight

Provides the operators of agritourism locations with the option of using the terms "WARNING" or "ATTENTION" on signage or contracts that indicate the operator's immunity from liability in

the case of injury or death while at the facility. If such notice is not provided, the operator cannot invoke the immunity privilege provided for agritourism locations.

HB 137: Killing of Feral Hogs

Del. Barry Knight

Allows employees of the Department of Game and Inland Fisheries and federal agencies having responsibility for fisheries and wildlife management to hunt or kill, from aircraft and with the permission of the landowner, feral hogs in False Cape State Park and Back Bay National Wildlife Refuge, except during waterfowl season.

HB 262: Allowing the Sale of Wildlife Products

Del. L. Scott Lingamfelter

Authorizes the Board of Game and Inland Fisheries to adopt regulations that allow a licensed hunter or trapper to manufacture and sell products made from wildlife that he or she has legally harvested, except when the manufacturing or sale of such products is detrimental to public health or sound wildlife management. The bill also allows the use or transportation of turkey feathers and toes taken from legally harvested turkey carcasses for the purpose of making tools or utensils or selling such tools or utensils. The provisions of this act expire on July 1, 2017.

HB 268/SB 414: Land Bank Entity Act

Del. Daniel Marshall, III; Sen. George Barker

Authorizes the establishment of a land bank entity by any locality or two or more localities combined to assist in addressing vacant, abandoned, and tax-delinquent real properties. Under the law, the locality has the option of:

- (a) Creating an authority or a nonprofit, nonstock corporation; or
- (b) Designating an existing nonprofit entity that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and eligible to receive donations from a locality pursuant to Section 15.2-953 to carry out the functions of the land entity.

The legislation provides that land bank entities may acquire real property within participating localities or receive transfers and conveyances from the participating localities. Land bank entities are authorized to receive funding through grants and loans from participating localities, the Commonwealth of Virginia, the federal government, and other public and private sources. In addition, the measure authorizes a locality to deem paid in full all accumulated taxes, penalties, interest, and other costs on any tax-delinquent property in exchange for conveyance of the property by the owner to a land bank entity. The bill also authorizes a participating locality to remit to the land bank entity up to 50 percent of the real property taxes collected on real property conveyed by a land bank entity for up to 10 years after the conveyance.

HB 317: Hunter Education Incentives

Del. L. Scott Lingamfelter

Allows the Board of Game and Inland Fisheries to provide incentives for completing a safety course to those hunters who have not been required to successfully complete a course in order to hunt wildlife.

HB 335/SB 352: State Emblems

Del. Brenda Pogge; Sen. R. Creigh Deeds

Establishes the Eastern Garter Snake (*Thamnophis sirtalis sirtalis*) as the official snake of the Commonwealth of Virginia. The legislation also adds to Section 1-510 of the Code of Virginia, which consolidates official state emblems and designations, two designations of the Northern



Cardinal as the state bird (adopted as HJ 9 in 1950) and the American Dogwood as the state tree (adopted as HJ6 in 1956) that were inadvertently omitted from prior statutory updates.

SB 344: Rallidae Hunting on Sundays

Sen. Lynwood Lewis, Jr.

Exempts any person who hunts Rallidae, the family of birds that includes rails and other wetland birds, from the prohibition on hunting on Sunday. The exemption does not apply to geographical limitations established by the Director of the Department of Game and Inland Fisheries and locations within 200 yards of a place of worship or any accessory structure thereof. The legislation allows, under statute in certain circumstances, people who hunt raccoons or waterfowl or hunt on private property to do so on Sundays.

HB 367: Non-Conforming Land Use

Del. Glenn Davis, Jr.

Stipulates that the locality must permit the holder of the business license to apply for a rezoning or a special use permit without charge by the locality or any agency affiliated with the locality for fees associated with the filing if a land use does not conform to the zoning prescribed for the district in which such use is situated, and if:

- (a) A business license was issued by the locality for such use; and
- (b) The holder of the business license has operated continuously for at least 15 years and has paid all local taxes related to such use.

HB 467: Standing to Seek Injunctive Relief

Del. Christopher Head

Provides that no action must be initiated or maintained to enjoin the continued use and operation of a previously existing manufacturing company solely on the basis of a claimant's use of a public park, recreational facility, playground, or public greenway. The bill does not limit actions brought by the Commonwealth of Virginia, a locality, or another entity designated by the locality to have authority over the operation of a public park, recreational facility, or playground.

HB 647/SB 361: Tree Conservation Ordinance

Del. Richard (Rip) Sullivan, Jr.; Sen. Barbara Favola

Provides that a tree conservation ordinance may allow a locality to post on private property proposed to be redeveloped with one single-family home signs notifying the public that an infill lot grading plan is pending for review before the locality. The locality may not require the applicant to be responsible for the posting, and the failure to post the property must not be a ground for denial of the grading plan.

HB 699/SB 691: Industrial Hemp

Del. Brenda Pogge; Sen. A. Benton Chafin, Jr.

