



Transcending Boundaries



Energy & Environment Legislative Digest

2022



Transcending Boundaries

Energy & Environment Legislative Digest

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

August 2022

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

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 our Board members, legislative research personnel, and state administrative officials and their staff as well as many other SSEB friends for assisting us in compiling and reviewing the Digest.

This version is current as of August 15, 2022.

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

Vice Chair, Southern States Energy Board



As the Vice-Chair of the Southern States Energy Board, I'm honored to introduce the Energy & Environment Legislative Digest: a compendium of energy and environmental (E&E) legislation enacted by the Board's 18 member states and territories during their 2022 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 August 15, 2022.

This year, our legislative members passed a total of 540 bills. At the time of publication, Puerto Rico and the U.S. Virgin Islands remain in session. Texas holds legislative sessions on odd-numbered years, though a special session may involve E&E bills. Arkansas passes only appropriations-specific bills on even-numbered years, but we continue to monitor for special session bills there as well. We've also included a selection of notable bills from around the nation.

In a first for Southern States Energy Board, you can now review an updated index of bills as they are passed on our website—there you can analyze passed bills using interactive maps at sseb.org/publications/interactive-digest. Bills are divided into categories and organized using maps to provide a quick reference as to the actions of our member states on related issues. Due to the nature of legislative reporting from Puerto Rico and the U.S. Virgin Islands, they each have their own pages of passed E&E bills.

Precise bill summaries are categorized for easy comparison. Some bills may cover a wide variety of issues and fall into multiple categories. In order to keep the size of the printed publication reasonable, we strive to place bills in their most relevant category, but if you utilize our interactive Digest online, you will find that bills may fall into multiple categories. We've also made some revisions to our categories this year to allow for more broad comparisons of legislation between our member states and the nation as a whole.

Energy measures are divided among the following categories: Carbon Capture & Storage, Critical Minerals & Rare Earth Elements, Cybersecurity & Digital Technology, Efficiency & Weatherization, Emergency Management & Homeland Security, Fossil Energy, Nuclear Energy, Renewable Energy, Reorganization & Coordination, and Utilities. To date, 265 energy-related bills have passed in our member states and territories this year.

Environmental measures are divided into the following categories: Coastal Zone Management, Emergency Management & Homeland Security, Emissions & Pollution, Environmental Health & Justice, Hazardous Waste, Inland Water Quality & Management, Land Management, Reorganization & Coordination, and Solid Waste. These categories combined for 275 pieces of legislation.

This year, several trends emerged in our member states. In the energy realm, hydrogen, nuclear, and renewable power measures saw a surge. As with previous years, flood mitigation, environmental remediation, and emergency planning and response were key environmental legislative trends.

Nationwide, we observed an influx of bills supporting the development of hydrogen production. Because hydrogen can be produced with both fossil and renewable energy, many of those bills have been placed in both the Fossil

Energy and Renewable Energy categories. Our members in **Alabama, Florida, Maryland, Oklahoma,** and **Tennessee** all passed laws related to hydrogen storage, development, or related technologies.

Our region also passed the highest number of nuclear-related bills in the last decade. A renewed interest in spurring nuclear energy development and deployment has swept over the Southeast and many other states around the nation. **Louisiana, Mississippi, Tennessee, Virginia,** and **West Virginia** all enacted legislation either governing or encouraging nuclear energy development.

With decarbonization goals driving energy technology development, many states addressed the capture and storage of carbon dioxide. **Alabama, Louisiana, Mississippi, Oklahoma, Tennessee,** and **West Virginia** all passed such laws.

As electric vehicle (EV) adoption continues to grow, we've seen many legislative measures addressing EV infrastructure deployment and taxation surrounding their use, and this year was no different. **Kentucky, Louisiana, Maryland, Mississippi, South Carolina, Virginia,** and **West Virginia** all passed laws affecting EV fees and infrastructure development.

We've also observed many trends continuing from last year in the solid waste category, including the regulation of catalytic converter recycling and advanced recycling definitions and rules. **Alabama, Kentucky, Louisiana, South Carolina, Virginia,** and **West Virginia** passed measures on such matters.

A focus on deadly pollutants such as lead also found its way into the halls of many legislatures. **Alabama, Georgia, Maryland,** and **Virginia** all passed legislation addressing lead exposure mitigation.

In response to the Russian war against Ukraine, many states passed laws banning Russian oil and petroleum imports and adopted related resolutions urging Congress to fill the gap by strengthening our domestic production. **Louisiana, Missouri, Mississippi, North Carolina, Tennessee,** and **West Virginia** all passed laws related to such prohibitions or calls for strengthened domestic energy security.

Finally, legislatures across our region passed a bevy of laws regarding solar and wind energy development and deployment. **Florida, Louisiana, Maryland, Puerto Rico, South Carolina, Tennessee,** and **Virginia** all passed measures regulating or encouraging the growth of solar and wind generation.

I want to thank you again for taking the time to review this Digest, and I hope that you take some time to utilize the new interactive maps of passed bills on our website at sseb.org.

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 chair 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 and is the 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 her election 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

Carbon Capture & Storage

This category collects the various measures affecting Carbon Capture & Storage studies, development, and deployment that are critical to ongoing decarbonization efforts.

Critical Minerals & Rare Earth Elements

The topic of Critical Minerals & Rare Earth Elements covers all mining and refinement efforts for minerals critical to the development of important technology, such as lithium-ion batteries for electric vehicles and rare earth elements necessary for the development of certain energy technologies like hydrogen power.

Cybersecurity & Digital Technology

The category of Cybersecurity & Digital Innovation encompasses legislation related to cyber 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.

Efficiency & Weatherization

The category of Efficiency & Weatherization includes legislation pertaining to the development and promotion of energy efficient technologies and programs for buildings, homes, transportation, power systems, and industry as well as efforts to weatherize existing infrastructure, businesses, and homes.

Emergency Management & 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.

Fossil Energy

The category of Fossil Energy addresses regulations on all aspects concerning the production, generation, and regulation of natural gas, oil, petroleum, coal, and motor fuels.

Nuclear Energy

This topic covers various measures related to the study, funding, and development of nuclear energy technologies, including small modular nuclear reactors and the transport and storage of nuclear waste.

Renewable Energy

The category of Renewable Energy includes legislation related to the incentives, barriers, and costs associated with the development and implementation of green energy sources, such as wind, solar, biomass, hydroelectric, and geothermal power.

Reorganization & Coordination

Reorganization & 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 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 legislation enacted deals with changes in rates, production, distribution, services, operations, ratemaking, and the location of utility services.

Categories of Environmental Legislation

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, and control of marine harvests.

Emergency Management & 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.

Emissions & Pollution

The category of Emissions & Pollution includes legislation addressing various pollutants and greenhouse gases released and emitted into the atmosphere. Specifically, measures in this category include air quality control and

emission standards, as well as electric, hybrid, and alternative fuel vehicle-related measures given the low- to zero-emission nature of such transportation.

Environmental Health & Justice

The category of Environmental Health & Justice 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. It also collects measures concerning environmental justice, which commonly addresses historically distressed communities and the equitable treatment of all people.

Hazardous Waste

The category of Hazardous Waste contains legislation on toxic substance management. The primary purpose of this legislation is to control the production, transportation, use, and disposal of toxic substances and wastes.

Inland Water Quality & Management

The category of Inland Water Quality & Management consists of legislation related to the conservation, permitting, management, and protection of inland water source. It also covers the management of stormwater, wastewater, sewage and other related water quality issues. The category 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.

Land Management

The category of Land Management 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.

Reorganization & Coordination

Reorganization & 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 responsibilities and requirements regarding notice to or coordination of agencies.

Solid Waste

The category of Solid Waste captures legislation relating to the treatment, disposal, and/or recycling of refuse, scrap, chemical effluents, litter, and agricultural or industrial wastes.

Matrices and Graphs

The matrices and graphs on the following pages illustrate energy and environmental legislative activity observed in SSEB member states and territories during this year's legislative sessions.

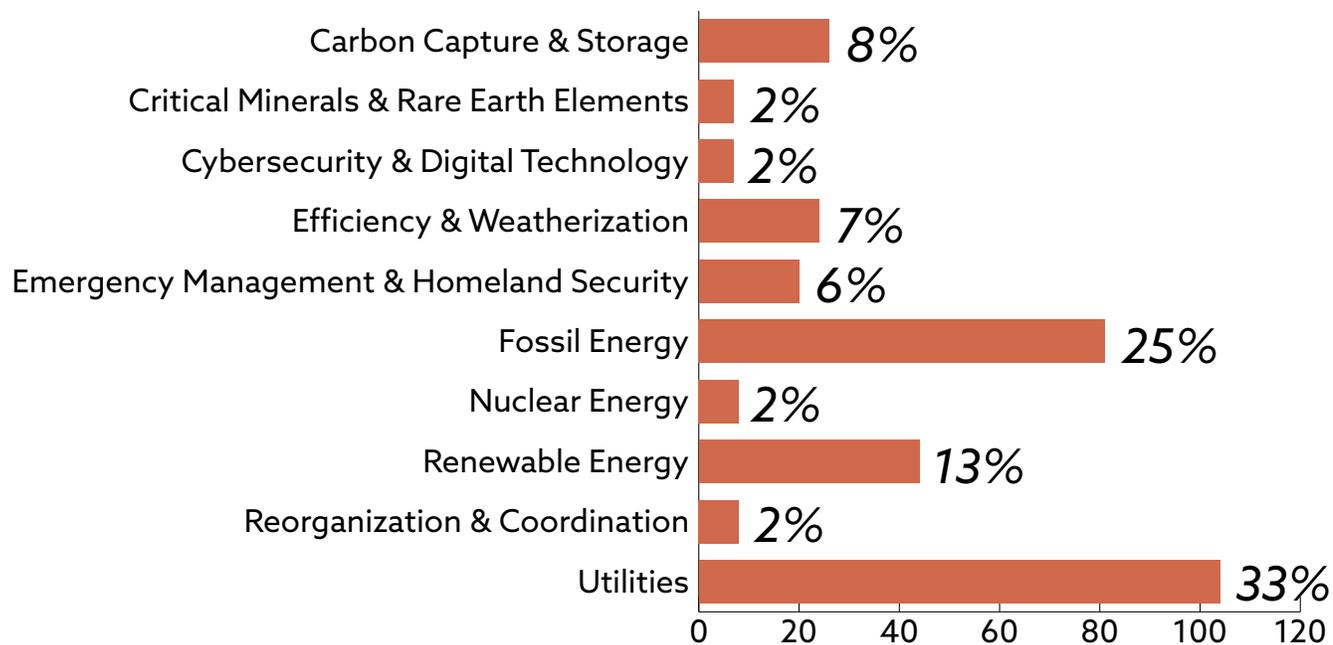
The matrices provide readers with a quick view of the categories of laws passed by each jurisdiction. The abbreviations used are expanded upon by the bar charts beneath.

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>

2022 Energy Legislation Matrix



Categories	AL	AR	FL	GA	KY	LA	MD	MS	MO	NC	OK	PR	SC	TN	TX	VI	VA	WV
CCS	✓					✓		✓			✓							✓
CM/REE						✓								✓			✓	
CS/DT						✓	✓										✓	
E/W			✓		✓	✓	✓					✓		✓			✓	
EM/HS	✓					✓	✓	✓	✓		✓	✓						✓
FE	✓				✓	✓	✓	✓	✓	✓	✓			✓			✓	✓
NE						✓		✓						✓			✓	✓
RE			✓		✓	✓	✓		✓		✓	✓	✓	✓			✓	✓
R/C	✓			✓							✓							
U	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓			✓	✓

2022 Environmental Legislation Matrix



Categories	AL	AR	FL	GA	KY	LA	MD	MS	MO	NC	OK	PR	SC	TN	TX	VI	VA	WV
CZM	✓		✓	✓		✓	✓	✓									✓	
EM/HS	✓		✓	✓		✓	✓				✓			✓			✓	
E/P			✓	✓	✓	✓	✓	✓		✓	✓			✓			✓	✓
EH/EJ	✓		✓	✓	✓	✓	✓	✓		✓	✓		✓				✓	✓
HW			✓	✓					✓		✓		✓				✓	✓
IWQ/IWM	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓			✓	✓
LM				✓	✓	✓	✓	✓		✓	✓		✓	✓			✓	✓
R/C					✓	✓											✓	✓
SW	✓		✓		✓	✓	✓	✓	✓	✓			✓	✓			✓	✓



West Virginia v. EPA Supreme Court Ruling

On June 30, 2022, the Supreme Court ruled that the Environmental Protection Agency (EPA) is prohibited from broadly regulating carbon emissions from power plants.

The case, led by West Virginia Attorney General Patrick Morrisey, was decided by a 6-3 ruling in favor of West Virginia. It petitioned the justices to reverse a decision by the U.S. Court of Appeals for the District of Columbia Circuit that nullified the Trump administration's Affordable Clean Energy rule.

The court said that any time an agency implements a new and substantial rule, such as addressing carbon emissions, the regulation is presumptively invalid unless Congress has specifically authorized the regulatory action.

The ruling established that the regulation of existing power plants as proposed by the Clean Power Plan fell under the major questions doctrine meaning that Congress did not grant the EPA authority to regulate emissions from existing plants based on generation shifting mechanisms. However, the EPA may continue to regulate emissions at existing plants through emissions reduction technologies, such as carbon capture and storage.

Notable Legislation

SB 1396 from **Arizona**, **SB 3613** from **Illinois**, and **LB 1099** from **Nebraska** all establish committees to study hydrogen energy development and potential hub storage.

SB 47 from **Wyoming** addresses carbon storage and sequestration liability by establishing that an injector of carbon dioxide holds title to the injected carbon dioxide until receiving a certificate of project completion, and during that time, the injector is liable for any damage that the injected carbon dioxide may cause.

HB 1663 from **Washington** directs the Department of Ecology to adopt rules establishing a new regulatory framework to reduce methane emissions from municipal solid waste landfills by requiring installation of gas collection/control systems and enforcing new methane concentration limits.

Energy Legislation

Carbon Capture & Storage

California

AB 2101 – Whole Orchard Recycling Projects

Sponsored by Flora

Adds whole orchard recycling projects to the list of projects eligible to listed on the California Carbon Sequestration and Climate Resiliency Project Registry.

The bill defines “whole orchard recycling” to mean the onsite grinding or chipping of whole trees during orchard removal, and incorporation of the ground or chipped biomass into the topsoil prior to replanting.

South Dakota

HB 1120 – Pipeline Tax Provisions

Sponsored by Chaffee, et al.

Adds carbon dioxide and carbon dioxide capture companies into certain provisions regarding pipeline taxation, such that any privately-owned pipeline operated by any oil company or carbon dioxide capture company and extending into or through two or more counties of the state up to, but not including, any property located upon land upon which is operated any pipeline terminal or pump station must have its value assessed by the Department of Revenue.

Utah

HB 244 – Geological Carbon Sequestration Amendments

Sponsored by Handy and Hinkins

Authorizes the Division of Oil, Gas, and Mining and the Board of Oil, Gas, and Mining to establish regulations for the geologic storage of carbon.

Wyoming

SB 47 – Carbon Dioxide Storage Liability

Sponsored by Minerals, Business and Economic Development Committee

Specifies that an injector of carbon dioxide holds title to the injected carbon dioxide until receiving a certificate of project completion, and during that time, the injector is liable for any damage that the injected carbon dioxide may cause.

The act authorizes the Department of Environmental Quality to issue a certificate of project completion to an injector who has completed all carbon dioxide injections. The certificate cannot be issued until 20 years after injections have ended and cannot be issued until the injector meets various conditions on the injections, including complying with all storage laws, addressing all pending claims regarding the injected and stored carbon dioxide, and other geological and safety considerations.

Upon the issuance of a certificate of project completion, primary responsibility for and title to the stored or injected carbon dioxide transfers to the state, along with the title to any facilities used to injector store the carbon dioxide. The injector is then forever released from all regulatory requirements associated with the continued storage and maintenance of the injected carbon dioxide. Any monetary liability for damages after the title is transferred to the state is limited to the available funds in the Wyoming geologic sequestration special revenue account.

The act authorizes the Department of Environmental Quality to expend funds in the geologic sequestration account for remediating mechanical problems with injection wells, plugging and abandoning monitoring wells, and future claims associated with injected carbon dioxide for which the state has assumed primary responsibility.

Critical Minerals & Rare Earth Elements

Wyoming

HB 123 – Disposal of Mine Reclamation Materials

Sponsored by Barlow, et al.

Requires the Environmental Quality Council to establish rules for uses and disposal of inert material in non-coal mining sites.

Efficiency & Weatherization

Oregon

SB 1536 – Indoor Temperature Control Requirements

Sponsored by the Committee on Housing and Development

Limits restrictions on portable cooling devices in residences by landlords, homeowners associations, condominium associations, and local governments and directs the Oregon Health Authority to create a program to acquire air conditioners and air filters for distribution on emergency basis to eligible individuals.

The bill further requires that the Housing and Community Services Department website list dates where counties experienced extreme heat events and information for landlords regarding state programs and services that may help tenants meet cooling needs.

New residential dwelling units must provide adequate cooling facilities, and rented spaces in facilities are required to provide adequate electrical service for tenant's reasonable heating and cooling uses for new manufactured dwellings and floating homes and for updated electrical connections.

Fossil Energy

Alaska

HJR34 – National Petroleum Reserve In Alaska

Sponsored by Patkotak, et al.

Urges the United States Department of the Interior, Bureau of Land Management, to maximize the area available for oil and gas leasing and development within the National Petroleum Reserve in Alaska while conserving and protecting valued fish, wildlife, subsistence, and cultural resources.

Arizona

SB 1396 – Hydrogen Study Committee

Sponsored by Shope

Establishes the Hydrogen Study Committee and delineates the committee membership.

The committee is responsible for the following:

- A. Investigating and evaluating existing state and federal laws, regulations and funding sources and recommend legislation related to the production, use, distribution, and storage of hydrogen;

- B. Studying the production of hydrogen from any fuel source, the construction of a dedicated hydrogen pipeline or network of pipelines to serve users of hydrogen, carbon capture and sequestration, streamlined permitting processes for hydrogen facilities and cost-effective industrial rates for hydrogen production; and
- C. Reviewing the safety standards regarding the production, use, distribution, and storage of hydrogen by state agencies.

The committee is further required to submit a report regarding recommendations and include an economic impact analysis of the potential hydrogen value chain to the legislature and provide a copy to the Secretary of State by September 1, 2023.

Colorado

SB 198 – Orphaned Oil & Gas Wells

Sponsored by Fenberg, et al.

Creates the Orphaned Wells Mitigation Enterprise in the Department of Natural Resources.

The purpose of the enterprise is to accomplish the following:

- A. Plugging, reclaiming, and remediating orphaned wells located in the state for which no owner or operator can be found or for which the owner or operator is unwilling or unable to pay the costs of plugging and abandoning the well;
- B. Ensuring that the costs associated with the plugging, reclaiming, and remediating of orphaned wells are borne by operators in the form of mitigation fees;
- C. Determining the amounts of mitigation fees; and
- D. Imposing and collecting mitigation fees.

Hawaii

SCR 108 – Paris Climate Agreement Goals

Sponsored by Rhoads

Affirms Hawaii's ongoing commitment to the goals of the Paris Climate Agreement and United Nations sustainable development goals and endorsement of the fossil fuel non-proliferation treaty.

Michigan

SR 114 – Lowering Energy Costs and Encouraging Energy Independence

Sponsored by Zorn, Theis, Barrett, Johnson, and Lauwers

Urges the adoption of policies that will lead to energy independence and lower energy costs in the United States, including ending the state's efforts to shut down the petroleum pipeline known as Line 5.

Nuclear Energy

Indiana

SB 271 – Small Modular Nuclear Reactor Certification

Sponsored by Koch, et al.

Amends the statute governing certificates of public convenience and necessity (certificates) that are issued by the Indiana Utility Regulatory Commission (IURC) for the construction, lease, or purchase of electric generation facilities to require the IURC, in consultation with the Department of Environmental Management, to adopt rules concerning the granting of certificates for the construction, purchase, or lease of small modular nuclear reactors:

- A. In Indiana for the generation of electricity to be used to furnish public utility service to Indiana customers; or
- B. At the site of a nuclear energy production or generating facility that supplies electricity to Indiana retail customers on July 1, 2011.

The bill further requires the IURC to adopt the rules no later than July 1, 2023. Such rules must provide that in acting on a public utility's petition for a certificate for one or more small modular nuclear reactors, the IURC must consider the following:

- A. Whether, and to what extent, the one or more small modular nuclear reactors proposed by the public utility will replace a loss of generating capacity in the public utility's portfolio resulting from the retirement or planned retirement of one or more of existing electric generating facilities that are located in Indiana and use coal or natural gas as a fuel source.
- B. Whether one or more of the small modular nuclear reactors will be located on the same site as or near the facility to be retired and, if so, potential opportunities for the public utility to:
 - i. Make use of any land and existing infrastructure or facilities already owned or under the control of the public utility; or
 - ii. Create new employment opportunities for workers who have been, or would be, displaced as a result of the retirement of the existing facility.

The measure also establishes additional requirements for small modular nuclear reactors that must be included in the IURC's rules, including the requirement that the owner or operator of a proposed small modular nuclear reactor must provide evidence of a plan to apply for all licenses or permits to construct or operate the proposed small modular nuclear reactor required by the United States Nuclear Regulatory Commission, the department, or any other relevant state or federal regulatory agency.

Finally, the legislation amends the statute providing certain financial incentives for energy utilities that invest in clean energy projects by providing that, for purposes of the statute, a "clean energy project" and a "nuclear energy production or generating facility" include a small modular nuclear reactor that is constructed after June 30, 2023, in Indiana for the generation of electricity to be used to furnish public utility service to Indiana customers or at the site of a nuclear energy production or generating facility that supplies electricity to Indiana retail customers on July 1, 2011.

Wyoming

HB 131 – Nuclear Power Generation and Storage Amendments

Sponsored by Burkhart, et al.

Amends requirements and conditions for the siting of temporary high-level radioactive waste storage facilities to authorize a temporary storage facility only if:

- A. The waste is stored on the site of a facility that uses the spent nuclear fuel at a power-generation facility;
- B. The facility has received a license from the federal Nuclear Regulatory Commission (NRC);
- C. The facility's operator has submitted a required report on the impacts of the facility; and
- D. The operator complies with requirements for providing notices and correspondence from the NRC to the Wyoming Department of Environmental Quality (DEQ).

For both temporary storage facilities and advanced nuclear reactors, the bill requires the operators of those facilities to submit a report to DEQ on the number of jobs created by the construction and operation of the facility or reactor, the estimated taxes that are generated by the facility or reactor, and all local and state benefits and impacts of the facility and reactor.

The act amends public-utility statutes to specify that requirements for reviewing the closure of coal-fired electric-generation facilities and limitations on cost-recovery for coal-fired generation facilities that are closed or retired do not apply to facilities that are to be closed or retired in order to replace the facility with an advanced nuclear reactor.

Finally, the act amends a tax exemption that previously existed for test or demonstration small modular nuclear reactors and that exempts a tax imposed on the production of electricity by a nuclear reactor. This act provides that no tax may be imposed on any advanced nuclear reactor, except that, beginning on July 1, 2035, the exemption is only available if 80 percent or more of the uranium the advanced nuclear reactor uses comes from uranium mines located in the United States.

Renewable Energy

Arizona

SB 1396 – Hydrogen Study Committee

Sponsored by Shope

Establishes the Hydrogen Study Committee and delineates the committee membership.

The committee is responsible for the following:

- A. Investigating and evaluating existing state and federal laws, regulations and funding sources and recommend legislation related to the production, use, distribution, and storage of hydrogen;
- B. Studying the production of hydrogen from any fuel source, the construction of a dedicated hydrogen pipeline or network of pipelines to serve users of hydrogen, carbon capture and sequestration, streamlined permitting processes for hydrogen facilities and cost-effective industrial rates for hydrogen production; and

C. Reviewing the safety standards regarding the production, use, distribution, and storage of hydrogen by state agencies.

The committee is further required to submit a report regarding recommendations and include an economic impact analysis of the potential hydrogen value chain to the legislature and provide a copy to the Secretary of State by September 1, 2023.

Illinois

SB 3613 – Hydrogen Economy Task Force

Sponsored by Ellman, et al.

Creates the Hydrogen Economy Act and the Hydrogen Economy Task Force.

The task force must:

- A. Establish a plan to create, support, develop, or partner with a Hydrogen Hub in the state, and determine how to maximize federal financial incentives to support Hub development;
- B. Identify opportunities to integrate hydrogen in the transportation, energy, industrial, agricultural, and other sectors;
- C. Identify barriers to the widespread development of hydrogen, including within environmental justice communities; and
- D. Recommend government policies to catalyze the deployment of hydrogen in the state economy.

Nebraska

LB 1099 – Hydrogen Hub Industry Work Group

Sponsored by Bostelman

Establishes the Nebraska Hydrogen Hub Industry Work Group in order to develop and draft a competitive proposal which may be submitted to the United States Department of Energy to be selected as one of the four regional clean hydrogen hubs authorized under the federal Infrastructure Investment and Jobs Act.

Reorganization & Coordination

Colorado

HB 1193 – Funding for Just Transition Coal Workforce Programs

Sponsored by Herod, et al.

Adjusts funding for the Office of Just Transition in the Department of Labor and Employment that supports programs to assist workers and communities impacted by the transition away from a coal-based economy.

Hawaii

HR 95 – Addressing Barriers to Electric Vehicle Charging

Sponsored by Lowen and Marten

Requests the Hawaii State Energy Office convene a working group to examine issues and barriers to the installation of electric vehicle charging systems in multi-unit dwellings and make recommendations regarding changes to

statutes and rules or other guidance to help clarify and facilitate the installation of electric vehicle charging systems in multi-unit dwellings.

Environmental Legislation

Emissions & Pollution

Colorado

HB 1361 – Oil and Gas Reporting

Sponsored by Boesenecker, et al.

Requires that the Office of State Auditor conduct a performance audit on oil and gas operations, reporting, and revenue.

The act also requires the Colorado Oil and Gas Conservation Commission to promulgate rules requiring annual meter certification and calibration and emissions reporting and increases civil penalties.

Connecticut

SB 4 – Zero-Emission Vehicle Provisions

Sponsored by Transportation Committee

Makes various changes in existing law and establishes several new programs and initiatives concerning electric vehicle (EV) use and improving air quality by reducing transportation-related greenhouse gas (GHG) emissions.

Major components of the bill include:

- A. Establishing grant programs for traffic signal modernization, zero emission school buses, and zero-emission medium- and heavy-duty trucks;
- B. Requiring the Department of Transportation to establish a carbon budget for the transportation sector;
- C. Providing property tax exemptions for zero-emission buses and certain EV charging infrastructure;
- D. Modifying the Connecticut Hydrogen and Electric Automobile Purchase Rebate (CHEAPR) program, including by expanding eligibility, giving priority for incentives to people with low incomes and environmental justice community residents, allowing incentives for electric bicycles, and increasing its funding; and
- E. Establishing “right to charge” provisions for renters and unit owners in condominiums and common interest communities.

Hawaii

SCR 108 – Paris Climate Agreement Goals

Sponsored by Rhoads

Affirms Hawaii’s ongoing commitment to the goals of the Paris Climate Agreement and United Nations sustainable development goals and endorsement of the fossil fuel non-proliferation treaty.

Maine

LD 1554 – Climate Change Transition for Energy-Intensive Businesses

Sponsored by Wadsworth, et al.

Directs the Efficiency Maine Trust to establish an industrial climate transition initiative to develop and support climate change mitigation strategies designed to reduce greenhouse gas emissions at industrial facilities in the state.

The bill includes a general fund appropriation of \$500,000.

Washington

SB 5722 – Greenhouse Gas Emissions Reduction in Buildings

Sponsored by Nguyen, et al.

Expands the state’s building performance standard to existing structures to include commercial and public buildings between 20,000 and 50,000 square feet, in addition to multifamily homes larger than 50,000 square feet.

The bill also provides technical and financial assistance help to building owners to reduce energy consumption.

HB 1988 – Tax Deferrals for Clean Technologies, Alternative Fuels, and Renewable Energy Storage

Sponsored by Shewmake, Berry, and Paul

Establishes a retail sales and use tax deferral certificate program for eligible investment projects in clean technology manufacturing, clean alternative fuels production, and renewable energy storage.

To be eligible, a project must have at least \$2 million in new, renovated, or expanded:

- A. Manufacturing operations for property exclusively incorporated as an ingredient or component used in the generation of:
 - i. Specified zero-emission vehicles;
 - ii. Charging and fueling infrastructure for specified zero-emission vehicles;
 - iii. Renewable and green electrolytic hydrogen;
 - iv. Renewable hydrogen carriers;
 - v. Clean fuel with associated greenhouse gas emissions not exceeding 80 percent of the 2017 levels established in the Clean Fuels Program; or
 - vi. Electricity from renewable sources;
- B. Equipment used in the storage of electricity generated by renewable resources;
- C. Production facilities for clean fuel or renewable and green electrolytic hydrogen; or
- D. Facilities to store electricity generated from renewable sources.

Environmental Health & Justice

Oregon

HB 4077 – Environmental Justice Provisions

Sponsored by Office of the Governor

Renames the Environmental Justice Task Force to the Environmental Justice Council.

The bill directs state agencies to develop an environmental justice mapping tool and authorizes natural resource agencies to consider results of the environmental justice mapping tool when developing administrative rules or agency policies or programs.

Solid Waste

California

SB 54 – Reporting, Packaging, and Plastic Food Service Ware Provisions

Sponsored by Rivas, et al.

Requires all packaging in the state to be recyclable or compostable by 2032 thereby cutting plastic packaging by 25 percent in 10 years and requiring 65 percent of all single-use plastic packaging to be recycled in the same timeframe.

Washington

HB 1663 – Methane Reduction in Landfills

Sponsored by Duerr, et al.

Directs the Department of Ecology to adopt rules establishing a new regulatory framework to reduce methane emissions from municipal solid waste landfills by requiring installation of gas collection/control systems and enforcing new methane concentration limits.

Notable Legislation

SB 36 expands the definition of “gas” for purposes of regulating underground storage facilities by the State Oil and Gas Board of Alabama to include additional gases, such as carbon oxides, hydrogen, and nitrogen.

SB 182 prohibits municipalities from adopting rules, regulations, requirements, ordinances, or resolutions that prohibit or restrict the lawful operation of motor fuel retailers or related transportation infrastructure otherwise complying with state and federal law based solely on the type of motor fuel sold, stored, processed, or delivered.

Energy Legislation

Carbon Capture & Storage

SB 36 – Underground Facility Regulation

Sponsored by Albritton and Reed

Expands the definition of “gas” for purposes of regulating underground storage facilities by the State Oil and Gas Board of Alabama to include additional gases.

The “gas” definition, which formerly included all natural gas and casinghead gas now includes carbon oxides, ammonia, hydrogen, nitrogen, and noble gases as well.

Emergency Management & Homeland Security

HB 3 – Emergency Management Personnel Clarification

Sponsored by Treadaway

Clarifies that emergency management personnel provide public safety services.

HB 336 – Plumbers and Gas Fitters in an Emergency

Sponsored by Reynolds

Adds a master plumber and a master gas fitter as members of the State of Alabama Plumbers and Gas Fitters Examining Board.

The measure also expands examination options for a journeyman plumber or gas fitter and allows for the issuance of emergency certificates of endorsement during a declared state of emergency.

SB 17 – Critical Infrastructure Drone Provisions

Sponsored by Gudger

Adds “unmanned aircraft systems” to the crime of unauthorized entry of critical infrastructure.

Fossil Energy

SB 36 – Underground Facility Regulation

Sponsored by Albritton and Reed

Expands the definition of “gas” for purposes of regulating underground storage facilities by the State Oil and Gas Board of Alabama to include additional gases.

