

**INCMA Bill Report**  
Report created on April 28, 2023

**HB1417 UTILITY DEFERRED COSTS AND ACCOUNTING PRACTICES** (SOLIDAY E) Amends the Indiana Code provision concerning a system of accounting for public utilities to provide the following: (1) That a public utility, municipally owned utility, or not-for-profit utility may defer for consideration by the Indiana utility regulatory commission (IURC) and for future recovery costs incurred or to be incurred in a regulatory asset, to the extent that the specific costs are incremental and are not otherwise already included for recovery in the utility's rates. (2) That preapproval of the IURC is not required for the creation of a regulatory asset. (3) That a public utility, municipally owned utility, or not-for-profit utility may recover through the utility's rates over a reasonable period, as determined by the IURC, costs that are: (A) deferred under these provisions; and (B) found to be reasonable and prudent by the IURC. Amends the Indiana Code provision concerning a public utility's depreciation account and depreciation rates to provide the following: (1) That depreciation rates shall be calculated to recover a reasonable estimate of the future cost of removing retired assets of the public utility. (2) That in a proceeding in which the costs of a capital asset are being recognized for ratemaking purposes, a public utility may account for any asset retirement obligations and recover, through rates charged to customers, reasonably and prudently incurred costs associated with asset retirement obligations, to the extent the specific asset retirement obligation costs are incremental and have not been included in depreciation rates. (3) That the IURC shall make changes in a public utility's depreciation rates as necessary to reflect changes in: (A) the public utility's estimated asset retirement costs, including all reasonable and prudent costs of removing retired assets; and (B) the estimated retirement dates of the public utility's assets. Amends the Indiana Code chapter concerning federally mandated requirements for energy utilities to specify that recovery of the 80% of IURC-approved federally mandated costs that an energy utility may recover through a rate adjustment mechanism must commence no earlier than: (A) the date of a final agency action regarding the federally mandated requirement; or (B) in the absence of a final agency action, the date on which the federally mandated requirement becomes effective.

**All Bill Status:** 4/20/2023 - **SIGNED BY GOVERNOR**

**Priority:** Tier 1 - High

**State Bill Page:** [HB1417](#)

**HB1420 ELECTRIC TRANSMISSION FACILITIES** (SOLIDAY E) Amends the chapter in the Indiana Code concerning electric transmission facilities as follows: (1) Specifies that the term "electric transmission facility" does not include a line installed solely for the purpose of connecting an electric generation facility to facilities owned by a public utility. (2) Repeals the definition of "local reliability electric transmission facility" and makes conforming changes. (3) Amends the provisions concerning an incumbent electric transmission owner's right of first refusal to construct, own, operate, and maintain certain electric transmission facilities, or upgrades to certain electric transmission facilities, as follows: (A) Specifies that the right of first refusal applies with respect to: (i) the construction; or (ii) upgrades; of electric transmission facilities if the construction or upgrades have been approved through a regional transmission organization (RTO) planning process. (B) Provides that if an electric transmission facility has been approved for construction through an RTO planning process: (i) each incumbent electric transmission owner that has a right to construct, own, operate, and maintain the electric transmission facility shall give written notice to the Indiana Utility Regulatory Commission (IURC), not later than 90 days after the construction is approved, regarding the incumbent electric transmission owner's intent to construct, own, operate, and maintain the approved electric transmission facility; and (ii) if an incumbent electric transmission owner gives notice of intent not to construct the approved electric transmission facility, another entity may seek to construct the approved electric transmission facility in accordance with the RTO planning process and the bill's provisions. (C) Provides that if an incumbent electric transmission owner gives to the IURC during a calendar year notice of its intent to construct, own, operate, and maintain an approved electric transmission facility, the incumbent electric transmission owner shall, not later than May 1 of the subsequent calendar year, provide the IURC with certain specified information. (D) Provides that an incumbent electric transmission owner that exercises its right to construct an approved electric transmission facility must, to the extent commercially practicable, use competitively bid engineering, procurement, or construction contracts that meet the specifications required by the incumbent electric transmission owner with respect to the facility.

