



Transcending Boundaries



ENERGY & ENVIRONMENT LEGISLATIVE DIGEST

2020



Transcending Boundaries

Energy & Environment Legislative Digest

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

September 2020

**Covering measures in 16 states and two U.S. territories
and including selected measures across the nation**

Introduction by
Rep. Lynn Smith of Georgia
Vice Chair

Acknowledgments

The Southern States Energy Board's 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.

This version is current as of September 1, 2020.

MISSION STATEMENT

Through innovations in energy and environmental policies, programs, and technologies, the **Southern States Energy Board** enhances economic development and the quality of life in the South.



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Introduction

Representative Lynn Smith

It is my privilege to introduce the 2020 Legislative Digest, a compendium of energy and environmental legislation enacted by the Board's 18 member states and territories during the unprecedented 2020 legislative sessions.

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 its member states is accurate and comprehensive. The legislation presented in this document is current through September 1, 2020.

After last year's unusually high number of energy and environment bills passed, this year's edition contains an unusually low amount of bills. Due to the ongoing COVID-19 pandemic, legislatures across the nation have focused on the pressing matter of addressing the numerous problems caused by the pandemic. Some of these pressing matters do relate to energy and environment such as emergency and disaster response planning.

Precise bill summaries are categorized for easy comparison. Some bills may cover a range of issues and fall into multiple categories. Energy measures are divided among the following categories: Alternative Energy Development; Coal and Minerals; Computer Technology and Digital Innovation; Emergency Management and Homeland Security; Energy Efficiency; Natural Gas and Petroleum; Reorganization and Coordination; and Utilities. In total, 187 energy-related bills were passed this year by our member states and territories.

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. These categories combined for 152 pieces of legislation. As with previous years, flood control and emergency management planning remain important to many of our member states' legislatures.

When examining legislation passed state-by-state it is not unusual to observe trends. This year, several states passed legislation addressing the need for broadband access in rural areas, typically through the use of existing rural electric cooperative infrastructure. Such bills have seen a surge in popularity over the past few years, but with telecommuting and at-home learning becoming the new normal for many, the issue has become more important than ever before.

Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina, Virginia, and West Virginia all passed bills related to the promotion, funding, and deployment of broadband access.

On the topic of emergency management response, **Alabama** created and established funding for a statewide emergency notification system to consolidate the previous county by county system. **Virginia** established the Emergency Shelters Upgrade Assistance Grant Fund in order to install, maintain, or repair infrastructure for backup energy generation for emergency shelters, and **Florida** passed a law requiring counties that maintain designated shelters to designate a shelter that can accommodate persons with pets. **Tennessee** extended the life of the Tennessee Emergency Management Agency to June 30, 2025.

Flood control was the subject of multiple bills across our member states as well. The **Florida, Louisiana, Maryland, Oklahoma, South Carolina, and Virginia** legislatures all addressed flood water mitigation and response in some form.



North Carolina transferred leftover monies to a polyfluoroalkyl substances (PFAS) recovery fund, while **Maryland** banned its use in fire-fighting foams, and **Virginia** established a work group to investigate, among other chemicals, the levels of PFAS in drinking water.

On the issue of coal ash, **Georgia** passed a law that upped the coal ash landfill fees to \$2.50 per ton making it on par with the other landfill waste charges, while **Puerto Rico** extended restrictions and reporting on its ban of coal ash storage with its "Act to Prohibit the Deposit and Disposal of Coal Ash or Waste Coal Combustion in Puerto Rico."

And in our other member territory, the **U.S. Virgin Islands**, the legislature passed a bill with the intention of developing a sustainable ocean-based "blue economy" within the territory.

Our members in **Virginia** had a very busy year passing more than 90 energy and environment bills, which doubles the amount passed by the legislature last year and accounts for nearly a third of the total bills contained within this digest. Clean energy adoption, specifically solar and wind energy legislation, was the topic of many of the bills passed in Virginia.

At the time of publication, a handful of legislatures remain in special sessions mainly in order to address the unavoidable health and financial issues caused by the pandemic. I thank you for taking time to read this publication, and I encourage you to use it in your own state as a tool. I hope that it provides a good overview of the current legislative landscape of energy and environmental issues in our member states and territories during this unprecedented time.

About Representative Lynn Smith

A recognized leader in the community and the state of Georgia, State Representative Lynn Smith is known for her ability to listen, learn, and lead. Rep. Smith was elected to the Georgia House of Representatives in 1996. She currently serves as chairman of the House Natural Resources and Environment Committee (NR&E). She champions sound environmental policies that protect the environment as well as the economy of Georgia. To that effect, she is the author of several legislative bills that have become law. Most recently, she championed the Water Stewardship Act, the creation of the Regional Water Plans, and revisions to the Brownfield Act. She also serves on the Appropriations, Rules, and Reapportionment Committees. In 2011, along with the UGA Carl Vinson Institute of Government (CVIG), she developed the NR&E Committee Policy Academy to study annually the pressing issues before the committee.

In addition to state committees, Rep. Smith is the current Vice Chair of the Southern States Energy Board (SSEB) and is the immediate past-chair of the Southern Legislative conference (SLC) Energy and Environment Committee. She is also a member of the National Conference of State Legislatures (NCSL). She is a former lay appointee to the State Bar of Georgia Investigative Panel and is a former Vice-Chair of the NCSL Environment Committee.

Before being elected to the Georgia House of Representatives, Rep. Smith served her community in several ways. She presided over the following organizations: the Newnan-Coweta Chamber of Commerce, the Newnan Carnegie Library, the Newnan-Coweta Public Library, the Coweta Economic Development partnership, the Shenandoah Georgia Youth Science and Technology Center, the Newnan Junior Service League, and the Driftwood Garden Club. She was a board member of the Newnan - Coweta United Way Board and the Newnan Hospital Board. She continues serving as a member of the Newnan Rotary Club and as a Georgia Master Gardener. A graduate of the University of Georgia, a former educator, business owner, and community leader, Rep. Smith continues to dedicate her time and energies to her community. She attends Central Baptist Church and supports many local philanthropic causes as well as community initiatives. Rep. Smith enjoys spending time with her children and grandchildren.

Categories of Energy Legislation

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.

Computer Technology and Digital Innovation

The category of Computer Technology and Digital Innovation is a recent addition. Increasingly, legislatures are passing bills related to digital security, nascent computer technology, and increasingly robust artificial intelligence—all of which can have huge impacts related to grid security, energy efficiency, and solving problems specific to the energy industry.

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 that 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 is 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 requirements 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 legislative activity observed in SSEB member states during this year's legislative session.

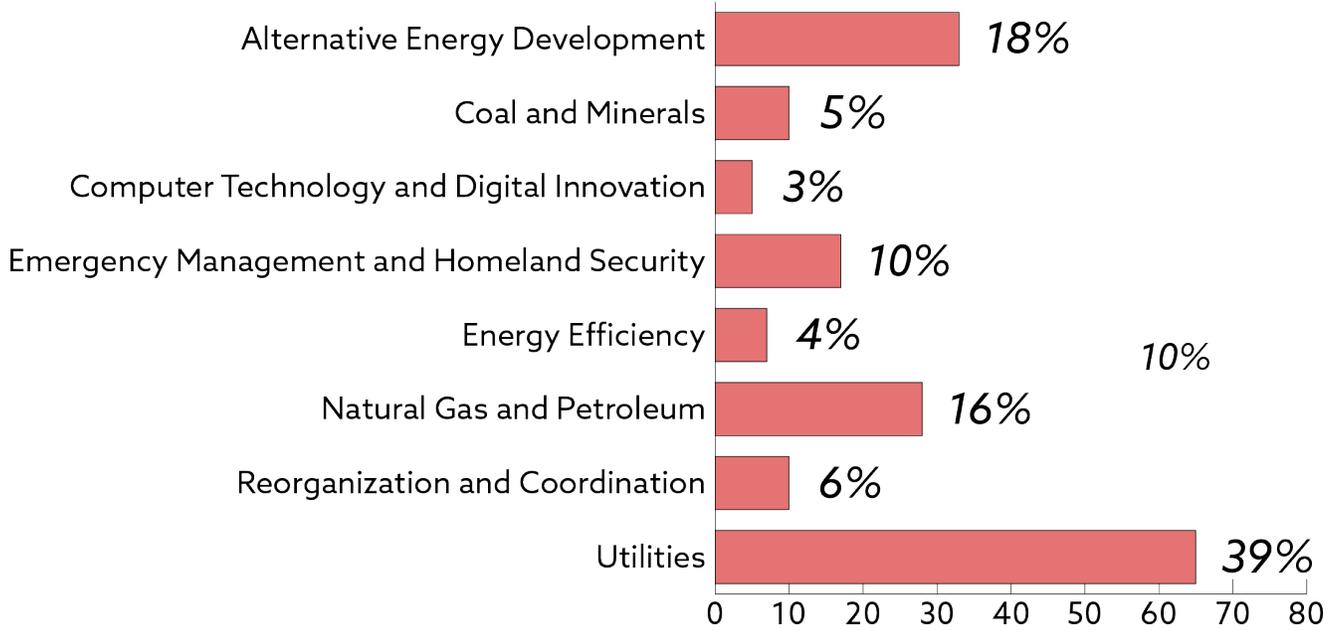
The matrices provide readers with a quick view of the categories of laws passed by each state. The abbreviations used are expanded upon by the bar charts beneath.

The bar charts show the collective number of bills enacted by category as percentages.

Legislation Prefixes

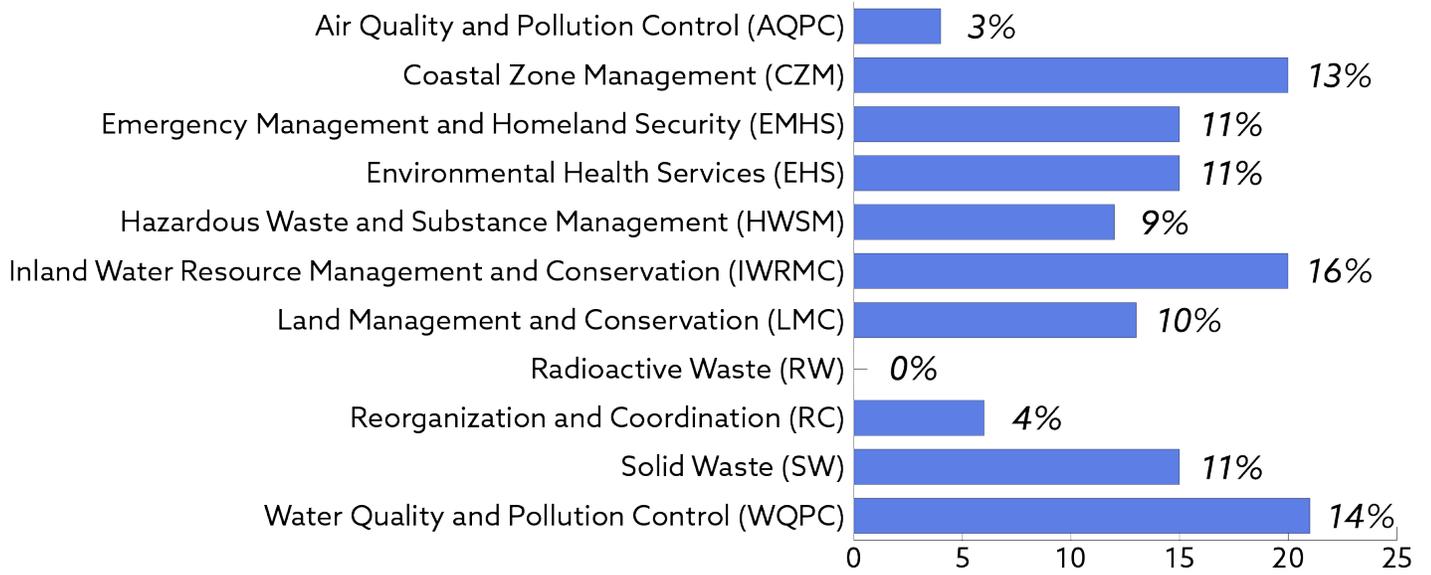
<i>B</i>	<i>Bill</i>
<i>HB</i>	<i>House Bill</i>
<i>HCR</i>	<i>House Concurrent Resolution</i>
<i>HJR</i>	<i>House Joint Resolution</i>
<i>HR</i>	<i>House Resolution</i>
<i>R</i>	<i>Resolution</i>
<i>SB</i>	<i>Senate Bill</i>
<i>SCR</i>	<i>Senate Concurrent Resolution</i>
<i>SJR</i>	<i>Senate Joint Resolution</i>
<i>SR</i>	<i>Senate Resolution</i>

2020 Energy Legislation Matrix



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

2020 Environmental Legislation Matrix



Categories	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	✓		✓				✓		✓	✓							✓	✓



NATIONAL

When looking at legislation passed outside of our membership region, we see that many states are following the lead of our members by passing bills increasing broadband deployment via electric cooperatives and studying or banning hazardous substances known as polyfluoroalkyl substances (PFAS). Several states initiated renewables studies and funding for infrastructure, technology, and recycling as well. This section should not be considered comprehensive as it only lists less than 30 of the hundreds of energy and environment bills passed across the nation.

Energy Legislation

Alternative Energy Development

Massachusetts / HB 4923 - Water Supply District Renewables Integration

Sponsored by Rep. Speliotis

Authorizes the Water Supply District of Acton to enter into a lease, license, or other disposition of land held for water supply purposes for the construction, operation and maintenance of a solar energy generating and energy storage facility.

Minnesota / HB 1842 - Solar Incentives and Grants for Education and Development

Sponsored by Rep. Wagenius

Extends through 2022 Xcel Energy's existing Solar Rewards program that pays owners of small solar systems of 40 kW or less a financial incentive based on the amount of energy produced, allocating \$10 million to the program in both fiscal year 2021 and fiscal year 2022.

Unallocated funds remaining at the end of a program year to be available to the program until the end of 2022, at which point the funds cancel back to the renewable development account.

The bill also establishes a program in the Department of Employment and Economic Development to award grants to communities in which electric generating plants have ceased or are scheduled to cease operations. Grants may fund worker retraining, the development of economic development strategies, and programs to attract new employers.

Finally, the measure requires the commissioner of commerce to award a grant to the Prairie Island Indian Community to develop and implement programs promoting the use of renewable energy sources among the tribe's institutions and members.

New Jersey / SR 14 - Fusion Energy Research Appeal

Sponsored by Sen. Pennacchio

Urges Congress and the President to increase funding for fusion energy research.

The resolution states that "New Jersey is a leader in fusion energy research, and it is home to the Princeton Plasma Physics Laboratory (PPPL), one of the foremost centers for fusion energy research in the world."

The bill asks Congress to increase its appropriations to the Fusion Energy Sciences program in the Department of Energy, in order to support the PPPL, as well as private enterprises pursuing the technology.

Wyoming / HB 74 - Permitting and Operational Regulation of Small Modular Nuclear Reactors

Sponsored by Rep. Burkhart

Authorizes the Environmental Quality Council, with recommendation and consultation from the Department of Environmental Quality, to promulgate rules that authorize the permitting and operation of small modular nuclear reactors in Wyoming.

The reactors can be used to replace coal or natural gas electric generation on the sites of those facilities, and the facilities cannot have a greater rated capacity (whether through one reactor or multiple reactors) than the existing capacity of the coal or natural gas electric generation facility.

The act requires a small nuclear reactor operator to comply with all requirements of the United States Nuclear Regulatory Commission and prohibits storage of spent nuclear fuel on the reactor's site without meeting all federal requirements.

A five dollar per megawatt hour tax on the production of electricity from nuclear reactors in Wyoming is applied by the law, and it exempts from taxation government-owned nuclear reactors, electricity produced for the producer's consumption, and test or demonstration reactors. There is an offsetting credit for any property tax paid that is associated with a nuclear reactor.

The act requires the Environmental Quality Council and Department of Environmental Quality to promulgate rules regarding the permitting of small modular reactors, and it provides that the provisions of the Industrial Development Information and Siting Act apply so long as those provisions don't contradict with requirements of the United States Nuclear Regulatory Commission.

Energy Efficiency

Alaska / HB 232 - Municipal Tax Credits for Air Quality and Energy Efficiency

Sponsored by Rep. Hopkins

Creates an air quality improvement tax credit and an energy efficient new construction tax credit that municipalities may implement.

According to the bill, the tax credits offset a portion of property taxes on a property that had been improved during the immediately preceding tax year, if the property was improved in ways that promote air quality or with energy efficient new construction.

Rhode Island / HB 8092 - Local Funding for Renewable Energy and Conservation Measures

Sponsored by Rep. Mattiello

Authorizes the city of Cranston to issue not more than \$5 million bonds and notes for the acquisition, equipping, and installation of renewable energy and energy conservation improvements in public buildings.

Utah / HB 235 - Voluntary Home Energy Information Pilot Program

Sponsored by Rep. Arent

Provides for the creation of model rules by the Office of Energy Development for a voluntary home energy information pilot program.

Specifically, the bill accomplishes the following:

- Requires the Office of Energy Development to administer or contract for the administration of an advisory committee and the development of model rules;
- Requires the Office of Energy Development to develop model rules for a home energy performance score system;
- Creates the Home Energy Information Advisory Committee to consult on the development of model rules for a home energy information pilot program and the home energy performance score system;
- Specifies advisory committee membership and duties; and
- Provides for a sunset of provisions relating to the voluntary home energy information pilot program.

Natural Gas and Petroleum

South Dakota / HB 1025 - Plugging and Performance Bond Requirements

Sponsored by the House Agriculture and Natural Resources Committee

Requires the furnishing of a plugging and performance bond in the amount of \$50,000 or an amount sufficient to guarantee the costs of well site reclamation, or \$100,000 blanket, with good and sufficient surety, conditioned for the performance of the duty to plug each dry or abandoned well, to restore the premises, insofar as possible, to the condition that existed before the filing of the application to drill.

The measure also requires the furnishing of a supplemental plugging and performance bond in the amount of \$20,000 dollars or an amount sufficient to guarantee the costs of well site reclamation for any oil and gas well that does not produce or otherwise remains unused for more than six months.

Washington / SB 5579 - Concerning the Volatility of Crude Oil Received in the State by Rail

Sponsored by Sen. Billig

Prohibits a facility from loading or unloading crude oil into or from a rail tank car, or from storing crude oil produced from the Bakken region, unless the oil has a vapor pressure of less than nine pounds per square inch.

The law also requires a facility that receives crude oil from a railroad car, when providing notice to the department of ecology, to include information on the type and vapor pressure of the crude oil received.

Utilities

Alaska / SB 123 - Electric Reliability Organization Certification Process

Sponsored by the Railbelt Electric System Committee

Gives the Regulatory Commission of Alaska (RCA) new authority to certify electric reliability organizations, including the ability to form an electric reliability organization (ERO) if the RCA determines no person has applied for certification as an ERO.

A certified ERO, according to the measure, will be able to impose a penalty on a user, owner, or operator of an interconnected bulk power system for violation of a reliability standard. Penalties may be appealed to the RCA and the RCA may modify a penalty imposed by an ERO. The RCA may also directly impose penalties for reliability standard violations.

The bill also provides the RCA with the authority to adopt regulations governing EROs, reliability standards, modifications to reliability standards, integrated resource plans, transmission system access, interconnection and cost recovery, and project pre approval.

Arizona / SB 1460 - Broadband Service Deployment via Electric Cooperatives

Sponsored by Sen. Borrelli

Authorizes electric cooperative nonprofit membership corporations and nonprofit electric generation and transmission cooperative corporations to provide broadband service.

The bill directs cooperatives to notify property owners when expanding broadband service and prescribes a process for cooperatives and property owners to address just compensation claims.

California / SB 350 - The Golden State Energy Act

Sponsored by Sens. Hill, Dodd, and McGuire

Authorizes the creation of a non-profit public benefit corporation, Golden State Energy, to acquire the Pacific Gas and Electric (PG&E) Corporation under specified circumstances.

The bill provides specified actions should PG&E not emerge from bankruptcy or have its California Public Utilities Commission-issued license revoked.

Michigan / HR 282 - Great Lakes Tunnel Project Support

Sponsored by Rep. Markkanen

Supports the timely issuing of permits for the construction of the Great Lakes Tunnel Project and to support the private investment and employment opportunities afforded by the project.

The project aims to install a multi-use utility tunnel beneath the Straits of Mackinac, according to the resolution, and it may mitigate the risk of an oil spill in the Great Lakes and will improve the ability to safely and efficiently transmit energy resources across the state.

Nebraska / SB 632 - Utility Disconnection and Reconnection Fee Limit

Sponsored by Sen. Hughes

Imposes a limit on fees utilities may charge for disconnection or reconnection, expands disconnection postponement options for households containing an individual with an illness or handicap that would be worsened by disconnection, and requires utilities to post certain information about disconnection and reconnection online.

New Hampshire / HB 715 - Studying Compensation for Energy Storage Projects

Sponsored by Rep. Oxenham

Requires the Public Utilities Commission to investigate ways to enable energy storage projects to receive compensation for avoided transmission and distribution costs.

New Hampshire / SB 166 - Regulating the Credit or Purchase of Electricity under Net Energy Metering

Sponsored by Sen. Feltes

Adds municipal and county aggregators to provisions governing competitive electricity suppliers for the credit or purchase of electrical supply under net energy metering.

New York / SB 8113 - Preventing Utility Service Termination During a Declared Emergency

Sponsored by Sen. Parker

Amends the public service law to prevent utility corporations or municipalities from terminating or disconnecting the services of residential customers for the non-payment of an overdue charge during the state disaster emergency declared pursuant to Executive Order 202.

Vermont / SB 301 - Waivers for Telecommunications Construction During a Declared State of Emergency

Sponsored by Sen. Brock

Allows the Public Utility Commission to grant waivers to allow construction of temporary telecommunications facilities during a declared state of emergency.

Environmental Legislation

Air Quality and Pollution Control

Alaska / HB 232 - Municipal Tax Credits for Air Quality and Energy Efficiency

Sponsored by Rep. Hopkins

Creates an air quality improvement tax credit and an energy efficient new construction tax credit that municipalities may implement.

According to the bill, the tax credits offset a portion of property taxes on a property that had been improved during the immediately preceding tax year, if the property was improved in ways that promote air quality or with energy efficient new construction.

Environmental Health Services

New York / AB 8960 - Environmental Justice Advisory Group Establishment

Sponsored by Asm. Peoples-Stokes

Establishes a permanent environmental justice advisory group and an environmental justice interagency coordinating council.

Hazardous Waste and Substance Management

Colorado / SB 118 - Hazardous Materials Transportation Permit Issuance

Sponsored by Sen. Hisley

Transfers the function of issuing permits for the transportation of hazardous materials and nuclear materials by motor vehicle from the Public Utilities Commission (PUC) to the Department of Transportation.

The act also reduces state fiscal year 2020-21 cash fund appropriations from the PUC Motor Carrier Fund to the PUC for personal services and operating expenses by a total amount of \$20,918.

Washington / HB 2265 - Removing Exemptions for Use of Certain Hazardous Substances

Sponsored by Rep. Doglio

Eliminates exemptions from restrictions on the use of perfluoroalkyl and polyfluoroalkyl substances in firefighting foam.

Wisconsin / SB 310 - Prohibition on PFAS Substances in Certain Situations

Sponsored by Sens. Cowles and Petrowski

Prohibits the use of fire-fighting foams that are designed for use on a flammable liquid fire and that contain intentionally added perfluoroalkyl or polyfluoroalkyl substances (PFAS), unless used in emergency fire-fighting or fire prevention operations; or unless used for testing purposes if the testing facility has in place appropriate containment, treatment, and disposal measures, as determined by rule by the Department of Natural Resources.

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

Michigan / HCR 12 - Radioactive Waste Storage Opposition

Sponsored by Rep. Howell

Opposes Canada's consideration of placing a permanent high-level radioactive waste storage site on the shores of Lake Huron and urges the United States Congress to take every legal action possible to prevent the construction of any underground high-level nuclear waste repository in the Great Lakes basin.

The resolution also requests that the Canadian government prohibit a high-level nuclear waste repository anywhere in the Great Lakes basin.

Solid Waste

Colorado / SB 55 - Incentivizing Development Recycling End Markets

Sponsored by Sen. Priola, Story, Cutter, and Arndt

Directs the Department of Public Health and Environment to convene stakeholders to address the structure and governing guidance for a recycling market development center to support the development of end-market businesses within the state.

The law also directs the department to conduct a literature review of what industry and other states are doing around the country regarding producer responsibility and to create policy and legislative recommendations regarding the feasibility of requiring producers to design, manage, and finance programs for end-of-life management of their products and packaging as a condition of sale.

It also allows the Pollution Prevention Advisory Board to use the recycling resources economic opportunity fund and the front range waste diversion cash fund to reimburse eligible recycling businesses for locally assessed personal property taxes paid in the current tax year in this state on personal property.

Finally, the measure requires the department to administer a statewide campaign to educate Colorado residents concerning recycling. The department must ensure the campaign includes:

- Communications delivered via social media;
- Television and radio public service announcements; and
- The placement of written materials in public locations, such as community centers, recreation centers, and shopping centers.

Indiana / HB 1403 - Used Tire Definition Update

Sponsored by Rep. Wolkins

Adds a definition for "used tire" for purposes of the law governing solid waste management and adds requirements for the adoption of administrative rules concerning the regulation of waste tire storage sites and waste tire processing operations.

Used tires must now meet the following criteria:

- The tire has at least two thirty-seconds ($2/32$) of an inch of remaining tread, or the tire wear bars are not exposed;
- The tire has no cuts, slashes, or exposed cord;
- The tire is stored in a rack, stack, or row that:
 - Is accessible for inspection; and
 - Allows access for emergency equipment.
- The tire is stored out of the weather to prevent accumulation of water or precipitation in the tires.

Minnesota / HB 37 - Solid Waste Management Tax Exemptions

Sponsored by Rep. Hansen

Authorizes the commissioners of revenue and the Pollution Control Agency to suspend the requirement that less than 15 percent of mixed municipal solid waste received by recycling or composting facilities be disposed of rather than recycled or composted, provided that the reason for being unable to meet the requirement is related to operational changes implemented to address the COVID-19 virus, thus allowing those materials to retain their exemption from the solid waste management tax.

Nebraska / SB 632 - Solid Waste Management Act Amendments

Sponsored by Sen. Hughes

Amends the Integrated Solid Waste Management Act to help ensure uniform regulation of containers throughout the state, and to encourage recycling and secondary use processes.

The measure addresses the regulatory burden retailers may experience if cities, counties, and agencies could enforce a patchwork of various regulations for containers. The bill clarifies the definition for "container," and prohibits cities, counties, and agencies from setting, enforcing, or otherwise administering any ordinance or resolution that sets other standards, fees, prohibitions, or requirements for the sale, use, or marketing of containers other than those found in the law.

The bill also states a policy of encouraging secondary use processes, specifically pyrolysis and biomass.

Water Quality and Pollution Control

New Hampshire / HB 1264 - Water Quality Standard Expansion and Investigating PFAS

Sponsored by Rep. Meuse

Extends the commission on the seacoast cancer cluster investigation, sets the maximum contaminant levels for certain perfluorochemicals in drinking water, establishes per- and polyfluoroalkyl substances (PFAS) fund and programs, requires insurance coverage for PFAS and perfluorinated compound blood tests, and expands the statute governing ambient groundwater quality standards.

ALABAMA

Alabama adopted 11 energy and environmental bills during its 2020 legislative session. On the subject of emergency management, the legislature passed SB 140 establishing a Statewide Emergency Notification System, and HB 228 allows Shelby County and any cities and utilities in the county to enter into contracts providing mutual aid to each other by restoring utility service in the event of natural disasters or other emergencies.

Energy Legislation

Coal and Minerals

HB 480 - Excise Tax on Mining Machinery

Sponsored by Rep. South

Levies an excise tax within the borders of Tuscaloosa County on the storage, use, or other consumption within the County of any machines used in mining, quarrying, compounding, processing, and manufacturing of coal, purchased at retail on or after March 1, 2020, at the rate of nine-sixteenths of one percent of the sales price of any such machine.

Emergency Management and Homeland Security

HB 228 - Emergency Mutual Aid Provisions

Sponsored by Rep. Ellis

Amends the Constitution of Alabama to authorize Shelby County and any cities and utilities in the County to enter into contracts providing mutual aid to each other by restoring utility service in the event of natural disasters or other emergencies.

SB 140 - Establishing a Statewide Emergency Notification System

Sponsored by Sen. Singleton

Establishes a Statewide Emergency Notification System.

The bill also appropriates funds to the Alabama Disaster Recovery Fund to be used to establish, implement, operate, and maintain the Statewide Emergency Notification System.

Energy Efficiency

HB 202 - Benefit Corporation Eligibility Modifications

Sponsored by Rep. Poole

Makes changes to the Alabama Business and Nonprofit Entities Code to allow business corporations to elect to become benefit corporations. A benefit corporation, as defined by the law, is one that can prove itself to be a public benefit while operating in a responsible and sustainable manner.