Clarifies that it is lawful for a person with a license to manufacture industrial hemp products or engage in scientific, agricultural, or other research involving the applications of industrial hemp and that no person may be prosecuted for the possession, cultivation, or manufacture of industrial hemp plant material or products. Previous law authorized the Board of Agriculture and Consumer Services to adopt regulations necessary to license persons to grow industrial hemp or administer a research program. Under this bill, the Commissioner of Agriculture and Consumer Services is required to establish a licensure program, with a maximum license fee of \$250.



HB 734: Noxious Weeds

Del. Patrick Hope

Establishes an advisory committee to evaluate the risks of a plant or part thereof that is being considered for designation as a noxious weed. The bill requires the advisory committee to assess the following:

- (a) The plant's impact on water bodies, other plants, livestock, land, public health, the environment, and the economy; and
- (b) Current and potential in-state commercial viability.

The bill exempts from the definition of noxious weed any plant whose in-state production is commercially viable.

HB 741/SB 453: Home Inspectors

Del. Jackson Miller; Sen. William Stanley, Jr.

Provides that beginning on July 1, 2017, home inspectors must be licensed by the Virginia Board for Asbestos, Lead, and Home Inspectors. The legislation requires the board to promulgate regulations to implement the provisions of the bill effective no later than July 1, 2017, and exempts the board's initial adoption of such regulations from the Administrative Process Act (Section 2.2-4000 et seq.), with the exception that the board must provide an opportunity for public comment prior to adoption.

HB 746: Zoning Under the Virginia Residential Property Disclosure Act

Del. John Bell

Clarifies required language on the Real Estate Board's website related to providing notice to the purchaser of residential property. By delivering the residential property disclosure statement, the owner makes no representations with respect to any matters pertaining to parcels adjacent to the subject parcel., including zoning classification or permitted uses of adjacent parcels. Also, purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels 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 1066: Confederate Gravesite Maintenance

Del. S. Chris Jones

Authorizes the disbursement of funds for the maintenance of 197 Confederate gravesites in Cedar Hill Cemetery in Suffolk.

HB 1142: Slingshot Hunting

Del. C. Matthew Fariss

Allows the hunting of wild birds and wild animals, except deer, bear, elk, and turkey, with a slingshot unless shooting is expressly prohibited.

HB 1290/SB 687: Timber Cutting

Del. Gregory Habeeb; Sen. J. Chapman Petersen

Clarifies that any person found liable for the unauthorized removal of, or the direction of unauthorized removal of, timber from another person's land must also pay reasonable attorney fees incurred by the owner of the timber to such owner. The bill is in response to the decision in *Chacey v. Garvey*, 2015 Va. LEXIS 185.



HB 1311: Snake Exclusion Devices

Del. James Edmunds, II

Authorizes the Department of Game and Inland Fisheries to allow the use of snake exclusion devices by public utilities at their transmission or distribution facilities.

HB 1329: Trespassing by Hunters Using Dogs

Del. C. Matthew Fariss

Punishes as a Class 3 misdemeanor the intentional release by a person of hunting dogs on the lands of another to hunt without the consent of the landowner. The law punishes a second or subsequent offense committed within three years as a Class 1 misdemeanor and provides for the revocation of the person's hunting license for a period of one year upon conviction.

SB 37: Black Vulture and Other Wildlife Control

Sen. Charles Carrico, Sr.

Authorizes the Commissioner of Game and Inland Fisheries to enter into agreements with local and state agencies or other persons for the control of black vultures and other wildlife that pose a danger to agricultural animals. Previous law allowed such agreements for the control of coyotes.

SB 152: Fur or Furbearer Products

Sen. Bryce Reeves

Authorizes the Board of Game and Inland Fisheries to adopt regulations allowing the sale of furs or furbearer products. The legislation authorizes the board to adopt regulations providing exemptions to the requirement that a dealer in furs obtain a permit. Previous law limited such exemptions to hunters, trappers, fur farmers, and American Indians. The measure also authorizes the board to allow the possession, manufacture, or sale of the parts of, or implements made from the parts of, wild birds or animals. Formerly, the law provided only for the manufacture or sale of implements from deer skeletal parts or turkey callers from turkey parts, as well as the possession of shed antlers.

SB 252: Century Forest Program

Sen. Frank Ruff, Jr.

Directs the State Forester to establish a program to honor families whose property has been in the same family for 100 years or more, includes at least 20 contiguous acres of managed forest, and meets certain other requirements. The bill also removes the option for the Commissioner of Agriculture and Consumer Services to recognize under the century farm program a farm that does not gross more than \$2,500 annually but is being used for a bona fide silvicultural purpose.

SB 356: Pollinator Protection Strategy

Sen. R. Creigh Deeds

Directs the Department of Agriculture and Consumer Services to develop and maintain a pollinator protection strategy to promote the health of and mitigate the risks to pollinator species and ensure a robust apiary industry. The strategy must include a protection plan for managed pollinators that provides voluntary best management practices and supports efforts to reduce risks from pesticides, increase habitat, and take other steps to protect pollinators. The department is directed to provide an interim report on the strategy by July 1, 2017, and to complete the strategy by July 1, 2018.