The “gas” definition, which formerly included all natural gas and casinghead gas now includes carbon oxides, ammonia, hydrogen, nitrogen, and noble gases as well.

SB 92 – Surface Mining Commission Extension

Sponsored by Barfoot

Extends the authority of the Alabama Surface Mining Commission until October 1, 2026.

SB 182 – Motor Fuel Regulation Prohibition

Sponsored by Livingston

States that any governmental entity may not adopt rules, regulations, requirements, ordinances, or resolutions that prohibit or restrict the lawful operation of motor fuel retailers or related transportation infrastructure otherwise complying with state and federal law based solely on the type of motor fuel sold, stored, processed, or delivered.

Reorganization & Coordination

HJR 17 – Representative Howard Sanderford Commendation

Sponsored by McCutcheon

Commends longtime Southern States Energy Board Member Rep. Howard Sanderford in the highest manner for his many years of dedicated service to the state’s legislature, the state, and to its peoples.

Utilities

SB 39 – Salary Provisions for Municipal Utility System Superintendent

Sponsored by Coleman-Madison

Authorizes a municipality, municipal board, or municipal public corporation in the county employing the mayor serving as superintendent of a municipal utility system or systems to set an additional salary for the mayor for his or her service within Jefferson County.

SB 305 – Portable Electric Generator Regulation

Sponsored by Elliott

Establishes that, in order to prevent back-feeding electricity onto the electric distribution system of the electric supplier, a portable electric generator capable of being connected directly into the electrical system of a commercial, industrial, or residential structure may only be connected and used if the structure’s electrical system and the electricity generated by the generator are isolated, at the main breaker panel of the structure, from the electrical distribution system.

SJR 63 – Linemen Appreciation

Sponsored by Weaver

Recognizes Linemen Appreciation Day as April 18, 2022.

Environmental Legislation

Coastal Zone Management

HB 10 – Vessel Taxes

Sponsored by Brown

Exempts all commercial fishing vessels and equipment from ad valorem taxation.

The measure further exempts bait and all materials and equipment used by commercial fishermen from the sales and use tax, and it levies a rate differential of one and one-half percent on the purchase and storage of vessels and machinery used for commercial fishing.

HB 250 – Port Authority Facilities

Sponsored by Hassell

Authorizes the state’s port authority to build and operate intermodal and multi-modal transfer facilities for goods entering through the port of Mobile, Alabama.

SB9 – Conservation Funds

Sponsored by Elliott

Provides for the expenditure of funds received by the Alabama Department of Conservation and Natural Resources for coastal conservation, restoration, and protection pursuant to the Gulf of Mexico Energy Security Act of 2006.

SJ8 – Recognizing Mississippi-Alabama Sea Grant Consortium

Sponsored by Sessions and Albritton, et al.

Commends the Mississippi-Alabama Sea Grant Consortium for dedicating 50 years of committed service to Mississippi, Alabama, the Gulf of Mexico region, and the nation.

Emergency Management & Homeland Security

HB 3 – Emergency Management Personnel Clarification

Sponsored by Treadaway

Clarifies that emergency management personnel provide public safety services.

Environmental Health & Justice

SB 158 – Lead Reduction Efforts

Sponsored by Singleton

Declares that the State Board of Health must establish a statewide program to identify and reduce the threat to human health posed by exposure to lead.

In furtherance of this purpose, the board may perform the following functions:

- A. Certify all individuals involved in lead-based paint activities.
- B. Issue, reissue, suspend, revoke, or deny the issuance or reissuance of certificates for accredited individuals.
- C. Establish standards for the program.
- D. Ensure compliance with state and federal rules and regulations.
- E. Enforce the certification program.
- F. Establish a program for the education of owners and occupants of target housing and child-occupied facilities concerning lead-based paint hazards.

This program requires persons who perform renovation in such facilities for compensation to provide owners and occupants with a lead hazard information pamphlet prior to commencing the renovation. The program must meet the requirements of the federal program under the Lead Based Paint Exposure Reduction Act.

According to the legislation, an employee of the board may do both of the following:

- A. Enter the business premises of a person certified to engage in lead-based paint activities during business hours upon presenting credentials identifying himself or herself as an employee of the board; and
- B. Enter any structure, including a residence, where lead-based paint activities have occurred, or are being conducted, by certified or uncertified contractors for the purpose of determining compliance with lead-based paint laws, rules, and regulations, provided the employee obtains the consent of the owner, an adult occupant of the premises, or the owner's or occupant's designee after presenting credentials identifying himself or herself as an employee of the board.

An individual may not perform or represent that he or she is qualified to perform any lead-based paint activities unless the individual possesses the appropriate certification as determined by the board or unless the individual is either an owner performing abatement or renovation upon his or her own residential property or an employee of a property management company doing minor repairs and maintenance activities.

SB 311 – Deer Hunting Licensure

Sponsored by Williams

Allows certain land owners to register and pay a fee for an earlier deer season start date and authorizes certain public officers to enter the property of registered deer enclosures to enforce game and fish laws and revoke future registrations for violations.

Inland Water Quality & Management

HB 10 – Vessel Taxes

Sponsored by Brown

Exempts all commercial fishing vessels and equipment from ad valorem taxation.

The measure further exempts bait and all materials and equipment used by commercial fishermen from the sales and use tax, and it levies a rate differential of one and one-half percent on the purchase and storage of vessels and machinery used for commercial fishing.

HB 148 – Privately-Owned Sewer Jurisdiction

Sponsored by Wingo

Proposes a local constitutional amendment to the Constitution of Alabama of 1901, for Jefferson County and Tuscaloosa County, in order to bring certain privately-owned sewer systems using public rights-of-way of public roads in the city limits of Lake View under the jurisdiction of the Public Service Commission.

SB 68 – Water Treatment Facilities Loan Paybacks

Sponsored by Allen

Modifies the loan payback period on construction expenses for wastewater treatment facilities to include that the repayment period may be extended as required or permitted under the Federal Clean Water Act, provided the extended repayment period does not exceed the expected design life of the project.

Solid Waste

HB 304 – Solid Waste Management Governance

Sponsored by Baker

Provides for the approval of proposed solid waste management sites by local governing bodies.

SB 134 – Catalytic Converter Recycling Requirements

Sponsored by Chesteen

Provides requirements for the purchase, possession, and sale of catalytic converters, such that any sale resulting in a total of more than \$50 in cash is prohibited.

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

4 Energy Bills / 9 Environmental Bills

Notable Legislation

HB 837 establishes that funds currently appropriated for the retrofitting of hurricane shelters may also be used for the construction of hurricane shelters.

HB 1411 requires local governments to promote expanded uses of floating solar facilities, or "floatovoltaics," by amending its land development regulations.

Energy Legislation

Efficiency & Weatherization

HB 837 – Hurricane Loss Mitigation Program

Sponsored by Infrastructure and Tourism Appropriations Subcommittee

Establishes that funds currently appropriated for the retrofitting of hurricane shelters may also be used for the construction of hurricane shelters.

The bill also transfers the Manufactured Housing and Mobile Home Mitigation and Enhancement Program, including the Mobile Home Tie-Down Program, from Tallahassee Community College to Gulf Coast State College. This transfer includes all powers, duties, records, and unspent appropriation balances of the programs.

HB 7071 – Sales Tax Exemptions on Energy Star Appliances

Sponsored by Appropriations Committee, Ways and Means Committee, and Payne

Includes several temporary sales tax exemptions including one year for certain Energy Star certified appliances.

Renewable Energy

HB 1411 – Floating Solar Facilities

Sponsored by Commerce Committee & Local Administration and Veterans Affairs Subcommittee

Requires local governments to promote expanded uses of floating solar facilities, or “floatovoltaics,” by amending its land development regulations.

The bill allows a county or municipality to adopt an ordinance specifying buffer and landscaping requirements for floating solar facilities. The requirements may not exceed the requirements for similar uses involving the construction of other solar facilities that are permitted uses in agricultural land use categories and zoning districts.

The Office of Energy within the Department of Agriculture and Consumer Services must develop and submit recommendations to the Legislature by December 31, 2022, to provide a regulatory framework to private and public sector entities that implement floating solar facilities, according to the legislation.

Utilities

SB 350 – Procedures for Petitions for Utility Rate Relief

Sponsored by Bean

Increases the maximum annual sales, expressed in gigawatt hours, which natural gas or public electric utilities may have to be eligible to request that the Public Service Commission use certain procedures for the utility’s petition for rate relief and related matters.

Environmental Legislation

Coastal Zone Management

HB 7053 – Statewide Flooding and Sea Level Rise Resilience

Sponsored by State Affairs Committee & Environment, Agriculture and Flooding Subcommittee

Establishes the Statewide Office of Resilience within the Executive Office of the Governor.

The office must be headed by the Chief Resilience Officer, who is appointed by the governor. The measure authorizes the Department of Environmental Protection (DEP) to provide grants from the grant program to a small city or county to fund preconstruction activities for projects submitted for inclusion in the state’s resilience action plan.

The bill also extends the dates by which DEP must complete the development of the comprehensive statewide flood vulnerability and sea level rise data set and assessment by one year. With respect to the plan, the bill requires DEP to rank and include in the plan all eligible projects that were submitted for the plan and to include a detailed narrative overview describing how the plan was developed. In addition, the bill specifies that the plan submitted in 2023 must be an update to the preliminary plan submitted in 2021 and clarifies that the preliminary plan and updates to the preliminary plan submitted in 2021, 2022, and 2023 may include projects submitted by water management districts that mitigate the risks of flooding or sea level rise on water supplies or water resources of the state.

The act requires the Florida Flood Hub for Applied Research and Innovation to provide tidal and storm surge flooding data to cities and counties for vulnerability assessments that are conducted pursuant to the grant program.

Lastly, the bill requires the Department of Transportation to develop a resilience action plan for the State Highway System based on current conditions and forecasted future events.

SB 494 – Gopher Tortoise Lands and Derelict Vessel

Sponsored by Appropriations & Environment and Natural Resources

Amends the Florida Forever Act to require each lead land managing agency, in consultation with the Florida Wildlife Commission, to consider in the management plan the feasibility of creating a gopher tortoise recipient site for state lands under its management which are larger than 40 contiguous acres.

The measure also specifies that a vessel is at risk of becoming derelict if it is tied to an unlawful or unpermitted mooring or other structure, and it defines the circumstances in which law enforcement may destroy or dispose of a vessel.

Emergency Management & Homeland Security

HB 837 – Hurricane Loss Mitigation Program

Sponsored by Infrastructure and Tourism Appropriations Subcommittee

Establishes that funds currently appropriated for the retrofitting of hurricane shelters may also be used for the construction of hurricane shelters.

The bill also transfers the Manufactured Housing and Mobile Home Mitigation and Enhancement Program, including the Mobile Home Tie-Down Program, from Tallahassee Community College to Gulf Coast State College. This transfer includes all powers, duties, records, and unspent appropriation balances of the programs.

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Lastly, the bill requires the Department of Transportation to develop a resilience action plan for the State Highway System based on current conditions and forecasted future events.

Emissions & Pollution

HB 909 – Pollution Control Standards and Liability

Sponsored by Environment, Agriculture and Flooding Subcommittee & Payne

Specifies that the Secretary of Environmental Protection has exclusive jurisdiction in setting standards or procedures for evaluating environmental conditions and assessing potential liability for the presence of contaminants on land that is classified as agricultural and is being converted to a nonagricultural use.

The bill prohibits the secretary from delegating such authority to a city, a county, or another unit of local government through a local pollution control program, but it does not preempt the enforcement authority of a local government through a local pollution control program.

Environmental Health & Justice

SB 494 – Gopher Tortoise Lands and Derelict Vessels

Sponsored by Appropriations & Environment and Natural Resources

Amends the Florida Forever Act to require each lead land managing agency, in consultation with the Florida Wildlife Commission, to consider in the management plan the feasibility of creating a gopher tortoise recipient site for state lands under its management which are larger than 40 contiguous acres.

The measure also specifies that a vessel is at risk of becoming derelict if it is tied to an unlawful or unpermitted mooring or other structure, and it defines the circumstances in which law enforcement may destroy or dispose of a vessel.

SB 518 – Private Property Rights to Prune, Trim, and Remove Trees

Sponsored by Community Affairs

Revises conditions under which a local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property and specifies when a tree poses an unacceptable risk.

Hazardous Waste

SB 856 – Private Provider Inspections of Onsite Sewage Treatment and Disposal Systems

Sponsored by Appropriations & Environment and Natural Resources

Authorizes and specifies requirements for private provider inspections of onsite sewage treatment and disposal systems.

Inland Water Quality & Management

HB 7053 – Statewide Flooding and Sea Level Rise Resilience

Sponsored by State Affairs Committee & Environment, Agriculture and Flooding Subcommittee

Establishes the Statewide Office of Resilience within the Executive Office of the Governor.

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The act requires the Florida Flood Hub for Applied Research and Innovation to provide tidal and storm surge flooding data to cities and counties for vulnerability assessments that are conducted pursuant to the grant program.

Lastly, the bill requires the Department of Transportation to develop a resilience action plan for the State Highway System based on current conditions and forecasted future events.

Solid Waste

SB 1110 – Grease Waste Removal and Disposal

Sponsored by Appropriations

Requires grease waste haulers to dispose of grease waste at disposal facilities and prohibits grease waste haulers from returning grease waste and graywater to grease interceptors and traps and from disposing of grease waste at locations other than disposal facilities.

Haulers are also required to document grease waste removal and disposal with service manifests and inspecting entities are further required to verify such contracts and service manifests.

GEORGIA

3 Energy Bills / 13 Environmental Bills

Notable Legislation

HB 1372 modifies the name of the Georgia Utility Facility Protection Act to Georgia Underground Facility Protection Act and re-states the measure's purpose as protecting the public from physical harm, preventing injury to persons and property, and preventing interruptions of utility service resulting from damage to underground facilities.

Energy Legislation

Reorganization & Coordination

SB 472 – Election Districts for Public Service Commission

Sponsored by Kennedy and Rich

Modifies the description of the election districts for members of the Public Service Commission to re-balance the populace represented by each district.

The bill also revises the incoming commissioners election dates to November 2022 and November 2026.

Utilities

HB 1372 – Georgia Utility Facility Protection Act

Sponsored by Smith, Parsons, Burns, Frazier, and Tippins

Modifies the name of the Georgia Utility Facility Protection Act to Georgia Underground Facility Protection Act and re-states the measure's purpose as protecting the public from physical harm, preventing injury to persons and property, and preventing interruptions of utility service resulting from damage to underground facilities.

The measure also requires that all permanent markers other than sewer cleanouts, water meter boxes, or any other visible components of an underground facility that establish the exact location of the underground facility must be placed accurately and must be located within the public right of way. Sewer cleanouts, water meter boxes, or any other visible components of an underground facility that establish the exact location of the underground facility must be located within ten feet of the public right of way to be considered a permanent marker.

HR 683 – Nonexclusive Easements Authorization

Sponsored by Greene, Dunahoo, Pirkle, Buckner, Lumsden, and Harbison

Authorizes the granting of nonexclusive easements for the construction, installation, operation, and maintenance of facilities, utilities, roads, and ingresses and egresses in, on, over, under, upon, across, or through property owned by the state in Bartow, Douglas, Fulton, Gilmer, Gwinnett, Haralson, Paulding, Sumter, and Thomas Counties.

Environmental Legislation

Coastal Zone Management

SB 469 – Watercraft Regulation

Sponsored by Harper, et al.

Requires certain watercraft to have day and night visual distress signals on board when on coastal waters of Georgia.

Emergency Management & Homeland Security

HR 594 – Tax Relief Following Disasters

Sponsored by Smith, Stephens, England, Greene, Dempsey, and Bonner

Proposes an amendment to the constitution of the state to provide that county and municipal governing authorities are authorized to grant temporary tax relief to properties severely damaged or destroyed as a result of a disaster and located within a nationally declared disaster area.

Emissions & Pollution

SR 604 – Electric Vehicle Day

Sponsored by Jackson, Watson, and Au

Recognizes March 3, 2022, as Electric Vehicle Day at the state capitol.

Environmental Health & Justice

HB 1147 – Trapping of Raccoons and Opossum

Sponsored by Rhodes, Corbett, LaHood, Ridley, Smith, Sainz, and Harper

Authorizes the hunting and trapping of raccoons and opossum year-round.

HR 1292 – Stewardship of Natural Resources

Sponsored by Park, Nguyen, Wilson, Boddie, Moore, and McLaurin

Recognizes the need for responsible stewardship and prudent management of natural resources in Georgia.

SB 586 – Design-Build Contracting for Road Projects

Sponsored by Gooch, Dugan, Watson, Anavitarte, Ginn, Tippins, McNeill, and Jasperse

Allows for counties to use a design-build procedure for projects that include buildings, bridges and approaches, rail corridors, technology deployments, and limited or controlled access projects or projects that may be constructed within existing rights of way where the scope of work can be clearly defined or when a significant savings in project delivery time can be attained.

When a county determines that it is in the best interests of the public, a county may combine any or all of the environmental services, utility relocation services, right of way services, design services, and construction phases of a public road or other project into a single contract using a design-build procedure, according to the bill.

Hazardous Waste

HB 893 – Hazardous Waste Fee Extension

Sponsored by Nix, L. Smith, Buckner, and V. Smith

Extends the sunset date for hazardous waste management fees and hazardous substance reporting fees to July 1, 2027.

HB 1355 – Lead Exposure Control

Sponsored by Dempsey, Cooper, Drenner, Gambill, Newton, Mainor, and Watson

Updates lead poisoning prevention provisions to comport with nationally recognized guidelines, such that the “confirmed lead poisoning” definition is modified down from 20 to 3.5 micrograms of lead per deciliter in a single blood test or two capillary tests.

When lead hazard abatement is required the owner or managing agent must submit a written lead poisoning hazard abatement plan to the Department of Public Health within 30 days of receipt of the lead poisoning hazard notification and must obtain written approval of the plan prior to initiating abatement, according to the measure.

Inland Water Quality & Management

HB 1355 – Lead Exposure Control

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Updates lead poisoning prevention provisions to comport with nationally recognized guidelines, such that the “confirmed lead poisoning” definition is modified down from 20 to 3.5 micrograms of lead per deciliter in a single blood test or two capillary tests.

When lead hazard abatement is required the owner or managing agent must submit a written lead poisoning hazard abatement plan to the department within 30 days of receipt of the lead poisoning hazard notification and must obtain written approval of the plan prior to initiating abatement, according to the measure.

HR 1018 – World Water Day

Sponsored by Schofield, Evans, Buckner, Scott, and Davis

Recognizes March 22 as World Water Day and commends Ryan Beltrán for educating communities about water issues that exist both domestically and abroad and working to produce clean water.

Beltrán created the nonprofit organization Elequa with the mission to educate through water innovation.

HR 1053 – Water Conservation Efforts

Sponsored by Smith, England, Rich, Pirkle, and Greene

Recognizes the successful water conservation and management efforts of the past and present members of the Georgia General Assembly.

HR 1209/SR 870 – Commend TifTuf Grass

Sponsored by Dubnik/Miller, Parent, Butler, and Ginn

Recognizes TifTuf Bermuda grass, a drought-tolerant Bermuda grass being grown by Georgia farmers and others, for advancing outdoor water conservation in the state.

Land Management

HB 997 – Timber Tax Exemptions

Sponsored by Watson, England, Burns, Buckner, Hatchett, Greene, and Walker

Provides for a state-wide exemption from all ad valorem taxes for timber equipment and timber products held by timber producers.

The act requires a positive referendum vote before going into effect.

HB 1349 – Land Loss Prevention

Sponsored by Ridley, Rhodes, Corbett, Burchett, Watson, and Harper

Extends the date on which the Department of Natural Resources must attempt to prevent net loss of land acreage available for hunting opportunities on department-managed, state-owned lands to existing land as of July 1, 2022.

KENTUCKY

11 Energy Bills / 18 Environmental Bills

Notable Legislation

HB 8 imposes a tax on electric vehicle power distributed in the state by an electric vehicle power dealer. Further, it imposes battery reclamation and mitigation fees on electric or hybrid vehicles and requires the county clerk to collect the battery reclamation and mitigation fees.

SB 205 requires the State Treasurer to publish, maintain, and update a list of financial companies engaged in energy company boycotts and to file the list with the Legislative Research Commission and the Attorney General.

Energy Legislation

Efficiency & Weatherization

HB 33 – School Facility Efficiency and Water Filling Stations

Sponsored by Branscum, Massey, and Santoro

Repeals the Kentucky Efficient School Design Trust Fund and associated reporting requirement for efficient design, which included net-zero energy construction.

The law is further amended to allow local plan review, inspection, and enforcement of educational facilities.

The requirement that new public school buildings to provide sufficient water bottle fillings station and drinking fountains is also repealed.

Fossil Energy

HB 195 – Pipeline Location Notification

Sponsored by Johnson

Establishes notification requirements for developers that are locating developments within 660 feet of natural gas transmission pipelines and requires a notified pipeline operator to provide pipeline location information to the developer.

The measure also requires planning commissions to gather raw National Pipeline Mapping System geospatial data within 60 days of the effective date of the act and exempts planning commissions from liability for development approval if it is based on the geospatial information they obtain.

Pipeline operators must file the names of their registered agents with planning commissions of jurisdiction no later than August 15, 2022, and the law prohibits planning commissions from issuing final approval for developments until the requirements of the measure have been satisfied. Finally, it exempts planning commissions from liability for development approval if it is based on the information required to be submitted under the law.

HB 451 – Motor Fuel Standards Definitions and Inspections

Sponsored by Fister, Heath, and McPherson

Redefines several terms related to motor fuels including “diesel” and “gasoline-oxygenate blend” to “a refined hydrocarbon suitable for use as a fuel in a compression-ignition internal combustion engine that may contain fuel additives and up to five percent by volume of biodiesel or biomass-based diesel,” and “a fuel consisting primarily of gasoline blended with more than one percent by volume oxygenate or more than three-tenths of one percent by volume methanol,” respectively.

The term “gasoline-oxygenate blend” includes gasoline-ethanol blends containing between one percent and fifteen percent (15 percent) ethanol by volume, according to the bill.

The measure further specifies inspection and testing programs for motor fuels intended for sale from a retail facility and vapor pressure limits for gasoline-oxygenate blends.

The act also permits the Kentucky Department of Agriculture to designate fuel tests or specifications when no ASTM International standards exist, and it requires all shipments of motor fuel to meet standards and specifications required in administrative regulations.

Finally, the bill requires a license to operate a retail motor fuel facility, increases the license fee to \$75 per retail facility, and sets the annual license expiration on January 31 of the following calendar year.

HB 600 – Reclamation Guaranty Fund Commission Clarifications

Sponsored by Gooch

Clarifies that members of the Commission Representing the Coal Mining Industry are coal mine permittees and allows smaller operators to be selected to represent different sized operators if a larger operator cannot be found.

SB 315 – Oil and Gas Applications Amendment

Sponsored by Mills

Makes gender-neutral the requirement that an oil or gas drilling applicant confer with a permittee where a permitted surface coal mine area may be disturbed.

Renewable Energy

SB 249 – Ending Energy Funding

Sponsored by Wheeler

Declares that, as of July 1, 2022, the Kentucky alternative fuel and renewable energy fund is suspended and must cease any further investments.

All funds, grants, investments, unallocated, or unencumbered balances, rights, contractual rights and obligations, and earned income retained by the Kentucky alternative fuel and renewable energy fund as of June 30, 2022, will be transferred to the Kentucky enterprise fund and allocated and invested pursuant to the Kentucky enterprise fund's statutory mandate.

Utilities

HB 7 – Public Assistance for Utilities

Sponsored by Meade, Osborne, and Prunty

Establishes that if a cash recipient of public assistance benefits uses an automated teller machine or any other means or device to withdraw cash using an electronic benefit transfer card issued by the Cabinet for Health and Family Services, that cash may only be used for goods and services necessary for the welfare of the family including, but not limited to, utilities.

Violations of this provision may result in wage garnishment, fines up to \$500, and removal from public assistance benefits.

HB 192 – Electrical Work Inspections

Sponsored by Santoro, Massey, and Miller

Allows an electrical contractor to choose an inspection conducted by a Transportation Cabinet inspector or a local inspector for electrical work on highway projects not related to buildings for human occupancy performed beyond the service disconnect within the public right of way.

SB 205 – Energy Company Boycotts

Sponsored by Mills, Girdler, Alvarado, Carpenter, Carroll, Smith, Storm, and Wheeler

Requires the State Treasurer to publish, maintain, and update a list of financial companies engaged in energy company boycotts and to file the list with the Legislative Research Commission and the Attorney General.

The measure also requires state governmental entities to notify the Treasurer of the listed financial companies in which the state governmental entity owns direct or indirect holdings and state governmental entities must inform and warn listed financial companies that they may become subject to divestment by the state governmental agency unless they clarify their actions or cease their energy company boycott.

State governmental entities are required to divest from the listed financial company if it does not cease its energy company boycott in the timeframes established by the section, and the measure provides for delays in the divestment schedule if it will result in a loss of value or a benchmark deviation.

The law also provides that a state governmental entity may not be required to divest from any holdings in actively or passively managed investment funds or private equity funds and establishes exceptions from divestment requirements.

Finally, governmental entities are prohibited from entering into a contract for goods or services with a company that engages in energy company boycotts.

SR 315 – Honoring Linemen

Sponsored by Wheeler and Nemes

Honors Kentucky utility linemen and adjourns the Senate in their honor.

SR 316 – Addressing Utility Costs

Sponsored by Wheeler

Urges the Kentucky Public Service Commission to examine strategies to address utility costs to ratepayers.

Environmental Legislation

Emissions & Pollution

HB 8 – Electric Vehicle Tax, Battery Reclamation, and Water Withdrawal Fees

Sponsored by Petrie, et al.

Imposes a tax on electric vehicle power distributed in the state by an electric vehicle power dealer.

Further, it imposes battery reclamation and mitigation fees on electric or hybrid vehicles and requires the county clerk to collect the battery reclamation and mitigation fees.

The bill also declares that water withdrawal fees imposed by the Kentucky River Authority are not subject to state and local taxes.

HB 77 – Radon Safety

Sponsored by Bratcher, Kirk-McCormick, Massey, and Palumbo

Changes the name of the Kentucky Radon Program Advisory Committee to the Kentucky Board of Radon Safety and adjusts the number of members on the board.

The law also changes the name of the Radon Mitigation and Control Fund to the Radon Control Fund and establishes the responsibilities of the board, which include developing and conducting programs for evaluation and control of activities related to radon, including laboratory analyses, measurement, and mitigation and educating the public on the danger of radon exposure.

Environmental Health & Justice

HB 306 – Pest and Weed Control

Sponsored by Pollock and Heath

Authorizes the Department of Agriculture to establish dates for pesticide licensing and registration renewals and amends existing law to remove references to a Johnson grass eradication program.

HB 399 – Public Hearings for Expenditures on Environment and Waste

Sponsored by Branscum, Bray, and Fleming

Necessitates public hearings by a local government receiving economic development funds and required public input into the expenditure.

Such expenditures covered by the law include environmental protection, including sewage disposal, sanitation, solid waste, and other related programs.

SB 217 – Department of Fish and Wildlife Procurements

Sponsored by Webb

Creates a new section of law requiring the Department of Fish and Wildlife Resources to conduct all procurements necessary for its performance pursuant to Kentucky Model Procurement Code.

The legislation provides that upon approval of the commission, the commissioner is deemed the chief purchasing officer for the purposes of conducting procurements for the department, and it makes all department personal service contracts, tax incentive agreements, and memoranda of agreement subject to review by the Government Contract Review Committee.

It also directs that the Department of Fish and Wildlife Resources be attached administratively to the Tourism, Arts and Heritage Cabinet only for those limited functions and purposes expressly requested by the department.

Further, the measure requires that a member serve no more than two full terms, excluding any partial terms that a member may serve, and all candidates are required to have held hunting and fishing licenses for the previous five consecutive years.

SR 90 – Asian Carp Removal

Sponsored by Howell, Webb, and Carroll

Commends the Kentucky Department of Fish and Wildlife Resources for its efforts to rid Kentucky's lakes and rivers of invasive carp.

Inland Water Quality & Management

HB 8 – Electric Vehicle Tax, Battery Reclamation, and Water Withdrawal Fees

Sponsored by Petrie, et al.

Imposes a tax on electric vehicle power distributed in the state by an electric vehicle power dealer.

Further, it imposes battery reclamation and mitigation fees on electric or hybrid vehicles and requires the county clerk to collect the battery reclamation and mitigation fees.

The bill also declares that water withdrawal fees imposed by the Kentucky River Authority are not subject to state and local taxes.

HB 33 – School Facility Efficiency and Water Filling Stations

Sponsored by Branscum, Massey, and Santoro

Repeals the Kentucky Efficient School Design Trust Fund and associated reporting requirement for efficient design, which included net-zero energy construction.

The law is further amended to allow local plan review, inspection, and enforcement of educational facilities. The requirement that new public school buildings to provide sufficient water bottle fillings station and drinking fountains is also repealed.

HB 758 – Infrastructure Assistance

Sponsored by Gooch, et al.

Establishes a water management assistance fund administered by the Kentucky Infrastructure Authority to help with both capital and non-capital expenses of governmental entities that provide public drinking water and wastewater services to the public.

The measure also amends existing law to include private water associations under the definition of “governmental agency” and authorizes the Kentucky Infrastructure Authority to make non-capital expenditures from funds that it governs.

The legislation also allows expenditure for non-capital expenditures that improve the technical, managerial, or operational capacity of public drinking water and wastewater systems and allows for the purchase of obligations if the purchase does not cause interest on current or future state agency obligations to be included in gross federal income for federal tax purposes.

Land Management

HR 66 – National Frederick Law Olmsted Day

Sponsored by Kirk-McCormick

Recognizes April 26, 2022, as National Frederick Law Olmsted Day in Kentucky to celebrate and honor his impact and contributions in landscape architecture and conservation.

SB 133 – Geographic Information Sharing

Sponsored by Meredith

States that the geographic information clearinghouse maintained by the Division of Geographic Information Systems is the sole database of geographic information maintained by state agencies.

The division is directed by the measure to make all reasonable efforts to collect and present geographic information that meets the needs of all state agencies.

SB 341 – Forestry Grants

Sponsored by Smith

Permits grant-funded employment opportunities within the Division of Forestry.

Reorganization & Coordination

HB 77 – Radon Safety

Sponsored by Bratcher, Kirk-McCormick, Massey, and Palumbo

Changes the name of the Kentucky Radon Program Advisory Committee to the Kentucky Board of Radon Safety and adjusts the number of members on the board.

The law also changes the name of the Radon Mitigation and Control Fund to the Radon Control Fund and establishes the responsibilities of the board, which include developing and conducting programs for evaluation and control of activities related to radon, including laboratory analyses, measurement, and mitigation and educating the public on the danger of radon exposure.

Solid Waste

HB 8 – Electric Vehicle Tax, Battery Reclamation, and Water Withdrawal Fees

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Imposes a tax on electric vehicle power distributed in the state by an electric vehicle power dealer.

Further, it imposes battery reclamation and mitigation fees on electric or hybrid vehicles and requires the county clerk to collect the battery reclamation and mitigation fees.

The bill also declares that water withdrawal fees imposed by the Kentucky River Authority are not subject to state and local taxes.

HB 399 – Public Hearings for Expenditures on Environment and Waste

Sponsored by Branscum, Bray, and Fleming

Necessitates public hearings by a local government receiving economic development funds and required public input into the expenditure.

Such expenditures covered by the law include environmental protection, including sewage disposal, sanitation, solid waste, and other related programs.

HB 45 – Resource Recovery for Advanced Recycling

Sponsored by Bowling, Johnson, Palumbo, Prunty, and Westrom

Modifies current solid waste law to include references to advanced recycling methods and facilities processing post-use polymers or recovered feedstocks.