The bill also allows for electronic filing of all entity filings to increase the speed at which businesses may be formed and by which transactions may be accomplished.

Natural Gas and Petroleum

SB 20 - Liquefied Petroleum Gas Board Continuance

Sponsored by Sen. Chambliss

Provides for the continuance of the Liquefied Petroleum Gas Board until October 1, 2024.

Reorganization and Coordination

SB 34 - Board of Electrical Contractors Continuance

Sponsored by Sen. Chambliss

Provides for the continuance of the Alabama Board of Electrical Contractors until October 1, 2024.

SB 38 - Alabama Public Service Commission Continuance

Sponsored by Sen. Chambliss

Provides for the continuance of the Alabama Public Service Commission until October 1, 2024.

Utilities

HB 228 - Emergency Mutual Aid Provisions

Sponsored by Rep. Ellis

Amends the Constitution of Alabama to authorize Shelby County and any cities and utilities in the County to enter into contracts providing mutual aid to each other by restoring utility service in the event of natural disasters or other emergencies.

SB 325 - Modifying Distribution of Payments by the TVA

Sponsored by Sen. Orr

Provides for the revised distribution of certain payments made in lieu of taxes by the Tennessee Valley Authority (TVA).

The law now includes reference to the construction of “plants, buildings, factories, works, facilities, machinery, and equipment of any kind whatsoever” in relation to how payments collected from TVA may be allocated within Morgan County.

Environmental Legislation

Emergency Management and Homeland Security

SB 140 - Establishing a Statewide Emergency Notification System

Sponsored by Sen. Singleton

Establishes a Statewide Emergency Notification System.

The bill also appropriates funds to the Alabama Disaster Recovery Fund to be used to establish, implement, operate, and maintain the Statewide Emergency Notification System.

Hazardous Waste and Substance Management

HB 443 - Barring Septage From Fertilizer Use

Sponsored by Rep. Johnson

Declares that septage may not be applied on land as a fertilizer, soil amendment, or otherwise.

Solid Waste

HB 140 - Landfill Definition Modification

Sponsored by Rep. Baker

Provides that landfills covered by substances other than “compacted earth” are included within the definition of a landfill.

Water Quality and Pollution Control

SB 25 - Onsite Wastewater Board Continuance

Sponsored by Sen. Chambliss

Provides for the continuance of the Onsite Wastewater Board until October 1, 2023.

ARKANSAS

Arkansas holds a fiscal session on even-numbered years and does not typically pass bills that are impactful in the areas of energy and environment. However, we continue to monitor for any relevant special session bills.

FLORIDA

Florida adopted 19 energy and environmental bills during its 2020 legislative session. Notably, SB 7018 requires a master plan for the development of electric vehicle charging stations along state highways. HB 969 establishes provisions and funding for the deployment of broadband internet access in underserved areas. The Clean Waterways Act was established by SB 712 in order to address a number of environmental issues including several provisions specifically related to water quality improvement.

Energy Legislation

Alternative Energy Development

SB 7018 - Electric Vehicle Charging Station Infrastructure Development Plans

Sponsored by the Appropriations Committee and the Infrastructure and Security Committee

Requires the Florida Department of Transportation (FDOT), in coordination with the Public Service Commission (PSC) and the Office of Energy within the Department of Agriculture and Consumer Services, and any other public or private entities as necessary or appropriate, to develop and recommend a master plan for the development of electric vehicle charging station infrastructure along the State Highway System.

The act also authorizes the FDOT, the PSC, and the Office of Energy to agree to explore other issues deemed necessary or appropriate for purposes of the required report and requires the master plan to be developed and submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2021. The plan must include recommendations for legislation and may include other recommendations as determined by the FDOT.

The bill also requires the FDOT, by December 1, 2020, to file a status report containing any preliminary recommendations, including recommendations for legislation to the Governor, the President of the Senate, and the Speaker of the House.

Finally, the legislation clarifies that previously established law must not be interpreted to prohibit lands traditionally used for agriculture that are subject to a conservation easement from being utilized for the construction of any public or private linear facility and right of access, if such rights are voluntarily negotiated.

Emergency Management and Homeland Security

HB 705 - Requiring Shelter for Persons with Pets During Emergencies

Sponsored by the Oversight, Transparency and Public Management Subcommittee and Reps. Killebrew and Toledo

Requires counties that maintain designated shelters to designate a shelter that can accommodate persons with pets.

According to the bill, the shelter must be in compliance with applicable Federal Emergency Management Agency (FEMA) Disaster Assistance Policies and Procedures and with safety procedures regarding the sheltering of pets established in the shelter component of both local and state comprehensive emergency management plans.

The act also requires the Department of Education to assist the Division of Emergency Management in determining strategies for the evacuation of persons with pets for the shelter component of the state comprehensive emergency management plan.

HB 7097 - Establishing a Disaster Preparedness Tax Holiday

Sponsored by Rep. Avila

Establishes a seven-day “disaster preparedness” tax holiday from May 29, 2020, through June 04, 2020, for specified disaster preparedness items.

Among other amendments, the bill also increases bond limits for certain bonds required of motor fuel dealers from \$100,000 to \$300,000.

The bill extends the time property owners affected by Hurricane Michael may begin rebuilding and retain their prior assessment limitation as well.

SB 538 - Reportable Incidents Constituting Emergencies Amendments

Sponsored by the Community Affairs Committee, the Infrastructure and Security Committee, and Sens. Diaz, Book, Pizzo, and Perry

Directs the State Watch Office (SWO) to create and maintain a list of emergency related reportable incidents.

The list must include, but is not limited to the following:

- Major fire incidents;
- Search and rescue operations;
- Bomb threats;
- Natural hazards and severe weather;
- Public health and population protective actions;
- Animal or agricultural events;
- Environmental concerns;
- Nuclear power plant events;
- Major transportation events;
- Major utility or infrastructure events; and
- Certain military events.

The bill also states political subdivisions must notify the SWO of incidents occurring within their geographic boundaries. The SWO may develop guidelines for reporting and must annually provide the list of reportable incidents to political subdivisions.

SB 1050 - Florida Disaster Volunteer Leave Act Amendments

Sponsored by the Government Oversight and Accountability Committee and Sen. Diaz

Amends the Florida Disaster Volunteer Leave Act.

The measure broadens the definition of “disaster” to mean an event that results in a state of emergency as declared by the governor of this state or any other state or territory in the United States, and it adds the terms “disaster area” and “volunteer” to the Act.

The bill requires a request for disaster leave be made by the employee and specifies an employing agency must verify the employee’s volunteer status before granting leave. Leave for disasters occurring outside the boundaries of this state but within the United States requires the approval of the head of the employee’s employing agency. An employee receiving disaster leave must attest to his or her employing agency that he or she has completed his or her volunteer service and must specify the period of time served as a volunteer for that event and a description of the disaster response or recovery services provided.

Natural Gas and Petroleum

SB 702 - Petroleum Cleanup Participation Program Modifications

Sponsored by the Environment and Natural Resources Committee and Sen. Albritton

Makes the following changes to the Petroleum Cleanup Participation Program:

- Requires that limited contamination assessment reports be sufficient to support the proposed course of action and to estimate the cost of the proposed course of action;
- Authorizes a demonstration of cost savings, as described in the bill, to replace or supplement the existing cost-share requirement;
- Provides definitions for Risk Management Option Levels I and II;
- Deletes the authorization that the costs for the report and co-payment may be reduced or eliminated if the responsible owners and all operators demonstrate that they cannot financially comply with the co-payment and report requirements; and
- Deletes the 120-day time limitation for negotiations.

The measure makes the following changes to the Advanced Cleanup Program:

- Requires the applicant’s contractor, upon acceptance of an application, to submit a scope of work to the Department of Environmental Protection (DEP) for the limited contamination assessment. Once the scope of work is agreed upon, DEP must issue purchase orders for the assessment of up to \$35,000 per purchase order;
- Requires that the property owner or responsible party must commit to continue to participate in the Advanced Cleanup Program upon completion of the limited contamination assessment and finalization of the proposed course of action;
- Requires that proposed course of actions in the application be “conceptual”;

- Deletes the prohibition on refunding costs incurred relating to conducting the limited contamination assessment report from the Inland Protection Trust Fund (IPTF); and
- Deletes the requirement that the limited contamination assessment report be included in the application for the Advanced Cleanup Program.

The bill also authorizes the DEP to use the IPTF to address damage or potential damage to storage tank systems caused by ethanol or biodiesel. DEP must pay up to \$10 million each fiscal year from the IPTF for the costs of labor and equipment to repair or replace petroleum storage systems that may have been damaged or for preventative measures reducing the potential for such damage.

It also establishes procedures by which petroleum storage system owners or operators may submit applications for purchase orders for authorized scopes of work and for payment of costs incurred between July 1, 2015, and June 30, 2019. The DEP is authorized to pay up to \$200,000 annually per applicant for a single facility or \$500,000 annually per applicant in aggregate.

The bill requires that, after July 1, 2019, DEP must only register new petroleum equipment meeting applicable standards for compatibility, and it requires DEP to disburse money to the Fish and Wildlife Conservation Commission for enforcement of the IPTF statute and the Water Quality Assurance Act.

Reorganization and Coordination

HB 7039 - Abolishing Certain Inactive Programs and Councils

Sponsored by the Health and Human Services Committee, the State Affairs Committee, and Rep. Rodriguez

Abolishes specific advisory bodies and programs that are no longer active, necessary, or beneficial to the furtherance of a public purpose.

Specifically, this bill abolishes the following entities and the statutory references relating, but not limited, to the following:

- Citrus/Hernando Waterways Restoration Council;
- My Safe Florida Home Program Advisory Council;
- Geneva Freshwater Lens Task Force;
- Brownfield Areas Loan Guarantee Council;
- Non-mandatory Land Reclamation Committee;
- Sturgeon Production Working Group;
- Clean Fuel Florida Advisory Board;
- Technical Advisory Council for Water and Domestic Wastewater Operator Certification; and
- Florida Agricultural Promotion Campaign Advisory Council.

SB 7018 - Electric Vehicle Charging Station Infrastructure Development Plans

Sponsored by the Appropriations Committee and the Infrastructure and Security Committee

Requires the Florida Department of Transportation (FDOT), in coordination with the Public Service Commission (PSC) and the Office of Energy within the Department of Agriculture and Consumer Services, and any other public or private entities as necessary or appropriate, to develop and recommend a master plan for the development of electric vehicle charging station infrastructure along the State Highway System.

The act also authorizes the FDOT, the PSC, and the Office of Energy to agree to explore other issues deemed necessary or appropriate for purposes of the required report and requires the recommended master plan to be developed and submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2021. The plan must include recommendations for legislation and may include other recommendations as determined by the FDOT.

The bill also requires the FDOT, by December 1, 2020, to file a status report containing any preliminary recommendations, including recommendations for legislation to the Governor, the President of the Senate, and the Speaker of the House.

Utilities

HB 969 - Establishing Provisions and Funding for Broadband Internet Service Deployment

Sponsored by the House Transportation and Tourism Appropriations Subcommittee and Reps. Drake and Ausley

Transfers the state's broadband program from the Department of Management Services (DMS) to the Department of Economic Opportunity (DEO), creating the Florida Office of Broadband within DEO's Division of Community Development.

The bill transfers powers and duties regarding the development, marketing, and promotion of broadband that were previously under DMS. Specifically, the office is directed to perform the following duties:

- Create a strategic plan to increase the use of broadband Internet service in Florida. The plan must include a process to review and verify public input on broadband Internet transmission speeds and availability;
- Build and facilitate local technology planning teams, especially with community members from the areas of education, healthcare, business, tourism, agriculture, economic development, and local government;
- Encourage public use of Internet service through broadband grant programs; and
- Monitor, participate in, and provide input on Federal Communications Commission proceedings that are related to the geographic availability and deployment of broadband Internet in Florida.

The bill also provides that the Department of Transportation may, beginning in Fiscal Year 2022-2023, use up to \$5 million annually from the funds transferred to Florida's Turnpike Enterprise to the Multi-use Corridors of Regional Economic Significance program for projects that assist in the development of broadband infrastructure within or adjacent to a multi-use corridor.

HB 1095 - Underground Facilities Damage Prevention Amendments

Sponsored by the Commerce Committee, the Energy and Utilities Subcommittee, and Rep. Fitzenhagen

Amends provisions of law relating to the Underground Facility Damage Prevention and Safety Act and revises provisions relating to the Office of Public Counsel within the Public Service Commission.

The act is intended to identify and locate underground facilities (e.g., pipes, pipelines, and cables) prior to an excavation or demolition to prevent injury to persons or property or interruption of services resulting from damages to those facilities.

Specifically, the bill:

- Expands the list of entities that may issue citations for existing and new enhanced-penalty violations of current law to include the State Fire Marshal or his or her statutorily defined agents, and the fire chiefs of special districts, municipalities, and counties; and provides criminal penalties for willful failure to respond to a citation;
- Increases the maximum civil penalty (up to \$2,500, in addition to any other court costs) for certain violations of current law that involve an underground pipe or facility transporting hazardous materials regulated by the U.S. Department of Transportation Pipeline and Hazardous Material Safety Administration. Eighty percent of the civil penalty will be distributed to the entity that issued the citation, and the remaining 20 percent will be retained by the clerk, in addition to any court costs;
- Requires each clerk of court to submit an annual report to the State Fire Marshal listing each violation notice written under current law which was filed in that County during the preceding calendar year;
- Provides a criminal penalty for knowingly and willfully removing or damaging a permanent marker;
- Requires member operators and excavators to transmit reports of incidents that involve high-priority subsurface installations for investigation by the State Fire Marshal, who replaces the Division of Administrative Hearings as the investigative authority. The State Fire Marshal may also issue a citation and impose a civil penalty for a violation of current law and 95 percent of any civil penalty imposed will be equally distributed between the Sunshine 811 system and the State Fire Marshal for specified uses. The remaining five percent is retained by the clerk of court to cover administrative costs; and
- Requires Sunshine State One-Call of Florida, Inc., to review the reports submitted by the clerks of court to the State Fire Marshal, and any complaints of alleged violations of existing law in order to identify issues and potential issues with damage prevention and enforcement. Sunshine State One-Call of Florida, Inc., is further required to submit an analysis of its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives on an annual basis.

SB 7018 - Expediting Permits for Wireless Infrastructure

Sponsored by the Appropriations Committee and the Infrastructure and Security Committee

Provides that a permit application by a County or municipality to use the right-of-way on any public road for a utility must be processed and acted upon within the expedited time frames of the “Advanced Wireless Infrastructure Deployment Act.”

Environmental Legislation

Coastal Zone Management

HB 1061 - Aquatic Preserve System Addition

Sponsored by the State Affairs Committee, the Agriculture and Natural Resources Appropriations Subcommittee, and Rep. Massullo

Designates the coastal region of Citrus, Hernando, and Pasco counties as an aquatic preserve system under the Florida Aquatic Preserve Act of 1975 and names it the “Nature Coast Aquatic Preserve.”

The bill also designates the region as an “Outstanding Florida Water.”

The measure also includes legislative intent that the area “be preserved in an essentially natural condition so that its biological and aesthetic values may endure for the enjoyment of future generations.”

SB 178 - Sea Level Impact Projection Requirements

Sponsored by the Appropriations Committee, the Infrastructure and Security Committee, and Sens. Rodriguez and Berman

Requires a public entity that commissions or manages a construction project within the coastal building zone, using funds appropriated from the state, to conduct a sea level impact projection (SLIP) study prior to commencing construction.

The Department of Environmental Protection (DEP) must establish, by rule, standards for the SLIP studies. It also requires that the standards must include certain requirements specified in the bill for how the studies will be conducted and the information they must contain. The requirement to conduct a SLIP study prior to commencing construction is effective one year after DEP’s rule is finalized and only applies to projects that commence after the rule is finalized.

SLIP studies must be conducted, submitted to DEP, and published on DEP’s website for 30 days before construction can commence. The bill requires the DEP to publish and maintain a copy of all SLIP studies on its website for 10 years after receipt and to adopt rules as necessary to administer the section and authorizes DEP to enforce the requirements of the section.

The measure also authorizes the DEP to bring a civil action to seek injunctive relief to cease construction, enforce the section or rules adopted pursuant thereto, or seek recovery of state funds expended on a coastal structure, if construction commences without complying with the section.

Finally, the bill states that the section may not be construed to create a cause of action for damages or otherwise authorize the imposition of penalties by a public entity for failure to implement what is contained in a SLIP study.

SR 1572 - Climate Change Impact Preparation

Sponsored by Sen. Stewart

Expresses the legislature’s support for the adoption of policies preparing Florida for the environmental and economic impact of climate change, sea-level rise, and flooding, and recognizes the important role that resiliency and infrastructure will play in fortifying the state.

Emergency Management and Homeland Security

HB 705 - Requiring Shelter for Persons with Pets During Emergencies

Sponsored by the Oversight, Transparency and Public Management Subcommittee and Reps. Killebrew and Toledo

Requires counties that maintain designated shelters to designate a shelter that can accommodate persons with pets.

According to the bill, the shelter must be in compliance with applicable Federal Emergency Management Agency (FEMA) Disaster Assistance Policies and Procedures and with safety procedures regarding the sheltering of pets established in the shelter component of both local and state comprehensive emergency management plans.

The act also requires the Department of Education to assist the Division of Emergency Management in determining strategies for the evacuation of persons with pets for the shelter component of the state comprehensive emergency management plan.

HB 7097 - Establishing a Disaster Preparedness Tax Holiday

Sponsored by Rep. Avila

Establishes a seven-day “disaster preparedness” tax holiday from May 29, 2020, through June 04, 2020, for specified disaster preparedness items.

Among other amendments, the bill also increases bond limits for certain bonds required of motor fuel dealers from \$100,000 to \$300,000.

The bill extends the time property owners affected by Hurricane Michael may begin rebuilding and retain their prior assessment limitation as well.

SB 538 - Reportable Incidents Constituting Emergencies Amendments

Sponsored by the Community Affairs Committee, the Infrastructure and Security Committee, and Sens. Diaz, Book, Pizzo, and Perry

Directs the State Watch Office (SWO) to create and maintain a list of emergency related reportable incidents.

The list must include, but is not limited to the following:

- Major fire incidents;
- Search and rescue operations;
- Bomb threats;
- Natural hazards and severe weather;
- Public health and population protective actions;
- Animal or agricultural events;
- Environmental concerns;
- Nuclear power plant events;
- Major transportation events;
- Major utility or infrastructure events; and
- Certain military events.

The bill also states political subdivisions must notify the SWO of incidents occurring within their geographic boundaries. The SWO may develop guidelines for reporting and must annually provide the list of reportable incidents to political subdivisions.

SB 966 - Property Photography Exemptions

Sponsored by the Governmental Oversight and Accountability Committee and Sen. Gainer

Exempts property photographs and personal identifying information of an applicant for or a participant in a federal, state, or local housing assistance program for the purpose of disaster recovery assistance for a presidentially declared disaster from public disclosure requirements.

The provision applies to photographs and personal identifying information held by the Department of Economic Opportunity, the Florida Housing Finance Corporation, a County, a municipality, or a local housing finance agency, according to the bill.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2025, unless reviewed and reenacted by the Legislature.

SB 1050 - Florida Disaster Volunteer Leave Act Amendments

Sponsored by the Government Oversight and Accountability Committee and Sen. Diaz

Amends the Florida Disaster Volunteer Leave Act.

The bill broadens the definition of “disaster” to mean an event that results in a state of emergency as declared by the governor of this state or any other state or territory in the United States, and it adds the terms “disaster area” and “volunteer” to the Act.

The bill requires a request for disaster leave be made by the employee and specifies an employing agency must verify the employee’s volunteer status before granting leave. Leave for disasters occurring outside the boundaries of this state but within the United States requires the approval of the head of the employee’s employing agency. An employee receiving disaster leave must attest to his or her employing agency that he or she has completed his or her volunteer service and must specify the period of time served as a volunteer for that event and a description of the disaster response or recovery services provided.

SB 7018 - Emergency Response Staging Area Requirements

Sponsored by the Appropriations Committee and the Infrastructure and Security Committee

Authorizes the Florida Department of Transportation (FDOT) to plan, design, and construct staging areas for emergency response on the turnpike system.

These areas are for the staging of emergency supplies, equipment, and personnel to facilitate the prompt provision of emergency assistance to the public in response to a declared state of emergency, according to the bill.

The law also authorizes the FDOT to acquire property necessary for such staging areas and requires the FDOT to give priority consideration to placement of such staging areas in counties with a population of 200,000 or less in which a multi-use corridor of regional significance is located.

Environmental Health Services

HB 73 - Prohibition of Certain Environmental Permitting Exceptions

Sponsored by the State Affairs Committee and Rep. Overdorf

Prohibits a local government from requiring a person claiming certain environmental permitting exceptions to provide further verification to the Department of Environmental Protection for certain activities. The activities include:

- Installing overhead transmission lines having support structures that are not constructed in waters of the state and which do not create a navigational hazard;
- The installation and repair of mooring pilings and dolphins associated with private docking facilities or piers and the installation of private docks, piers, and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities will not take place in any manatee habitat; and
- The installation and maintenance to design specifications of boat ramps on artificial bodies of water where navigational access to the proposed ramp exists or the installation of boat ramps open to the public in any waters of the state where navigational access to the proposed ramp exists and where the construction of the proposed ramp will be less than 30 feet wide and will involve the removal of less than 25 cubic yards of material from the waters of the state.

The measure further revises the exemption from permits for the replacement or repair of existing docks or piers. Instead of requiring that the replaced or repaired dock or pier be in the same location and of the same configuration and dimensions as the dock or pier being replaced or repaired, the bill requires that it must be within 5 feet of the same location and no larger than the existing dock or pier. No additional aquatic resources may be adversely and permanently impacted by such replacement or repair, according to the act.

HB 659 - Drone Usage in Law Enforcement

Sponsored by the Agriculture and Natural Resources Appropriations Subcommittee and Rep. Fischer

Creates an additional exception from the prohibition in existing law against law enforcement agencies using drones to gather evidence or information.

The bill authorizes the use of drones by a non-law enforcement employee of the Fish and Wildlife Conservation Commission or of the Florida Forest Service for the purposes of managing and eradicating invasive exotic plants or animals on public lands and suppressing or mitigating wildfire threats.

SB 1414 - Banning Harassment of Hunters, Trappers, or Fishers

Sponsored by the Rules Committee, Agriculture Committee, Environment and Natural Resources Committee, and Sen. Mayfield

Broadens the prohibition on the harassment of hunters, trappers, or fishers to include harassment on any public lands, public waters, or publicly- or privately-owned wildlife management and fish management areas.

The bill also expands the number of free fishing days from four to six.

It adds green iguanas and tegu lizards to the conditional nonnative snakes and lizards list and tightens the restrictions on the list from applying to possession of these species for sale or personal use to prohibiting any use except for educational, research, or eradication or control purposes.

The Fish and Wildlife Conservation Commission (FWC) is authorized to grandfather certain persons holding a valid captive wildlife Class III exhibition or sale license to continue to exhibit, sell, or breed green iguanas or tegu lizards commercially as long as the license remains active and is not transferred or lapsed. The bill allows the sale of inventory of the species only outside of the state and prohibits import of the species into the state.

Finally, the legislation requires FWC to adopt rules to establish reporting requirements, biosecurity measures to prevent the escape of the species, and grandfathering provisions for persons that are currently in possession of green iguanas or tegu lizards who do not qualify for the grandfathering provisions applicable to exhibition, sale, or breeding.

Inland Water Resource Management and Conservation

SB 384 - Harris Chain of Lakes Restoration Council Elimination

Sponsored by Sen. Baxley

Eliminates the Harris Chain of Lakes Restoration Council and its responsibilities in initiating the Harris Chain of Lakes restoration program and in reviewing other restoration proposals.

Land Management and Conservation

SB 7018 - Allowing for Voluntary Negotiations of Construction or Rights-of-Access

Sponsored by the Appropriations Committee and the Infrastructure and Security Committee

Clarifies that previously established law must not be interpreted to prohibit lands traditionally used for agriculture that are subject to a conservation easement from being utilized for the construction of any public or private linear facility and right of access, if such rights are voluntarily negotiated.

Reorganization and Coordination

HB 7039 - Abolishing Certain Inactive Programs and Councils

Sponsored by the Health and Human Services Committee, the State Affairs Committee, and Rep. Rodriguez

Abolishes specific advisory bodies and programs that are no longer active, necessary, or beneficial to the furtherance of a public purpose.

Specifically, this bill abolishes the following entities and the statutory references relating, but not limited, to the following:

- Citrus/Hernando Waterways Restoration Council;
- My Safe Florida Home Program Advisory Council;
- Geneva Freshwater Lens Task Force;
- Brownfield Areas Loan Guarantee Council;
- Non-mandatory Land Reclamation Committee;
- Sturgeon Production Working Group;

- Clean Fuel Florida Advisory Board;
- Technical advisory council for water and domestic wastewater operator certification; and
- Florida Agricultural Promotion Campaign Advisory Council.

Solid Waste

HB 73 - Addressing Contaminants in Recycled or Recovered Materials

Sponsored by the State Affairs Committee and Rep. Overdorf

Requires contracts between local governments and residential recycling collectors or recovered materials processing facilities for the collection, transport, or processing of residential recyclable material to address contamination.

Such contracts must provide a definition of “contaminated recyclable material” that is appropriate for the local community and must address topics regarding contamination that are listed in the bill. These requirements also apply to each request for proposal or other solicitation for collecting or processing residential recyclable material. After a contract is executed, a residential recycling collector or recovered materials processing facility is not required to collect, transport, or process contaminated recyclable material, except pursuant to a contract consistent with the bill. The measure applies to contracts that are executed or renewed after October 1, 2020.

Water Quality and Pollution Control

HB 1091 - Environmental Law Violation Amendments

Sponsored by the State Affairs Committee, the Agriculture and Natural Resources Subcommittee, and Rep. Fine

Makes numerous changes to the penalties for violating Florida’s environmental laws.

The bill increases required or maximum environmental penalties in various sections of the Florida Statutes. Most of these changes increase a penalty by 50 percent, and it increases the amount in administrative penalties that the Department of Environmental Protection may impose under current law in a notice of violation from \$10,000 to \$50,000.

The measure adjusts the duration that several penalties may run, so that each day during any portion of which certain violations occur constitutes a separate offense. For administrative penalties imposed under current law, the bill provides that each day the cause of an unauthorized discharge of domestic wastewater is not addressed constitutes a separate offense. For civil penalties imposed under current law, the act provides that, if a violation is an unauthorized discharge of domestic wastewater, each day the cause of the violation is not addressed constitutes a separate offense until the violation is resolved by order or judgment.

The measure requires a seller of real property to disclose to a prospective purchaser, before executing a contract for sale, any defects in the property’s sanitary sewer lateral that are known to the seller, and it encourages municipalities and counties to voluntarily establish within their respective jurisdictions an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties to identify and reduce extraneous flow from leaking sanitary sewer laterals.

SB 712 - Establishing the Clean Waterways Act

Sponsored by the Appropriations Committee, the Community Affairs Committee, and Sens. Mayfield, Harrell, Albritton, and Bradley

Establishes the Clean Waterways Act in order to address a number of environmental issues including several provisions specifically related to water quality improvement.

The bill transfers the Onsite Sewage Program from the Department of Health (DOH) to the Department of Environmental Protection (DEP) starting in 2021. It also creates a temporary septic technical advisory committee within DEP.

The measure requires local governments to create septic remediation plans for certain basin management action plans (BMAPs), and it also requires the DEP to implement a fast track-approval process for NSF/ANSI 245 nutrient reducing septic systems and revises provisions relating to septic system setback rules.

Local governments are required to create wastewater treatment plans for certain BMAPs but authorizes different cost options for projects that meet pollution reduction requirements.

It also creates a wastewater grant program that allows the DEP to provide grants for projects within BMAPs, alternative restoration plans, or rural areas of opportunity that will reduce excess nutrient pollution. Further, it prioritizes funding for certain wastewater projects in the grant program, the State Revolving Loan Fund Program, and the Small Community Sewer Construction Assistance Program.

The legislation prohibits, beginning July 1, 2025, wastewater treatment facilities from discharging into the Indian River Lagoon without providing advanced waste treatment, and it imposes new requirements on wastewater facilities and DEP to prevent sanitary sewer overflows and underground pipe leaks.

The bill requires the DEP to:

- Update its stormwater design and operation rules and Environmental Resource Permit Applicant's Handbook;
- Make revisions to its local pollution control staff training;
- Evaluate the self-certification process for the construction, alteration, and maintenance of a stormwater management system and revise the model stormwater management program;
- Establish a real-time water quality monitoring program, subject to appropriation; and
- Conduct a study on the bottled water industry in the state.

The bill requires the Department of Agriculture and Consumer Services (DACS) to perform onsite inspections at least every two years of agricultural producers enrolled in best management practices (BMPs). DACS must prioritize inspections for producers in the BMAPs for Lake Okeechobee, the Indian River Lagoon, the Caloosahatchee River and Estuary, and Silver Springs.