SB 367: Coyote Hunting

Sen. Ryan McDougle

Adds the hunting of coyotes with a rifle of a caliber larger than .22 rimfire to the list of firearm-hunting topics about which a county or city is authorized to adopt ordinances. Statute allows the governing body of a county or city to adopt ordinances prohibiting hunting with certain types of shotguns, permitting groundhog hunting under certain conditions, permitting hunting with muzzleloaders, and specifying permissible ammunition types.

SB 434: Protecting Pollinators License Plates

Sen. George Barker

Changes the special license plates for supporters of pollinator conservation bearing the legend “Protect Pollinators” from nonrevenue sharing to revenue sharing and provides for the monies to be allocated to the state Department of Transportation to aid in the Pollinator Habitat Program.

Reorganization and Coordination

HB 470: Powers of the Middle Peninsula Chesapeake Bay Public Access Authority

Del. M. Keith Hodges

Grants the Middle Peninsula Chesapeake Bay Public Access Authority the power to request and accept legal advice and assistance from the Office of the Attorney General.

HB 472: Service Agencies and Technicians

Del. Roslyn Tyler

Requires that a weights and measures service agency include in its applications for registration or renewal proof of a uniquely identifiable security seal. The bill provides that an application for renewal of a service technician certification does not have to require a valid proof of completion of a course of training related to weights and measures unless the course is offered by the Commissioner of Agriculture in an electronic format that is available to the applicant online.

HB 535: Limited Liability for Beekeepers

Del. Richard Bell

Provides that a beekeeper must not be liable for any personal injury or property damage that occurs in connection with keeping and maintaining bees, bee equipment, queen breeding equipment, apiaries, or appliances if he or she follows the best management practices established in the regulations adopted by the Board of Agriculture and Consumer Services. The immunity does not extend to intentional tortious conduct or acts of omissions that constitute gross negligence or negligence. The board is directed to adopt initial regulations to be effective no later than November 1, 2016.

HB 1127: Southeastern Interstate Forest Fire Protection Compact

Del. Gregory Habeeb

Codifies the text of the Southeastern Interstate Forest Fire Protection Compact (SIFFFPC) and the Middle Atlantic Interstate Forest Fire Protection Compact, originally incorporated into the Code of Virginia by reference in 1956 and 1966, respectively. In the section that codifies the SIFFFPC, the names of state entities are updated. The bill also repeals an obsolete section of the 1956 act that originally provided for the appointment of members to a compact advisory committee that no longer exists.



SB 652: State and Local Government Conflict of Interest Act

Sen. Lynwood Lewis, Jr.

Provides an exception to the prohibition against officers and employees having contracts with their employing agencies for contracts by an officer or employee of a soil and water conservation district to participate in the Virginia Agricultural Best Management Practices Cost-Share Program. The exception does not apply to subcontracts or other agreements entered into to provide services for implementation of a cost-share contract established under the program. The exception applies to contracts entered into prior to July 1, 2016.

Water Quality and Pollution Control

HB 438/SB 292: Sediment Reduction Credits

Del. David Bulova; Sen. Emmett Hanger, Jr.

Authorizes the Municipal Separate Storm Sewer System (MS4) permittees to acquire and use sediment reduction credits as part of a compliance strategy for implementing the Chesapeake Bay Total Maximum Daily Load. The bill adds a third pollutant, sediment, for MS4s that already have similar authority for nitrogen and phosphorus. The sediment credits cannot be used if they are associated with phosphorus credits used in stormwater nonpoint nutrient runoff water quality criteria.

HB 440: Impaired Waters Clean-Up Plan

Del. L. Scott Lingamfelter

Reduces from semiannual to annual the requirement in the Chesapeake Bay and Virginia Waters Clean-Up and Oversight Act that the Secretary of Natural Resources submit a progress report on the implementation of the impaired waters clean-up plan to several legislative oversight committees.

HB 448/SB 314: Nutrient Offset Credits

Del. M. Kirkland Cox; Sen. Rosalyn Dance

Allows a new or expanding facility registered under the Watershed General Permit to acquire nutrient offset credits, for land located in the same tributary as the facility, on which best management practices have been implemented that would achieve reductions greater than those previously required by federal or state law or the Chesapeake Bay Total Maximum Daily Load Watershed Implementation Plan. The measure also permits the acquisition of credits or the allocation of credits under the general permit for a period longer than the previous five-year restriction, subject to the approval of the State Water Control Board.

HB 611: Water and Sewer Utilities

Del. Robert Bell; Sen. Thomas Garrett, Jr.

Makes water and sewer companies subject to the rules of the State Corporation Commission (SCC) regarding meetings and communications between SCC commissioners and any party, or between commissioners and staff, concerning any fact or issue arising out of a proceeding involving the regulation of rates, charges, services, or facilities of a utility. The bill requires a public utility to send notice of a proposed rate increase electronically to customers who receive bills electronically. Water or sewer utilities are required to publish notices of rate changes, tolls, charges, rules, and regulations at least once in one or more newspapers in circulation in its franchise area. The measure bars the SCC from dispensing with notice requirements applicable to water and sewer companies.

