



*Transcending Boundaries*

# 2014 LEGISLATIVE DIGEST

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





# 2014

# Legislative Digest

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

September 2014

Covering measures in 16 states and two U.S. territories  
With an introduction by  
Representative Rocky Adkins, Kentucky  
SSEB Vice-Chairman



# Acknowledgments

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The Southern States Energy Board's **2014 Legislative Digest** is compiled each year in collaboration with member states and territories. We would like to thank the Board members, legislative research staff and state administrative officials and their staffs as well as many other SSEB friends for assisting us in compiling and reviewing the **Digest**. A special thank you to the Arkansas Secretary of State for providing us with the cover photo.

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6325 Amherst Court  
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Phone: (770) 242-7712  
Fax: (770) 242-9956  
Web: [www.sseb.org](http://www.sseb.org)  
Email: [sseb@sseb.org](mailto:sseb@sseb.org)



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## Representative Rocky Adkins Biography

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State Representative Rocky Adkins currently serves as House Majority Floor Leader after being chosen for the post by his Democratic colleagues in November 2003. A long-time veteran of the Kentucky House of Representatives, he is now serving in his 27th year as a legislator.

A native of Sandy Hook, Kentucky, Rep. Adkins is a graduate of Elliott County High School and Morehead State University, where he also received his Master's Degree in Secondary Education.

In 1986, Rep. Adkins was elected to the 99th House District at the age of 26, making him one of the youngest members ever elected to serve in the Kentucky legislature. Rep. Adkins served on a number of influential committees including the House Appropriations & Revenue Committee and the Budget Review Subcommittee on Transportation where he was chairman. As a member of House Leadership, Rep. Adkins is on the Rules Committee, the Committee on Committees, and the Legislative Research Commission.

A leader in the field of energy independence, Rep. Adkins has introduced several groundbreaking bills that are helping Kentucky and the nation achieve energy self sufficiency in the coming years. His legislation includes incentives for the conversion of coal to transportation fuels, use of agricultural products for energy such as biodiesel, biomass, ethanol, and cellulose, and greater utilization of renewable energy sources such as wind, solar, and hydro. Rep. Adkins' legislative initiatives also promote conservation and incentives for energy efficient home building and construction.

Rep. Adkins has been called "the South's lead legislator on energy" and is serving an unprecedented fifth term as Vice Chairman of the Southern States Energy Board (SSEB).

One of the most important bills Rep. Adkins has sponsored was the 1996 Kentucky Tourism Development Act that established an incentive program for tourism development projects. The incentive program has helped attract more than \$847 million in tourism investments in Kentucky and is responsible for an economic impact of \$12.2 billion. The Kentucky Tourism, Arts and Heritage Cabinet named him their 2013 Tourism Partner to honor this landmark legislation.

Rep. Adkins is the recipient of the Ora L. Cline Award, Morehead/Rowan County Chamber of Commerce's most prestigious award presented to a leader who has made a significant impact on the region.



An 18-year survivor of cancer, Rep. Adkins actively raises funds for research by sponsoring an annual golf tournament entitled the "Rocky Adkins Charity Golf Outing - Cure for Cancer" which has raised more than \$2 million since its inception in 1995.

Rep. Adkins has been inducted into the Morehead State University Alumni Hall of Fame and the Junior Achievement Tri State Business Hall of Fame. He has been honored for his public service by many organizations and is the recipient of the East Kentucky Leadership Conference Public Servant Award, the FIVECO Area Development District President's Award and the Ashland Area Labor Management Council Award. He was the March of Dimes Goldenrod Division's 2007 Honoree.

Rep. Adkins, married to Leah McCormick Adkins, has three children. Kristen, a graduate of Morehead State University, is married to Josh Salyers and they have two sons, Jaxon and Abram. Rep. Adkins also has a son Brandon and daughter Victoria Elise.



# Introduction

## Representative Rocky Adkins

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It is my privilege to present the **2014 Legislative Digest**. 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 the South is accurate and complete.

A compendium of energy and environmental legislation enacted by the Board's 18 member states and territories during the 2014 legislative sessions, this document thoroughly examines legislation passed state-by-state. No other document provides such a comprehensive review of energy and environmental legislation in our member states. This year our member states and territories passed over 500 pieces of legislation.

Precise bill summaries are categorized for easy comparison. Energy measures are divided among the following categories: *Alternative Energy Development; Coal and Minerals; Emergency Management and Homeland Security; Energy Efficiency; Natural Gas and Petroleum; Reorganization and Coordination; and Utilities.*

Many acts could easily fit into several of these categories as they seek to dramatically improve our energy independence. Energy related matters accounted for 30 percent of the total legislation summarized in this document. The largest topic areas this year were *Natural Gas and Petroleum* where there were 43 bills passed and *Utilities* with the passage of 28 bills.

Environmental measures are divided into the following categories: *Air Quality and Pollution Control; Coastal Zone Management; Emergency Management and Homeland Security; Environmental Health Services; Hazardous Waste and Substance Management; Inland Water Resource Management and Conservation; Land Management and Conservation; Radioactive Waste; Reorganization and Coordination; Solid Waste; and Water Quality and Pollution Control.* The largest categories were *Coastal Zone Management* with 112 pieces of legislation, followed by *Land Management and Conservation* and *Inland Water Resource Management and Conservation*, each with 57 bills.

When examining legislation passed state-by-state it is not unusual to observe certain trends or themes. This year was no different. Eleven states and territories adopted measures pertaining to alternative energy development. Some of the alternative energy development measures focused on installation and siting concerns in local communities, but six states provided tax incentives and financing mechanisms. An interesting trend that continued from 2013 in the natural gas arena involves continued authorizations for administrative rulemaking and various incentives to support vehicles fueled by compressed or liquefied natural gas (CNG/LNG). In a continuing trend of southern states challenging the actions of the U.S. Environmental Protection Agency, nine states addressed concerns about the impact of the recently proposed Clear Air Act Rule 111(d) through new statutes and resolutions. Eight states addressed safety and notice requirements related to the safe excavation and the protection of underground utilities and/or pipelines. Finally, a number of states continue to address the challenges of storm water management in regard to fees, infrastructure, and



regulations based on the needs and composition of individual communities. While many states addressed similar issues, each state also had specific areas of law that warranted special attention. That said, each SSEB member state's highlights are summarized in the following section.

**Alabama** adopted 31 energy and environmental bills during the 2014 legislative session. HB 403 asserts that it is the policy and purpose of the state of Alabama to place itself on an equal footing with the Gulf Coast states with regard to the limits and boundaries of the territorial waters of the state of Alabama for management and protection of marine resources. The sovereignty and jurisdiction of a state extends to all places within the boundaries of the state, but the extent of such jurisdiction over places that have been or may be ceded to the United States is qualified by the terms of the cession. The limits and boundaries of the territorial waters of the state of Alabama for management and protection of marine resources consist of all territory included within the boundaries described in the Act of Congress of March 2, 1819, together with all territory ceded to the state of Alabama by later Acts of Congress or by compacts or agreements with other states or the United States, extending seaward to a distance of three Marine Leagues.

The **Arkansas** General Assembly did not have a 2014 Regular Session. During the 2014 Fiscal Session, the General Assembly did pass legislation falling under the scope of energy topics covered in the **Digest**. HB 1048 exempts sand and other proppants used to complete new oil or gas wells or to recomplete, redrill, or expand an existing oil or gas well from the gross receipts tax. The bill also removes the fluids used by oil and gas companies for drilling and hydraulic fracturing from the state's definition of solid waste.

**Florida** adopted 36 energy and environmental bills. HB 325 amends the Brownfields Redevelopment Act and revises the provisions relating to the process for designating brownfield areas. The legislation also clarifies the criteria that must be satisfied when a brownfield area designation is proposed by a local government or a person other than a governmental entity, such as an individual, corporation, community-based organization, or not-for-profit corporation. The bill clarifies the requirements that apply to all brownfield area designations and provisions of the act relating to public hearings, conditions, and criteria that apply when a local government proposes to designate a brownfield area within or outside certain redevelopment areas. The liability portion of the bill expands the protections provided to the entity responsible for the brownfield site rehabilitation. The liability protection applies to causes of action accruing on or after July 1, 2014. The bill also defines the circumstances under which liability protection would not apply and provides that liability protection does not limit the right of a third party other than the state to pursue an action for damages to persons for bodily harm.

**Georgia** passed 32 energy and environmental measures. HR 1158 urges the U.S. Congress, the U.S. Department of Energy, and the U.S. Environmental Protection Agency to support efforts to research and develop carbon capture and sequestration technologies, which include exploration of geological storage opportunities for states, like Georgia. The EPA is encouraged to work closely with Georgia and all states as it continues to develop greenhouse gas emission guidelines under the Clean Air Act. Further, the legislature contends that all states should be given maximum flexibility by the EPA to implement carbon dioxide performance standards for fossil-fueled power plants within their jurisdictions. The resolution recognizes that the EPA is adopting stringent guidelines to reduce carbon dioxide



emissions from existing fossil fuel-fired electric generating facilities under the federal Clean Air Act. Conversely, Congress has charged the states, not the EPA, with establishing performance standards. The resolution recognizes that it is in the best interest of Georgia's electricity consumers to continue to benefit from reliable, affordable electricity generated from coal-based electricity generating plants.

The **Kentucky** General Assembly enacted 24 energy and environmental bills. HB 388 finds and declares that the EPA intends to adopt guidelines to reduce carbon dioxide emissions, and the U.S. Congress charges the states with establishing related standards for existing fossil fuel-fired generating plants. The legislation establishes the basis for a performance standard for existing coal-fired electric generating units. In summary, the three main requirements in setting performance standards are that all related costs of establishing the performance standard must be considered; the carbon dioxide reduction standard must be reasonable for the existing coal-fired generating plant; and the standard may not require switching from coal to other fuels, co-firing other fuels with coal, or limiting the use of the electric generating unit. The law requires the same performance standard requirements for gas-fired generating units as those for coal-fired generating units. Also, it sets forth the criteria to be used for determining whether or not to establish performance standards for existing fossil fuel-fired generating units that are less stringent than those contained in federal rules or guidelines. The bill establishes that Kentucky's Energy and Environment Cabinet may develop methods for performance standard implementation that give electric generating units flexibility to comply with performance standards. It specifically prohibits the cabinet from proposing a performance standard plan to the federal government that is not in conformity with the bill or not preparing a plan in consultation with the Public Service Commission in order to ensure minimal impact on utility customers.

In **Louisiana**, 63 bills covering energy and environmental issues passed the legislature. Through SB 667, the legislature addressed legacy lawsuit reform for damages arising from oil field contaminated sites. The bill amends existing law that called for the Department of Natural Resources (DNR) to submit a proposed cleanup plan to the court and allows plaintiffs and defendants to submit their own plans to the court. The bill creates a rebuttable presumption that the DNR plan is the most feasible plan. Further, if the case is before a jury, either party in the litigation can request that the jury be instructed that the DNR plan is by law presumed to be the most feasible cleanup plan. If the court determines that the defendant should not have been sued or had no liability in the matter and dismisses the case, the dismissed defendant is allowed to recover attorney fees and legal costs.