SB 114 – Catalytic Converter Disposition

Sponsored by Westerfield, Angel, and Thomas

Requires purchasers of catalytic converters to keep a record that contains proof of ownership.

The law also amends existing law to establish that the failure to maintain a register of metal and objects containing metals is a Class B misdemeanor and includes unlawful acts relating to the purchase or disposition of metals is a Class B misdemeanor.

SB 152 – Solid Waste Exemptions

Sponsored by West

Exempts a local government that initially issues a solid waste management franchise in an area that the local government had exclusively provided services to from the requirement that the municipality may not commence solid waste management services that would have the effect of prohibiting a service company from continuing to provide services that it was providing prior to commencement of services by the local government or award a franchise for solid waste management services where no franchise exists.

Notable Legislation

HB 803 creates the Energy Code Commission and establishes that the primary function of the commission is to provide amendments to the state's building code delineated in existing law in order to address energy efficiency requirements to reduce the long-term energy cost burden for building occupants in the state.

HB 898 prohibits parishes and municipalities from adopting certain rules and regulations that restrict the use and storage of liquefied petroleum gas.

Energy Legislation

Carbon Capture & Storage

HB 267 – Existing Storage Rights

Sponsored by Riser

Provides relative to eminent domain rights of a storage facility operator to expropriate property for the purpose of drilling through a carbon dioxide storage facility in Caldwell Parish.

According to the measure, persons may be prohibited from drilling through a storage facility only when the following is satisfied:

- A. A period of five years has elapsed from the actual drilling or operation of any oil or gas well within the boundaries to depths below the base of the storage facility as determined by the commissioner of conservation; and
- B. All reservoirs that were drilled to and produced in any oil or gas well located within the boundaries of the storage facility are no longer capable of producing minerals in paying quantities as determined by the commissioner of conservation.

HB 708 – Biomass and Carbon Capture

Sponsored by McFarland, et al.

Provides that the legislature finds and declares that energy produced from forest products' manufacturing bioenergy feedstocks and energy produced from agricultural harvesting, including bagasse produced from sugarcane, are considered renewable and carbon neutral and when paired with carbon capture technologies, such energies may be considered carbon negative.

Critical Minerals & Rare Earth Elements

HB 61 – Underwater Obstruction Removal and Mineral and Energy Production Fees

Sponsored by Kerner, et al.

Extends both the Fishermen's Gear Compensation Fund and payments into the Underwater Obstruction Removal Fund until June 30, 2023.

The measure also authorizes the secretary of the Department of Natural Resources to levy an annual fee in the amount of \$400 upon each lessee or operator for any agreement for mineral or energy production or for subsurface storage entered into by the State Mineral and Energy Board and each grantee of a state right-of-way, for each lease and right of way on July 1, 2023, and which are located within the coastal zone boundary.

Cybersecurity & Digital Technology

SCR 14 – Cybersecurity Redhibition Task Force

Sponsored by Foil

Establishes the Cybersecurity Redhibition Task Force.

The task force, composed of information technology and security professionals from various branches of federal and state government, must consider creating a distinct cause of action for state agencies that respond to cyber incidents as part of the state’s emergency support function to recover qualifying expenses from managed service providers and managed security service providers servicing public bodies and critical infrastructure whose actions or omissions contributed to the cyber incident.

Efficiency & Weatherization

HB 803 – State Building Energy Code Commission

Sponsored by Gadberry

Creates the Energy Code Commission and establishes that the primary function of the commission is to provide amendments to the state’s building code delineated in existing law in order to address energy efficiency requirements to reduce the long-term energy cost burden for building occupants in the state.

HB 1052 – Hazard Mitigation Revolving Fund

Sponsored by Landry

Creates the Hazard Mitigation Revolving Loan (HMRL) Fund within the state treasury to be administered by the Governor’s Office of Homeland Security and Emergency Preparedness.

The purpose of the HMRL Fund is to aid with projects that will reduce disaster risks for homeowners, businesses, nonprofit organizations, and communities to decrease the loss of life and property, the cost of insurance, and federal disaster payments, or as otherwise required by federal grants or grant agreements.

The measure also establishes that the HMRL fund must consist of monies received from federal grants for the capitalization of the fund, state funds required by federal law or grant agreements, repayment of loans, and interest earned on amounts in the fund. At the close of each fiscal year, unused and unencumbered monies must remain in the fund.

HR 203 – Environmental, Social, and Governance Criteria Task Force Study

Sponsored by Frieman, Garofalo, and Hodges

Creates the Environmental, Social, and Governance (ESG) Criteria Task Force to study and make recommendations regarding regulation of ESG criteria in lending and investment practices.

The bill states that environmental factors considered in an ESG rating include but are not limited to climate change and carbon emission initiatives, air and water pollution initiatives, energy efficiency, and water scarcity initiatives.

HR 103 – Housing Development and Emergency Preparedness

Sponsored by Duplessis

Urges and requests the Louisiana Housing Corporation to consider emergency preparedness and disaster resiliency characteristics when implementing design criteria for housing developments competing for funding in programs administered by the corporation and to explore sources of federal funds to retrofit existing buildings with these same design criteria.

HB 374 – Littering Fines

Sponsored by Beaulieu, et al.

Increases the fines for gross littering of tires and failure to obtain a generator identification number.

Emergency Management & Homeland Security

HB 740 – Propane and Other Fuels During Disasters

Sponsored by Mincey

Establishes that the diversion, transport, delivery, sale, or acceptance of gasoline, diesel fuel, liquified petroleum gas, motor fuel, special fuel, gasohol, liquified natural gas, and other types of fuel must not be restricted or prohibited when needed for disaster recovery during a disaster or emergency declared in accordance with the Louisiana Homeland Security and Emergency Assistance and Disaster Act.

HR 62 – Statewide Hospital Plan for Disasters and Emergencies

Sponsored by Echols

Requests the Louisiana Department of Health to develop a proposal for a statewide hospital coordination plan for use in disasters and other emergency situations.

HR 151 – Disaster-related Funding for Investor-Owned Utilities

Sponsored by Fontenot, et al.

Memorializes Congress to support amendments to the Stafford Act to allow natural disaster-related funding for private or investor-owned utilities.

HCR 26 – Ensuring Energy Affordability and Security

Sponsored by Coussan, et al.

Urges and requests the President of the United States to consider the current geopolitical tensions and support policies and take measures to ensure America's long-term energy affordability, security, leadership, and progress.

SB 33 – Electrical Power Sources in Nursing Facilities

Sponsored by Mills and Glover

Establishes that nursing facilities must have a generator or other Department of Health approved alternate electrical power source capable of providing sufficient electrical power for the simultaneous operation of certain systems in the event of the loss of primary electrical power.

SB 167 – Nursing Home Preparedness

Sponsored by Talbot, et al.

Adds a requirement for a nursing home emergency preparedness plan to also contain a detailed plan to address emergency power in the event of the loss of primary electrical power in that nursing home if evacuation from the nursing home is not required.

SB 472 – Transparency in Ownership of Critical Infrastructure

Sponsored by Milligan, Johnson, and Garofalo

Creates the “Transparency in Ownership of Critical Infrastructure Law,” which prohibits a governmental entity from entering into a contract or other agreement relating to critical infrastructure in the state with a company if, under the contract or other agreement, the company would be granted direct or remote access to or control of critical infrastructure in the state, excluding access specifically allowed by the governmental entity for product warranty and support purposes under any of the following circumstances:

- A. The governmental entity knows that the company is owned by or the majority of stock or other ownership interest of the company is held or controlled by individuals who are citizens of China, Iran, North Korea, Russia, or a designated country;
- B. The governmental entity knows that the company or other entity, including a governmental entity, is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, or a designated country; and/or
- C. The governmental entity knows that the company or other entity is headquartered in China, Iran, North Korea, Russia, or a designated country.

Fossil Energy

HB 61 – Underwater Obstruction Removal and Mineral and Energy Production Fees

Sponsored by Kerner, et al.

Extends both the Fishermen’s Gear Compensation Fund and payments into the Underwater Obstruction Removal Fund until June 30, 2023.

The measure also authorizes the secretary of the Department of Natural Resources to levy an annual fee in the amount of \$400 upon each lessee or operator for any agreement for mineral or energy production or for subsurface storage entered into by the State Mineral and Energy Board and each grantee of a state right-of-way, for each lease and right of way on July 1, 2023, and which are located within the coastal zone boundary.

HB 632 – Small Refinery Definition

Sponsored by McFarland

Defines, for the purposes of the Louisiana Environmental Quality Act, a “small refinery” as a refinery for which the average aggregate daily crude oil throughput for a calendar year, as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year, does not exceed 75,000 barrels.

HB 898 – Powers Related to Liquefied Petroleum Gas

Sponsored by DeVillier

Prohibits parishes and municipalities from adopting certain rules and regulations that restrict the use and storage of liquefied petroleum gas.

HB 1035 – Underground Storage Tank Grants

Sponsored by Coussan

Authorizes the Department of Environmental Quality to provide grants with its Motor Fuels Underground Storage Tank Trust

Dedicated Fund Account for voluntary upgrades to certain single wall underground storage tanks.

HCR 25 – Breaux Petroleum Products Commendation

Sponsored by Orgeron

Commends Breaux Petroleum Products on the occasion of its 100th anniversary.

HCR 43 – Federal Action on Oil and Gas Production

Sponsored by Orgeron, et al.

Urges and requests federal action on domestic oil and gas production.

SB 23 – Oilfield Restoration Fund Deposits

Sponsored by Allain

Provides for the deposit of monies from any source of funding for which restoring orphaned sites is an allowable use into the Oilfield Site Restoration Fund.

SB 38 – Risk Charges in Drilling Units

Sponsored by Hensgens

Provides for terminology and technical corrections to previous drilling unit law, including providing that the notice by an owner drilling, intending to drill, or who has drilled to the other owners is called the “risk charge notice.”

The measure requires financial adjustments of estimated authorization for expenditure form (AFE) costs be made within 60 days of receipt of detailed invoices in order to account for the difference between estimated and actual cost, and it also states that if the well is being drilled or has been drilled at the time of mailing the risk charge notice, the risk charge notice contain a copy of all available logs, core analysis, production data, and well test data not made public.

The legislation provides for the manner in which the drilling owner pays certain amounts to the nonparticipating owner for the benefit of his lessor royalty owner and overriding royalty owner are made and the formulas used for calculating such payments, and it requires payments to the overriding royalty owner are made in accordance with the terms of the contract or agreement creating the overriding royalty.

SB 196 – Crude Oil and Petroleum Imports from Russia Ban

Sponsored by Cathey and Garofalo

Prohibits the importation of crude oil and petroleum products from the Russian Federation into Louisiana.

SB 245 – Orphan Well Program Provisions

Sponsored by Allain and Coussan

Allows the Secretary of the Department of Natural Resources to employ, appoint, remove, assign, and promote, from administrative costs, personnel that is necessary for the administration of orphaned wells restoration, including the appointment of an executive director.

The measure also limits the expenditures out of the Oilfield Site Restoration Fund to restore or plug non-priority wells to 20 percent of the expended amount per year, with the exception of funds from the first \$30 million federal funds received by the state for oilfield site restoration, any federal appropriation for oilfield site restoration, or any emergency response costs.

SB 354 – Louisiana Consumer Fuel Choice Act Provisions

Sponsored by Cathey

Establishes the Louisiana Consumer Fuel Choice Act, which dictates that no local governing authority may adopt an ordinance, rule, or law that limits consumer access to an energy type or that results in the prohibition of a wholesaler, retailer, energy producer, or the related infrastructure that is necessary to provide consumer access to a specific energy type within the local governing authority.

The measure also provides for the sale, transportation, and acceptance of fuel following a natural disaster. In accordance with the Louisiana Homeland Security and Emergency Assistance and Disaster Act and upon written authorization from the secretary of the Department of Transportation and Development, the diversion, sale, transport, delivery, or acceptance of gasoline, diesel fuel, liquified petroleum gas, motor fuel, special fuel, gasohol, liquified natural gas, and other types of fuel across jurisdictional boundaries within the state must not be restricted or prohibited when needed for disaster recovery, which includes supplying fuel to generators, motor vehicles, homes, and other resources to provide electricity, heat, light, meals, and other necessities to persons in affected areas.

SR 203/SR 223/SCR 55 – Against Fossil Energy Restrictions

Sponsored by Fesi

Requests certain federal and state entities to refrain from enacting or adopting laws, rules, regulations, or guidance that restricts the ability of financial institutions from offering products or services to the fossil fuel industry.

SR 161 – Emerging Energy Codification Task Force

Sponsored by Allain

Establishes the Emerging Energy Codification Task Force in order to study and make recommendations regarding the codification of laws relative to emerging energy technologies and related issues.

The task force is required by the law to report an update of its findings and recommendations on or before February 10, 2023, and a final report on or before February 9, 2024.

SCR 12 – Offshore Oil and Natural Gas Lease Sales Request

Sponsored by Hewitt

Requests halt in actions that cancel or delay offshore oil and natural gas lease sales.

Nuclear Energy

SR 161 – Emerging Energy Codification Task Force

Sponsored by Allain

Establishes the Emerging Energy Codification Task Force in order to study and make recommendations regarding the codification of laws relative to emerging energy technologies and related issues.

The task force is required by the law to report an update of its findings and recommendations on or before February 10, 2023, and a final report on or before February 9, 2024.

Renewable Energy

HB 165 – Wind Energy Leases

Sponsored by Zeringue and Orgeron

Adds wind energy as a source of energy whereby the State Mineral and Energy Board may enter into operating agreements for the state to receive a share of revenues.

The law also provides a decommissioning plan specific to wind energy production facilities, instead of those applicable to oil and gas and sulphur facilities, which would require the plan for the end of the facility's expected life or upon a circumstance that would require closure of the facility. It further requires the decommissioning plan include the estimated cost of site closure and remediation, with specific requirements.

The Department of Natural Resources is also directed to promulgate rules and regulations by January 1, 2023, that provide:

- A. Criteria for setting the annual rent or royalty amounts;
- B. Criteria for setting primary terms for leases and the energy production or other actions needed to retain acreage after the primary term;
- C. Requirements for financial security; and
- D. Requirements or determining if no responsible party can be located.

HB 655 – Solar Resource Management

Sponsored by Coussan, et al.

Requires a permit to construct or operate a solar power generation facility that has a footprint of ten or more acres.

In addition, the law establishes an application fee of no more than \$15 per acre plus a \$500 processing fee and an annual monitoring and maintenance fee, beginning the year after issuance, of no more than \$15 per acre. All fees must be deposited into the Mineral and Energy Operation Fund.

Finally, the measure grants exemption from the bonding requirement and fees for any facility that is certified by the Public Service Commission or the New Orleans City Council by August 2, 2022.

HB 708 – Biomass and Carbon Capture

Sponsored by McFarland, et al.

Provides that the legislature finds and declares that energy produced from forest products' manufacturing bioenergy feedstocks and energy produced from agricultural harvesting, including bagasse produced from sugarcane, are

considered renewable and carbon neutral and when paired with carbon capture technologies, such energies may be considered carbon negative.

HR 25 – Offshore Wind Energy Pilot Project Investigation

Sponsored by Orgeron

Urges and requests the Louisiana Public Service Commission to investigate the benefits, feasibility, costs, and pathways to achieving a demonstrable offshore wind energy pilot project by 2026.

SR 161 – Emerging Energy Codification Task Force

Sponsored by Allain

Establishes the Emerging Energy Codification Task Force in order to study and make recommendations regarding the codification of laws relative to emerging energy technologies and related issues.

The task force is required by the law to report an update of its findings and recommendations on or before February 10, 2023, and a final report on or before February 9, 2024.

Utilities

HB 581 – Underground Utilities and Facilities Damage Prevention Modifications

Sponsored by St. Blanc

Modifies the Louisiana Underground Utilities and Facilities Damage Prevention Law to provide for unplanned utility outages, state holidays, and emergency excavation notices and response times.

HB 652 – Sewer Connection Costs and Infrastructure Oversight

Sponsored by Hilferty

Creates an exception to present law to require the Sewerage and Water Board to bear the costs of one sewer connection and one water connection extending from the respective main to the property line for a lot of record which existed prior to 1954.

The measure further authorizes the city council to establish, by ordinance, procedures regarding the billing policies of the board, and it allows the procedures to reduce or modify a customer's bill and to waive late charges and interest accrued. The bill also requires the city council to establish a billing ordinance review working group, and it requires the working group to review ordinances before any such ordinance may be considered by the Public Works, Sanitation and Environmental Committee of the city council.

Finally, the act allows the city council to open an investigation of the board after a catastrophic failure of the city's sewerage and drainage infrastructure. If the city council requests from the board, in writing, any information regarding a catastrophic failure, the board is required to submit the information not later than 30 days after receipt of the written request.

HR 67/SR 62 – Linemen Appreciation Day

Sponsored by Davis/Peacock

Designates April 18, 2022, as Lineman Appreciation Day at the state capitol.

HR 151 – Disaster-related Funding for Investor-Owned Utilities

Sponsored by Fontenot, et al.

Memorializes Congress to support amendments to the Stafford Act to allow natural disaster-related funding for private or investor-owned utilities.

SB 110 – Louisiana Electric Utility Energy Transition Securitization Act

Sponsored by Reese, Luneau, McMath, and Milligan

Creates the Louisiana Electric Utility Energy Transition Securitization Act in order to enable electric utilities, if authorized by the Public Service Commission, to use securitization financing for certain energy transition costs.

The act also provides that an electric utility may petition the commission for a financing order, and it outlines an application process for an electric utility or its issuer to issue energy transition bonds as the commission prescribes. It prohibits an electric utility from applying any proceeds of energy transition bonds to any purpose not specified in the commission's order, or to any purpose in excess of the amount allowed for such purpose in the order, or to any purpose in contravention of the order or supplemental order.

SB 271 – Public Works Bidding Process

Sponsored by Womack and Romero

Requires any public entity advertising for public work to use only the Louisiana Uniform Bid Form and specifically provides for the required information and documentation to be submitted by a bidder.

SB 460 – Public Works Bidding Process

Sponsored by Ward

Creates the "Electric Vehicle Charging Equipment Network Act" for the purposes of establishing a statewide electric vehicle charging technology and equipment network.

The measure asks the Public Service Commission to establish an electric vehicle charging rate structure that promotes long-term alternative fuel market competition by encouraging transparent pricing, more stable electricity costs, expanded investment opportunities in charging infrastructure, innovation, and a widespread implementation of publicly available fast charging, electric vehicle charging technology and equipment. It also requests the commission to explore excluding persons or corporations from the definition of public utility under certain circumstances.

SCR 52 – Bob Davis Electric Company Commendation

Sponsored by Peacock

Commends the Bob Davis Electric Company Inc. on the occasion of its 100th anniversary.

Environmental Legislation

Coastal Zone Management

HB 61 – Underwater Obstruction Removal and Mineral and Energy Production Fees

Sponsored by Kerner, et al.

Extends both the Fishermen’s Gear Compensation Fund and payments into the Underwater Obstruction Removal Fund until June 30, 2023.

The measure also authorizes the secretary of the Department of Natural Resources to levy an annual fee in the amount of \$400 upon each lessee or operator for any agreement for mineral or energy production or for subsurface storage entered into by the State Mineral and Energy Board and each grantee of a state right-of-way, for each lease and right of way on July 1, 2023, and which are located within the coastal zone boundary.

HB 324 – Oyster Task Force Composition

Sponsored by Orgeron

Adds Terrebonne Parish to the list of parishes from which the Louisiana Oyster Dealers and Growers Association can select appointees.

The bill further modifies the requirement that one member each be from Lafourche Parish and Jefferson Parish, to a requirement that two members serve at-large, one of the remaining two members be from Jefferson Parish, and one be chosen from Lafourche Parish or Terrebonne Parish, and it adds one member to the task force to be appointed by the Oyster Aquaculture Association.

The law also changes the appointing authority from the Calcasieu Lake Oyster Task Force to the Cameron Parish police jury, and it requires that the Cameron Parish police jury appointee be a licensed oyster harvester with documented commercial landings from Calcasieu Lake or a licensed seafood dealer with documented commercial purchases from Calcasieu lake in the year of or prior to appointment.

HCR 34 – Coastal Protection Plan Approval

Sponsored by Bourriaque

Approves the Annual State Integrated Coastal Protection Plan for Fiscal Year 2023, as adopted by the Coastal Protection and Restoration Authority Board.

HCR 98 – Gulf Hypoxia Action Plan Support

Sponsored by Zeringue and Garofalo

Urges and requests continued support for the efforts in the Mississippi River Basin to achieve the goals of the Gulf Hypoxia Action Plan.

HCR 107 – Port Infrastructure Study

Sponsored by Wright

Creates a joint subcommittee to study port infrastructure strategies.

HR 38 – Coastal Conservation Day

Sponsored by McKnight

Recognizes April 6, 2022, as Coastal Conservation Association Day at the state capitol.

SB 3 – Coast Use Permit Fund Allocation

Sponsored by Allain

Changes the deposit from 50 percent to the Coastal Resources Trust Fund to 75 percent to the Coastal Protection and Restoration Fund for projects consistent with existing law after deducting the cost to reimburse the department for enforcing the coastal zone management program.

Further, the measure provides that when no local government mitigation bank exists, the funds are deposited into a restricted fund administered by the parish governing authority of the parish or parishes in which the adverse impact related to the use is located, and it requires the funds be used for projects consistent with existing law and within or for the benefit of areas within the geographic borders of that parish.

SB 91 – Coastal Protection and Restoration Extension

Sponsored by Hensgens

Recreates the Coastal Protection and Restoration Authority and the Coastal Restoration and Protection Authority Board.

SR 32 – Coastal Conservation Association Day

Sponsored by Allain

Recognizes April 6, 2022, as Coastal Conservation Association Day at the state capitol.

Emergency Management & Homeland Security

HB 317 – Storm Deductibles

Sponsored by Willard

Requires the commissioner to prescribe a separate form regarding named storm, hurricane, and wind and hail deductibles proposed in a homeowner's insurance policy that lists the specific amount for each deductible expressed as a percentage of the insured value of the property, or as a specific dollar amount, or as both.

HB 521 – Catastrophe Response Plans

Sponsored by Huval

Provides that every insurer and health maintenance organization operating in the state must maintain a catastrophe response plan that describes how the insurer will respond to a catastrophe affecting its business operations and policyholders or subscribers.

HB 524 – Disability-Focused Disaster Preparedness and Response Fund

Sponsored by Lyons

Creates the Disability-Focused Disaster Preparedness and Response Fund as a special fund in the state treasury.

The fund consists of two percent of all monies deposited pursuant to sports wagering taxes levied, any additional monies transferred to the fund by the legislature, and any monies designated for the fund and received by the state treasurer from donations, gifts, or grants.

HB 1070 – Wireless Information Network System Resiliency

Sponsored by Schexnayder and Thompson

Requires the Governor’s Office of Homeland Security and Emergency Preparedness to provide an annual update to the Joint Legislative Committee of the Budget on upgrades made to the Louisiana Wireless Information Network system and resiliency and redundancy plans for the system.

HR 62 – Statewide Hospital Plan for Disasters and Emergencies

Sponsored by Echols

Requests the Louisiana Department of Health to develop a proposal for a statewide hospital coordination plan for use in disasters and other emergency situations.

HR 127 – Contraflow Task Force

Sponsored by Willard

Creates the Louisiana Contraflow Task Force in order to study contraflow in the state of Louisiana, the implementation of alternative safety mechanisms such as a system of sirens to aid in alerting citizens of impending danger and the need to evacuate, and other safety measures to mitigate hazardous conditions.

HR 149 – Dredging Effects Study in Amite River

Sponsored by Mincey

Urges and requests the Amite River Basin Commission to study tidal surge flood protection and erosion on Lake Maurepas’ Livingston Parish shoreline and the effects of dredging of the Amite River.

HR 156 – Storm Damage Reduction Request

Sponsored by Mincey

Memorializes the United States Congress to invest in hurricane storm damage reduction, flood protection, and drainage infrastructure projects in the Amite River Basin.

HR 212 – Support for Resilience Center Pilot Project

Sponsored by Zeringue

Expresses support for the development of the Community College Resilience Center pilot project at L.E. Fletcher Technical Community College.

HR 227 – Flood Protection and Restoration Policy Recommendations

Sponsored by Zeringue

Urges and requests certain state agencies, working with the Association of Levee Boards of Louisiana, to make recommendations relative to certain policies and laws impacting flood protection and restoration and its funding.

HCR 84 – Flood Insurance Review

Sponsored by Kerner, Bourriaque, Garofalo, and Landry

Urges Congress to review and reform the National Flood Insurance Program’s pricing methodology known as Risk Rating 2.0.

SB 163 – Catastrophe Claims Process Disclosure

Sponsored by Talbot, et al.

Requires the Commissioner of Insurance to promulgate certain rules and regulations relative to a catastrophe claim process disclosure form that includes explanations on how the claim process works, how the insurer should communicate with the insured subject to the terms and conditions of the insurance policy, how the supplemental claim process works, and how to calculate the percentage of the insured value of the property for a hurricane, named storm, wind, and hail deductibles.

SB 258 – Voting During Emergencies or Disasters

Sponsored by Hewitt and Garofalo

Provides relative to voting and the holding of elections impaired as the result of a declared emergency or disaster.

SB 412 – Insure Louisiana Incentive Program Continuation

Sponsored by Talbot, et al.

Reenacts the Insure Louisiana Incentive Program for the 2020 and 2021 hurricanes Laura, Delta, Zeta, and Ida.

Under the law, the Commissioner of Insurance must:

- A. Issue a public invitation to insurers to submit grant applications to the Insure LA Incentive Program for individual grants between \$2 million to \$10 million, with 20 percent of the total grant funds to domestic insurers;
- B. Issue a second invitation if funding is still available from the first invitation and allow insurers who received a grant in response to the first invitation to apply for an additional \$10 million; and
- C. Issue a third invitation if funding is still available from the second invitation and allow insurers who received a grant in response to the first or second invitation to apply for an additional \$10 million.

Surplus lines insurers must obtain a certificate of authority, according to the measure.

SR 89/SR 121 – National Guard Commendation

Sponsored by Milligan, Boudreaux, Cathey, Foil, Peacock, Reese, and Tarver

Commends the Louisiana National Guard on its exemplary service to the state of Louisiana during the last two years of unprecedented natural disasters.

SR 99 – Insurance and Named Storms

Sponsored by Talbot

Urges the Commissioner of Insurance to study the issue of notice of cancellation or nonrenewal of a property insurance policy that provides coverage for property damaged by a named storm or windstorm.

SR 184 – Resilience Center Pilot Program Support

Sponsored by Allain

Requests the Louisiana Board of Regents, the Louisiana Community and Technical College System, and the L. E. Fletcher Technical Community College to work with the Governor's Office of Homeland Security to develop a resilience center pilot program discerning the processes, partnerships, resources, barriers, and opportunities

involved in fully integrating public postsecondary institutions into community disaster recovery and identifying relevant stakeholders for participation in the project.

Emissions & Pollution

HB 1031 – Road Usage Fees

Sponsored by Freiberg

Imposes a road usage fee on certain electric and hybrid vehicles.

Specifically, the measure levies a road usage fee not to exceed \$110 per year on each electric vehicle and an annual road usage fee not to exceed \$60 per year on each hybrid vehicle operated on state highways which are required to be registered. Proceeds from the fees generated must be deposited as follows: 70 percent of the proceeds be deposited into the Construction Subfund of the Transportation Trust Fund and 30 percent of the proceeds be deposited into the Parish Transportation Fund and distributed to local governments.

HR 203/HR 246 – Environmental, Social, and Governance Criteria Task Force Study

Sponsored by Frieman, Garofalo, and Hodges/Hodges, et al.

Creates the Environmental, Social, and Governance (ESG) Criteria Task Force to study and make recommendations regarding regulation of ESG criteria in lending and investment practices.

The bill states that environmental factors considered in an ESG rating include but are not limited to climate change and carbon emission initiatives, air and water pollution initiatives, energy efficiency, and water scarcity initiatives.

SCR 46 – Electric Vehicles Fee Study

Sponsored by McMath

Creates a task force to study fees for electric vehicles.

Environmental Health & Justice

HB 397 – Environmental Education and Litter Abatement Funding

Sponsored by Bishop

Creates separate accounts for environmental education and litter abatement and redirects existing funding between these two accounts.

HB 419 – Catfish and Bream Provisions

Sponsored by McFarland

Provides for the hand-grabbing of catfish and the taking of bream in minnow traps.

HB 422 – Pneumatic Devices and Deer

Sponsored by Stefanski and Schamerhorn

Allows for the taking of deer by use of pre-charged pneumatic devices.

HB 762 – Louisiana Outdoors Forever Program

Sponsored by Zeringue

Establishes the Louisiana Outdoors Forever Program within the Department of Wildlife and Fisheries (LDWF) for the purpose of selecting and funding outdoor conservation projects in Louisiana.

The bill creates an associated Louisiana Outdoors Forever Fund within the Conservation Fund to be used for administration of the program and to provide funding for outdoor conservation projects. LDWF will administer the program and fund and adopt rules and regulations necessary to implement the Louisiana Outdoors Forever Program.

HR 129 – Catahoula Lake Study Group

Sponsored by Johnson, et al.

Creates the Catahoula Lake Study Group in order to study the feasibility and advisability of establishing a Catahoula Lake Commission to study and make recommendations regarding jurisdiction, management, and maintenance of the Catahoula Lake Game and Fish Preserve, riparian rights, and interests of state, local, and private stakeholders.

HCR 18 – Feral Hog Management Advisory Task Force

Sponsored by McFarland

Creates the Feral Hog Management Advisory Task Force in the Department of Wildlife and Fisheries.

SB 23 – Oilfield Restoration Fund Deposits

Sponsored by Allain

Provides for the deposit of monies from any source of funding for which restoring orphaned sites is an allowable use into the Oilfield Site Restoration Fund.

SB 447 – Menhaden Reduction Harvest Reports

Sponsored by Hensgens and Garofalo

Requires the Wildlife and Fisheries Commission to promulgate rules and regulations to require, beginning in May 2023, monthly commercial menhaden reduction harvest reports.

SCR 30 – “Love the Boot” Week

Sponsored by Lambert

Recognizes April 18-24, 2022, as “Love the Boot Week” dedicated to the cleanup and beautification of Louisiana.

SCR 67 – Limiting Wildlife Diseases

Sponsored by Womack, et al.

Requests the Department of Wildlife and Fisheries to formulate plans to prevent and limit the impact of chronic wasting disease on wildlife.

SCR 68 – Review of Office of Environmental Justice Request

Sponsored by Fesi

Urges and requests the attorney general to review the creation of the Office of Environmental Justice within the Environment and Natural Resources Division of the United States Department of Justice, monitor the office’s

operations, and take any actions necessary, including coordinating actions with attorneys general of other states, to ensure the office's compliance with all laws, including the United States Constitution.

Inland Water Quality & Management

HB 61 – Underwater Obstruction Removal and Mineral and Energy Production Fees

Sponsored by Kerner, et al.

Extends both the Fishermen's Gear Compensation Fund and payments into the Underwater Obstruction Removal Fund until June 30, 2023.

The measure also authorizes the secretary of the Department of Natural Resources to levy an annual fee in the amount of \$400 upon each lessee or operator for any agreement for mineral or energy production or for subsurface storage entered into by the State Mineral and Energy Board and each grantee of a state right-of-way, for each lease and right of way on July 1, 2023, and which are located within the coastal zone boundary.

HB 1060 – Freshwater Fishing Guide Licensure

Sponsored by Coussan

Removes the requirement for a valid captain's license issued by the U.S. Coast Guard for freshwater charter guide.

It further requires the Department of Wildlife and Fisheries to give notice to holders that they may be subject to holding a valid captain's license depending on which body of water they are operating on.

