Introduction

The May 2019 Edition of the Legislative Primer: Coal-Related Legislation in the United States is designed to serve as a resource that highlights recently enacted coal legislation from 2017 to 2019 relating to extraction, resource utilization, fiscal issues, technology development, grid reliability, and emissions concerns as well as incentives for carbon dioxide (CO₂) capture and storage and CO₂-enhanced hydrocarbon recovery technology deployment. At the time of publication, many state legislatures remained in session with pending legislation on these issues.

This document is not meant to be an exhaustive guide to all legislation referencing coal, nor is it a guide to all state legislative efforts to work with their regulatory agencies and utilities on resource planning.

Please contact Turney Foshee at the Southern States Energy Board (770.282.3584) with suggestions for additional legislation that should be included in this document.
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Alabama

2017

HJR 318: JOINT LEGISLATIVE COMMISSION TO STUDY OPERATION AND FUNDING OF THE SURFACE MINING COMMISSION AND DEPARTMENT OF LABOR

Rep. Kyle South

Establishes a study commission on the operation and funding of the Surface Mining Commission and the Department of Labor’s Abandoned Mine Program. The bill outlines the procedure and intent for performing a complete and comprehensive review and assessment of state laws and regulations regarding the operation and funding of the Surface Mining Commission and the Department of Labor’s Abandoned Mine Program. The Study Commission will identify issues in the law or administrative rules that open gaps or create problems regarding the operation and funding process. The Commission will hold its first meeting no later than August 1, 2017, with all meeting specifics designated by the Speaker of the House of Representatives.

Arizona

2017

HCM2006: CLEAN POWER PLAN—REPEAL AND REPLACE

Reps. Barton, Cobb, Mitchell, and Thorpe

Urges the United States Congress, Environmental Protection Agency, and Department of Energy to repeal and replace the clean power plan with an acceptable coal-fired electricity generation program.

The bill calls for the Administrator of the United States Environmental Protection Agency to repeal the Clean Power Plan and work with the states to develop a responsible replacement program that is acceptable to all parties concerned with coal-fired electricity generation. It also urges the Secretary of the United States Department of Energy to support and develop a strategic plan for responsibly working with the coal-fired electricity generation industry and local governments in attaining the best technology available for clean, economic, and efficient coal-fired systems.

2018

HB 2003: MODIFYING TAXATION RELATED TO COAL MINING

Rep. Finchem

Exempts income derived from coal mining from the retail and mining transaction privilege tax (TPT) and municipal taxes. The bill also establishes a one-half percent county excise tax on the gross proceeds or gross income derived from the sale of coal.

Arkansas

2017

HB 1312: TECHNICAL CORRECTIONS: TITLE 11—LABOR AND INDUSTRIAL RELATIONS

Rep. Matthew Shepherd

Makes technical corrections to Title 11 of the Arkansas Code concerning labor and industrial relations. The bill repeals Arkansas Code § 11-7-401 and in doing so removes obsolete references to the defunct Coal Mine Examining Board, the powers, duties, and functions of which were previously transferred to the Director of the Department of Labor.
2019

SB 361: TECHNICAL CORRECTIONS TO MINING PROVISIONS
Sen. Rapert and Rep. Gazaway

Amends current law as it pertains to the regulation of air currents in coal mining operations to be gender neutral.

SB 555: STATE EMISSION PLANS FOR FOSSIL FUEL-FIRED ELECTRIC GENERATING UNITS

Creates a means to waive procedures for legislative review and approval of state plans when final emission guidelines are promulgated by the United States Environmental Protection Agency under the Clean Air Act for electric generating units when those emission guidelines are determined to not require any one or more of the following:

- Shifting electricity generation from one fuel type to another;
- Closing any fossil fuel-fired electric generating unit; or
- Imposing statewide greenhouse gas goals or other statewide greenhouse gas emission limitations; and
- Revising the state plan requirements to ensure consistency with the Clean Air Act and to avoid the imposition of a federal plan.

Connecticut

2018

HB 5884: PROHIBITING THE USE OF COAL TAR SEALANTS ON STATE AND LOCAL HIGHWAYS
House of Representatives Environment Committee

Prohibits the use or application of any sealant made from coal tar to any state or local highway.

Georgia

2018

HB 792: WASTE MANAGEMENT AND ESTABLISHING SUNSET DATE FOR CERTAIN SOLID WASTE SURCHARGES AND HAZARDOUS WASTE FEES
Reps. Rogers, Rhodes, Efstration, and Nix

Changes the surcharge imposed by host local governments regarding solid waste disposal facilities operated by private enterprises from $1 to $2.50 per ton or volume equivalent, in addition to any other negotiated charges or fees that must be paid to the host local government for the facility after July 1, 2019.

The bill also establishes that when a municipal solid waste disposal facility is operated by private enterprise, the host local government is authorized and required to impose a surcharge of $1.00 per ton or volume equivalent until June 30, 2025, and a surcharge of $2.00 per ton or volume equivalent effective July 1, 2025, for fly ash, bottom ash, boiler slag, or flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers, in addition to any other negotiated charges or fees paid to the host local government for the facility.
Idaho

2019

HB 141: SURFACE MINING ACT MODIFICATIONS
*the House Resources and Conservation Committee*

Addresses the surface impacts of underground mines and provides for the actual cost estimation of reclamation and related environmental efforts.

The bill also amends financial assurance methods by requiring financial assurance for reclamation and long-term post-closure management activities and reviews of plans and assurances. Finally, the legislation allows for the Department of Environmental Quality to require reasonable fees to pay for any additional workload associated with the new requirements.

Illinois

2017

HB 3656: ESTABLISHING THE FLUE GAS DESULFURIZATION TASK FORCE ACT
*Rep. Bourne and Sen. Manar*

Creates the Flue Gas Desulfurization (FGD) Task Force to study the cost benefits of and make recommendations for the construction of new stacks at coal-fired power plants with flue gas desulfurization scrubber technology and the conversion of existing stacks at coal-fired power plants to flue gas desulfurization scrubber technology for the purpose of safely burning more Illinois-mined coal.

The bill establishes criteria for membership of the task force and provides that members serve without compensation, and it requires the task force to report its findings and recommendations to the General Assembly by December 31, 2017.

2018

HB 4135: AMENDING THE FLUE GAS DESULFURIZATION TASK FORCE ACT
*Rep. Avery Bourne and Sens. Manar, Murphy, and Fowler*

Extends the date by which the Flue Gas Desulfurization (FGD) Task Force must report its findings and recommendations concerning the costs, benefits, and barriers of new and modified FGD, or other post-combustion sulfur dioxide emission control technologies, and other capital improvements, necessary for generation units to comply with the sulfur dioxide National Ambient Air Quality Standards (NAAQS) to the General Assembly from December 31, 2017 to December 31, 2018.