Fifty-five measures related to energy and the environment were passed by **Maryland** legislators this year. HB 928/SB 1044 requires the Public Service Commission (PSC), by January 1, 2015, to submit a report to the General Assembly on the status of the PSC's efforts to provide appropriate protections for consumers in connection with competitive retail electricity and gas supply, including recommendations as to how to better protect ratepayers. The PSC must convene a workgroup of interested persons, including retail electricity suppliers, to advise the PSC on the information and recommendations that should be included in the report.

The **Mississippi** legislature adopted 28 acts addressing energy and environmental matters. As seen in Mississippi and other states in recent years, the legislature continues to promote energy efficiency. SB 2521 authorizes public entities to enter into energy performance



contracts and shared savings contracts for energy efficiency equipment and services relating to the installation, operation, and maintenance of the equipment. Also, the bill changes the administrative authority of the Department of Finance and Administration by increasing the maximum level of energy efficiency contracts, including contracts for alternative fuel motor vehicles and ancillary equipment associated with fueling.

The **Missouri** legislature adopted 23 energy and environmental measures during the 2014 legislative session. In reaction to the recent rulemaking by the EPA, HB 1302/SB 644 prohibits the Department of Natural Resources from regulating the manufacture, performance, or use of residential wood burning heaters or appliances through a federally required state implementation plan or otherwise, unless authorized to do so by the General Assembly. No rule or regulation establishing or enforcing performance standards for residential wood burning heaters or appliances may become effective unless first approved by the Joint Committee on Administrative Rules. A new rule or regulation may not be applied to existing wood burning furnaces, stoves, fireplaces, or heaters that individuals are currently using as their source of heat for their homes or businesses. All wood burning furnaces, stoves, fireplaces, and heaters existing on August 28, 2014, may not be subject to any rules or regulations. An employee of the state or state agency cannot enforce any new rules or regulations against any existing wood burning furnace, stove, fireplace, and heater.

The **North Carolina** General Assembly passed 16 energy and environmental measures. In reaction to a recent U.S. Supreme Court ruling, through SB 574 the General Assembly finds that prior to the U.S. Supreme Court ruling in *CTS Corp. v. Waldburger*, there was ambiguity and uncertainty regarding the effect of federal law on the North Carolina statute of repose in certain environmental cases. The Court held on June 9, 2014, that North Carolina's statute of repose is not preempted by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), which instead only preempts state statutes of limitations on bringing state-law environmental tort cases. The General Assembly finds that it was the intent of the legislature to maximize under federal law the amount of time a claimant had to bring a claim predicated on exposure to a contaminant regulated by federal or state law. The General Assembly states that the Supreme Court's decision is inconsistent with the legislature's intentions and the legislature's understanding of federal law at the time that certain actions were filed. The bill clarifies that certain civil actions related to groundwater contamination are not subject to the 10-year statute of repose. The 10-year period set forth in may not be construed to bar an action for personal injury or property damages caused or contributed to by the consumption, exposure, or use of water supplied from groundwater contaminated by a hazardous substance, pollutant, or contaminant. For purposes of this legislation "contaminated by a hazardous substance, pollutant, or contaminant" means the concentration of the hazardous substance, pollutant, or contaminant that exceeds groundwater quality standards.

The **Oklahoma** legislature considered and adopted 35 energy and environmental bills. HB 3102 addresses the ongoing challenge of used tire disposal and amends the distribution of the fees collected through the Used Tire Recycling Act by removing the allocation cap for capital investment reimbursements to used tire facilities or tire-derived fuel facilities. The bill provides that allocations for capital investment reimbursement to used tire facilities and tire-derived fuel facilities may be disbursed after the other statute-mandated allocations are made; there is no cap on the allocation amount. Excess money in the Used Tire Recycling



Indemnity Fund can be used by the Department of Environmental Quality to increase market demand for products made from the state's used tires.

Since the publication of the **2013 Legislative Digest, Puerto Rico** adopted five energy and environmental laws. The most significant piece of legislation is SB 837, entitled "Act for the Transformation and Energy Relief of Puerto Rico," affects the most dramatic changes in the energy sector in Puerto Rico since the creation of the Puerto Rico Electric Power Authority ("PREPA") in 1941. The comprehensive bill that creates three new government bodies: (1) the State Energy Public Policy Office to develop and adopt energy public policy in Puerto Rico; (2) the Puerto Rico Energy Administration to provide administrative and operational support to the Energy Commission, the State Energy Public Policy Office, and the Independent Consumer Protection Office; and (3) the Independent Consumer Protection Office to educate, guide, assist, and represent clients of electrical service in Puerto Rico. The act also provides for a RELIEF Plan requiring the Puerto Rico Electric Power Authority (PREPA) to achieve a goal of transforming at least 60 percent of the electricity generated from fossil fuels in a highly efficient manner within three years from July 1, 2014. Additionally, the act updates the process for PREPA ratemaking, creates a new section of PREPA's Enabling Act, and requires the Energy Commission to adopt regulations for client service standards for energy companies.

During the 2014 session, **South Carolina** passed 22 new laws related to energy and the environment. Through SB 1189, the legislature revises provisions relating to the generation, distribution, and sale of electrical power that are geared towards reshaping South Carolina's electrical power grid so that it is devoted not only to a few, major, centrally-located power plants run by traditional investor-owned utilities but can also better accommodate electrical generation resources that are distributed throughout the grid, such as rooftop solar arrays, as well as other distributed energy resources such as energy storage and managed loads, including electric vehicle charging. The legislation makes provisions for a South Carolina Distributed Energy Resource Program to promote the establishment of a reliable, efficient, and diversified portfolio of distributed energy resources for the state. The initiative includes changes in the way that investor-owned utilities purchase power from other, smaller, providers of electricity to encourage investment in renewable energy in the form of both relatively large facilities, such as wind farms, and smaller resources such as the solar power collectors installed by residential and commercial net-metering customers. The legislation also includes provisions to accommodate customers in leasing renewable electric generation resources rather than undertaking the significant costs involved in purchasing them outright.

**Tennessee** enacted 28 pieces of legislation related to energy and the environment. HB 2313/SB 2473 requires the University of Tennessee's Howard H. Baker Jr. Center for Public Policy to perform a study on the economic feasibility of creating and utilizing a statewide comprehensive energy policy. The objectives of the study include, but are not limited to increasing the exploration and use of in-state or domestic energy resources; promoting job growth, energy production, energy use, and energy conservation in the state; ensuring reliable, low-cost environmentally responsible energy supply; gaining competitive advantages for Tennessee businesses and consumers in light of rising energy costs; and positioning the state as a leader in the United States and world energy markets.



**Texas** did not have a regular legislative session in 2014. As an update since last year's session, on November 5, 2013, Texas voters passed Proposition 6. In 2011, Texas suffered the worst, single-year drought in the state's history. The drought, which continues today, costs Texans billions of dollars annually in lost income. Some Texas communities struggle to maintain adequate supplies of clean, affordable water. To help address the water supply shortfalls associated with drought, Texas has a State Water Plan. In 2013, the 83rd Legislature put Texas on course to implement the plan by passing a package of water legislation: HB 4, HB 1025, and SJR 1 (Proposition 6). Companion bills HB 4 and SJR 1 provided for a constitutional amendment to be placed on the November ballot for the creation of the State Water Implementation Fund for Texas to assist in the financing of priority projects in the State Water Plan to ensure the availability of adequate resources.

Since the publication of the **2013 Legislative Digest**, the **U.S. Virgin Islands** has adopted 10 pieces of energy and environmental legislation. As addressed in many other states in recent years, the Virgin Islands attempted to address the problem of scrap metal being stolen for recycling. Bill 12 amends provisions related to the purchase or resale of scrap metal. The bill establishes licensing requirements for scrap metal dealers and recyclers in the Virgin Islands and specifically prohibits the sale of metal infrastructure that would not normally be on the market, such as guardrails, road signs, utility lines, and manhole covers and so on. The legislation gives the police the power to put a hold notice on a scrap metal dealer or recycler if there is a reasonable suspicion that there are stolen materials. A dealer breaking the law the first time is subject to a misdemeanor conviction and up to four days in jail and a fine of \$500. Anyone who commits a third or subsequent violation is guilty of a felony, punishable by up to 18 months in prison and a fine of \$5,000 or double the loss suffered by a victim. The bill forbids any cash transactions in excess of \$100 for scrap metal.

The **Virginia** General Assembly passed 87 pieces of energy and environmental legislation. HB 1261/SB 615 requires the Virginia Energy Plan to include, with regard to any regulations proposed or promulgated by the U.S. Environmental Protection Agency to reduce carbon dioxide emissions from fossil fuel-fired electric generating units under Section 37 111(d) of the Clean Air Act, an analysis of the costs to and benefits for energy producers and electric utility customers; the effect on energy markets and reliability; and the commercial availability of technology required to comply with such regulations. The measure also requires the Division of Energy of the Department of Mines, Minerals, and Energy, in plan updates starting in 2014, to set forth energy policy positions relevant to any potential regulations of the State Air Pollution Control Board to reduce carbon dioxide emissions from fossil fuel-fired electric generating units under Section 111(d) of the Clean Air Act. The division is required to address policy options for establishing separate standards of performance for carbon dioxide emissions from existing fossil fuel-fired electric generating units to promote the plan's overall goal of fuel diversity. The plan is also required to examine policy options for state regulatory action to adopt less stringent standards or longer compliance schedules than those provided for in applicable federal rules or guidelines and identify options, to the maximum extent permissible, for any federally required regulation of carbon dioxide emissions from existing fossil fuel-fired electric generating units.

Twenty-eight bills related to energy and environment passed the **West Virginia** legislature. In response to the state's thriving natural gas production, SB 461 creates the West Virginia Future Fund and provides the funding mechanism. The bill provides



allocation of 25 percent of the severance tax on oil and natural gas in excess of \$175 million to the West Virginia Future Fund. The legislation also allows for future legislative appropriations or designation of funding sources. Only the investment income may be spent beginning in fiscal year 2020, and the funds only may only be used for economic development projects, infrastructure projects, and educational enhancement. The severance tax on natural gas and oil in its basic form is a product of the volume of production times the price per unit of production times the tax rate.

I commend this *Digest* of state energy and environmental initiatives to you as you prepare for the development of legislative strategies and priorities for 2015.

**Representative Rocky Adkins  
Commonwealth of Kentucky  
SSEB Vice-Chairman**





# Categories of Energy Legislation

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The following categories are used in the *Digest* to best organize the wide array of legislation passed in the South. The purpose of this section is to familiarize the reader with the possible categorical legislative trends in the southern region. Legislation is first categorized by state and then by category.