HB 154 – Vessel Operation Prohibitions

Sponsored by Turner and Cathey

Authorizes the Bayou D'Arbonne Lake Watershed District to prohibit the operation of any motor vessel in an area that is flooded from Lake D'Arbonne when the lake is above flood stage and when the operation of the motor vessel may cause flooding of dwellings, camps, business establishments, or similar structures.

HB 587 – Lakefront Management Authority Composition

Sponsored by Hilferty and Willard

Requires the appointments to the Lakefront Management Authority by the presidents of the Lakeshore, Lake Vista, Lake Terrace, and Lake Oaks property owners associations reside within the residential boundaries of the Lakeshore, Lake Vista, Lake Terrace, and Lake Oaks neighborhoods.

HB 686 – Amite River Basin Management

Sponsored by Mincey, et al.

Provides that the management and control of the Amite River Basin Drainage and Water Conservation District is vested in a Board of Commissioners for the district.

The act further provides for the board's authority to establish adequate drainage, flood control, and water resources development to include but not be limited to construction of reservoirs, diversion canals, gravity and pumped drainage systems, and other flood control works.

HB 713 – Stormwater Utility Systems Authorization

Sponsored by Zeringue and Foil

Authorizes political subdivisions to create stormwater utility systems.

HR 129 – Catahoula Lake Study Group

Sponsored by Johnson, et al.

Creates the Catahoula Lake Study Group in order to study the feasibility and advisability of establishing a Catahoula Lake Commission to study and make recommendations regarding jurisdiction, management, and maintenance of the Catahoula Lake Game and Fish Preserve, riparian rights, and interests of state, local, and private stakeholders.

HR 203 – Environmental, Social, and Governance Criteria Task Force Study

Sponsored by Frieman, Garofalo, and Hodges

Creates the Environmental, Social, and Governance (ESG) Criteria Task Force to study and make recommendations regarding regulation of ESG criteria in lending and investment practices.

The bill states that environmental factors considered in an ESG rating include but are not limited to climate change and carbon emission initiatives, air and water pollution initiatives, energy efficiency, and water scarcity initiatives.

HCR 17 – Comite River Diversion Canal Project Task Force Continuation

Sponsored by Hodges

Continues the Comite River Diversion Canal Project Task Force, which is authorized to study and make recommendations to the legislature on actions necessary to complete the construction of the Comite River Diversion Canal Project and mitigate flooding caused by the Comite and Amite rivers.

HCR 24 – Capitol Lake Remediation

Sponsored by Bishop, et al.

Urges and requests that the Department of Environmental Quality report to the legislature regarding Capitol Lake remediation.

SB 48 – Water Sector Program Modifications

Sponsored by Reese and Zeringue

Directs the Division of Administration (DOA) to conduct outreach and educational efforts for all water and sewer systems to raise awareness regarding the Water Sector Program (WSP).

The measure also directs the DOA to post on its website a copy of the guidance regarding the WSP, including the application process, procurement, or scoring criteria upon request of the commission. Further, it establishes the WSP to provide grant funding for repairs, improvements, and consolidation of community water and sewer systems.

SB 465 – Southeast Louisiana Flood Protection Authority Provisions

Sponsored by Connick

Changes the responsibility for nominating committee duties from the chairman of the Coastal Protection and Restoration Authority Board to the chair of the nominating committee and regional directors, or in the absence of a regional director, the presidents of the boards of commissioners, of the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank.

SB 493 – Drainage District Provisions

Sponsored by Hewitt

Provides that the governing authority of Drainage District No. 4 in a parish with a population between 245,000 and 265,000 based on the latest federal decennial census is authorized to call a special election on or before December 31, 2022, for approval, by a majority of the electors residing within Drainage District No. 4, which the district governing authority may place on the ballot, to levy a maintenance and operation tax on each landowner of record within the district, in an amount not to exceed \$500 for each 10,000 square feet of each lot and parcel owned, such that the minimum tax on each lot or parcel is equal to that amount which would be levied on the first 10,000 square feet.

According to the bill, the tax must be used for the maintenance of the levee system, pumping station, pumps, holding ponds, construction of pumping stations, and acquisition of land.

SR 164 – Independent Watershed Region Creation

Sponsored by White

Requests the Office of Community Development's Division of Administration to work with the Louisiana Watershed Initiative to create an independent watershed region for the Amite River Basin.

Land Management

HB 446 – Property Exchange Agreement

Sponsored by Deshotel

Authorizes the Red River, Atchafalaya, and Bayou Beouf Levee District to exchange property in Avoyelles Parish.

HB 469 – Delta Bike Trail Commission Creation

Sponsored by Johnson

Creates the Delta Bike Trail Commission in order to oversee the development and upkeep of the Delta Bike Trail.

The Delta Bike Trail is a bike and walking trail along and on the Mississippi River in Northeast Louisiana which extends through the parishes of Concordia, Tensas, Madison, and East Carroll. The commission will consist of seven members, who will serve four-year terms without compensation.

SB 205 – Soil Conservation Modifications

Sponsored by Jackson, McMahan, Thompson, and White

Modifies existing soil conservation districts law to add the conservation of soil health to the list of purposes of the law, and it adds soil health, soil health improvements, soil health practices aiding enhanced food and fiber production, conservation of natural resources, and adaptation to changes in climate and environment to the list of powers of such districts.

Reorganization & Coordination

HB 749 – Litter Abatement Transfer

Sponsored by Bishop

Transfers litter abatement responsibilities and programs from the Department of Education to the Department of Culture, Recreation and Tourism.

Solid Waste

HB 374 – Littering Fines

Sponsored by Beaulieu, et al.

Increases the fines for gross littering of tires and failure to obtain a generator identification number.

HB 397 – Environmental Education and Litter Abatement Funding

Sponsored by Bishop

Creates separate accounts for environmental education and litter abatement and redirects existing funding between these two accounts.

HB 750 – Littering Violation Provisions

Sponsored by Bishop

Authorizes the Department of Wildlife and Fisheries to prosecute simple and commercial littering violations through civil action or adjudicatory hearing and redistributes the fines and special court costs paid for littering violations cited and prosecuted by the department.

HB 1073 – Catalytic Converter Recycling Provisions

Sponsored by Goudeau, et al.

Creates the Louisiana Catalytic Converter Sales Law in order to prohibit a person from doing business as a catalytic converter purchaser without a license.

A person applying for a license pursuant to the law must make an application in writing. Approved licenses will be valid for two years.

SCR 13 – Plastics Recycling Study

Sponsored by Lambert and Barrow

Requests the Department of Environmental Quality to study strategies for recycling plastic containers.

MARYLAND

25 Energy Bills / 39 Environmental Bills

Notable Legislation

HB 31/SB 256 establishes a Resiliency Hub Grant Program in the Maryland Energy Administration to develop resiliency hubs that provide electricity to low- and moderate-income households during extended electric grid outages at no cost to the households.

HB 1391 creates the Medium-Duty and Heavy-Duty Zero-Emission Vehicle Grant Program for vehicles and equipment powered by hydrogen fuel cells or a battery to be administered by the Maryland Energy Administration.

Energy Legislation

Cybersecurity & Digital Technology

HB 24/SB 4 – Cybersecurity Scholarship Program Modifications

Sponsored by Luedtke/Hester

Expands the Cybersecurity Public Service Scholarship Program by allowing part-time students to apply under specified conditions, increasing the number of years an individual may hold an award to six, and it expands the positions that fulfill the program's public work and teaching obligations.

HB 1205 – Cyber Vulnerability Assessment for Water and Sewer Systems

Sponsored by Young, et al.

Requires a public or private water or sewer system that serves 10,000 or more users and receives financial assistance from the state to, on or before a certain date, assess its vulnerability to a cyber attack, develop a cybersecurity plan if appropriate, and submit a certain report to the General Assembly.

The legislation also authorizes the Maryland Water Quality Financing Administration to provide financial assistance to a public water or wastewater system to assess system cybersecurity vulnerabilities and develop a cybersecurity plan.

SB 754 – Cyber Preparedness Unit Establishment

Sponsored by Hester, Hershey, Jennings, Jackson, Rosapepe, Lee, and Watson

Establishing the Cyber Preparedness Unit in the Maryland Department of Emergency Management.

The duties of the unit are as follows:

- A. Support local governments in developing a vulnerability assessment and cyber assessment, including providing local governments with the resources and information on best practices to complete the assessments;
- B. Develop and regularly update an online database of cybersecurity training resources for local government personnel, including technical training resources, cybersecurity continuity of operations templates, consequence management plans, and trainings on malware and ransomware detection;
- C. Assist local governments in the development of cybersecurity preparedness and response plans, implementing best practices and guidance developed by the state chief information security officer, and identifying and acquiring resources to complete appropriate cybersecurity vulnerability assessments;
- D. Connect local governments to appropriate resources for any other purpose related to cybersecurity preparedness and response; and
- E. As necessary and in coordination with the national guard, local emergency managers, and other state and local entities, conduct regional cybersecurity preparedness exercises.

SB 812 – Cybersecurity Coordination

Sponsored by Hester, Hershey, Jennings, Jackson, Rosapepe, Lee, and Watson

Expands and enhances the state's regulatory framework for state and local government cybersecurity.

The bill codifies and expands the Maryland Cyber Defense Initiative, establishes various assessment and reporting requirements for State agencies and local governments, requires the Department of Information Technology (DoIT) to ensure each agency's compliance with cybersecurity standards under certain circumstances, and it requires DoIT to develop a centralization transition strategy and conduct a self-performance and capacity assessment.

Efficiency & Weatherization

HB 772 – Energy and Water Efficiency Standards

Sponsored by Ruth

Replaces existing energy efficiency standard requirements for various types of new products sold, offered for sale, or installed in the state, with energy and water efficiency standard authorizations and requirements for a new list of products, such as electric vehicle supply equipment, high color rendering index fluorescent lamps, air purifiers, commercial dishwashers, faucets, residential ventilating fans, showerheads, spray sprinkler bodies, urinals, water closets, and water coolers.

SB 179 – Energy Performance Contracts Duration

Sponsored by Budget and Taxation Committee

Extends to 30 years the maximum duration of an energy performance contract by a unit of state government.

SB 215 – Energy Storage Systems Tax Credit and Grants

Sponsored by Budget and Taxation Committee

Revises from December 31, 2022, to December 31, 2024, the date by which an energy storage system is required to be installed for purposes of eligibility for a certain credit against the state income tax for the costs of installing an energy storage system.

The measure also establishes the Energy Storage System Grant Program and an associated fund in the Maryland Energy Administration to provide grants to certain applicants for the purchase and installation of energy storage systems.

SB 314 – Mechanical Insulation Grant

Sponsored by Rosapepe

Establishes the Mechanical Insulation Installation Grant Program and associated fund in the Maryland Energy Administration to provide grants to individuals, nonprofit organizations, and business entities for a portion of certain qualified expenses paid or incurred for the installation of mechanical insulation in a certain manner on commercial and industrial types of property.

SB 814 – Resilient Loan Fund Alterations

Sponsored by Hester

Alters the Resilient Maryland Revolving Loan Fund to provide loans to private property owners for hazard mitigation projects, including wind retrofits, flood mitigation elevation, flood-proofing, wildland fire retrofit mitigation, and earthquake retrofit mitigation.

Emergency Management & Homeland Security

HB 31/SB 256 – Resiliency Hub Grant Program and Fund

Sponsored by Charkoudian/Beidle

Establishes a Resiliency Hub Grant Program in the Maryland Energy Administration to develop resiliency hubs that provide electricity to low- and moderate-income households during extended electric grid outages at no cost to the households.

To provide grants under the program, the bill establishes the Resiliency Hub Grant Program Fund, which is funded in part by at least \$500,000 annually from the Strategic Energy Investment Fund and by fines and penalties collected by the Public Service Commission.

Fossil Energy

HB 526 – Plumbing and Fuel Gas Service Modifications

Sponsored by Prince George’s County Delegation and Montgomery County Delegation

Prohibits a person from providing, attempting to provide, or offering to provide certain plumbing services in any area under the regulatory jurisdiction of the Washington Suburban Sanitary Commission without a license from the commission.

It further prohibits a person from assisting, attempting to assist, or offering to assist in providing certain fuel gas services in any area under the regulatory jurisdiction of the commission without a license from the commission.

HB 1486/SB 1010 – Tax Free Period for Motor Fuels

Sponsored by Johnson, et al./Augustine, et al.

Establishes that for 30 days after March 18, 2022, certain motor fuel taxes that would otherwise be imposed do not apply and further requires the Comptroller to pay a refund advance of motor fuel tax to qualifying retailers.

Renewable Energy

HB 76 – Property Tax Exemptions for Community Solar Energy Systems

Sponsored by Smith, et al.

Exempts personal property of a specified community solar energy generating system from county and municipal personal property taxes.

HB 1039/SB 860 – Solar System Property Taxes

Sponsored by Luedtke/King

Provides several tax benefits for a community solar energy generating system that is placed in service after June 30, 2022, and approved on or before December 31, 2025.

The bill exempts personal property from county and municipal taxation if the property is machinery or equipment that is part of a community solar energy generating system that provides at least 50 percent of the energy it produces to low- to moderate-income customers at a cost that is at least 20 percent less than the amount charged by the electric company that serves the area where the community solar energy generating system is located and is used for agrivoltaics or is installed on a rooftop, brownfield, landfill, or clean fill.

State and local governments must grant a 50 percent property tax credit for a brownfield, landfill, or clean fill on which a specified community solar energy generating system is installed. Further, the State Department of Assessments and Taxation (SDAT) must assess and qualify land that is used by a community solar energy generating system for agrivoltaics as land that is actively used for farm or agricultural purposes.

By June 15 of each year, SDAT must submit a list to the Public Service Commission that includes the location of each qualified property, the amount of the base year value for each qualified property, and the amount of the property tax assessed against each qualified property.

The Maryland Energy Administration must study the effectiveness of the tax incentives established in the bill on encouraging community solar energy generating systems to be installed on rooftops, brownfields, landfills, and clean fills and used for agrivoltaics, and it must report its findings and recommendations to the General Assembly by December 31, 2024.

HB 440 – Solar Energy and Net Energy Metering and Capacity Regulations

Sponsored by Clippinger

Increases the maximum generating capacity of a community solar energy generating system from two megawatts to five megawatts.

The bill likewise increases the maximum allowable generating capacity of a community solar energy generating system for the system to be eligible for net-energy metering credits from two megawatts to five megawatts.

Lastly, the bill specifies that a community solar energy generating system is not a generating station only if the generating capacity of the community solar energy generating system does not exceed two megawatts. As a result, the bill requires that a community solar energy generating system that exceeds two megawatts obtain a Certificate of Public Convenience and Necessity for its construction.

SB 526 – Offshore Wind and Renewable Energy Credits

Sponsored by Feldman

Modifies the Offshore Wind Renewable Energy Credit (OREC) collection mechanism under Maryland’s Renewable Energy Portfolio Standard (RPS) such that each electric company, instead of each electricity supplier, must purchase ORECs to meet the state’s RPS requirements.

Under such a system, electric companies recover costs associated with the purchase of ORECs through a nonbypassable surcharge paid by all distribution customers.

Utilities

HB 228/SB 131 – Rate Suspension Proceedings

Sponsored by Crosby/Kelley

Modifies the number of days from 150 to 180 for which the Public Service Commission may initially suspend a public service company’s proposed rate and allows the commission to extend a rate suspension for up to an additional 90 days if the filing is for an alternative form of ratemaking for a public service company.

HB 341/SB 257 – Public Service Commission Reporting Requirements

Sponsored by Brooks/Beidle

Alters the date, from September 1 to November 1 of each year, by which the Public Service Commission must submit a report on the status of its net metering program.

The measure also repeals a reporting requirement on customer education about competitive electricity supply.

HB 350/SB 464 – Enforcement for Damage Prevention of Underground Facilities

Sponsored by Brooks/Feldman, Hershey, and Klausmeier

Authorizes the Maryland Underground Facilities Damage Prevention Authority to impose, instead of or in addition to assessing a civil penalty, enforcement measures on persons that perform excavation or demolition without providing required notice.

HB 855/SB 942 – Urban Farming Grant Program

Sponsored by Boyce/Griffith and Hayes

Establishes the Urban Agriculture Water and Power Infrastructure Grant Program in the Department of Agriculture to increase the viability of urban farming and community gardens and improve access to urban-grown foods.

The measure creates the Urban Agriculture Water and Power Infrastructure Grant Fund to provide grants to urban agricultural producers and qualified nonprofit organizations for the purchase and installation of agriculture equipment associated with water supply and irrigation and electric power access.

HB 994 – One-Call System Provisions

Sponsored by Brooks

Directs a person notifying the one-call system before performing an excavation or demolition to select a specific start work date and requires the ticket generated by the one-call system to include a response date and time that corresponds with the start work date selected by the person.

HB 1001/SB 719 – Power to the People Pilot Program

Sponsored by Carey/Benson

Requires the Office of Home Energy Programs, in coordination with the United Way of Central Maryland and the Fuel Fund of Maryland, to establish the Power to the People Pilot Program.

Funding for the program must be used to hire certain part-time personnel instead of full-time personnel, and the office is required to develop a redetermination process to assist eligible energy customers who are at least 65 years old in enrolling in energy assistance programs.

HB 1285 – Maryland Electricians Act Revisions

Sponsored by Hornberger

Requires that the State Board of Electricians credit an applicant's work as part of certain apprenticeships for the experience required for electrician licenses and further requires the State Board to waive the examination requirements for certain applicants for a journeyman electrician license.

SB 259 – Prevailing Wage Applicability

Sponsored by Feldman, et al.

Applies the Prevailing Wage Law to a certain contract for the construction of a public work by expanding the definition of “construction” to include services provided under a mechanical systems service contract.

Included in the bill are plumbing systems, such as pipes, tanks, fittings, and other elements that control the water and gas supply, heating, and sanitation of a building, as well as electrical systems, including electrical components that supply, distribute, generate, and use electrical power, overhead and underground lines, poles, transformers, and other related equipment.

SB 604 – Electricians Act Revisions

Sponsored by McCray

Requires that the State Board of Electricians credit an applicant’s work as part of certain apprenticeships for the experience required for electrician licenses and further requires the State Board to waive the examination requirements for certain applicants for a journeyman electrician license.

Environmental Legislation

Coastal Zone Management

HB 1201/SB 876 – Oyster Repletion Project

Sponsored by Jacobs, et al./Bailey and Carozza

Requires the Department of the Environment to include oyster repletion projects in a public database and to prioritize a supplemental environmental project involving certain oyster repletion projects for a party who is in violation of an effluent limitation or unpermitted discharge.

HB 1300/SB 64 – Beach Erosion Control

Sponsored by Hartman, Adams, and Otto/Carozza

Exempts the repair, renovation, reconstruction, or limited expansion of specified structures in the Beach Erosion Control District from a prohibition against land clearing, construction activity, or the construction or placement of permanent structures, subject to certain requirements and limitations.

Emergency Management & Homeland Security

HB 386/SB 310 – Loans During a State of Emergency

Sponsored by Jones, Henson, and Watson/Elfreth, Hester, Gallion, Guzzone, and Hershey

Expands the eligible uses of the Small, Minority, and Women-Owned Businesses Account to include the provision of grants and the conversion of certain loan amounts into grants in Anne Arundel County and the City of Annapolis when in a declared local state of emergency.

The measure also establishes the Workgroup to Study the Establishment of a State Disaster Relief Fund.

SB 630 – Office of Resilience Administration

Sponsored by Hester, et al.

Establishes the Office of Resilience in the Maryland Department of Emergency Management.

The Secretary of Emergency Management is required by the measure to appoint a Chief Resilience Officer to direct the Office of Resilience. The office is required to coordinate with appropriate state agencies and state entities to meet certain goals, such as:

- A. Coordinating and administering federal prevention protection, mitigation, and recovery-focused programs;
- B. Administering state mitigation grants and loans;
- C. Identifying flood risk assessment tools for use by programs and projects statewide;
- D. Administering other programs as directed by the secretary and the chief resilience officer;
- E. Prioritizing vulnerable communities and ensure that investments are made with a focus on environmental justice; and
- F. Conducting outreach and provide technical assistance to local jurisdictions to support the development of local resiliency plans.

Emissions & Pollution

HB 740/SB 566 – Climate Risk and Fiduciary Duties

Sponsored by Lierman and Pensions Committee/Elfreth and Pensions Committee

Requires a fiduciary of the State Retirement and Pension System to consider certain climate risks on the system's assets.

Specifically, the bill requests a climate risk assessment include a certain review of the system's investment portfolio to determine the level of climate risk across certain sectors and asset classes, identification of investment opportunities in certain energy sectors, a process for regular reassessment of certain impact of climate risk, and utilization of the best data and practices for climate risk analyses.

HB 1391 – Clean Cars Act of 2022

Sponsored by Fraser-Hidalgo, et al.

Establishes the Medium-Duty and Heavy-Duty Zero-Emission Vehicle Grant Program for vehicles and equipment powered by hydrogen fuel cells or a battery to be administered by the Maryland Energy Administration.

The bill further alters the vehicle excise tax credit for the purchase of certain electric vehicles and, for purposes of the electric vehicle excise tax credit, decreases from \$63,000 to \$50,000 the limitation on the maximum base purchase price of certain electric vehicles.

The measure also reduces the vehicle excise tax credit for such electric drive vehicles to \$3,000.

HB 696 – Electric School Bus Pilot Program

Sponsored by Fraser-Hidalgo, et al.

Establishes the Electric School Bus Pilot Program, implemented and administered by the Public Service Commission (PSC).

An investor-owned electric company may apply to PSC to implement a pilot program, according to the bill. Subject to PSC approval and specified conditions, a utility may recover all reasonable and prudent program costs incurred under the program through a mechanism that is reviewed and approved by PSC and establish a pilot tariff or rate to provide service to an electric school bus.

Beginning in 2025, a utility that establishes a pilot program must annually report on the program, in consultation with each participating school system.

SB 61 – Zero-Emissions Bus Transition Act Revisions

Sponsored by Zucker

Requires the Maryland Transit Administration to provide safety and workforce development training, including registered apprenticeships and other labor-management training programs, for its workforce related to the new zero-emission buses that it is required to purchase under the Zero Emission Transition Act.

SB 528 – Climate Solutions Now Act of 2022

Sponsored by Pinsky, et al.

Requires the state to reduce statewide greenhouse gas emissions by altering statewide greenhouse gas emissions goals, establishing of a net-zero statewide greenhouse gas emissions goal, developing certain energy efficiency and emissions reduction requirements for certain buildings, requiring electric companies to increase their annual incremental gross energy savings, establishing certain zero-emission vehicle requirements for the state fleet, and establishing an electric school bus pilot program.

Environmental Health & Justice

HB 51 – Sunday Hunting in Talbot County

Sponsored by Mautz

Authorizes the Department of Natural Resources to allow a person to hunt deer and turkey during certain time periods on each Sunday of the deer and spring turkey hunting seasons in Talbot County.

HB 133/SB 372 – Sealant Prohibitions

Sponsored by Stewart, et al./Kagan

Establishes prohibitions, beginning October 1, 2023, related to the sale and use of “high-polycyclic aromatic hydrocarbons (PAH) sealant products” that are applied to driveways and parking areas.

Airports, federal facilities, and military facilities are exempt from the bill’s provisions.

HB 143 – Sunday Hunting in Somerset County

Sponsored by Otto

Authorizes the Department of Natural Resources to allow a person in Somerset County to hunt on private property during a certain time period on certain Sundays of the game bird or game mammal seasons.

The bill also establishes an exception to the prohibition against the department authorizing Sunday hunting on public land for public land in Somerset County leased to a hunt club during a certain time period on Sundays.

HB 170 – Sunday Hunting in Calvert County

Sponsored by Clark

Authorizes the Department of Natural Resources to allow a person to hunt during a certain time period on certain Sundays of the game bird and game mammal seasons in Calvert County.

HB 221/SB 665 – Fishing Licensure for Disabled Veterans

Sponsored by Thiam/Corderman, et al.

Authorizes an eligible sponsor organization providing recreational opportunities with grant funding from the Healing Hunting and Fishing Fund to provide, at no cost, an angler's license and trout stamps, a Chesapeake Bay and coastal sport fishing license, or a hunting license and any corresponding stamps to disabled veterans.

HB 275/SB 273 – PFAS Prohibitions

Sponsored by Love, et al./Elfreth, Beidle, Lam, and Bailey

Prohibits on or after January 1, 2024, a person from using, manufacturing, or knowingly selling or distributing Class B fire-fighting foam, rugs, carpets, and food packaging that contains intentionally added PFAS chemicals in the state.

HB 514 – Sunday Hunting in Charles County

Sponsored by the Charles County Delegation

Authorizes the Department of Natural Resources to allow a person in Charles County to hunt any game bird or game mammal during a certain time period on certain Sundays during the open season for that game bird or game mammal.

HB 556 – Sunday Hunting in Caroline County, Dorchester County, and Queen Anne's County

Sponsored by Arentz, Ghrist, and Jacobs

Authorizes the Department of Natural Resources to allow a person to hunt during a certain time period on certain Sundays of the game bird and game mammal seasons in Caroline County, Dorchester County, and Queen Anne's County.

HB 592 – Hunting on State Land Authorization

Sponsored by Jacobs, et al.

Authorizes the Department of Natural Resources to allow an individual who hunts deer under a Deer Management Permit to use a shotgun or breech loading center fired rifle approved by the department to hunt deer throughout the year, including all deer hunting seasons, in a certain manner on state land leased by a permit holder for the purpose of cultivating crops.

HB 601/SB 455 – Chesapeake Bay and Fishing Pilot Program and Task Force

Sponsored by Jacobs, et al./Bailey

Establishes a Chesapeake Bay and Coastal Sport Fishing License Pilot Program in the Department of Natural Resources and a Task Force on Recreational Fishing Data Collection and Licensing.

HB 653/SB 348 – Green and Blue Infrastructure Programs

Sponsored by Love, Boyce, Barve, Lehman, and Stein/Elfreth, Rosapepe, Hester, Guzzone, and Smith

Makes changes to a broad variety of existing programs related to environmental conservation and natural resources management and expands opportunities for agencies to obtain private investment and financing for state environmental projects, including conservation efforts, restoration projects, and the installation and repair of green and blue infrastructure.

In the context of the bill, “green infrastructure” means a land-based natural area or natural feature, or a system or feature designed to protect, mimic, or enhance a natural function, that absorbs and filters pollutants, protects communities from flooding or storm surge, reduces erosion, or sequesters carbon.

“Blue infrastructure” means a water-based natural area or natural feature, or a system or feature designed to protect, mimic, or enhance a natural function, that absorbs and filters pollutants, attenuates shoreline erosion, protects communities from flooding or storm surge, reduces erosion, or sequesters carbon.

The bill also alters existing and establishes new state policies for several related programs and establishes a new work group, commission, task force, and review and reporting requirements. The primary agencies that are affected are the Maryland Department of Agriculture, the Maryland Department of the Environment, the Maryland Environmental Service, and the Department of Natural Resources, but there are changes to procurement and contracting opportunities that affect additional agencies.

HB 749 – Maryland Park Explorers Grant Pilot Program

Sponsored by Guyton

Establishes the Maryland Park Explorers Grant Pilot Program in the Department of Natural Resources to provide Anne Arundel County and Baltimore County with funds to establish local Park Explorers Pilot Programs, which are required to target youth populations with minimal access to green spaces, promote the positive aspects of being outdoors, and provide conservation concepts and local history and culture in its messaging.

HB 1110 – Lead Poisoning Prevention

Sponsored by Holmes

Modifies the elevated blood lead level that initiates certain case management, environmental investigation, notification, and lead risk reduction requirements to a blood lead level of 5 micrograms per deciliter.

After January 1, 2024, the limit is revised down to 3.5 micrograms per deciliter by the bill.

The act also requires the Department of the Environment to study and report on the most effective means of incorporating the Centers for Disease Control and Prevention Blood Lead Reference Value into the State’s lead poisoning prevention programs on or before December 31, 2022.

HB 1140/SB 695 – Voluntary Firewood Treatment Certification Program

Sponsored by Adams, Ghrist, Hartman, and McKay/Carozza and Bailey

Establishes the Voluntary Firewood Treatment Certification Program in the Department of Natural Resources to certify forest product operators who export firewood to other states and use heat treatment and other procedures to prevent the presence of wood boring pest infestations, wood inhabiting pests, and plant disease pathogens in firewood products.

HB 1200 – Permitting and Environmental Justice Screening

Sponsored by Wells

Requires a person who is applying for a permit under the existing Environment Article to include, as part of the permit application, the “Environmental Justice (EJ) Score” from the Maryland EJ tool for the census tract where the applicant is seeking a permit, unless the permit requires the applicant to use a tool developed by the U.S. Environmental Protection Agency.

In accordance with regulations adopted under the bill, the Maryland Department of the Environment (MDE) must review the EJ Score for the census tract where the applicant is seeking a permit using the Maryland EJ tool to verify the applicant’s information. The bill also requires MDE to adopt implementing regulations, and it modifies public notice provisions applicable to certain permit applications to incorporate EJ Scores.

SB 90 – Environmental Projects Database

Sponsored by West

Defines a “supplemental environmental project” (SEP) as an environmentally beneficial project or activity that is not required by law but that an alleged violator agrees to undertake as part of a settlement or enforcement action and requires the Maryland Department of the Environment (MDE) to create and maintain a database of SEPs that MDE may consider for implementation as part of a settlement of an enforcement action.

In creating and maintaining the database, MDE must solicit input from communities in the state that are overburdened, underserved, or otherwise disadvantaged by environmental stressors.

SB 383 – Outdoor Education Grant Extension

Sponsored by King and Pinsky

Extends through fiscal year 2028 the requirement that the Governor include a certain amount in the state budget for increasing the number of green schools in the state, and it extends through calendar year 2029 the annual evaluation of the impact of the funds appropriated on increasing the number of green schools in the state.

Green schools in the state are those that include environmental education in the curricula, model best management practices at the school, and address community environmental issues.

Inland Water Quality & Management

HB 318 – On-site Wastewater Regulation

Sponsored by Stein

Establishes the State Board of On-Site Wastewater Professionals in the Department of the Environment to regulate individuals who provide on-site wastewater services in the state and to establish minimum standards for certain on-site wastewater systems.

HB 526 – Plumbing and Fuel Gas Service Modifications

Sponsored by Prince George’s County Delegation and Montgomery County Delegation

Prohibits a person from providing, attempting to provide, or offering to provide certain plumbing services in any area under the regulatory jurisdiction of the Washington Suburban Sanitary Commission without a license from the commission.

It further prohibits a person from assisting, attempting to assist, or offering to assist in providing certain fuel gas services in any area under the regulatory jurisdiction of the commission without a license from the commission.

HB 649 – Discharge Permitting Continuation

Sponsored by Love, et al.

Establishes inspection and reporting requirements for certain discharge permit holders and requires the Department of the Environment maintain on its website a list of noncompliant permit holders and provide certain Senators and Delegates with a link to the list by monthly e-mail.

The measure also promulgates administrative penalties for permit holders determined to be in significant noncompliance of certain state or federal water quality standards, effluent limitations, or other regulatory requirements.

HB 714/SB 354 – Intended Use Plans Involving Bay Restoration Fund

Sponsored by Stein/Elfreth and Pinsky

Establishes new reporting requirements for the Maryland Department of the Environment (MDE) related to grant funding under the Maryland Water Quality Revolving Loan Fund and alters an existing joint reporting requirement for MDE and the Maryland Department of Planning related to funding provided from the Bay Restoration Fund (BRF).

The bill also prohibits MDE from providing funding from BRF to the owner of a privately owned wastewater facility under specified conditions, and it alters the definition of “privately owned wastewater facility” to mean a wastewater facility that is owned by a private entity and provides wastewater treatment or disposal services to multiple residential dwelling units.