**All Bill Status:** 4/20/2023 - House Concurred in Senate Amendments; Roll Call 470: yeas 55, nays 39

**Priority:** Tier 1 - High

**State Bill Page:** [HB1420](#)

**SB3 STATE AND LOCAL TAX REVIEW TASK FORCE** (HOLDMAN T) Establishes the state and local tax review task force. Specifies the membership and the topics the task force is required to review. Provides that the member of the task force who is an economist is appointed jointly by the president pro tempore of the senate and the speaker of the house of representatives. Provides for the selection of the chairperson.

**Current Status:** 4/28/2023 - Conference Committee Report Adopted (S) Report 1: adopted by the Senate; Roll Call 535: yeas 50, nays 0; Rules Suspended

**All Bill Status:** 4/28/2023 - Conference Committee Report Adopted (H) Report 1: adopted by the House; Roll Call 562: yeas 96, nays 0; Rules Suspended

**Priority:** Tier 1 - High

**State Bill Page:** [SB3](#)

**HB1002 EDUCATION AND WORKFORCE DEVELOPMENT** (GOODRICH C) Establishes the: (1) career scholarship account program; (2) career scholarship account program fund; (3) career scholarship account administration fund; (4) career scholarship account donation fund; (5) connecting students with careers fund; (6) teacher higher education and industry collaboration grant program and fund; (7) career coaching grant fund; and (8) intermediary capacity building fund. Provides that the department of education, in consultation with the commission for higher education, shall designate and approve a course sequence, career course, modern youth apprenticeship, apprenticeship, or program of study for grants under the CSA program. Provides for revocation of the approval if the sequence, course, modern youth apprenticeship, apprenticeship, or program of study fails to achieve an adequate outcome, as determined by the department, in consultation with the commission. Establishes eligibility requirements to participate in the CSA program. Provides that the commission may approve participating entities that meet certain requirements to participate in the CSA program. Provides that, beginning July 1, 2024, certain school corporations shall include instruction for all students regarding career awareness. Provides that the state board of education, in consultation with the commission, shall create certain standards for a career awareness course. Requires the department to publish on the department's website a list of skill competencies identified by certain approved participating entities. Requires the state board, in consultation with the department, to establish new high school diploma requirements. Removes a provision that provides that a student who satisfies an Indiana diploma with a Core 40 with academic honors designation through a certain alternative course shall not count toward a school's honor designation award. Requires the commission to create a list of approved intermediaries, employers, and labor organizations. Requires certain high school and college students to meet with an approved postsecondary educational institution, an intermediary, an employer, or a labor organization. Requires certain committed offenders to meet with an intermediary, employer, or labor organization. Provides that during each school year, a public high school must hold at least one career fair during regular school hours. Amends requirements for certification of qualified education programs by INvestED Indiana. Provides that the department shall approve career coaching providers for the purpose of eligibility for a career coaching grant. Requires the department to establish and maintain an online platform that allows teachers to access and share information regarding connecting daily classroom lessons with innovations in workplace practices and postsecondary education research. Repeals provisions relating to the industry collaboration certification program. Repeals and replaces a definition of "participating entity" with "ESA participating entity".

**Current Status:** 4/27/2023 - Conference Committee Report Adopted (S) (35-15)

**All Bill Status:** 4/27/2023 - Conference Committee Report Adopted (H) Report 1: adopted by the House; Roll Call 558: yeas 74, nays 23; Rules Suspended

**Priority:** Tier 2 - Medium

**State Bill Page:** [HB1002](#)

**HB1004 HEALTH CARE MATTERS** (SCHAIBLEY D) Establishes the health care cost oversight task force and sets forth duties of the task force. Provides a credit against state tax liability to certain physicians who have an ownership interest in a physician practice and meet other eligibility criteria. Allows a credit against the state tax liability of an employer with fewer than 50 employees if the employer has adopted a health reimbursement arrangement in lieu of a traditional employer provided health insurance plan and if the employer's contribution toward the health reimbursement arrangement meets a certain standard. Requires the office of the secretary of family and social services to research and compile data concerning Medicaid reimbursement rates for Indiana and all other states and the national reimbursement rate average. Requires the submission of a report to the health care cost oversight task force and the general assembly. Provides that a bill for health care services provided by certain qualified providers in an office setting must be submitted on an individual provider form. Prohibits an insurer, health maintenance organization, employer, or other person responsible for the payment of the cost of health care services from accepting a bill that is submitted on an institutional