## **Alternative Energy Development**

The category of *Alternative Energy Development* includes legislation related to the incentives, barriers, and costs associated with the development and use of alternative energy sources, uses and technologies.

## **Coal and Minerals**

The category of *Coal and Minerals* addresses all aspects of coal and mineral extraction, production and transportation. Legislation in this area encompasses mineral rights, mine safety and inspection, royalty distribution, and crushing operations. (See *Land Management and Conservation* under **Environmental Legislation** for new laws relating to land restoration.)

## **Emergency Management and Homeland Security**

The category of *Emergency Management and Homeland Security* addresses the role of state governments in response to natural or man-made emergencies involving critical energy infrastructure and supply. These emergencies may require intrastate, interstate, and/or national response and includes intentional acts of terrorism.

## **Energy Efficiency**

The category of *Energy Efficiency* includes legislation pertaining to the development and promotion of energy efficient technologies and programs for buildings, homes, transportation, power systems, and industry and related energy conservation issues.

## **Natural Gas and Petroleum**

The category of *Natural Gas and Petroleum* addresses regulations on all aspects of natural gas and petroleum exploration, development, production, importation, transportation, storage, and marketing.

## **Reorganization and Coordination**

The category of *Reorganization and Coordination* is composed of legislation affecting the responsibilities or functions of existing state governmental agencies and departments that handle energy matters. Such legislation includes the creation of or changes in department or commission responsibilities and the requirements regarding notice to or coordination of agencies.



## **Utilities**

The category of *Utilities* focuses on legislation affecting water, gas, and electric services provided by utility and power companies. The types of legislation enacted in this area deal with changes in rates, production, distribution, services, operations, least cost planning, and the location of utility services.



# **Categories of Environmental Legislation**

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## **Air Quality and Pollution Control**

The category of *Air Quality and Pollution Control* includes legislation regarding various pollutants that are released and emitted into the atmosphere. Specifically, measures in this category include air quality control acts, emission standards, acid rain initiatives, and ozone non-attainment.

## **Coastal Zone Management**

The category of Coastal Zone Management involves the preservation and enhancement of both offshore and onshore environments, including coastal landforms and marine ecosystems. Measures within this category include shore erosion controls, protection of aquatic vegetation and offshore reefs, control of marine harvests, and federal-state consistency provisions.

## **Emergency Management and Homeland Security**

The category of *Emergency Management and Homeland Security* addresses the role of state governments in response to natural or man-made emergencies, which compromise environmental security and health. These emergencies may require intrastate, interstate and/or national response, and include intentional acts of terrorism.

## **Environmental Health Services**

The category of *Environmental Health Services* includes measures enacted to discourage and prevent activities, which disrupt life-support systems for humans and other species, damage wildlife and human health, and produce nuisances such as noise.

## **Hazardous Waste and Substance Management**

The category of *Hazardous Waste and Substance Management* contains legislation relating to toxic substances. The primary purpose of this legislation is to control the production, transportation, use and disposal of toxic substances and wastes. (See *Radioactive Waste* for new laws relating to radioactive materials; see *Solid Waste* for new laws relating to non-toxic materials.)

## **Inland Water Resource Management and Conservation**

The category of *Inland Water Resource Management and Conservation* consists of legislation related to the conservation, permitting, management, and protection of inland water sources and/or reservoirs (e.g., lakes, rivers, streams and tributaries, groundwater, etc.). It includes measures that provide for the capture and control of the water supply, management and protection of wetlands and watersheds, and the regulation of outdoor water activities such as fishing and boating. The category also includes measures pertaining to the responsibility, function, and jurisdiction of relative state and local government agencies.



## **Land Management and Conservation**

The category of *Land Management and Conservation* incorporates legislation concerning the management and protection of public and private lands and ecosystems. Legislation in this category includes land and growth management, land reclamation and restoration activities, including brownfield mitigation, soil erosion, abatement and prevention, environmental covenants, forestry and timber harvesting, hunting regulations, and park management.

## **Radioactive Waste**

The category of *Radioactive Waste* focuses on legislation related to the proper handling, storage, transportation and disposal of high-level and low-level radioactive waste. High-level radioactive waste includes spent fuel and other high-level wastes generated from nuclear operations. Low-level radioactive waste includes any material discarded from a nuclear operation that has been exposed to radiation.

## **Reorganization and Coordination**

The category of *Reorganization and Coordination* is composed of legislation affecting the responsibilities and functions of existing state governmental agencies and departments that handle environmental matters. Such legislation includes the creation of or changes in department or commission responsibilities and regarding notice to or coordination of agencies.

## **Solid Waste**

The category of *Solid Waste* entails legislation relating to the treatment, disposal, and/or recycling of refuse, scrap, tailings, chemical effluents, litter and agricultural or industrial wastes. While some legislation uses the term “solid waste” and “hazardous waste” interchangeably, this digest will use “solid waste” for those wastes that are non-toxic and “hazardous waste” for toxic materials. (See *Radioactive Waste* for all radioactive waste materials; see *Hazardous Waste and Substance Management* for regulation of toxic substances.)

## **Water Quality and Pollution Control**

The category of *Water Quality and Pollution Control* concerns the purity of water as a resource for public and industrial uses. Legislation within this category pertains to quality control measures that guard against the contamination of water supplied by lakes, rivers, streams and tributaries, and/or groundwater. Furthermore, this category contains legislation relating to the recycling of contaminated water and/or sewage.



# Matrices and Graphs

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The matrices and graphs on the following pages illustrate energy and environmental quality legislative activity observed in SSEB member states during this year’s legislative session. The matrices provide readers with a quick view of the categories of laws passed by each state.

The graphics on “Overall Energy Legislation” and “Overall Environmental Legislation” show the collective number of bills enacted by category during the year in the bar charts and as percentages in the pie charts.

A list of abbreviations used in the graphics is provided. Readers should refer to the categories section for more information on the criteria used in assigning legislation to the categories.



## **Abbreviations**

### **Energy Legislation Categories**

AED	Alternative Energy Development
CM	Coal and Minerals
EMHS	Emergency Management and Homeland Security
EE	Energy Efficiency
NGP	Natural Gas and Petroleum
RC	Reorganization and Coordination
U	Utilities

### **Environmental Legislation Categories**

AQPC	Air Quality and Pollution Control
CZM	Coastal Zone Management
EMHS	Emergency Management and Homeland Security
EHS	Environmental Health Services
HWSM	Hazardous Waste and Substance Management
IWRMC	Inland Water Resource Management and Conservation
LMC	Land Management and Conservation
RW	Radioactive Waste
RC	Reorganization and Coordination
SW	Solid Waste
WQPC	Water Quality and Pollution Control

### **Legislation Prefix**

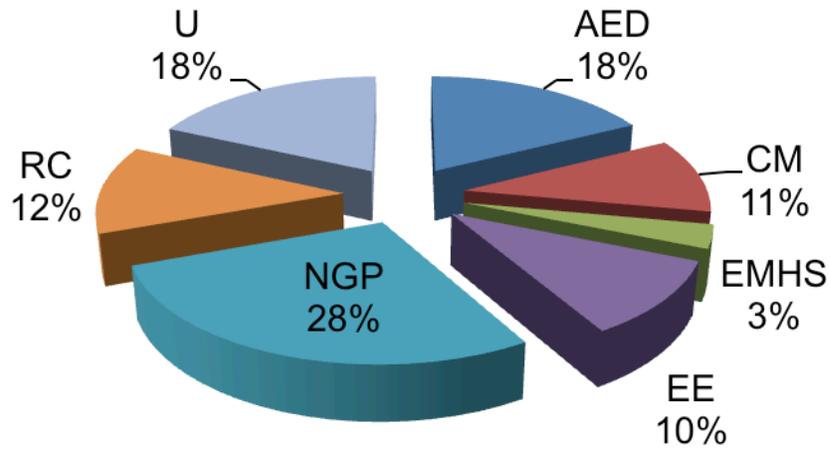
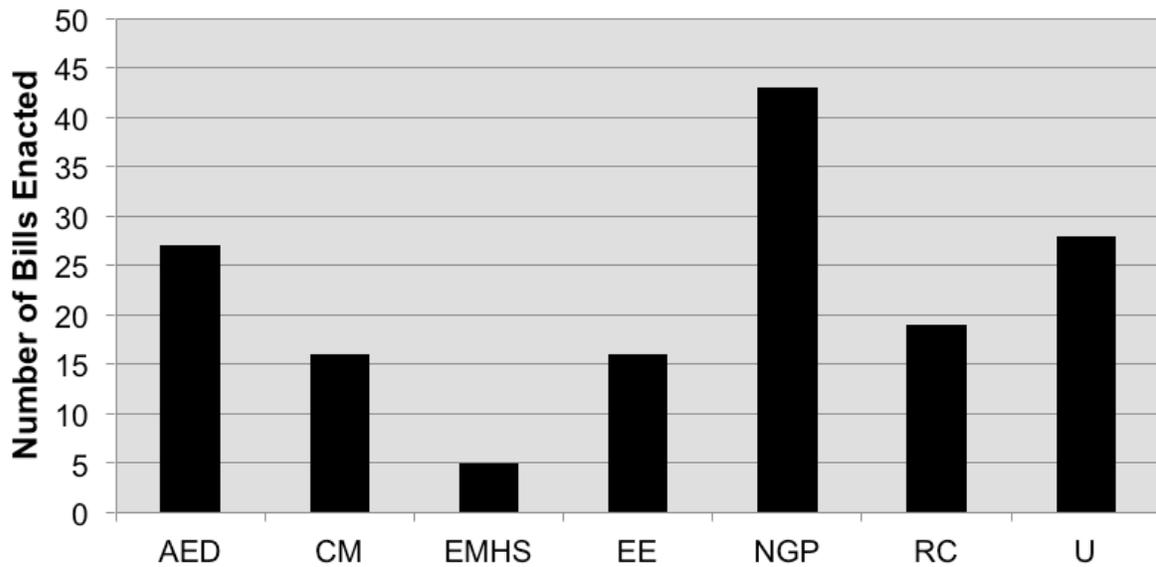
B	Bill
HB	House Bill
HCR	House Concurrent Resolution
HJR	House Joint Resolution
HM	House Memorial
HR	House Resolution
R	Resolution
SB	Senate Bill
SCR	Senate Concurrent Resolution
SJR	Senate Joint Resolution
SM	Senate Memorial
SR	Senate Resolution