The act creates a cooperative agricultural regional water quality improvement element as part of a BMAP in areas where agriculture is a significant source of pollution. Projects under the element could include conservation easements and dispersed water management. The bill authorizes legislative budget requests to fund these projects and requires DEP to allocate at least 20 percent of the funds it receives for projects in areas with the highest nutrient concentrations.

The measure requires DACS, in coordination with the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) and other academic institutions, to annually develop research plans and legislative budget requests to address agricultural runoff.

The act also requires enrollment in DACS's BMP program and prohibits the application of Class A or Class B biosolids within six inches of the seasonal high water table, unless a nutrient management plan and water quality monitoring plan provide reasonable assurances that the application will not cause or contribute to water quality violations. Permits will have to comply with the statute within two years and with DEP's biosolids rule within two years of it becoming effective. The bill allows local governments to keep existing biosolids ordinances.

The bill doubles the fines for wastewater violations and increases the cap on total administrative penalties that may be assessed by DEP from \$10,000 to \$50,000 and the cap per violator from \$5,000 to \$10,000.

Finally, the bill prohibits local governments from providing legal rights to any plant, animal, body of water, or other part of the natural environment unless otherwise specifically authorized by state law or the state constitution.

GEORGIA

Georgia adopted 18 energy and environmental bills during its 2020 legislative session. Two bills, HB 244 and SB 370, dealt with the issue of the ability for broadband providers to deploy their services using existing infrastructure. On the environmental side, SB 426 established the requirement to report any spill or release of ethylene oxide to the Environmental Protection Division of the Department of Natural Resources within 24 hours of the spill.

Energy Legislation

Coal and Minerals

SB 123 - Coal Ash Landfill Fees

Sponsored by Sens. Ligon, Watson, Kirk, Orrock, Jones, and Hufstetler

Increases landfill fees for coal ash to \$2.50 per ton making it on par with other landfill waste charges.

Natural Gas and Petroleum

HB 972 - Establishing Penalties for Violating Pipeline Safety Standard

Sponsored by Reps. Houston, England, Knight, Parsons, and Corbett

Provides for penalties against any operator for violations of natural gas pipeline safety standards and regulations prescribed and enforced by the Public Service Commission.

Utilities

HB 244 - Requirements for Attaching Communication Service Providers to Utility Poles

Sponsored by Reps. Stephens, Harrell, Smyre, Parsons, Hatchett, and Jasperse

Requires electric membership corporations to comply with certain requirements in determining the rates, fees, terms, conditions, and specifications for attachments to utility poles by communications service providers, such as broadband services.

HR 1094 - Easement Authorization for Several Counties

Sponsored by Reps. Dunahoo, Greene, Pirkle, Werkheiser, and Lumsden

Authorizes the granting of nonexclusive easements for the construction, installation, operation, and maintenance of facilities, utilities, and ingresses and egresses in, on, over, under, upon, across, or through property owned by the State of Georgia in Barrow, Calhoun, Chatham, Cherokee, Clayton, Cobb, Crisp, Dougherty, Douglas, McIntosh, Muscogee, Paulding, Polk, and Richmond Counties.

SB 370 - Safety and Permitting Requirements for Broadband Service Easements

Sponsored by Sens. Gooch, Brass, Kennedy, Albers, Jordan, and Martin

Provides for compliance with certain safety and permit requirements when electric easements are utilized for broadband services.

According to the legislation, such requirements may include, but are not limited to, insurance coverage and responsibility of the owner of an electric easement to pay for costs incurred by a railroad company or state agency related to such requirements, such as safety measures and engineering review costs.

SB 373 - Responsibilities for Directors and Officers of Nonprofit and Electric Membership Corporations

Sponsored by Sens. Kennedy, Stone, Jones, Gooch, Cowser, and Jones

Amends existing law relating to directors and officers of nonprofit corporations and directors and officers of electric membership corporations and foreign electric cooperatives, respectively, so as to change provisions relating to the responsibilities and standard of care of directors and officers of certain corporations.

The bill clarifies the ability of directors and officers to rely on other individuals in the performance of their duties and provides for a rebuttable presumption when directors and officers are acting in good faith.

Environmental Legislation

Air Quality and Pollution Control

HB 857 - Biomass Boiler Restrictions

Sponsored by Reps. Powell, McCall, Jasperse, Trammell, and Frye

Amends existing law relating to air quality such that permits issued for biomass boilers must prohibit the use of railroad ties treated with creosote compounds or treated with naphthenate compounds for purposes of commercial electricity generation unless the boiler also provides steam or electricity to any co-located forest products processing plant.

Coastal Zone Management

HB 833 - Anchorage Restrictions Areas

Sponsored by Reps. Stephens, Robichaux, and Henson

Establishes anchorage restriction areas and prohibits overnight anchoring in such areas.

The bill defines an “anchorage restriction area” as any place within estuarine areas that lies within 300 feet of a marina, 150 feet from a marine structure, or within 500 feet of approved commercial shellfish growing areas and public harvest areas.

The law also prohibits long-term anchoring of a vessel in an estuarine area without first obtaining a long-term anchoring permit from the state. Long-term anchoring is defined as lasting more than 14 days within a radius of 5,280 feet from a documented anchoring point.

HR 1369 - Celebrating the Anniversary of the Coastal Marshland Protection Act

Sponsored by Reps. Gardner, Buckner, Smith, Hogan, Stephens, and Oliver

Recognizes March 27, 2020, as the 50th anniversary of the Coastal Marshland Protection Act.

Emergency Management and Homeland Security

HB 105 - Disaster Relief Tax Exemptions

Sponsored by Reps. Watson, Powell, Meeks, McCall, and Pirkle

Exempts from state income tax certain income received by taxpayers as payments from a disaster relief or assistance program administered by the United States Department of Agriculture in connection with Hurricane Michael.

Environmental Health Services

HR 1033 - Keep Georgia Beautiful Foundation Commendation

Sponsored by Reps. Tankersley, Blackmon, Taylor, Ehrhard, Cantrell, and Hogan

Commends the Keep Georgia Beautiful Foundation and the more than 70 local Keep America Beautiful affiliates across the state who educate and inspire Georgians to take action every day to improve and beautify their community environments.

Hazardous Waste and Substance Management

SB 426 - Ethylene Oxide Release Notification Requirements

Sponsored by Sens. Strickland, Tillery, Kirkpatrick, Rhett, James, and Anderson

Requires the reporting of any spill or release of ethylene oxide to the Environmental Protection Division of the Department of Natural Resources within 24 hours of the spill.

The bill also provides for mandatory reporting of any spill or release of ethylene oxide on the division’s website.

Inland Water Resource Management and Conservation

HB 314 - Regulating Vessel Titling and Transfer

Sponsored by Reps. Stephens, Hawkins, Morris, Barr, Tanner, and Pruett

Declares that any vessel using the waters of the state must be titled unless it is exempt from the numbering requirements under existing law.

The bill further states that no person may operate or give permission for the operation of any such vessel on the waters of this state unless the vessel is titled in accordance with this law. Every outboard motor greater than 25 horsepower used to propel a titled vessel must be included on the vessel title.

The measure also requires that before an insurer transfers an ownership interest in a hull damaged vessel that is covered by a certificate of number created by the department, the insurer must deliver to the department an application for a new certificate that includes the title brand designation 'Hull Damaged.'

HB 875 - Carroll County Water Authority Amendments

Sponsored by Reps. Nix, Collins, Cooke, and Smith

Increases the annual compensation cap for authority members and brings antiquated provisions related to revenue bonds in line with current state revenue bond laws.

The bill also increases the maximum allowable interest rate on revenue bonds issued by the authority.

HB 901 - Loans Commitments for Conservation Purposes

Sponsored by Reps. Cheokas, Greene, Lumsden, Wiedower, and Smith

Authorizes the state treasurer to make loan commitments and loans to local governments and nongovernmental entities for projects that permanently protect land and water, or interests therein, that are in their undeveloped natural states or have been developed to be consistent with, or are restored to be consistent with, one or more of the following conservation purposes:

- Water quality protection for rivers, streams, and lakes;
- Flood protection;
- Wetlands protection;
- Reduction of erosion through protection of steep slopes, areas with erodible soils, and stream banks;
- Protection of riparian buffers and other areas that serve as natural habitats and corridors for native plant and animal species;
- Protection of prime agricultural and forestry lands;
- Protection of cultural sites, heritage corridors, and archeological and historic resources;
- Scenic protection;
- Provision of recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, or similar outdoor activities; and
- Connection of existing or planned areas contributing to the goals outlined above.

Land Management and Conservation

HB 897 - Establishing Timber Harvest Notification Website and Related Matters

Sponsored by Reps. Burchett, Burns, McCall, Corbett, Rhodes, and Watson

Requires the State Forestry Commission to create a website that provides a state-wide notification platform for persons or firms harvesting standing timber to utilize as a uniform system of notification to local governing authorities.

The director of the State Forestry Commission must promulgate such rules and regulations as are reasonable and necessary for purposes of designing, implementing, and enforcing utilization of such website.

Harvesting operations may require a bond or letter of credit, and, according to the law, both protect the county or municipality against any damage requiring re-ditching or repair of existing ditch structure or the removal of any harvesting residue, including tree tops, debris logs, pulpwood, and other materials, placed in or around rights of way caused by such person or firm tendering the bond or letter of credit, and the proceeds of such bond or letter of credit must be available to reimburse the county or municipality for any cost incurred to repair such damages in or around county or municipal rights of way.

HB 901 - Loans Commitments for Conservation Purposes

Sponsored by Reps. Cheokas, Greene, Lumsden, Wiedower, and Smith

Authorizes the state treasurer to make loan commitments and loans to local governments and nongovernmental entities for projects that permanently protect land and water, or interests therein, that are in their undeveloped natural states or have been developed to be consistent with, or are restored to be consistent with, one or more of the following conservation purposes:

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- Protection of riparian buffers and other areas that serve as natural habitats and corridors for native plant and animal species;
- Protection of prime agricultural and forestry lands;
- Protection of cultural sites, heritage corridors, and archeological and historic resources;
- Scenic protection;
- Provision of recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, or similar outdoor activities; and
- Connection of existing or planned areas contributing to the goals outlined above.

HR 509 / SR 408 - Recognizing Georgia's Forests

Sponsored by Reps. Corbett, Burns, Smith, Buckner, McCall, and Holmes; Sens. Harper, Wilkinson, Walker, Ginn, Sims, and Miller

Recognizes the sustainability and economic importance of Georgia's working forests and forest products industries in honor of the United Nations International Day of Forests on March 21.

SB 445 - Authorization to Issue Land-disturbing Activity Permits

Sponsored by Sens. Kennedy, Jones, and Lucas

Authorizes certain water and sewer authorities to be designated as local issuing authorities for land-disturbing activity permits.

Reorganization and Coordination

HB 1217 - Middle Chattahoochee Regional Water and Sewer Authority Act

Sponsored by Reps. Jackson, Bazemore, Bruce, Boddie, Beasley-Teague, and Singleton

Changes the name of the South Fulton Municipal Regional Water and Sewer Authority to the Middle Chattahoochee Regional Water and Sewer Authority.

The law also states that the board must meet on a quarterly basis. It gives the authority the right to make contracts and leases and to execute all instruments necessary or convenient to carry out the purposes of this act. This includes contracts for construction of projects and leases of projects or contracts with respect to the use of projects which it causes to be constructed or acquired, and any and all persons, firms, and corporations and any and all political subdivisions, departments, institutions, or agencies of the state are authorized to enter into contracts, leases, or agreements with the authority upon such terms and for such purposes as they deem advisable.

Solid Waste

HB 1057 - Septage Use Prohibitions

Sponsored by Reps. Rhodes, Fleming, Erwin, and Frye

Prohibits domestic septage in fertilizer, liming materials, and soil amendments and removes the Department of Natural Resources commissioner's authorization for promulgation of rules and regulations regarding fertilizers and liming materials derived from industrial products.

SB 123 - Coal Ash Landfill Fees

Sponsored by Sens. Ligon, Watson, Kirk, Orrock, Jones, and Hufstetler

Increases landfill fees for coal ash to \$2.50 per ton making it on par with other landfill waste charges.

KENTUCKY

Kentucky adopted 9 energy and environmental bills during its 2020 legislative session. HB 44 increased protections for key infrastructure assets, and HB 362 clarified that the state's broadband deployment fund must be used in areas that are unserved or underserved with regard to broadband access.

Energy Legislation

Coal and Minerals

SB 251 - Open-Pit Mine Definitions

Sponsored by Sen. Smith

Amends current law so that open-pit mines do not include any excavation made from a refuse fill.

SB 263 - Refunding Excess Assessments to Coal Employers

Sponsored by Sen. Wheeler

Amends current law to set forth the process to refund excess assessments to coal employers.

The bill states that the Kentucky Employers' Mutual Insurance Authority will disperse, on a pro rata basis, the excess assessments to each employer engaged in the severance or processing of coal and which is in good standing with the Secretary of State and authorized to do business in the Commonwealth as evidenced by a certificate of existence, certificate of authorization, or other such certificate issued by the Secretary of State their pro rata shares of excess assessments.

Computer Technology and Digital Innovation

SB 55 - Blockchain Technology Working Group Creation

Sponsored by Sen. Smith

Creates a nine-member Blockchain Technology Working Group under the Commonwealth Office of Technology.

The group is required to examine the applicability of blockchain technology for various utility sectors and report to the Governor and the Legislative Research Council (LRC) by December 1 of each year.

The working group must evaluate the feasibility and efficacy of using blockchain technology to enhance the security of and increase protection for the state's critical infrastructure, including but not limited to the electric utility grid, natural gas pipelines, drinking water supply and delivery, wastewater, telecommunications, and emergency services.

The working group will create a priority list of critical infrastructure that could benefit from the use of blockchain technology and then determine whether:

- Blockchain fits the distributed nature of transactions;
- The peer-to-peer network is robust enough to support the use of blockchain technology; and
- A cost-benefit analysis of blockchain for each case is warranted to demonstrate its value, applicability, or efficiency.

Emergency Management and Homeland Security

HB 44 - Infrastructure Assets Definitions and Protections

Sponsored by Reps. Gooch, Gowling, Bridges, and Massey

Modifies the definition of “key infrastructure assets” to clarify that natural gas or petroleum pipelines are the type of pipelines covered in the definition and include other types of infrastructure assets as it relates to criminal mischief.

The bill amends current law to include tampering with, impeding, or inhibiting operations of a key infrastructure asset in the offense of criminal mischief in the first degree. It also creates a new law allowing civil action against a person that compensates or remunerates a person caught and convicted of criminal mischief in the first degree.

HR 135 - Requesting Research on the Matter of Emergency Management and Response

Sponsored by Rep. Moser

Encourages the Legislative Research Commission to establish the Kentucky Emergency Preparedness Task Force.

According to the legislation, the force will assess Kentucky’s preparedness for statewide emergencies and establish a plan of action for addressing components of preparedness that need improvement to ensure that Kentucky is effectively equipped to deal with emerging health threats and natural disasters.

Natural Gas and Petroleum

SB 94 - Ethanol Mixture Requirements

Sponsored by Sens. Hornback, Westerfield, Castlen, Girdler, Humphries, Meredith, Parrett, and Wise

Removes the requirements for the sale of gasoline containing up to ten percent ethanol and places those same requirements on 15 percent ethanol mixtures.

Utilities

HB 362 - Broadband Deployment Fund Clarification

Sponsored by Rep. Pratt

Clarifies that the broadband deployment fund must be used to provide grants to deploy and assistance to construct infrastructure for deployment of broadband service to underserved and unserved areas of the Commonwealth and that the moneys are appropriated for those purposes.

The bill defines an “underserved area” as any project area where fixed, terrestrial broadband service with a minimum 25 megabits per second downstream and three megabits per second upstream is not available and an “unserved area” means any project area where fixed, terrestrial broadband service with a minimum 10 megabits per second downstream and one megabit per second upstream is not available.

Environmental Legislation

Air Quality and Pollution Control

HJR 8 - Exploring Alternatives to the Federal Reformulated Gasoline Requirements

Sponsored by Rep. Huff

Directs the Energy and Environment Cabinet and the Louisville Metro Air Pollution Control District to determine the environmental benefits, related costs, and potential alternatives to the federal reformulated gasoline requirements currently imposed in Jefferson County and partial areas in Bullitt and Oldham Counties.

Emergency Management and Homeland Security

HR 135 - Requesting Research on the Matter of Emergency Management and Response

Sponsored by Rep. Moser

Encourages the Legislative Research Commission to establish the Kentucky Emergency Preparedness Task Force.

According to the legislation, the force would assess Kentucky's preparedness for statewide emergencies and to establish a plan of action for addressing components of preparedness that need improvement to ensure that Kentucky is effectively equipped to deal with emerging health threats and natural disasters.

Environmental Health Services

SR 251 - Environmental Education Day Establishment

Sponsored by Sen. McGarvey

Declares April 22, 2020, as Environmental Education Day in Kentucky and honor the 50th anniversary of Earth Day.

Solid Waste

SB 251 - Open-Pit Mine Definitions

Sponsored by Sen. Smith

Amends current law so that open-pit mines do not include any excavation made from a refuse fill.

LOUISIANA

Louisiana adopted 32 energy and environmental bills during its 2020 legislative session. Among the bills passed is HCR 11 urges the U.S. Congress and the Louisiana congressional delegation to remove the revenue sharing cap on the Gulf of Mexico Energy Securities Act of 2006 for Gulf producing states. HCR 77 and SCR 35 passed with the intention of increasing the viability of broadband deployment.

Energy Legislation

Coal and Minerals

HCR 69 - Trade Potential Task Force Creation

Sponsored by Rep. Wright

Creates a task force to study how to best capitalize on Louisiana's international trade potential.

Petroleum and coal are both mentioned by the bill as top exports.

Computer Technology and Digital Innovation

HB 6 - State Cybersecurity and Information Technology Fund Establishment

Sponsored by Rep. Ivey

Establishes the State Cybersecurity and Information Technology Fund as a special fund within the state treasury.

The measure further provides that the fund must be comprised of 0.01 percent of monies that flow through the Bond Security and Redemption Fund for appropriation from the state general fund, except for monies pledged in connection with issuance of bonds.

The law states that monies in the fund may be expended only on direct, project-related expenses for projects reviewed by the Joint Legislative Committee on Technology and Cybersecurity, or its successor.

HB 633 - Cybersecurity Awareness Training for State Employees

Sponsored by Rep. Freiberg

Mandates the Department of State Civil Service to create and implement a cybersecurity awareness training for state and local agency officials and employees and contractors who have access to their agency's information technology assets.

Additionally, the measure provides that each new state and local agency official or employee with such access must complete cybersecurity awareness training within the first 30 days of employment.

SCR 10 - Louisiana Cyber Investigators Alliance Establishment

Sponsored by Sen. Foil

Establishes the Louisiana Cyber Investigators Alliance in order to conduct cyber threat response activities, provide cyber intelligence support, and standardize evidence preservation procedures under the guidance of the Louisiana State Police.

Emergency Management and Homeland Security

SB 398 - Qualifications for Cyber Response and Recovery Volunteers

Sponsored by Sen. Foil

Sets the following qualifications for volunteers for cyber response and recovery efforts under the Governor's Office of Homeland Security and Emergency Preparedness:

- Be 18 years of age or older;
- Be a resident of the state;
- Have no criminal convictions or arrests aside from minor traffic violations;
- Not be identified on any national criminal registry, including, but not limited, to the National Sex Offender registry; and
- Have a verifiable educational or professional background in information technology services or information security and assurance.

Natural Gas and Petroleum

HCR 69 - Trade Potential Task Force Creation

Sponsored by Rep. Wright

Creates a task force to study how to best capitalize on Louisiana's international trade potential.

Petroleum and coal are both mentioned by the bill as top exports.

HB 360 - Valuation Methodology for Oil and Gas Wells

Sponsored by Rep. Huval

Provides for the methodology of valuation of oil and gas wells for the purpose of ad valorem assessment.

Specifically, the bill states that the presence or production of oil or gas may be included in the methodology when determining the fair market value of an oil or gas well for the purpose of ad valorem taxes.

SB 386 - Advisory Commission for Energy, Environment, and Restoration Program Support

Sponsored by Sen. Allain

Creates the Advisory Commission for Louisiana's Energy, Environment, and Restoration within the Department of Natural Resources (DNR) for the purpose of supporting programs designed to:

- Demonstrate to the general public the importance of the Louisiana oil and natural gas exploration, production, and service industry;
- Encourage the wise and efficient use of energy;
- Promote environmentally sound production methods and technologies;
- Develop existing supplies of Louisiana’s oil and natural gas resources;
- Support research and educational activities concerning the oil and gas exploration and production industry; and
- Advance remediation of historical oilfield environmental problems.

The commission is required by the legislation to develop an operational plan and legislative recommendations for the 2021 Regular Session necessary to implement the operational plan by July 1, 2021.

SB 492 - Natural Gas Provider Regulation Provisions

Sponsored by Sen. Cathey

Establishes that the regulation of a natural gas utility provider’s authority to operate and serve customers is a matter of statewide concern.

The bill provides that no code, ordinance, land use restriction or general or specific plan provision or part of a code, ordinance, land use regulation or general or specific plan provision adopted by a parish or municipality may prohibit or have the effect of restricting a person’s or entity’s ability to use the services of a utility provider that is capable and authorized to provide the utility service at a person’s or entity’s property. The law does not affect the authority of a parish or municipality to manage or operate a publicly-owned utility.

Reorganization and Coordination

HCR 11 - Requesting Revenue Sharing Cap Removal

Sponsored by Rep. Fontenot

Urges the U.S. Congress and the Louisiana congressional delegation to remove the revenue sharing cap on the Gulf of Mexico Energy Securities Act of 2006 for Gulf producing states and to take such actions as are necessary to rectify the federal revenue sharing inequities between energy-producing states.

SCR 4 - Requesting Public-Private Partnership Investment in Critical Infrastructure

Sponsored by Sen. Foil

Urges and requests the Departments of Economic Development, Insurance, Revenue, Transportation and Development and the Division of Administration to study and make recommendations relative to the practicality and feasibility of establishing a funding mechanism for public-private partnership investment in Louisiana infrastructure projects.

Utilities

HCR 77 - Urging the Removal of Broadband Deployment Expansion Barriers

Sponsored by Rep. Schexnayder

Requests removal of public and private sector barriers in order to accelerate the expansion of broadband in the state.

HB 39 - Allowing for Electric Utility Cost Recovery under State of Emergency

Sponsored by Rep. Davis

Expands the definition of investment recovery costs to include any other expenses, unrecovered costs, capital expenditures, or write-offs incurred or to be incurred by the electric utility under as a result of an event designated by the governor as a state of emergency and determined by the Public Service Commission to be suitable for securitization financing.

HB 70 - Establishing Hazard Pay Rebate for Critical Infrastructure Workers

Sponsored by Rep. Jenkins

Establishes a one-time hazard pay rebate of \$250 for essential critical infrastructure workers whose adjusted gross income is \$50,000 or less as reported on the worker's 2019 Louisiana individual income tax return.

The bill defines such workers as including "sanitation personnel; residential, commercial, and industrial solid waste and hazardous waste removal personnel; [and] storage and disposal personnel."

HB 97 - Rural Water System Project Exemption Modifications

Sponsored by Rep. LaCombe

Removes the limitation that in order for a rural water system project to be exempt from its local match requirement, the project must extend or connect waterlines to other water systems and increases the number of customers a rural water system may service from 1,000 to 1,250 in order to be eligible for the local match requirement.

This measure is applicable to the funding of all nonstate entity projects included in the capital outlay budget for fiscal years commencing on and after July 1, 2020, according to the bill.

SB 10 - Broadband Integration Requirement for Electric Cooperatives

Sponsored by Sen. Mizell

Requires an electric cooperative to grant permission to a broadband affiliate or a broadband service provider to use the electric delivery system of the cooperative to provide broadband services.

The bill states that use of the electric delivery system for the provision of broadband services may not be considered an additional burden on the property upon which the cooperative's electric delivery system is located and must not require the broadband affiliate or broadband service provider to obtain the additional consent from anyone having an interest in the property upon which the electric delivery system is located.

Further, the bill prohibits a cooperative from the following:

- Using its electric energy sales revenue to subsidize the provision of broadband services to the public by a broadband affiliate or other broadband operator;

- Allowing the installation or operation of a broadband system on its electric delivery system by a broadband affiliate or other broadband operator to diminish the reliability of the electric delivery system;
- Requiring any person to purchase broadband services from a broadband affiliate or other broadband operator, as a condition of receiving or continuing to receive electric energy from the cooperative; and
- Disconnecting, or threatening to disconnect, electric service to any customer due to the customer's failure to pay for broadband services provided to the customer by a broadband affiliate or other broadband operator.

SB 492 - Natural Gas Provider Regulation Provisions

Sponsored by Sen. Cathey

Establishes that the regulation of a natural gas utility provider's authority to operate and serve customers is a matter of statewide concern.

The bill provides that no code, ordinance, land use restriction or general or specific plan provision or part of a code, ordinance, land use regulation or general or specific plan provision adopted by a parish or municipality may prohibit or have the effect of restricting a person's or entity's ability to use the services of a utility provider that is capable and authorized to provide the utility service at a person's or entity's property. The law does not affect the authority of a parish or municipality to manage or operate a publicly-owned utility.

SB 313 - Establishing an Exemption for Water Charge Mutual Agreements

Sponsored by Sen. Peterson

Provides relative to exemptions related to the New Orleans Sewerage and Water Board.

The bill adds an additional exemption such that existing exemptions from water charges for the Orleans Parish School Board accounts may be superseded by a mutually agreed upon and executed cooperative endeavor agreement between the Sewerage and Water Board of New Orleans and the School Board, wherein the terms of the cooperative endeavor agreement will govern the rate and means by which public schools in Orleans Parish are charged for water and sewer services.

SCR 35 - Broadband Deployment Availability and "Dig Once" Policy

Sponsored by Sen. Mizell

Requests the Department of Transportation and Development to determine which of its assets are available for broadband internet lines and to implement a "Dig Once" policy allowing broadband internet operators to install cable in the ground.

SCR 69 - One Call Agricultural Study Group

Sponsored by Sen. Allain

Establishes the One Call Agricultural Study Group to study the Louisiana Underground Utilities and Facilities Damage Prevention Law as it relates to agriculture and the needs of the agricultural industry and make recommendations as to whether the law should be amended to make exemptions for the agricultural industry.

Environmental Legislation

Coastal Zone Management

HCR 11 - Requesting Revenue Sharing Cap Removal

Sponsored by Rep. Fontenot

Urges the U.S. Congress and the Louisiana congressional delegation to remove the revenue sharing cap on the Gulf of Mexico Energy Securities Act of 2006 for Gulf producing states and to take such actions as are necessary to rectify the federal revenue sharing inequities between energy-producing states.

HR 19 - Coastal Protection Plan Approval

Sponsored by Rep. Zeringue

Approves the annual state integrated coastal protection plan for Fiscal Year 2021, as adopted by the Coastal Protection and Restoration Authority Board.

HR 24 - Requesting Integrating Coastal Protection Projects

Sponsored by Rep. Wheat

Urges and requests the Coastal Protection and Restoration Authority to work with the Department of Wildlife and Fisheries to develop integrated coastal protection projects aimed at preserving and maintaining healthy estuarine and essential fish habitat in and around Lake Pontchartrain.

SCR 56 - Requesting Projects Benefiting the State's Oyster Industry

Sponsored by Sen. Hewitt

Requests Coastal Protection and Restoration Authority and the Department of Wildlife and Fisheries to cooperate in developing projects and programs to enhance the oyster industry.

Environmental Health Services

HCR 61 - Requesting Regulatory Review of Exotic and Invasive Species Ownership

Sponsored by Rep. Riser

Urges the Department of Wildlife and Fisheries to review the regulation governing the possession and ownership of certain exotic and invasive species and evaluate the advisability of including additional species in those prohibitions.

HB 246 - Waiving Hunting and Fishing License Fees for Charitable Organization

Sponsored by Rep. Coussan

Authorizes the secretary of the Department of Wildlife and Fisheries to certify “organizations involved in charitable hunting and fishing activities” and waives license fees for such organizations.

Inland Water Resource Management and Conservation

HCR 35 - False River Watershed Council Continuance

Sponsored by Rep. LaCombe

Extends the False River Watershed Council.

HCR 63 - Requesting Consideration of Funding for Flood Prevention

Sponsored by Rep. Hodges

Urges and requests the Division of Administration, Office of Community Development, to consider funding the Darlington Reservoir to assist with the flood prevention efforts in the Baton Rouge region.

HB 181 - Allowing for Cooperative Endeavor Agreements

Sponsored by Rep. Riser

Extends cooperative endeavor agreements for use of surface waters.

The law removes existing provisions prohibiting any new cooperative endeavor agreement after December 31, 2020.