HB 919: Service Shutoff for Unpaid Bills

Del. T. Montgomery (Monty) Mason

Shortens from two months to 30 days the period after which a locality providing water or sewer service may shut off service for unpaid charges.

HB 1250/SB 673: Virginia Erosion and Stormwater Management Act

Del. Tony Wilt; Sen. Emmett Hanger, Jr.

Combines existing statutory programs relating to soil erosion and stormwater management, directing the State Water Control Board to permit, regulate, and control both erosion and stormwater runoff.

The bill requires any locality that operates a municipal separate storm sewer system (MS4) or a Virginia Stormwater Management Program (VSMP) to adopt a Virginia Erosion and Stormwater Management Program (VESMP) that regulates any land disturbing activity that impacts an area of 10,000 square feet or more, or 2,500 square feet or more if in a Chesapeake Bay Preservation Area. A locality that lacks an MS4 and for which the Department of Environmental Quality (DEQ) is currently administering a VSMP is required to:

- (a) Adopt such a VESMP;
- (b) Adopt such a VESMP with DEQ conducting plan review and making recommendations on the compliance of each plan with technical criteria; or
- (c) Continue to operate a separate Virginia Erosion and Sediment Control Program (VESCP) that regulates any disturbance of 10,000 square feet or more and, in a preservation area, regulates a disturbance of 2,500 square feet or more and meets certain other requirements.

Any eligible locality that chooses the third option is to have a VSMP administered on its behalf by the board for any land-disturbing activity that impacts one acre or more of land, including an activity that disturbs a smaller area but is part of a larger development that results in a disturbance of one acre or more. Towns are afforded additional options in relation to their counties.

The legislation directs certain charges or penalties to the Stormwater Local Assistance Fund, which provides matching grants to local governments for stormwater best management practices. Finally, the bill directs DEQ to evaluate fees related to the consolidated Virginia Erosion and Stormwater Management Program and directs the board to adopt regulations to carry out the purposes of the bill, delaying the effective date of the bill until the later of July 1, 2017, or 30 days after the adoption of such regulations.

HJ 88: Drinking Water and Wastewater Professionals Appreciation Day

Del. Richard Anderson

Designates June 30, in 2016 and in each succeeding year, as Drinking Water and Wastewater Professionals Appreciation Day in Virginia.

HJ 120: Biosolids and Industrial Residuals

Del. R. Steven Landes

Directs the Joint Legislative Audit and Review Commission to analyze scientific literature on the health effects of biosolids (treated sewage sludge) and industrial residuals (wastes resulting from industrial processes), evaluate the feasibility of requiring municipal utilities that are currently permitted to generate "Class B" material to upgrade their facilities to generate "Class A" material, and undertake other analyses. The resolution enables a two-year study.



SB 407: Onsite Sewage and Alternative Discharge Systems

Sen. Jennifer Wexton

Provides that any locality that has a record of the location of conventional onsite sewage systems and alternative discharging systems and that meets certain other criteria may adopt an ordinance establishing a uniform schedule of civil penalties for violations of specified provisions for the operation and maintenance of the systems. Prior to the legislation, the provisions applied only to alternative onsite sewage systems. The measure also provides that no criminal action must proceed if the violation is abated or remedied through civil enforcement.

SB 443: Land Conversion Projects

Sen. Emmett Hanger, Jr.

Directs the State Water Control Board to establish a timeline for consideration of applications for land conversion projects. The Department of Environmental Quality will be required to deny, approve, or approve with conditions an application within 15 days of determining that the application is complete. The bill also directs the Board to certify non-point nutrient credits that are located in tributaries outside the Chesapeake Bay Watershed.

SB 468: Public-Private Stormwater Management Programs

Sen. Frank Wagner

Authorizes the creation of public-private stormwater management programs and adds contracting for the construction and operation of stormwater management facilities to the list of activities for which a local stormwater utility is authorized to recover charges.

SB 542: Delinquent Sewer Charges

Sen. Mark Obenshain

Allows a locality that provides water or sewer service to a property owner, rather than to a tenant, to place a lien on the property receiving the service in the amount of the number of months of delinquent charges. Previous law allowed the placement of liens in the amount of up to three months of delinquent water and sewer charges.

SB 598: Compliance through the Virginia Stormwater Management Program

Sen. William DeSteph, Jr.

Clarifies that certain flow rate capacity and velocity requirements for plans approved on and after July 1, 2014, must be satisfied by compliance with the Virginia Stormwater Management Program (VSMP) regulations where the land-disturbing activity is conducted in accordance with extended permit coverage regulations.



West Virginia

Energy Legislation

Coal and Minerals

HB 4726: Mine Safety

Del. Randy Smith

Eliminates the Department of Environmental Protection's Office of Explosives and Blasting and consolidates the remaining duties and responsibilities related to blasting to the Department of Environmental Protection's Division of Mining and Reclamation.