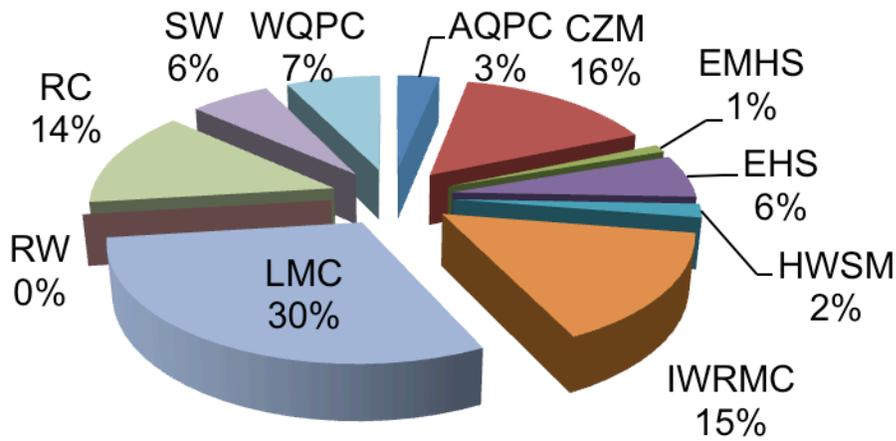
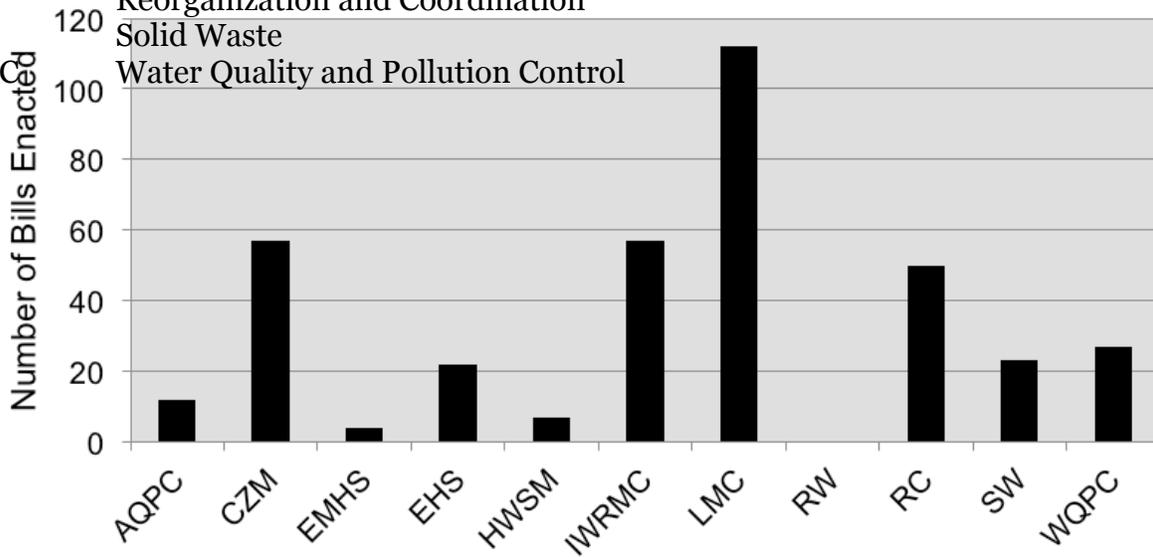


AED Alternative Energy Development  
 CM Coal and Minerals  
 EMHS Emergency Management and Homeland Security  
 EE Energy Efficiency  
 NGP Natural Gas and Petroleum  
 RC Reorganization and Coordination  
 U Utilities

## Overall Energy Legislation



CZM	Coastal Zone Management
EMHS	Emergency Management and Homeland Security
EHS	Environmental Health Services
HWSM	Hazardous Waste and Substance Management
IWRMC	Inland Water Resource Management and
<b>Overall Environmental Legislation</b>	
LMC	Land Management and Conservation
RW	Radioactive Waste
RC	Reorganization and Coordination
SW	Solid Waste
WQPC	Water Quality and Pollution Control





# Southern States Energy Board Member States

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## Alabama

### Energy Legislation

#### Alternative Energy Development

##### **SB 402: Wind Energy in Cherokee County**

Rep. Phil Williams

Requires a person to obtain a permit from the applicable local governing body in Cherokee County prior to installing or operating a wind energy conversion system. The bill sets forth requirements for compliance with applicable zoning; an application process for a permit, a requirement certification of systems by a licensed engineer with certain experience, as well as regulations for the design, construction, and operation of wind energy conversion systems. The legislation also provides a mandate for the removal of abandoned systems.

##### **SB 403: Wind Energy in Etowah County**

Rep. Phil Williams

Requires a person to obtain a permit from the applicable local governing body in Etowah County prior to installing or operating a wind energy conversion system. The bill sets forth requirements for compliance with applicable zoning; an application process for a permit, a requirement certification of systems by a licensed engineer with certain experience, as well as regulations for the design, construction, and operation of wind energy conversion systems. The legislation also provides a mandate for the removal of abandoned systems.

#### Coal and Minerals

##### **SJR 116: Commendation of the Coal Industry**

Sen. Roger Bedford

Commends the Alabama coal industry and the individual miners for their continuing efforts, under great duress from outside interests, to provide a low-cost energy source so its citizens may continue enjoying a good quality of life and access to good jobs.



## **Natural Gas and Petroleum**

### **HB 11: Liquefied Petroleum Gas Board Fund**

Rep. Mike Jones

Increases receipts to the Liquefied Petroleum (LP) Gas Board Fund due to provisions requiring agents of certain LP Gas Board permit holders to obtain a permit to continue their operations. Annual increases are expected to be \$10,000 in fiscal year (FY) 2014, \$40,000 in FY2015, and \$50,000 in FY2016 and each year thereafter.

The bill also provides for an estimated \$50,000 one-time increase in receipts in FY2015 to the LP Gas Board Fund by abolishing the LP Gas Recovery Fund and transferring its balance to the LP Gas Board Fund. In addition, this act could reduce the administrative obligations of the board by a small amount by deleting the requirement for the administrator to make and file an official bond with the secretary of state and by allowing the board to post changes to rules and regulations on its website instead of providing the same by mail. The legislation also (1) eliminates the obsolete LP Gas Board Personal Bond Fund and (2) deletes language allowing an unutilized credit or refund to certain permit holders, upon application, for fees paid on petroleum gas purchased within the state of Alabama and sold to out-of-state end users.

### **HB 552: Annual Decals for Natural Gas Vehicles**

Rep. Gregory Wren

Suspends the requirement that each person owning and/or operating a motor vehicle that uses natural gas obtain an annual decal from the Liquefied Petroleum Gas Board. The decals serve as an identification marker that the flat fee has been paid. The suspension ends on October 1, 2016.

Beginning in fiscal year 2017, in the event that no comprehensive approach for regulating and taxing natural gas as a motor fuel for vehicles has been established, the bill levies an excise tax on liquefied natural gas based on the rate levied on diesel fuel (\$0.19 per gallon) and on compressed natural gas based on the rate levied on gasoline (\$0.16 per gallon).

### **SB 366: Drilling Well Regulations**

Sen. Mark Keahey

Provides for the State Oil and Gas Board's regulation of drilling units and drainage or production units for horizontal wells and offshore wells, including the size and configuration of these units for horizontal oil wells. The act prohibits the board from establishing acreage limitations in excess of certain measurements. The acreage limitations do not apply to offshore wells.



## **Reorganization and Coordination**

### **SB 134: Public Service Commission Renewal**

Sen. Paul Bussman

Provides a recommendation by the Sunset Commission for the continuance of the Public Service Commission until October 1, 2016.

### **SB 137: State Oil and Gas Board Renewal**

Sen. Paul Bussman

Continues the existence and functioning of the State Oil and Gas Board until October 1, 2018.

### **SB 140: Surface Mining Commission Renewal**

Sen. Paul Bussman

Continues the existence and functioning of the Alabama Surface Mining Commission until October 1, 2018.

## **Utilities**

### **HB 433: In-Lieu-Of-Tax Payments**

Rep. Terri Collins

Provides for the allocation and expenditure of money received from the Tennessee Valley Authority (TVA) and distributed to Morgan County from the in-lieu-of-taxes payments.

### **SB 148: Underground Utility Damage Prevention Program**

Sen. Gerald Allen

Strengthens the existing “one-call” notification system for excavating lands that may have underground utility equipment. The bill ensures that the state can continue to be eligible for certain federal grants that require a state’s one-call system to meet federal guidelines. The new act includes language to make sure state and local governments remain exempt from the law when performing routine roadway maintenance activities carried out by state or local government employees or contractors, if the activities occur entirely within the public road or right-of-way and are carried out with reasonable care to protect any utility facilities.



# Alabama

## Environmental Legislation

### Air Quality and Pollution Control

#### **SJR 57: EPA Regulation of Carbon Dioxide from Existing Power Plants**

Sen. Greg Reed

States that the U.S. Environmental Protection Agency (EPA), in developing guidelines for regulating carbon dioxide (CO<sub>2</sub>) emissions from existing power plants, needs to maintain Alabama's and other states' authority as provided by the Clean Air Act and should rely on state regulators to develop performance standards for CO<sub>2</sub> emissions that take into account the unique policies, energy needs, resource mix, and economic priorities of Alabama and other states. The resolution expresses that the EPA should issue guidelines and approve state-established performance standards that are based on the application of adequately demonstrating CO<sub>2</sub>-specific controls at fossil-fueled power plants. The resolution encourages the EPA to provide maximum flexibility for implementing compliance mechanisms for state-established CO<sub>2</sub> performance standards for fossil-fueled power plants within their jurisdiction.

### Coastal Zone Management

#### **HB 403: Limits and Boundaries of Territorial Waters**

Rep. David Sessions

Asserts that it is the policy and purpose of the state of Alabama, by this act, to place itself on an equal footing with the Gulf Coast states with regard to the limits and boundaries of the territorial waters of the state of Alabama for management and protection of marine resources. The sovereignty and jurisdiction of a state extends to all places within the boundaries of the state, but the extent of such jurisdiction over places that have been or may be ceded to the United States is qualified by the terms of the cession. The limits and boundaries of the territorial waters of the state of Alabama for management and protection of marine resources consist of all territory included within the boundaries described in the Act of Congress of March 2, 1819, together with all territory ceded to the state of Alabama by later acts of Congress or by compacts or agreements with other states or the United States, extending seaward to a distance of three Marine Leagues.



## **Emergency Management and Homeland Security**

### **HB 356: Facilitating Business Rapid Response to Declared Disasters Act of 2014**

Rep. Lynn Greer

Enacts the Facilitating Business Rapid Response to Declared Disasters Act of 2014. Any out-of-state business or employee that comes into the state to perform disaster-related work is not considered to have established a level of presence or residency that requires the business or its employees to be subject to any state or local taxes, including income taxes, payroll or occupational taxes, or licensing requirements for work performed during a disaster period. However, such businesses and employees remain subject to state and local transaction taxes including sales and use taxes, fuel taxes, and lodging taxes for use or consumption of materials and services in the state during a disaster period.