SR 30 - Requesting a Study on the Use of Bowfishing in Louisiana

Sponsored by Sen. Smith

Urges the Department of Wildlife and Fisheries to study the use of bowfishing in Louisiana.

Land Management and Conservation

HB 392 - Removing Authority Over Production and Pricing of Forest Tree Seedlings

Sponsored by Rep. McFarland

Removes a specific function of the Office of Forestry and certain authority of the Louisiana Forestry Commission related to the production and prices of forest tree seedlings grown by the Department of Agriculture.

HB 393 - Authority to Regulate Louisiana Forestry Productivity Program Cooperative Agreements

Sponsored by Rep. McFarland

Provides for the commissioner's authority to regulate cooperative agreements within the Louisiana Forestry Productivity Program.

HB 461 - Land Exchange Authorization

Sponsored by Rep. Zeringue

Authorizes the exchange of two parcels of land held by the Department of Wildlife and Fisheries to the United States Fish and Wildlife Service.

One such parcel is in the Attakapas Wildlife Management Area in St. Mary Parish and the other is an inholding within the Cat Island National Wildlife Refuge in West Feliciana Parish for the parcel of land upon which sits the Manadalay National Wildlife Refuge administrative office in Terrebonne Parish. The bill also reserves mineral rights for the parcels to the state.

Reorganization and Coordination

HB 143 - Department of Wildlife and Fisheries Continuance

Sponsored by Rep. Coussan

Provides for the general recreation of the Department of Wildlife and Fisheries and its statutory entities, effective June 30, 2020, in accordance with the sunset law.

The bill extends the new termination date for the department from July 1, 2021, to July 1, 2025.

Solid Waste

HB 869 - Solid Waste Incineration Facility Requirements

Sponsored by Rep. Carrier

Provides relative to requirements for permitting a solid waste incineration facility.

Previous law requires the Department of Environmental Quality to conduct hearings on environmental impact statements (EIS). Simultaneously with the submission of the statement to the department, the applicant is required to submit copies of the EIS to the local governmental authority or the designated public library. This bill amends the law such that if the applicant is unable to submit the EIS to the public library due to the absence of a library in the parish where the facility is located or the permanent or temporary closure of the library, the department is required to make the EIS available on the department's website.

The measure also repeals the prohibition of the Secretary of the Department of Environmental Quality from issuing any solid waste permits or promulgating any regulation that would allow the operation of a medical waste incinerator disposal facility.

MARYLAND

Maryland adopted 16 energy and environmental bills during its 2020 legislative session. On the issue of energy efficiency, the legislature passed HB 622 requiring all state-owned building to reduce their energy consumption by 10 percent before 2029. HB 177 authorizes the Department of the Environment to take emergency actions to protect life, property, or the environment against risks arising from dams, reservoirs, and similar waterway constructions in imminent danger of failure.

Energy Legislation

Alternative Energy Development

HB 232 - Maryland Zero Emission Electric Vehicle Infrastructure Council Extension and Amendments

Sponsored by Dels. Fraser-Hidalgo, Barve, and Lehman

Alters the deadlines for the interim and final reporting requirements for the Maryland Zero Emission Electric Vehicle Infrastructure Council.

The bill modifies the membership of the Council to add a member and extends the termination date for the Council from June 30, 2020, to June 30, 2026.

HB 980 - Energy Storage System Tax Credit Increase

Sponsored by Dels. Reznik, Fraser-Hidalgo, and Korman

Alters the energy storage system tax credit by increasing to \$150,000 the maximum tax credit that may be claimed for a system installed on commercial property and specifying that a person that owns or pays for the installation of a system that supplies electrical energy intended for use on a residential or commercial property may claim the tax credit.

The bill takes effect July 1, 2020, and applies beginning with tax year 2020.

HB 1029 / SB 224 - Reallocating Funds Within the Clean Energy Account

Sponsored by Del. Brooks; Sen. Feldman

Alters the allocation of funds for the Clean Energy Account within the Maryland Employment Advancement Right Now (EARN) program.

It reduces funding for pre-apprenticeship and apprenticeship programs to provide funding for the recruitment of individuals to the pre-apprenticeship jobs training programs and the registered apprenticeship jobs training programs. Youth apprenticeship and registered apprenticeship jobs training programs funded from the account must comply with all relevant rules, regulations, and standards for youth apprenticeships and registered apprenticeships.

The bill adds energy efficiency and geothermal careers as permissible career fields for youth apprenticeship jobs training programs and the registered apprenticeship jobs training programs under EARN. The youth apprenticeship jobs training programs and the registered apprenticeship jobs training programs must prepare workers for careers

in the energy efficiency and geothermal sectors of the clean energy industry, along with solar and wind sectors as specified under current law.

The bill also expands the definition of “clean energy industry” under EARN to include carpenters, pile-driver operators, millwrights, insulation workers, and well drillers that provide specified products and services.

SB 281 - Waiving Application Fees for Certain Voluntary Cleanup Program Applicants

Sponsored by Sen. Ferguson

Requires the Maryland Department of the Environment to waive application fees for the Voluntary Cleanup Program (VCP) for a qualifying applicant who intends to use eligible property to generate clean or renewable energy.

The bill also expands the definition of “eligible property,” as it applies to VCP, and it exempts specified public-private partnerships formed for the generation of clean or renewable energy from the public service company franchise tax.

Computer Technology and Digital Innovation

HB 45 - Cybersecurity Investment Tax Credit Restrictions

Sponsored by Del. Carr

Restricts eligibility for the enhanced benefits under the cybersecurity investment incentive tax credit program to investments made in a company that is newly established or expands into an opportunity zone on or after March 1, 2018.

HB 1026 - Expanding the Definitions of Economic Development Programs

Sponsored by Dels. Carr and Feldmark

Expands the definition of “economic development program” for purposes of specified data collection, tracking, and reporting requirements under the Maryland Jobs Development Act to include four more tax credits, one of which is the Purchase of Cybersecurity Technology or Service Tax Credit.

Energy Efficiency

HB 662 - Requiring State-Owned Buildings to Reduce Energy Consumption

Sponsored by the Health and Government Operations Committee

Codifies and implements the requirements of the Governor’s Executive Order 01.01.2019.08, which requires that the state reduce energy consumption in state-owned buildings by 10 percent by 2029 compared with a fiscal 2018 baseline.

It also institutes new requirements for state agencies that plan, pursue, and enter into an energy performance contract. The legislation also repeals obsolete provisions related to energy conservation in state-owned buildings.

Reorganization and Coordination

HB 539 / SB 457 - Authorizing the Establishment and Funding of Local Resilience Authorities

Sponsored by Dels. Watson and Lierman; Sen. Elfreth

Authorizes counties and municipalities to solely or jointly establish and fund resilience authorities, subject to specified requirements.

Resilience authorities, which means an authority incorporated by one or more local governments in accordance with this title whose purpose is to undertake or support resilience infrastructure projects, may issue and sell state and local tax-exempt bonds for resilience infrastructure projects and other related financing purposes.

Bonds issued by resilience authorities are limited obligations and are not a pledge of the faith and credit or taxing power of the local governments. Such infrastructure projects are defined as any infrastructure meant to mitigate the effects of climate changes, including, but not limited to, flood barriers, green spaces, building elevation, and stormwater infrastructure.

SB 7 - Maryland Green Building Council Membership Changes

Sponsored by the Budget and Taxation Committee

Alters the membership of the Maryland Green Building Council (MGBC) by removing the Secretary of Housing and Community Development or designee and adding the Secretary of Labor or designee.

Utilities

HB 102 / SB 676 - Funding Limit Increase for Public Service Companies

Sponsored by Del. Davis; Sen. Kelley

Increases the maximum amount that the Public Service Commission (PSC) may assess each public service company to fund its operations each year.

Specifically, the amount is increased, from 0.17 to 0.25 percent, of each company's gross operating revenues derived from intrastate utility and electricity supplier operations in the preceding calendar year. The bill went into effect on June 1, 2020.

HB 928 / SB 603 - Electricity or Gas Supplier Training Requirements

Sponsored by Del. Davis; Sen. Feldman

Requires the Public Service Commission (PSC) to develop a training and educational program, in consultation with interested stakeholders, for any entity or individual that is licensed by PSC as an electricity supplier or a gas supplier, subject to specified requirements.

The program must require that a designated representative of each licensed electricity supplier or licensed gas supplier demonstrate a thorough understanding of relevant PSC regulations. The PSC must conduct an examination at the end of the training and certify that the designated representative has successfully completed the training, and the PSC may recover the initial costs of the program through its standard assessment and may establish reasonable fees for the program.

Finally, the bill states that the PSC also may adopt regulations that include appropriate penalties or sanctions for failure to comply with the law.

Environmental Legislation

Coastal Zone Management

HB 78 - Modifying Criteria for Bay Restoration Fund Allocation

Sponsored by Del. Watson

Alters the criteria for determining the use of funds in the Bay Restoration Fund for certain purposes in certain fiscal years to include climate resiliency and flood control and specifies that certain grants to certain local governments may be used for stormwater management measures that include stormwater measures relating to water quality, climate resiliency, or flood control.

Environmental Health Services

HB 45 - Environmental Impact Reporting Modifications

Sponsored by Del. Carr

Requires a business to include additional information in the impact report submitted to the Department of Commerce in its Opportunity Zone Enhancement Program application.

The impact report must, as applicable, include data on its progress toward, among other issues, promoting environmental sustainability.

Hazardous Waste and Substance Management

HB 619/ SB 420 - PFAS Chemicals Prohibition in Certain Situations

Sponsored by Del. Young; Sen. Elfreth

Prohibits, beginning October 1, 2021, the use of “Class B fire-fighting foam” that contains intentionally added “PFAS chemicals” for testing purposes, with specified exceptions, or training purposes.

Nonfluorinated training foam must be used for fire-fighting training purposes. The bill does not apply to fire-fighting foams used at the Baltimore-Washington International Thurgood Marshall Airport, nor does it restrict the manufacture, sale, distribution, discharge, or use of Class B fire-fighting foam that contains intentionally added PFAS chemicals in emergency fire-fighting or fire prevention operations. A person who violates the bill’s provisions is subject to a civil penalty of up to \$500 for a first violation and up to \$1,000 for a second or subsequent violation, according to the bill.

Inland Water Resource Management and Conservation

HB 177 - Authorizing Emergency Action for Failing Waterway Infrastructure

Sponsored by the House Environment and Transportation Committee

Authorizes the Department of the Environment to take certain emergency actions to protect life, property, or the environment against risks arising from dams, reservoirs, and similar waterway constructions that are in imminent danger of failure.

The bill requires the Department to remain in charge and control of a water infrastructure asset until the Department has determined that the water infrastructure asset has been rendered safe or the circumstances requiring the emergency actions have ceased.

Land Management and Conservation

HB 687 / SB 597 - Fixed Natural Filter Practices and Cost-Sharing

Sponsored by Del. Stein; Sen. Young

Modifies existing provisions governing state cost-sharing for agricultural best management practices to also allow for state cost-sharing for “fixed natural filter practices.”

The bill defines “fixed natural filter practice” as one of the following practices:

- Planting of riparian forest buffers;
- Planting of riparian herbaceous cover;
- Tree plantings that are on agricultural land and outside a riparian buffer;
- Wetland restoration; or
- Pasture management, including rotational grazing systems, such as livestock fencing and watering systems implemented as part of the conversion of cropland to pasture.

The bill further requires that state cost-sharing rates for pasture management be based on the applicable rate established by the United States Department of Agriculture’s Environmental Quality Incentives Program and cost-sharing rates paid for the planting of multiple species of cover crops equal or exceed the rates paid for the planting of a single species of cover crop.

Reorganization and Coordination

HB 539 / SB 457 - Authorizing the Establishment and Funding of Local Resilience Authorities

Sponsored by Dels. Watson and Lierman; Sen. Elfreth

Authorizes counties and municipalities to solely or jointly establish and fund resilience authorities, subject to specified requirements.

Resilience authorities, which means an authority incorporated by one or more local governments in accordance with this title whose purpose is to undertake or support resilience infrastructure projects, may issue and sell state and local tax-exempt bonds for resilience infrastructure projects and other related financing purposes.

Bonds issued by resilience authorities are limited obligations and are not a pledge of the faith and credit or taxing power of the local governments. Such infrastructure projects are defined as any infrastructure meant to mitigate the effects of climate changes, including, but not limited to, flood barriers, green spaces, building elevation, and stormwater infrastructure.

Water Quality and Pollution Control

HB 78 - Modifying Criteria for Bay Restoration Fund Allocation

Sponsored by Del. Watson

Alters the criteria for determining the use of funds in the Bay Restoration Fund for certain purposes in certain fiscal years to include climate resiliency and flood control and specifies that certain grants to certain local governments may be used for stormwater management measures that include stormwater measures relating to water quality, climate resiliency, or flood control.

HB 1035 - Allowing for Bay Restoration Fund Use for Enhanced Nutrient Removal

Sponsored by Del. Adams

Expands the authorized uses of the Bay Restoration Fund to include certain costs associated with the connection of a property using an on-site sewage disposal system to an existing municipal wastewater facility that has signed a funding agreement with the Department of the Environment and is under construction to achieve enhanced nutrient removal or biological nutrient removal level treatment.

MISSISSIPPI

Mississippi adopted 23 energy and environmental bills during its 2020 legislative session. The legislature dealt with the issue of protecting critical infrastructure with HB 1243, which establishes penalties for impeding critical infrastructure. SB 2386 allows for any renewable power purchase entered into after July 1, 2020, by a utility, including, but not limited to, solar, wind, biomass or storage, to incorporate renewable purchase costs in its rate base.

Energy Legislation

Emergency Management and Homeland Security

HB 524 - Expanding Reasons Disaster Assistance Trust Fund May Be Deployed

Sponsored by Reps. Read and Gibbs

Provides new purposes for which the disaster assistance trust fund may be used by the Mississippi Emergency Management Agency (MEMA) to assist counties and municipalities after disasters.

Specifically, the Disaster Assistance Trust Fund was amended to include covering the following:

- Costs incurred for alternative housing grants up to \$250,000.00 per County, per event, to be administered by MEMA for materials only for repairs to communities that do not qualify for Federal Emergency Management Agency Individual Assistance Grants; and

- Costs incurred by MEMA, approved by the executive director, to assist municipalities and counties by allowing them to apply and receive funds for debris removal support, which funds must be reimbursed to MEMA at the date determined after the federal disaster declaration. MEMA must adopt rules and regulations necessary to administer this program.

The measure also amends the maximum amount that may be transferred from the Working Cash-Stabilization Reserve Fund to the Disaster Assistance Trust Fund for any disaster or disasters occurrence to \$1 million and the maximum amount that may be transferred during any fiscal year is \$2 million.

HB 1243 - Establishing Penalties for Impeding Critical Infrastructure

Sponsored by Reps. Bain, Bounds, Powell, and Shanks

Creates new law and penalties concerning the act of impeding critical infrastructure via trespassing.

The relevant critical infrastructure is defined in the bill as:

- Petroleum refineries;
- Liquid natural gas terminals or storage facilities or compressed gas liquids plants or storage facilities;
- Natural gas compressor stations;
- Hydrocarbon processing plants, including plants used in the processing, treatment, or fractionation of oil, natural gas, or natural gas liquids;
- Natural gas distribution utility facilities, including transmission facilities, pipeline interconnections, a city gate or town border station, metering stations, piping, a regulator station, or a natural gas storage facility;
- Crude oil or refined products storage and distribution facilities, including storage tanks, valve sites, pipeline interconnections, pump stations, metering stations, pipelines, or piping, and truck loading or offloading facilities;
- Above-ground or underground mining facilities;
- Electrical power generating facilities, substations, switching stations, communication facilities, electrical control centers, or electric power lines and associated equipment infrastructure other than connections to individual residences; and
- Water intake structures, water treatment facilities, wastewater treatment plants, pump stations or water lines and associated equipment infrastructure other than connections to individual residences.

Natural Gas and Petroleum

HB 689 - Petroleum Products Inspection Law

Sponsored by Reps. Turner and Anthony

Extends the repeal on sections of law that provide definitions and penalties under the Petroleum Products Inspection Law of Mississippi from July 1, 2020, to July 1, 2023.

HB 866 - Maximum Bond Limit Exemptions

Sponsored by Rep. Lamar

Allows the maximum bond limit for distributors of gasoline, special fuel, lubricating oil, and compressed gas to be exceeded in certain circumstances.

HB 977 - Extending Date of Remittance for Oil and Gas Severance Taxes

Sponsored by Rep. Powell

Revises the date by which taxpayers must remit oil severance and gas severance taxes from one month from the time in which the tax accrues to two months.

HB 1175 - Fee Modification for Oil and Gas Assignment Records

Sponsored by Reps. Powell and Anthony

Revises chancery court clerk fees charged for recording each oil and gas assignment.

SB 2467 - Weight Limit Exemptions for Vehicles Fueled by Natural Gas

Sponsored by Sen. Fillingane

Permits certain vehicles operated by an engine fueled primarily by compressed or liquefied natural gas to exceed the gross vehicle weight limitations when operating on interstate highways.

SB 2985 - Natural Gas Distribution Expansion in Town of Belmont

Sponsored by Sen. Sparks

Authorizes the town of Belmont to expand and operate natural gas distribution systems serving certain areas of Itawamba County.

Utilities

HB 1788 - Mississippi Pandemic Response Broadband Availability Act

Sponsored by Reps. Bounds and Karriem

Establishes the "Mississippi Pandemic Response Broadband Availability Act" and directs the state fiscal officer to transfer \$50 million to the Mississippi Pandemic Response Broadband Availability Grant Program.

The bill's stated purpose is providing funds for increased broadband availability grants to eligible Mississippi public school districts, independent schools, and Native American tribal school districts.

SB 2386 - Cost Recovery for Renewable Power Purchases

Sponsored by Sen. Doty

States that for any renewable power purchase entered into after July 1, 2020, including, but not limited to, solar, wind, biomass, or storage, a utility must be entitled to incorporate renewable purchase costs in its rate base.

The bill also extends the date of repeal of the Public Service Commission (PSC) until December 31, 2024.

The measure also deletes references to the Motor Carrier Regulatory Law of 1938 and repeals several sections of law that previously:

- Authorized the PSC to employ a competent 589 rate expert and an assistant rate expert;
- Authorized the PSC to employ personnel to 592 implement the Motor Carrier Regulatory Law; and
- Authorized the Department of Transportation to employ an enforcement officer and inspectors to implement the Motor Carrier Regulatory Law.

SB 2674 - Establishing Continued Education for Public Water System Board Members

Sponsored by Sens. Doty and Jackson

Requires continuing education for community public water system board members.

The legislation dictates the training must consist of, but not be limited to, updated regulatory rules and regulations, an in-depth look at the Mississippi Nonprofit Corporation Act as well as any updated information that would aid them in making decisions for their utility system. The association and other training organizations may charge a fee in the amount of \$25 per member plus the cost of the material needed for the training. These costs must be reimbursed to the board member as an expense of the community water system.

SB 3046 - Establishing Programs for the Deployment of Broadband Access

Sponsored by Sen. Carter

Creates the Mississippi Electric Cooperatives Broadband COVID-19 Grant Program and the COVID-19 Broadband Provider Grant Program and directs the state fiscal officer to transfer \$65 million to the Mississippi Electric Cooperatives Broadband COVID-19 Grant Program Fund and \$10 million to the COVID-19 Broadband Provider Grant Program Fund.

The intent of the bill is to expand rural broadband capacity to facilitate and assist with distance learning, telemedicine, and telework, which is required for citizens to continue their education, receive necessary services, and work in a healthy and safe environment in response to the COVID-19 pandemic.

The grant programs created by the act will be administered by the Department of Finance and Administration, for the purpose of making grants under this act for eligible expenses. The use of grant funds is subject to audit and regulation of the public utilities staff, and noncompliance with the terms of the grant requires repayment of grant monies to the state.

SB 3054 - Amending the Electric Cooperatives Broadband COVID-19 Grant Program

Sponsored by Sen. Carter

Creates the "Public Utilities Application Fund" and changes the application fee deposits for relief from "Public Utilities Staff Regulation Fund" to the "Public Utilities Application Fund."

The bill further authorizes a third round of applications for the Mississippi Electric Cooperatives Broad-band Covid-19 Grant Program.

Environmental Legislation

Coastal Zone Management

HB 632 - Excepting Oyster Cultivation from Certain Restrictions

Sponsored by Reps. Ladner and Felsher

Adds an exception to existing law such that the sole right of planting, cultivating in racks or other structures, and gathering oysters and erecting bathhouses and other structures in front of any land bordering on the Gulf of Mexico or Mississippi Sound or waters tributary thereto belongs to the riparian owner and extends not more than 750 yards from the shore, except for state-owned lands on Deer Island, which must be not more than 400 yards from shore.

SCR 545 - Solving Freshwater Release into the Mississippi Sound

Sponsored by Sens. Wiggins, Seymour, Moran, DeLano, Thompson, Carter, England, Jackson, and Caughman

Urges the United States Congress to hear the concerns of the state of Mississippi and to work collaboratively with the state to find long-term solutions for the prevention of future disasters created by freshwater releases from the Mississippi River into the Mississippi Sound.

SB 2720 - Seine Net Prohibition in Certain Circumstances

Sponsored by Sens. Thompson, Moran, and DeLano

Prohibits the use of a haul seine net for the taking of fish in marine waters within one-half mile of the shoreline of Cat Island.

Emergency Management and Homeland Security

HB 524 - Expanding Reasons Disaster Assistance Trust Fund May Be Deployed

Sponsored by Reps. Read and Gibbs

Provides new purposes for which the disaster assistance trust fund may be used by the Mississippi Emergency Management Agency (MEMA) to assist counties and municipalities after disasters.

Specifically, the Disaster Assistance Trust Fund was amended to include covering the following:

- Costs incurred for alternative housing grants up to \$250,000.00 per County, per event, to be administered by MEMA for materials only for repairs to communities that do not qualify for Federal Emergency Management Agency Individual Assistance Grants; and
- Costs incurred by MEMA, approved by the executive director, to assist municipalities and counties by allowing them to apply and receive funds for debris removal support, which funds must be reimbursed to MEMA at the date determined after the federal disaster declaration. MEMA must adopt rules and regulations necessary to administer this program.

The measure also amends the maximum amount that may be transferred from the Working Cash-Stabilization Reserve Fund to the Disaster Assistance Trust Fund for any disaster or disasters occurrence to \$1 million and the maximum amount that may be transferred during any fiscal year is \$2 million.

SB 2709 - Allowing Commercial Properties to Seek Insurance Rate Reduction for Storm Damage Mitigation

Sponsored by Sen. Michel

Amends existing law to include commercial property in the insurance premium discount or rate reduction for hurricane or windstorm damage mitigation.

Environmental Health Services

HB 1566 - Future of Mississippi Agriculture Act of 2020

Sponsored by Reps. Pigott, Holloway, and Anthony

Authorizes the commissioner of agriculture and commerce to provide technical guidance and outreach to landowners, farmers, and producers regarding the management of nuisance wildlife.

The measure also authorizes the director of the Mississippi Agricultural and Livestock Theft Bureau to conduct training for law enforcement regarding laws enforced by the bureau and to assist any other law enforcement agencies in responding to matters that may be related to agriculture and commerce in the State of Mississippi and in cases of natural disasters or other disasters to respond as needed or as requested by other agencies.

Inland Water Resource Management and Conservation

HB 117 - Modifying Requirements for Obtaining a Water Well Contractor's License

Sponsored by Rep. Faulkner

Revises existing law to remove the requirement that an applicant must present three notarized affidavits to the examining committee of the Commission on Environmental Quality to obtain a water well contractor's license.

HB 266 - Authorizing Purchase at the State Contract Price by Rural Water Associations

Sponsored by Reps. Rosebud and Anthony

Amends current law to require the Office of Purchasing, Travel and Fleet Management of the Department of Finance and Administration to adopt purchasing regulations authorizing rural water associations to purchase at the state contract price afforded to agencies and governing authorities.

HB 1777 - Water and Sewer Expansion

Sponsored by Rep. Steverson

Grants the governing authorities of the town of Blue Mountain the ability to expand its water and sewer system within a certain distance outside the corporate limits of the town.

SB 2362 - Infrastructure Improvements Funding

Sponsored by Sens. McMahan, Moran, Branning, R. Jackson, and S. Jackson

Creates a special fund in the state treasury to be used to provide funds to assist municipalities in paying costs associated with road and bridge improvements and water and sewer infrastructure improvements,

The bill provides that for purposes of calculating certain average annual expenditures that a municipality must expend in order to be eligible for monies from the special fund, grant funds, and loan funds received by a municipality and expended for such purposes may not be considered when calculating the average annual expenditures.

MISSOURI

Missouri adopted two energy and environmental bills during its 2020 legislative session. HB 1768 continues the trend within our member states of enhancing the deployment of broadband access in rural areas. HB 2120 modifies certain definitions relating to an infrastructure system replacement surcharge (ISRS) for gas corporations.

Energy Legislation

Natural Gas and Petroleum

HB 2120 - Modifying Infrastructure System Replacement Surcharge for Gas Corporations

Sponsored by Rep. Kidd

Modifies the definition of "appropriate pretax revenues" and "gas utility plant projects" for provisions of law relating to an infrastructure system replacement surcharge (ISRS) for gas corporations.

The bill states that by January 1, 2022, gas corporations must develop a pre-qualification process to file with the Public Service Commission for contractors to install ISRS-eligible gas utility plant projects. Any gas corporation whose ISRS is found by a court of competent jurisdiction to include illegal and inappropriate charges must refund every current customer of the gas corporation who paid such charges before the gas corporation can file for a new ISRS. Any ISRS petition thereafter must be accompanied with a verified statement that the gas corporation is using a competitive bidding process for installing no less than 25 percent of ISRS-eligible gas utility plant projects. Under this bill, the lowest and best bid in the competitive bidding process must receive the contract to perform the project. The Public Service Commission must prepare an annual report on the competitive bidding process for the General Assembly beginning December 31, 2023. The provisions of law relating to the ISRS for gas corporations will expire on August 28, 2029.

Utilities

HB 1768 - Federal Grant Requirements for Rural Broadband

Sponsored by Rep. Riggs

Requires the Department of Economic Development to maintain a record of all federal grants awarded to entities for the purposes of providing, maintaining, and expanding rural broadband in the state of Missouri.

In cases in which funds have been retained, withheld, or not distributed due to failure to meet performance standards or other criteria, the law states the department must seek to have the funds awarded to another eligible, qualified Missouri broadband provider.

HB 2120 - Broadband Internet Grant Program Continuance

Sponsored by Rep. Kidd

Extends the Broadband Internet Grant Program for unserved and underserved areas of the state from August 28, 2021, to June 30, 2027.

Environmental Legislation

Water Quality and Pollution Control

HB 2120 - Water Safety and Security Act

Sponsored by Rep. Kidd

Establishes the “Water Safety and Security Act.”

It specifies that within one year, every community water system in the state that uses an internet-connected control system must create a plan that establishes policies and procedures for identifying and mitigating cyber risks.

The community water systems also must create a valve inspection and a hydrant inspection program as specified in the bill and must submit a report upon the request of the Department of Natural Resources that certifies compliance with regulations regarding water quality sampling, testing, reporting, hydrant and valve inspections, and cyber security plans. These requirements do not apply to cities with a population of more than 30,000 inhabitants and Jackson or St. Louis counties.

The bill also permits, subject to funding, each school district to test a sample of a source of potable water in a public school building in that district serving students under first grade and constructed before 1996 for lead contamination as specified in the bill.

The water samples may be submitted to a Department of Health and Senior Services-approved laboratory and the results of such testing may be submitted to the department. If any of the samples tested exceed the U.S. Environmental Protection Agency standard, the school district must notify the parents or guardians of enrolled students. If the samples tested are less than or equal to the standard, the district may notify parents individually or on the school’s website, according to the bill.

NORTH CAROLINA

North Carolina adopted four energy and environmental bills during its 2020 legislative session. The North Carolina Farm Act of 2019-2020, SB 315, created provisions whereby a land owner encumbered by an abandoned easement may file a complaint with the Utilities Commission for an order requiring the utility company to terminate the easement. The bill also allows the state's Soil and Water Conservation Commission (SWCC) to grant engineering job approval authority to Soil and Water Conservation District technical staff for the planning, design, and implementation of best management practices.

Energy Legislation

Utilities

SB 315 - North Carolina Farm Act of 2019-20

Sponsored by Sens. Jackson, Sanderson, and Johnson

Creates a process by which the underlying fee owner of land encumbered by any easement acquired by a utility company, on which the utility company has not commenced construction within 20 years of the date of acquisition, may file a complaint with the Utilities Commission for an order requiring the utility company to terminate the easement in exchange for payment by the underlying fee owner of the current fair market value of the easement.

If the utility company does not agree that the easement should be terminated, the law states the utility company may request a determination from the Utilities Commission as to whether the easement is necessary or advisable for the utility company's long range needs for the provision of utilities to serve its service area, and whether termination of the easement would be contrary to the interests of the using and consuming public. If the parties cannot reach a mutually agreeable fair market value, the Commission must request the clerk of superior court in the County where the easement is located to appoint commissioners to determine the fair market value in accordance with the eminent domain valuation process.