The legislation relaxes the requirements for mine operators to provide private mine rescue teams, by allowing operators to rely on a state-funded team as backup. The bill also lessens the requirement for periodic safety examinations of hoisting devices used to transport miners up and down mine shafts. Appeals for safety violations may be reviewed by the circuit court of the county in the county of the affected mine.

Also, the measure reduces the fines for not immediately reporting major mining incidents, such as fires and explosions, to state officials.

HB 4734: Mine Subsidence Insurance

Del. John McCuskey

Increases the maximum amount of total insured value reinsured by the Board of Risk and Insurance Management for mine subsidence insurance. The bill removes the threshold provision for loss coverage.

SB 351: Severance Tax Proceeds for Debt Service

Sen. Jeffrey Kessler

Specifies the reduction of the amount of severance tax proceeds dedicated to the West Virginia Infrastructure General Obligation Debt Service Fund.

SB 426: Office of Coalfield Community Development

Senate President Bill Cole

Continues the Office of Coalfield Community Development within the Department of Commerce and provides the Secretary of the Department of Commerce with greater oversight authority.

SB 474: Construction and Reclamation Contracts

Sen. Greg Boso

Exempts the Department of Environmental Protection construction and reclamation contracts from the review and approval requirements of the Division of Purchasing.

Emergency Management and Homeland Security

HB 4323: Reporting Requirements for Gas Industry

Del. Daryl Cowles

Requires pipeline operators and well operators to report an accident or emergency at their facility to the West Virginia Department of Homeland Security and Emergency Management within 15 minutes or face a fine of up to \$50,000. The bill specifies reporting requirements and the obligations of local emergency telephone operators and provides for penalties and appeals.



SB 567: Property Crimes

Sen. Greg Boso

Provides protection against property crimes committed against coal mines, railroads, utilities, and other industrial facilities.

Natural Gas and Petroleum

SB 505: Field Gas Tax Exemption

Sen. Mike Hall

Exempts field gas from the West Virginia Sales and Use Tax on sales of gasoline and special fuels. Under past provisions, nearly all tax revenue from this tax came from the sale of gasoline, gasohol, diesel, kerosene, and natural gas-based propane.

SB 545: Asbestos Abatement on Pipes

Sen. Greg Boso

Exempts the removal, repair, and maintenance of intact oil and gas pipeline asphaltic wrap, which contains asbestos fibers encapsulated or coated by bituminous or resinous compounds, from asbestos abatement requirements. The bill also provides specific requirements for the exemption to apply.

SB 582: Fuel Tax Exemption for Diesel Locomotives

Sen. Robert Plymale

Provides a refundable exemption from the state motor fuel excise tax on all gallons of motor fuel sold for use or consumed in railroad diesel locomotives. The legislation stipulates that the refundable exemption may not exceed an aggregate amount of \$4.3 million in any year to all taxpayers claiming the exemption. If more than an aggregate amount of \$4.3 million is appropriately claimed in any year, then the refundable exemption must be distributed proportionately to the taxpayers so that the total aggregate refund is \$4.3 million in that year. The Tax Commissioner may propose rules for legislative approval that are considered necessary to administer the exemption.

SB 592: New Public Service Commission Pipeline Safety Fund

Sen. Mike Hall

Amends the method of calculating the amount of special license fees paid by pipeline companies to the Public Service Commission (PSC). Under the law, every pipeline company must pay an additional special license fee. The amount of the fees will be fixed by the PSC and levied annually on each pipeline company at a rate of \$18.60 per mile of three-inch equivalent pipeline included in a company's pipeline facilities. The calculation of a company's number of miles of three-inch equivalent pipeline for the purposes of assessing fees must be determined on the basis of the pipeline company's reports submitted to the commission in a prescribed form. All fees assessed will be paid on or before July 1 of each year.

The money collected will be paid into the State Treasury and kept as a special fund, designated the PSC's Pipeline Safety Fund, to be appropriated as provided by law for the purpose of paying the salaries, compensation, costs, and expenses of its employees to the extent of the employees' direct involvement in the enforcement of pipeline safety. Any balance in the fund at the end of any fiscal year must remain in the fund and will not revert to the Treasury. All funds that were in the PSC's prior Gas Pipeline Safety Fund must be transferred to the new PSC Pipeline Safety Fund.

SB 625: Aboveground Storage Tank Act Revisions

Sen. Charles Trump, IV

Clarifies that the public disclosure of certain information regarding potential sources of

significant contamination within a zone of critical concern is permitted to the extent it is in the public domain through a federal or state agency.

The legislation requires each existing public water utility that draws and treats water from a surface water supply source or a surface water-influenced groundwater supply source to submit to the Commissioner of Environmental Protection an updated or completed source water protection plan for each of its public water system plants with such intakes to protect its public water supplies from contamination. Every effort must be made to inform and engage the public, local governments, local emergency planners, local health departments, and affected residents at all levels of the development of the protection plan.