Finally, the bill specifies its provisions do not apply to a privately owned industrial wastewater facility that is connecting to a publicly owned wastewater facility and has been awarded grant funding from BRF for this purpose in the fiscal 2023 capital budget or any preceding capital budget.

HB 716 – Patuxent River Commission Membership

Sponsored by Lehman, et al.

Alters the membership of the Patuxent River Commission by increasing the voting membership from 34 to 36 members and including one individual representing an organization or unit of local government engaged in watershed management and restoration, the Patuxent Riverkeeper, and the President of the University of Maryland Center for Environmental Science or a designee.

HB 869 – Study for Restoration Projects

Sponsored by Gilchrist, et al.

Requires the Department of the Environment’s Wetlands and Waterways Program Division to study permitting for ecological restoration projects and to report on its findings and recommendations to the Governor and the General Assembly by June 1, 2024.

Land Management

HB 784 – Irreplaceable Natural Areas Program

Sponsored by Stein

Establishes the Irreplaceable Natural Areas Program in the Department of Natural Resources to preserve Maryland’s native biodiversity on state-owned land managed by the department.

The measure requires the department, by July 1, 2023, to adopt regulations designating irreplaceable natural areas on state-owned land managed by the department and establishing management objectives for irreplaceable natural areas.

HB 882 – Pocomoke River Boundary Alteration

Sponsored by Environment and Transportation Committee

Alters the boundaries of the Pocomoke River Wildland by exempting a defined tract of land that serves as a trail course and adding another tract of land.

SB 86 – Trail Access Maintenance

Sponsored by Hester

Requires certain leases executed by the Department of Natural Resources to include a provision requiring a lessee to maintain unobstructed access to trail heads by trail users and first responders and ensure that trail heads remain free of obstructions at all times.

SB 451 – Maryland Park Service and State Parks Alterations

Sponsored by Elfreth, et al.

Addresses infrastructure, capacity, and accessibility needs within the Maryland Park Service and state parks, including establishing systems and processes for surveying infrastructure and critical maintenance needs, increasing the number of Maryland Park Service full-time employees, requiring the Department of Budget and Management to conduct certain staff reviews, and requiring the Department of Natural Resources to develop a certain capital improvement plan and a comprehensive long-range strategic plan.

HB 884 – Management of Old Growth Forests

Sponsored by Gilchrist, et al

Requires that whenever the Department of Natural Resources identifies an old-growth forest on state conservation land, the land must be managed in a way that prohibits logging.

Solid Waste

HB 566 – Waste Disposal Infrastructure

Sponsored by Boyce

Requires the Interagency Commission on School Construction to adopt regulations for county boards of education to include waste disposal infrastructure in the design documents submitted to the Interagency Commission for the construction of a new school building utilizing state funding.

The measure defines “waste disposal infrastructure” as a place for the disposal of trash, recyclables, and food scraps and a sink for liquid waste.

SB 124 – Grant for Composting School Waste

Sponsored by Hettleman

Establishes the Grant Program to Reduce and Compost School Waste to award grants to county boards of education and public schools to develop and implement programs for reducing food waste and to establish composting of pre- and post-consumer waste.

MISSISSIPPI

6 Energy Bills / 14 Environmental Bills

Notable Legislation

HB 1214 declares that it is for the public benefit and in the public interest to promote projects for the secure geologic storage of carbon dioxide, and modifies the state's policy to provide procedures for the cooperative management of surface and subsurface property interests to ensure the maximum use of natural resources.

HB 1421 dictates that the state's Department of Health must establish a program to be known as the American Rescue Plan Act (ARPA) Rural Water Associations Infrastructure Grant Program to assist rural water associations in the construction of eligible drinking water infrastructure projects under ARPA.

Energy Legislation

Carbon Capture & Storage

HB 1214 – Carbon Dioxide Sequestration Revisions

Sponsored by Powell

Declares that it is for the public benefit and in the public interest to promote projects for the secure geologic storage of carbon dioxide, and modifies the state's policy to provide procedures for the cooperative management of surface and subsurface property interests to ensure the maximum use of natural resources.

The measure also redefines “reservoir” to include any geologic formation suitable for or capable of being made suitable for the injection and storage of carbon dioxide therein.

Emergency Management & Homeland Security

HR 13 – Water Valley Electric Department Commendation

Sponsored by Reynolds and Stamps

Commends the city of Water Valley Electric Department, the Tallahatchie Valley Electric Power Association, and the Tennessee Valley Authority for their effort ensuring power was restored to the city of Water Valley after an outage on January 11, 2022.

Fossil Energy

HR 105 – Supporting Domestic Oil and Gas

Sponsored by Powell

Supports an increase in American energy production and infrastructure to ensure America’s long-term energy affordability, security, leadership and progress, including actions that result in the continued operation of existing oil and natural gas pipelines, the construction of new pipelines, and an end to restrictions on developing the nation’s onshore and offshore oil and natural gas resources.

Nuclear Energy

SB 2885 – Energy High School Partnership

Sponsored by DeBar

Authorizes the Board of Trustees of the Vicksburg-Warren School District and the Claiborne County Board of Education to make application to the Mississippi Development Authority for the approval of entering into a Memorandum of Understanding with a nuclear facility and Warren County and the State of Mississippi for the establishment of a partnership for the operation of an Energy High School Academy.

The purpose of the Energy High School Academy is to provide qualified students attending school in Warren and/or Claiborne County in the eighth through twelfth grade with career education, potential student internships, and continuing education for careers in the energy industry.

Utilities

HB 1763 – Natural Gas Service Extension

Sponsored by Evans

Authorizes the Board of Supervisors of Kemper County, Mississippi, to enter into appropriate binding contracts to fund the capital costs necessary to extend natural gas services within the county.

SB 2822 – Mississippi Municipality and County Water Infrastructure Grant Program Act

Sponsored by Michel, et al.

Establishes the Mississippi Municipality and County Water Infrastructure Grant Program Act of 2022 to be administered by the Mississippi Department of Environmental Quality utilizing coronavirus state fiscal recovery funds made available under the federal American Rescue Plan Act.

Such grants must be made available to municipalities, counties, and certain utilities on a one-to-one matching basis and to provide an additional grant to smaller municipalities based on coronavirus local fiscal recovery funds.

SB 2898 – Overdue Water/Sewer Payment Programs

Sponsored by Blount, Horhn, Norwood, and Frazier

Allows a municipality with a population of at least 150,000 to establish overdue water/sewer payment programs.

Environmental Legislation

Coastal Zone Management

HB 972 – Oyster Production Bottom Land Leasing Pilot Program

Sponsored by Ladner

Creates a pilot program for bottom land leasing for oyster production and authorizes the Department of Marine Resources to lease certain areas of bottom land for oyster production to oyster and/or seafood processors who only operate in the waters adjacent to Hancock county.

The measure further provides the price and length of the lease and declares funds derived from the lease must be deposited into the Seafood Fund to further oyster production in the state, which includes plantings of oysters and cultch materials.

SCR 515 – Mississippi-Alabama Sea Grant Consortium Commendation

Sponsored by Seymour, et al.

Commends the Mississippi-Alabama Sea Grant Consortium, which has served the bi-state region of Mississippi and Alabama through university-based coastal science research, engagement, and education programming for 50 years, on the occasion of its anniversary.

HB 1057 – Bottom Acreage Leasing

Sponsored by Felsher

Revises the allowable acreage of water bottom authorized to be leased by the Department of Marine Resources for oyster cultivating and gathering to not less than one acre and not more than 3,500 acres to any persons or businesses.

Emissions & Pollution

SB 2887 – Electric Vehicles for Student Transport

Sponsored by DeLano

Provides that school boards may purchase, own, and operate electric vehicles for the transportation of children to and from public schools.

Environmental Health & Justice

HB 606 – Establishing Mississippi Outdoor Stewardship Trust Fund

Sponsored by Lamar, et al.

Enacts the Mississippi Outdoor Stewardship Act and establishes the board of trustees of the associated Mississippi Outdoor Stewardship Trust Fund.

The special fund may be expended by the board to provide funds for grants to counties, municipalities, state agencies, and nongovernmental entities for the following:

- A. Improvement of state park outdoor recreation features and trails;

- B. Acquisition and improvement of parks and trails by counties and municipalities, if such parks and trails lie within the jurisdiction of such counties and municipalities;
- C. Restoration or enhancement projects to create or improve access to public waters and lands for public outdoor recreation, conservation education, or the safe use and enjoyment of permanently protected conservation land;
- D. Restoration or enhancement on privately owned working agricultural lands and forests that support conservation of soil, water, habitat of fish, and wildlife resources;
- E. Restoration or enhancement of wetlands, native forests, native grasslands, and other unique habitats important for Mississippi's fish and wildlife; and
- F. Acquisition of critical areas for the provision or protection of clean water, wildlife, hunting, fishing, military installation buffering, or natural resource-based outdoor recreation.

HB 1035 – Velvet Hunting Season Provisions

Sponsored by Bounds

Requires the Commission on Wildlife, Fisheries and Parks to establish and regulate special hunts during velvet hunting season.

The bill establishes that velvet hunting season begins on September 10 and end September 20, and it requires the commission to establish a special hunting permit for velvet hunting season.

Inland Water Quality & Management

HB 1031 – Capital City Water/Sewer Projects Fund

Sponsored by Yates, et al.

Creates the Capital City Water/Sewer Projects Fund as a special fund in the State Treasury to be administered by the Department of Finance and Administration for the purpose of providing funds to assist the city of Jackson, Mississippi, in paying costs associated with construction, reconstruction, repairs, upgrades, and improvements to the city of Jackson's water and sewer systems and related facilities.

HB 1323 – Creates Tallahatchie River Authority

Sponsored by Creekmore, et al.

Creates the Tallahatchie River Authority to be composed of the geographic region of the counties that the Tallahatchie river or little Tallahatchie river traverse or border in the state of Mississippi, subject to the board of supervisors of a county voting and spreading on its minutes the decision to participate in the authority.

HB 1421 – ARPA Rural Water Infrastructure Grants

Sponsored by Read, et al.

Dictates that the state's Department of Health must establish a program to be known as the American Rescue Plan Act (ARPA) Rural Water Associations Infrastructure Grant Program to assist rural water associations in the construction of eligible drinking water infrastructure projects under ARPA.

HB 1762 – Wastewater Authority Act

Sponsored by Foster and Stamps

Authorizes the cities of Clinton and Raymond and the town of Bolton to create the Clinton/Raymond/Bolton Wastewater Authority to be governed by a board of directors authorized to acquire, construct, maintain, and operate wastewater systems within its jurisdiction.

The measure also allows the authority to issue revenue bonds to provide funds necessary to achieve its intended purpose and, with the approval of the affected wastewater services provider, to enter into contracts with the owners of property to provide improvements necessary to provide wastewater services.

SB 2076 – Requirements for Derelict Vessels

Sponsored by Wiggins

Defines certain terms relating to derelict vessels and establishes jurisdiction in actions to remove derelict vessels.

The measure establishes requirements for the notice process for the removal of derelict vessels and the process for determining ownership of derelict vessels.

SB 2158 – Payments to Mississippi Groundwater Protection Trust Fund

Sponsored by McCaughn, Jackson, and Branning

Establishes that when underground storage tank fees are insufficient to cover administrative costs, the costs associated with administration of the Mississippi Groundwater Protection Trust Fund and related purposes must be paid from the fund.

Land Management

HB 1769 – Eminent Domain Transfer Provisions

Sponsored by White and Miles

Establishes that, for a period of ten years after its acquisition, no property acquired by eminent domain may be transferred or any interest therein transferred to any person, nongovernmental entity, public-private partnership, corporation, or other business entity.

Solid Waste

HB 1135 – Advanced Recycling Definitions

Sponsored by Powell and Brown

Defines terms related to advanced plastic recycling, such as “depolymerization,” “gasification,” “pyrolysis,” “solvolysis,” “advanced plastic recycling facility,” “post-use polymer,” and “recovered feedstock” as they relate to solid waste regulation.

Notable Legislation

HB 2005 specifies that the authority for an electrical corporation, except for an electrical corporation operating under a cooperative business plan, to condemn property for purposes of constructing an electrical plant subject to a certificate of public convenience and necessity must not extend to the construction of a merchant transmission line with Federal Energy Regulatory Commission negotiated rate authority unless the line has a substation or converter station located in Missouri that is capable of delivering an amount of its electrical capacity to electrical customers in the state that is greater than or equal to the proportionate number of miles in the state.

SB 745 makes sweeping changes to the law regarding utility regulation and taxation.

Energy Legislation

Emergency Management & Homeland Security

HR 3658 – Responding to Russia’s Attack on Ukraine

Sponsored by Haffner

Condemns Vladimir Putin’s violent attack on the people of Ukraine and strongly endorses the swift and severe economic sanctions and stringent export controls that President Biden’s administration has imposed on Russia.

The resolution also urges that the United States immediately bolster energy connectivity in Eastern Europe.

SR 626 – Supporting Energy Leadership, Security, and Progress

Sponsored by Schatz

Urges the President to take measures and support policies that ensure long-term American energy leadership, security, and progress.

Fossil Energy

HR 3737 – Decreasing Dependency on Russian Oil

Sponsored by Schroer

Urges support of Ukraine in its war with Russia and a decreased dependency on Russian oil.

Renewable Energy

HB 1662 – Prohibition on HOA Solar Restrictions

Sponsored by Fishel

Establishes that no deed restrictions, covenants, or similar binding agreements running with the land may limit or prohibit, or have the effect of limiting or prohibiting, the installation of solar panels or solar collectors on the rooftop of any property or structure.

A homeowners' association may adopt reasonable rules regarding the placement of solar panels or solar collectors to the extent that those rules do not prevent the installation of the device, impair the functioning of the device, restrict the use of the device, or adversely affect the cost or efficiency of the device.

Utilities

HB 2005 – Eminent Domain Provisions for Utilities

Sponsored by Haffner

Specifies that the authority for an electrical corporation, except for an electrical corporation operating under a cooperative business plan as described in existing law, to condemn property for purposes of constructing an electrical plant subject to a certificate of public convenience and necessity must not extend to the construction of a merchant transmission line with Federal Energy Regulatory Commission negotiated rate authority unless the line has a substation or converter station located in Missouri that is capable of delivering an amount of its electrical capacity to electrical customers in the state that is greater than or equal to the proportionate number of miles in the state.

Additionally, if an electrical corporation, except for one operating under a cooperative business plan, acquires an involuntary easement in the state by means of eminent domain and does not obtain the financial commitments necessary to construct the project for which the easement was necessary within seven years of the date such easement rights were recorded, the corporation must return the easement to the fee simple title holder within 60 days and cause the dissolution of the easement. If the easement is returned, no reimbursement of any payment made by the corporation to the title holder will be due.

The bill also specifies that a condemning authority must be deemed to have engaged in good faith negotiations if, for condemnation of any agricultural or horticultural property, for the construction of an electrical transmission line designed to transmit electricity at 345 kV or greater, but not for condemnation of the property by an electrical corporation operating under a cooperative business plan for the purposes of constructing an electric plant subject to a certificate of convenience and necessity, the total compensation package offered was no lower than the amount reflected in the appraisal multiplied by 150 percent. These provisions will not apply to applications filed prior to August 28, 2022.

The act also states that in eminent domain proceedings, just compensation for agricultural or horticultural land must be 150 percent of fair market value, which will be determined by the court. In a condemnation proceeding for agricultural or horticultural land in which a court appoints three disinterested commissioners, at least one of the commissioners must be a farmer who has been farming in the county for at least 10 years.

SB 745 – Provisions Regulating Utilities and Taxation

Sponsored by Cierpiot

Allows rural electric cooperatives to receive funds from the Missouri Disaster Fund.

The act provides that, for the purposes of levying sales tax, the definition of "sale at retail" does not include the purchase by persons operating hotels, motels, or other transient accommodation establishments of electricity, electrical current, water, and gas, whether natural or artificial, which are used to heat, cool, or provide water or power to the guests' accommodations of such establishments, including sleeping rooms, meeting and banquet rooms, and any other customer space rented by guests and which are included in the charge made for such accommodations. Any person required to remit sales tax on such purchases prior to August 28, 2022, is entitled to a refund on such taxes.

Further, the measure authorizes a sales tax exemption for purchases by a company of solar photovoltaic energy systems, components used to construct a solar photovoltaic energy system, and all purchases of materials and supplies used directly to construct or make improvements to such systems, provided that the systems are sold or leased to an end user or are used to produce, collect and transmit electricity for resale or retail.

The legislation also allows an electrical corporation to make one application to the Public Service Commission (PSC) to either approve rate schedules authorizing periodic rate adjustments outside of general rate proceedings or to defer and recover certain depreciation expense and return for qualifying electric plant recorded to plant-in-service on the utility's books if the corporation has provided notice to the commission to elect the opposite option. However, the corporation may not concurrently utilize electric rate adjustments and the deferrals.

Also established by the act is the Task Force on Distributed Energy Resources and Net Metering in order to conduct hearings and research information related to net metering as set forth in the legislation. The task force must compile a report for the General Assembly by December 31, 2023, and it will dissolve on December 31, 2023, or when the task force concludes its work, whichever is sooner.

The legislation also establishes the Task Force on Fair, Nondiscriminatory Local Taxation Concerning Solar Energy Systems, which must compile a report for delivery to the General Assembly by December 31, 2022, that includes information on the taxation of solar energy systems and related issues.

Under this act, electrical corporations, gas corporations, sewer corporations, and water corporations must defer to a regulatory asset or liability account any difference in state or local property tax expenses actually incurred, and those on which the revenue requirement used to set rates in the corporation's most recently completed general rate proceeding was based. The regulatory asset or liability account balances must be included in the revenue requirement used to set rates through an amortization over a reasonable period of time in such corporation's subsequent general rate proceedings. Such expenditures deferred under this provision are subject to commission prudence review in the next general rate proceeding after deferral.

The measure also allows an electrical corporation to seek permission to continue to make depreciation expense deferrals for an additional five years beyond December 31, 2028, by filing an application with the commission seeking such permission by December 31, 2026. The application must be ruled on within 180 days after its filing.

For each project in the specific capital investment plan on which construction commences on or after January 1st of the year in which the plan is submitted, and where the cost of the project is estimated to exceed \$20 million, the electrical corporation must identify all costs and benefits that can be quantitatively evaluated.

The legislation also states that if a cost or benefit cannot be quantitatively evaluated, the corporation must state the reasons why not, and how the corporation addresses such costs and benefits when reviewing and deciding to pursue a project. No project may be based solely on costs and benefits that cannot be quantitatively evaluated, and any quantification for such a project must be accompanied by additional justification in support of the project. In its report to the PSC on capital investments, an electrical corporation must include information on the quantitatively evaluated costs and benefits generated by each of those investments that exceeded \$20 million and any efficiencies achieved as a result of those investments.

The act further modifies the criteria for electric customers to be considered for a discounted electric rate. The first discount of 35 percent is for customers with new load that is projected to be between 300 kilowatts but not more than 10 megawatts with a load factor of 45 percent and must apply for five years. The second discount applies for new load that is projected to be more than 10 megawatts and have a load factor of 55 percent and the discount percentage must be determined such that the applicant's total bill is expected to provide revenues equal to 120

percent of the corporation's variable cost, as described in the act, to serve the corporation's accounts that are to receive the discount. Such discounts apply for 10 years.

The bill also establishes that, beginning January 1, 2024, part of an electrical corporation's retail revenue requirement used to set the electrical corporation's base rates in each of the electrical corporation's general rate proceedings that are concluded on or after August 31, 2023, consisting of revenue requirement arising from inclusion in rate base of certain regulatory asset balances may not exceed the revenue requirement impact cap. The provision must continue to apply to electrical corporations until such corporation's permission to defer and recover certain depreciation expense and return for qualifying electric plant recorded to plant-in-service on the utility's books expires.

The act also specifies that no deed restriction, covenant, or similar binding agreement running with the land may limit or prohibit the installation of solar panels or solar collectors on the rooftop of any property or structure.

Under this law, electrical corporations are permitted to retain coal-fired generating assets in rate base and recover prudently incurred costs associated with such assets, including at a low capacity factor, or that are offline and providing capacity only in order to remain in service to customers for reliability during events such as extreme weather.

Finally, the bill adds individually identifiable customer usage and billing records for customers of a municipally-owned utility, unless the records are requested by the customer or authorized for release by the customer, to the list of records that may be closed under the Sunshine Law. A municipally-owned utility must make available to the public the customer's name, billing address, location of service, and dates of service provided for any commercial service account.

Environmental Legislation

Hazardous Waste

HB 2485 – Hazardous Waste Provisions

Sponsored by Knight

Establishes that the Hazardous Waste Management Commission may not promulgate rules that are stricter than, apply prior to, or apply mandatory obligations outside of the requirements of regulations promulgated pursuant to the Resource Conservation and Recovery Act.

The bill further repeals the commission's authority to retain, modify, or repeal rules relating to:

- A. Thresholds for determining whether a hazardous waste generator is a large quantity generator, small quantity generator, or conditionally exempt small quantity generator;
- B. Rules requiring hazardous waste generators to display hazard labels on containers and tanks during the time hazardous waste is stored on-site;
- C. The exclusion for hazardous secondary materials used to make zinc fertilizers; and
- D. The exclusions for hazardous secondary materials that are burned for fuel or that are recycled.

The commission must promulgate rules for the reporting of hazardous waste activities to the Department of Natural Resources that allow for the submittal of reporting data in any format on an annual basis by large quantity generators and treatment storage and disposal facilities.

The act also repeals a requirement that the department identify certain rules relating to hazardous waste in the Missouri Code of State Regulations that are inconsistent with certain rules promulgated by the commission.

On December 31, 2017, any rule relating to hazardous waste, resource recovery, or used oil contained in the Missouri Code of State Regulations that remains inconsistent with certain rules promulgated by the commission are null and void to the extent that such rule is inconsistent, and the least stringent rule shall control. Any rule that applies mandatory obligations outside of the requirements of certain federal regulations promulgated pursuant to Subtitle C of the Resource Conservation and Recovery Act, as amended, are null and void.

Except for provisions of law relating to voluntary remediation of contaminated real property, the commission may not promulgate rules that are stricter than, apply prior to, or apply mandatory obligations outside of the requirements of certain federal regulations promulgated pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, for provisions of law relating to abandoned or uncontrolled sites. The commission must file with the Missouri Secretary of State any amendments necessary to ensure that rules are not inconsistent with the provisions of the bill. Any rule that is inconsistent with provisions of the bill or applies mandatory obligations outside of the federal regulations are null and void.

The measure also specifies that in instances where the Department of Natural Resources has authority to issue penalties and determines that a penalty should be levied, it is required to provide information as set forth in the bill to the alleged violator in order for the alleged violator to understand the basis for the penalty. Any statement provided by the department in compliance with this provision will be treated as confidential information and may not be disclosed to any party except the alleged violator.

Solid Waste

HB 2485 – Advanced Recycling Provisions

Sponsored by Knight

Defines and redefines certain terms including and related to “advanced recycling.”

The bill specifies that an advanced recycling facility, is not subject to the solid waste processing facility operating permit requirements and no permit is required for the use of advanced recycling at an advanced recycling facility, as long as the feedstocks received by such facility are source-separated or diverted or recovered from municipal or other waste streams prior to acceptance at the advanced recycling facility.

The measure also declares that processed recycled asphalt shingles may be used for fill, reclamation, and other beneficial purposes without any permits relating to solid waste management or any permits relating to the Missouri Clean Water Law if such shingles are inspected for toxic and hazardous substances, provided they may not be used for fill, reclamation, or other beneficial purposes within 500 feet of any lake, river, sink hole, perennial stream, or ephemeral stream, and may not be used for such purposes below surface level and closer than 50 feet above the water table.

Notable Legislation

HB 1174 urges Congress to oppose the Securities and Exchange Commission's proposed rule that would require public companies to disclose their Scope 3 greenhouse gas emissions as the requirement would impact, and potentially harm, the state's agriculture industry.

SB 1856 requires the office of the Secretary of Energy and Environment to create and administer a grant program for entities utilizing sequestration of carbon captured from the production of hydrogen from natural gas.

Energy Legislation

Fossil Energy

HR 981 – Support for Ukraine and Domestic Energy Production Increase

Sponsored by Moore

Expresses support for Ukraine as its people fight for freedom and urges Congress to increase domestic energy production.

Utilities

HB 911– Public Health Promotion via Sanitary Districts

Sponsored by Riddell, et al.

Authorizes sanitary districts to acquire, construct, maintain, and operate sewage collection, treatment, and disposal systems, as well as a broad variety of other utilities necessary for the preservation and promotion of public health and sanitary welfare.

Sanitary districts are authorized to acquire (either through purchase, condemnation, or otherwise) interests in real property for the purposes of constructing or maintaining the works of the district. In addition, sanitary districts are authorized to acquire real property for the purposes of constructing medical clinics and operating non-profit cemeteries.

The measure also matches state standards for post-remediation lead dust clearance levels to 2021 federal standards.

SB 372 – Wastewater Permitting and Electrical Contracting Licensure

Sponsored by McInnis, Jarvis, and Galey

Sets the funding cap for projects funded by the Innovative Highly Treated Wastewater Program at \$4 million, regardless of total project cost, and expand the types of entities eligible for the program by eliminating the requirement that an entity be considered "distressed."

The measure further changes the timeframe in which the manufacturer of a highly treated wastewater system has to file a performance bond with the Department of Environmental Quality (DEQ) to within five days of issuance of the permit to construct the system.

The bill also establishes a 10-business day limit for local health departments (LHD) to review certain on-site wastewater permit applications where a licensed soil scientist or licensed geologist submits soil evaluations, including establishing a 10-business day limit for required pre-construction conferences and allowing a licensed engineer or an authorized on-site wastewater evaluator (AOWE) to conduct the pre-construction conference.

The act also adds the following provisions:

- A. LHDs are not liable for any liabilities arising out of soil evaluations submitted by or pre-construction conferences conducted by non-LHD personnel, but LHDs retain liability for existing obligations under law;
- B. Engineers are allowed to submit a site plan instead of a plat to an LHD as part of the Notice of Intent to Construct pursuant to the Engineered Option Permit (EOP) process for on-site wastewater systems; and
- C. Eliminates a requirement that an LHD representative be present at the post-construction conference for an on-site wastewater system installed pursuant to the AOWE permit process.

The legislation also directs DEQ to study the requirements of the Sedimentation Pollution Control Act of 1973 and related federal requirements applicable to stormwater discharges from construction activities to identify any state requirements that are more stringent or duplicative of federal law. DEQ must report its findings, including legislative recommendations to streamline state permitting, to the Environmental Review Commission no later than September 1, 2022.

Finally, the bill caps the total number of required hours of experience to achieve a limited, intermediate, or unlimited electrical contracting license at 3,000; 5,750; and 9,000 hours respectively.

Environmental Legislation

Emissions & Pollution

HB 1174 – Opposing New SEC Rule

Sponsored by McNeely, Humphrey, Johnson, Loftis, and Zachary

Urges Congress to oppose the Securities and Exchange Commission’s proposed rule that would require public companies to disclose their Scope 3 greenhouse gas emissions as the requirement would impact, and potentially harm, the state’s agriculture industry.

Environmental Health & Justice

SB 339 – 2022 Wildlife Resources Commission Amendments

Sponsored by Sawyer and Britt

Provides that a person who violates emergency powers or rules adopted to respond to a wildlife disease that threatens irreparable injury to wildlife or the public is guilty of a Class 3 misdemeanor for a first conviction or a Class 2 misdemeanor for a second or subsequent conviction within three years.

The measure also includes public mountain trout waters in the Resident Subsistence Unified Inland/Coastal Recreational Fishing License Waiver, and it defines the phrase “domestically raised waterfowl and game birds” to mean propagated mallard ducks, bobwhite quail, ringed neck pheasants, chukar partridges, and Hungarian partridges.

Inland Water Quality & Management

HB 219 – Water, Sewer, and Stormwater Infrastructure Funding

Sponsored by Arp and Pare

Allocates American Rescue Plan Act of 2021 (ARPA) funds to the Department of Environmental Quality (DEQ) for directed water, sewer, and stormwater infrastructure projects.

Funds in excess of the amounts needed for the directed infrastructure projects revert to DEQ for other eligible water and sewer infrastructure projects. For funds allocated to an eligible entity for a disallowed purpose, those funds must revert to DEQ to be used for other eligible stormwater projects.

The measure directs DEQ to use State Capital Infrastructure Funds (SCIF) for stream debris removal, specifically for the removal and disposal of waterway debris from waters of the state located in a targeted river basin, and exempts those stream debris removal projects from requirements for stormwater or water quality permits.

It also expands the allowable uses of SCIF funds to include other flood mitigation strategies prioritized throughout the Flood Blueprint Resiliency Plan.

The act requires that Coastal Area Management Act (CAMA) notices be published not less than 30 days before a hearing for a land-use plan or amendment and that copies of the proposed plan or amendment be made available at a designated office in the county courthouse.

The bill also direct DEQ to conduct a study to expedite permit issuance under the express permit and review certification review program and the fast-track permitting for stormwater management program. DEQ must report its findings, including recommendations for legislative action, to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources no later than December 31, 2022.

The measure further provides that, for surface waters of the state that have naturally occurring low dissolved oxygen levels, as determined by DEQ, permitted wastewater discharges to those surface waters must not cause a reduction in the dissolved oxygen levels of those surface waters of more than 0.1 milligrams per liter below the approved modeled in-stream dissolved oxygen level for the surface waters at total permitted capacity for all discharges to those surface waters.

Finally, the legislation states that an applicant for a mine permit must provide notice to all landowners within 1,000 feet of a mine's existing permit boundaries when applying for a new mine permit or a modification to add land to the permitted area, and it provides that an applicant, permittee, or other affected person may contest a decision by DEQ to deny, suspend, modify, or revoke a permit by filing a contested case within 30 days of DEQ's decision.

Land Management

HB 332 – State Nature and Historic Preserve Addition

Sponsored by Tyson, et al.

Adds the following units of the State Parks System to the State Nature and Historic Preserve: Bob's Creek State Natural Area, Fonta Flora State Trail, Pisgah View State Park, Salmon Creek State Natural Area, Warwick Mill Bay State Natural Area, and Wilderness Gateway State Trail.

The bill also removes eight parcels from the preserve.

Solid Waste

SB 201 – Motor Vehicle and Transport Law Changes

Sponsored by Sawyer and Johnson

Creates a new criminal offense separate from larceny of a motor vehicle part and makes the possession of a catalytic converter that has been removed from a motor vehicle a Class I felony unless the person is either an employee or agent of a company, or an individual, acting in their official duties for a motor vehicle dealer, motor vehicle repair shop, secondary metals recycler, or salvage yard that is licensed, permitted, or registered pursuant to state law, or an individual who possesses vehicle registration documentation indicating that the catalytic converter in the individual's possession is the result of a replacement of a catalytic converter from a vehicle registered in that individual's name.

OKLAHOMA

22 Energy Bills / 17 Environmental Bills

Notable Legislation

HB 2034 creates the Energy Discrimination Elimination Act of 2022, which requires the treasurer to maintain and provide to each state governmental entity a list of financial companies that boycott energy companies.

SB 1352 creates the Oklahoma Consumer Energy Choice Act, which prohibits any town, city, or county from adopting an ordinance, rule, or code which limits consumer access to an energy source or de facto prohibits a wholesaler, retailer, or the related infrastructure providing consumer access to a specific energy source within the jurisdiction of a city, town, or county.

Energy Legislation

Carbon Capture & Storage

SB 1856 – Carbon Sequestration Grants

Sponsored by Allen, Boles, Hill, and David

Requires the office of the Secretary of Energy and Environment to create and administer a grant program for entities utilizing sequestration of carbon captured from the production of hydrogen from natural gas.

The grant program will only be subject to the authorization of federal dollars by the legislature, according to the measure.

