

CONFERENCE COMMITTEE REPORT

HB 423

2017 Regular Session

Leopold

June 5, 2017

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 423 by Representative Leopold, recommend the following concerning the Engrossed bill:

- 1. The Senate Committee Amendments Nos. 1 through 6 by the Senate Committee on Environmental Quality (#2156), be adopted.
- 2. That Senate Floor Amendments Nos. 1 through 3 and 5 by Senator Fannin (#2555), be adopted.
- 3. That Senate Floor Amendment No. 4 by Senator Fannin (#2555), be rejected.
- 4. That the following amendments be adopted:

AMENDMENT NO. 1

On page 2, delete line 24 and insert the following:

~~"(c) Credits shall be pollutant specific, and credits may only be traded for that pollutant on days when constituent testing is conducted, unless other creditable pollutants are approved by the department. In addition to the review of agency rules provided for in R.S. 49:968, all reports of rules and regulations implementing the provisions of this Paragraph shall also be submitted to the House Committee on Agriculture, Forestry, Aquaculture and Rural Development and the Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development for oversight in accordance with the procedures provided for in R.S. 49:968.~~

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Respectfully submitted,

Representative Chris Leopold

Senator Mike Walsworth

Representative Stuart Bishop

Senator Jim Fannin

Representative Ray Garofalo

Senator Jack Donahue

 DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

CONFERENCE COMMITTEE REPORT DIGEST
HB 423**2017 Regular Session****Leopold**
Keyword and oneliner of the instrument as it left the House

ENVIRONMENT/WATER: Authorizes the secretary of the Louisiana Department of Environmental Quality to establish and administer a water quality trading program

Report adopts Senate amendments to:

1. Add "certifying" and "generating" as criteria for the validation, approval, and sale of banked credits.
2. Remove demonstration projects from that which may be used to aid in the development of a water quality trading program prior to the adoption of regulations.
3. Require review of rules and regulations implementing proposed law by the House and Senate agriculture committees.

Report amends the bill to:

1. Make technical corrections.

Digest of the bill as proposed by the Conference Committee

Present law authorizes the secretary of Dept. of Environmental Quality to adopt and promulgate rules and regulations that implement a point source to point source effluent reduction credit banking system in watersheds where the department has implemented Total Maximum Daily Load limitations.

Proposed law removes authority of the current banking program and authorizes the secretary to adopt and promulgate rules and regulations that implement a water quality trading program that may include point source and nonpoint source participation.

Proposed law requires the regulations of the program provide for criteria for certifying, generating, quantifying, and validating credits; the geographical limitations on the use of credits; monitoring, certifying, generating, use, banking, term, enforcement, and sale of credits; required approvals of the department relating to credits; recordkeeping; and compliance with federal and state laws and regulations.

Present law limits trading of credits to within the same watershed where the credits are earned. Proposed law removes the watershed limitation.

Proposed law authorizes a pilot project to aid in the development of a water quality trading program prior to the adoption of regulations authorized by proposed law.

Present law specifies that credits are pollutant specific and may only be traded for that pollutant and days when constituent testing is conducted, unless other creditable pollutants are approved. Proposed law removes present law.

Proposed law requires review of rules and regulations implementing proposed law by the House and Senate agriculture committees.

Present law requires participants to monitor water quality and prohibits participants from using credits earned by another participant for more than 20 months in any 24 month period. Proposed law removes present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 30:2074(B)(9)(a), (b), and (c); Repeals R.S. 30:2074(B)(9)(d) and (e))