Environmental Legislation

Air Quality and Pollution Control

HB 1087 - Appropriating Funds from the Environmental Mitigation Trust

Sponsored by Rep. Lambeth

Appropriates funds received by the state from the environmental mitigation trust established in settlement of the Volkswagen Clean Diesel Marketing, Sales Practices, and Products Liability litigation in accordance with Phase 1 of the Department of Environmental Quality's Mitigation Plan.

Hazardous Waste and Substance Management

HB 308 - Mercury Switch Program Extension

Sponsored by Reps. Dixon, Strickland, Barnes, and Conrad

Extends the expiration of the Mercury Switch Program, a program for disposing of mercury switches from end-of-life vehicles, and the funding for the program, from June 2021 until June 2031.

Inland Water Resource Management and Conservation

HB 1087 - Establishing Waterway Resources Development Projects Funding

Sponsored by Rep. Lambeth

Makes one-time transfers from the Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund and the Film and Entertainment Grant Fund and appropriates those funds for various water resources development projects.

Land Management and Conservation

SB 315 - North Carolina Farm Act of 2019-20

Sponsored by Sens. Jackson, Sanderson, and Johnson

Allows the North Carolina Soil and Water Conservation Commission (SWCC) to grant engineering job approval authority to Soil and Water Conservation District technical staff for the planning, design, and implementation of best management practices approved by the SWCC.

The measure further provides that all information that is collected by soil and water conservation districts from farm owners, animal owners, agricultural producers, or owners of agricultural land that is confidential under federal or state law must be held confidential by the soil and water conservation districts. This includes information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in soil and water conservation programs and geospatial information otherwise maintained by the district about agricultural lands or operations certain information is provided. This does not include applications for cost share assistance and associated contract documents that require the approval of the soil and water conservation district or the SWCC.

SB 390 - DuPont State Forest-Financial Study

Sponsored by Sen. Edwards

Directs the Department of Agriculture and Consumer Services to study DuPont State Recreational Forest's operating model and create a plan to ensure a sustainable revenue stream for the forest distributes a portion of the gross proceeds from the sale of state-owned real property located outside the State Capitol Area to the Clean Water Management Trust Fund and the Parks and Recreation Trust Fund.

Reorganization and Coordination

HB 1087 - Encouraging Cooperation Between Public Water and Wastewater Systems

Sponsored by Rep. Lambeth

Encourages interlocal cooperation between public water and wastewater systems.

Solid Waste

HB 308 - Providing for the Management of Solid Waste During a State of Emergency

Sponsored by Reps. Dixon, Strickland, Barnes, and Conrad

Authorizes the Secretary of the Department of Environmental Quality to develop and implement emergency measures and procedures necessary for the proper management of solid waste generated during a state of emergency declared by the Governor.

Such emergency procedures and measures would expire no more than 60 days after a declaration of a state of emergency has expired or been rescinded by the Governor, and may include any of the following:

- Restrictions on the collection, storage, and transportation of solid waste;
- Decisions on facility operational conditions such as operational times and waste acceptance; and
- Any other measures or procedures necessary to allow for the proper disposal of solid waste within impacted communities.

Water Quality and Pollution Control

HB 308 - Expanding the Authority and Duties of the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board

Sponsored by Reps. Dixon, Strickland, Barnes, and Conrad

Amends several state laws related to environment and natural resource matters.

The bill expands the powers and duties of the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board to authorize the Board to acquire, hold, convey, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to the approval of the Governor and Council of State. It also authorizes the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board to establish an application fee for an authorized on-site wastewater evaluator in an amount not to exceed \$300.

HB 1087 - Establishing the Viable Utility Fund

Sponsored by Rep. Lambeth

Establishes a process for identifying distressed public water systems and wastewater systems and creates the Viable Utility Fund, within the Department of Environmental Quality, to be used for assisting public water and wastewater systems to become self-sustaining.

The bill makes a one-time transfer of \$9 million from the One NC Fund to the Viable Utility Fund and appropriates those funds for the purposes of the Viable Utility Fund.

The bill also reallocates \$2 million of unused funds appropriated in a prior budget bill to the PFAS Recovery Fund for a variety of local water quality and PFAS response activities.

SB 315 - North Carolina Farm Act of 2019-20

Sponsored by Sens. Jackson, Sanderson, and Johnson

Allows the North Carolina Soil and Water Conservation Commission (SWCC) to grant engineering job approval authority to Soil and Water Conservation District technical staff for the planning, design, and implementation of best management practices approved by the SWCC. Under current law, job approval authority can only be granted to Soil and Water Conservation District staff by the USDA Natural Resources Conservation Service.

The measure further provides that all information that is collected by soil and water conservation districts from farm owners, animal owners, agricultural producers, or owners of agricultural land that is confidential under federal or state law must be held confidential by the soil and water conservation districts. This includes information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in soil and water conservation programs and geospatial information otherwise maintained by the district about agricultural lands or operations certain information is provided. This does not include applications for cost share assistance and associated contract documents that require the approval of the soil and water conservation district or the SWCC.

Finally, the bill provides that nutrient offset credits must be applied to a wastewater permit by applying the Total Maximum Daily Load (TMDL) transport factor to the permitted wastewater discharge and to the nutrient offset credits. This section would apply only to wastewater discharge permit applications for a local government located in the Neuse River Basin with a customer base of fewer than 15,000 connections.

OKLAHOMA

Oklahoma adopted 10 energy and environmental bills during its 2020 legislative session. Notably, SB 1592 expands the scope of the Oklahoma Energy Independence Act from commercial property to all property excluding single-family residences, and HB 4018 established the Rural Broadband Expansion Council in order to study rural broadband access in the state.

Energy Legislation

Alternative Energy Development

SB 1592 - Oklahoma Energy Independence Act Scope Expansion

Sponsored by Sen. Leewright and Rep. Fetgatter

Expands the scope of the Oklahoma Energy Independence Act from commercial property to all property, excluding single-family residences.

The measure authorizes a County to establish Property Assessed Clean Energy (PACE) programs without establishing a County Energy District Authority first.

A County that approves a PACE program is authorized to enter into contracts with property owners and capital provider, in which the property owner is deemed to consent to levying and collection of annual assessments to repay the loan, and the capital provider collects the assessment directly or through a service as well as lien enforcement for unpaid assessments.

Finally, the bill clarifies procedures relating to the sale of a property for unpaid PACE assessments. Specifically, if “any assessment levied to repay a loan made pursuant to the Oklahoma Energy Independence Act remains unpaid for six months after payment is due, the private capital provider may file an action in the district court in which the property is located to foreclose the lien of the assessment, statutory delinquent interest, as provided in this [bill], and reasonable legal fees.”

Natural Gas and Petroleum

SB 1875 - Establishing Water and Waste Ownership for Oil or Gas Wells

Sponsored by Sen. Rader and Rep. O'Donnell

Establishes that the operator(s) and those contributing to its operation are the owners of water and waste produced from the borehole of an oil or gas well.

The bill states such owners have the right to use, possess, handle, dispose of, transfer, sell, recycle, or treat the produced water and waste as well as the exclusive right to proceeds from any of its uses.

The measure also provides that when the water or waste is transferred to a person for the purpose of treating or processing for subsequent use, it is the property of that person until its disposal or there is a further transfer.

Further, the law protects a person from legal liability for consequences of subsequent use of recycled water or treated constituent components of waste if that person processes the produced water or waste in ways considered to be suitable for use in connection with oil and gas drilling or production operations or if it is transferred to another person for use in connection with drilling or production.

Finally, produced water and waste used for the purpose of processing by mechanical or chemical means to extract certain elements for commercial purposes is to be defined as “brine” pursuant to the Oklahoma Brine Development Act, and that Act does not apply to produced water and waste reused or recycled solely for use in oil and gas operations.

Utilities

HB 4018 - The Oklahoma Rural Broadband Expansion Act

Sponsored by Reps. McCall and Sen. Leewright

Creates the Rural Broadband Expansion Council, composed of 12 persons according to specific criteria.

The bill directs the council to conduct a study of rural broadband access in Oklahoma. The study must divide the state into separate geographic areas based on existing broadband capability, cost of service, estimated costs for improving access, likelihood of changes in access in the future, and other information as deemed relevant by the council.

The council is further directed to use the geographic areas it establishes to develop policy recommendations conducive to establishing or improving rural broadband access.

Finally, the measure requires the Oklahoma Department of Commerce to provide administrative support to the council, utilizing the Digital Transformation Program Revolving Fund for expenses incurred.

SB 1002 - Rural Broadband Expansion

Sponsored by Sen. Leewright and Rep. McCall

Expands the Rural Broadband Expansion Council by two members, from 12 to 14.

The Speaker of the House and President Pro Tempore of the Senate each gain one new appointment. The measure also adds the requirement that one appointment to the council be a representative of a wireless telecommunications provider not affiliated with an incumbent local exchange carrier in Oklahoma and another must be a rural electric cooperative representative.

SB 1225 - Oklahoma Underground Facilities Damage Prevention Act

Sponsored by Sen. Allen and O'Donnell

Adds to the definitions of “certified project” and “preengineered project” a requirement that the agency responsible for the project consult with the statewide one-call notification center to certify that the project right-of-way is clear of underground facilities or to have underground facilities located.

The measure also limits, to 500 feet in incorporated areas or one mile in unincorporated areas, the proposed area of work identified in notice sent by an excavator to affected operators.

Environmental Legislation

Emergency Management and Homeland Security

SB 1269 - Requiring a State Flood Plan

Sponsored by Sen. Rader and Rep. Sims

Requires the Oklahoma Water Resources Board to create a state flood plan serving as a guide for state and local flood control policy.

To create the plan, the bill states the board must evaluate the condition of flood-control infrastructure, inventory ongoing and proposed flood control and mitigation projects, and analyze development in special flood hazard areas, among other requirements.

The measure also creates the State Flood Resiliency Revolving Fund.

Inland Water Resource Management and Conservation

SB 1938 - Funding Allocation for the Repair of High-Hazard Dams

Sponsored by Sen. Thompson and Rep. Wallace

Authorizes the Oklahoma Capitol Improvement Authority for bond issuance in the amount of \$17.5 million on behalf of the Oklahoma Conservation Commission.

The funding must be utilized for purposes of the repair and rehabilitation of high-hazard dams pursuant to the Conservation District Act, according to the bill.

Land Management and Conservation

HB 3870 - Increasing Value of Assets Land Office is Allowed to Invest In

Sponsored by Rep. Wallace and Sen. Leewright

Increases from 3 to 5 percent the total value of assets the Commissioners of the Land Office are authorized to invest in real property.

The bill also adds new language directing the Commissioners of the Land Office to use their best efforts to exchange undeveloped land for privately held commercial properties and consider the impact on affected taxing districts prior to exchange or purchase.

Reorganization and Coordination

HB 2823 - Extending Sunset Date of Various Councils

Sponsored by Reps. Gann and Sen. Rader

Extends until July 2023 the sunset date of many state entities such as the:

- Water Quality Management Advisory Council;
- Hazardous Waste Management Advisory Council;
- Solid Waste Management Advisory Council; and
- Radiation Management Advisory Council.

PUERTO RICO

Puerto Rico adopted one energy and environmental bill during its 2020 legislative session. SB 1221 Amends existing law, known as the “Act to Prohibit the Deposit and Disposal of Coal Ash or Waste Coal Combustion in Puerto Rico,” in order to establish responsibilities to the Department of Natural and Environmental Resources.

Energy Legislation

Coal and Minerals

SB 1221 - Amending Requirements for Reporting on Coal Ash Generation

Amends existing law, known as the “Act to Prohibit the Deposit and Disposal of Coal Ash or Waste Coal Combustion in Puerto Rico,” in order to establish responsibilities to the Department of Natural and Environmental Resources.

According to the bill, the Department of Natural and Environmental Resources must require the implementation of engineering and administrative measures that allow it to determine the moment of generation of coal combustion residuals. Any facility that generates coal combustion residuals must submit periodic reports to the Department of Natural and Environmental Resources that itemizes the total tons of coal combustion residuals generated monthly at the facility and shipped for disposal outside of Puerto Rico.

Environmental Legislation

Hazardous Waste and Substance Management

SB 1221 - Amending Requirements for Reporting on Coal Ash Generation

Amends existing law, known as the “Act to Prohibit the Deposit and Disposal of Coal Ash or Waste Coal Combustion in Puerto Rico,” in order to establish responsibilities to the Department of Natural and Environmental Resources.

According to the bill, the Department of Natural and Environmental Resources must require the implementation of engineering and administrative measures that allow it to determine the moment of generation of coal combustion residuals. Any facility that generates coal combustion residuals must submit periodic reports to the Department of Natural and Environmental Resources that itemizes the total tons of coal combustion residuals generated monthly at the facility and shipped for disposal outside of Puerto Rico.

SOUTH CAROLINA

South Carolina adopted eight energy and environmental bill during its 2020 legislative session. HR 4868 expresses the legislative body's strong support for clean energy growth throughout all of South Carolina, and HJR 5202 directs the Office of Regulatory Staff to secure a vendor for the development of a broadband statewide county-by-county mapping plan and to secure a vendor for the development of a statewide broadband infrastructure plan.

Energy Legislation

Alternative Energy Development

HR 4868 - Clean Energy Growth

Sponsored by Rep. Ballentine

Expresses the legislative body's strong support for clean energy growth throughout all of South Carolina.

The resolution further expresses:

- A strong desire for Santee Cooper, or its successor, to achieve a generation mix of one hundred percent clean energy by 2050 because of the job-creating potential and bill-reducing benefits of clean energy;
- A strong desire for any transition to one hundred percent clean energy for Santee Cooper, or its successor, to include a fair and equitable transition for workers in fossil fuel generation to clean energy generation; and
- Strong support for increased transparency and accountability for all energy decisions in South Carolina in order to prevent future debacles like the V.C. Summer nuclear project failure.

Energy Efficiency

SB 76 - Energy Efficient Manufactured Homes Incentive Program Continuance

Sponsored by Sen. Cromer

Revises current law relating to the Energy Efficient Manufactured Homes Incentive Program, so as to extend the program five additional years.

The bill also extends a provision related to energy efficient manufactured homes and the maximum sales tax.

Utilities

HJR 5202 - Broadband Development via CARES Appropriations

Sponsored by the House Ways and Means Committee

Directs the Office of Regulatory Staff to secure a vendor for the development of a broadband statewide County-by-County mapping plan and to secure a vendor for the development of a statewide broadband infrastructure plan.

The infrastructure plan must identify and prioritize communities in the state where access to broadband has impeded the delivery of distance learning, telework, and telehealth for the most vulnerable population of South Carolinians impacted by COVID-19. The plan must identify the role that public and private broadband operators can play in addressing the state's broadband plans.

SJR 996 - Public Utilities Review Committee Screening Extension

Sponsored by Sen. Alexander

Provides that the Public Utilities Review Committee must extend the screening for candidates for the Public Service Commission, Seats 1, 3, 5, and 7.

The committee is directed to advertise for these positions for an additional time period, to begin no later than Sunday, January 26, 2020, through Sunday, February 23, 2020. This advertisement must be forwarded to three newspapers of general circulation in Congressional Districts 1, 3, 5, and 7 with a request that the advertisement be published once a week, according to the bill.

The bill also states the Public Utilities Review Committee must seek to find the best qualified people by giving due consideration to the ability, dedication, compassion, common sense, and integrity of the candidates and race and gender of the candidates and other demographic factors to assure nondiscrimination to the greatest extent possible of all segments of the population of the state.

Environmental Legislation

Coastal Zone Management

HB 4811 - Allowing for the Placement of Perpendicular Wingwalls for Erosion Control

Sponsored by Rep. Bailey

Amends current law relating to the prohibition on erosion control structures or devices seaward of the setback line, so as to allow for the placement of shoreline perpendicular wingwalls that extend landward from the ends of existing erosion control structures or devices.

SB 474 - Limits on Spadefish Fishing

Sponsored by Sen. Campsen

Declares it unlawful for a person to take or have in possession more than ten spadefish (*Chaetodipterus faber*) in any one day, not to exceed thirty spadefish in any one day on any boat.

Further, the minimum size limit on spadefish kept is amended to no less than 14 inches.

SB 475 - Limits on Tripletail Fishing

Sponsored by Sen. Campsen

Declares it unlawful for a person to take or have in possession more than three tripletail (*Lobotes surinamensis*) in any one day, not to exceed nine tripletail in any one day on any boat.

Further, the minimum size limit on tripletail kept is amended to no less than 18 inches.

Environmental Health Services

SR 1230 - Floodwater Commission Commendation

Sponsored by Sen. Alexander

Commends the South Carolina Floodwater Commission and its partners for establishing the South Carolina Seven Expedition and for facilitating its exploration of the seven wonders of South Carolina and its support and protection of the state's beautiful environment.

TENNESSEE

Tennessee adopted 18 energy and environmental bill during its 2020 legislative session. The passage of HB 1914 restricts the width of a private easement or right-of-way to 25 feet, and several bills passed providing for the continuance of various energy and environment-related agencies and councils. SB 1934 prohibits political subdivisions from prohibiting by ordinance, resolution, regulation, code, or any other requirement, the connection or reconnection of a utility service based on the type or source of energy to be delivered to an individual customer.

Energy Legislation

Emergency Management and Homeland Security

SB 1706 - Tennessee Emergency Management Agency Continuance

Sponsored by Sen. Roberts

Extends the Tennessee Emergency Management Agency to June 30, 2025.

Reorganization and Coordination

HB 1773 - State Energy Policy Council Continuance

Sponsored by Rep. Daniel

Extends the State Energy Policy Council to June 30, 2024.

Utilities

HB 1630 - Utility District Commissioner Definition Clarification

Sponsored by Rep. Helton

Clarifies the definition of utility district commissioner for purposes of continuing education requirements.

This bill also expands the board's investigative authority to all utility districts under its jurisdiction. Previous law limited the investigative authority to public water systems of utility districts.

Finally, this bill expands the investigative authority of the water and wastewater financing board from only "public water systems" to "any County, metropolitan government, or incorporated town or city empowered to provide water or wastewater services; and any treatment authority that operates a water or wastewater authority."

HB 1914 - Private Easement or Rights-of-Way Restrictions

Sponsored by Rep. Carter

Restricts the width of a private easement or right-of-way to 25 feet and authorizes the court to award attorney fees to the defending landowner in an action for an easement or right-of-way brought by a private person owning land obstructed entirely from a public road by the intervening land of another person.

HB 2739 - Rural Electric and Community Services Cooperative Act Clarification

Sponsored by Rep. Moon

Clarifies that the Rural Electric and Community Services Cooperative Act does not affect, abrogate, or eliminate any obligation of a cooperative's third-party contractors that are permitted by law to operate within the cooperative's service area to comply with applicable permitting requirements that the cooperative is subject to with respect to property that is held or controlled by a railroad company.

SB 1711 - Utility Management Review Board Continuance

Sponsored by Sen. Roberts

Extends the Utility Management Review Board to June 30, 2026.

SB 1756 - Tag Established for Linemen Power Tennessee

Sponsored by Sen. Massey

Authorizes the issuance of a Linemen Power Tennessee new specialty earmarked license plate to operators of vehicles that are used for passenger transport, owned by an entity that is subject to the Rural Electric and Community Services Cooperative Act, and that have a maximum gross weight less than 9,000 pounds.

SB 1792 - Annual Reporting Requirements for Utility Districts, Water Systems, and Wastewater Facilities

Sponsored by Sen. Swann

Requires utility districts, water systems, and wastewater facilities to submit annual reports to the utility management review board or the water and wastewater financing board as applicable.

The bill authorizes the boards to impose sanctions on utility districts, water systems, and wastewater facilities that fail to submit the reports on time.

SB 1934 - Prohibition on Local Ordinances Banning Certain Types or Sources of Energy

Sponsored by Sen. Swann

Prohibits political subdivisions from prohibiting by ordinance, resolution, regulation, code, or any other requirement, the connection or reconnection of a utility service based on the type or source of energy to be delivered to an individual customer.

SB 1961 - Regulating Natural Gas Utility Municipal Contributions

Sponsored by Sen. Gresham

Requires a municipal utility board or the municipal governing body, and the comptroller, to establish procedures and guidelines for a natural gas utility system to devote revenues derived from the system to fund chambers of commerce or economic and community organizations.

Environmental Legislation

Emergency Management and Homeland Security

SB 1706 - Tennessee Emergency Management Agency Continuance

Sponsored by Sen. Roberts

Extends the Tennessee Emergency Management Agency to June 30, 2025.

Hazardous Waste and Substance Management

SB 811 - Classification of Soil Intended for Use or Reuse

Sponsored by Sen. Jackson

Specifies that soil is not a discarded material constituting waste for purposes of the Tennessee Solid Waste Disposal Act and the Tennessee Hazardous Waste Management Act if the soil is intended for use or reuse as soil.

SB 2119 - Subsurface Sewage Disposal System Grant Requirements

Sponsored by Sen. Bowling

Requires the Department of Environment and Conservation to grant or deny an application for a subsurface sewage disposal system within 45 days of receiving all information necessary to make such a determination.

The bill also requires the department, if it cannot make a determination within 45 days, to refund the application fee. Denials must include a clear, written explanation for the denial with citations to relevant legal authority.

The bill excludes permits and approvals issued under the following Acts from the time limits established by this bill:

- The Tennessee Solid Waste Disposal Act;
- The Solid Waste Management Act of 1991;
- The Tennessee Hazardous Waste Management Act of 1977;
- The Hazardous Waste Management Act of 1983; and
- The Sanitary Landfill Areas Act.

SB 2139 - Repealing Certain Aerial Pesticide Application Requirements

Sponsored by Sen. Johnson

Repeals the requirement that aerial applicators of pesticides notify the Department of Agriculture prior to making aerial applications of pesticides via an online reporting system.

SB 2155 - Reporting Requirements Modifications for the Department of Environment and Conservation

Sponsored by Sen. Johnson

Modifies due dates and content requirements for reports that the Department of Environment and Conservation makes concerning permitting efficiency, the Tire Environmental Act, solid waste disposal, and hazardous waste management to be due based on the prior calendar year instead of fiscal year.

Inland Water Resource Management and Conservation

SB 1357 - Class I Natural River Area Designations

Sponsored by Sen. Yager

Designates three river segments located in Rhea County as Class I natural river areas.

SB 1766 - Water or Wastewater Treatment Authority Creation Process Revisions

Sponsored by Sen. Johnson

Revises the process by which a city, metropolitan, or County government may create a new water or wastewater treatment authority.

The governing body of the creating governmental entity must adopt, and its executive officer must approve, a resolution to submit a petition to the water and wastewater financing board for review and approval. This bill sets out in detail the information to be included in the petition.

The water and wastewater financing board must issue an order approving or disapproving the petition for the incorporation of the authority within 90 calendar days of the receipt of the petition by the board, according to the legislation. If the board disapproves the petition, the board must forward its order of disapproval to the governing body and its executive officer. Petitioners may appeal through the court system. If the board approves, the board must forward its order of approval to the governing body and its executive officer. If the board fails to act on the petition, the board must return the original petition.

Finally, the measure adds to the Wastewater Facilities Act of 1987 a requirement that a city or County attempting to purchase, develop, acquire, or build a new water or wastewater system seek the approval of the water and wastewater financing board before finalizing plans for the purchase, development, acquisition, or construction. The approval process will be the same as described above, except the provisions regarding if the board approves the petition or fails to act on the petition will not apply.

SB 1911 - General Aquatic Resources Alteration Permitting

Sponsored by Sen. Powers

Requires the commissioner of the Department of Environment and Conservation to issue a general aquatic resources alterations permit for the watershed activities conducted in accordance with a site-specific design developed through full application of the Natural Resource Conservation Service (NRCS) Conservation Practice Standard 580 and NRCS

Engineering Field Handbook, Chapter 16 Streambank and Shoreline Protection, and subject to NRCS oversight as a federal action.

SB 2320 - Bledsoe Regional Water Authority Repeal

Sponsored by Sen. Roberts

Repeals the Bledsoe Regional Water Authority.

Solid Waste

SB 811 - Classification of Soil Intended for Use or Reuse

Sponsored by Sen. Jackson

Specifies that soil is not a discarded material constituting waste for purposes of the Tennessee Solid Waste Disposal Act and the Tennessee Hazardous Waste Management Act if the soil is intended for use or reuse as soil.

TEXAS

Texas did not hold a regular legislative session in 2020. However, we continue to monitor for any relevant special session bills.

U.S. VIRGIN ISLANDS

The U.S. Virgin Islands adopted one environmental bill during its 2020 legislative session. HB 8301 requires the creation of a plan to assist the Virgin Islands in developing a sustainable “blue economy” within the territory.

Environmental Legislation

Coastal Zone Management

HB 8301 - Planning for a Sustainable “Blue Economy”

Directs the Virgin Islands Department of Planning and Natural Resources with the cooperation and assistance of the Division of Economic Research of the Office of Management and Budget and the Virgin Islands Economic Development Authority to create a plan assisting the Virgin Islands in developing a sustainable “blue economy” within the territory. In the context of the bill, a blue economy is the sustainable use of ocean resources for economic growth, improved livelihoods and jobs, and ocean ecosystem health.

At a minimum, the plan must examine and include the following:

- The economic viability of a blue economy concept in the Virgin Islands;
- The financial needs for implementation of a blue economy in the Virgin Islands;
- The potential business opportunities as a direct or indirect result of implementing a blue economy concept;
- The steps needed to develop the current Virgin Islands economy into a blue economy;
- The assistance, if any, that will be required of the Government of the Virgin Islands to implement a blue economy concept; and
- The application to and assistance of any federal funding to assist with the implementation and development of the plan.

VIRGINIA

Virginia adopted 93 energy and environmental bills during its 2020 legislative session. Some of the more extensive bills include HB 714 / SB 94 that adopts findings that climate change is an urgent and pressing challenge for Virginia, that swift decarbonization and a transition to clean energy are required to meet the urgency of the challenge, and that the Commonwealth will benefit from being a leader in deploying a low-carbon energy economy, and HB 1526 / SB 851 that established an electric generating facility retirement schedule and many other utility regulatory goals and requirements.

Energy Legislation

Alternative Energy Development

HB 234 - Division of Offshore Wind Establishment

Sponsored by Dels. Mugler and Scott

Establishes the Division of Offshore Wind in the Department of Mines, Minerals and Energy and gives it the following powers and duties:

- Identifying specific measures that will facilitate the establishment of the Hampton Roads region as a wind industry hub for offshore wind generation projects in state and federal waters off the United States coast;
- Coordinating state agencies' activities related to offshore wind;
- Developing and implementing a stakeholder engagement strategy that identifies key groups, sets forth outreach objectives, and outlines a timeline for outreach and engagement;

- Identifying regulatory and other barriers to the deployment of offshore wind and attraction of offshore wind supply chain businesses; and
- Providing staff support for the Virginia Offshore Wind Development Authority and facilitating fulfillment of the Authority's purpose and duties.

HB 408 - Green Job Creation Tax Credit Extension

Sponsored by Dels. Delaney and Keam

Extends the sunset date of the Green Job Creation Tax Credit from January 1, 2021, to January 1, 2025.

HB 414 / SB 504 - Limiting Cost-Prohibitive Restrictions on Solar Energy Collection Devices

Sponsored by Dels. Delaney and Simonds; Sen. Petersen

Provides that a restriction on solar energy collection devices is not reasonable if application of the restriction to a particular proposal increases the cost of installation of the solar energy collection device by five percent over the projected cost of the initially proposed installation or reduces the energy production by the solar energy collection device by 10 percent below the projected energy production of the initially proposed installation.

The owner must provide documentation prepared by an independent solar panel design specialist that is satisfactory to the community association to show that the restriction is not reasonable according to the criteria established in the bill.

HB 511 - Fee-Based Electric Vehicle Charging Stations on State Property

Sponsored by Del. Bulova

Authorizes any agency of state government to locate and operate a retail fee-based electric vehicle charging station on property the agency controls.

The bill exempts state agencies from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity.

HB 572 / HB 1184 / HB 1647 / SB 710 - Promoting the Establishment of Distributed Solar and Other Renewable Energy

Sponsored by Del. Keam; Del. Lopez; Del. Jones; Sen. McClellan

Promotes the establishment of distributed renewable solar and other renewable energy.

The measure establishes the following:

- Requires the State Corporation Commission to establish by regulation a shared solar program that allows multifamily customers of investor-owned utilities, other than American Electric Power, to purchase electric power through a subscription in a shared solar facility;
- Raises the cap on the total amount of renewable energy that can be net metered in a utility's service territory from one percent to six percent, five percent of which is available to all customers and one percent of which is available only to low-income utility customers;
- Raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts;

- Allows certain localities to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings;
- Increases the cap on the capacity of generation from facilities from the customer’s expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia’s service territory;
- Prohibits standby charges for any residential customer-generator or agricultural customer-generator of an investor-owned utility other than Dominion Energy Virginia; and
- Increases the cap on third party power purchase agreements to 500 megawatts for jurisdictional customers and 500 megawatts for nonjurisdictional customers of Dominion Energy Virginia and to 40 megawatts for customers of American Electric Power.