The commissioner must review submitted plans and provide a copy to the Secretary of the Department of Environmental Protection. Within 180 days of receiving a plan for approval, the commissioner may approve, reject, or modify the plan as may be necessary and reasonable. The commissioner must consult with the local public health officer and conduct at least one public hearing when reviewing the plan. Failure by a public water system to comply with an approved plan is a violation of the provisions of the bill.

Utilities

HB 4218: One-Call System Act Update

Del. Tim Miley

Expands the definition of “underground facility” in the One-Call System Act to include underground pipelines for gas, oil, or any hazardous substances that are four inches in diameter or greater and are not otherwise subject to one-call reporting requirements under federal or state law. Under the legislation, "underground facility" does not include underground or surface coal mine operations.

HB 4435: Electric Utility Coal-Fired Boiler Modernization and Improvement Projects

Del. Randy Smith

Authorizes the Public Service Commission to approve the expedited cost recovery of electric utility coal-fired boiler modernization and improvement projects deemed just and reasonable and in the public interest.

The bill specifically notes that West Virginia's abundant coal reserves "have created, and will continue to create, many benefits to the state and its citizens." The bill cautions that the state is experiencing a significant downturn in the coal industry as a result of increasing environmental regulation and increased competition from natural gas and oil.

SB 578: Crimes Against Utility Workers

Sen. Greg Boso

Offers protection of utility workers and law enforcement officers from crimes against the person. The measure adds law enforcement officers and utility workers among the list of professionals that the malicious assault, unlawful assault, battery, or assault of which carries increased criminal penalties. The bill clarifies the criminal offenses of both assault and battery to require that the perpetrator has knowledge that the victim was acting in his or her official capacity.



West Virginia

Environmental Legislation

Air Quality and Pollution Control

SB 691: Submission of State Air Plans

Sen. Greg Boso

Requires the Department of Environmental Protection (DEP) to submit a report to the legislature regarding the feasibility of the state's compliance with any U.S. Environmental Protection Agency (EPA) air quality directive. If the DEP determines that the creation of a state plan is feasible, it will be required to develop and submit the proposed state plan to the West Virginia Legislature before submitting it to the EPA. It also will be required to publish the report publicly.

The Legislature may act in several ways, including presentment to the Governor, to:

- (a) Authorize the DEP to submit the proposed state plan to the EPA;
- (b) Authorize the DEP to submit the state plan with amendment; or
- (c) Not grant such rulemaking or other authority to the DEP for submission and implementation of the state plan.

The measure includes specific criteria that the DEP must take into consideration when completing its report and submitting a state plan, which are:

- (a) Consumer impacts, including any disproportionate impacts of energy price increases on lower income populations;
- (b) Non-air quality health and environmental impacts;
- (c) Projected energy requirements;
- (d) Market-based considerations in achieving performance standards;
- (e) The costs of achieving emission reductions due to factors such as plant age, location, or basic process design;
- (f) Physical difficulties with or any apparent inability to feasibly implement certain emission reduction measures;
- (g) The absolute cost of applying the performance standard to the unit;
- (h) The expected remaining useful life of the unit;
- (i) The impacts of closing the unit, including economic consequences such as expected job losses at the unit and throughout the state in fossil fuel production areas, such as areas of coal production and natural gas production, and the associated losses to the economy of those areas and the state, if the unit is unable to comply with the performance standard;
- (j) Impacts on the reliability of the electric system; and
- (k) Any other factors specific to the power-generating unit that make application of a modified or less stringent standard or a longer compliance schedule more reasonable.



Environmental Health Services

HB 2449/ SB 387: Raw Milk

Del. Kelli Sobonya; Sen. Robert Karnes

Permits co-owners of cows to receive raw milk from cows. The bill authorizes rule making by the Department of Agriculture for raw milk.

HB 4174: Indoor Shooting Ranges

Del. Brian Kurcaba

Exempts activity at indoor shooting ranges from the prohibition of shooting or discharging a firearm within 500 feet of any church or dwelling house.

HB 4201: Animal Fighting Penalties

Del. John Overington

Increases fines for participating in or attending an animal fight and enacts felony-level penalties for repeat offenders. The bill also prohibits gambling on an animal fight, bringing a minor to a fight, and possessing or training an animal for fighting.

SB 361: Daylight Savings Time

Sen. Ed Gaunch

Provides that daylight savings time must be the statewide official time, commencing at two o'clock antemeridian on the second Sunday of March and terminating at two o'clock antemeridian on the first Sunday of November. Daylight savings time applies to all public schools, institutions of higher learning, agencies, departments, and political subdivisions of the state. The legislation brings the state code into conformity with federal law.

Inland Water Resource Management and Conservation

HB 4330: Unlawful Transfers of Water Dwelling Species

Del. Scott Cadle

Makes it unlawful to take, give, or receive or agree to take, give, or receive any fish, water animal, or other aquatic organism from state waters to stock a commercial fishing preserve or other privately-owned pond for commercial purposes.