## **Environmental Health Services**

### **SB 273: Weed Abatement by Municipalities**

Sen. Billy Beasley

Authorizes municipalities, by ordinance, to adopt alternate procedures to declare overgrown grass or weeds to be a public nuisance and abated after a previous abatement procedure under the prior existing law for the same property has been followed. Costs still may be assessed against the property.

Under prior existing general law, all municipalities could abate overgrown grass or weeds as a nuisance and the cost of the abatement could be assessed against the property as a weed lien. The procedures generally provide for notice on the property and notice to the owner.

## **Hazardous Waste and Substance Management**

### **HB 527: Hazardous Waste Disposal Fees**

Rep. Artis McCambell

Levies a fee to be paid by each operator of a commercial site for hazardous waste disposal in the amount of \$3.50 per ton. The stated intent of the law is to cover only material that is land filled at the site. The bill excludes any material that is stored, transshipped, recycled, or processed for other use.

### **HB 568: Hazardous Waste Revenues**

Rep. Artis McCambell

Changes the allocation of hazardous waste revenues to 25 percent to the counties having a hazardous waste facility and 75 percent to the State General Fund with the first \$450,000 for the Alabama Department of Environmental Management (ADEM). Based on current revenue estimates, this bill will decrease hazardous waste revenues to the State General Fund by an estimated \$31,000 annually and increase revenues to Sumter County by that same amount.



# Inland Water Resource Management and Conservation

## **HB 49: Alabama Drought Assessment and Planning Team**

Rep. Alan Boothe

Codifies the establishment of the Alabama Drought Assessment and Planning Team that was created by Governor Robert Bentley's June 24, 2011, Executive Order. The bill establishes a Monitoring and Impacts Group Subcommittee and codifies the charge given to the Alabama Office of Water Resources (OWR), a division of the Alabama Department of Economic and Community Affairs, with the responsibility of developing a State Drought Plan and periodically issuing drought declarations. The bill reaffirms the governor's ability to respond to extreme drought conditions under the powers provided under the Alabama Emergency Management Act of 1955, and allows the OWR to promulgate rules.

## **HB 356: Fishing Licenses**

Rep. Mike Jones

Provides for fishing licenses to be issued by the Alabama Department of Conservation and Natural Resources, effective with the license year beginning September 1, 2014. The license fees are summarized in the table below.

<b>License</b>	<b>License Fee</b>
Resident Daily State Lake Fishing License	\$5 + \$1 issuance fee
Nonresident State Lake Fishing License	\$5 per day + \$2 issuance fee
	\$10 per license year + \$2 issuance fee
Disabled Three-Day Fishing Event License	\$100 (includes up to 20 disabled residents or nonresidents and 20 assistants)
	\$5 per additional disabled persons over the 20-person limit

## **HB 595: Registered Boat Owners in Walker County**

Rep. Bill Roberts

Provides that the Walker County Judge of Probate will mail forms to all registered boat owners within the county to allow them to complete application forms for ordering the annual certificate of registration and pay for any taxes and tags or decals by mail so that the tag or decal and receipts may be forwarded to the owner by mail. The bill establishes a fee of \$2 to be entitled "Mail Order Fee," which must be set periodically by the county governing body to pay the cost of the mailing procedure. The mailing fee will be collected by the judge at the time of issuance and paid over to the general fund of the county, as are other fees and commissions.

## **SB 475: Guntersville Reservoir Aquatic Plant Management Board**

Sen. Shadrack McGill

Establishes the Guntersville Reservoir Aquatic Plant Management Board of Jackson County to create and implement an aquatic plant management program on Lake Guntersville within the jurisdictional boundaries of Jackson County. The bill sets forth the membership of the board and authorizes the board to receive and disburse funds for the purpose of managing invasive aquatic plants in Lake Guntersville.



## **Land Management and Conservation**

### **HB 211: Hunting Licenses for Disabled Veterans**

Rep. Steve Clouse

Provides that, effective with the license year beginning September 1, 2014, U.S. military veterans otherwise meeting the requirements of this section who are certified by the U.S. Veterans' Administration as 100 percent, 25 service-connected, permanently and totally disabled will be entitled to purchase an alternative resident hunting license to be known as the 100 Percent Disabled Military Veteran's Appreciation Hunting License. The license fee is set at \$2, plus the applicable issuance fee, and is subject to statutory adjustment. Individuals obtaining the resident all-game hunting license or the resident small game hunting license will also be entitled to all of the privileges of the wildlife heritage license.

### **HB 322: Sportsman's Bill of Rights**

Rep. Mark Tuggle

Specifies that hunting, fishing, and harvesting of wildlife will be used as the preferred means of managing and controlling wildlife. The bill explicitly states that the amendment may not be construed to modify any provision of law relating to eminent domain, trespass, or property rights. The proposed amendment to the Alabama Constitution states, "The people have a right to hunt, fish, and harvest wildlife, including by the use of traditional methods, subject to reasonable regulations, to promote wildlife conservation and management, and to preserve the future of hunting and fishing." The amendment will appear on the November 2014 ballot.

### **SB 229: Trapping Fur-Bearing Animals**

Sen. Gerald Allen

Provides for resident and nonresident trapping licenses and fees. The bill removes the requirement for usage of plastic tags on traps that contain the license number of the owner of a trap. The bill enacts a requirement for a license to trap beaver.

### **SJR 124: Resolution Regarding Mississippi Silicon, LLC**

Sen. Roger Bedford

Urges the governor and the director of the Alabama Department of Environmental Management to join the legislature in lodging formal requests with the administrator of the U.S. Environmental Protection Agency (EPA) to petition the Mississippi Department of Environmental Quality (MDEQ) to reopen the public comment period and hold a public hearing for the Mississippi Silicon, LLC, facility permit and to issue an order pursuant to 42 U.S.C. §7477 to prevent continued construction of the Mississippi Silicon, LLC, facility until such time as MDEQ revokes the permit and reopens the public comment period, holds a public hearing on the permit, and otherwise complies fully with the requirements of the Clean Air Act. The resolution states that the legislature urges the governor and ADEM director to join the legislature in lodging a formal request with the U.S. Forest Service (FS) Region 8 supervisor, Southern Region of National Forests in Alabama, who serves as the federal land manager for the Sipsey Wilderness Area within Bankhead National Forest, that the Class I Air Quality Related Values (AQRV) analyses submitted by Mississippi Silicon, LLC, as part of its application



for the permit be reevaluated by the agency. Finally, the resolution directs the senate secretary and house clerk to provide a copy of this resolution to the governor, the ADEM director, the EPA administrator, the EPA Region 4 regional administrator, and the FS Region 8 supervisor.

## **Reorganization and Coordination**

### **HB 600/SB 467: Constitutional Amendment for Franklin County**

Rep. Johnny Morrow; Sen. Roger Bedford

Provides for a constitutional amendment to Amendment 518 of the Constitution of Alabama of 1901, to allow the Franklin County Water Coordinating and Fire Prevention Authority to provide sewer services and broadband services in the county. The proposed constitutional amendment will appear on the November 2014 ballot.

### **SB 40: Professional Engineers and Professional Land Surveyors Board**

Rep. Gerald Allen

Removes the maximum amount that can be assessed by the Professional Engineers and Professional Land Surveyors Board for examination fees. The bill allows the board to contract with independent testing agencies to administer certain exams and to pay the examination fees directly to the testing agency.

### **SB 136: Board of Registration for Foresters**

Sen. Paul Bussman

Provides a recommendation by the Sunset Commission for the continuance of the Board of Registration for Foresters until October 1, 2018.

### **SB 176: Mobile Area Water and Sewer Systems**

Sen. Vivian Figures

Proposes a local constitutional amendment to provide for the transfer of the assets and liabilities of the Water and Sewer Board of the city of Prichard to the Board of Water and Sewer Commissioners of the city of Mobile, presently known as the Mobile Area Water and Sewer System. The bill sets an election on the proposed amendment in June 2014.

## **Solid Waste**

### **SB 474: Jackson County Solid Waste**

Sen. Shadrack McGill

Provides for the reimbursement of payments made from the Jackson County General Fund for or related to the operation of the solid waste program and allows the county commission to receive an administrative fee payable to the County General Fund for administration of the solid waste program.



## Water Quality and Pollution Control

### **SB 355: Storm Water Sewer Systems**

Sen. Cam Ward

Grants local governments and public corporations created to operate storm water sewer systems the limited powers necessary to comply with U.S. Environmental Protection Agency regulations related to the management of storm water sewer systems. The act expresses legislative intent that the Alabama Department of Environmental Management should have the main responsibility for permitting and regulating such systems and that local governments play as little a role in the process as possible to comply with unfunded federal mandates.







# Arkansas

## Energy Legislation

Arkansas did not have a 2014 Regular Session. During the 2014 Fiscal Session, the General Assembly did pass a piece of legislation falling under the scope of energy topics covered in the *Digest*.

### Natural Gas and Petroleum

#### **HB 1048: Hydrologic Fracturing**

Joint Budget Committee

Exempts sand and other proppants used to complete new oil or gas wells or to recomplete, redrill, or expand an existing oil or gas well from the gross receipts tax. The bill also removes the fluids used by oil and gas companies for drilling and hydraulic fracturing from the state's definition of solid waste.





# Arkansas

## Environmental Legislation

Arkansas did not have a 2014 Regular Session and did not pass any legislation during the Fiscal Session falling under the scope of environmental topics in the *Digest*.





# Florida

## Energy Legislation

### Alternative Energy Development

#### **HB 7147: Alternative Fueling Stations and Electric Vehicle Charging Stations**

Rep. Jose Diaz; Regulatory Affairs Committee and Energy Utilities Subcommittee  
Authorizes the Department of Agriculture and Consumer Services (DACS) to post on its website information relating to alternative fueling stations and electric vehicle (EV) charging stations. The bill defines the term “alternative fuel” to mean “nontraditional transportation fuel, such as pure methanol, ethanol, and other alcohols; blends of 85 percent or more of alcohol with gasoline; natural gas and liquid fuels domestically produced from natural gas; liquefied petroleum gas; coal-derived liquid fuels; hydrogen; electricity; pure biodiesel; fuels, other than alcohol, derived from biological materials; and P-series fuels.”

Specifically, the legislation provides that an owner or operator of an alternative fueling station that is available in Florida may report any of the following information to DACS to be posted on its website:

- The type of alternative fuel available;
- The station's name, address, or location; or
- The fees or costs associated with the alternative fuel that is available for purchase.

The owner or operator of an EV charging station that is available in Florida may report any of the following information to DACS to be posted on its website:

- The station's name, address, or location; or
- The fees or costs, if any, associated with the EV charging services provided by the station.

### Coal and Minerals

#### **HB 489: Severed Subservice Rights on Residential Parcels**

Rep. Ross Spano; Judiciary Committee

Requires a seller, as part of a contract for the sale of residential property by a builder or developer, who has or will sever or retain any subsurface rights to provide a disclosure summary within the sales contract or incorporated by reference into the sales contract.