Emergency Management & Homeland Security

SB 1091 – 2021 Winter Storm Grant Revolving Fund

Sponsored by Thompson, Wallace, Hilbert, and Hall

Creates the February 2021 Winter Storm Grant Revolving Fund for the Oklahoma Department of Agriculture, Food, and Forestry, which must be used to develop a grant program providing monies to incorporated municipalities.

Such grants are required by the law to be used to mitigate extreme purchase costs and/or extraordinary costs incurred by the incorporated municipality's owned or controlled unregulated utility affected by the extreme weather event that began February 7, 2021. The municipality must show proof that it incurred such costs and must have a population of no more than 3,500 persons.

Additionally, the municipality must not have had costs mitigated by securitizations as provided for in current law. The department must provide a report of the municipalities that utilized the program to the President Pro Tempore of the Senate, Speaker of the House, and Governor no later than February 1, 2023.

SB 1410 – Emergency Energy Plans

Sponsored by Taylor and Mize

Establishes the Emergency Energy Availability Act of 2022, which provides that any agency department, bureau, system of higher education, school district, township, or municipality within the state that has an energy policy in place or chooses to develop an energy policy must develop an emergency energy plan detailing methods or sources of energy during a state of emergency.

The law prohibits the sourcing of energy for such plans from a single energy source and, instead, those affected must develop policies for the acquisition of electrical power generated from at least three distinct energy sources.

Fossil Energy

HB 1072 – Liquefied Petroleum Gas Provisions

Sponsored by Gann, Quinn, and Dahm

Updates statutory references to the organization setting test methods for to the GPA Midstream Association liquefied petroleum gases designated as commercial propane, commercial butane, or other mixtures.

The measure also authorizes the Liquid Petroleum-Gas Board to provide virtual instruction for certification courses relating to safety schools.

HB 2034 – Energy Discrimination Elimination Act

Sponsored by McBride, et al.

Creates the Energy Discrimination Elimination Act of 2022.

The measure requires the treasurer to maintain and provide to each state governmental entity a list of financial companies that boycott energy companies. Each state governmental entity must notify the treasurer of the listed financial companies in which the governmental entity owns direct holdings or indirect holdings.

The state governmental entity must also send a written notice to the financial company warning that it may become subject to divestment and offer the company the opportunity to clarify its activities. A state governmental entity must divest of at least 50 percent of the assets of a listed financial company within 180 days of the financial company receiving notice and 100 percent of the assets within 360 days after notice. A state governmental entity may cease divesting from a listed financial company if clear and convincing evidence shows that the governmental entity has or will suffer a loss in the value of assets or an individual portfolio that uses a benchmark-aware strategy would be subject to an aggregate expected deviation from its benchmark as a result of having to divest from the financial company.

HB 3039 – Special Permitting for Oil and Gas Wells

Sponsored by Boles and Taylor

Creates a special permit to drill an oil or gas well prior to a final order being issued by the Corporation Commission.

The measure requires a final order to be obtained before a well can be dug that falls within one mile of the certified boundary of an underground storage facility. However, if the underground storage operator does not object, the well can be drilled prior to receiving a final order from the Corporation Commission.

HB 3403 – Oil and Gas Wastewater

Sponsored by Boles, Allen, and Marti

Modifies the definition of “recycled water” to include oil and gas-produced water and waste that has been treated by thermal, or any other commercially viable technological processes, into a reusable form.

The measure also modifies the definition of “treated constituents” to mean any byproduct removed from oil and gas produced water through a thermal treatment or any other commercially viable technological process.

SB 1190 – Hydrogen Energy Educational Courses

Sponsored by Pugh, McBride, Boles, and David

Allows the State Board of Career and Technology Education to establish courses in hydrogen energy, such as hydrogen energy basics, related equipment manufacturing and maintenance, associated infrastructure, and safety.

SB 1852 – Energy Initiative Act Updates

Sponsored by David, McBride, and Boles

Updates the Oklahoma Energy Initiative Act to be called the Oklahoma Low Carbon Energy Initiative and expands the program’s purpose to include promoting research and development in the area of hydrogen production, storage, and distribution.

The measure also changes the corresponding Oklahoma Energy Initiative Board to the Oklahoma Low Carbon Energy Initiative Board and updates the membership of the Board. The board is directed to establish an Energy Industry Advisory Council to provide industry expertise.

Renewable Energy

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Reorganization & Coordination

SB 1855 – Hydrogen Fueling Station Inspections

Sponsored by Simpson, Boles, and David

Authorizes the Department of Labor to conduct inspections of any hydrogen fueling station or pump in addition to the other fueling stations it may inspect.

SR 44 – Honoring Sen. Mark Allen

Sponsored by Treat, et al.

Expresses gratitude to Senator Mark Allen for his service in the Oklahoma State Senate.

Utilities

HB 3150 – Corporation Commission Reporting

Sponsored by West and Jett

Requires the Oklahoma Corporation Commission to post reports on its website showing any audits or true-ups for regulated utility entities subject to the February 2021 Regulated Utility Consumer Protection Act.

HB 3835 – Facilitating Internet Broadband Rural Expansion Act

Sponsored by Martinez, Howard, Fetgatter, Newton, and Caldwell

Creates the Facilitating Internet Broadband Rural Expansion (FIBRE) Act, which establishes a maximum pole attachment rate for telecommunications utilizing rural electric cooperative infrastructure.

HB 4075 – Oklahoma Municipal Power Authority Exemption

Sponsored by Wallace and Hall

Exempts the Oklahoma Municipal Power Authority from the requirement to use certain forms to award contracts for construction.

The Oklahoma Municipal Power Authority is also exempt from the provisions of the Public Competitive Bidding Act of 1974. Lastly, the measure defines the Oklahoma Municipal Power Authority as a state agency.

HR 1062 – Southwest Power Pool Recognition

Sponsored by Dobrinski

Recognizes the dedication and importance of the Southwest Power Pool.

SB 1197 – Hydrogen Storage Tank Exemptions

Sponsored by David and McBride

Exempts hydrogen storage tank systems from the provisions of the Oklahoma Petroleum Storage Tank Consolidation Act.

SB 1352 – Consumer Energy Choice Act

Sponsored by Taylor, Boles, Roberts, Martinez, Bergstrom, Bullard, and Jett

Creates the Oklahoma Consumer Energy Choice Act.

The measure prohibits any town, city, or county from adopting an ordinance, rule, or code which limits consumer access to an energy source or de facto prohibits a wholesaler, retailer, or the related infrastructure providing consumer access to a specific energy source within the jurisdiction of a city, town, or county.

The measure also declares any limitation of consumer access to an energy source by any city, town, county, or subdivision as a statewide concern and prohibits such limitations.

SB 1356 – Open Records Provisions for Grand River Dam Authority

Sponsored by Quinn and McBride

Expands the Grand River Dam Authority's existing exemptions from the Open Records Act by adding provisions for information related to the security of electrical or dam infrastructure and proprietary or commercial information that is subject to a nondisclosure or confidentiality agreement.

SB 1444 – Quorum Requirements for Rural Electric Cooperatives

Sponsored by Jech and Newton

Modifies quorum requirements for meetings of rural electric cooperatives.

The measure requires in-person registrations to be counted toward the required five percent of members necessary to constitute a quorum. Any vote taken at a time when fewer than five percent of members are present can only be taken on proposed actions that were specifically identified and provided to the members in advance through the meeting notice.

SB 1529 – Municipal Power Authority Modifications

Sponsored by Leewright and Dobrinski

Modifies the definition of “project” by striking language excluding any interest in any plant for the generation of electrical energy that is to be owned jointly with any investor-owned utility.

The measure also changes the approving entity for the Oklahoma Municipal Power Authority to borrow money from the State Bond Advisor to the Deputy Treasurer for Debt Management, and it strikes the prohibition on the authority from selling to certain municipalities not qualifying as an eligible public agency.

Environmental Legislation

Emergency Management & Homeland Security

SB 1305 – Disaster Recovery and Tax Exemptions for Nonprofits

Sponsored by Rader, Miller, Fugate, Provenzano, and Ranson

Provides a sales tax exemption to a nonprofit entity created prior to January 1, 2019, exempt from federal income taxation, and whose principal function is to aid natural persons following a disaster.

Emissions & Pollution

HB 3054 – Motor Vehicle Weight Exemptions

Sponsored by Boles, David, and Hill

Allows a weight exemption of up to 2,000 pounds in excess of vehicle weight limits for a motor vehicle or commercial motor vehicle operated by an engine fueled wholly or partially by an electric battery or hydrogen fuel cell electric fueling system.

SB 1853 – Hydrogen Fuel Production Standard

Sponsored by David and McBride

Sets a hydrogen fuel production standard that will serve as an annual goal to be reached each year through 2028 at 2 million metric tons.

The measure directs every qualified hydrogen fuel production facility that produces hydrogen fuel to report to the Corporation Commission by March 1 each year describing the amount of hydrogen fuel produced in the preceding calendar year. The commission is directed by the measure to begin collecting the reports no later than March 1, 2024.

The report must also be submitted to the President Pro Tempore of the Senate, Speaker of the House, and Governor no later than May 1 of the first year of collection and annually thereafter.

HB 3568 – Emissions Reduction Technology Incentive Act

Sponsored by McBride, Allen, and Fetgatter

Creates a rebate program for oil and gas companies that implement qualified emission reduction projects.

The rebate is for 25 percent of documented expenditures made to implement the qualified projects. The program is administered by the Department of Environmental Quality and the Oklahoma Tax Commission. Rebate payments may not exceed \$10 million total in any fiscal year. If the cap is exceeded, the rebates will be pro-rated. The rebate program is set to expire July 1, 2027.

The measure also creates a five-year gross production tax exemption for oil and gas production projects approved by the Corporation Commission that use secondary and tertiary recovery methods. The exemption will be administered as a refund. The total amount of these refunds authorized may not exceed \$15 million in any fiscal year.

The production of wells drilled but not completed as of July 1, 2021, which are completed with the use of recycled water on or after July 1, 2022, will earn an exemption from the gross production tax levied from the date of first sales for a period of 24 months. The exemption will be proportional to the percentage of recycled water is used to complete the well. The exemption will be administered as a refund. The total amount of these refunds authorized may not exceed \$10 million in any fiscal year.

SB 1857 – Tax Credit for Qualifying Clean-Burning Vehicles

Sponsored by Montgomery, Wallace, Boles, and David

Modifies the income tax credit for qualified clean-burning motor vehicle fuel property placed in service in certain tax years to include a motor vehicle originally equipped so that the vehicle may be propelled by a hydrogen fuel cell electric fueling system.

The credit may be claimed in tax years 2023 through 2028. The maximum amount an individual may claim is increased from \$50,000.00 to \$100,000.00 for vehicles weighing in excess of 26,501 pounds.

The bill caps the statewide credit at \$10 million for qualified clean burning fuel property propelled by compressed natural gas, \$10 million for property originally equipped so that the vehicle may be propelled by a hydrogen fuel cell electric fueling system, and \$10 million for property which is a metered-for-fee, public access recharging system for electric motor vehicles.

Environmental Health & Justice

HB 3640 – Increased Fines for Wildlife Refuge Violations

Sponsored by Dempsey and Murdock

Increases the maximum penalty from \$100 to \$1,000 for those who bring a dog, gun, or bow into a wildlife refuge without explicit permission from the Oklahoma Wildlife Conservation Commission and/or the Oklahoma Tourism and Recreation Commission.

Subsequent violations may result in the suspension of privileges to hunt or trap within a refuge or wildlife management area, according to the bill.

HB 4080 – Department of Wildlife Conservation Bidding Process

Sponsored by Wallace and Leewright

States that for contracts not exceeding \$100,000, the Department of Wildlife Conservation may administer the competitive bidding process and let and award the contract itself rather than the Office of Management and Enterprise Services.

HB 4281 – Limiting Cyanide Device Use

Sponsored by Dempsey, Murdock, and Sneed

Adds coyotes to the list of animals that are allowed to be hunted with a spotlight at night.

The bill also amends existing law related to cyanide coyote “getters” by removing a requirement for signage at the corners of perimeter fences notifying others that devices equipped with lethal gas are in use.

SB 1809 – Nuisance Wildlife Provisions

Sponsored by Garvin, Boles, and Stephens

Modifies penalties regarding headlighting and creates an exception for headlighting, which is the use of a powerful light while hunting at night.

The measure also increases the minimum fine for those found guilty of the first headlighting offense from \$250 to \$1,000 and increases the minimum fine for a second headlighting offense from \$500 to \$2,000.

The act allows the district attorney to request that hunting and fishing license privileges be revoked for between one and 10 years for offenders, and the offender must pay reinstatement fees if they previously had a lifetime license.

Finally, it creates an exception that allows a landowner or agricultural lessee, or their designated agent, to hunt coyotes or feral swine with a headlight and without a permit or bag limit in order to protect marketable agricultural crops, livestock feed, seed, or other materials used in the production of an agricultural commodity, as long as it isn't

deer gun season. However, a person who has pleaded guilty or have been convicted of violating headlighting laws or other laws on legal take must wait three years before they are able to control nuisance coyotes or feral hogs at night.

Hazardous Waste

HB 2983 – Poultry Feeding Operations

Sponsored by Hardin and Murdock

Modifies the best management practices for poultry feeding operations by requiring poultry waste applicators to meet standards set by administrative rules, rather than standards set by the USDA Department of Natural Resources Conservation Service.

Inland Water Quality & Management

HB 3382 – Water Rights Provisions

Sponsored by Marti, Stephens, and Bullard

Creates a maximum administrative penalty of \$5,000 per day for violating groundwater and stream-water use policies, such as permit conditions, the unauthorized use of water, unauthorized transfer of a water right, water waste, and disregarding unsafe water works.

The measure also increases the maximum fine from \$250 to \$1,000 for persons found guilty of a misdemeanor offense for groundwater use violations.

HB 3821 – Conservation and Water Management Funding

Sponsored by Newton and Jech

Extends the apportionment of gross production tax revenue to the Oklahoma Conservation Commission Infrastructure Revolving Fund, the Community Water Infrastructure Development Revolving Fund, and the Oklahoma Water Resources Board Rural Economic Action Plan Water Projects Fund until July 1, 2027.

HB 3824 – Water Quality Standards

Sponsored by Newton and Jech

Authorizes the Department of Environmental Quality to apply site-specific criteria to effluent water quality standards, so long as they are implemented by the permitting or rulemaking process that meets requirements for public comments.

HB 4460 – Debt Limit Increase for Grand River Dam Authority

Sponsored by Wallace, Thompson, Martinez, and Hall

Authorizes an increase from \$1.4 billion to \$2 billion the debt limit applicable to the Grand River Dam Authority under current provisions of the law.

SB 4 – Rural Water Infrastructure Projects

Sponsored by Thompson and Wallace

Appropriates \$20 million from the Statewide Recovery Fund to match tribal investment in rural water infrastructure projects.

The funds must be used as recommended by the Joint Committee on Pandemic Relief Funding on March 10, 2022, and must also meet federal eligibility requirements set forth by the U.S. Treasury Coronavirus State and Local Fiscal Recovery Funds Rule for water and wastewater investments.

SB 1325 – Authority Over Water Quality Standards

Sponsored by Daniels and Moore

Transfers authority over water quality standards from the Oklahoma Water Resources Board to the Department of Environmental Quality.

Land Management

HB 4412 – Healthy Soils Program Act

Sponsored by Lowe, Pederson, Moore, and Stephens

Establishes the Healthy Soil Program Act in order to promote and support farming and ranching systems and other forms of land management that increase soil organic matter, aggregate stability, microbiology, and water retention to improve the health, yield, and profitability of the soils of the state.

SB 1283 – State Geographic Information System Council Modifications

Sponsored by Daniels and Lepak

Amends law relating to the membership of the State Geographic Information Council, such that members appointed by the Governor to fill a vacancy may serve three successive terms and no appointment to a partial term to fill a vacancy may be counted for purposes of determining term limits.

PUERTO RICO

4 Energy Bills / 2 Environmental Bills

Notable Legislation

SR 337 orders the Senate Committee on Strategic Projects and Energy to investigate the status, performance, effectiveness, agility, and operation of the net metering program that allows the interconnection to the electrical transmission and distribution system and the feedback of electricity from customers who have installed a solar electric equipment, windmill, or any other source of renewable energy capable of producing electricity.

Energy Legislation

Emergency Management & Homeland Security

HR 388 – Local Disaster Plan Study

Sponsored by Collazo

Orders the House Committee on Preparation, Reconstruction and Reorganization During an Emergency to study the government's plans regarding transportation, food, equipment, gasoline, among other supplies to the Municipality of Vieques and Culebra islands in the event of a hurricane, earthquake, tsunami and any other natural disaster.

Efficiency & Weatherization

HR 772 – Electric Vehicle Energy Study

Sponsored by Mercad

Establishes provisions for an exhaustive investigation into the consequences on the island's electrical energy system that may be caused by the sudden increase in acquisition of electric vehicles by citizens and measures that must be taken to mitigate the effects that the increase in consumption would cause, if any.

Renewable Energy

HR 570 – Solar Panel System Problem Study

Sponsored by Lebrón

Orders the House Committee on Economic Development, Planning, Telecommunications, Public-Private Partnerships and Energy to carry out an investigation into the complaints and problems faced by consumers of solar panel systems in Puerto Rico.

SR 337 – Electrical System and Interconnection Study

Sponsored by Dalmau

Orders the Senate Committee on Strategic Projects and Energy to investigate the status, performance, effectiveness, agility, and operation of the net metering program that allows the interconnection to the electrical transmission and distribution system and the feedback of electricity from customers who have installed a solar electric equipment, windmill, or any other source of renewable energy capable of producing electricity.

Environmental Legislation

Inland Water Quality & Management

HR 470 – Local Water Investigation

Sponsored by Márquez

Orders the House Committee on Transportation, Infrastructure and Public Works to investigate the recent interruptions in the potable water service in the islands of Vieques and Culebra, the causes, extent and magnitude of the problem, the effect of the interruption on the quality of life of the residents and the impact on the economic activity of both islands, the measures adopted by the Aqueducts and Sewerage Authority, the municipal administrations of both islands and the central government.

HB 815 – Water Allocation Safeguards

Sponsored by Montañez

Creates the Law to Safeguard the Allocation of Water from Reservoirs for Agricultural Irrigation Systems.

The measure establishes public policy, the duties and responsibilities of the Electric Power Authority and the Department of Agriculture, and the supremacy of the law over current or subsequent laws in order to protect the required amounts of water from our reservoirs for agricultural uses and ensure the stability of the agricultural industry and the food security of Puerto Rico.

Notable Legislation

SB 901 reinstates retroactively prior law that provides a nonresidential solar energy tax credit and increases the credit limit for each installation of solar energy property placed-in-service from \$2.5 million to \$5 million.

HB 4831 directs the Department of Commerce to conduct an economic development study to evaluate the state's business advantages, economic climate, and workforce readiness in order to create a roadmap to effectively compete in attracting offshore wind energy supply chain industries to the state.

Energy Legislation

Renewable Energy

HB 3606 – Permitting Exemptions for Residential Property

Sponsored by Smith, Yow, Sandifer, Erickson, and Bradley

Declares that a residential specialty contractor is not authorized to construct additions to residential buildings or structures without supervision by a residential builder or other appropriately licensed person or entity, which the law amends to include solar panel installers.

HB 4831 – Offshore Wind Energy Development Study

Sponsored by Elliott, et al.

Directs the Department of Commerce to conduct an economic development study to evaluate the state's business advantages, economic climate, workforce readiness, and any other relevant state assets to create a roadmap to effectively compete in attracting offshore wind energy supply chain industries to the state.

SB 901 – Solar Energy Tax Credit

Sponsored by Verdin, Cromer, McElveen, and Peeler

Reinstates retroactively prior law that provides a nonresidential solar energy tax credit.

The bill amends the repeal date from December 31, 2021, to December 31, 2024, and increases the credit limit for each installation of solar energy property placed-in-service from \$2.5 million to \$5 million. The credit must be claimed in five annual installments and is subject to an aggregate limit of \$2.5 million per tax year. Further, in the event the taxpayer is a partnership or a limited liability company taxed as a partnership, this bill allows the credit and credit carry-forward to be passed through and allocated to the partners or members as long as the placed-in-service date is after 2019.

Utilities

HB 3340 – Tax Credits for Qualifying Infrastructure

Sponsored by Bailey, et al.

Increases the maximum annual license tax credit amount for eligible infrastructure projects for utility companies beginning in tax year 2021 from \$400,000 to \$600,000, expands the definition of qualifying infrastructure improvements, and provides for an additional higher maximum license tax credit limit for projects in Tier II, III, and IV counties of up to \$750,000.

HB 3524 – Private Pipeline Definitions

Sponsored by Hixon and Forrest

Extends the sunset provision in existing law from November 30, 2020, to June 30, 2022, to exclude private or publicly traded, for-profit companies from the definition of public utility.

SB 1077 – Storm Recovery Bonds

Sponsored by Bailey, et al.

Allows the Public Service Commission to authorize the issuance of bonds by electric utilities for the purposes of offsetting and reducing prudently incurred costs for storm recovery activity and establishes the requirements and processes for the authorization of the bonds.

Environmental Legislation

Environmental Health & Justice

HB 4177 – Waterfowl Advisory Committee

Sponsored by Lowe, Pope, and Ligon

Establishes the Waterfowl Advisory Committee and requires the Department of Natural Resources to hire a waterfowl program manager within the Wildlife and Freshwater Fisheries Division.

HB 4904 – Animal Management Provisions

Sponsored by Hixon

Allows the Department of Natural Resources to obtain and use schedule III nonnarcotics and schedule IV controlled substances for wildlife management.

HB 4906 – Wildlife Disease Control

Sponsored by Hixon

Provides that the Department of Wildlife Disease Control may upon declaration of a wildlife disease emergency by the Director of the Department of Natural Resources, after consulting with the Director of the State Livestock-Poultry Health Division at Clemson University, promulgate regulations to:

- A. Delineate disease management zones at any geographic scale;
- B. Declare temporary emergency open seasons, methods of take, increased bag limits, mandatory reporting or check-in of harvested game and biological samples, or restrictions on baiting and feeding of wildlife for no

more than one year at any given time in any area of the State provided that appropriate public notice is given describing the declaration and delineating the affected area; and

C. Permit landowners or their designees to take protected wildlife as specified by the department.

HB 4907 – Fishing Definition Modifications and Prohibitions

Sponsored by Hixon

Redefines “freshwater game fish” to include all black bass and trout hybrids.

The law further defines “landing net (dip net)” and adds Bartram’s bass, Alabama bass, and trout hybrids. It also prohibits all taking of fish by snagging and allows for the taking of game fish with a landing net.

Finally, it requires the inspection or removal of a trotline after 24 hours.

HB 4986 – Shrimp and Furbearing Animal Trapping

Sponsored by Ott

Prohibits traps in the waters of the general trawl zone when these waters are open to trawling for shrimp.

The measure also allows for trapping furbearing animals on private land for noncommercial purposes and for the year-round trapping of beavers on private land for noncommercial purposes.

SB 980 – Catch Limits for Red Snapper

Sponsored by Goldfinch and Campsen

Designate catch limits and minimum sizes for red snapper at two per day and not measuring less than 20 inches.

Hazardous Waste

HB 4999 – Hazardous Waste Cleanup

Sponsored by Hiott

Provides standards for conducting certain cleanup, removal, remediation, or other responses to hazardous waste.

Specifically, the bill states that when conducting cleanup, removal, remediation, or any other response pursuant to the law, the Pollution Control Act, or regulations thereof, a person who proposes or is required to respond to the release of a pollutant, contaminant, or hazardous substance at a contaminated facility site must comply with one of the following standards:

- A. The unrestricted use standards applicable to each affected medium;
- B. The background standard, if the background standard exceeds the unrestricted use standards;
- C. A site-specific remediation standard for any or all of the affected media that undergo review and approval by the Department of Health and Environmental Control; or
- D. Any combination of remediation standards for affected media.

Site-specific remediation standards developed for each medium and authorized by the bill include an evaluation of remediation standards based upon the present or currently planned future use of a site. Site-specific remediation standards must be developed in accordance with the following:

- A. For surface water, the site-specific remediation standard must be, or must demonstrate compliance with, water quality standards adopted by the department;
- B. For a saturated zone or groundwater, the current and probable future use of the saturated zone or groundwater must first be identified, then site-specific sources of contaminants and potential receptors must be identified. Potential receptors must be protected, controlled, or eliminated, whether the receptors are located on or off the site where the source of the contamination is located;
- C. Natural environmental conditions affecting the fate and transport of contaminants, such as natural attenuation, must be determined by the appropriate scientific methods and must be considered a site-specific remediation standard;
- D. Permits for facilities located at sites covered by any of the programs or requirements established pursuant to regulation must contain conditions to avoid exceedances of the applicable groundwater standards adopted by the department due to the continued operation of any onsite facility;
- E. For soil, the soil must be remediated to levels that are no longer a continuing source of groundwater contamination in excess of the site-specific standards. Soil must be remediated to unrestricted use standards on residential property with the following exceptions:
 - i. For mixed-use developments where ground level uses are nonresidential and all potential exposure to contaminated soil has been eliminated, the department may allow soil to remain on site in excess of unrestricted use standards; and
 - ii. If soil remediation is impractical because of preexisting structures or removal is impractical, then all areas of the real property where a person may come into contact with soil must be remediated to unrestricted use standards. All other areas of the real property engineering and institutional controls that are sufficient to protect public health, safety, and welfare and the environment must be implemented;
- F. If applicable, the potential for the human inhalation of contaminants from outdoor air and other site-specific indoor air exposure pathways must be considered. Site-specific remediation standards also must protect against human exposure to contamination through the consumption of contaminated fish or wildlife and through the ingestion of contaminants in surface water or groundwater supplies;
- G. For known or suspected carcinogens, site-specific remediation standards must be established at exposures that represent an excess lifetime cancer risk of one in one million. The site-specific remediation standard may depart from the one-in-one million risk level based on the criteria set out in current law. The cumulative excess lifetime cancer risk to an exposed individual must not be greater than one in ten thousand based on the sum of carcinogenic risk posed by each contaminant present;
- H. For systemic toxicants, site-specific remediation standards must represent levels to which the human population, including sensitive subgroups, may be exposed without any adverse health effects during a lifetime or part of a lifetime. Site-specific remediation standards for systemic toxicants must incorporate an adequate margin of safety and must take into account cases in which two or more systemic toxicants affect the same organ or organ system; and

I. The site-specific remediation standards for each medium must be adequate to avoid foreseeable adverse effects to other media or the environment that are inconsistent with the risk-based approach under the revised law.

SB 1045 – Motor Vehicles and Hazardous Waste Provisions

Sponsored by Alexander and Johnson

Adds motor vehicles containing hazardous waste for disposal to the list of vehicles subject to control, supervision, and regulation by the Public Service Commission in the manner provided by existing law governing Class A, B, C, D, E, and F-certified vehicles.

Inland Water Quality & Management

HB 3055 – Topographic Mapping Provisions

Sponsored by Hixon, Forrest, Newton, and Ligon

Requires the South Carolina Geological Survey Unit to conduct topographic mapping by December 31, 2022, and at least every seven years thereafter, and to share the information with the department's flood mitigation program.

HB 4408 – American Rescue Plan Authorizations

Sponsored by Smith

Establishes in the State Treasury an account to be known as the American Rescue Plan Act (ARPA) Water and Sewer Infrastructure Account.

According to the measure, the account is separate from the general fund of the state and all other funds and accounts. The funds in the ARPA Water and Sewer Infrastructure Account must be used by the Rural Infrastructure Authority to administer and operate three grant programs designed to provide for improvements in water, wastewater, and storm water infrastructure throughout the state. In each of the three grant programs, units of local government, special purpose districts, commissions of public works, and joint municipal organizations may apply for grants. A unit of local government may apply for a grant on behalf of nonprofit water and sewer systems.

HB 4850 – Congratulating Mount Pleasant Waterworks' Controlled Chaos Team

Sponsored by Smith, et al.

Congratulates Mount Pleasant Waterworks' Controlled Chaos team on winning the 94th Annual Water Environment Federation Technical Exhibition and Conference's Operations Challenge National Championship (Division I), held October 16-20, 2021, in Chicago, Illinois.

SB 1010 – Water Supply Rights

Sponsored by Gambrell, Alexander, and Garrett

Establishes that an entity that has contracted for the right to store water in a reservoir owned by the United States Army Corps of Engineers has exclusive rights to any return flows generated to that reservoir.

Land Management

SB 152 – County Green Space Sales Tax Act

Sponsored by Davis, et al.

Enacts the County Green Space Sales Tax Act, which permits coastal zone counties to impose a one percent local sales tax for procuring open land or green space for preservation.

The tax must be administered and collected by the Department of Revenue, and any funds that cannot be attributed to a specific governmental entity will be distributed annually by the State Treasurer’s Office proportionally to the coastal zone county area in which the tax is imposed based on the current fiscal year’s county area revenue collections.

Solid Waste

HB 4775 – Electronics Recycling Requirements

Sponsored by Hiott, Bailey, Carter, Erickson, and Bradley

Requires manufacturers of certain electronic devices, such as desktops, laptops, or notebook computers or a printing device, to offer an electronic waste program and to establish minimum requirements of such programs, including population-based county collection site standards.

The measure further requires manufacturers to register with and submit an annual manufacturer electronic waste program plan to the Department of Health and Environmental Control for review and approval and to establish minimum plan requirements.

Finally, it allows manufacturer clearinghouses to act on behalf of certain manufacturers and to establish certain requirements for collectors and recoverers of electronic waste.

SB 525 – Advanced Recycling and Solid Waste Policy Provisions

Sponsored by Gambrell, et al.

Defines necessary terms related to advanced recycling and advanced recycling facilities.

It defines “advanced recycling” as “manufacturing processes that convert post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, waxes, lubricants, and other products through processes that include pyrolysis, gasification, depolymerization, solvolysis, catalytic cracking, reforming, hydrogenation, and other similar technologies. The recycled products produced from advanced recycling include, but are not limited to, monomers, oligomers, plastics, plastics and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, waxes, lubricants, coatings, and other basic hydrocarbons. Advanced recycling is not incineration, combustion, energy recovery, material recovery, or treatment.”

The bill also amends existing law relating to solid waste management permitting so as to require advanced recycling facilities to demonstrate financial responsibility as a condition of permitting.

The measure gives the Department of Health and Environmental Control the power to regulate advanced recycling facilities, and it also requires the department to submit certain regulations and reports pertaining to end-of-life management of solar panels and the decommissioning of solar projects encompassing more than 13 acres.

Notable Legislation

SB 2077 prohibits the state's political subdivisions from, arising from or as a result of a local action, prohibiting the development and implementation of the types or sources of energy that may be used, delivered, converted, or supplied by certain oil and gas-based entities.

SB 2797 directs the Tennessee Advisory Commission on Intergovernmental Relations to perform a study of the overall effects of utility-scale solar energy development in the state, including an examination of the installation of solar energy generation and storage on the property of residential electric customers, and to submit a report of its findings to the members of the Energy, Agriculture and Natural Resources Committee of the Senate and the Agriculture and Natural Resources Committee of the House of Representatives no later than January 31, 2023.

Energy Legislation

Critical Minerals & Rare Earth Elements

HJR 796 – Germanium and Gallium Recovery and Processing Facility Support

Sponsored by Johnson, Hodges, and Reedy

Requests the Tennessee congressional delegation to support a proposed germanium and gallium recovery and processing facility in Clarksville, Tennessee.

SB 2055 – Blasting Operation Provisions

Sponsored by Haile, Yager, Campbell, and Pody

Repeals provisions allowing for blasting operations without instrumentation if such blasting operations are conducted in accordance with blasting standards set out in statute.

The bill replaces the calculation tables in existing law with a graph and specifies that, generally, the maximum ground vibration may not exceed the limitations specified in the graph to limit peak particle velocity based upon the frequency of the blast vibration.