provider form. Repeals language requiring a hospital to hold a public forum. Requires the department of insurance to contract with a third party to calculate an Indiana nonprofit hospital system's prices from certain health plans for specified calendar years. Before November 1, 2024, and before November 1 each subsequent year, requires the department's third party contractor to compare certain Indiana nonprofit hospital system facility pricing information with 285% of Medicare. Requires the calculations to be submitted as a report for review. Provides that a health care provider that enters into: (1) a value-based health care reimbursement agreement; and (2) an electronic medical records access agreement; with a health plan may qualify to participate in the health plan's program to reduce or eliminate prior authorization requirements. Requires a third party administrator, insurer, or health maintenance organization that has contracted with a person to administer a self-funded insurance plan or a fully insured group plan to provide claims data to the person not later than 15 days from a request for the data. Specifies certain claims data to be provided and establishes a fine for a failure to timely provide the claims data. Requires the all payer claims data base advisory board to discuss specified issues concerning reimbursement rates. Allows for the provisional credentialing of physicians who establish or join an independent primary care practice.

**Current Status:** 4/28/2023 - Conference Committee Report Adopted (S) Report 1: adopted by the Senate; Roll Call 532: yeas 45, nays 5; Rules Suspended

**All Bill Status:** 4/27/2023 - Conference Committee Report Adopted (H) Report 1: adopted by the House; Roll Call 559: yeas 90, nays 7; Rules Suspended

**Priority:** Tier 2 - Medium

**State Bill Page:** [HB1004](#)

**HB1007 ELECTRIC UTILITY SERVICE (SOLIDAY E)** Provides that it is the continuing policy of the state that decisions concerning Indiana's electric generation resource mix, energy infrastructure, and electric service ratemaking constructs must take into account the following attributes of electric utility service: (1) Reliability. (2) Affordability. (3) Resiliency. (4) Stability. (5) Environmental sustainability. Requires the Indiana utility regulatory commission to take each of these attributes into account when: (1) reviewing, and preparing a final director's report for, an integrated resource plan submitted by an electric utility; (2) acting upon a petition for the construction, purchase, or lease of an electric generation facility; and (3) reviewing whether the public convenience and necessity continues to require the completion of an electric generation facility under construction. Requires the IURC to commence before September 1, 2023, a comprehensive study to consider the appropriate: (1) design and framework for; and (2) requirements with respect to; performance based ratemaking for investor-owned electricity suppliers. Sets forth certain topics that the IURC shall consider and evaluate in conducting the required study. Requires the IURC to include in its annual report that is due before October 1, 2025, a report containing the IURC's analysis and recommendations on the specified topics. Provides that the report must contain recommendations, supported by sufficient data and analysis from the IURC's study, with respect to the appropriate: (1) design and framework for; and (2) requirements with respect to; performance based ratemaking for electricity suppliers, so as to enable the general assembly to fully evaluate the impact of performance based ratemaking on all classes of ratepayers, while considering the five attributes of electric utility service set forth as state policy in the bill. Amends the statute governing reliability adequacy metrics for certain electric utilities as follows: (1) Defines the terms: (A) "fall unforced capacity", or "fall UCAP"; and (B) "spring unforced capacity", or "spring UCAP"; for purposes of the prescribed reliability adequacy metrics. (2) Reduces to 15% the 30% limit for a public utility's summer or winter unforced capacity that the public utility is authorized to acquire from capacity markets, for purposes of the reliability adequacy metrics included in a resource planning report submitted to the IURC after June 30, 2023. (3) Provides that the reliability metrics included in a report submitted to the IURC after June 30, 2026, must include specified information concerning a public utility's ability to meet its spring UCAP and fall UCAP. (4) Provides that if, after reviewing a public utility's report, the IURC is not satisfied that the public utility can: (A) provide reliable electric service to its Indiana customers; or (B) either: (i) satisfy both its planning reserve margin requirement or other federal reliability requirements and the reliability adequacy metrics set forth in the bill; or (ii) provide sufficient reason as to why it is unable to satisfy both its planning reserve margin requirement or other federal reliability requirements and the reliability adequacy metrics set forth in the bill; the IURC may conduct an investigation into the matter. (5) Requires the IURC to include in its 2025 annual report its analysis regarding the appropriate percentage or portion of: (A) total spring UCAP; and (B) total fall UCAP; that public utilities should be authorized to acquire from capacity markets.