## **Energy Efficiency**

### **HB 7147: Qualified Energy Conservation Bonds**

Rep. Jose Diaz; Regulatory Affairs Committee and Energy Utilities Subcommittee  
Requires the Florida Office of Energy to establish a program for allocating or reallocating the federal Qualified Energy Conservation Bond (QECB) volume limitation. This allocation program must provide notification of all mandatory allocations required or authorized by the Internal Revenue Code. Under the bill, the Department of Agriculture and Consumer Services (DACS) will allocate issuance capacity to cities and counties with populations above 100,000 based on the city's or county's percentage of total state population (based on 2008 population figures). For example, if a municipality has 150,000 residents and the state has 1.5 million residents, the state must allocate 10 percent of its QECB issuance capacity to the municipality. Further, a percentage of the funds would be available for the state to initiate statewide programs. If a city or county does not intend to issue QECBs, it may reallocate all or part of its issuance capacity back to the state. Any funds that are reallocated back to the state may be reallocated to eligible issuers, including the state.

## **Natural Gas and Petroleum**

### **HB 7051: Department of Agriculture and Consumer Services Inspections and Standards**

Rep. Mike La Rosa; Regulatory Affairs Committee  
Requires the Department of Agriculture and Consumer Services to enact quality and labeling standards by rule for motor oils. Also, the bill clarifies inconsistencies relating to gasoline and oil inspections.

### **HB 7093: Petroleum Restoration Fund**

Rep. Amanda Murphy; State Affairs Committee  
Repeals the Preapproval Program within the Department of Environmental Protection's (DEP) Petroleum Restoration Program. Thus, DEP will no longer preapprove site rehabilitation work based on templated costs. Instead, the bill requires all site rehabilitation work to be competitively procured pursuant to ch. 287, F.S., or rules adopted by DEP. The bill requires the department's rules to specify that only vendors who meet the minimum qualifications in current law may submit responses on a competitive solicitation or perform site rehabilitation work. Competitive bidding for site rehabilitation projects is no longer exempt from the requirements of the Consultants' Competitive Negotiation Act. Furthermore, the measure allows an applicant for the Advanced Cleanup Program to use a commitment to pay or demonstration of a cost savings to meet the required cost share commitment when bundling 20 or more sites in a single contract.

### **HM 281: Keystone XL Pipeline Project**

Rep. Mike Hill  
Urges the President of the United States to issue final approval of the Keystone XL Pipeline Project upon completion of the Presidential Permit review process.



## **SB 1070: Fuel Terminals as Critical Infrastructure**

Sen. Wilton Simpson; Transportation Committee

Provides legislative intent that fuel terminals are critical infrastructure statewide for the storage and distribution of fuel in adequate quantities. As such, the terminals are critical to the state's economy and to the health, safety, welfare, and quality of life of residents and visitors.

The bill defines terms related to fuel terminals. The measure provides that local governments may not amend their land development regulations, zoning districts, use maps, or comprehensive plans in such a way that would conflict with a fuel terminal's classification as a permitted and allowable use, including but not limited to an amendment that causes a fuel terminal to be a nonconforming use, structure, or development.

The legislation requires that local governments allow a fuel terminal damaged or destroyed by a natural disaster or other catastrophe to be repaired to its pre-existing capacity. Local governments are expressly authorized to adopt, implement, modify, and enforce applicable federal and state requirements for fuel terminals, including local safety and building standards. An exercise of local authority may not conflict with federal or state safety and security requirements for fuel terminals.

## **Reorganization and Coordination**

### **HB 7147: Appointments to the Southern States Energy Board and Role of the Department of Agriculture and Consumer Services and Expired Program Removal from Statute**

Rep. Jose Diaz; Regulatory Affairs Committee and Energy Utilities Subcommittee

*Appointments to the Southern States Energy Board and Role of the Department of Agriculture and Consumer Services*

Clarifies the authority of the Commissioner of Agriculture and Consumer Services to appoint a member of the Southern States Energy Board (SSEB) and to appoint a deputy or assistant to support the member. This authority replaces existing language, removed in the bill, which authorized Department of Agriculture and Consumer Services to represent Florida in the compact. The change provides greater consistency with the provisions of state law that specify Florida's participation in the SSEB.

Further, the legislation states DACS' duties include making recommendations, collecting and disseminating information, and developing and conducting educational and training programs regarding energy efficiency in addition to energy conservation. The bill captures both "energy conservation" and "energy efficiency" programs to reflect the broad array of programs addressed by the Public Service Commission (PSC) and indicates that DACS' recommendations and promotional efforts must address both topics. The bill clarifies that DACS' efforts to promote renewable energy resources are not limited to solar energy technologies, but include all renewable resources.



*Expired Program Removal from Statute*

Removes the expired and no longer in existence Solar Energy System Incentives Program and the Florida Energy Star Residential HVAC Rebate and their associated definitions and cross-references from the statutes.

**SB 686: Termination of Department of Economic Opportunity Trust Funds**

Sen. Andy Gardiner

Terminates the Community Services Block Grant Trust Fund, Energy Consumption Trust Fund, Economic Development Transportation Trust Fund, and the Low Income Home Energy Assistance Program Block Grant Trust Fund within the Department of Economic Opportunity.





# Florida

## Environmental Legislation

### Air Quality and Pollution Control

#### **SM 1174: Carbon Dioxide Regulations**

Sen. Audrey Gibson; Environmental Preservation and Conservation Committee  
Urges the United States Congress to direct the U.S. Environmental Protection Agency (EPA), in developing guidelines for regulating carbon dioxide (CO<sub>2</sub>) emissions from existing fossil-fueled electric generating units, to do the following:

- Respect the primacy of Florida and rely on state regulators to develop performance standards that take into account the unique policies, energy needs, resource mix, and economic priorities of the state;
- Issue guidelines and approve state-established performance standards based on reductions of CO<sub>2</sub> emissions achievable by measures undertaken at fossil-fueled electric power plants;
- Allow Florida to set less-stringent performance standards or longer compliance schedules; and
- Give Florida maximum flexibility to implement standards.

### Coastal Zone Management

#### **HB 47: Spiny Lobster**

Rep. Holly Merrill Raschein; Agriculture & Natural Resources Subcommittee  
Increases the penalties for the unlawful possession of spiny lobster and wrung tails by providing that it is a major violation to possess spiny lobster during the closed season or, while on the water, to possess spiny lobster tails that have been wrung or separated from the body, unless the possession is allowed by Florida Fish and Wildlife Conservation Commission (FWC) rule. Any person, firm, or corporation that violates this provision is subject to the following penalties:

- A first violation is a second degree misdemeanor; if the violation involves 25 or more lobster, the violation is a first degree misdemeanor;
- A second violation is a first degree misdemeanor and the violator is subject to a suspension of all license privileges for a period not to exceed 90 days;
- A third violation is a first degree misdemeanor with a mandatory minimum term of imprisonment of six months; the violator may be assessed a civil penalty of up to \$2,500 and is subject to a suspension of all license privileges for a period not to exceed six months;
- A third violation within one year after a second violation is a third degree felony with a mandatory minimum term of imprisonment of one year; the violator must be assessed a civil penalty of \$5,000 and all license privileges must be permanently revoked; and



- A fourth or subsequent violation is a third degree felony with a mandatory minimum term of imprisonment of one year; the violator must be assessed a civil penalty of \$5,000 and all license privileges must be permanently revoked.

### **HB 955: Fish and Wildlife Conservation Commission**

Rep. Tom Goodson; State Affairs Committee

Repeals various programs under the authority of the Florida Fish and Wildlife Conservation Commission, including the provision allowing any person who meets certain requirements to trawl for shrimp for personal food use in the St. Johns River, if noncommercial trawling is authorized by FWC. Noncommercial trawling has not been authorized by FWC since 1996. Also, the bill repeals the now outdated Special Recreational Spiny Lobster license.

### **HB 7093: Department of Environmental Protection Activities**

Rep. Patrick Rooney; State Affairs Committee

Expands the activities that qualify for a Department of Environmental Protection issued Area-Wide permit to include the construction of minor structures. The bill also adds dune restoration and on-grade walkovers for accessibility or use in compliance with the Americans with Disabilities Act to the list of specific activities or structures that are considered minor structures and special classes of activities. The bill authorizes DEP to grant a general permit for dune restoration, swimming pools associated with single-family habitable structures that do not advance the line of existing construction and satisfy all siting and design requirements, and minor reconstruction for existing coastal armoring structures.

Additionally, the legislation requires DEP to promote the public use of aquatic preserves, authorizes DEP to receive gifts and donations to carry out the purpose of the Florida Aquatic Preserves Act, and authorizes DEP to grant a privilege or concession for the accommodation of visitors to aquatic preserves and their associated state-owned uplands if certain criteria are met. The bill also provides that after May 1, 2014, the Division of Parks and Recreation, within DEP, is prohibited from granting new concession agreements for the accommodation of visitors in a state park that provides beach access and contains less than 7,000 linear feet of shoreline if the type of concession is available within 1,500 feet of the park's boundaries.

## **Environmental Health Services**

### **HB 687: Medical Gas Regulation**

Rep. MaryLynn Magar; Health & Human Services Committee

Revises provisions of the Department of Business and Professional Regulation related to medical gases, such as oxygen, nitrous oxide, nitrogen, and helium. The provisions require permits for medical gas manufacturers and wholesale distributors and medical oxygen retail establishments. The measure sets forth minimum qualifications for obtaining a permit to deal in medical gases and certain procedures to change a permit. The bill establishes standards for the security and storage of medical gases. Also, it provides a procedure for handling returned, damaged, and outdated medical gases. The



legislation provides penalties for committing prohibited and criminal acts associated with medical gases and requires inspections of facilities that manufacture medical gases.

### **HB 7051: Brake Fluid and Antifreeze Registrations**

Rep. Mike La Rosa; Regulatory Affairs Committee

Amends brake fluid and antifreeze registrations to expire one year after registration.

### **HB 7091: Powers and Duties of the Department of Agriculture and Consumer Services**

Rep. Cary Pigman; State Affairs Committee

Addresses a number of issues relating to the powers and duties of the Department of Agriculture and Consumer Services. The bill primarily reorganizes the department's general authorizing statute, ch. 570, F.S., into five separate "parts," creating a new Part V that consolidates all of the provisions establishing fines enforced by DACS that are currently spread throughout several different chapters. The bill does not increase, and in some cases decreases, fines currently in law. Among other things, the bill authorizes DACS to close a food facility if it poses an immediate danger or threat to public health, safety, or welfare. Also, the legislation authorizes DACS to issue a stop-use, removal, or hold order if the department has probable cause to believe that a food processing area or food storage area is in violation of current laws so as to be dangerous or unsanitary. Also, the measure brings Florida into compliance with the Interstate Shellfish Sanitation Conference regarding mandatory training requirements for the Shellfish Model Ordinance. Finally, the bill specifies that businesses must have a food permit and pay fees prior to opening for business and that food permits are not transferable to a different location or owner.