SB 2899: INCIDENTAL COAL EXTRACTION EXCEPTIONS

Amends the Surface Coal Mining Land Conservation and Reclamation Act. Provides that the Act does not apply to the extraction of coal as an incidental part of a federal, State, or local government-financed highway or other construction under rules adopted by the Department of Natural Resources.

SB 3309: COAL AND WATER RECLAMATION FUNDS
*Sens. Schimpf, Murphy and Rep. Bryant*

Amends the Abandoned Mined Lands and Water Reclamation Act.
The law provides that expenditures on abandoned lands may be used for the restoration of land and water resources and the environment that has been degraded by the adverse effects of coal mining practices adjacent to a site.

The bill further provides that the Department of Natural Resources may set aside up to 30 percent of each year’s allocation of available abandoned mine reclamation funds distributed annually from the State share and historic coal share funds into a separate fund for the abatement of the causes and treatment of the effects of acid mine drainage in a comprehensive manner within qualified hydrologic units affected by coal mining practices. These funds must be deposited into a special State account and will be used and accounted for in accordance with all applicable State and federal regulations used solely to achieve the priorities stated in Title IV of the federal Surface Mining Control and Reclamation Act of 1977.

**Indiana**

**2018**

**HB 1374: ESTABLISHING THE IFA AND ITS AUTHORITY**
*Rep. Soliday and Sens. Mishler, Holdman, Tallian, and Randolph*

Establishes that the Indiana Finance Authority (IFA) has the power to issue, from time to time, bonds to renew or to pay bonds, including the interest on these bonds, if these bonds have been issued to finance projects that constitute economic development projects.

Property owned by the authority and leased to a person for an economic development project is not public property. Any economic development project financed by a loan under the authority of this chapter is not public property and is not exempt from any state taxes, or any county, city, or other political subdivision of the state, except for pollution control equipment that allows for the environmentally sound use of Indiana coal.

**2019**

**SB 171: REPEALING VARIOUS COAL TAXES**
*Sens. Holdman, Houchin, and Koch*

Repeals the coal conversion system property tax deduction, the coal combustion product property tax deduction, and the recycled coal combustion byproduct personal property tax deduction.

**SB 442: UNDERGROUND STORAGE OF CARBON DIOXIDE AMENDMENTS**
*Sens. Ford, and Zay*

Declares the underground storage of carbon dioxide to be a public use and service, in the public interest, and a benefit to the welfare and people of Indiana.

The bill authorizes the establishment of a carbon sequestration pilot project (pilot project) that will capture carbon dioxide at a proposed ammonia production facility in West Terre Haute and inject the carbon dioxide into underground strata and formations pursuant to a Class VI well permit from the United States Environmental Protection Agency (EPA) as an alternative to releasing the carbon dioxide into the air.

The bill also provides that if the operator of the pilot project is not able to reach an agreement with an owner of property to acquire either ownership of underground strata or formations located under the surface of the property or ownership or other rights to one or more areas of the surface of the property for purposes of establishing and operating monitoring facilities required by the EPA, then the operator of the pilot project may exercise the power of eminent domain to make the acquisition.
The acquisitions made by eminent domain must be made through the law on eminent domain for gas storage, which provides that a condemnor, before condemning any underground stratum or formation, must have acquired the right to store gas in at least 60 percent of the stratum or formation by a means other than condemnation.

Further, the legislation provides that the state of Indiana, upon the recommendation of the Director of the Department of Natural Resources and review by the State Budget Committee, may obtain ownership of the carbon dioxide stored in the underground strata and formations and the underground strata and formations in which the carbon dioxide is stored 12 years after pilot project underground injections begin or, if the underground injections cease in less than 12 years, after the underground injections cease.

Lastly, the act urges the Legislative Council to assign to an appropriate interim study committee for the task of studying the geologic storage of carbon dioxide.

**Iowa**

**2018**

**SF 2311: MODIFYING PROVISIONS RELATING TO PUBLIC UTILITIES**

*Senate Commerce Committee*

Establishes that a rate-regulated public utility that owns one or more electric power generating facilities fueled by coal and located in this state may, in its sole discretion, file for advanced review of projects for managing regulated emissions from its facilities in a cost-effective manner.

The Department of Natural Resources must determine whether the project meets applicable state or federal environmental requirements for regulated emissions, including requirements related to air, water, or solid waste. If the plan project does not meet these requirements, the department must recommend amendments that outline actions necessary to bring the plan or update project into compliance with current environmental requirements.

**Kentucky**

**2017**

**HB 234: TECHNICAL CORRECTIONS RELATING TO COAL MINING**

*Reps. Blanton, Miles, Mills, and Prunty*

Amends existing statutes to change the reference in the public notice of intention to mine coal from “mining site” to “permitted area.” This bill also amends existing law to remove the requirement that all areas overlying underground workings of coal mines must receive permitting.

**HR 176 /SB 182: URGE CONGRESS AND THE PRESIDENT TO EXTEND TAX INCENTIVES SUPPORTING CARBON CAPTURE RESEARCH AND DEPLOYMENT**

*Rep. Adkins and Sen. Ridley*

Urges Congress and the President of the United States to enact legislation extending and expanding the current federal tax credit for carbon capture, utilization, and storage under 26 U.S.C. Section 45Q of the Internal Revenue Code. The resolution also calls to support the following measures:

- Inclusion of economically and environmentally beneficial carbon capture projects in any forthcoming federal infrastructure initiative;
- Policies to increase the operational efficiency, and thereby the environmental performance of existing electric generating units; and
• Preservation of a fuel-diverse electric generation portfolio critical to our domestic economic, energy, and national security.

2018

HB 2: MODIFYING REIMBURSEMENT PROCEDURES FOR THE KENTUCKY WORKERS' COMPENSATION FUNDING COMMISSION

Rep. Koenig

Provides that in coal workers' pneumoconiosis claims if the physician selected by the commissioner interprets an X-ray as positive for complicated coal workers’ pneumoconiosis, then the commissioner must refer the employee to the facility at which the claimant was previously evaluated for a computerized tomography scan in order to verify the findings.

The bill requires that the computerized tomography scan be interpreted by the facility and a report filed with the commissioner. The employer, insurer, or payment obligor must pay the cost of the examination pursuant to the medical fee schedule. Further, the administrative law judge may rely upon the findings in the report in accepting or rejecting ILO radiographic evidence of the disease.

HB 261: AMENDING VARIOUS CURRENT MINING LAWS


Modifies existing law as it relates to mining in a number of ways including removing the requirement that proposed civil penalty amounts for suspected violations of surface coal mining and reclamation requirements be placed into an escrow account prior to a formal hearing.

The bill also amends state law to remove the discretion of the Energy and Environment Cabinet to allow surface coal mining and reclamation permit applicants to submit their own reclamation bonds without separate sureties and it removes both the maximum acreage allowance allowed to be added by an incidental boundary revision for underground mining operations and the ability to apply for a major revision to a permit in the event that an underground mining extension area is not on an incidental boundary and does not include planned subsidence.

Under this law, lighters and vaping apparatuses are added to the list of prohibited items in an underground mine.