Under prior law, a person holding a limited blaster's registration is prohibited from conducting a blasting operation in which more than five pounds total of explosives are used in a blast. This measure amends the law such that this provision applies to surface blasting operations and adds a prohibition on such a person using explosives as a blaster in underground mining operation.

Efficiency & Weatherization

SB 1990 – Eligibility Threshold Under C-PACER

Sponsored by Rose and Campbell

Clarifies the threshold at which assessments and indebtedness, as a percentage of the fair market value of a subject property, affect the eligibility of the property to participate under the Commercial Property Assessed Clean Energy and Resilience Act (C-PACER).

The legislation states that Tennessee’s code requires the amount of the assessment plus any existing indebtedness on the property may not exceed 90 percent of the fair market value of the property and the amount of the assessment may not exceed 25 percent of the fair market value of the property.

Fossil Energy

SB 2077 – Oil and Gas Prohibition Restrictions

Sponsored by Yager and Stevens

Prohibits the state’s political subdivisions from, arising from or as a result of a local action, prohibiting the development and implementation of the types or sources of energy that may be used, delivered, converted, or supplied by certain oil and gas-based entities.

HR 170 – Keystone XL Pipeline Employee Recognition

Sponsored by Powers, et al.

Commends the men and women who worked on the Keystone XL pipeline.

HJR 1009 –Domestic Energy Production

Sponsored by Faison, Lamberth, Garrett, Sexton, and Gant

Commends pro-national energy policies that increase domestic production of oil, natural gas, and nuclear energy in addition to referencing American energy independence and ability to export oil rather than purchasing it from countries in the Middle East and Russia.

SB 1959 – Tennessee Natural Gas Innovation Act

Sponsored by Walley, Gardenhire, and Yager

Enacts the Tennessee Natural Gas Innovation Act.

The act declares that a public utility may request, and the commission may authorize, a mechanism to recover the costs related to the use or development of infrastructure to facilitate use of “innovative natural gas resources” for natural gas utility customers, if the commission finds that the costs are in the public interest. “Innovative natural gas resources” are defined within the bill as including, but is not limited to, farm gas, biogas, renewable natural gas, hydrogen, carbon capture, qualified offsets, renewable natural gas attributes, responsibly sourced gas, and energy efficiency resources.

SB 2649 – State Depository Provisions

Sponsored by Gardenhire, McNally, Kelsey, Stevens, Walley, and Yager

Prohibits the state treasurer from entering into a contract with a state depository if the state depository has a policy prohibiting financing to companies in the fossil fuel industry.

Nuclear Energy

HJR 1009 –Domestic Energy Production

Sponsored by Faison, Lamberth, Garrett, Sexton, and Gant

Commends pro-national energy policies that increase domestic production of oil, natural gas, and nuclear energy in addition to referencing American energy independence and ability to export oil rather than purchasing it from countries in the Middle East and Russia.

Renewable Energy

SB 1925 – Solar Energy Facility Provisions

Sponsored by Walley, Bowling, Reeves, Rose, and Stevens

Defines a “solar power facility agreement” as a lease or easement agreement for real property between a grantee and a landowner for the construction, installation, and operation of all or a part of a solar power facility on such real property that generates electricity primarily for use and consumption off the premises.

The measure requires that all solar power facility agreements provide, at a minimum, that the grantee must, upon or prior to the expiration or termination of the solar power facility agreement, safely remove or cause the removal of all components of the solar power facility located on the premises, except for any electrical or communications lines buried more than three feet below the surface grade of the land, and restore the land comprising the premises to, as near as reasonably possible, its condition as of the date of the commencement of construction of the solar power facility. It also requires that agreements either contain or provide that the grantee must deliver to the landowner a decommissioning plan detailing the grantee’s plan for performing or causing the performance of the aforementioned obligation.

The bill also requires that a solar power facility agreement require the grantee to obtain and deliver to the landowner financial assurance in the following amounts to secure the performance of the grantee’s removal and restoration obligations:

- A. No less than 5 percent of the decommissioning cost on the date the solar power facility commences commercial operation;
- B. No less than 50 percent of the decommissioning cost on the tenth anniversary of the date the solar power facility commences commercial operation; and
- C. No less than the decommissioning cost on the fifteenth anniversary of the date the solar power facility commences commercial operation.

SB 2797 – Solar Energy Development Study

Sponsored by Walley, et al.

Directs the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) to perform a study of the overall effects of utility-scale solar energy development in the state, including an examination of the installation of solar energy generation and storage on the property of residential electric customers, and to submit a report of its findings to the members of the Energy, Agriculture and Natural Resources Committee of the Senate and the Agriculture and Natural Resources Committee of the House of Representatives no later than January 31, 2023.

Utilities

HB 1884 – Private Property Easements

Sponsored by Rudd

Provides that if a person who already possesses a private easement or right-of-way of less than 25 feet granted determines that additional land is needed for the purpose of extending utility lines to the enclosed land, then the person must file a new petition requesting additional land.

SJR 892 – Request for TVA’s Operation of Coal-fired Plants

Sponsored by Niceley, et al.

Requests that the Tennessee Valley Authority maintain operation of its coal-fired plants until a reliable backup is developed.

HB 2126 – Virtual Communications for Electric Cooperatives

Sponsored by Johnson, et al.

Authorizes a rural electric and community services cooperative to allow directors or cooperative members to participate in cooperative meetings by means of virtual or remote communication if certain conditions are met.

HB 2907 – Cumberland Plateau Water Authority

Sponsored by Sexton and Williams

Creates the Cumberland Plateau Water Authority subject to local approval.

SB 1812 – Utility Management Review Board Processes

Sponsored by Johnson

Modifies the process by which the Utility Management Review Board may address financially distressed utility districts by merger or consolidation.

The bill creates a fund administered by the board to provide grants to utility districts that have merged or consolidated to mitigate the financial impact of the merger or consolidation.

SB 2417 – Water, Wastewater, and Stormwater Financial Assistance

Sponsored by Johnson, Pody, and Stevens

Expands mechanisms that the Department of Environment and Conservation may employ to use federal funds to subsidize loans for wastewater and drinking water facilities and authorizes the commissioner to promulgate emergency rules and revises other provisions governing such loan programs.

SB 2529 – Water Utility Agreements

Sponsored by Rose

Authorizes water utilities to enter into agreements with other water utilities to operate within their territory and requires those water utilities to establish a method by which ratepayers may petition the utilities to consider entering into such agreements.

SJR 1368 – Public Utility Commission Appointment

Sponsored by McNally and Bailey

Confirms the appointment of Dr. Clay R. Good to serve as a member of the Tennessee Public Utility Commission.

Environmental Legislation

Emergency Management & Homeland Security

HB 2178 – Regulating Images Captured by Drone

Sponsored by Lamberth, Gant, Reedy, Hardaway, and Littleton

Allows the Tennessee Emergency Management Agency (TEMA) to use unmanned aircraft to capture images for the purposes of emergency management and limits the amount of time that TEMA may retain an image it captures for the purpose of damage assessment to one year or, if the disaster is later declared a major disaster by the President of the United States, for the retention period required by the federal emergency management agency for data related to damage assessment.

Emissions & Pollution

SB 2350 – Green Energy Production Facility Definition

Sponsored by Yager

Updates the definition of a certified green energy production facility to include the storage of electricity for purposes of calculating a minimum tax base for the franchise tax or for a pollution control credit.

Inland Water Quality & Management

HJR 751 – Mississippi River/Gulf of Mexico Watershed Nutrient Task Force Commendation

Sponsored by Halford, et al.

Commends the Tennessee Department of Agriculture upon its exemplary work representing the state on the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force and thanks the dedicated professionals for their ongoing commitment to the health, safety, and welfare of their fellow Tennesseans.

SB 1741 – Soil and Water Conservation Commission Extension

Sponsored by Roberts

Extends the Tennessee Soil and Water Conservation Commission to June 30, 2026.

Land Management

SB 1688 – Property Tax Reduction for Certain Forest Land

Sponsored by Crowe

Clarifies that the minimum size requirement of 15 acres for land to be eligible to be classified as forest land for purposes of assessment and reduced property taxes may be achieved with a single tract or with two noncontiguous tracts separated only by a road, body of water, or public or private easement.

SB 2117 – Confidential Information of Commercial Operators

Sponsored by Bell and Gardenhire

Requires that proprietary information submitted by commercial operators to the Department of Environment and Conservation regarding the operators' commercial or financial information be treated as confidential and not be open for inspection by the public.

SB 2418 – State Parks Funding Act of 2022

Sponsored by Johnson, Southerland, Walley, Yager, Crowe, and Watson

Enacts the State Parks Funding Act of 2022, which creates the State Parks Hospitality Maintenance and Improvement Fund.

It requires the Commissioner of the Tennessee Department of Environment and Conservation (TDEC) to administer the fund.

SJR 931 – Heritage Conservation Trust Fund Board Appointment

Sponsored by Johnson and Yarbrow

Confirms Drew Goddard as a member of the Heritage Conservation Trust Fund Board.

Solid Waste

HB 1842 – Solid Waste Plan Provisions

Sponsored by Terry, et al.

Revises provisions governing solid waste plans and the authority of the Commissioner of Environment and Conservation in regard to construction or expansion permits when a decision on an application has not been rendered or when an appeal is pending.

SB 2012 – Littering Offense Provisions

Sponsored by Bell, Akbari, Gardenhire, Rose, and Stevens

Expands the offense of aggravated criminal littering to include knowingly placing, dropping, or throwing one or more tires on public or private property without permission, and the measure classifies aggravated criminal littering as a Class A misdemeanor if it involves less than four tires and a Class E felony for four or more tires.

SB 2121 – Landfill Permitting

Sponsored by White and Reeves

Removes the prohibition against the commissioner of the Tennessee Department of Environment and Conservation (TDEC) issuing a landfill permit whenever a municipal solid waste region rejects a permit application for construction or expansion of a solid waste disposal facility or incinerator.

The bill establishes that if no decision is rendered by a region within 90 days of receipt of an application, TDEC may continue processing the application.

SB 2450 – Solid Waste Fees for Tires

Sponsored by Walley

Specifies that counties may use revenues from tire pre-disposal fees for the disposal of waste tires, subject to certain present law requirements concerning shredding and the cost of disposing of waste tires in landfills.

SJR 839 – Litter Awareness Month

Sponsored by Yager, Campbell, and Gilmore

Designates March 2022 as Tennessee Litter Awareness Month.

TEXAS

Texas does not hold a regular legislative session on even-numbered years.

However, we continue to monitor for any relevant special session bills.

U.S. VIRGIN ISLANDS

To date, the U.S. Virgin Islands have not passed any E&E bills. We continue to monitor its active legislative session.

VIRGINIA

24 Energy Bills / 38 Environmental Bills

Notable Legislation

HB 206 requires, as a condition for a permit by rule for a small renewable energy project, that if the Department of Environmental Quality determines that there will be a significant adverse impact on wildlife, historic resources, prime agricultural soils, or forest lands, the applicant must also submit a mitigation plan with a 45-day public comment period.

HB 894 requires the Department of Energy, in cooperation with the Virginia Nuclear Energy Consortium Authority, to convene a stakeholder work group to identify strategies and any needed public policies, including statutory or regulatory changes, for promoting the development of advanced small modular reactors in localities in the Commonwealth.

Energy Legislation

Critical Minerals & Rare Earth Elements

SB 185 – Business Facility Job Tax Credits

Sponsored by Ruff

Extends the sunset of the major business facility job tax credit from July 1, 2022, to July 1, 2025.

Examples of types of major business facilities that are eligible for the credit include those primarily engaged in the business of manufacturing or mining; agriculture, forestry or fishing; transportation or communications; or a public utility subject to the corporation income tax that have established or expanded a major business facility in the state.

Cybersecurity & Digital Technology

HB 791/SB 513 – Data Center Taxation

Sponsored by McNamara and Keam/McPike

Provides that if a locality taxes certain fixtures located in a data center as real property, the fixtures will be valued based on depreciated reproduction or replacement cost.

Fixtures include generators, radiators, exhaust fans, and fuel storage tanks, as well as electrical substations, power distribution equipment, cogeneration equipment, batteries, heating, ventilating, and air conditioning systems; water storage tanks, water pumps, and transmission and distribution equipment. Computer equipment and peripherals would not be considered fixtures, according to the bill.

Efficiency & Weatherization

HB 1225/SB 13 – Roof Replacement and Energy Performance-based Contracts

Sponsored by Bulova/Favola

Allows a roof replacement to be a part of a larger energy performance-based contract when the roof replacement is necessary for the completion of the other conservation or efficiency measures.

HB 1289 – Energy Efficiency Exemptions

Sponsored by Head

Directs the Board of Housing and Community Development to, during the next code development cycle, consider revising the Uniform Statewide Building Code to provide an exemption from any requirements in the energy efficiency standards in the Building Code and the 2018 Virginia Energy Conservation Code, and any subsequent amendments to the Building Code and the Energy Conservation Code, for the use and occupancy classifications of Section 306, Factory Group F; Section 311, Storage Group S; and Section 312, Utility and Miscellaneous Group U.

Fossil Energy

HB 657/SB 120 – Waste Coal Pile Identification

Sponsored by Wampler and Kilgore/Hackworth

Directs the Department of Energy, in cooperation with public institutions of higher education serving the state's coalfield region, to identify the approximate volume and number of waste coal piles present in the area and options for cleaning up such waste coal piles, including potential use in electricity generation. The Department of Energy must report its findings and recommendations to the General Assembly by December 1, 2022.

The bill also directs the Department of Environmental Quality to convene a working group to evaluate opportunities for the development of public infrastructure projects at current or proposed sites for the storage of coal ash in the Commonwealth. The working group must report its findings and recommendations to the General Assembly by December 1, 2022.

HJR 41/HJR 149/SR 3 – Dr. Michael Karmis Commendation

Sponsored by Wiley/Ballard/Hackworth

Commends Dr. Michael E. Karmis on the occasion of his retirement as director of the Virginia Center for Coal and Energy Research.

Under the leadership of Dr. Karmis, the Virginia Center for Coal and Energy Research has provided support for undergraduate students, graduate students, post-doctoral associates, staff, and administrative, research, and teaching faculty. The center has also created mentorship and research opportunities for numerous students and junior faculty enabling them to become successful professionals in the fields of minerals extraction, health and safety, sustainable development, and carbon management.

Nuclear Energy

HB 894 – Advanced Small Modular Reactor Study

Sponsored by Kilgore

Requires the Department of Energy, in cooperation with the Virginia Nuclear Energy Consortium Authority, to convene a stakeholder work group to identify strategies and any needed public policies, including statutory or regulatory changes, for promoting the development of advanced small modular reactors in localities in the Commonwealth.

The bill requires the Department of Energy to consider the economic development of rural Virginia while minimizing the impact on prime farmland a key priority in updating its Virginia Energy Plan, and it further requires the Virginia Cooperative Extension to develop and maintain a map or repository of prime farmland in the state, in consultation with the Department of Agriculture and Consumer Services, the Department of Forestry, the Department of Conservation and Recreation, and the Department of Energy; an initial report of such map or repository must be submitted the Governor and the General Assembly by December 1, 2022.

Finally, the bill requires the State Corporation Commission to develop a program to encourage and expedite infrastructure investments by Dominion Energy Virginia or American Electric Power, in industrial sites determined to be relevant and in high demand by the Virginia Economic Development Partnership. Such program is required to be implemented by December 1, 2022, and the commission is required to submit a report including recommendations for such program by December 15, 2022, to the Governor and General Assembly.

Renewable Energy

HB 206 – Renewable Energy Projects Impact Report

Sponsored by Webert, Gooditis, and Ware

Requires, as a condition for a permit by rule for a small renewable energy project, that if the Department of Environmental Quality determines that there will be a significant adverse impact on wildlife, historic resources, prime agricultural soils, or forest lands, the applicant must also submit a mitigation plan with a 45-day public comment period.

The bill specifies that a disturbance of more than 10 acres of prime agricultural soils, more than 50 acres of contiguous forest lands, or forest lands enrolled in a forestry preservation program is deemed to be a significant adverse impact on natural resources. It further directs the department to convene an advisory panel to assist in developing regulations to implement these requirements, and the main provisions of the bill do not become effective until such regulations are adopted.

Applications for a small renewable energy project received for which an interconnection request is applied for and received by December 31, 2024, is not subject to the provisions of the bill.

HB 774/SB 499 – Renewables Life Cycle Task Force

Sponsored by Hodges/Lewis

Directs the State Corporation Commission, in consultation with the Department of Energy and the Department of Environmental Quality, to create a task force to analyze the life cycle of renewable energy facilities in the state.

The State Corporation Commission must report the findings of the task force to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than May 1, 2023.

HB 1087/SB 502 – Local Taxation on Solar Projects

Sponsored by Leftwich/Lewis

Provides that generating equipment of solar photovoltaic projects five megawatts or less is taxable by a locality, at a rate determined by such locality.

However, the act states the rate may not exceed the real estate rate applicable in that locality, and that the exemption is as follows:

- A. 80 percent of the assessed value in the first five years in service after commencement of commercial operation;
- B. 70 percent of the assessed value in the second five years in service; and
- C. 60 percent of the assessed value for all remaining years in service.

The bill also establishes that solar photovoltaic projects five megawatts or less are not exempt from the assessment of a revenue share by ordinance of that locality and nothing in the bill may be construed to authorize local taxation of generating or storage equipment of solar photovoltaic projects that serve the electricity needs of that property upon which such solar facilities are located. The measure does not apply to projects five megawatts or less that were approved by a locality prior to July 1, 2022.

HB 1325 – C-PACE Provisions

Sponsored by Reid

Changes the existing authorization for local governments to finance, by ordinance, clean energy, resiliency, and stormwater management programs to authorize the financing of eligible improvements to eligible properties, as defined in the bill, under C-PACE loan programs.

The bill also allows localities to delegate billing, collection, and remittance of C-PACE loan payments to a third party.

SB 686 – Solar Facility Tax Exemption

Sponsored by Mason and McClellan

Provides that any solar facility installed on the roof of a residential dwelling or a structure on an agricultural zoned property in order to serve the electricity needs of the property upon which the facility is located and pursuant to existing local regulation of solar facilities laws is declared a separate class of property and must be classified for local taxation separately from other classifications of real or personal property.

Such facilities are wholly exempt from state and local taxation under the Constitution of Virginia, according to the act. The exemption applies only to solar facilities with a nameplate generating capacity of not more than 25 kilowatts. The bill has a delayed effective date of January 1, 2023.

Utilities

HB 182/SB 500 – Ratemaking Proceedings for Water and Sewer Utilities

Sponsored by Bloxom/Lewis and Spruill

Requires the State Corporation Commission, in any ratemaking proceeding for an investor-owned utility authorized to furnish water or water and sewer service initiated after January 1, 2022, to evaluate such utility on a stand-alone basis and, for purposes of establishing any revenue requirement and rates, utilize such utility's actual end-of-test period capital structure and cost of capital without regard to the cost of capital, capital structure, or investments of any other entities with which such utility may be affiliated.

If the commission finds that the debt-to-equity ratio of the actual end-of-test period capital structure of such utility is unreasonable, the bill authorizes the commission to utilize a debt to equity ratio that it finds to be reasonable.

The bill also requires the commission, in all proceedings initiated after January 1, 2022, in which the commission reviews the rates and associated earnings of an investor-owned utility authorized to furnish water or water and sewer service, to conduct such review utilizing the same cost of capital and capital structure adopted in the utility's most recent rate case in which such rates were set, without regard to any later changes in the cost of capital or capital structure.

HB 266/SB 505 – Net Energy Metering and Power Purchase Agreements

Sponsored by Head/Lewis

Permits any customer, besides a farm or small agricultural generating facility and any customer selling power to the electric cooperative, to interconnect with an electric cooperative and enter an agreement for local facilities usage charges.

The legislation establishes that electric cooperatives can seek approval from the State Corporation Commission at any time for a tariff for local facilities usage charges for the use of cooperative system facilities; however, the terms of an independent agreement for local facilities usage charges must prevail if inconsistent with the approved tariff amount.

Further, the measure permits the board of directors of an electric cooperative to approve any voluntary tariff and associated cost recovery without filing additional information with the commission besides an informational notice.

The act also removes the limit on raising the cap for electric cooperatives' generating capacity beyond seven percent of system peak for the purposes of net energy metering. The bill also allows electric cooperatives to permit the use of third-party partial requirements power purchase agreements for eligible customer-generators without separate approval by the commission; however, the cooperative is required to file a revised net energy metering compliance filing.

Additionally, the bill permits impacted cooperative customers to file a petition with the commission for redress and review of the local facilities usage charges.

HB 269 – Major Business Facility Job Tax Credit Extension

Sponsored by Byron

Extends the sunset on the major business facility job tax credit to July 1, 2025.

The tax credit applies to manufacturing, mining, or a public utility subject to the corporation income tax that established or expanded a major business facility in the state if at least 50 jobs were created and the location is not a retail business.

HB 396 – Municipal Net Energy Metering

Sponsored by Sullivan

Updates provisions related to American Electric Power’s participation in a municipal net energy metering pilot program and creates similar requirements for a municipal net energy metering pilot program for Dominion Energy Virginia, with a duration of the pilot program for Dominion Energy Virginia until July 1, 2028.

The bill directs the State Corporation Commission to review the municipal net energy metering pilot program for Dominion Energy Virginia in 2024 and every two years thereafter. The bill clarifies that the aggregated capacity of generation facilities subject to a net metering pilot program conducted by any utility may not be considered part of the aggregate net metering cap established pursuant to the Virginia Clean Economy Act. However, the aggregated capacity of generation facilities under each utility’s pilot program that is part of a third-party power purchase agreement must constitute a portion of the existing limit on pilot programs with third-party power purchase agreements.

HB 405 – Transmission Infrastructure Pilot Program Qualifying Projects

Sponsored by Ballard, Kilgore, Marshall, O’Quinn, and Williams

Amends the definition of “business park” by adding that a business park may be established by a locality and by removing the requirement that a business park be located in an area of the state designated as an opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.

The bill also removes the requirement that the location of a qualifying project for an existing pilot program to promote economic development in the state by allowing Dominion Energy Virginia and Appalachian Power to complete the construction phase of electric transmission infrastructure for up to three business parks prior to the public announcement of a prospective occupant of the business parks be in an opportunity zone and provides that such a qualifying project may be within a business park in Planning District 19.

HB 414 – Local Reliability Data

Sponsored by Herring

Directs Dominion Energy Virginia to provide local reliability data within 30 days upon request by a locality located within the service territory of the utility.

The act also requires the State Corporation Commission to include industry standard reliability metrics for Dominion Energy Virginia and a description of any infrastructure investments made by Dominion Energy Virginia to improve electric service reliability as part of its report on electric generation, transmission, and distribution submitted annually to the General Assembly.

HB 1019 – Telecom Easements

Sponsored by Brewer

Adds telecommunications companies to the list of entities to which a state department, agency, or institution may grant an easement.

HB 1204 – Renewable Energy Certificates Procurement

Sponsored by Kilgore

Requires American Electric Power and Dominion Energy Virginia, for renewable energy portfolio standard (RPS) program compliance years 2023 and 2024, to prioritize procurement of renewable energy certificates (RECs) from renewable energy standard sources (RPS eligible sources) located in the state, provided that such RECs are cost-competitive when compared with out-of-state sources at the time of procurement.

The bill also requires each utility to include in its annual filing for RPS program compliance years 2023 and 2024 a plan for prioritizing procurement of RECs from RPS eligible sources that are both cost-competitive and eligible for the Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program.

HB 1257 – Natural Gas Utility Discontinuation Provisions

Sponsored by Kilgore

Requires a municipal corporation to satisfy certain requirements prior to discontinuing natural gas utility services to any residential, commercial, or industrial customer.

The measure states that prior to any municipal corporation discontinuing natural gas utility service, the municipal corporation must provide at least three years' notice and attempt to negotiate the sale of its system facilities and associated rights within two years. If no sale is accomplished within two years, the municipal corporation may offer its system facilities and associated rights by auction.

HB 1326 – Waste Coal Removal

Sponsored by Kilgore

Extends the sunset date for the Commission on Electric Utility Regulation from July 1, 2022, to July 1, 2024, and provides that the commission may review information on the approximate volume and number of waste coal piles present in the coalfield region of the Commonwealth and options for cleaning up such piles.

SB 52 – Reimbursements for Certain Installations

Sponsored by Cosgrove and DeSteph

Requires localities that adopt subdivision ordinances that permit subdividers or developers to install certain utilities to provide within that ordinance the subdivider's or developer's entitlement to pro rata reimbursement for costs of such installations.

SB 185 – Business Facility Job Tax Credits

Sponsored by Ruff

Extends the sunset of the major business facility job tax credit from July 1, 2022, to July 1, 2025.

Examples of types of major business facilities that are eligible for the credit include those primarily engaged in the business of manufacturing or mining; agriculture, forestry or fishing; transportation or communications; or a public utility subject to the corporation income tax that have established or expanded a major business facility in the state.

SB 660 – Shared Solar Program Provisions

Sponsored by Hanger and Edwards

Directs the State Corporation Commission to convene a stakeholder workgroup to evaluate shared solar programs for American Electric Power and requires the commission to report on its findings to the Chairmen of the Senate Commerce and Labor and the House Commerce and Energy Committees by November 30, 2022.

Additionally, the bill directs the Virginia, Maryland, and Delaware Association of Electric Cooperatives and the Coalition for Community Solar Access to jointly convene a stakeholder process to evaluate shared solar programs for electric cooperatives and requires a report on its findings to the Chairmen of the Senate Commerce and Labor and the House Commerce and Energy Committees by November 30, 2022.

Environmental Legislation

Coastal Zone Management

HB 516/SB 551 – Coastal Resilience Plan Implementation

Sponsored by Bulova, Hayes, Plum, and Tran/Marsden, Lewis, and Ebbin

Implements recommendations from the first Virginia Coastal Resilience Master Plan.

The bill provides guidelines for the development of a Virginia Flood Protection Master Plan for the Commonwealth and requires that the Coastal Resilience Master Plan be updated by December 31, 2022, and every five years thereafter. It also establishes the Virginia Coastal Resilience Technical Advisory Committee to assist with the updates and requires the development of a community outreach and engagement plan to ensure meaningful involvement by affected and vulnerable community residents.

Finally, the act also requires that the Chief Resilience Officer report every two years, beginning July 1, 2023, on the status of flood resilience in the Commonwealth.

HB 1322 – Living Shorelines Definitions

Sponsored by Hodges and Rasoul

Defines “other structural and organic materials” authorized to be used in a living shoreline to include a variety of natural or man-made materials.

HJR 16/SJR 35 – Joint Subcommittee on Coastal Flooding Continuation

Sponsored by Hodges, Convirs-Fowler, and Keam/Lewis and Ebbin

Continues the Joint Subcommittee on Coastal Flooding as the Joint Subcommittee on Recurrent Flooding for two additional years, through the 2023 interim.

The resolution expands the review of the joint subcommittee to include riverine and stormwater flooding. The joint subcommittee is directed to recommend short-term and long-term strategies for minimizing the impact of flooding.

SB 145 – Replacement of Piers

Sponsored by Cosgrove

Excludes the maintenance or replacement of previously authorized piers from Virginia Marine Resources Commission permitting requirements, so long as the reconstructed pier is within the existing footprint of the original pier.

SB 357 – Waterway Maintenance Grant Program Awarding Amendment

Sponsored by Stuart

Authorizes the Virginia Port Authority, in awarding grants through the Waterway Maintenance Grant Program, to award a grant to a political subdivision or governing body for the dredging of a waterway channel with a bottom that is privately owned if such political subdivision or governing body holds a lease of such bottom with a term of 25 years or more.

SB 629 – Oyster Season Extension

Sponsored by Stuart

Extends from March 1 to March 31 the close of the season for taking oysters by patent tongs from public oyster beds, rocks, or shoals.

The bill allows the Marine Resources Commission to close the season for any area in the Commonwealth where the use of patent tongs is permitted when, in its opinion, the condition of the oysters warrants such action.

Emergency Management & Homeland Security

HB 158/SB 4 – Limiting Duration of Executive Orders

Sponsored by Byron, et al./Suetterlein, et al.

Limits the duration of any executive order issued by the Governor pursuant to his powers under the Emergency Services and Disaster Law to no more than 45 days from the date of issuance.

The bill provides that if the General Assembly does not take any action on the rule, regulation, or order within the 45 days during which the rule, regulation, or order is effective, the Governor is thereafter prohibited from issuing the same or a similar rule, regulation, or order relating to the same emergency.

HB 517 – Chief Resilience Officer Duties

Sponsored by Bulova, Keam, Plum, and Simon

Clarifies the designation and role of the Chief Resilience Officer by moving the position from under the responsibility of the Secretary of Public Safety and Homeland Security to the Secretary of Natural and Historic Resources and adding provisions related to the role of the Chief Resilience Officer in creating and overseeing the implementation of a Virginia Flood Protection Master Plan and a Virginia Coastal Resilience Master Plan.

HB 1309/SB 756 – Resilient Virginia Revolving Fund

Sponsored by Bulova and Hayes/Lewis

Creates the Resilient Virginia Revolving Fund.

The bill provides guidelines for deposits, expenditures, and investments and requires an annual audit of the Virginia Resources Authority. The measure further requires the fund be used for loans or to refinance projects for local

governments or to give grants, provides that the fund may be used by local governments for loans or grants to persons of the state eligible for projects for resilience purposes, and establishes guidelines for the priority of such loans and grants.

Emissions & Pollution

HB 148/SB 684 – Pollution Control Equipment for Water or Solid Waste

Sponsored by Runion, Avoli, Fowler, Walker, and Wiley/Mason

Provides that for pollution control equipment to be used as part of a political subdivision's water, wastewater, stormwater, or solid waste management facilities or systems, such equipment may be certified by the political subdivision itself instead of by the state certifying authority.

HB 558/SB 565 – Emissions Intensity Reduction for Natural Gas Utilities

Sponsored by O'Quinn and Wampler/Surovell and Petersen

Permits natural gas utilities to include in their fuel portfolios, submitted to the State Corporation Commission to monitor fuel prices and purchases, supplemental or substitute forms of gas sources, defined in the bill, that meet certain standards and that reduce emissions intensity.

The bill amends provisions of State Code related to conservation and energy efficiency programs, removes certain cost-effectiveness requirements for conservation and energy efficiency programs, and adds appliance rebates to the types of programs the commission may consider. The bill also expands conservation and ratemaking efficiency provisions of the Code to apply generally to energy consumption, rather than just natural gas consumption.

The measure introduces enhanced leak detection and repair programs as a type of eligible infrastructure replacement for a natural gas utility facility. Costs of detecting and repairing leaks may be added to a natural gas utility's plan to identify proposed eligible infrastructure replacement projects and related cost recovery mechanisms, known as the utility's Steps to Advance Virginia's Energy (SAVE) Plan.

The Code is further amended by the act in relation to biogas supply infrastructure projects. Eligible infrastructure costs for these projects include: the investment in eligible biogas supply infrastructure projects, the return on the investment, a revenue conversion factor, operating and maintenance expenses, depreciation, property tax and other taxes or government fees, and carrying costs on the over-recovery or under-recovery of the eligible biogas supply infrastructure costs.

Under the bill, natural gas utilities can recover these eligible infrastructure costs on an ongoing basis through the gas component of the utility's rate structure or other recovery mechanism approved by the commission. The plan submitted by the utility may include an option to receive the biogas or sell the biogas at market prices. The bill further states that a natural gas utility with an approved biogas supply infrastructure plan must file a report of the investments made, the eligible infrastructure costs incurred, and the amount of such costs recovered, the volume of biogas delivered to customers or sold to third parties during the 12-month reporting period, and an analysis of the price of biogas delivered to customers and the market cost of biogas during the reporting period.