**All Bill Status:** 4/20/2023 - **SIGNED BY GOVERNOR**

**Priority:** Tier 2 - Medium

**State Bill Page:** [HB1007](#)

**HB1421 ENERGY PRODUCTION AND RESOURCES (SOLIDAY E)** Requires the Indiana utility regulatory commission to issue an order granting or denying an application for a certificate of public convenience and necessity not later than 240 days after the filing of the application and the submission of the applicant's case in chief. Authorizes the IURC to issue a general administrative order establishing guidelines regarding the information to be included in an applicant's case in chief. Amends the statute providing certain financial incentives for energy utilities in connection with clean energy projects as follows: (1) Provides that a "clean energy project" includes a project to construct or repower, after July 1, 2011, a natural gas facility to displace electricity generation from an existing coal fired generation facility. (2) Provides that an "eligible business" for purposes of eligibility for incentives authorized under the statute includes a joint agency created under the Indiana Code chapter authorizing municipal electric utility programs. (3) Provides that for purposes of a clean energy project involving a renewable energy resource project, a "renewable energy resource" includes gas that is derived from the decomposition of organic matter and that: (A) is fully interchangeable with; or (B) can be combined with; conventional natural gas for purposes of generating electricity. (4) Provides that the IURC may provide an incentive under the statute for a project that the IURC finds to be just and reasonable (rather than "reasonable and necessary" under current law). (5) Provides that the IURC may not approve the timely recovery of costs and expenses incurred during the construction and operation of a project unless the IURC finds that recovery of the costs and expenses: (A) is just and reasonable; and (B) will result in a gross financing costs savings over the life of the project. (6) Eliminates the incentive authorizing up to three percentage points on the return on shareholder equity that would otherwise be allowed to be earned on certain clean energy projects. (7) Amends the language prescribing the time frame within which the IURC must issue a determination as to a project's eligibility for the available financial incentives to require the IURC to issue the determination not later than: (A) 120 days after the date of the application; or (B) the time frame prescribed in the bill for the IURC to grant or deny a certificate if a certificate is required for the project. Provides, for purposes of the oil and gas law (which requires the natural resources commission to adopt rules to prevent waste and prohibits actions in the extraction of coal bed methane that would waste commercially minable coal resources), that the term "waste" does not include capturing and destroying coal bed methane for a commercial purpose, including the generation of carbon credits.

**All Bill Status:** 4/20/2023 - **SIGNED BY GOVERNOR**

**Priority:** Tier 2 - Medium

**State Bill Page:** [HB1421](#)

**SB7 PHYSICIAN NONCOMPETE AGREEMENTS (BUSCH J)** Provides that beginning July 1, 2023, a primary care physician and an employer may not enter into a noncompete agreement. Provides that beginning July 1, 2023, a physician noncompete agreement is not enforceable if any of the following circumstances occur: (1) The employer terminates the physician's employment without cause. (2) The physician terminates the physician's employment for cause. (3) The physician's employment contract has expired and the physician and employer have fulfilled the obligations of the contract. Specifies a process by which a physician or employer may pursue mediation to determine a reasonable price to purchase a release from a noncompete agreement.