HB 366: NEW TIRE FEE APPROPRIATIONS

Rep. Rudy

Extends the new tire fee to July 1, 2020 and allows a half-percent administrative fee to be paid to the Kentucky Infrastructure Authority for the administration of each project funded by the Infrastructure for Economic Development Fund for Coal-Producing Counties and the Infrastructure for Economic Development Fund for Tobacco Counties.

HB 388: MODIFYING REIMBURSEMENT PROCEDURES FOR THE KENTUCKY WORKERS' COMPENSATION FUNDING COMMISSION

Rep. Tipton

Requires that the Kentucky Employers’ Mutual Insurance Authority must reimburse the Kentucky Workers’ Compensation Funding Commission for any expenses incurred with regard to the collection of assessments for the coal workers’ pneumoconiosis fund and other incurred expenses related to the coal workers’ pneumoconiosis fund.

The bill also establishes that once all claim payouts are completed, the Kentucky coal workers’ pneumoconiosis fund will be abolished.
2019

HB 268: AMENDING CERTAIN BUDGET APPROPRIATION REQUIREMENTS
Rep. Rudy

Removes references to “coal counties” under the requirements for the funding of enhanced technology education in local school districts.

HB 392: REORGANIZING COAL MINING DATA OVERSIGHT
Rep. Webber

Establishes that the Department of Workforce Development is responsible for gathering data on the percent of employment in mining and the percentage of earnings from mining.

Previously, the duty belonged to the Office of Employment and Training.

HR 91/SR 90: ON THE CLOSURE OF THE PARADISE FOSSIL FUEL PLANT UNIT 3

Urges the Tennessee Valley Authority board of directors to delay its consideration of and voting on closing the Paradise Fossil Plant Unit 3 in Muhlenberg County until the TVA board membership is filled and a new TVA President and Chief Executive Officer has been retained.

HR 175/SR 159: SUPPORTING THE APPALACHIAN SKY EXECUTIVE ORDER
Rep. Blanton

Urges the President to sign the Appalachian Sky Executive Order.

According to the resolution, it is estimated that the Appalachian Sky initiative will create 15,000 aerospace-related jobs in the region and create over 18,000 indirect and induced jobs employing thousands of Kentuckians from those areas hardest hit by the decline in the coal industry.

Michigan

2018

HB 6269: MODIFYING PROVISIONS RELATING TO COAL ASH IMPOUNDMENTS
Rep. Howell

Allows a captive facility to accept coal ash generated in a county other than the county in which it was generated.

Further, the bill also:

- Prescribes requirements for a new coal ash landfill, a new coal ash impoundment, or a new lateral expansion of a coal ash landfill or impoundment;

- Prohibits the Department of Environmental Quality (DEQ) from issuing a construction permit for a new coal ash landfill or new coal ash impoundment or a new lateral expansion of a coal ash landfill or coal ash impoundment unless the applicant met certain requirements;

- Provides the DEQ with criteria for making determinations on applications;

- Requires the DEQ to provide notice to the community in which the new coal ash landfill or new coal ash impoundment was proposed;
• Requires an applicant for a coal ash landfill or a coal ash impoundment operating license to pay a $13,000 fee;
• Requires the owner or operator of a coal ash impoundment to comply with Federal regulations and laws;
• Requires the owner or operator of a coal ash impoundment to provide financial assurance;
• Creates the “Coal Ash Care Fund”, and;
• Provides for the disposition of money from the Fund.

Montana

2017

HB 22: CLOSURE OF COAL-FIRED GENERATION FACILITIES
Rep. Jim Keane

Directs money to the Department of Justice to assist in securing the future of communities affected by the closure of coal-fired generating units in Montana. Effective immediately, the bill requires participation in proceedings and related dockets before out-of-state utility or regulatory commissions that address planning for the future of coal-fired generation facilities located in Montana.

For the biennium beginning July 1, 2017, a sum of $80,000 will be appropriated to the Department of Justice from the Coal Natural Resource Account. Any funds not expended or encumbered in the biennium revert to the General Fund.

HB 344: COAL BED METHANE PROTECTION PROGRAM
Rep. Geraldine Custer

Provides for a transfer of funds from the Orphan Share State Special Revenue Account to the Coal Bed Methane Protection Account. The bill appropriates money to the Department of Natural Resources and Conservation to allow conservation districts to properly administer the Coal Bed Methane Protection Program.

By June 10, 2017, the State Treasurer must transfer $190,000 from the Orphan Share State Special Revenue Account to the Coal Bed Methane Protection Account established (but not funded) by previous legislation.

HB: 585: COAL-FIRED GENERATING UNIT LOANS
Rep. Austin Knudsen

Allows the Board of Investments to make loans to an owner of a coal-fired generating unit in Montana from the state’s permanent Coal Tax Trust Fund for the operation and maintenance of a coal-fired generating unit.

The bill also provides loan criteria and limitations such as requiring the owner to provide the Board of Investments and the Governor of Montana with a minimum of 90 days’ notice prior to filing for bankruptcy, reorganization, or other insolvency proceeding or prior to a merger, sale, or transfer, by operation of law or otherwise.

SB 339: Coal-fired Generating Unit Remediation Act
Sen. Duane Ankney

Establishes the Coal-fired Generating Unit Remediation Act. This measure ensures appropriate remedies are in place when a coal-fired generating unit is retired to ensure the protection of the environmental life support systems from degradation and to provide adequate remedies to prevent unreasonable degradation of natural resources.
No later than three months after a coal-fired generating unit is retired and no earlier than five years prior to a coal-fired generating unit’s planned retirement, an owner must submit a proposed remediation plan that contains:

1. The name of the operator of the coal-fired generating unit and the names and addresses of all owners of the coal-fired generating unit;

2. A general overview of the site where the unit is located, the unit itself, and affected property;

3. The current and reasonably anticipated future uses of affected property; and

4. Remediation information, including:
   
   i. A list of reports, studies, or other evaluations related to remediation and specific remediation measures already completed or under way pursuant to any applicable legal obligation;
   
   ii. The manner in which the remediation measures satisfy the requirements of cleanup; and
   
   iii. A description of how the owner will comply.

A remediation plan may consist of a plan for more than one unit that is retired at the same time and planned for simultaneous remediation. The filing of a plan is not a commitment to retire a coal-fired generating unit on any particular date that is not otherwise required by an applicable legal obligation.

The Department of Environmental Quality must review for completeness a remediation plan and provide a written completeness notice to an owner within 60 days of receipt of the remediation plan and within 30 days of receipt of responses to notices of deficiencies. The initial completeness notice must include all deficiencies identified in the information submitted.

The law also establishes penalties for infractions and sets up an appeals process for an owner or person challenging an enforcement action or order.

2018

HB 209: EXTEND FUNDING TO THE COAL BOARD TEMPORARILY

Rep. Usher

Establishes that 5.8 percent of collected severance taxes through June 30, 2019, and beginning July 1, 2019, the amount of 2.9 percent must be credited to the coal natural resource account.