The law requires each natural gas utility with an eligible biogas supply infrastructure project to report annually to the commission the reduction in methane and carbon dioxide equivalent emissions from each such approved project. The commission must publish on its website an annual report of the number of approved eligible biogas supply infrastructure projects and the methane and carbon dioxide equivalent emissions from such approved projects.

Finally, the measure directs the Department of Environmental Quality to convene a stakeholder work group to determine the feasibility of setting a statewide methane reduction goal and plan. The recommendations of the work group must be reported to the General Assembly by July 1, 2023.

SB 567 – Pollutant Discharge Permitting

Sponsored by Stuart

Directs the State Water Control Board to amend certain regulations to provide that Virginia Pollutant Discharge Elimination System permits may also be issued to an existing sewage treatment plant constructed and placed into service prior to January 1, 2001, that serves at least 10 houses but no more than 25 houses if such sewage treatment plant has a documented history of substantial noncompliance and cannot feasibly be connected to a publicly owned sewage treatment plant.

SB 575 – Light-Duty Vehicle Provisions

Sponsored by Mason

Requires the Department of General Services, beginning October 1, 2022, to procure a total cost of ownership calculator prior to procuring any light-duty vehicles.

Beginning January 1, 2023, the department and all agencies of the state must utilize the calculator prior to purchasing or leasing light-duty vehicles and to purchase electric vehicles unless the calculator clearly indicates that purchasing or leasing an internal combustion-engine vehicle has a lower cost of ownership.

The bill requires the department to provide technical assistance to all public bodies in the use of such calculator, and it requires the department to report a summary of such procurements to the Governor and the General Assembly by January 1, 2026, and every three years thereafter.

The bill exempts emergency vehicles and vehicles used by agencies of the Commonwealth for law-enforcement, incident response, or other emergency response activities from its provisions. The bill requires the Department of General Services Public Body Procurement Workgroup to evaluate the appropriateness of requiring the department to use a total cost of ownership calculator to, prior to purchasing or leasing any medium-duty or heavy-duty vehicle, assess and compare the total cost to purchase, own, lease, and operate such internal combustion-engine vehicles versus comparable electric vehicles and report its findings and recommendations to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology on or before December 1, 2022.

Environmental Health & Justice

HB 632 – Exhaust Systems Regulation

Sponsored by Carr, Bulova, and Delaney

Makes certain secondary offenses related to loud exhaust systems that are not in good working order primary offenses and exempts local ordinances related to such exhaust systems from the prohibition on law-enforcement officers stopping a vehicle for a violation of a local ordinance unless it is a jailable offense.

HB 1319 – Beneficial Hardwood Management Tax Credit

Sponsored by Carr, Bulova, and Delaney

Creates a nonrefundable income tax credit for taxable years 2022, 2023, and 2024 for expenses incurred by a taxpayer for the implementation of beneficial hardwood management practices that encourage the planting and sustainable growth of hardwood trees.

The credit equals the lesser of the actual expenses or \$1,000 and is subject to an aggregate annual cap of \$1 million per taxable year. The bill requires the Tax Commissioner, in coordination with the State Forester, to establish guidelines for claiming the credit and provides that any unused credit may be carried forward by the taxpayer for five taxable years following the taxable year for which the credit was issued.

Hazardous Waste

HB 769 – Onsite Sewage System Oversight

Sponsored by Hodges

Requires the Department of Health, effective July 1, 2023, to manage and enforce onsite sewage system pump-out compliance for Accomack, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond, and Westmoreland counties and the incorporated towns within those counties.

Further, the bill requires licensed operators conducting onsite sewage system pump-outs that are managed by the department in these localities to provide a report on the results of the site visit using a web-based reporting system developed by the department. The act also requires the Board of Health to establish a uniform schedule of civil penalties for violations of onsite treatment system pump-out requirements in localities in which compliance with such requirements is managed and enforced by the department and provides that any person who violates such requirements in a locality in which compliance is managed and enforced by the department is guilty of a Class 3 misdemeanor.

SB 562 – Claim Period for Certain Cancers

Sponsored by Saslaw, Cosgrove, Ebbin, Morrissey, and Surovell

Provides that the time period for filing a workers' compensation claim for certain cancers is two years after a diagnosis of the disease is first communicated to the employee or within 10 years from the date of the last injurious exposure in employment, whichever first occurs.

Cancers covered in the act are those found in various public servants such as firefighters, police officers, and Department of Emergency Management hazardous materials officers exposed to hazardous materials while on the job.

The bill provides, however, that such claim for benefits are barred if an employee is 65 years of age or older, regardless of the date of diagnosis, communication, or last injurious exposure in employment.

Inland Water Quality & Management

HB 49 – James River Designation

Sponsored by Fariss

Designates an additional 37-mile portion of the James River running through Nelson and Appomattox Counties as a component of the Virginia Scenic Rivers System.

The bill also provides that nothing in the Scenic Rivers Act may preclude the construction, use, or removal of any asset that traverses certain portions of the James River.

HB 184 – Stormwater Management Provisions

Sponsored by Marshall

Authorizes a locality that administers a Virginia Stormwater Management Program (VSMP) or a Virginia Erosion and Stormwater Management Program (VESMP) to administer such program of a regional industrial facility authority of which the locality is a member.

The bill requires that such administration conduct itself in accordance with an agreement entered into with all relevant localities and the existing VSMP or VESMP for the property.

HB 548/SB 53 – Water Analysis Requirement

Sponsored by Hayes/Cosgrove

Adds the City of Chesapeake to the list of localities that may establish reasonable testing requirements to determine compliance with existing federal or state drinking water quality standards and requires that such testing be done prior to the issuance of building permits.

HB 919 – Maximum Contaminant Levels in Water

Sponsored by Orrock and Guzman

Provides that the Board of Health must review the recommendations of any work group convened by the Commissioner of Health after July 1, 2022, to study the occurrence of certain contaminants in public drinking water prior to adopting regulations establishing maximum contaminant levels (MCLs) in all water supplies and waterworks in the Commonwealth for perfluorooctanoic acid, perfluorooctane sulfonate, and such other perfluoroalkyl and polyfluoroalkyl substances as the Board deems necessary, as well as chromium-6, and 1,4-dioxane.

The bill also provides the commissioner the option of establishing a work group to study the occurrence of such contaminants and to report to the Governor and the Chairmen of the House Committees on Agriculture, Chesapeake and Natural Resources and Health, Welfare and Institutions and the Senate Committees on Agriculture, Conservation and Natural Resources and Education and Health by December 1, 2022.

HB 1067 – Enhanced Nutrient Removal Certainty Program Updates

Sponsored by Scott and Durant

Adds the Fredericksburg wastewater treatment facility to the list of priority projects for the Enhanced Nutrient Removal Certainty Program.

The bill provides that the new nutrient technology requirements applicable to the Fredericksburg wastewater treatment facility takes effect when the expanded facility receives its certificate to operate.

HB 1224 – Stormwater Best Management Practices Updates

Sponsored by Bulova

Directs the State Water Control Board to update its regulations providing for the certification and use of a proprietary best management practice (BMP) if another state, regional, or national program has verified its nutrient or sediment removal effectiveness and its having met or exceeded all of such program's established test protocol requirements.

The bill also directs the Department of Environmental Quality to prioritize review of any proprietary BMP that was on the Virginia Stormwater BMP Clearinghouse prior to December 31, 2021, and that submits documentation of verification of effectiveness by another state, regional, or national program.

HB 1297 – Water Supply Planning Process

Sponsored by Webert

Directs the State Water Control Board to consider existing interjurisdictional arrangements in designating comprehensive water supply regional planning areas and to provide a mechanism for a locality to request, subject to approval by the Department of Environmental Quality, a change of its designated regional planning area to an adjoining planning area.

HB 1325 – C-PACE Provisions

Sponsored by Reid

Changes the existing authorization for local governments to finance, by ordinance, clean energy, resiliency, and stormwater management programs to authorize the financing of eligible improvements to eligible properties, as defined in the bill, under C-PACE loan programs.

The bill also allows localities to delegate billing, collection, and remittance of C-PACE loan payments to a third party.

HJR 354 – Clean Water Farm Award Acknowledgment

Sponsored by Ware

Commends the River Basin Grand Winners of the Clean Water Farm Award.

SB 187 – Nutrient Credits Release

Sponsored by Hanger and Morrissey

Authorizes the Department of Environmental Quality to allow the use of third-party, long-term stewards to hold and manage the long-term management fund to maintain stream restoration projects.

Land Management

HB 180/SB 184 – Forest Sustainability Fund

Sponsored by Bloxom/Ruff

Creates the Forest Sustainability Fund under the administration of the State Forester.

According to the measure, localities that have adopted a use value assessment and taxation program for real estate devoted to forest use are eligible to apply for an allocation from the fund, and awards are proportionally based upon the amount of revenue forgone in the previous fiscal year by localities due to the use value program.

HB 648 – Comprehensive Planning and Parks

Sponsored by Kory

Clarifies provisions related to whether certain public facilities are substantially in accord with the adopted comprehensive plan by adding parks to the types of public uses that may, with certain types of land use applications, be excepted from the requirement for submittal to and approval by the planning commission or the governing body for the purpose of determining substantial accord.

HB 1088 – Boundary Line Agreements

Sponsored by Leftwich

Changes the definition of “subdivision” to provide that it does not preclude different owners of adjacent parcels from entering into a valid and enforceable boundary line agreement with one another so long as such agreement is only used to resolve a bona fide property line dispute, the boundary adjustment does not move by more than 250 feet from the center of the current platted line or alter either parcel’s resultant acreage by more than five percent of the smaller parcel size, and such agreement does not create an additional lot, alter the existing boundary lines of localities, result in greater street frontage, or interfere with a recorded easement, and such agreement may not result in any nonconformity with local ordinances and health department regulations.

The bill also provides that for any property affected by this definition, any division of land subject to a partition suit by virtue of order or decree by a court of competent jurisdiction takes precedence over the requirements of certain existing subdivision provisions and the minimum lot area, width, or frontage requirements in the zoning ordinance so long as the lot or parcel resulting from such order or decree does not vary from minimum lot area, width, or frontage requirements by more than 20 percent.

SB 28 – Business Ready Sites Program Fund

Sponsored by Marsden and Mason

Establishes the Virginia Business Ready Sites Program Fund to be administered by the Governor and the Virginia Economic Development Partnership Authority in order to provide grants on a competitive basis to political subdivisions to prepare sites for industrial or commercial development.

The bill repeals existing law that created the Major Employment and Investment Project Site Planning Grant Fund and provides that any remaining funds would be reallocated to the new fund. It also authorizes grants from the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund for site remediation and requires the prioritization of sites with potential for redevelopment and economic benefits to the surrounding community.

SB 31 – Virginia Land Conservation Fund Revisions

Sponsored by Marsden and Hanger

Allows the Virginia Land Conservation Fund to make grants to state-recognized and federally recognized Virginia Indian Tribes and requires that at least one nonlegislative citizen member of the Virginia Land Conservation Foundation Board of Trustees be a member of a state-recognized or federally recognized Virginia Indian Tribe.

SB 248 – Digestate Definition

Sponsored by Surovell

Clarifies that a regulated product, for the purposes of fertilizer law, includes digestate.

“Digestate” is defined in the bill as a biologically stable material derived from the process of anaerobic digestion. “Anaerobic digestion” is defined as controlled anaerobic biological decomposition of organic waste material to produce biogas and digestate.

The bill also includes digestate in fertilizer labeling requirements.

SB 537 – Tree Conservation

Sponsored by Marsden

Prevents the prohibition or the unreasonable limitation of silvicultural activities related to the replacement of trees during the development process and the conservation of trees during the land development process in certain localities.

The bill specifies provisions related to the replacement of trees during the development process in localities and allows that any locality may adopt an ordinance providing for the planting and replacement of trees during the development process.

Further, the bill specifies provisions related to the conservation of trees during the development process in localities and allows that any locality may adopt an ordinance providing for the conservation of trees during the land development process.

The measure also directs specified stakeholders and parties to meet at least twice prior to the 2023 Session of the General Assembly to consider specified topics, and it directs the participants to report their recommendations to the Chairmen of the House Committee on Counties, Cities and Towns and the Senate Committee on Agriculture, Conservation and Natural Resources by December 1, 2022.

The provisions of the bill related to the conservation of trees during the development process do not become effective unless reenacted by the 2023 Session of the General Assembly.

Reorganization & Coordination

SB 657 – Transferring Authority Between Boards

Sponsored by Stuart and Stanley

Limits the authority of the Air Pollution Control Board and the State Water Control Board to issuance of regulations and transfers the Boards' existing authority to issue permits and orders to the Department of Environmental Quality.

The bill provides procedures for public comment on pending controversial permits, defined in the bill, and on regulatory changes necessary to implement the provisions of the bill.

Solid Waste

HB 32/SB 294 – Bath County Disposal Fees

Sponsored by Campbell and Runion/Deeds

Adds Bath County to the list of counties that may by ordinance, and after a public hearing, levy a fee for the management of solid waste not to exceed the actual cost incurred by the county in removing and disposing of solid waste.

The act also grants Bath County various powers with regard to collection of the fee, including to levy penalties and interest for late payment and unpaid fees, to require payment of the fee prior to approval of certain land use applications, and to provide discounts to the standard fee rates for certain older and disabled persons.

HB 1287 – Cost Competitive Plastics Recycling

Sponsored by Runion and Lopez

Requires the Department of General Services (DGS), in determining the award of any contract for plastic materials to be purchased for use by agencies of the Commonwealth, to procure using competitive sealed bidding and give preference to bidders that supply materials containing plastic recycled content, as long as such materials are cost competitive with materials that do not contain plastic recycled content.

The act directs DGS to promulgate regulations, in consultation with the Virginia Manufacturers Association, to define “cost competitive” for purposes of the implementation of the bill, and establish a system that requires an incremental increase in the minimum percentage of plastic recycled content required to be included in materials in order for a bidder to be given preference in the procurement process, as follows:

- A. 10 percent plastic recycled content by January 1, 2025;
- B. 20 percent plastic recycled content by January 1, 2028; and
- C. 30 percent plastic recycled content by January 1, 2030.

SB 729 – Catalytic Converter Provisions

Sponsored by Ruff and Spruill

Increases the penalty for vandalizing a vehicle, aircraft, or boat from a Class 1 misdemeanor to a Class 6 felony if the violation involves the breaking, injuring, tampering with, or removal of a catalytic converter or the parts thereof.

The measure also requires scrap metal purchasers to maintain certain records concerning catalytic converter purchases.

WEST VIRGINIA

24 Energy Bills / 15 Environmental Bills

Notable Legislation

HB 4491 establishes a new legal and regulatory framework for drilling of injection wells and operation of facilities for the underground sequestration of injected carbon dioxide, and it directs the state to pursue primacy authorization for oversight and enforcement of laws for underground carbon dioxide sequestration.

SB 4 repeals the state's ban on the construction of nuclear power plants.

Energy Legislation

Carbon Capture & Storage

HB 4491 – Carbon Dioxide Sequestration Requirements

Sponsored by Anderson, et al.

Establishes a new legal and regulatory framework for drilling of injection wells and operation of facilities for the underground sequestration of injected carbon dioxide, and it directs the state to pursue primacy authorization for oversight and enforcement of laws for underground carbon dioxide sequestration.

HR 5 – Power Grid Stability

Sponsored by Zatezalo, et al.

Urges state and federal legislators, state and federal public utility regulators, Independent System Operators, and Retail Transmission Organizations to adopt laws, regulations, protocols, and policies that provide market incentives to foster the maintenance of adequate, reliable, dispatchable sources of power and encourage the deployment of advanced nuclear reactors, small modular nuclear reactors and carbon capture, utilization, and storage at coal and gas power plants in lieu of prematurely retiring such plants.

Emergency Management & Homeland Security

SR 52 – Security and Energy Independence Opportunity

Sponsored by Phillips, Stollings, Grady, Stover, Smith, and Rucker

Emphasizes West Virginia’s opportunity to strengthen national security and energy independence and supply world energy markets in the fallout resulting from sanctions on Russian energy exports.

Fossil Energy

HB 4296 – Coal-Workers’ Pneumoconiosis Fund Technical Revisions

Sponsored by Westfall

Repeals and revises outdated sections of the state’s code, such as text associated with the state’s Coal-Workers’ Pneumoconiosis Fund.

HB 4336 – Natural Resources Property Valuation

Sponsored by Graves, et al.

Revises the methodology to value property producing oil, natural gas, and natural gas liquids by the Tax Commissioner for property tax assessments.

The bill provides a formula for the valuation of oil, natural gas, and natural gas liquid properties, which accounts for major industry changes in recent years that were not properly reflected in past valuation formulas.

Within the bill, the formula recognizes various natural resource products income streams produced from natural gas and oil wells in West Virginia including natural gas liquid products and is based on actual annual prices as opposed to a weighted three-year average price.

HB 4488 – Coal Mining Fees

Sponsored by Anderson, Kelly, Hansen, and Young

Ensures full, adequate funding for the operation of the Department of Environmental Protection’s Division of Mining and Reclamation by increasing permit application fees, renewals, and modifications for surface coal mining.

HB 4758 – Tracking Reclamation Liability

Sponsored by Anderson, et al.

Directs the development and maintenance of a database tracking reclamation liabilities in the West Virginia Department of Environmental Protection Special Reclamation Program in order to better quantify the potential liability of the Special Reclamation Program for forfeited coal mining permits.

HR 19 – Request for New Wells and Mines Permitting

Sponsored by Howell, et al.

Urges Congress and the President to pass federal legislation to speed up the environmental permitting process on new wells and mines.

SB 1 – Mining Mutual Insurance Company

Sponsored by Blair, et al.

Create a Mining Mutual Insurance Company in order to provide an option for coal mining permit holders to obtain performance bond insurance that is available and affordable while assuring that reclamation will occur in a timely and predictable fashion in those instances where a permit holder fails to perform under the terms of the permit issued.

SB 476 – Minimum Severance Tax on Coal

Sponsored by Tarr

Replaces references to “thin seam coal” in existing law with references to coal “mined by underground methods from seams with an average thickness of 45 inches or less,” with regard to severance tax exemptions.

SB 530 – Public-Private Partnership Funding

Sponsored by Blair and Baldwin

Provides a coal severance tax escrow fund for the state portion of coal severance taxes paid on a public-private transportation facility.

SB 650 – Royalty Owner Requirements

Sponsored by Nelson

Removes the required number of royalty holders needed for utilization by an operator for the lawful use and development by cotenants.

SB 694 – Oil and Gas Conservation Provisions

Sponsored by Tarr and Nelson

Amends existing oil and gas definitions to include unconventional reservoirs, horizontal drilling, horizontal well, vertical well, and natural gas liquids.

The measure states that horizontal drilling is a technique that recovers natural resources and should be encouraged as a means of production of oil and gas and is declared to be the public policy of the state and in the public interest to:

- A. Foster, encourage and promote exploration for and development, production, utilization, and conservation of oil and gas resources by horizontal drilling in deep and shallow formations;
- B. Prohibit waste of oil and gas resources and unnecessary surface loss of oil and gas and their constituents;
- C. Encourage the maximum recovery of oil and gas; and
- D. Safeguard, protect, and enforce the correlative rights of operators and royalty owners of oil and gas in a horizontal well unit to the end that each such operator and royalty owner may obtain his or her just and equitable share of production from that pool, horizontal well unit, or unconventional reservoir of oil or gas; and

E. Safeguard, protect, and enforce the property rights and interests of surface owners and the owners and agricultural users of other interests in the land.

The bill also modifies the composition of the oil and gas conservation commission such that the fifth appointee is a resident owner of minerals in the state who is not and never has been affiliated with an operator of oil or gas wells.

SB 714 –Coal Mine Safety and Technical Review Committee Tie Votes

Sponsored by Smith, et al.

Establishes that the Director of the Office of Miners’ Health, Safety, and Training or his or her designee may vote to break tie votes of the Coal Mine Safety and Technical Review Committee.

SCR 55 – Requesting Federal Lease Sales for Onshore and Offshore Infrastructure

Sponsored by Smith, et al.

Urges the current Presidential Administration to open federal lease sales onshore and offshore in order to support critical energy infrastructure to deliver energy produced in West Virginia.

Nuclear Energy

HR 5 – Power Grid Stability

Sponsored by Zatezalo, et al.

Urges state and federal legislators, state and federal public utility regulators, Independent System Operators, and Retail Transmission Organizations to adopt laws, regulations, protocols, and policies that provide market incentives to foster the maintenance of adequate, reliable, dispatchable sources of power and encourage the deployment of advanced nuclear reactors, small modular nuclear reactors and carbon capture, utilization, and storage at coal and gas power plants in lieu of prematurely retiring such plants.

SB 4 – Repealing Nuclear Power Plant Ban

Sponsored by Takubo, et al.

Repeals the state’s ban on the construction of nuclear power plants.

Renewable Energy

HB 4098 – Geothermal Energy Development

Sponsored by Anderson, et al.

Declares that the establishment of a regulatory program to address the exploration, development, and production of geothermal resources in the state is in the public interest and should be done in a manner that protects the environment and our economy for current and future generations.

The measure gives the secretary of the Department of Environmental Protection jurisdiction over all aspects of program development and the exclusive authority to perform all acts necessary to implement the law. The regulatory program promulgated by the secretary must include, but not be limited to, the following:

- A. Application for a permit on a form prescribed by the secretary and containing any information the secretary considers is necessary to issue a decision on the permit application;
- B. A procedure for reviewing a permit application and issuance of decision to grant or deny a permit;

- C. A procedure allowing the public to comment on a permit application prior to issuance of a decision by the secretary;
- D. A permit term not to exceed five years;
- E. A procedure to renew or modify permits on forms prescribed by the secretary and containing any information the secretary considers is necessary to issue a decision on the renewal or modification;
- F. Fees for permit applications and for permit renewals and modifications;
- G. A procedure to suspend or revoke permits;
- H. Standards for developing, drilling, plugging, and reclaiming well sites;
- I. Guidelines for the safe disposal of spent geothermal fluids and other unusable or contaminated fluids generated in the production of geothermal resources;
- J. Standards to ensure protection of all water resources of the state; and
- K. Inspections and investigations to ensure compliance with any provision of the law or rule or permit or order issued by the secretary.

HR 6/SR 4 – Hydroelectric Power Support

Sponsored by Glasko-Tully, et al./Hamilton, et al.

Urges the United States Army Corps of Engineers to study hydroelectricity growth and clean energy production at Summersville dam.

Utilities

HB 3231 – Security Deposit Interest for Utilities

Sponsored by Conley and Riley

Declares that no public utility may require any deposit of any residential customer exceeding one twelfth of the estimated annual charge to the customer for such service.

The measure also establishes that public utilities may collect and hold a security deposit in accordance with this statute and the rules established by the commission. No interest is payable on security deposits when a deposit is, no later than 30 days following the date of the end of the eighteenth month of service, either applied as a credit to the customer's account or returned or refunded to the customer by some other means.

SB 231 – Broadband Connectivity with Utility Poles

Sponsored by Tarr, et al.

Requires utility pole owners or managers that determine a pole ready for telecommunication fibers to be added, and the additional available capacity for that pole, is required to make such known to the West Virginia Department of Economic Development.

Pole owners are excluded from the requirements of the bill if the owner has an electronic permitting and notification software system for processing pole attachment applications.

SB 262 – Energy Company Boycott Provisions

Sponsored by Phillips, et al.

Authorizes the state’s treasurer to prepare and maintain a list of financial institutions engaged in a boycott of energy companies.

A list prepared pursuant to the law will be known and cited as the restricted financial institution list.

In preparing the restricted financial institution list, the treasurer may review and rely on publicly available information regarding financial institutions, including public statements by a company, information published or provided by nonprofit organizations, research firms, international organizations, and other state or federal governmental entities.

Further, the bill states that upon preparation of the restricted financial institution list, the treasurer must comply with the following requirements:

- A. The treasurer must publicly post the restricted financial institution list on the treasurer’s website and submit a copy of the list to the Governor, the President of the Senate, and the Speaker of the House of Delegates.
- B. The Treasurer must update the restricted financial institution list annually, or more often as the Treasurer considers necessary.
- C. For each newly identified restricted financial institution, the treasurer must send a written notice informing the institution of its restricted financial institution status and that it may be ineligible to enter into, or remain in, banking contracts with the state.

If, following the receipt of the written notice, the restricted financial institution provides information demonstrating, to the treasurer’s satisfaction, that it is not engaged in a boycott of energy companies or that it has ceased all activity that boycotts energy companies, the treasurer must remove the company from the restricted financial institution list.

SB 597 – Definitions for Underground Facilities Damage Prevention

Sponsored by Nelson

Redefines, in the context of the state’s underground damage prevention and one-call system, “excavate” or “excavation” to mean any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosives, and includes, without limitation, boring, backfilling, grading, trenching, trenchless technology, digging, ditching, dredging, drilling, auguring, tunneling, moiling, scraping, cable or pipe plowing and driving, wrecking, razing, rendering, moving, or removing any structure or mass of material, but does not include underground or surface mining operations or related activities or the tilling of soil for agricultural purposes or for domestic gardening.

Further, for purposes of the law, the terms “excavate” and “excavation” do not include routine maintenance of paved public roads or highways, where all work is confined to the traveled portion of the paved public way and does not exceed a depth greater than 12 inches measured from the top of the paved road surface.

SB 638 – Hearing and Notice Provisions for Failing or Distressed Utilities

Sponsored by Nelson

States that hearings on distressed or failing utilities must be held at a location at or within the utility’s service area and the Public Service Commission must give “reasonable notice” of such.

Environmental Legislation

Emissions & Pollution

HB 4571 – Allowance for Electric Powered Buses

Sponsored by Hamrick, et al.

Increases the foundation allowance for transportation cost for the portion of the county's school bus system that is fully powered by electricity stored in an onboard rechargeable battery or other storage device and for the portion of its school bus system that is manufactured within the state of West Virginia.

HB 4797 – Electric Vehicle Infrastructure Deployment Plan

Sponsored by Toney, Booth, Hansen, and Hamrick

Directs the Department of Economic Development to create an EV Infrastructure Deployment Plan for West Virginia that describes how the state intends to use its share of National Electric Vehicle Infrastructure Formula Program funds.

The department must share this plan and report with the interim Joint Committee of Government and Finance by July 1, 2022, according to the measure.

SB 279 – Environmental Protection Regulation

Sponsored by Sypolt

Authorizes the Department of Environmental Protection to promulgate a legislative rule relating to the following:

- A. Ambient air quality standards;
- B. Standards of performance for new stationary sources;
- C. Control of air pollution from combustion of solid waste;
- D. Emission standards for hazardous air pollutants;
- E. Requirements for the management of coal combustion residuals;
- F. Requirements governing water quality standards;
- G. Underground injection control rule; and
- H. Administrative proceedings and civil penalty assessment.

Environmental Health & Justice

HB 4479 – Coalfield Communities Grants

Sponsored by Dean, et al.

Establishes the Coalfield Communities Grant Facilitation Commission to administer a matching fund needed to pay the local matching portion to receive a federal, private, or non-profit grant for a coalfield community organization or entity to fund a development project.

HR 8 – Select Committee on Coalfield Communities

Sponsored by Hanshaw, Skaff, Dean, Evans

Creates a Select Committee on Coalfield Communities in order to address all issues relating to coalfield communities in the state.

Economic impacts from coal production decline have resulted in an increase in hunger and homelessness in coalfield communities, and the measure seeks to address such issues by ensuring an educated, skilled, dedicated, and diversified workforce.

SB 713 – Environmental Laboratory Certification Fund Limits

Sponsored by Smith, et al.

Removes the statutory limit of \$300,000 for the Environmental Laboratory Certification Fund and allows field tests and remote monitoring or testing equipment to be certified by the laboratory certification program.

SR 39 – Emergency Conservation Act Recognition

Sponsored by Lindsay, Jeffries, and Stollings

Recognizes the Emergency Conservation Act that was signed into law March 31, 1933, by Franklin D. Roosevelt, which during the next nine years would put to work more than 3 million young men enrolling into the Civilian Conservation Corps.

The resolution also recognizes the efforts of Kanawha State Forest Foundation (KSFF) volunteers and other volunteers in the creation of historical kiosks associated with the Davis Creek's Stream Restoration Program.

Hazardous Waste

HB 4003 – Commercial Benefit of Certain Potentially Hazardous Substances

Sponsored by Keaton, et al.

Establishes that all chemical compounds, elements, and other potentially toxic materials which are found within the waters of the state that are derived from the treatment of mine drainage, and which have economic value, may be used, sold, or transferred by the Department of Environmental Protection, or its designee, for commercial gain and benefit.

Inland Water Quality & Management

SB 584 – Water or Wastewater Facility Extension Funding

Sponsored by Jeffries, et al.

Increases the cap related to providing extensions to a water or wastewater facility from \$1 million to \$2 million provided overages not to exceed 10 percent of the total project cost are paid by a person or government agency.

HB 4113 – Public Health Definitions and Powers

Sponsored by Rohrbach, et al.

Allows for the secretary of the Department of Public Health to propose legislative rules, concerning topics such as land usage endangering the public health, the design of all water systems, and safe drinking water.

HB 4566 – Economic Enhancement Grant Fund

Sponsored by Hanshaw, et al.

Directs the state’s Water Development Authority to create and establish a special fund of moneys made available by appropriations, grants, contributions, or other sources to be known as the West Virginia Economic Enhancement Grant Fund in order provide the local or state match for any federal or other programs that require a match for projects and infrastructure and where the commitment of the matching funds is required to be made and submitted with the application for the federal or other grant.

The authority must also establish the Enhancement Grant Subaccount in the Economic Enhancement Grant Fund to be expended as grants to governmental agencies or not-for-profits to cover all or a portion of the costs of projects or infrastructure projects, such as:

- A. The cost of bid overruns for projects and infrastructure projects approved by the West Virginia Infrastructure and Jobs Development Council;
- B. All or a portion of the costs of extending or expanding water, stormwater and/or wastewater service to enhance economic development and/or tourism when recommended by the Secretary of Commerce, the Secretary of Economic Development, and/or the Secretary of Tourism;
- C. The costs of facilitating the merger and/or consolidation of water or wastewater providers where all parties to the proposed merger make joint applications to the West Virginia Infrastructure and Jobs Development Council;
- D. The cost of water, stormwater, and/or wastewater projects for governmental agencies where the combined rates for water, stormwater, and wastewater exceed 1.5 percent of the governmental agency’s Median Household Income; and
- E. The startup costs for governmental utilities that are providing or extending service to unserved areas of the state.

Land Management

HB 4408 – Recreational Facility Contracts

Sponsored by Dean, et al.

Allows for contracts with third parties for the financing, construction, and operation of new recreational, lodging, and ancillary facilities at all state parks and state forests under the jurisdiction of the Division of Natural Resources except for Watoga State Park.

The contracts may allow and recognize both direct and subsidiary investment arrangements.

HR 7 – Sustainable Forest Harvesting on Public Lands

Sponsored by Hott, et al.

Urges the United States Congress to increase sustainable forest harvesting on public lands in the state of West Virginia and, specifically, the Monongahela National Forest.

Reorganization & Coordination

HB 4295 – National Flood Insurance Program Transfer

Sponsored by Westfall, Espinosa, and Hott

Transfers the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management.

Solid Waste

HB 4084 – Advanced Recycling Definitions and Regulation

Sponsored by Zatezalo, et al.

Facilitates the conversion and use of plastics and other recovered materials through advanced recycling processes.

The bill defines “advanced recycling” as a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, and other products like waxes and lubricants through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, hydrogenation, solvolysis, and other similar technologies. The recycled products produced at advanced recycling facilities include, but are not limited to, monomers, oligomers, plastics, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, coatings, and other basic hydrocarbons. Advanced recycling may not be considered solid waste management or solid waste disposal.



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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