**All Bill Status:** 4/24/2023 - Senate Concurred in House Amendments ; Roll Call 466: yeas 41, nays 7

**Priority:** Tier 2 - Medium

**State Bill Page:** [SB7](#)

**SB155 AIR POLLUTION CONTROL (NIEMEYER R)** Provides that a federal regulation that classifies or amends a designation of attainment, nonattainment, or unclassifiable for any area in Indiana under the federal Clean Air Act is effective and enforceable in Indiana on the effective date of the federal regulation. Requires the environmental rules board (board) to adopt rules, including emergency rules, to raise two Title V operating permit program fees, increasing: (1) the annual fee for a Part 70 permit to \$6,100; and (2) the annual fee for a federally enforceable state operating permit (FESOP) to \$6,100; for five years, beginning with the fees first due and collectable after December 31, 2023. Requires the board, not more than 45 days after the effective date of the SECTION requiring the adoption of the rules, to provide notice in the Indiana Register of the first public comment period required before the adoption of the permanent rules raising the two fees. Prohibits the board from beginning to adopt the emergency rules to raise the two fees until the notice of the first comment period concerning the permanent rules to raise the two fees is published.

**All Bill Status:** 4/20/2023 - **SIGNED BY GOVERNOR**

**Priority:** Tier 2 - Medium

**State Bill Page:** [SB155](#)

**SB298 UTILITY INFRASTRUCTURE IMPROVEMENT CHARGES** (KOCH E) Amends the statute governing infrastructure improvement charges for water or wastewater utilities as follows: (1) Provides that in the case of a municipally owned utility or a not-for-profit utility, the adjustment amount to an eligible utility's basic rates and charges for the recovery of infrastructure improvement costs shall be recovered over a 12 month period. (2) Provides that a utility may not recover through an infrastructure improvement charge any infrastructure improvement costs that are recovered by the utility through contributions in aid of construction. (3) Provides that when an eligible utility files a petition for an adjustment amount with the Indiana utility regulatory commission, the office of utility consumer counselor may examine information of the eligible utility, limited to confirming: (A) that the infrastructure improvements for which recovery is sought are eligible for cost recovery under the statute; and (B) the proper calculation of the proposed adjustment amount. (4) Provides that if the IURC finds that an eligible utility's proposed adjustment amount has not been calculated correctly, the IURC shall: (A) provide the correct calculation of the adjustment amount; and (B) allow the eligible utility to implement the corrected adjustment amount. (5) Amends the factors that the IURC may consider in determining the amount of allowable recovery of infrastructure improvement costs for a municipally owned utility or a not-for-profit utility to provide that the IURC may consider other expenses that the IURC considers appropriate, including money for the payment of any taxes that may be assessed against: (A) a municipally owned utility; or (B) a not-for-profit utility or its property; as applicable. (6) Specifies that in the case of a municipally owned utility or not-for-profit utility, the statute's cap limiting total adjustment revenues to 10% of an eligible utility's approved base revenue level applies over the course of each 12 month recovery period. (7) Amends the statute's provisions requiring an eligible utility to reconcile the difference between adjustment revenues and infrastructure improvement costs as follows: (A) Specifies that the reconciliation must occur at the end of each 12 month recovery period. (B) Provides that in the case of a municipally owned utility or a not-for-profit utility, the adjustment amount shall be reset to zero after all previously approved infrastructure improvement costs have been collected.

**All Bill Status:** 4/20/2023 - **SIGNED BY GOVERNOR**

**Priority:** Tier 2 - Medium

**State Bill Page:** [SB298](#)

**SB472 ADVANCED RECYCLING** (MESSMER M) Defines "advanced recycling" as a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic raw materials, feedstocks, chemicals, and other products. Defines "advanced recycling facility" as a manufacturing facility that: (1) receives, stores, and converts post-use polymers and recovered feedstocks resulting from advanced recycling; and (2) is subject to manufacturing regulation by the department of environmental management. Provides: (1) that post-use polymers and recovered feedstocks that are converted at an advanced recycling facility or held at an advanced recycling facility before conversion are not within the definition of "solid waste"; (2) that an advanced recycling facility is not within the definition of "solid waste disposal facility"; (3) that the activities undertaken at an advanced recycling facility are not within the definition of "solid waste management"; and (4) that an advanced recycling facility is not within the definition of "solid waste disposal facility" or the definition of "solid waste processing facility". Provides that certain solid waste management laws do not apply to advanced recycling facilities. Provides, for purposes of Indiana environmental law, that products sold as fuel are not considered recycled products.