HB 344: PROVIDING FUNDING FOR COAL BED METHANE PROTECTION PROGRAM

Rep. Custer

Codifies the transfer of funds from the orphan share state special revenue account to the coal bed methane protection account and appropriates money to the Department of Natural Resources and Conservation to allow conservation districts to properly administer the coal bed methane protection program.

HB 585: PROVIDE FOR LOANS TO AN OWNER OF A COAL-FIRED GENERATING UNIT

Rep. Knudsen

Allows the Board of Investments to make loans to an owner of a coal-fired generating unit in Montana from the Montana Permanent Coal Tax Trust Fund for the operation and maintenance of a coal-fired generating unit.

According to the bill, the total amount of loans made annually may not exceed $10 million. In determining the size of a loan, the board must consider the direct and indirect tax implications to the state if a coal-fired generating unit is
retired prematurely, the current and projected ability of an owner to operate and maintain a coal-fired generating unit, and any other matters that the board considers necessary.

**SB 140: ALLOWING MUNICIPAL LOANS FROM THE COAL TAX TRUST FUND**  
*Sen. Ankney*

Authorizes the Board of Investments to make loans to certain local governments from the Montana permanent coal tax trust fund for the development and maintenance of infrastructure.

Specifically, the board may “make loans from the permanent coal tax trust fund to a city, town, county, or consolidated city-county government impacted by the closure of a coal-fired generating unit to secure and maintain existing infrastructure.”

**SB 260: FUNDING SCHOOLS WITH COAL TAX TRUST FUND**  
*Sen. Jones*

Creates the School Facilities Fund within the Coal Severance Tax Trust Fund. Starting July 1, 2017, the bill requires the state treasurer transfer quarterly to the school facilities fund 75 percent of the amount in the coal severance tax bond fund in excess of the amount that is specified to be retained in the fund. The budget director must certify to the state treasurer when the balance of the school facilities fund is $200 million. Beginning with the quarter following this certification, the state treasurer will transfer to the coal severance permanent fund 75 percent of the amount in the coal severance tax bond fund that exceeds the amount that is specified to be retained in the fund.

The state treasurer must also transfer monthly from the school facilities fund to the school facilities special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account. Earnings not transferred to the school facilities special revenue account must be retained by the school facilities fund, according to the bill.

**SB 339: COAL-FIRED GENERATING UNIT REMEDIATION ACT**  
*Sen. Ankney*

Establishes the degree of remediation required by coal-fired generating units and creates requirements for submission, review, and approval of a remediation plan. The bill also outlines an appeals process for a person whose interests are adversely affected by a final decision of the Department of Environmental Quality to approve or modify a plan.

According to the bill, an owner of a coal-fired generating unit must submit a proposed remediation plan that contains the following:

- The name of the operator of the coal-fired generating unit and the names and addresses of all owners of the coal-fired generating unit;
- A general overview of the site where the unit is located, the unit itself, and affected property;
- The current and reasonably anticipated future uses of affected property; and
- Remediation information, including:
  - A list of reports, studies, or other evaluations related to remediation and specific remediation measures already completed or under way pursuant to any applicable legal obligation; and
  - The manner in which the remediation measures satisfy the requirements of the law.
SJ 5: INTERIM STUDY REGARDING COAL PHASE-OUT RESOLUTION

Sen. Phillips

Requesting an interim study to investigate threats to the mining and burning of coal in Montana and the consequences of significant reductions in coal mining and usage.

2019

HB 403: EXTENDING THE REDUCED TAX RATE ON COAL GROSS PROCEEDS

Rep. Usher

Removes the sunset date on the reduced tax rate of 2.5 percent on coal gross proceeds from a new underground coal mine. The bill also extends the reduced rate of 2.5 percent on existing underground coal mines until December 31, 2030.

HB 422: INCREASING FUNDING OF HOME LOAN PROGRAM

Rep. Buttrey

Frees an additional $10 million in funding from the Permanent Coal Tax Trust Fund to the Montana Veterans Home Loan Program (VHLP).

The cost of the program is paid from interest earned on the mortgage loans with the leftover interest and the entirety of the principal going to the fund.

HB 476: COAL-FIRED GENERATION LOAN AMENDMENTS

Rep. Keane

Revises Board of Investments (BOI) loan statutes for coal-fired generation and associated transmission by allowing the BOI to increase the amount of the Permanent Coal Tax Trust Fund loans made to a public utility from $10 million up to $50 million annually.

The bill allows the loans to be used for coal, coal improvements, additional coal interests, and transmission.

HJR 4: RESOLUTION TO CONGRESS TO STREAMLINE/TAKE CONTROL OF COAL EXPORTS

Rep. Read

Urges the federal government to “uphold the Constitution and take action so that the one state does not impede commerce and impact the economic and fiscal interests of states that seek to export commodities, including coal, to foreign markets, and protect all states and ensure that no single state can erect barriers to trade and economic activity.”

SB 77: IMPLEMENTING LEGISLATIVE AUDIT RECOMMENDATIONS

Sen. McNally

Removes the requirement for physical copies of mine maps to be kept on site.

SB 191: AUTHORIZING COUNTIES TO ESTABLISH COAL MINE TRUST RESERVE FUNDS

Sen. Ankney

Allows counties to establish their own Coal Mine Trust Reserve Funds.

According to the bill, the money received by a county from coal-related activities may be placed in the Coal Trust Fund and may not be appropriated by the governing body until:

- A coal mining operation or coal-fired electric generation facility has permanently ceased mining-related or energy production-related activity; or
• The number of persons employed full-time in coal mining or coal-fired electric generation activities by the coal mining operation or coal-fired electric generation facility is less than 75 percent of the average number of persons employed full-time in activities by the operation or facility during the immediately preceding five-year period.

**SB 264: REVISING LAWS RELATED TO COAL-FIRED GENERATION REMEDIATION ACTIVITIES**  
*Sen. Small*

Provides that when contracting for the performance of construction, alteration, demolition, installation, repair, or maintenance work to implement a coal-fired generation remediation plan, an owner must require that its contractors and any subcontractors use a skilled and trained workforce to perform all remediation.

According to the bill, contracts signed must require contractors and subcontractors to both pay the standard prevailing rate of wages and pay apprentice wage rates, as applicable, for remediation completed by an apprentice employed by a contractor or subcontractor.

**SB 328: COAL GROSS PROCEEDS TAX ABATEMENT MODIFICATIONS**  
*Sen. Richmond*

Authorizes the local abatement of coal gross proceeds tax for surface mines.

The bill allows for counties to abate up to 50 percent of coal gross proceeds tax received from a new or expanding surface coal mine. Counties may grant five or ten-year abatements.

**New Mexico**  
2019

**SB 489: ENERGY TRANSITION ACT**  
*Sen. Candelaria and Rep. Egolf*

Establishes new renewable and zero-carbon emission portfolio standards for both utilities and rural electric cooperatives and authorizes an alternative mechanism for financing the retirement of coal-fired power plants.