## **Inland Water Resource Management and Conservation**

### **HB 955: Fishing and Boating Programs**

Rep. Tom Goodson; State Affairs Committee

Makes the following revisions related to various programs under the authority of the Florida Fish and Wildlife Conservation Commission:

- Allows a person who is required to take a boating safety course as a result of a boating violation to do so online and specifies that people who must take the course because they were convicted of operating a vessel after consuming alcohol under the age of 21 must take the course at their own expense;
- Extends the pilot program for the mooring of certain vessels to July 1, 2017, and requires an updated report to be submitted to the governor and legislature by January 1, 2017;
- Allows counties to use their portion of vessel registration revenues for additional boating related activities;
- Repeals the \$50 fee associated with the statewide freshwater trawl seine gear license and the \$100 fee associated with the statewide haul seine gear license; and
- Repeals FWC's authority to issue haul seine and trawl permits and fees for Lake Okeechobee.



**HB 1049: Diver Safety**

Rep. Holly Merrill Raschein

Amends current law to give divers the option to display a divers-down buoy instead of a divers-down flag that contains the same universal divers-down symbol. Under the bill, a diver must display either the divers-down flag or the divers-down buoy, or both, when diving. The measure also requires boater education and safety courses to include a component regarding divers-down buoys, along with the divers-down flag component required in current law.

**HB 1363: Removal of Vessels**

Rep. Charles E. Van Zant; State Affairs Committee

Specifies that contractors who perform the relocation or removal of a vessel at the direction of the Florida Fish and Wildlife Conservation Commission or a law enforcement agency or officer must meet certain requirements. The bill amends the vessel safety statutes to authorize FWC, officers of FWC, and any law enforcement agency or officer to relocate a vessel that unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel. The measure exempts FWC or any other law enforcement agency or officer from liability for damages caused by the relocation or removal of a vessel, unless the damage results from gross negligence or willful misconduct. Furthermore, the bill authorizes FWC or another law enforcement agency to recover from the vessel owner all costs, including costs owed to a third party, resulting from the relocation or removal of a vessel that unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel. The Department of Legal Affairs is required to represent FWC in actions to recover such costs.

The legislation also amends the public nuisance and pollutant discharge statutes to specify that, in addition to being authorized to remove a derelict vessel, FWC, an officer of FWC, and certain law enforcement agencies or officers are authorized to relocate or cause to be relocated a derelict vessel from public waters.

**HB 7053: Pasco County Storm Water Retention Pond**

Rep. Ed Hooper; State Affairs Committee

Appropriates \$1.5 million from the General Revenue Fund to the Department of Environmental Protection to be distributed to the Southwest Florida Water Management District to purchase property for the construction of a storm water retention pond to mitigate flooding in Pasco County.

**HB 7147: Well Water Contractor Licensing**

Rep. Jose Diaz; Regulatory Affairs Committee and Energy Utilities Subcommittee

Revises the requirements for taking a water well contractor licensing examination by deleting a water well driller and a water well parts and equipment vendor from the list of persons who may attest to the length of time an applicant has been engaged in the water well contractor business. Therefore, only two letters will be required; one from a water well contractor and one from a water well inspector employed by a governmental agency.



## **HB 7171: Establishment of Minimum Water Flows and Levels for Water Bodies**

Rep. Jason T. Brodeur; State Affairs Committee

Exempts the Department of Environmental Protection rules establishing minimum water flows and levels and recovery and prevention strategies for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs from the legislative ratification requirement. The bill also requires DEP to publish, when the rules are adopted, notice of the exemption from ratification in the Florida Administrative Register. This exemption applies only to the proposed rule and not to future amendments to the rule. The legislation expressly states that it serves no purpose other than exempting the rule from the ratification requirement and that it will not be codified in the Florida Statutes.

## **SB 272: Water Utility Petitions to the Public Service Commission**

Sen. Wilton Simpson; Appropriations Committee

Establishes a process by which the customers of a private water utility may petition the Public Service Commission to investigate issues concerning the quality of water service provided by the utility. The petition must be signed by at least 65 percent of the utility's customers. Based on its evaluation of the issues raised, the utility's response, and other relevant factors, the PSC may dismiss the petition, if doing so is supported by clear and convincing evidence; require the utility to take corrective actions to resolve the issues identified; or revoke the utility's certificate of authorization and appoint a receiver until a sale of the utility is approved by the PSC.

The bill requires the PSC, when setting rates for a water utility, to consider the extent to which the utility provides service that meets secondary drinking water standards established by the Department of Environmental Protection. The measure specifies the evidence that the PSC must consider in its review. If the PSC determines that the utility's water service does not meet these standards, the utility must create an estimate of the costs and benefits of a plausible solution to address each issue identified by the PSC, meet with its customers to discuss these estimates and the time necessary to implement the solution, and report the results of these meetings to the PSC. The PSC may require the utility to implement for each issue a solution in the best interests of the customers. The legislation authorizes the utility to recover its costs to implement any solutions ordered by the PSC. Further, the bill authorizes the PSC to impose penalties for a utility's failure to adequately resolve each issue as required.

## **SB 536: Beneficial Uses of Reclaimed Water**

Sen. Wilton Simpson; Environmental Preservation and Conservation

Directs the Department of Environmental Protection, in coordination with stakeholders, to conduct a study and submit a report on the expansion of the beneficial use of reclaimed water, storm water, and excess surface water. The report must identify:

- Factors that prohibit or complicate the expansion of using reclaimed water, storm water, and excess surface water and recommend how those factors can be mitigated or eliminated;
- Measures that would lead to the efficient use of reclaimed water;

- The environmental, engineering, public health, public perception, and fiscal constraints of expanding the use of reclaimed water, including utility rate structures for reclaimed water; and
- Areas where traditional water supply sources are limited and the use of reclaimed water, storm water, or excess surface water for irrigation or other uses is necessary.

The study must recommend permit incentives, such as extending current authorizations for long-term consumptive use permits for all entities that substitute reclaimed water for traditional water sources that become unavailable or otherwise cost prohibitive. Also, the bill requires the study to determine the feasibility, benefit, and cost estimate of the infrastructure needed to construct regional storage features on public or private lands for reclaimed water, storm water, and excess surface water.

Finally, the measure requires DEP to hold at least two public meetings to gather input on the study and provide an opportunity for the public to submit written comments before delivering the report, which must be submitted to the president of the senate, the speaker of the house of representatives, and the governor by December 1, 2015.

### **SB 1674: Rule Ratification for Petroleum Contamination Rehabilitation Program**

Rulemaking Oversight & Repeal Subcommittee

Ratifies Rules 62-772.300 and 62-772.400, F.A.C., promulgated by the Florida Department of Environmental Protection under 2013 legislation revising the petroleum contamination rehabilitation program. The rules govern procurement of site rehabilitation services and contractor qualifications. Ratification by the legislature allows the rules to become effective. Each of the rules is estimated to have an economic impact in excess of \$1 million over five years, which triggers a legal requirement for legislative ratification before it can take effect. The bill does not adopt the substance of any rule into law.

## **Land Management and Conservation**

### **HB 325: Brownfields Redevelopment Act**

Rep. Charlie Stone; Economic Affairs Committee

Amends the Brownfields Redevelopment Act and revises the provisions relating to the process for designating brownfield areas. The legislation also clarifies the criteria that must be satisfied when a brownfield area designation is proposed by a local government or a person other than a governmental entity, such as an individual, corporation, community-based organization, or not-for-profit corporation.

The bill clarifies the requirements that apply to all brownfield area designations and clarifies provisions of the act relating to public hearings, conditions, and criteria when a local government proposes to designate a brownfield area within or outside certain redevelopment areas. The liability portion of the bill expands the protections provided to the entity responsible for the brownfield site rehabilitation. The liability protection applies to causes of action accruing on or after July 1, 2014. The bill also provides the



circumstances under which liability protection would not apply and provides that liability protection does not limit the right of a third party other than the state to pursue an action for damages to persons for bodily harm.

### **HB 955: Hunting**

Rep. Tom Goodson; State Affairs Committee

Specifies that the annual military gold sportsman's license authorizes the same activities as the annual gold sportsman's license. The bill repeals the \$2 (under 18) and \$5 (18 and older) fee that the Fish and Wildlife Conservation Commission is authorized to charge for hunting on lands subject to cooperative agreements between FWC and the U.S. Forest Service.

### **HB 1161: Department of Transportation Omnibus Bill**

Rep. Tom Goodson; Economic Affairs Committee

Authorizes the Department of Transportation (DOT) to enter into a concession agreement for commercial sponsorship on multiuse trails and related facilities.

Also, the bill revises provisions related to public service warning signs on water management district property.

The measure also updates the state's outdoor advertising statutes. Specifically, the bill:

- Clarifies DOT's duties relating to outdoor advertising;
- Clarifies that outdoor advertising signs may only be permitted on parcels of land that are in commercial or industrial zones; and creates a process for resolving compliance issues;
- Revises DOT's authority to enter private land to remove illegal signs;
- Clarifies that a license is not required of a business that solely constructs signs;
- Clarifies disciplinary action for delinquent accounts and effects of an outdoor advertising license suspension;
- Clarifies permit requirements to insure compliance with federal regulations;
- Clarifies that DOT may deny or revoke any permit requested or granted if the application contains false or misleading information;
- Clarifies DOT's authority to remove signs with cancelled permits in addition to those with revoked permits;
- Clarifies the notification and permitting processes for signs currently in violation of permit requirements;
- Clarifies the vegetation management permit process;
- Removes the fine of \$75 against an owner who has been assessed the costs of removing a sign;
- Allows permitted signs to be relocated rather than acquired when the relocation results from a transportation project;
- Allows for the clarification and expansion of commerce and local control exemptions unless DOT is notified by the federal government that the exemptions will adversely affect federal funds, and provides for the removal of the signs if the signs are not allowed;



- Clarifies that compensation for signs acquired by DOT includes both conforming and nonconforming signs;
- Clarifies the process for allowing sign heights to be increased when constructing sound walls;
- Allows the logo sign program on all limited access roads;
- Ensures DOT's authority to remove cancelled signs;
- Repeals a 2012 provision allowing DOT to request permission from the federal government for a tourist-oriented sign program; and
- Provides for a pilot program for the School District of Palm Beach County to recognize business sponsorships.

### **HB 7023: Permit Extensions**

Rep. Travis Hutson; Economic Affairs Committee

Extends and renews for two years after its previously scheduled date of expiration any building permit and any permit issued by the Department of Environmental Protection or a water management district that has an expiration date from January 1, 2014, through January 1, 2016. The extension includes any local government-issued development order or building permit, including certificates of levels of service.