**All Bill Status:** 4/20/2023 - **SIGNED BY GOVERNOR**

**Priority:** Tier 2 - Medium

**State Bill Page:** [SB472](#)

**HB1451 UNEMPLOYMENT COMPENSATION** (CARBAUGH M) Amends the definition of "deductible income" for purposes of the unemployment compensation laws. Provides that, subject to certain exceptions, the department of workforce development may accept an offer in compromise from an employer or claimant to reduce past due debts arising from contributions or benefit overpayments. Provides that an individual is ineligible for benefits for any week that the individual receives payments equal to or exceeding the individual's weekly benefit amount in pension, retirement, or annuity payments under any plan of an employer where the employer contributes all of the money. Provides that the state of Indiana is not required to participate in or precluded from ceasing to participate in any offered or enacted voluntary, optional, special, or emergency federal program. Makes corresponding changes.

**All Bill Status:** 4/20/2023 - **SIGNED BY GOVERNOR**

**Priority:** Tier 3 - Low

**State Bill Page:** [HB1451](#)

**SB9 ENERGY UTILITIES (LEISING J)** Amends the Indiana Code chapter concerning federally mandated requirements for energy utilities as follows: (1) Specifies that for purposes of the statute, "federally mandated costs" include the following: (A) Costs that an energy utility has incurred, or estimates that it will incur, in connection with a compliance project. (B) Costs that are directly related to the preparation and conduct of a regulatory proceeding. (C) Costs related to a compliance project and incurred by an energy utility before the date of: (i) the energy utility's application to the Indiana utility regulatory commission (IURC) for a certificate of public convenience and necessity (certificate) with respect to the compliance project; or (ii) the IURC's order with respect to the application; if the IURC finds the costs are just and reasonable. (2) Provides that an energy utility's application for a certificate for a compliance project must be filed either: (A) before; or (B) within a reasonable time with respect to; any federally mandated compliance date. (3) Specifies that recovery of the 80% of IURC-approved federally mandated costs that an energy utility may recover through a rate adjustment mechanism must commence no earlier than: (A) the date of a final agency action regarding the federally mandated requirement; or (B) in the absence of a final agency action, the date on which the federally mandated requirement becomes effective. Requires a public utility to notify the IURC if: (1) the public utility intends or decides to retire, sell, or transfer an electric generation facility with a capacity of at least 80 megawatts; and (2) the retirement, sale, or transfer: (A) was not set forth in; or (B) is to take place on a date earlier than the date specified in; the public utility's short term action plan in the public utility's most recently filed integrated resource plan (IRP). Provides that upon receiving such notice from a public utility, the IURC shall consider and may investigate the public utility's intention or decision to retire, sell, or transfer the electric generation facility. Provides that in considering the public utility's intention or decision, the commission shall examine the impact the retirement, sale, or transfer would have on the public utility's ability to meet: (1) the public utility's planning reserve margin requirements or other federal reliability requirements; and (2) the reliability adequacy metrics set forth in Indiana law. Provides that if the retirement, sale, or transfer was not set forth in, or is to take place earlier than specified in, the public utility's short term action plan in the public utility's most recently filed IRP, the IURC shall not permit the public utility's depreciation rates to be amended to reflect the accelerated date for the retirement, sale, or transfer of the electric generation asset unless the IURC finds that such an adjustment is necessary to ensure the ability of the public utility to provide reliable service to its customers, and that the unamended depreciation rates would cause an unjust and unreasonable impact on the public utility and its ratepayers. Authorizes the IURC to adopt a general administrative order to implement these provisions. Provides that these provisions: (1) do not apply to: (A) the retirement, sale, or transfer of a public utility's electric generation facility if the retirement, sale, or transfer is necessary for the public utility to comply with a federal consent decree; or (B) an electric generation facility that generates electricity for sale exclusively to the wholesale market; and (2) expire July 1, 2026.