**North Dakota**  
2017

**HCR 3037: URGE CONGRESS AND THE PRESIDENT TO EXTEND TAX INCENTIVES SUPPORTING CARBON CAPTURE RESEARCH AND DEPLOYMENT**  
*Sen. Howard Anderson*

Urges Congress and the President of the United States to enact legislation extending and expanding the current federal tax credit for carbon capture, utilization, and storage under 26 U.S.C. Section 45Q of the Internal Revenue Code. The resolution also calls to support the following measures:

- Inclusion of economically and environmentally beneficial carbon capture projects in any forthcoming federal infrastructure initiative;
- Policies to increase the operational efficiency, and thereby the environmental performance of existing electric generating units; and
- Preservation of a fuel-diverse electric generation portfolio critical to our domestic economic, energy, and national security.
SB 2133: THE COAL CONVERSION FACILITIES PRIVILEGE TAX  
Amends the North Dakota Century Code to reduce the tax on coal conversion facilities gross receipts from four and one tenth to two percent. The bill also modifies the carbon dioxide capture credit language to disallow coal conversion facilities that met capture requirements before January 1, 2017, from claiming the reduction.

SB 2196: REVENUE BONDS FOR THE PURCHASE OF LAND AND CONSTRUCTION OF AN INTEGRATED CARBON PLANT  
Authorizes the issuance of revenue bonds totaling $22,500,000 to Valley City State University for the construction of an integrated carbon plant including the purchase of land.

2019

HB 1439: TAX EXEMPTIONS FOR PROJECTS USING CO\textsubscript{2} FROM COAL FOR OIL EXTRACTION  
Reps. Porter, Delzer, Dockter, Headland, Howe, Mock, and Pollert  
Expands the oil extraction tax exemption for incremental production from certain tertiary recovery projects using carbon dioxide from coal.  
The bill also creates a property tax exemption for qualifying pipelines and a sales tax exemption for materials used in secure geologic storage.

SB 2108: NORTH DAKOTA CENTURY CODE MODIFICATIONS  
the House Energy and Natural Resources Committee  
Modifies existing law such that persons may file suit over coal combustion residual violations as outlined in the North Dakota Century Code.  
According to the bill, a person having an interest that may be affected adversely by a violation may commence a civil action to compel compliance under the code. Notice of the violation must be given to the state’s Department of Environmental Quality (DEQ) and to an alleged violator 60 days before commencement of a citizen suit. A person with an interest that may be affected adversely by a violation of this chapter may intervene as a matter of right in a civil action brought by the DEQ.

SB 2038: AMENDMENTS RELATING TO ZONING AND ROAD USE AGREEMENTS  
the House Legislative Management Committee  
Modifies existing law requiring that before a gas or liquid transmission facility is approved, the North Dakota Public Service Commission must require the applicant to comply with the road use agreements of the impacted political subdivision. A permit may supersede and preempt the requirements of a political subdivision if the applicant shows by a preponderance of the evidence the regulations or ordinances are unreasonably restrictive or are in direct conflict with state or federal laws or rules.  
Further, the bill states that when an application for a certificate for a gas or liquid transmission facility is filed, the commission must notify the townships with retained zoning authority, cities, and counties in which any part of the proposed corridor is located. The commission may not schedule a public hearing sooner than 45 days from the date notification is sent by mail or electronic mail. Upon notification, a political subdivision must provide a listing to the commission of all local requirements identified under this subsection. The requirements must be filed at least ten days before the hearing, or the requirements are superseded and preempted.
SB 2209: PROTECTING CRITICAL INFRASTRUCTURE  
*Sens. Klein and Heckaman*

Amends and reenacts parts of the North Dakota Century Code relating to protection for records related to critical infrastructure and security planning, mitigation, or threats.

Specifically, the act now defines critical infrastructure as including systems related to utility services, fuel supply, energy, hazardous liquid, natural gas, or coal. “Security System Plans” now include information relating to cybersecurity defenses, threats, attacks, and vulnerabilities relating to any public facility or critical infrastructure.

SB 2344: PROMOTING THE USE OF CARBON DIOXIDE  
*Sens. Unruh, Cook, and Schaible*

Declares that it is in the public interest to promote the use of carbon dioxide to benefit the state by helping to ensure the viability of the state’s coal and power industries and to benefit the state economy. The bill states that “carbon dioxide is a potentially valuable commodity, and increasing its availability is important for commercial, industrial, or other uses, including enhanced recovery of oil, gas, and other minerals.”

Oklahoma

2017

SB 479: OBSOLETE MINING PROVISIONS  
*Sen. Nathan Dahm, Rep. Bobby Cleveland*

Repeals obsolete mining legislation relating to the following subjects, among others, effective November 1, 2017: convict employment prohibition, Coal Experiment Station, signaling methods, code of signals; sanitary drinking devices, mine closets, dressing rooms, livestock, noon meals, traveling way, eight-hour work day, certificates of competency, granting certificates, certificates from other states, fees for issuance, record of issuance, effect of certificates, power to revoke certificates, power to arrest, mine foreman duties, timbers and drainage, ventilation, shelter holes and manways, air current, daily examination, assistant mine foreman, rules and notices, additional duties, duties of the fire boss, removal of dangers, operators to employ shot-firers, hours worked, reporting to superintendent, and emergency supplies.

2018

HB 1034: INCOME TAX CREDIT MODIFICATIONS  
*Rep. Wallace and Sen. David*

Establishes an annual cap equal to $5 million for coal tax credits effective tax year 2018. The measure directs the Oklahoma Tax Commission to use a percentage adjustment formula to determine a percentage by which the credits authorized are to be reduced to satisfy the $5 million annual cap.

In the event that the total tax credits authorized exceed the annual cap, the commission will permit any excess, but must factor the excess into the percentage adjustment formula for subsequent years.
Pennsylvania

2018

HB 1341: AMENDING THE BITUMINOUS COAL MINE SAFETY ACT
Reps. Pyle, Millard, Pickett, Causer, Neilson, Irvin, Heffley, Boback, Zimmerman, DeLuca, Wheeland, Farry, Gabler, and Marmust

Amends the Bituminous Coal Mine Safety Act as it relates to emergency medical personnel and allowing coal mines to employ “emergency medical responders.” An “emergency medical responder” is defined as a coal mine employee who:

- Has been certified by the Department of Health (DOH) as an emergency medical responder;
- Has successfully completed all required courses of additional training approved by the DOH for emergency medical technicians; and
- Has successfully completed any additional courses required by regulation of the Board of Coal Mine Safety.

The bill also defines “advanced emergency medical technician” as a coal mine employee who is certified by the DOH as an advanced emergency medical technician, while updating the definition of “emergency medical technician” to require certification by the DOH as an emergency medical technician. These amendments allow for either an emergency medical responder, emergency medical technician or advanced emergency medical technician to be on duty when miners are engaged in coal extraction activities.