HB 4411: Fee for Native Brook Trout Limit

Del. Randy Smith

Establishes a penalty for each native brook trout that exceeds the creel limit of \$100 for the first five illegally taken and \$20 for each thereafter.

SB 303: Fishing Licenses

Sen. Craig Blair

Provides that a Class O stamp is a resident trout fishing stamp and a Class OO stamp is a nonresident trout fishing stamp. The stamps entitle the licensee to fish for trout in all counties of the state, except as prohibited by rules of the Director of the Division of Natural Resources (DNR) or the Natural Resources Commission. The fee for a Class O stamp is \$10, and the fee for a Class OO stamp is \$15. The revenue derived from the sale of these stamps must be deposited in the State Treasury and credited to the DNR and will be used and paid out, upon order of the director, for state trout program expenses. These stamps, issued in a form prescribed by the director, will be in addition to a Class AB-L, B, B-L, F, L, LL, X, XJ or XXJ license or Class Q permit.

Under the legislation, a Class L license is a resident fishing license and entitles the licensee to fish for all legal fish except trout and to take frogs in all counties of the state for five consecutive calendar dates chosen by the buyer and which will be specified on the license, except as

prohibited by rules of the director or Natural Resources Commission and except when additional licenses, stamps, or permits are required by law. To fish for trout, a Class L licensee must purchase and carry a valid Class O trout stamp for an \$8 fee.

Land Management and Conservation

HB 4346: Bear Hunting

Del. Bill Hamilton

Specifies that a person may not hunt, capture, or kill any bear, or have in his or her possession any bear or bear parts, except during the hunting season for bear. For the purposes of the legislation, bear parts include, but are not limited to, the pelt, gallbladder, skull, and claws of bear.

A person who kills a bear must, within 24 hours after the killing, electronically register the bear. A game tag number must be issued to the person and recorded in writing with the person's name and address or on a field tag and must remain on the skin until it is tanned or mounted. Any bear or bear parts not properly tagged will be forfeited to the state for disposal to a charitable institution, school, or as otherwise designated by the Director of the Division of Natural Resources.

The legislation allows the training of dogs on bears or the pursuit of bears with dogs while hunting.

SB 39: Hatfield and McCoy Recreation Area

Sen. Ron Stollings

Pertains to the authorization and regulation of unlicensed off-road motorcycles upon public streets, roads, and highways by municipalities and counties within the Hatfield-McCoy Recreation area. The measure authorizes local governments in the recreation area to allow or prohibit off-road motorcycles provided that the vehicle is properly permitted by the Hatfield and McCoy Recreation Authority and being used to travel to and from a Hatfield-McCoy trailhead for fuel, service, food, or lodging.

The county commission of a county participating in the Hatfield-McCoy recreational trail project may regulate in any manner the use of unlicensed off-road motorcycles operated in compliance with legislative rules promulgated by the Hatfield-McCoy Regional Recreation Authority when traveling to and from a Hatfield-McCoy trailhead to a place for fuel, service, food, or lodging on any road in the county, except interstate highways provided. Any county that enacts such an ordinance must notify the West Virginia State Police (WVSP) and all law enforcement agencies in the county of its action in writing, together with a copy of the ordinance.

The bill extends the power to regulate all-terrain vehicles (ATVs) to homeowner associations (HOAs). The legislation explains that HOAs may petition the commission for an ordinance allowing or prohibiting the use of off-road vehicles. HOAs may petition the county commission of the county in which the area regulated by the HOA is located for an ordinance to regulate or prohibit the operation of ATVs upon any street, road, or avenue within the area regulated by the HOA.

SB 43: Property Lines

Sen. Bob Williams

Allows two parallel paint marks as an additional way to denote posted property lines. Also, the measure deletes the requirement that the name of the landowner be on the "No Trespassing" sign.

SB 303: Wildlife Endowment Fund

Sen. Craig Blair

Requires that a resident hunter, angler, or trapper licensed to hunt, fish, or trap must have, in addition to a Class A, B, or L license, a Class CS conservation stamp. The fee for the stamp is \$5.

Under the measure, the revenue derived from the sale of conservation stamps will be deposited in the State Treasury and credited to the Division of Natural Resources. The revenue must be used and paid out, upon order of the Director of the Division of Natural Resources, for capital improvements and land purchases or leases benefitting wildlife, except that, at the discretion of the director, a maximum of 20 percent of the revenue may be used for the operation and maintenance of capital improvements and lands. None of the revenue collected may be expended for the purchase of wetlands, or for land to be flooded so as to create wetlands, to attract migratory waterfowl within 60 air miles of any established poultry industry. No expenditures of the revenue derived from the sale of the conservation stamps may be expended on recreational facilities or activities that are used by, or for the benefit of, the general public rather than by or for purchasers of hunting, fishing, or trapping licenses. Any unexpended monies derived from the sale of conservation stamps must be carried forward to the next fiscal year.

SB 323: Trespassing

Sen. Charles Trump, IV

Corrects statute subsection designations regarding trespassing on property.