**All Bill Status:** 3/22/2023 - **SIGNED BY GOVERNOR**

**Priority:** Tier 3 - Low

**State Bill Page:** [SB9](#)

**SB176 SMALL MODULAR NUCLEAR REACTORS (KOCH E)** Changes the rated electric generating capacity from 350 megawatts to 470 megawatts for purposes of the definition of "small modular nuclear reactor" as used in the statutes concerning: (1) certificates of public convenience and necessity issued by the Indiana utility regulatory commission for the construction, lease, or purchase of electric generation facilities; and (2) financial incentives for energy utilities that invest in clean energy projects. Makes a technical correction.

**All Bill Status:** 4/20/2023 - **SIGNED BY GOVERNOR**

**Priority:** Tier 3 - Low

**State Bill Page:** [SB176](#)

**SB246 EXCESS LIABILITY TRUST FUND (NIEMEYER R)** Defines "aboveground storage tank" as a tank or combination of tanks that is at least 90% above the surface of the ground, that has a capacity of more than 1,500 gallons but not more than 20,000 gallons, and that is used for the bulk storage and distribution of motor fuel to retailers or used at an airport. Changes the name of the underground petroleum storage excess liability fund to the "petroleum storage excess liability fund" (ELTF). Changes the name of the underground storage tank financial assurance board to the "petroleum storage tank financial assurance board" (financial assurance board). Transfers, from the state fire marshal and the fire prevention and building safety commission to the department of environmental management (department) and the environmental rules board, the authority to issue certificates for people who install, test, or decommission underground or aboveground storage tanks. Transfers rules concerning the certification program. Authorizes the use of the ELTF to provide a source of money to satisfy liabilities for corrective action involving aboveground storage tanks. Authorizes the use of the ELTF to provide reimbursement of 50% of costs of decommissioning or

replacing underground petroleum storage tanks subject to certain conditions, but limits the total amounts that can be paid from the ELTF each year for this purpose. Requires the financial assurance board to adopt: (1) rules concerning this reimbursement program; and (2) rules under which ELTF eligibility and funding may be reopened for a release previously granted "no further action" status by the department. Provides that a subsequent owner of a property on which a restrictive covenant has been placed because of soil or water contamination due to a leaking underground or aboveground storage tank is eligible for reimbursement from the ELTF of remediation expenses if the tank was registered and all annual fees for the tank were paid before the eligible release. Provides that the commissioner of the department (commissioner) may not: (1) issue an order to secure compliance; or (2) proceed in court; to require the owner or operator of an underground storage tank to undertake corrective action with respect to a release of petroleum until the commissioner has received and reviewed the initial site characterization of the site of the release. Provides that, if a quantity of the released petroleum remains or may remain underground at a site, the commissioner is prohibited from: (1) requesting that the owner or operator execute a restrictive covenant applying to the site; (2) making a determination of no further action being required at the site; or (3) approving closure of the site; unless the commissioner has received and reviewed the initial site characterization, but allows the commissioner to require the owner or operator to undertake corrective action at the site before reviewing the initial site characterization in case of a threat to human health or the environment. Establishes requirements for initial site characterizations. Provides that a qualified environmental professional, upon behalf of a tank owner, may request a waiver of the initial site characterization requirements and suggest an alternative procedure. Provides that the fee for the inspection of gasoline or kerosene: (1) applies to "avgas" (aviation fuel used in piston engine powered aircraft) in the same manner and to the same extent as it applies to gasoline; and (2) applies to jet fuel in the same manner and to the same extent as it applies to kerosene. Establishes an aviation fuel account (account) within the ELTF and requires that the inspection fees on avgas and jet fuel be deposited in the account. Provides that the account may be used only for financial responsibility, corrective action, third party indemnification, and administration expenses related to avgas and jet fuel.

**Current Status:** 4/26/2023 - Conference Committee Report Adopted (S) Report 1: adopted by the Senate; Roll Call 488: yeas 48, nays 0

**All Bill Status:** 4/25/2023 - Conference Committee Report Adopted (H) Report 1: adopted by the House; Roll Call 502: yeas 85, nays 0; Rules Suspended

**Priority:** Tier 3 - Low

**State Bill Page:** [SB246](#)