SB 624: AMENDING THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT
Sen. Scarnati

Amends the Bituminous Mine Subsidence and Land Conservation Act providing for planned subsidence when occurring in a planned, predictable, and controlled manner, and not predicted to result in the permanent disruption of a waterway, must not be considered presumptive evidence that a mining operation has the potential to cause pollution in accordance with the Clean Streams Law.

This language is applicable only if the Department of Environmental Protection approves an application that provides for the restoration of the premining range of flows and restoration of premining biological communities in any waterways predicted to be adversely affected by subsidence. The restoration must be consistent with the premining existing and designated uses of waters of the Commonwealth. The provisions of the bill apply to all permits issued after October 8, 2005.

Puerto Rico

2017

SB 81: THE BAN ON THE DEPOSIT AND DISPOSAL OF COAL ASH OR COAL COMBUSTION RESIDUALS IN PUERTO RICO ACT

Creates the “Ban on the Deposit and Disposal of Coal Ash or Coal Combustion Residuals in Puerto Rico Act” that establish a ban on the deposit and disposal of coal ash or coal combustion residuals as public policy in Puerto Rico. The bill also provides penalties for the deposit, disposal, and storage of coal ash or coal combustion residuals.
2019

**SB 1121: PUERTO RICO ENERGY POLICY ACT**  
*Sens. Seilhamer-Rodriguez and Bhatia-Gautier*

Amends the “Public Policy on Energy Diversification by Means of Sustainable and Alternative Renewable Energy in Puerto Rico Act,” to increase the Renewable Portfolio Standard until achieving 100 percent energy production from renewable sources by 2050.

The bill directs the Puerto Rico Energy Bureau to conduct a study to set specific goals regarding energy storage systems and eliminating the use of coal as an energy source in Puerto Rico as of 2028.

**South Carolina**

2019

**H 3483: REPEAL OF CCR STATUTORY PROVISIONS**  
*Reps. Hiott, Clary, Collins, Forrest, and Caskey*

Repeals statutory provisions requiring certain coal combustion residuals (CCR) to be placed in a Class 3 landfill.

The repeal exempts coal combustion residuals that are located contiguous with the electric generating unit, intended to be beneficially reused, placed in beneficial use, or placed in an appropriate landfill owned or operated by the entity that produced the residuals from the requirement of a Class 3 landfill.

**South Dakota**

2019

**HB 1030: MODIFYING BIDDING RULES FOR STATE MINERALS**  
*the House Commerce and Energy Committee*

Provides that all leases for prospecting for, producing, and marketing for coal, and all other approved minerals or combinations thereof, may be issued after advertising and sale at public auction to the highest bidder.

The bill establishes that a public auction may be an electronic event that is advertised and made available to the public via the internet.

**Tennessee**

2018

**HB 571/SB 686: THE PRIMACY AND RECLAMATION ACT OF TENNESSEE**  

Requires the governor to take all action necessary request federal grant funding and apply to the federal government for Tennessee to assume primacy over the regulation of surface coal mining and reclamation operations within its borders. In order to comply with the requirements of federal law, this amendment does the following:

- Enact a state law that provides for regulation of surface coal mining and reclamation operations in accordance with the Surface Mining Control and Reclamation Act of 1977 (SMCRA);
- Establishes a civil penalty of up to $5,000 per violation of the amendment or permit conditions, which is the same amount authorized for violations of SMCRA;
The bill also requires that underground coal mining operations obtain insurance to compensate owners of surface rights for property damage that occurs as a result of the underground mining activities. The commissioner must establish a planning process enabling objective decisions to be made based upon competent and scientifically sound data and information as to which, if any, land areas of this state are unsuitable for all or certain types of surface coal mining and reclamation operations pursuant to current standards.

2019

SR 19: FOSSIL FUEL PLANT CLOSURE REBUKE
Sens. McNally, Yager, and Bowling

Expresses disagreement and displeasure with TVA’s decision to retire Bull Run Fossil Plant in Anderson County.

HB 219/SB 923: SOLID WASTE CLASSIFICATION MODIFICATIONS

Specifies that gasification facilities and pyrolysis facilities are not solid waste facilities or incinerators, and gasification facilities and pyrolysis facilities are subject to any other applicable environmental, health, and safety requirements for such facilities.

Texas

2019

SR 522/HR 1170: CONGRATULATING THE SABINE MINING COMPANY

Congratulates the Sabine Mining Company on its receipt of the 2019 Reclamation Award from the Railroad Commission of Texas and the 2019 IMCC National Mine Reclamation Award.

Utah

2019

HB 0310: EXEMPTING COAL ASH DISPOSAL FROM EXISTING WASTE GUIDELINES
Reps. Stratton and Grover

Amends existing law such that certain coal ash disposal facilities are exempt from the requirement to submit plans, specifications, and other information required by the previous codes relating to solid and hazardous waste.

Virginia

2017

SB 1398: COAL COMBUSTION RESIDUALS UNIT; CLOSURE PERMIT, ASSESSMENTS REQUIRED
Sens. Scott Surovell and Chase

Requires the owner or operator of a coal combustion residuals unit (CCR unit) to identify water pollution and address corrective measures to resolve it, evaluate the clean closure of the CCR unit by recycling the ash for use in cement or
moving it to a landfill, and demonstrate the long-term safety of the CCR unit.

The bill also requires the owner or operator of each CCR unit to transmit its assessment to the Department of Environmental Quality (DEQ) and other agencies or legislative committees by December 1, 2017. The bill requires the Director of DEQ to delay the issuance of a permit to close any CCR unit until May 1, 2018, or the effective date of any legislation adopted during the 2018 Regular Session of the General Assembly that addresses the closure of CCR units, whichever occurs later.

2018

HB 665/SB 378: COALFIELD EMPLOYMENT ENHANCEMENT TAX CREDIT
Del. Kilgore and Sen. Chafin

Reinstates the Coalfield employment enhancement tax credit. The credit, which expired on July 1, 2016, can be earned on and after January 1, 2018, but before January 1, 2023, and only for metallurgical coal.

HB 812: VIRGINIA COAL SURFACE MINING RECLAMATION FUND ADVISORY BOARD MODIFICATIONS
Del. O'Quinn

Increases from five to seven the number of members on the Virginia Coal Surface Mining Reclamation Fund Advisory Board. The bill increases from three to four the number of representatives of the coal industry and adds two representatives of conservation interests. The bill also authorizes the board to serve as the advisory body required by the Interstate Mining Compact.

SB 807: COAL COMBUSTION RESIDUALS AND OTHER UNITS
Sen. Surovell

Instructs the Director of the Department of Environmental Quality to suspend, delay, or defer the issuance of any permit to provide for the closure of any coal combustion residuals (CCR) unit located within the Chesapeake Bay watershed, other than for a permit required for impoundments where coal ash has already been removed and placed in another impoundment on site, is being removed from an impoundment, or is being processed in connection with a recycling or beneficial use project. This measure also requires the owner or operator of any such CCRs unit to issue a request for proposals to determine the following:

- The quantity of CCRs that may be suitable for recycling or beneficial use in such unit;
- The cost of recycling or beneficial use of such CCRs; and
- The potential market demand for material recycled or beneficially used from such CCRs.