The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy.

HB 654 - Statewide Clean Energy Financing Program Sponsorship

Sponsored by Del. Guy

Authorizes the Department of Mines, Minerals and Energy to sponsor a statewide clean energy financing program.

The bill requires the Department to engage a private entity through a competitive selection process to develop and administer the program.

HB 655 / SB 870 - Zoning Regulation and Rules for Any Solar Energy Project

Sponsored by Del. Heretick; Sen. Marsden

Authorizes a locality to include reasonable regulations and provisions in its zoning ordinance for a special exception for any solar photovoltaic (electric energy) project.

The bill authorizes the governing body of such locality to grant a condition that includes dedication of real property of substantial value or substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as such proffered conditions are reasonably related to the project.

HB 656 / SB 875 - Allowing for Inclusion of National Standards for Zoning of Solar and Battery Projects

Sponsored by Del. Heretick; Sen. Marsden

Authorizes a locality to include in its zoning ordinance provisions to incorporate generally accepted national standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects.

HB 657 - Modifying Rules for Solar Facilities Adherence to Local Comprehensive Plans

Sponsored by Del. Heretick

Provides that certain solar facilities must be deemed to be substantially in accord with a locality’s comprehensive plan if the locality waives the requirement that solar facilities be reviewed for substantial accord with the comprehensive plan.

HB 714 / SB 94 - Virginia Energy Plan

Sponsored by Dels. Ayala, Gooditis, Helmer, and Reid; Sens. Morrissey and Favola

Adopts findings that climate change is an urgent and pressing challenge for Virginia, that swift decarbonization and a transition to clean energy are required to meet the urgency of the challenge, and that the state will benefit from being a leader in deploying a low-carbon energy economy.

The measure recognizes that the following objectives will advance the health, welfare, and safety of Virginians:

- Establishing sufficient supply and delivery infrastructure to enable widespread deployment of distributed energy resources;
- Maximizing energy efficiency programs in order to produce electricity cost savings and to create jobs and revenue from the energy efficiency service sector;
- Establishing greenhouse gas emissions reduction goals across Virginia's economy that reach net-zero emissions by 2045;
- Requiring that pathways to net-zero greenhouse gas emissions be determined;
- Enabling widespread integration of distributed energy resources into the grid;
- Mitigating the negative impacts of climate change and the energy transition on disadvantaged communities and prioritizing investment in these communities;
- Developing the carbon-free energy resources required to fully decarbonize the electric power supply of the Commonwealth including deployment of 30 percent renewables by 2030 and realizing 100 percent carbon-free electric power by 2040; and
- Ensuring that decision-making is transparent and includes opportunities for full participation by the public.

The bill also declares that it is the policy of the state to:

- Ensure the adequate supply of natural gas necessary to ensure the reliability of the electricity supply and the needs of businesses during the transition to renewable energy;
- Establish greenhouse gas emissions reduction standards across all sectors of Virginia's economy that target net-zero emissions carbon by 2045;
- Enact mandatory clean energy standards and overall strategies for reaching net-zero carbon in the electric power sector by 2040;
- Equitably incorporate requirements for technical, policy, and economic analyses and assessments that recognize the unique attributes of different energy resources and delivery systems to identify pathways to net-zero carbon that maximize Virginia's energy reliability and resilience, economic development, and jobs; and
- Minimize the negative impacts of climate change and the energy transition on economically disadvantaged or minority communities and prioritize investment in these areas.

Finally, the legislation also requires that the Virginia Energy Plan identify actions consistent with the goals of achieving a net-zero carbon economy by 2045 and include an inventory of all greenhouse gas emissions for the four years preceding the issuance of the plan.

HB 1131 / SB 762 - Revenue Sharing for Solar Energy Projects

Sponsored by Del. Jones; Sen. Barker

Authorizes any locality by ordinance to assess a revenue share of up to \$1,400 per megawatt on any solar photovoltaic (electric energy) project with certain exceptions and expands an existing tax exemption for such projects under certain conditions.

The bill authorizes such revenue share to apply to existing projects only if certain conditions are met. If a locality does not adopt an energy revenue share ordinance, then the exemption for solar photovoltaic projects greater than five megawatts, as measured in alternating current generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization, will be 80 percent of the assessed value when an application has been filed with the locality prior to July 1, 2030.

HB 1183 - Bulk Energy Storage Resources Task Force Establishment

Sponsored by Del. Lopez

Requires the State Corporation Commission to establish a task force to evaluate and analyze the potential for bulk energy storage resources to, among other things, help integrate renewable energy into the electrical grid.

The measure requires the Commission to submit the results of task force's evaluation and analysis to the General Assembly by October 1, 2021.

HB 1303 / SB 549 - Requiring Development of a Nuclear Energy Plan

Sponsored by Del. Hurst; Sen. Newman

Directs the Department of Mines, Minerals and Energy, the Secretary of Commerce and Trade, and the Secretary of Education to work in coordination with the Virginia Nuclear Energy Consortium Authority and the Virginia Economic Development Partnership Authority to develop a strategic plan for the role of nuclear energy in the state's overall strategy for moving toward renewable and carbon-free energy.

The plan must be completed by October 1, 2020, and updated every four years thereafter.

HB 1434 / SB 763 - Modifying Property Tax Exemptions for Solar Energy Projects

Sponsored by Del. Jones; Sen. Barker

Changes the local property tax exemption for solar energy projects from an 80 percent exemption for the life of the project to a step down scale of an 80 percent exemption in the first five years, 70 percent in the second five years, and 60 percent for all remaining years in service.

The change applies to solar energy projects that are either:

- Greater than 20 megawatts and less than 150 megawatts for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization after January 1, 2015, and first in service on or after January 1, 2017, and;
- Equaling more than five megawatts and less than 150 megawatts for which an initial interconnection request form has been filed on or after January 1, 2019.

The bill provides that if a locality assesses a revenue share on a project, the step down scale does not apply.

Finally, the bill extends the sunset date after which new projects may not qualify for the exemption from January 1, 2024, to July 1, 2030.

HB 1634 / SB 629 - Shared Solar Program Establishment

Sponsored by Del. Jones; Sen. Surovell

Requires the State Corporation Commission to establish by regulation a shared solar program that allows customers of Dominion Virginia to purchase electric power through a subscription in a shared solar facility, which is defined in the bill as a facility that, among other criteria, generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 5,000 kilowatts.

Under the program, a subscriber receives a bill credit for the proportional output of a share solar facility attributable to that subscriber. Subscribers are required to pay a minimum bill, established by the Commission, that includes the costs of infrastructure and related services.

The bill provides that the Commission must approve a shared solar program of 150 megawatts with a minimum requirement of 30 percent of low-income customers and that the Commission will approve an additional 50 megawatts upon determining that at least 45 megawatts of the shared solar capacity have been subscribed to by low-income customers.

HB 1675 - Regulating Solar Facilities in Opportunity Zones

Sponsored by Del. Hodges

Requires any applicant for a solar facility to give to the host locality written notice of the applicant's intent to locate a solar facility in an opportunity zone in such locality and request a meeting.

Such applicant must meet, discuss, and negotiate a siting agreement with such locality, according to the legislation. The siting agreement may include terms and conditions, including mitigation of any impacts of such solar facility and financial compensation to the host locality to address various capital needs. If the parties to the siting agreement agree upon the terms and conditions of a siting agreement, the host locality must schedule a public hearing for the purpose of consideration of such siting agreement.

If a majority of a quorum of the members of the governing body present at such public hearing approve of such siting agreement, the siting agreement must be executed by the signatures of the chief executive officer of the host locality and the applicant or the applicant's authorized agent. The siting agreement will remain in effect until it is amended, revoked, or suspended, the bill states.

The provisions of the bill do not apply to any solar facility that has received zoning and site plan approval, preliminary or otherwise, from the host locality on or before January 1, 2020.

HB 1707 - Clean Energy Advisory Board Expansion

Sponsored by Del. Aird

Expands the membership of the Clean Energy Advisory Board from 15 to 17 members.

The measure specifies that one of the new members must be an expert with experience implementing low-income and middle-income incentive and loan programs for distributed renewable energy resources and that the other new member must be an attorney who maintains a legal practice dedicated to rural development, rural electrification, and energy policy.

The law also repeals the sunset provision for the board, which is scheduled to expire on July 1, 2022, and directs the Department of Mines, Minerals and Energy, in consultation with the board, to develop guidelines to administer any public power renewable grant program established by the general appropriation act.

SB 271 - Allowing for Renewable Energy Public-Private Partnerships at State Universities

Sponsored by Sen. Bell

Permits each public institution of higher education to enter into a public-private partnership with any private entity whereby such entity is permitted to use at no cost property owned or controlled by such public institution of higher education for the generation of wind or solar power in exchange for offering educational immersion programs for high school students and students at public institutions of higher education that provide hands-on education and training in the construction, operations, and maintenance of its wind or solar power generators.

The bill requires any energy produced by such solar or wind power generators to be used to provide power for the partner public institution of higher education or introduced to applicable power grids and sold at market rates, with profits split as agreed upon by the private entity and the partner public institution of higher education. Any such profits gained by the partner public institution of higher education to be used to further research, expand clean energy education programs, or lower student tuition rates, according to the bill.

SB 630 - Prohibition on the Banning of Electric Vehicle Charging Stations in Certain Situations

Sponsored by Sen. Surovell

Prohibits certain common interest community associations from prohibiting the installation of an electric vehicle charging station within the boundaries of a member's unit or limited common element parking space appurtenant to the unit owned by the unit owner or, in the case of a property owners' association, a lot owner's property, and sets forth provisions governing the installation and removal of such charging stations.

The measure also requires the association member installing an electric vehicle charging station to indemnify and hold the association harmless from all liability resulting from a claim arising out of the installation, maintenance, operation, or use of such charging station.

SB 817 - Defining a Clean Energy Source for the Purposes of the State's Energy Policy

Sponsored by Sen. Lewis, Jr.

Provides that for the purposes of the Commonwealth Energy Policy, in any clean energy initiative or carbon-free energy initiative undertaken, overseen, regulated, or permitted by the Department of Mines, Minerals and Energy, nuclear energy is considered a clean energy source.

SB 828 - Defining Carbon-free or Clean Energy

Sponsored by Sen. Lewis, Jr.

Provides that "carbon-free energy" or "clean energy," as used in the Code of Virginia, includes electric energy generated from a source that does not emit carbon dioxide into the atmosphere during the process of generating the electric energy, including electric energy generated by the conversion of sunlight, wind, falling water, wave motion, tides, or geothermal or nuclear energy.

SB 1039 - Establishing Rules for Seeking Tax Exemption for Solar and Recycling Equipment

Sponsored by Sen. Vogel

Provides that, for purposes of the real property tax exemption for certified solar energy and recycling equipment, the exemption is retroactive to the date of installation if the taxpayer obtains certification from the Department of Environmental Quality within one year of installation.

Coal and Minerals

HB 443 - Regulating Coal Ash in the State

Sponsored by Dels. Foy and Hurst

Requires the owner or operator of any coal combustion residuals (CCR) unit, defined in the bill to include a coal ash pond or landfill, at the Glen Lyn Plant and the Clinch River Plant in Giles and Russell Counties, respectively, to close such CCR unit under certain circumstances 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 also requires that any owner or operator beneficially reuse such removed CCR if doing so is anticipated to reduce costs. Such a closure project must be completed within 15 years of the start of excavation 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, to provide water testing for any such residence.

The bill provides that if the owner or operator moves the 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. Further, the legislation 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. It also requires that any entity conducting the closure:

- Identify options for utilizing local workers;
- Consult with the state's Chief Workforce Development Officer on opportunities to advance the state's workforce goals; and
- Give priority to the hiring of local workers.

The act requires the CCR unit owner or operator to submit two biennial reports beginning October 1, 2023, and continuing until closure of all of 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 provides 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 may not exceed \$40 million on a Virginia jurisdictional basis in any 12-month period, provided that any under-recovery amount of revenue

requirements incurred in excess of \$40 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.

The law establishes that costs may begin accruing on July 1, 2020, but no approved rate adjustment clause charges must be included in customer bills until July 1, 2022; 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 state that are not actually recovered from such customers must be included for cost recovery from jurisdictional customers in the state through the rate adjustment clause.

Finally, the bill prohibits cost recovery for any fines or civil penalties resulting from violations of federal or state law.

HB 1641 - Establishing Surveying Requirements for Coal Ash Pond Owners

Sponsored by Dels. Ayala and Foy

Requires a utility, defined in the bill as the owner or operator of a coal ash pond in the Chesapeake Bay watershed, to complete a survey of all private wells and public water supply wells within 1.5 miles of each of its ponds by October 1, 2020, and to notify residents via mail and a local newspaper posting that the survey will be conducted.

HB 1642 - Establishing Testing Requirements for Coal Ash Pond Owners

Sponsored by Dels. Ayala and Foy

Requires each utility, defined in the bill as the owner or operator of a coal ash pond in the Chesapeake Bay watershed, to commission an independent well water test on behalf of the owner of any private well or public water supply well located within 1.5 miles of such coal ash pond by January 1, 2021, and requires such test to be conducted once per year during each of the five years following the approval of the closure of the coal ash pond and once every five years thereafter.

The bill provides that if any test exceeds any U.S. Environmental Protection Agency Maximum Contaminant Level for drinking water, the utility must provide water treatment or alternative water supplies, potentially including a connection to a city or County water utility, to the owner of the well.

Emergency Management and Homeland Security

HB 1082 - Defining Cyber Incident for the Emergency Services and Disaster Law

Sponsored by Dels. Ayala and Hayes

Defines "cyber incident" for purposes of the Emergency Services and Disaster Law as an event occurring on or conducted through a computer network that actually or imminently jeopardizes the integrity, confidentiality, or availability of computers, information or communications systems or networks, physical or virtual infrastructure controlled by computers or information systems, or information resident thereon.

The bill provides that a cyber incident may include a vulnerability in information systems, system security procedures, internal controls, or implementations that could be exploited.

SB 350 - Emergency Shelters Upgrade Assistance Grant Fund Establishment

Sponsored by Sen. Lucas

Establishes the Emergency Shelters Upgrade Assistance Grant Fund administered by the Department of Emergency Management to provide matching funds to localities to install, maintain, or repair infrastructure for backup energy

generation for emergency shelters, including solar energy generators, and improve the hazard-specific structural integrity of shelter facilities owned by the locality.

Energy Efficiency

HB 518 / SB 628 - Requiring Disclosure of a Residential Building Energy Analysis to Potential Buyers

Sponsored by Del. Bulova; Sen. Surovell

Adds obtaining a residential building energy analysis to the disclosure statement furnished to the buyer by the owner of residential real property that the buyer beware and exercise necessary due diligence with respect to determining the condition of real property or any improvements thereon.

HB 981 / SB 1027 - Regional Greenhouse Gas Initiative Regulatory Compliance

Sponsored by Dels. Herring, Bagby, Lindsey, and Lopez; Sen. Lewis

Directs the Department of Environmental Quality to incorporate into regulations previously adopted by the State Air Pollution Control Board certain provisions establishing a carbon dioxide cap and trade program to reduce emissions released by electric generation facilities as required to comply with the Regional Greenhouse Gas Initiative model rule.

The bill authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program.

It also bill requires revenues from the sale of carbon allowances to be deposited in an interest-bearing account and to be distributed without further appropriation to the following:

- The Virginia Community Flood Preparedness Fund;
- The Department of Housing and Community Development for low-income energy efficiency programs;
- Administrative expenses; and
- The Department of Housing and Community Development in partnership with the Department of Mines, Minerals and Energy to administer and implement low-income energy efficiency programs.

The measure continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund for the purpose of creating a low-interest loan program to help inland and coastal communities that are subject to recurrent or repetitive flooding, and it enables the Authority to pledge the assets of the Fund as security for any bonds issued to finance flood prevention or protection projects and directs the Authority to manage the Fund in accordance with a memorandum of agreement with the Department.

The act also authorizes any locality using moneys in the fund to provide a loan for a project in a low-income geographic area to forgive the principal of such loan, with the obligation of the locality to repay the loan remaining in effect.

If the Governor seeks to include the state as a full participant in the Regional Greenhouse Gas Initiative, the bill states that regulations must require that certain purchasers be responsible for obtaining allowances under certain agreements.

Finally, the law authorizes the costs of allowances to be recovered by Phase I and Phase II Utilities from ratepayers.

HB 1576 - Defining Large General Service Customers

Sponsored by Del. Kilgore

Revises the definition of “large general service customer” from a customer with a verifiable history of demand from 500 kilowatts from a single meter of delivery to one with one megawatt at a single site.

The legislation states that large general service customers are exempt from the costs of certain energy efficiency programs if the State Corporation Commission finds that such customer has implemented energy efficiency programs that have produced or will produce measured and verified results consistent with industry standards and other regulatory criteria.

The measure requires the Commission to adopt regulations that:

- Establish the process for large general service customers to apply for such an exemption;
- Establish the administrative procedures by which eligible customers will notify the utility; and
- Define the standard criteria that is required to be satisfied by an applicant in order to notify the utility, including means of evaluation measurement and verification and confidentiality requirements.

The bill requires such rules and regulations to require that each exempted large general service customer certify to the utility and Commission that its implemented energy efficiency programs have delivered measured and verified savings within the prior five years.

SB 754 - Allowing Electric Cooperatives to Finance Energy Efficiency Measures

Sponsored by Sen. Marsden

Authorizes electric cooperatives to establish on-bill tariff programs under which the cooperative and a customer enter into an agreement that provides for the costs, including financing costs, of energy efficiency measures to be paid by or through the cooperative and repaid by the customer by means of an energy savings charge on the customer’s monthly bill.

Under the bill, energy efficiency measures can include heating and air conditioning systems, water heaters, weatherization, insulation, window and door modifications, appliances, and automatic or Internet-connected control systems.

Natural Gas and Petroleum

HB 167 - Modifying Provisions for Cost Recovery Related to Natural Gas Costs

Sponsored by Del. Ware

Requires an electric utility, as a condition of approval of any request by an electric utility for recovery through its fuel factor of costs incurred under a natural gas capacity contract not previously subject to review in a fuel factor case, to prove by a preponderance of the evidence that the utility has:

- Determined that the utility cannot meet its service obligations, giving due regard, in the Commission’s sole discretion, to reliability of service and the need to maintain reliable sources of supply, without an additional fuel resource;

- Reasonably identified and determined the date and amount of the new fuel resource it needs;
- Objectively studied available alternative fuel resource options, as verified by the Commission, including options other than a new natural gas capacity contract or contracts to meet the identified and determined need; and
- Determined that the natural gas capacity contract or contracts are the lowest-cost available option, taking into consideration fixed and variable costs and a reasonable projection of utilization.

HB 646 - Establishing Penalties for Natural Gas Pipeline Violations

Sponsored by Del. Hurst

Authorizes the State Water Control Board to include civil penalties of up to \$50,000 per violation, not to exceed \$500,000 per order, in any order for a violation of a permit related to the construction of a natural gas transmission pipeline greater than 36 inches inside diameter.

The bill requires that at least two written notices of violation have been issued to the person constructing the pipeline, that such violations have not been resolved, and that a hearing has been conducted before the penalty can be assessed.

HB 706 / SB 795 - Banning New Coastal Conveyance Infrastructure for Offshore Oil or Gas Drilling

Sponsored by Dels. Guy, Keam, and Simonds; Sen. Lewis, Jr.

Prohibits the granting of a lease, easement, or permit on the beds of the coastal waters of the state that would allow any infrastructure for conveying to shore oil or gas produced from offshore drilling in the Outer Continental Shelf Planning Area.

It also removes any oil or gas lease granted on such beds from the mandate that such lease include a royalty payment requirement.

The legislation also repeals policy statements supporting federal efforts to permit oil and gas development 50 miles or more off the Atlantic shoreline.

HB 932 - Abolishing Certification Requirements for Natural Gas Automobile Mechanics

Sponsored by Del. Simonds

Removes the certification requirement for, and associated regulatory authority over, the occupation of natural gas automobile mechanics and technicians by the Department of Professional and Occupational Regulation.

HB 1414 / SB 890 - Gas Tax and Motor Vehicle Fee Modifications

Sponsored by Dels. Filler-Corn, Jones, McQuinn, Sullivan, Watts, and Murphy; Sen. Saslaw

Amends numerous laws related to transportation funds, revenue sources, construction, and safety programs.

The existing gas tax based on a percentage of the wholesale price of gasoline and diesel fuel is converted to a cents-per-gallon tax. A rate of \$0.262 per gallon of gasoline will be phased in over two years, and then indexed every year thereafter. The regional gas tax will be converted to a rate of \$0.076 per gallon of gasoline and will be imposed everywhere in the state that a regional gas tax is not already imposed.

Registration fees for motor vehicles will be lowered. The Department of Motor Vehicles will implement a Highway Use Fee for alternative fuel and fuel-efficient vehicles. Alternatively, a person whose vehicles would be subject to this new fee may elect to instead enroll in a mileage-based user fee program to be developed by the Department. The bill

also eliminates the \$5 walk-in fee for conducting certain transactions in person at the Department of Motor Vehicles and prohibits a person from being issued a citation for both an expired motor vehicle inspection sticker and faulty equipment.

In Northern Virginia, the regional transportation improvement fee, used to support the Washington Metropolitan Area Transit Authority (WMATA), is lowered to \$0.10 per \$100 for the recordation of conveyance of a deed. A new regional congestion fee is imposed at a rate of \$0.10 per \$100 for the recordation of conveyance of a deed. The regional transient occupancy tax is raised from two percent to three percent.

The bill authorizes the use of transportation bonds to complete the final section of Corridor Q of the Appalachian Development Highway System and authorizes a bond issuance for improvements in the Interstate 81 and Interstate 66 corridors.

HB 1541 - Establishing the Central Virginia Transportation Authority

Sponsored by Del. McQuinn

Creates the Central Virginia Transportation Authority, comprising the counties and cities located in Planning District 15.

According to the legislation, the Authority will administer transportation funding generated through the imposition of an additional regional 0.7 percent sales and use tax and a wholesale gas tax of 7.6 cents per gallon of gasoline and 7.7 cents per gallon of diesel fuel. The gas tax rates are indexed for inflation.

The bill also requires a local maintenance of effort for transit funding of at least 50 percent of what was provided on July 1, 2020, with such amount to be indexed beginning in 2023. The Authority is directed to review the governance structure of existing transit service in the Richmond region, and evaluate the possibility of creating a transportation district, and report its findings by December 1, 2020, to the Governor and the General Assembly.

Reorganization and Coordination

HB 717 - Electric Vehicle Rebate Program Working Group Creation

Sponsored by Del. Reid

Establishes a working group to determine the feasibility of an electric vehicle rebate program.

The working group will report on its findings and recommendations by November 1, 2020.

SB 963 - Establishing Energy Manager Role and Requirements

Sponsored by Sen. Surovell

Requires the head of each state agency to designate an existing employee, known as an energy manager, who is responsible for implementing improvements to state buildings to reduce greenhouse gas emissions and improve energy efficiency and climate change resiliency.

Utilities

HB 129 - Maximum Allowable Rate Increases for Various Public Service Companies

Sponsored by Del. Sickles

Increases the maximum allowable rates of several taxes, known as special regulatory taxes, that apply to public service companies such as those that provide water, heat, light, or power.

The bill increases the maximum allowable rate of the gross receipts tax from 0.2 percent to 0.26 percent, increases the maximum allowable rates of three electricity consumption taxes that are measured per kilowatt hour, and increases the maximum allowable rate of the natural gas consumption tax from \$0.0020 per cubic foot to \$0.0026 per cubic foot.

HB 528 - Cost Recovery Analysis Requirements for Coal-Fired or Natural-Gas Fire Generation Retirements

Sponsored by Del. Subramanyam

Requires the State Corporation Commission to determine the amortization period for recovery of any appropriate costs due to the early retirement of any coal-fired or natural gas-fired electric generation facilities owned or operated by any Phase I or Phase II Utility.

The bill requires the Commission, in making such determination, to

- Perform an independent analysis of the remaining undepreciated capital costs;
- Establish a recovery period that best serves ratepayers; and
- Allow for the recovery of any carrying costs that the Commission deems appropriate.

HB 573 - Low-Income Community Solar Development Pilot Program Requirements

Sponsored by Del. Keam

Requires each incumbent electric utility to select for dedication to its community solar development pilot program one or more eligible generating facilities that are located within a low-income community as a condition for the utility's selection for dedication to its program any eligible generating facility that is located outside a low-income community.

The bill requires the costs of the selected facilities in low-income communities to equal or exceed the costs of the eligible generating facility that is located outside a low-income community. These requirements apply to facilities selected on or after July 1, 2020. The bill defines a low-income community as a census tract that is designated in 2019 or thereafter as a qualified census tract for purposes of the Low-Income Housing Tax Credit. Such census tracts are required to have 50 percent of households with incomes below 60 percent of the area median gross income or have a poverty rate of 25 percent or more, according to the bill.

HB 575 - AEP and Dominion Energy Stakeholder Process Requirements

Sponsored by Del. Keam

Requires the stakeholder process to be used by American Electric Power and Dominion Energy Virginia to provide input and feedback on compliance with the total annual energy savings and how such savings affect utility integrated resource plans, recommended policy reforms by which the General Assembly or the State Corporation Commission can ensure maximum and cost-effective deployment of energy efficiency technology across the state, and best practices for evaluation, measurement, and verification for the purposes of assessing compliance with the total annual energy savings.

The measure also requires each utility's stakeholder process to include the participation of relevant directors, relevant deputies, and staff members of the Commission who participate in approval and oversight of utility energy efficiency savings programs.

HB 576 / SB 782 - Underground Electric Transmission Lines Pilot Project Amendments

Sponsored by Del. Keam; Sen. Saslaw

Specifies that one of the two projects that may be included in the pilot program for the undergrounding of electric transmission lines must be for the relocation or conversion of an existing 230-kilovolt overhead line to an underground line.

The bill states that such a project may be approved if the estimated additional cost of placing the line, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, does not exceed 2.5 times the costs of placing the same line overhead, which costs are borne by all of the utility's ratepayers through a rate adjustment clause.

The act provides that such a project may be approved for participation in the pilot program if its primary need is related to the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed, and it exempts a project that satisfies the criteria for participation in the pilot project from the requirement that the State Corporation Commission find that the transmission line is needed.

Finally, the law adds that the pilot program is created to further understanding of the benefits of undergrounding existing electric transmission lines to promote economic development.

HB 665 - Preserving Scenic Assets and Historic Resources When Constructing Electrical Transmission Lines

Sponsored by Dels. Lopez and Mullin

Requires the State Corporation Commission, prior to approving the construction of any electrical transmission lines of 138 kilovolts or more, to determine that the corridor or route chosen for the line will avoid or reasonably minimize adverse impact to the greatest extent reasonably practicable on the scenic assets, historic resources recorded with the Department of Historic Resources, and environment of the area concerned.

HB 723 - Impact Mitigation Requirements for Certain Underground Pipelines or Conduits

Sponsored by Del. Reid

Requires a utility company installing an underground pipeline or conduit with an inside diameter greater than 12 inches or an underground electric transmission or distribution line of greater than 115 kilovolts in capacity to mitigate the effects of the project if the project disturbs 10,000 square feet or more of agricultural land.

The bill directs the State Corporation Commission to adopt regulations requiring the utility company to remove topsoil from the planned construction site and either redistribute it to graded areas elsewhere on the land of the affected property owner or store it nearby, protected from erosion and compaction, for later redistribution on the disturbed area.

HB 831 / SB 794 - Providing Official State Policy for Broadband Deployment Easements

Sponsored by Dels. Foy, Ayala, Hurst, and Kory; Sens. Peake, Stanley, and Lewis

Declares that the following is state policy:

- Easements for the location and use of electric and communications facilities may be used to provide or expand broadband or other communications services;

- The use of easements to provide or expand broadband or other communications services is in the public interest;
- The installation, replacement, or use of public utility conduit, including the costs of installation, replacement, or use of conduit of a sufficient size to accommodate the installation of infrastructure to provide or expand broadband or other communications services, is in the public interest;
- The use of easements to provide or expand broadband or other communications services:
 - Does not constitute a change in the physical use of the easement;
 - Does not interfere with, impair, or take any vested or other rights of the owner or occupant of the servient estate;
 - Does not place any additional burden on the servient estate other than a de minimis burden, if any; and
 - Has value to the owner or occupant of the servient estate greater than any de minimis impact; and
- The installation and operation of broadband or other communications services within easements, appurtenant or gross, are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology.