SB 333: Taking and Registering of Wildlife

Sen. Robert Karnes

Provides that, except for wildlife lawfully taken, killed, or obtained, no person may have in his or her possession any wildlife, or parts thereof, during closed seasons. It is unlawful to possess any wildlife, or parts of wildlife, which have been illegally taken, killed, or obtained. Any wildlife illegally taken, killed, or possessed must be forfeited to the state and will be counted toward the daily, seasonal, bag, creel, and possession limit of the person responsible for the illegal taking or killing of any wildlife. Under the legislation, it is unlawful to take, obtain, purchase, possess, or maintain in captivity any live wildlife, wild animals, wild birds, game, or fur-bearing animals with some exceptions.

The legislation stipulates that wildlife, except protected birds, elk, spotted fawn, and bear cubs, killed or mortally wounded as a result of being accidentally or inadvertently struck by a motor vehicle may be lawfully possessed if the possessor of the wildlife provides notice of the claim within 12 hours to a relevant law enforcement agency and obtains a nonhunting game tag within 24 hours of possession. The Director of the Division of Natural Resources must propose an administrative policy that addresses the means, methods, and administrative procedures for implementing the provisions of this section.

SB 334: Animal Identification

Sen. Robert Karnes

Identifies coyotes as fur-bearing animals and woodchucks as game animals for statutory purposes.

Reorganization and Coordination

SB 619: 2016 Regulatory Reform Act

Sen. Craig Blair

Creates the 2016 Regulatory Reform Act, which alters rulemaking procedures for state agencies. The bill requires five-year sunset provisions for all future regulatory rules. Under the measure,

an agency must submit economic impact statements and other information along with proposed rules to the Legislative Rule-Making Review Committee.

Solid Waste

HB 4540: Disposal of Electronics

Del. Allen Evans

Reverses a ban on landfilling televisions, computers, and display devices. The legislation permits county or regional solid waste authorities to prohibit the disposal of covered electronics in landfills where they have determined that a cost-effective recycling alternative for handling covered electronic devices exists.

SB 601: Jurisdiction over Solid Waste

Sen. Greg Boso

Relinquishes materials recovery facilities (MRFs) or mixed-waste facilities from having to get the Public Service Commission's (PSC) approval to manage waste. The legislation requires MRFs to be under the jurisdiction of a local solid waste authority and to obtain a permit from the state Department of Environmental Protection. Additionally, the PSC must approve facilities for the receipt of oil and natural gas waste.

Water Quality and Pollution Control

HB 4152: Protect Our Water Fund

Speaker Tim Armstead

Makes a supplementary appropriation of public monies out of the state Treasury from the balance of monies remaining unappropriated for the fiscal year ending June 30, 2016, to the Department of Environmental Protection, Division of Environmental Protection – Protect Our Water Fund, fund 3017, fiscal year 2016, organization 0313, by supplementing and amending the appropriations for the fiscal year ending June 30, 2016.

Southern States Energy Board Members

2015-2016 Executive Committee

The list of members below reflects officials who serve the Board as of September 14, 2016. For a current roster, please contact the SSEB staff or visit our website at www.sseb.org.

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Vice-Chairman

Representative Rocky Adkins, Commonwealth of Kentucky

Treasurer

Representative Weldon Watson, Oklahoma

Member, Executive Committee

The Honorable Earl Ray Tomblin, Governor of West Virginia

Member, Executive Committee

The Honorable Robert Bentley, Governor of Alabama

Member, Executive Committee

Representative Randy Davis, Alabama

Member, Executive Committee

Senator Eddie Joe Williams, Arkansas

Member, Executive Committee

Senator Mark Norris, Tennessee

Chair, SLC Energy & Environment Committee

Representative Lynn Smith, Georgia*

Federal Representative

The Honorable Jim Powell*

Secretary

Kenneth J. Nemeth, Executive Director, SSEB*

*Ex-Officio, Non-Voting Executive Committee Members



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Senator Cam Ward (Alternate)
Representative Randy Davis
Representative Howard Sanderford
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Representative Micky Hammon (Governor's
Alternate)

Arkansas

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Senator Eddie Joe Williams
Senator Bobby J. Pierce (Alternate)
Representative Ken Henderson
Representative Sue Scott (Alternate)
Chairman Ted Thomas (Governor's
Alternate)
Mr. Andrew "Vu" Ritchie (Governor's
Alternate)

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Senator Anitere Flores
Representative Jose Felix Diaz
Ms. Kelley Burk (Agriculture
Commissioner's Appointee)
Governor's Alternate (*pending
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Representative Rocky Adkins
Representative Jim Gooch Jr. (Alternate)
Secretary Charles Snively (Governor's
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Senator Gerald Long (Alternate)
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Governor's Alternate (*pending appointment*)

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Governor's Alternate (*pending appointment*)

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WEST VIRGINIA**

Southern States Energy Board
6325 Amherst Court
Peachtree Corners, GA 30092
Ph: 770.242.7712
Fax: 770.242.9956
www.sseb.org