By November 15, 2018, the owner or operator of such unit is required to transmit a detailed business plan to the Governor, the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources, the House Committee on Commerce and Labor, the Senate Committee on Agriculture, Conservation and Natural Resources, and the Senate Committee on Commerce and Labor; and to the Directors of the Departments of Environmental Quality and Conservation and Recreation.

HJR 210/SJR 128: COMMENDING THE WELLMORE COAL COMPANY MINE RESCUE RED TEAM
Del. Morefield and Sen. Chafin

Congratulates the Virginia-based Wellmore Coal Company Mine Rescue Red Team on winning the 2017 National Mine Rescue Contest.
HB 2008/SB 1348: ESTABLISHING ENERGY CAREER CLUSTERS

Requires the Department of Education, in consultation with representatives from pertinent industries such as renewable energy, natural gas, nuclear energy, coal, and oil, to establish an energy career cluster.

The bill establishes that the Department of Education must base the knowledge and skill sets contained in an energy career cluster on the energy industry competency and credential models developed by the Center for Energy Workforce Development in partnership with the U.S. Department of Labor.

Further, the legislation requires the Department of Education to report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2019, on its progress toward establishing an energy career cluster.

HB 2555/SB 1165: EXTENDING SUNSET DATE FOR SEVERANCE TAX

Extends the sunset date from January 1, 2020, to January 1, 2022, for the local gas severance tax that is dedicated to the local Coal and Gas Road Improvement Fund, the Virginia Coalfield Economic Development Fund, and water, sewer, and natural gas systems and lines.

HB 2786/SB 1355: COAL COMBUSTION RESIDUALS RULE MODIFICATIONS
Rep. Ingram and Sen. Wagner

Requires the owner or operator of any coal combustion residuals (CCR) unit, defined in the bill to include a coal ash pond or landfill, within the Chesapeake Bay watershed at Bremo Power Station, Chesapeake Energy Center, Chesterfield Power Station, and Possum Point Power Station to close such CCR unit by removing all of the CCR for recycling, known as encapsulated beneficial use, or deposition in a permitted and lined landfill that meets certain federal standards.

The measure requires that any owner or operator beneficially reuse no less than 6.8 million cubic yards in aggregate of such removed CCR from no fewer than two of the sites. Such a closure project must be completed within 15 years of its initiation and must be accompanied by an offer by the owner or operator to provide connection to a municipal water supply for every residence within one-half mile, or if such connection is not feasible, the owner or operator must offer to provide water testing for any such residence.

The bill provides that if the owner or operator moves CCR off-site, it must develop a transportation plan in consultation with any county, city, or town in which the CCR units are located and any county, city, or town within two miles of the CCR units, for any truck transportation that minimizes the effects on adjacent property owners and surrounding communities. The bill requires the owner or operator of a CCR unit to accept and review on an ongoing basis sufficiently detailed proposals to beneficially reuse any CCR that are not already subject to a removal contract. The bill requires that any entity conducting the closure work identify options for utilizing local workers, consult with the Commonwealth’s Chief Workforce Development Officer on opportunities to advance the Commonwealth’s workforce goals, and give priority to the hiring of local workers.

The bill also requires the CCR unit owner or operator to submit two biennial reports beginning October 1, 2022, and continuing until closure of all its CCR units is complete. One report describes closure plans, progress, a detailed accounting of the amounts of CCR that have been beneficially reused and the amount of CCR that have been landfilled, the utilization of transportation options, water monitoring results, and other aspects of the closure process; the other report contains the beneficial reuse proposals that the owner or operator has received and its analysis of such proposals.
The measure states that all costs associated with closure of a CCR unit must be recoverable through a rate adjustment clause authorized by the State Corporation Commission (the Commission) provided that when determining the reasonableness of such costs the Commission must not consider closure in place of the CCR unit as an option and the annual revenue requirement recoverable through a rate adjustment clause must not exceed $225 million on a Virginia jurisdictional basis for the Commonwealth in any 12-month period, provided that any under-recovery amount of revenue requirements incurred in excess of $225 million in a given 12-month period must be deferred and recovered through the rate adjustment clause over up to three succeeding 12-month periods.

Finally, the bill provides that costs may begin accruing on July 1, 2019, but no approved rate adjustment clause charges must be included in customer bills until July 1, 2021; any such costs must be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, irrespective of the generation supplier of any such customer; and any such costs that are allocated to the utility’s system customers outside of the Commonwealth that are not actually recovered from such customers must be included for cost recovery from jurisdictional customers in the Commonwealth through the rate adjustment clause. The measure prohibits cost recovery for any fines or civil penalties resulting from violations of federal or state law.

**SB 1271: OIL AND GAS WELL BONDING REQUIREMENTS AMENDMENTS**

*Sen. Stuart*

Authorizes a person who applies for a hearing in front of the Virginia Gas and Oil Board to provide required notice of such application to certain gas or oil owners, coal owners, mineral owners, or gas storage field operators by commercial delivery service.

Previous law only allowed for delivery by certified mail. The bill also changes the blanket bond amounts that the Director of the Department of Mines, Minerals and Energy may require for an application for permits for gas or oil operations and authorizes additional bonds for any well proposed to be drilled in the Tidewater region.

**Washington**

**2019**

**HB 1428: ELECTRICITY PRODUCT ATTRIBUTE DISCLOSURE**

*Rep. Shewmake*

Requires that utility supplying service to 25,000 of fewer electric meters must annually disclose the electricity product content label through a publication that is distributed to all its retail electric customers, publicly display the electricity product content label at its main business office, and provide the electricity product content label on its publicly accessible web site.

The disclosures required must identify for each electricity product the percentage of the total electricity product sold by a retail supplier during the previous calendar year from each of the following categories: coal, hydroelectric, natural gas, nuclear, petroleum, solar, and wind.

**West Virginia**

**2017**

**SB 687: COAL MINING, SAFETY, AND ENVIRONMENTAL PROTECTION**

*Sen. Randy Smith*

Removes language pertaining to water quality that “supports a balanced aquatic community that is diverse in species composition” as determined by the Department of Environmental Protection. The measure also modifies the bond-
release requirements for certain mountaintop removal mining operations and limits the spending of money from the state’s Special Reclamation Fund to clean up water pollution at abandoned mine sites.

The bill also revises well-plugging processes, preblast survey requirements, and the list of required on-site first aid items to include an automated external defibrillator, or AED, unit.

**2018**

**HB 4626: WEST VIRGINIA INNOVATIVE MINE SAFETY TECHNOLOGY TAX AMENDMENTS**  
*Del. Anderson*

Amends the West Virginia Innovative Mine Safety Technology Tax Credit Act. The bill requires that proximity detection systems, cameras, and underground safety shelters and the refurbishing thereof be on the list of approved innovative mine safety technology.