The measure further provides that:

- Absent any express prohibition on the installation and operation of broadband or other communications services in an easement that is contained in a deed or other instrument by which the easement was granted, the installation and operation of broadband or other communications services within any easement must be deemed, as a matter of law, to be a permitted use within the scope of every easement for the location and use of electric and communications facilities; and
- Subject to compliance with any express prohibitions in a written easement, any incumbent utility or communications provider may use an easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed.

Finally, the legislation declares that any incumbent utility or communications provider may use a prescriptive easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed.

HB 868 - Allowing for the Purchase of Renewable Energy by Individual Retail Customers

Sponsored by Del. Bourne

Authorizes individual retail customers of electric energy to purchase electric energy provided 100 percent from renewable energy from any licensed competitive supplier of electric energy, including any incumbent electric utility.

The bill also provides that a cooperative utility customer eligible to take service under a tariff for electric energy provided 100 percent from renewable energy is prohibited from purchasing electric energy provided 100 percent from renewable energy from a licensed supplier, except such customer is authorized to continue purchasing renewable energy pursuant to the terms of a power purchase agreement in effect on the date the cooperative serving it filed with the Commission such tariff for electric energy provided 100 percent from renewable energy for the duration of such agreement.

The provisions of the legislation will not become effective unless reenacted by the 2021 Session of the General Assembly.

HB 889 - Electric Service Purchase Pilot Program

Sponsored by Del. Mullin

Requires the State Corporation Commission to conduct a pilot program under which two or more certain nonresidential customers within the service territory of Dominion Energy Virginia are permitted to purchase electric energy from any supplier of electric energy licensed to sell electric energy within the state.

The aggregated load participating in the pilot program is limited to 200 megawatts, according to the bill.

HB 1030 - Modifying Provisions Relating to the Grid Transformation and Security Act

Sponsored by Del. Roem

Provides that the State Corporation Commission's approval of a proposed transmission line for inclusion in a pilot program established as part of the Grid Transformation and Security Act enacted in 2018 precludes the placement of future overhead electrical transmission lines of at least 69 kilovolts in the same area or corridor by other transmission projects for a period of 10 years.

The bill states that it does not preclude any underground transmission lines in such right-of-way or any electrical distribution lines in such right-of-way.

According to the measure, the pilot program provides for the underground construction of two electrical transmission lines, including one for the Haymarket transmission line project in Prince William County.

HB 1133 - Advocating for Public Utility Construction or Purchase Utilizing Renewable Energy Sources

Sponsored by Del. Jones

Declares it is in the public's interest that the construction or purchase by a public utility prior to January 1, 2024, of one or more solar or wind generation facilities located on a previously developed project site in the state having in aggregate a rated capacity that does not exceed 200 megawatts, or the purchase by a public utility of energy, capacity, and environmental attributes from such solar facilities owned by persons other than a public utility.

HB 1225 - Prohibiting Termination of Electric Service During Ongoing Dispute

Sponsored by Del. Tran

Prohibits an electric utility from terminating the residential service of a customer for nonpayment for metered services when the electric utility believes that the customer is receiving or has received electric utility services for which the customer was not properly billed as the result of tampering with the electric utility's meter until the electric utility has:

- Retrieved the meter from the customer's premises, which may be done without providing prior notice to the customer;

- Immediately replaced it with a new meter; and
- Determined whether the meter has been tampered with. The measure requires that if the electric utility determines that the meter has been tampered with and seeks payment for services not properly billed, the electric utility must provide the customer with an invoice with a reasonable and final estimate of the amount owed by the customer as a result of the meter's failure.

The electric utility is required to provide the customer one full billing period to pay the amount billed in such invoice.

The measure authorizes a customer to submit a complaint to the State Corporation Commission and to file a formal proceeding after the informal complaint process has been exhausted, and it includes specific conditions for which these requirements do not apply, including when the condition of a customer's wiring, equipment, or appliances is either unsafe or unsuitable for receiving the utility service or when the customer's use of the utility service or equipment interferes with or may be detrimental to the utility's facilities or to the provision of utility service by the utility to any other customer.

HB 1280 - Providing for Broadband Connections via Electric Utilities

Sponsored by Del. O'Quinn

Authorizes an electric utility to lease to any third party that is a wholesaler and that is not a government-owned broadband authority, for the purposes of providing broadband connectivity.

According to the bill, the leases may extend in length beyond the end of the pilot program under which the utility provides broadband capacity to nongovernmental Internet service providers in areas of the state lacking broadband service.

HB 1327 - Wind Turbine Property Tax Rate Modifications

Sponsored by Del. Austin

Provides that the rate for a locality that imposes property taxes on generating equipment of electric suppliers utilizing wind turbines that have filed a certain form with an electric utility or regional transmission organization by July 1, 2020, may not exceed the locality's real estate tax rate by more than \$0.20 per \$100 of assessed value.

For all other projects, and under current law, the tax may exceed the real estate rate but cannot exceed the general personal property tax rate in the locality, according to the bill.

HB 1526 / SB 851 - Establishing an Electric Generating Facility Retirement Schedule and Other Utility Regulatory Goals and Requirements

Sponsored by Dels. Sullivan, Bagby, Foy, Helmer, and Lopez; Sens. McClellan, Edwards, and Marsden

Establishes a schedule by which Dominion Energy Virginia and American Electric Power are required to retire electric generating units located in the state that emit carbon as a by-product of combusting fuel to generate electricity and by which they are required to construct, acquire, or enter into agreements to purchase generating capacity located in the state using energy derived from sunlight or onshore wind.

The measure replaces the existing voluntary renewable energy portfolio standard program (RPS Program) with a mandatory RPS Program. Under the mandatory RPS Program, Dominion Energy Virginia and American Electric Power are required to produce their electricity from 100 percent renewable sources by 2045 and 2050, respectively.

A utility that does not meet its targets is required to pay a specific deficiency payment or purchase renewable energy certificates. The proceeds from the deficiency payments are to be deposited into an account administered by the

Department of Mines, Minerals and Energy, which is directed to distribute specific percentages of the moneys to job training and renewable energy programs in historically economically disadvantaged communities, energy efficiency measures, and administrative costs.

The bill also requires the State Air Pollution Control Board to adopt regulations to reduce the carbon dioxide emissions from certain electricity generating units in the state and authorizes the board to establish, implement, and manage an auction program to sell allowances to carry out the purposes of such regulations and to utilize its existing regulations to reduce carbon dioxide emissions from electric power generating facilities. Among other things, the measure also:

- Requires, by 2035, American Electric Power and Dominion Energy Virginia to construct or acquire 400 and 2,700 megawatts of energy storage capacity, respectively;
- Establishes an energy efficiency standard under which each investor-owned incumbent electric utility is required to achieve incremental annual energy efficiency savings that start in 2022 at 0.5 percent for American Electric Power and 1.25 percent for Dominion Energy Virginia of the average annual energy retail sales by that utility in 2019 and increase those savings annually;
- Exempts large general service customers from energy savings requirements;
- Revises the incentive for electric utility energy efficiency programs;
- Provides that if the Commission finds in any triennial review that revenue reductions related to energy efficiency measures or programs approved and deployed since the utility's previous triennial review have caused the utility to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for Dominion Energy Virginia and after December 31, 2013, for American Electric Power, more than 70 basis points below a fair combined rate of return on its generation and distribution services, the Commission must order increases to the utility's rates for generation and distribution services necessary to recover such revenue reductions;
- Establishes requirements regarding the development by Dominion Energy Virginia of qualified offshore wind projects having an aggregate rated capacity of not less than 5,200 megawatts by January 1, 2034, and provides that in constructing any such facility, the utility must:
 - Identify options for utilizing local workers;
 - Identify the economic development benefits of the project for the state, including capital investments and job creation;
 - Consult with relevant governmental entities, including the state's Chief Workforce Development Officer and the Virginia Economic Development Partnership, on opportunities to advance the state's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and
 - Give priority to the hiring, apprenticeship, and training of veterans, local workers, and workers from historically economically disadvantaged communities;
- Requires each utility to include, and the Commission to consider, in any application to construct a new generating facility the social cost of carbon, as determined by the Commission, as a benefit or cost, whichever is appropriate;

- Removes provisions that authorize nuclear and offshore wind generating facilities to continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between five and 15 years in the case of a facility utilizing energy derived from offshore wind;
- Removes a provision that declares that planning and development activities for new nuclear generation facilities are in the public interest;
- Increases the limit from 5,000 megawatts to 16,100 megawatts on those solar and onshore wind generation facilities that are declared to be in the public interest and increases the limit from 16 megawatts to 3,000 megawatts on those offshore wind generation facilities that are declared to be in the public interest;
- Amends the net energy metering program by increasing the maximum capacity of renewable generation facilities of participating nonresidential eligible customer-generators from one to three megawatts, increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory, increases each utility's system-wide cap from one percent of its adjusted Virginia peak-load forecast for the previous year to six percent of such amount, five percent of which is available to all customers and one percent of which is available only to low-income utility customers;
- Establishes the Percentage of Income Payment Program (PIPP), which caps the monthly electric utility payment of low-income participants at six percent, or, if the participant's home uses electric heat, 10 percent, of the participant's household income, requires the Commission to issue its final order regarding the PIPP by December 31, 2020, and requires the Department of Housing and Community Development and the Department of Social Services to convene a stakeholder group to develop recommendations for implementing the PIPP and to submit the stakeholder recommendations to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor by December 1, 2020;
- Increases the cap on third party power purchase agreements to 500 megawatts for jurisdictional customers and 500 megawatts for nonjurisdictional customers of Dominion Energy Virginia and to 40 megawatts for customers of American Electric Power;
- Requires each investor-owned utility to consult with the Clean Energy Advisory Board in how best to inform low-income customers of opportunities to lower electric bills through access to solar energy;
- Requires the Department of Mines, Minerals and Energy, in consultation with the Council on Environmental Justice, to prepare a report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor that determines if the implementation of the measure imposes a disproportionate burden on historically economically disadvantaged communities;
- Requires the Secretary of Natural Resources and the Secretary of Commerce and Trade, in consultation with the State Corporation Commission and the Council on Environmental Justice and appropriate stakeholders, to report to the General Assembly by January 1, 2022, any recommendations on how to achieve 100 percent carbon-free electric energy generation by 2045 at least cost for ratepayers; and
- Provides that it is the policy of the state that the State Corporation Commission, Department of Environmental Quality, Department of Mines, Minerals and Energy, Virginia Council on Environmental Justice, and other applicable state agencies, in the development of energy programs, job training programs,

and placement of renewable energy facilities, must consider those facilities and programs being to the benefit of low-income geographic areas and historically economically disadvantaged communities that are located near previously and presently permitted fossil fuel facilities or coal mines.

HB 1656 - Cost Recovery Authorization for AEP and Dominion Energy

Sponsored by Del. O'Quinn

Authorizes Dominion Energy Virginia and American Electric Power to recover, through a rate adjustment clause, the costs of designing, implementing, and operating programs to provide incentives to low-income, elderly, and disabled individuals who participate in an energy conservation program, or to organizations providing residential services to such individuals, for the installation of, or access to, solar energy generating equipment.

The measure also clarifies that these utilities must submit a petition for approval to design, implement, and operate a separate three-year incentive program, in an amount not to exceed \$25 million in the aggregate, to enable the installation of, or access to, solar energy equipment, that is in addition to the existing \$25 million in incentives the utilities are required to provide over three years to low-income, elderly, and disabled individuals for energy conservation measures.

HB 1664 / SB 860 / SB 998 - Offshore Wind Generation Public Interest Declaration

Sponsored by Dels. Hayes and Lindsey; Sen. Mason; Sen. Lucas

Provides that the construction or purchase by a public utility of one or more offshore wind generation facilities located off the state's Atlantic shoreline or in federal waters and interconnected directly into the state, with an aggregate capacity of up to 5,200 megawatts, is in the public interest.

The measure provides that construction by Dominion Energy Virginia of one or more new utility-owned and utility-operated generating facilities utilizing energy derived from offshore wind and located off the state's Atlantic shoreline, with an aggregate rated capacity between 2,500 megawatts and 3,000 megawatts, along with electrical transmission or distribution facilities associated therewith for interconnection is in the public interest.

The bill states that the State Corporation Commission will determine the reasonableness and prudence of associated costs and will presume such costs to be reasonable and prudent if certain criteria are met.

The legislation requires the Commission to permit a portion of the nameplate capacity of any such facility, in the aggregate, to be allocated to certain commercial and industrial customers or qualifying large general service customers, provided that no more than 10 percent of the offshore wind facility's capacity is allocated to qualifying large general service customers.

The measure provides that such costs must be allocated to all customers of the utility in the state as a non-bypassable charge, irrespective of the generation supplier of any such customer except for customers who are eligible for a Percentage of Income Payment Program, certain commercial and industrial customers, and qualifying large general service customers.

The measure requires the utility to submit a plan to the Commission that includes the following considerations:

- Options for utilizing local workers;
- The economic development benefits of the project for the state, including capital investments and job creation;

- Consultation with the state’s Chief Workforce Development Officer, the Chief Diversity, Equity, and Inclusion Officer, and the Virginia Economic Development Partnership, on opportunities to advance the state’s workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and
- Giving priority to the hiring, apprenticeship, and training of veterans, local workers, and workers from historically economically disadvantaged communities.

The measure provides that any such project is required to include an environmental and fisheries mitigation plan submitted to the Commission for the construction and operation of such offshore wind facilities.

SB 28 - Eminent Domain Cost Assessment Modifications

Sponsored by Sen. Petersen

Eliminates specific provisions for the assessment of costs in eminent domain proceedings where the condemnor is a public service company, public service corporation, railroad, or government utility corporation and provides that all costs must be assessed in the same manner, regardless of the identity of the condemnor.

The bill exempts condemnation actions for easements adjudged at less than \$10,000, and its provisions apply only to condemnation actions filed on or after July 1, 2020.

SB 130 - Commission on Electric Utility Regulation Continuance

Sponsored by Sen. Norment

Postpones the scheduled expiration of the Commission on Electric Utility Regulation from July 1, 2020, to July 1, 2022.

SB 360 - Reimbursements for Certain Facility Installation

Sponsored by Sen. Cosgrove

Authorizes a locality that has adopted an ordinance for payment by a subdivider or developer of land of the pro rata share of the cost of providing reasonable and necessary sewerage, water, and drainage facilities to also provide in its subdivision ordinance that, when adequate water, sewerage, or drainage facilities are not available to serve a proposed subdivision or development, the subdivider or developer of the property may be permitted to install reasonable and necessary water, sewerage, and drainage facilities, located on or outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area and provides certain requirements for reimbursement of such installation.

SB 632 - Providing for Energy Storage Capacity Goals

Sponsored by Sen. Surovell

Provides that it is the objective of the General Assembly that 2,700 megawatts of aggregate energy storage capacity be placed into service on or before July 1, 2030.

The bill states that energy storage facilities with an aggregate capacity of 2,700 megawatts are in the public interest and that prior to January 1, 2030:

- The construction by a public utility of one or more energy storage facilities located in the Commonwealth, having in the aggregate a rated capacity that does not exceed 2,700 megawatts, or

- The purchase by a public utility of energy storage facilities as described above owned by persons other than a public utility or the capacity from such facilities is in the public interest.

The act requires that at least 65 percent of the energy storage capacity placed in service on or after July 1, 2020, located in the Commonwealth and found to be in the public interest is from the purchase by a public utility of energy storage facilities owned by persons other than a public utility or the capacity from such facilities.

Such purchases must be subject to competitive procurement, according to the bill, provided that a public utility may select energy storage facilities without regard to whether such selection satisfies price criteria if the selection of the energy storage facilities materially advances non-price criteria, including favoring geographic distribution of generating facilities, areas of higher employment, or regional economic development, if such facilities do not exceed 25 percent of the utility's energy storage capacity.

The legislation also establishes that an integrated resource plan (IRP) should include recommended plans for utilizing energy storage facilities to meet forecasted demand and assure adequate and sufficient reliability of service and requires that in preparing an IRP, each electric utility must systematically evaluate and may propose developing a long-term plan to integrate new energy storage facilities into existing generation and distribution assets to assist with grid transformation.

Finally, the law requires the State Corporation Commission, in the annual report required by legislation enacted in the 2018 Session, to assess the aggregate annual new construction and purchase of energy storage facilities.

SB 731 - Fair Return Rate for Investor-Owned Electric Utilities

Sponsored by Sen. McClellan

Provides that the State Corporation Commission, in determining a fair rate of return on common equity for an investor-owned electric utility after January 1, 2020, may not set such rate:

- Lower than the average of either:
 - The returns on common equity of the utility's peer group reported to the Securities and Exchange Commission for the three most recent annual periods; or
 - The authorized returns on common equity that is set by the applicable regulatory commission for other investor-owned electric utilities in the utility's peer group.
- Higher than 150 basis points above such average.

Environmental Legislation

Air Quality and Pollution Control

HB 585 - Requiring Certain Cities to Consider Plans for Reducing Greenhouse Gas Emissions

Sponsored by Del. Guzman

Requires that each city with a population greater than 20,000 and each County with a population greater than 100,000 consider incorporating into the next scheduled and all subsequent reviews of its comprehensive plan

strategies to promote transit-oriented development for the purpose of reducing greenhouse gas emissions through coordinated transportation, housing, and land use planning.

SB 1075 - Public Notice Requirements for Fossil-Fuel Fired Facilities

Sponsored by Sen. McClellan

Establishes that the Air Pollution Control Board must require applicants to take certain public notice actions, prior to granting any variance to an existing regulation or issuing any permit for:

- A new fossil fuel-fired generating facility with a capacity of 500 megawatts or more;
- A major modification to an existing source that is a fossil fuel-fired generating facility with a capacity of 500 megawatts or more;
- A new fossil fuel-fired compressor station facility used to transport natural gas; or
- A major modification to an existing source that is a fossil fuel-fired compressor station facility used to transport natural gas, if the board finds that there is a locality particularly affected by such variance or permit.

Coastal Zone Management

HB 653 - Public Information Requirements for Condemned Coastal Wildlife Growing Areas

Sponsored by Del. Guy

Authorizes the Commissioner of Marine Resources to provide public designation of condemned crustacea, finfish, or shellfish growing areas through the use of downloadable maps or digital interactive online maps.

HB 706 / SB 795 - Banning New Coastal Conveyance Infrastructure for Offshore Oil or Gas Drilling

Sponsored by Dels. Guy, Keam, and Simonds; Sen. Lewis, Jr.

Prohibits the granting of a lease, easement, or permit on the beds of the coastal waters of the state that would allow any infrastructure for conveying to shore oil or gas produced from offshore drilling in the Outer Continental Shelf Planning Area.

It also removes any oil or gas lease granted on such beds from the mandate that such lease include a royalty payment requirement.

The legislation also repeals policy statements supporting federal efforts to permit oil and gas development 50 miles or more off the Atlantic shoreline.

HB 1375 - Authorizing and Encouraging Living Shorelines

Sponsored by Del. Hodges

Includes a shoreline practice that may enhance coastal resilience and attenuation of wave energy and storm surge in the definition of "living shoreline" for purposes of establishing and implementing a general permit regulation that authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines.

Emergency Management and Homeland Security

HB 22 / SB 320 - Folding the Virginia Shoreline Resiliency Fund into the Virginia Community Flood Preparedness Fund

Sponsored by Dels. Convirs-Fowler and Lindsey; Sen. Lewis, Jr.

Continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund, providing that the fund must include all sums that are deposited from revenue generated by the sale of emissions allowances and are designated to assist localities affected by recurrent flooding, sea level rise, and flooding from severe weather events.

The bill directs the Virginia Resources Authority to manage the fund and the Department of Conservation and Recreation to administer the Fund. The measure authorizes the Authority to manage the Fund in accordance with a memorandum of agreement with the Department and to pledge the assets of the Fund as security for any bonds issued to finance flood prevention or protection projects.

The bill authorizes localities to lend or grant money from the fund to implement flood prevention and protection projects and studies, requiring that at least 25 percent of the money disbursed from the fund each year be used for projects in low-income geographic areas.

The measure also authorizes any locality to forgive the principal of a loan it grants in a low-income geographic area so long as the total amount of loans forgiven by all localities does not exceed 30 percent of the amount appropriated to the fund during the fiscal year. The bill provides that any locality that forgives such a loan remains obligated to pay the principal to the state.

HB 1313 - Establishing the Requirements for Chief Resilience Officer Designation

Sponsored by Del. Hodges

Directs the Governor to designate a Chief Resilience Officer to serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience and recurrent flooding.

The bill directs the Chief Resilience Officer, in consultation with the Special Assistant to the Governor for Coastal Adaptation and Protection, to:

- Identify and monitor areas at the greatest risk from recurrent flooding;
- Review and comment on plans for the construction or substantial reinforcement of a substantial flood defense or catchment area, at the request of the locality containing such defense or area; and
- Initiate and assist with the pursuit of funding for resilience initiatives.

The bill also expands the list of programs with which localities and the state are required to coordinate as part of their flood control efforts.

Environmental Health Services

HB 704 / SB 406 - Environmental Justice Endorsement

Sponsored by Dels. Herring and Keam; Sen. Hashmi

Provides that it is the policy of the state to promote environmental justice and to ensure that it is carried out throughout the state.

The bill defines “environmental justice” as the fair treatment and meaningful involvement of every person, regardless of race, color, national origin, faith, disability, or income, in the development, implementation, and enforcement of environmental laws, regulations, and policies.

HB 1042 / SB 883 - Establishing the Virginia Council on Environmental Justice

Sponsored by Del. Herring and Keam; Sen. Locke

Establishes the Virginia Council on Environmental Justice, consisting of 27 members, to advise the Governor and provide recommendations intended to protect vulnerable communities from disproportionate impacts of pollution and provide such communities meaningful involvement in the decision-making process.

The bill provides that 21 members of the Council are appointed by the Governor and six are specified Cabinet Secretaries.

HB 1162 - Department of Environmental Quality Environmental Justice Mandate

Sponsored by Del. Lopez

Provides that one of the purposes of the Department of Environmental Quality is to further environmental justice.

The bill defines “environmental justice” as the fair treatment and meaningful involvement of every person, regardless of race, color, national origin, faith, disability, or income, in the development, implementation, and enforcement of environmental laws, regulations, and policies.

HB 1164 - Equity Requirements in Addressing Climate Change

Sponsored by Del. Lopez

Adds provisions for addressing climate change and for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, faith, disability, or income with respect to the administration of environmental laws, regulations, and policies in the statement of the Department of Environmental Quality’s purpose.

The bill also adds the enhancement of the environment and the promotion of the health and well-being of the state’s residents and visitors to the Department’s policy goals.

HB 1695 / SB 1004 - Wildlife Corridor Action Plan Creation

Sponsored by Dels. Bulova, Keam, and Plum; Sen. Marsden

Directs the Department of Game and Inland Fisheries, in collaboration with the Department of Transportation and the Department of Conservation and Recreation, to create a Wildlife Corridor Action Plan (the Plan).

The Plan must identify wildlife corridors, defined as areas connecting fragmented wildlife habitats that are separated by human activities or infrastructure, and recommend wildlife crossing projects intended to promote driver safety and wildlife connectivity.

The bill requires the Plan to be submitted to the Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources by September 1, 2022, and every four years thereafter.

The measure also provides that the Department of Transportation must include the impact on any wildlife corridor identified in the Plan in any environmental impact report for a highway construction project and consider measures for the mitigation of harm caused to wildlife by a highway in the design options for the construction of such highway.

SB 783 - Carbon Offset Credit Authorization Relating to Aquatic Vegetation Restoration

Sponsored by Sen. Lewis, Jr.

Authorizes the Department of Environmental Quality to participate in any carbon market for which submerged aquatic vegetation restoration qualifies as an activity that generates carbon offset credits and to enter into agreements necessary to effect such participation, including with private entities for assistance with registration and sale of offset credits.

The bill requires any revenue resulting from the sale of such credits to be used to implement additional submerged aquatic vegetation monitoring, restoration, and research or to cover any administrative costs of participation in the credit market, and it also requires the Department to hold exclusive title to credits until sold.

Hazardous Waste and Substance Management

HB 586 - Establishing Study of Certain PFOA, PFAS, and Similar Chemical Combinations

Sponsored by Del. Guzman

Directs the Commissioner of Health to convene a work group to study the occurrence of perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), perfluorobutyrate (PFBA), perfluoroheptanoic acid (PFHpA), perfluorohexane sulfonate (PFHxS), perfluorononanoic acid (PFNA), and other perfluoroalkyl and polyfluoroalkyl substances (PFAS), as deemed necessary, in the states's public drinking water and to develop recommendations for specific maximum contaminant levels for PFOA, PFOS, PFBA, PFHpA, PFHxS, PFNA, and other PFAS, as deemed necessary, for inclusion in regulations of the Board of Health applicable to waterworks.

HB 1136 - Hazardous Waste Site Inventory Requirements

Sponsored by Del. Lopez

Directs the Department of Environmental Quality to compile and maintain a Hazardous Waste Site Inventory, consisting of a list of sites permitted by or in corrective action under the Department at which the disposal of hazardous waste has occurred.

The bill requires the Inventory to be published by July 1, 2021, and updated annually.

Inland Water Resource Management and Conservation

HB 542 - State Water Control Board Risk Assessment Requirements

Sponsored by Del. Carr

Directs the State Water Control Board to estimate the risk that each locality and region in the Commonwealth will experience water supply shortfalls, to encourage the development of cross-jurisdictional water supply projects, and to adopt regulations designating regional planning areas based primarily on river basins.

The bill states that each locality in a particular regional planning area must participate in cross-jurisdictional, coordinated water resource planning, and all localities in each area must together develop and submit a single regional water supply plan.

The bill directs the Department of Environmental Quality to facilitate the creation of the regional water plans by ensuring sufficient coordination among localities, providing planning and other assistance, and ensuring that each regional plan identifies risks and proposes strategies in response. The bill directs that the Board and the Department prioritize the allocation of funds to localities that sufficiently participate in regional planning.

HB 859 - State Water Control Board Regulations for Certain Stormwater Management Facilities

Sponsored by Del. Convirs-Fowler

Directs the State Water Control Board to adopt regulations requiring the owner of residential property on which is located a privately-owned stormwater management facility serving one or more residential properties to record the long-term maintenance and inspection requirements for such stormwater management facility with the deed for the owner's property.

The bill requires an owner of residential real property who has actual knowledge of a privately owned stormwater management facility located on the property to disclose to a purchaser of the property the long-term maintenance and inspection requirements of the facility.

HB 1422 / SB 704 - Establishing Target Date for Certain Water Quality Goals

Sponsored by Del. Plum; Sen. Mason

Sets December 31, 2025, as the target date to achieve the water quality goals contained in Virginia's final Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan (WIP).

The bill provides that if the Secretary of Agriculture and Forestry and the Secretary of Natural Resources (the Secretaries) jointly determine on or after July 1, 2026, that such goals have not been met by a combination of agricultural best management conservation practices, including the coverage of a sufficient portion of Chesapeake Bay cropland by nutrient management plans or the installation of a sufficient number of livestock stream exclusion practices, then certain provisions requiring the use of nutrient management plans and livestock stream exclusions shall become effective.

The legislation also directs the Secretaries to convene a stakeholder advisory group to review annual progress toward the implementation of agricultural commitments in the WIP, develop a process to assist in creating nutrient management plans, and develop a plan for the stream exclusion program.

The measure requires the Virginia Soil and Water Conservation Board to establish by December 31, 2020, the official method for identifying perennial streams and directs the Department of Conservation and Recreation to establish by July 1, 2021, a portable stream fencing practice for inclusion in the Virginia Agricultural Best Management Practice Cost-Share Program.

HB 1569 - Impounding Structure Notification Requirements

Sponsored by Del. Convirs-Fowler

Directs the Real Estate Board to include in the residential property disclosure statement provided on its website a disclosure relating to the condition or regulatory status of any impounding structure or dam on the owner's property or under the ownership of a common interest community that the owner of the property is required to join.

HB 981 / SB 1027 - Carbon Dioxide Cap and Trade Program Incorporation

Sponsored by Dels. Herring, Bagby, Lindsey, and Lopez; Sen. Lewis

Directs the Department of Environmental Quality to incorporate into regulations previously adopted by the State Air Pollution Control Board certain provisions establishing a carbon dioxide cap and trade program to reduce emissions released by electric generation facilities as required to comply with the Regional Greenhouse Gas Initiative model rule.

The bill authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program.

It also bill requires revenues from the sale of carbon allowances to be deposited in an interest-bearing account and to be distributed without further appropriation to the following:

- The Virginia Community Flood Preparedness Fund;
- The Department of Housing and Community Development for low-income energy efficiency programs;
- Administrative expenses; and
- The Department of Housing and Community Development in partnership with the Department of Mines, Minerals and Energy to administer and implement low-income energy efficiency programs.

The measure continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund for the purpose of creating a low-interest loan program to help inland and coastal communities that are subject to recurrent or repetitive flooding, and it enables the Authority to pledge the assets of the Fund as security for any bonds issued to finance flood prevention or protection projects and directs the Authority to manage the Fund in accordance with a memorandum of agreement with the Department.

