

# The Cope...



## INCMA's Monthly Newsletter

March 2024

### 2024 LEGISLATIVE SESSION WRAPS UP

Lawmakers wrapped up the 2024 legislative session on Friday March 8th. This "short" or non-budget year legislative session started a week later than normal and finished a week ahead of the statutory deadline of March 14. Below is a summary of legislation tracked by INCMA.

#### **Medicaid Shortfall**

In mid-December of 2023 a shortfall of nearly \$1billion dollars was [revealed in the states April forecast](#). Exactly how the number was off, and by so much, was a source of concern for lawmakers. [SB 256](#) was at times during the legislative session seen as an opportunity to enhance transparency and oversight to avoid future shortfalls. Legislators disagreed with the amount of oversight until late in the last day of session. The answer is there will be some new scrutiny but not as much as everyone would like.

#### **Administrative Law**

[HB 1003](#) dissolves the Office of Environmental Adjudication (OEA) and transfers cases to the Office of Administrative Law Proceedings (OALP).

Concerns about maintaining the environmental expertise of those working on environmental cases were resolved by amendment in the House. An amendment in a Senate Committee threatened to sink the entire bill. However, a 2nd reading amendment on the floor righted the ship. The bill author would like to end "deference" as to questions of law being



given to an agency after ruling by an administrative law judge; a trend nationally. The House author concurred with the Senate changes sending the bill to the Governor.

#### **Wetlands**

With blazing speed, [HB 1383](#) rocketed to the Governor's desk for signature on Feb. 12th. It is highly unusual for legislation to complete the process so early in a legislative session. The bill will allow for some wetlands to be exempt from regulation. General permits will be utilized for minimal and temporary

impacts. In addition, on-site mitigation will be allowed rather than only new, off-site mitigation as provided in current law. The legislation is controversial and has been [opposed](#) by several environmental groups. Stakeholders met with IDEM during the summer months to hammer out an agreement on the regulatory scheme.

#### **IDEM Agency Bill**

[SB 206](#) is the IDEM agency bill for this year. The introduced version contained language on easements and restrictive covenants and created a cause of action to gain access to property in need of remediation where an owner resisted. These two items were too much of a load on the bill and were stripped out in committee in the Senate. The remaining content deals with email communications by IDEM and some boards as well as enhancements to the permitting of biomass gasification facilities. The bill passed easily and is on to the Governor for signature.

#### **PFAS Chemicals**

[HB 1399](#) would have established a definition

for Per- and Polyfluorinated Substances (PFAS), AKA "forever chemicals" because they are nearly ubiquitous in our waste streams. The Environmental Rules Board would have been required to use the definition in any future rule promulgation. Controversy over the bill was on display during a hearing in the Senate Environmental Committee on February 19, no vote was taken. The bill came back to committee the following week, where the [Chairman said the bill would not move forward](#). A brief attempt was made to revive the language at the end of the session but was quickly abandoned.

#### **INCMA ENV. COMMITTEE**

The INCMA Env. Committee will meet via zoom on Thurs. March 21st at 2 pm. EDST. Members should contact INCMA to participate.

*(See March's featured sponsor attached)*

#### **INCMA**

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