It also extends the tax credit authorized for qualified investment in eligible safety property under the act to December 31, 2025.

**HB 525: CERTIFICATION FOR EMERGENCY MEDICAL TRAINING IN MINING**  
*Sen. Gaunch*

Adds new certification requirements for emergency medical technicians at mining operations and transfers requirements to the chapter governing miners’ health, safety and training. The bill also eliminates the authority of the Director of Miners’ Health Safety and Training to authorize providers to administer certification courses and examinations.

**SB 626: MINING RELATED PERMITTING AND REGULATIONS**  
*Sen. Smith*

Establishes new notice requirements regarding permit applications under the Surface Coal Mining and Reclamation Act and clarifies when certification is granted under the Water Pollution Control Act.

The bill also declares that comprehensive mine safety programs are subject to annual review only when a pattern of safety violations or a serious accident occurs. The bill also establishes the use of MSHA-approved ground control plans for surface operations and requires automated external defibrillators be present on surface operations. The Director of the Office of Miners’ Health, Safety, and Training is required to promulgate emergency rules relating to the ground control plan.

Finally, the bill provides that one MSHA-approved plan may be submitted to the director in lieu of separate state-approved plans for ventilation, seals, roof control, belt air, self-contained self-rescuer storage, tracking and communication, and emergency shelters.

**HCR 8: FUNDING FOR FEASIBILITY STUDY OF COAL-TO-CHEMICALS PROJECT**  
*Del. Phillips*

Requests West Virginia’s congressional delegation to ask the United States Department of Energy and the United States Department of Commerce to make available funding for a feasibility study to analyze a coal-to-chemicals project for West Virginia and the Appalachian region.
2019

HB 3142: THERMAL AND STEAM COAL SEVERANCE TAX REDUCTION
Dels. Householder, Criss, Rowan, Linville, and Maynard

Reduces the severance tax on thermal or steam coal to from five to three percent over a period of three years. It also eliminates restrictions on counties and municipalities expending and reporting the expenditure of the county and municipality portion of the severance tax.

HB 3144: NORTH CENTRAL APPALACHIAN COAL SEVERANCE TAX REBATE ACT
Dels. Hartman, Stretch, Skaff, Espinosa, Rowan, Maynard, Hill, Longstreth, and Barrett

Establishes the North Central Appalachian Coal Tax Rebate allowing for capital investment in new machinery and equipment directly used in severing coal for sale, profit, or commercial use and coal preparation and processing facilities placed in service or use on or after the effective date of this article. The bill establishes the rebate amount at 35 percent of the cost of new machinery and equipment.

According to the bill, the rebate amount is limited to 80 percent of the state portion of the severance taxes attributable to the additional coal produced as a result of the new machinery and equipment. Further, the bill provides regulations to protect the existing severance tax base attributable to the production of coal.

SB 223: LEGISLATIVE RULE CREATION AUTHORIZATIONS
Sen. Maynard

Authorizes the Office of Miners’ Health, Safety, and Training to promulgate legislative rules governing:

- The safety of those employed in and around surface mines in West Virginia;
- The submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia; and
- The operation of diesel equipment in underground mines in West Virginia.

SB 635: MODIFICATIONS TO PROVISIONS AFFECTING COAL MINING
Sen. Smith

Eliminates the requirement for submission of the community impact statement, and instead it requires a review of new mining activity for submission to the Office of Coalfield Community Development.

The bill also requires the submission of certain information related to land and infrastructure needs upon request of the Office of Coalfield Community Development. The Secretary of the Department of Environmental Protection (DEP) is authorized to promulgate rules relating to mine subsidence protection for dwelling owners.

The legislation also institutes a tax credit for post-coal mine site development and establishes eligibility guidelines. It also specifies the application of the tax credit for post-coal mine site development and authorizes the DEP Secretary to promulgate rules for permit modification and renewal fees for surface mining operations pursuant to the Water Pollution Control Act. A miner who was issued an assessment is now required to either pay the fine or appeal a violation within 30 days.

Further, the bill requires the Office of Miners’ Health, Safety, and Training Mine Rescue Team be provided to a coal operation where the operation has no mine rescue team available within one hour’s drive.
The act also modifies rules to permit employers to drug test an employee involved in an accident that results in physical injuries or damage to equipment or property, and miners testing positive for drug use must undergo a mandatory minimum six-month suspension.

The bill eliminates timing requirements for submitting a detailed mine ventilation plan to the Director of the Office of Miners’ Health, Safety, and Training, and the Director is now authorized promulgate emergency rules for establishing a course of instruction for apprentice miners.

Apprentice miners are now required to work at least 90 days in a mine within sight and sound of a mine foreman or assistant foreman, and the act permits the Director of the Office of Miners’ Health, Safety, and Training to decertify miners who fail to perform daily examinations. The bill also holds mine owners, the state, and person or entities engaged in rescue operations harmless for injury or death resulting from mine trespass and authorizes a temporary exemption from environmental regulations during rescue operations.

Finally, the bill accomplishes the following relating to trespassing:

- Revokes certifications of persons convicted of mine trespass;
- Removes underground coal mines from being subject to the crime of unlawful entry of building other than a dwelling;
- Creates the new criminal misdemeanor and felony offenses of mine trespass;
- Establishes penalties for mine trespass including enhanced penalties for bodily injury or death during rescue operations;
- Authorizes increased liability for damages caused during a mine trespass; and
- Exempts lawful activities under the West Virginia and United States Constitutions, and state, and federal law from the operation of the mine trespass criminal statute.

SR 53: RECOGNIZING AN INCREASE IN BLACK LUNG CASES

*Sen. Stollings*

Recognizes the recent increase in black lung cases in West Virginia. According to the resolution, West Virginia has seen an 11 percent increase in progressive massive fibrosis, which is considered the deadliest form of black lung, since 1972.

SR 75: SUPPORTING THE APPALACHIAN SKY EXECUTIVE ORDER

*Sens. Carmichael, Tarr, Swope, Maynard, Woelfel, Cline, Sypolt, and Plymale*

Encourages the President of the United States to sign the Appalachian Sky Executive Order and bring “much needed economic opportunity to regions of West Virginia and neighboring states whose workforce provided the coal and other materials that made America great and secure, and make central Appalachia and West Virginia great again.”
Establishes that the rates charged by an electric utility must not include any recovery of costs associated with new electric generation facilities built to replace the electricity generated from retired coal-fired electric generating facilities unless the Public Service Commission determines that the electric utility made a good faith effort to sell the facility prior to its retirement.

The bill outlines the process for the sale of an otherwise retiring coal-fired electric generating facility, and it exempts a person purchasing an otherwise retiring coal fired electric generation facility from regulation as a public utility.

Finally, the bill requires a public utility to purchase electricity generated from a purchased retiring coal-fired electric generation facility if it is offered at a specified rate determined by the commission.