The act also authorizes any locality using moneys in the fund to provide a loan for a project in a low-income geographic area to forgive the principal of such loan, with the obligation of the locality to repay the loan remaining in effect.

If the Governor seeks to include the state as a full participant in the Regional Greenhouse Gas Initiative, the bill states that regulations must require that certain purchasers be responsible for obtaining allowances under certain agreements.

Finally, the law authorizes the costs of allowances to be recovered by Phase I and Phase II Utilities from ratepayers.

Land Management and Conservation

HB 1002 - Awarding Grants to Support Agriculture and Forestry

Sponsored by Del. Guzman

Authorizes the Governor to award grants from the existing Governor’s Agriculture and Forestry Industries Development Fund to encourage efforts by political subdivisions to support agriculture and forestry.

The bill creates the Agriculture and Forestry Industries Development Planning Grant Program, authorizes the Governor to award reimbursable grants to political subdivisions through the Program, and directs the Secretary of Agriculture and Forestry to administer and develop guidelines for the program, including a local matching fund requirement.

SB 674 - Allowing for Forest Mitigation Efforts

Sponsored by Sen. Mason

Authorizes the Secretary of Natural Resources, the Secretary of Agriculture and Forestry, or any agency within those secretariats, or the Virginia Outdoors Foundation to enter into an agreement, with certain minimum provisions, with the owner or operator of construction projects to accomplish forest mitigation, as defined in the bill.

The bill defines “forest mitigation” as a means of addressing the direct and indirect adverse impacts to forests that may be caused by a construction project by avoiding and minimizing impacts to the extent practicable and then compensating for the remaining impacts.

The bill provides that no such agreement must include any waiver of liability for environmental damage caused by the construction project or guarantee regulatory approval for a construction project by any state agency.

Solid Waste

HB 454 - Promoting Climate Positive Materials and Products

Sponsored by Del. Wyatt

Directs the Department of General Services to make state agencies aware of the availability of recycled materials and products certified as climate positive.

In the context of the law, the term “climate positive” is defined as having a negative carbon footprint.

HB 534 / SB 11 - Disposable Plastic Bag Tax

Sponsored by Dels. Carr, Guzman, Lopez, and Ware; Sens. Ebbin, Favola, Locke, and Petersen

Authorizes any County or city, beginning no earlier than January 1, 2021, to impose a tax of five cents per bag on disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax.

The bill allows every retailer that collects the tax to retain a portion of the five-cent tax and provides that the revenue accruing to the County or city shall be used for certain purposes including environmental cleanup and the provision of reusable bags. The measure also authorizes the Tax Commissioner to administer the tax.

HB 1173 / SB 685 - Providing for Tax-Exempt Status of Certain Pollution Control Equipment and Facilities

Sponsored by Del. Lopez; Sen. Mason

Provides that, upon the request of a political subdivision, the state certifying authority having jurisdiction must certify the tax-exempt status of certain pollution control equipment and facilities on a prospective basis.

According to the bill, the property eligible for such treatment must be equipment and facilities intended for use by a political subdivision in conjunction with the operation of its water, wastewater, stormwater, or solid waste management facilities or systems.

HB 1352 - Unpermitted Solid Waste Disposal Prohibition

Sponsored by Del. Gooditis

Prohibits the disposal of solid waste in an unpermitted facility and provides that the presence of unpermitted solid waste on a person's property is prima facie evidence that the person allowed solid waste to be disposed of on his property without a permit.

The bill adds open dumps to the types of site that the Department of Environmental Quality is authorized to require to be cleaned up and provides that the party responsible for such cleanup shall include any party who caused the site to become an open dump or caused the improper management of waste at the site.

HB 1354 - Plastic Pollution Study Creation

Sponsored by Del. Plum

Establishes in the executive branch of state government the Plastic Waste Prevention Advisory Council to study and make recommendations regarding plastic pollution problems in the Commonwealth, with the mission of eliminating plastic waste and contributing to the achievement of plastics packaging circular economy industry standards.

The bill sunsets on June 30, 2023.

SB 590 - Tax Credit for Certain Recycling Equipment Continuance

Sponsored by Del. Hanger, Jr.

Postpones from 2020 to 2025 the sunset date of the income tax credit for purchase of equipment for processing recyclable materials and starting in taxable year 2020 the purchases of equipment used in advanced recycling become eligible for the credit.

The bill provides that certain machinery, tools, and materials used in advanced recycling must be exempt from sales tax. Starting in taxable year 2021, such machinery, tools, and materials must be segregated and classified as machinery and tools, which are taxed at a lower rate than the generally applicable personal property tax rate.

Water Quality and Pollution Control

HB 504 - Establishing Trees as a Means of Water Quality Protections and Other Benefits

Sponsored by Del. Hope

Adds the preservation of mature trees or planting of trees, both as a water quality protection tool and as a means of providing other natural resource benefits, and coastal resilience and adaptation to sea-level rise and climate change

to the list of activities that the State Water Control Board is directed to encourage and promote as it adopts criteria for local governments to use as they consider development in Chesapeake Bay Preservation Areas.

The bill directs the Board to adopt regulations to implement the provisions of the bill.

HB 882 - Best Management Practices Adoption for Nutrient or Sediment Removal Effectiveness

Sponsored by Del. Bulova

Directs the State Water Control Board to adopt regulations providing for the use of a proprietary best management practice (BMP) only if another state, regional, or national certification program has verified and certified its nutrient or sediment removal effectiveness.

The bill requires any proprietary BMP that is included on the Virginia Stormwater BMP Clearinghouse website prior to July 1, 2020, to provide documentation to the Department of Environmental Quality showing that its effectiveness has been verified by another state, regional, or national certification program and prohibits any such proprietary BMP that fails to provide such documentation from being used in any stormwater management plan submitted on or after January 1, 2022.

HB 1173 / SB 685 - Tax Exempt Status Provisions for Pollution Control Equipment and Facilities

Sponsored by Del. Lopez; Sen. Mason

Provides that, upon the request of a political subdivision, the state certifying authority having jurisdiction must certify the tax-exempt status of certain pollution control equipment and facilities on a prospective basis.

According to the bill, the property eligible for such treatment must be equipment and facilities intended for use by a political subdivision in conjunction with the operation of its water, wastewater, stormwater, or solid waste management facilities or systems.

HB 1310 - Disposal Disclosure Requirements for Certain Stormwater Discharges

Sponsored by Del. Weibert

Requires the Department of Environmental Quality to establish a process whereby any person that receives coverage under the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities and that will be transporting fill from a project site for disposal must disclose certain information about the disposal to the Department.

The bill provides that the Department must disclose such information to every locality where such fill will be disposed of.

HB 1458 - Permit Withdrawal Authorization

Sponsored by Del. Murphy

Authorizes the State Water Control Board to administratively withdraw an individual or a general coverage water protection permit application if it is incomplete or for failure by the applicant to provide the required information after 60 days from the date of the latest written information request made by the board.

Prior to an administrative withdrawal, the bill requires the board to provide notice to the applicant and an opportunity for an informal fact-finding proceeding.

The bill also authorizes an applicant to request suspension of an application review by the board that does not affect the board's ability to administratively withdraw the application.

HB 1609 / SB 747 - Establishing Limits on Certain Transfers of Nutrient Credits

Sponsored by Rep. Mugler; Sen. Hanger

Limits certain transfers of nonpoint nutrient credits to those credits generated by the private sector.

The bill provides that while any locality may, without the involvement of a third party, generate its own nutrient or sediment credits and request that such credits be certified by the Department of Environmental Quality, such certifications must only be used for the purpose of determining whether the project complies with certain credit generation requirements.

The bill authorizes any publicly owned water treatment works that is constructing or expanding a treatment facility to permanently retire a portion of its wasteload allocation under certain circumstances.

HB 1641 - Establishing Surveying Requirements for Coal Ash Pond Owners

Sponsored by Dels. Ayala and Foy

Requires a utility, defined in the bill as the owner or operator of a coal ash pond in the Chesapeake Bay watershed, to complete a survey of all private wells and public water supply wells within 1.5 miles of each of its ponds by October 1, 2020, and to notify residents via mail and a local newspaper posting that the survey will be conducted.

HB 1642 - Establishing Testing Requirements for Coal Ash Pond Owners

Sponsored by Dels. Ayala and Foy

Requires each utility, defined in the bill as the owner or operator of a coal ash pond in the Chesapeake Bay watershed, to commission an independent well water test on behalf of the owner of any private well or public water supply well located within 1.5 miles of such coal ash pond by January 1, 2021, and requires such test to be conducted once per year during each of the five years following the approval of the closure of the coal ash pond and once every five years thereafter.

The bill provides that if any test exceeds any U.S. Environmental Protection Agency Maximum Contaminant Level for drinking water, the utility must provide water treatment or alternative water supplies, potentially including a connection to a city or County water utility, to the owner of the well.

WEST VIRGINIA

West Virginia adopted 28 energy and environmental bills during its 2020 legislative session. Notably, SB 583 creates the Renewable Energy Resources and Facilities Development Program. On the topic of emergency management, SCR 25 requires a study on the impact of a future electromagnetic pulse catastrophe on the state.

Energy Legislation

Alternative Energy Development

SB 578 - Solar Energy Facilities Taxation Modifications

Sponsored by Sen. Roberts

Recalculates taxes on generating, producing, or selling electricity from solar energy facilities.

For taxable periods beginning on or after January 1, 2020, the taxable generating capacity of a generating unit utilizing solar photovoltaic methods must equal eight percent of the official capacity of the unit, according to the bill.

SB 583 - Renewable Energy Resources and Facilities Development Program Creation

Sponsored by Sen. Rucker

Creates a program to further the development of renewable energy resources and renewable energy facilities for solar energy by modifying the powers and duties of the Public Service Commission.

The bill also establishes an application process and program for multi-year comprehensive renewable energy facilities for electric utilities to plan, design, construct, purchase, own, and operate renewable energy generating facilities, energy storage resources, or both, under specified conditions, requirements, and limitations. Solar energy output is required by the measure to be offered for sale or sold to residential, commercial, or industrial customers under renewable special contracts or renewable tariffs.

Coal and Minerals

HB 4439 - Clarifying the Method for Calculating the Amount of Severance Tax

Sponsored by Del. Householder

Clarifies how a taxpayer can meet the requirement that aggregate total production from all mines operated by the taxpayer or by members of the taxpayer's controlled or affiliated groups has increased.

In determining whether a taxpayer has demonstrated the requisite increase in total production, according to the bill, only coal production that would qualify for the severance tax rebate may be included in calculating the taxpayer's aggregate base production.

Emergency Management and Homeland Security

HB 4123 - Designating 911 Telecommunication Workers as Emergency Services Providers

Sponsored by Del. Maynard

Clarifies that 911 telecommunication workers are included in the definition of those individuals who perform "emergency services" during a disaster.

HB 4176 - Establishing a "Fusion Center" to Track Critical Infrastructure Threats and Hazards

Sponsored by Del. Miller

Dictates that the Governor must establish, organize, equip, staff, and maintain a multi-agency information fusion center ("Fusion Center") to receive, analyze, and disseminate all hazards, all crimes, and all threat information.

The Department of Homeland Security must operate the facility, as directed by the Governor, with oversight auditing and accountability to the select committee of the legislature as set forth herein, and in collaboration among federal, state, and local agencies, as well as private sector persons, organizations, entities or agencies, including, but not limited to, those with the primary purposes of homeland security, counter-terrorism, public safety, public protection and critical infrastructure, provided that under no circumstance may any private sector persons, organizations, entities or agencies utilizing or collaborating with the Fusion Center be a contract operator for any federal intelligence agency.

The fusion center will collect, integrate, analyze, disseminate, and maintain such information to support local, state, and federal law enforcement agencies, other governmental agencies, and private persons, organizations, entities or agencies in detecting, preventing, investigating, preparing for, responding to, and recovering from any possible or actual criminal and/or terrorist activity, as well as any hazard, including the state's critical infrastructure, in compliance with applicable state and federal laws and regulations.

HB 4615 - West Virginia Critical Infrastructure Protection Act

Sponsored by Del. Kelly

Prohibits certain acts, including trespass and conspiracy to trespass against property designated a critical infrastructure facility.

Critical infrastructure facilities are defined as any facility vital to the United States of America or the state of West Virginia that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, state economic security, national public health or safety, state public health or safety, or any combination of those matters, whether such systems or assets are in operation or are under any state of construction. Examples include:

- A petroleum or alumina refinery;
- An electrical power generating facility, substation, switching station, electrical control center or electric power lines and associated equipment infrastructure;
- A water intake structure, water treatment facility, wastewater treatment plant or pump station;
- A natural gas compressor station; and
- A liquid natural gas terminal or storage facility.

SCR 25 - Requesting Study on Impact of Future Electromagnetic Pulse Catastrophe

Sponsored by Sen. Azinger

Directs the Joint Committee on Government and Finance to study the impact of a future electromagnetic pulse catastrophe on the state of West Virginia.

In conducting its study, the Joint Committee on Government and Finance must:

- Study the nature and magnitude of potential threats to the state of West Virginia caused by geomagnetic disturbances and electromagnetic pulses;
- Examine West Virginia's vulnerabilities to the potential negative impacts of geomagnetic disturbances and electromagnetic pulses;
- Identify strategies to prevent and mitigate the effects of geomagnetic disturbances and electromagnetic pulses on West Virginia's infrastructure;
- Estimate the feasibility and cost of such preventative and mitigation measures; and
- Make recommendations regarding strategies West Virginia should employ to better protect itself from and mitigate damages caused by geomagnetic disturbances and electromagnetic pulses.

The committee must report its findings and recommendations to the 2021 Regular Session Legislature.

Natural Gas and Petroleum

HB 4019 - Downstream Natural Gas Manufacturing Investment Tax Credit Act of 2020

Sponsored by Del. Kelly

Establishes the Downstream Natural Gas Manufacturing Investment Tax Credit Act of 2020.

The credit applies to qualified investment property placed in service or use at a downstream natural gas manufacturing facility in the state.

According to the bill, the amount of credit allowable depends upon the cost of the qualified investment property and the number of new jobs created. The allowable credit is taken over a 10-year period at the rate of one-tenth per year, and unused credit may be carried forward for another 10 years.

The legislation provides that property qualifying for another tax credit in chapter 11 of the West Virginia Code is not eligible for credit. Similarly, qualified investment property under this bill is not eligible for another credit under chapter 11 of the Code.

Finally, the bill includes rules for administration and enforcement of the credit.

HB 4088 - Disposition of Funds from Certain Oil and Natural Gas Wells

Sponsored by Del. Anderson

Transfers unclaimed oil and gas proceeds, after seven years, to the Oil and Gas Reclamation Fund.

HB 4090 - Creating the Oil and Gas Abandoned Well Plugging Fund

Sponsored by Del. Anderson

Reduces the severance tax on marginal oil and natural gas wells, excluding wells utilizing horizontal drilling techniques targeting shale formations, to 2.5% from 5% and provides that the 2.5 percent tax paid on such wells is to be used by the Secretary of the Department of Environmental Protection to plug abandoned oil and gas wells without a responsible operator through the use of a new fund called the Oil and Gas Abandoned Well Plugging Fund.

HB 4091 - Expedited Oil and Gas Well Permitting

Sponsored by Del. Anderson

Allows for expedited oil and gas well permitting for certain wells under the Natural Gas Horizontal Well Control Act upon payment of applicable expedited fees.

According to the bill, the expedited permit fee is \$20,000 for the initial horizontal well and an additional fee of \$10,000 for each additional horizontal well drilled on a single well pad at the same location.

Upon entering the expedited permit process and meeting all the criteria set forth by the law, the Department of Environmental Protection Secretary must issue or deny a permit within 45 days of the submission of an expedited permit application, unless the secretary seeks additional information or modification from the applicant.

HB 4421 - State Tax Credit Amendments for Certain Natural Gas Activity

Sponsored by Del. Householder

Gives eligible businesses in the natural gas sector a state tax credit equal to the amount of West Virginia property taxes paid on equipment and inventory from their business activities.

The bill declares that facilitating the development of business activity directly and indirectly related to development, transportation, storage and use of the natural gas liquids serves the public interest of the citizens of this state by promoting economic development and improving economic opportunities for the citizens of this state.

SB 120 - Establishing Priorities for Expenditures for Plugging Abandoned Gas or Oil Wells

Sponsored by Sen. Romano

Establishes priorities for expenditures to plug abandoned oil and gas wells.

The bill requires that a bond posted for a well first be used to plug the well and mitigate environmental issues related to oil and gas development on the land where the well is located.

SB 554 - Oil or Natural Gas Lease Termination, Expiration, or Cancellation

Sponsored by Sen. Smith

Declares that unless a different time is required by an oil and gas lease, within 60 days after the termination, expiration, or cancellation of an oil or natural gas lease, the lessee must deliver to the lessor, without cost to the lessor, or his or her successors or assigns, a properly executed and notarized release of such lease in recordable form.

SB 802 - Establishing Qualifications for New, Large-Scale Natural Gas Usage

Sponsored by Sen. Swope

Declares any person, entity, or a facility that has not previously been a natural gas utility customer and has a projected annual natural gas usage in West Virginia of at least 100 million cubic feet annually may receive natural

gas service from any person, corporation, limited liability company, or other entity without the permission, consent, review, or input of the Public Service Commission if the using person or entity notifies the utility providing natural gas service in the area of use of its intent to receive service from a non-utility and certifies to the commission that:

- The utility has been notified;
- Its projected annual gas usage will be at least 100 million cubic feet per year;
- It desires to receive natural gas from a supplier other than a public utility;
- It will receive natural gas produced in West Virginia; and
- The name and West Virginia tax identification number of the supplier or suppliers are identified in the certification.

The bill also states that no person, corporation, limited liability company, or other entity may be or become a public utility, intrastate pipeline, common carrier, or otherwise subject to the jurisdiction of the commission from or in connection with purchasing, using, selling, giving, buying, providing, transporting to or from, or otherwise supplying or using natural gas.

Utilities

HB 2961 - Backflow Prevention Assembly Requirements

Sponsored by Del. Fast

Permits the commissioner to require a water supply system be equipped with a backflow prevention assembly.

The bill further requires the appropriate water utility to install the backflow prevention assembly at the meter, the appropriate water utility to maintain the backflow prevention assembly, and the water utility to provide information relating to maintenance and necessity for any backflow prevention assembly.

HB 4619 - Approving Plans Proposed by Electric Utilities to Install Middle-mile Broadband Fiber

Sponsored by Del. Hanshaw

Establishes a program to allow electric utilities to construct middle-mile fiber broadband assets within the power supply zone utilizing existing and new electric utility distribution assets in a manner that addresses the needs of the public and is consistent with the operational concerns of the electric utilities that may participate in this program.

The bill states that The Middle-mile Fiber Broadband Infrastructure Expansion Program will be administered by the Public Service Commission, and it is the duty of the utility to provide a written plan to the commission that includes the potential fiber route, estimated cost, construction schedule, and a cost-recovery mechanism among other issues for approval.

HB 4661 - Public Service Commission Regulation of Natural Gas Utilities

Sponsored by Del. Anderson

Permits natural gas utilities to seek proposals for drilling new natural gas wells and proposals for increasing production from existing natural gas wells and to create a process for identifying the cost to procure dependable supplies of natural gas to serve certain gas utility customers when dependable, lower-priced supplies of natural gas are not readily available to serve those customers.

The bill allows natural gas utilities to petition the commission for approval of the related costs to serve customers. The commission may approve the petition if it finds that:

- The process of determining the costs and expected additional natural gas supply is reasonable;
- The expected additional supply is dependable; and
- The costs of the additional supply are reasonable and not contrary to the public interest

The legislation allows natural gas utilities to recover costs pursuant to its annual purchased gas costs adjustment filings with the commission and defer reasonable and prudent actual expenses attributable to converting each customer, incurred after the test year for the utility's last rate case proceeding, which are not included in the utility's current base rates.

The bill also establishes that natural gas utilities may recover reasonable and prudent deferred customer conversion expenses in future base rate cases through recovery of deferred expenses amortized over a reasonable period. Such recovery will be allowed only to the extent that the commission determines, based on evidence presented by the utility, that deferred amounts did not contribute to base rate earnings in excess of the utility's last authorized return on equity calculated since the effective date of base rates from the utility's last rate case proceeding.

SB 551 - Relating to Water and Wastewater Investment and Infrastructure Improvement Act *Sponsored by Sen. Smith*

Amends existing code, all relating generally to the Water and Wastewater Investment and Infrastructure Improvement Act, to encourage investment in water and wastewater utilities.

The bill also provides for use of negotiated sales price in certain filings and for rate-based addition using negotiated sales price under certain circumstances.

The measure also authorizes the Public Service Commission to combine water and wastewater revenue requirements or allocate a portion of wastewater revenue requirement to water customers under certain circumstances.

SB 739 - Authorizing Consumer Protections for Distressed and Failing Water and Wastewater Utilities *Sponsored by Sen. Swope*

Authorizes the Public Service Commission to protect the consumers of distressed and failing water and wastewater utilities by ordering various corrective measures up to and including acquisition of a failing utility by a capable water or wastewater utility.

SB 793 - Election of Taxable Generating Capacity Allowance *Sponsored by Sen. Smith*

Allows the owners or operators of those generating units to make an irrevocable election to reduce the taxable generating capacity of those units to 45 percent of the official capability of the generating unit, for taxable periods beginning on and after July 1, 2021, provided the owner agrees to keep the generating units in operation until at least January 1, 2025.

A recapture tax would be imposed in the event the generating unit ceases to be operational during the required time period, according to the bill. The recapture tax would also be imposed when ownership of the generating unit is transferred on or after July 1, 2021, but before January 1, 2025. In the event federal law or regulation requires closure of the generating unit, the bill states the recapture tax would not be applicable to periods after the closure date.

SB 802 - Establishing Qualifications for New, Large-Scale Natural Gas Usage

Sponsored by Sen. Swope

Declares any person, entity, or a facility that has not previously been a natural gas utility customer and has a projected annual natural gas usage in West Virginia of at least 100 million cubic feet annually may receive natural gas service from any person, corporation, limited liability company, or other entity without the permission, consent, review, or input of the Public Service Commission if the using person or entity notifies the utility providing natural gas service in the area of use of its intent to receive service from a non-utility and certifies to the commission that:

- The utility has been notified;
- Its projected annual gas usage will be at least 100 million cubic feet per year;
- It desires to receive natural gas from a supplier other than a public utility;
- It will receive natural gas produced in West Virginia; and
- The name and West Virginia tax identification number of the supplier or suppliers are identified in the certification.

The bill also states that no person, corporation, limited liability company, or other entity may be or become a public utility, intrastate pipeline, common carrier, or otherwise subject to the jurisdiction of the commission from or in connection with purchasing, using, selling, giving, buying, providing, transporting to or from, or otherwise supplying or using natural gas.

SB 810 - Implementing Federal Affordable Clean Energy Rule

Sponsored by Sen. Smith

Requires the West Virginia Department of Environmental Protection to propose a legislative rule implementing the Affordable Clean Energy rule, consisting of Emission Guidelines for Greenhouse Gas, Emissions from Existing Electric Utility Generating Units (EGUs) pursuant to the federal Clean Air Act, section 111(d).

The proposed rule must be filed with the Secretary of State in time for consideration during the 2021 legislative session.

Notwithstanding any provision to the contrary, the legislation requires the agency to submit a complete or partial state compliance plan to the federal Environmental Protection Agency no later than September 1, 2020, which may be comprised of one or more EGU facilities that are voluntarily prepared to move forward with a compliance plan for one or more of their EGUs.

Environmental Legislation

Emergency Management and Homeland Security

HB 4123 - Designating 911 Telecommunication Workers as Emergency Services Providers

Sponsored by Del. Maynard

Clarifies that 911 telecommunication workers are included in the definition of those individuals who perform "emergency services" during a disaster.

Hazardous Waste and Substance Management

HB 4484 - Relating to the Hazardous Waste Management Fund

Sponsored by Del. Anderson

Allows the Department of Environmental Protection's Hazardous Waste Management Program to continue until 2025.

The Hazardous Waste Management Fee Fund was established to collect certification fees from facilities that manage hazardous waste and provide funding to meet matching requirements for all federal grants that support the Hazardous Waste Management Program.

SB 364 - Division of Highways Legislative Rule Authorizations

Sponsored by Sen. Maynard

Authorizes the Division of Highways to promulgate a legislative rule relating to use of state road rights-of-way and adjacent areas and to promulgate a legislative rule relating to transportation of hazardous wastes upon the roads and highways.

Land Management and Conservation

SB 517 - Creating State Parks and Recreation Endowment Fund

Sponsored by Sen. Hamilton

Creates in the office of the State Treasurer a special revenue account fund to be known as the West Virginia State Parks and Recreation Endowment Fund.

The following are allowable expenses from the fund:

- Maintenance, repair, and improvement of any existing recreational facilities, including any supporting or related infrastructure and associated recreational features, all to provide uninterrupted enjoyment and public use of state parks, state forests, and state rail trails.
- Maintenance, repair, and procurement of any fixture, furnishing, and equipment necessary to provide uninterrupted enjoyment and public use of state parks, state forests, and state rail trails.

Solid Waste

HB 4026 - Exempting Businesses Transporting Scrap Tires, Waste Tires, or Other Used Tires from Certain Statutory Provisions

Sponsored by Del. Jeffries

Adds to existing law that common carriers or contract carriers engaged in the business of transporting scrap tires, waste tires, or other used tires to storage, disposal, or recycling locations are exempt from certain statutory Public Service Commission provisions.

According to the measure, motor vehicles operated under a contract with the West Virginia Department of Environmental Protection exclusively for the cleanup and transportation of waste tires generated from state

authorized waste tire remediation or cleanup projects provided that the vehicles exempted by this subdivision, and their operators, are subject to the safety and insurance rules promulgated by the commission.

Water Quality and Pollution Control

SCR 46 - Public Source-Water Supply Study Request

Sponsored by Sen. Trump

Requests the Department of Environmental Protection and the Department of Health and Human Resources cooperatively propose and initiate a public source-water supply study plan to sample perfluoroalkyl and polyfluoroalkyl substances for all community water systems in West Virginia, including schools and daycares that operate treatment systems regulated by the West Virginia Department of Health and Human Resources.

SB 551 - Relating to Water and Wastewater Investment and Infrastructure Improvement Act

Sponsored by Sen. Smith

Amends existing code, all relating generally to the Water and Wastewater Investment and Infrastructure Improvement Act, to encourage investment in water and wastewater utilities.

The bill also provides for use of negotiated sales price in certain filings and for rate-based addition using negotiated sales price under certain circumstances.

The measure also authorizes the Public Service Commission to combine water and wastewater revenue requirements or allocate a portion of wastewater revenue requirement to water customers under certain circumstances.

SB 739 - Authorizing Consumer Protections for Distressed and Failing Water and Wastewater Utilities

Sponsored by Sen. Swope

Authorizes the Public Service Commission to protect the consumers of distressed and failing water and wastewater utilities by ordering various corrective measures up to and including acquisition of a failing utility by a capable water or wastewater utility.

SB 589 - Relating to Critical Needs in State Water and Sewer Systems

Sponsored by Sen. Prezioso

Creates a Critical Needs/Failing Systems Sub Account and funds the sub account with excess uncommitted loan balances relating to critical needs in state water and sewer systems.

The measure authorizes loans or grants to address a critical immediate need of water or sewer services.

ABOUT US

The Southern States Energy Board (SSEB) is a non-profit interstate compact organization created in 1960 and established under Public Laws 87-563 and 92-440. Sixteen southern states and two territories comprise the membership of SSEB: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, U.S. Virgin Islands, Virginia, and West Virginia. Each jurisdiction is represented by the governor and a legislator from the House and Senate. A governor serves as the chair and legislators serve as vice-chair and treasurer. Ex-officio non-voting Board members include a federal representative appointed by the President of the United States, the Southern Legislative Conference Energy and Environment Committee Chair, and SSEB's executive director, who serves as secretary.

SSEB was created by state law and consented to by Congress with a broad mandate to contribute to the economic and community well-being of the southern region. The Board exercises this mandate through the creation of programs in the fields of energy and environmental policy research, development and implementation, science and technology exploration, and related areas of concern. SSEB serves its members directly by providing timely assistance designed to develop effective energy and environmental policies and programs and represents its members before governmental agencies at all levels.

OUR GOALS

- *Perform essential services that provide direct scientific and technical assistance to state and territorial governments;*
- *Develop, promote, and recommend policies and programs on energy, environment, and economic development that encourage sustainable growth;*
- *Provide technical assistance to executive and legislative policy-makers and the private sector in order to achieve synthesis of energy, environment, and economic issues that ensure energy security and supply;*
- *Facilitate the implementation of energy and environmental policies between federal, state, territory, and local governments and the private sector;*
- *Sustain business development throughout the region by eliminating barriers to the use of efficient energy and environmental technologies; and*
- *Support improved energy efficient technologies that contribute to a clean global environment while protecting indigenous natural resources for future generations.*





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