The bill creates an unnumbered section of Florida law to extend and renew the permit extensions from previous years and does not prohibit the conversion from the construction phase to the operation phase upon completion of construction. The extension is in addition to any existing permit extensions; however, the total permit extension time for this bill or past legislative extensions cannot exceed four years in total.

The bill requires that the dates for commencement and completion of any required mitigation associated with a phased construction project are also extended so that mitigation occurs in the same timeframe relative to the phase as originally permitted. The eligible permit holder must notify the authorizing agency in writing by December 31, 2014.

The extension provided by the measure does not apply to:

- A permit or authorization under a programmatic or regional permit issued by the U.S. Army Corps of Engineers;
- A permit or authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization; or
- A permit authorization that would be out of compliance with a court order if extended.

The legislation provides that permits extended under this section are subject to the rules in effect at the time the permit was issued, unless the rules would create an immediate threat to public safety or health. This provision applies to any modification of the plans, terms, and conditions of the permit, which lessens the environmental impact. A modification cannot extend the time limit beyond two additional years. The bill does not prevent a county or municipality from requiring a property owner that has requested an



extension to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws.

### **HB 7091: Powers and Duties of the Department of Agriculture and Consumer Services**

Rep. Cary Pigman; State Affairs Committee

Addresses a number of issues relating to the powers and duties of the Department of Agriculture and Consumer Services. The bill primarily reorganizes the department's general authorizing statute, ch. 570, F.S., into five separate "parts," creating a new Part V that consolidates all of the provisions establishing fines enforced by the department that are currently spread throughout several different chapters. The bill does not increase, and in some cases decreases, fines currently in law. Among other things, the bill:

- Expands the authority of the Florida Forest Service (FFS), under certain conditions, to grant leases, permits, privileges, and concessions for the use of state forest lands to include any lands leased by or assigned to the FFS management purposes;
- Allows landowners who miss the March 1 application deadline for obtaining an agricultural classification on their lands for property tax purposes to provide the property appraiser evidence that the applicant was unable to apply in a timely manner or otherwise demonstrate extenuating circumstances. If the property appraiser finds the evidence sufficient, then the classification may be granted;
- Allows agricultural lands participating in a dispersed water storage program to retain an agricultural classification and requires those lands to be assessed as nonproductive agricultural lands. If the land is diverted to a non-agricultural use, it must be assessed as any other nonagricultural land;
- Removes the requirement that a fertilizer company post a surety bond to ensure payment of certain required fees. The department has authority elsewhere to enforce and collect these fees; and
- Repeals a pilot program related to use of Australian pine trees and authorizes use of the trees statewide as a windbreak for citrus groves with a valid permit.

### **SB 218: Sign Permitting**

Sen. Denise Grimsley; Transportation Committee

Amends provisions regarding outdoor advertising by clarifying that the already existing permit exemption of signs for rural business directional signs to make the provision applicable to signs located outside an incorporated area. Also, the bill repeals language providing that the rural small business sign permit exemption does not apply in charter counties. The legislation provides additional new exemptions to sign permit requirements with the caveat that they may not be implemented or continued if the federal government notifies the Department of Transportation that the state's allocation of federal transportation funds will be adversely affected. Finally, the measure expands the tourist-oriented directional sign program by repealing the restriction limiting the program to roads in a rural area of critical economic concern and provides that the program applies to intersections on rural and conventional state, county, or municipal roads.



## **SB 374: Local Comprehensive Plan and Map Amendments**

Sen. Nancy Detert

Revises the prohibition on initiative or referendum processes for local comprehensive plan amendments or map amendments by removing a provision that allows such initiatives or referendum processes for any local comprehensive plan amendment or map amendment that affects more than five parcels of land under certain conditions. The bill prohibits initiative or referendum processes for any local comprehensive plan amendment or map amendment unless the initiative or referendum process is expressly authorized by specific language in a local government charter that was lawful and in effect on June 1, 2011.

The bill effectively exempts the town of Longboat Key's referendum charter provision from the state statutory provision prohibiting such initiative or referendum processes for local comprehensive plan amendments or map amendments. The bill provides that it is the intent of the legislature that initiative and referendum processes be prohibited in regard to any local comprehensive plan amendment or map amendment, except as narrowly permitted under s. 163.3167(8)(b), F.S.

## **Reorganization and Coordination**

### **HB 713: Professional Engineers Licensure**

Rep. Lake Ray; Regulatory Affairs Committee

Permits professional and technical engineering societies to submit a list of recommended qualified nominees from which the governor may choose to appoint members of the Board of Professional Engineers. The bill also staggers board member terms.

The bill permits applicants who have failed one of the licensure examinations three times to take a board-approved examination review course prior to retaking the examination rather than being required to obtain 12 college course hours. The legislation allows applicants who are delayed in taking an examination due to reserve or active duty service in the U.S. Armed Forces or National Guard two additional attempts to pass the examination before being required to obtain additional college course hours or examination review course credit. The bill removes an examination exemption for licensure by endorsement applicants based solely on education.

The bill increases the continuing education course hour requirement for licensure renewal from eight hours to 18 hours and requires specified hours to cover professional ethics, rules and laws, and the licensee's area of practice. The measure permits a licensee to obtain some continuing education course hours by being an officer for a professional or technical engineering society, serving as a member of the legislature, or serving as an elected state or local official. The bill also amends rulemaking authority to expand the guidelines the board can use when adopting rules regarding continuing education guidelines.

**HB 7051: Board of Professional Surveyors and Mappers**

Rep. Mike La Rosa; Regulatory Affairs Committee

Deletes rulemaking authority for minimum technical standards for the Board of Professional Surveyors and Mappers and replaces it with mandatory rulemaking authority to establish standards of practice.

**HB 7023: Triumph Gulf Coast, Inc.**

Rep. Travis Hutson; Economic Affairs Committee

Clarifies that the auditor general is directed to conduct an operational audit of the Recovery Fund and Triumph Gulf Coast, Inc., annually and further provides that Triumph Gulf Coast, Inc., must retain an independent certified auditor to annually audit the expenditure of the earnings and available principal disbursed by Triumph Gulf Coast, Inc. The bill provides that the terms of the initial board of directors for Triumph Gulf Coast, Inc., begin upon a legislative appropriation of funds to the Recovery Fund. The legislation also provides that the initial appointments to the board of directors by the president of the senate and the speaker of the house of representatives will be for a term of five years to achieve staggered terms. The remaining initial appointments will each serve a four-year term. The bill provides that the certified public accountant that Triumph Gulf Coast, Inc., retains must annually audit its financial records.

**SB 404: Licensure Requirements for Professional Geologists**

Sen. Denise Grimsley; Rules Committee

Updates licensure requirements for professional geologists, clarifying that applicants must obtain five years of work experience prior to licensure and updating the hours of coursework necessary to meet national standards. The bill also creates a geologist-in-training registration, which is issued by the Department of Business and Professional Regulation to applicants who pass the fundamentals of geology part of the licensure examination after being certified by the Board of Professional Geologists as having met coursework and background requirements.







# Georgia

## Energy Legislation

### Alternative Energy Development

#### **HB 348: Alternative Fuel Vehicle Tax Credit**

Rep. Don Parsons

Creates an income tax credit for the amount expended on or after July 1, 2015, and before June 30, 2017, to purchase an alternative fuel heavy-duty vehicle not to exceed \$20,000 per vehicle. There would also be a \$12,000-per vehicle credit for the purchase of an alternative fuel medium-duty vehicle. The total amount of tax credit in a year is capped at \$250,000. There is no carry-forward provision for unused credits. A taxpayer must apply for preapproval by submitting an application after it has purchased the vehicle in question. Such application, among other things, requires the taxpayer to certify that the vehicle will accumulate at least 75 percent of its mileage in Georgia in each year for a five-year period, and is registered in Georgia and shall remain registered in Georgia for no less than five years.

“Alternative fuel heavy-duty vehicle” is defined as a new commercial vehicle, with a gross vehicle weight ratio equal to or more than 26,001 pounds, that is primarily fueled by an alternative fuel. “Primarily fueled by an alternative fuel” means a vehicle that is produced by an original equipment manufacturer and operates on 90 percent or more alternative fuel and on 10 percent or less gasoline or diesel fuel. “Alternative fuel medium-duty vehicle” is defined as a new commercial vehicle, with a gross vehicle weight ratio equal to 8,500 pounds or more and less than 26,001 pounds, that is solely fueled by an alternative fuel and produced by an original equipment manufacturer.

### Emergency Management and Homeland Security

#### **HB 782: Facilitating Business Rapid Response to State Declared Disasters Act of 2014**

Rep. Bruce Williamson

Allows for utility contractors who come into the state from another state during times of a natural disaster to pay and file taxes in their home states. This exception only applies during times of a natural disaster and immediate clean-up and restoration of services. Any out-of-state business that is in Georgia solely for the purposes of performing work or services related to a declared state of disaster or emergency will not be required to file state or local taxes.

Further, the exemption extends to any state or local requirements including: business licensing requirements, employer income tax withholding, unemployment insurance, occupational licensing fees, Public Service Commission (PSC) or secretary of state licensing and regulatory requirements, and income tax. Also, any out-of-state employees will not be required to file and pay income taxes.



These exemptions will cease to exist when any out-of-state business or out-of-state employee remains in the state after the disaster or emergency period. Any out-of-state business must provide a statement that it is in the state for purposes of responding to the disaster or emergency to the Georgia Emergency Management Agency.

## **Energy Efficiency**

### **HB 958: Competitiveness Initiative Legislation**

Rep. Chad Nimmer

Provides a sales tax holiday for energy efficient or water efficient products. The sales tax holiday applies to the purchase of energy efficient products or water efficient products with a sales price of \$1,500 or less per product purchased for a noncommercial home or personal use commencing at 12:01 AM on October 3, 2014, and ending at Midnight on October 5, 2014.

### **SB 301: Allowing Wood Construction in Public School Facilities**

Sen. Fran Millar

Amends the statute relating to minimum facility requirements in public school facilities to disallow prohibitions on wood construction. Minimum facility requirements established by the state Board of Education will not prohibit wood construction that is otherwise in compliance with state minimum standard codes as they existed on January 1, 2014.

## **Utilities**

### **HB 176: Mobile Broadband Infrastructure Leads to Development (BILD) Act**

Rep. Don Parsons

Clarifies that within 30 days of the date an application for approved wireless support structures and wireless facilities modification/collocation is filed, the local governing authority must determine if it is a complete application and, if it determines that it is not a complete application, the local governing authority must notify the applicant of any information required to complete the application. Information requested to complete the application may only include the documents, information, and fees specifically enumerated in the local governing authority's regulations, ordinances, and forms pertaining to the location, construction, collocation, modification, or operation of wireless facilities. Current law provides for streamlined processing at the local level for previously approved wireless support structures and wireless facilities to be modified or collocated.

This bill also limits the governing authority in its regulation of placement or construction of any new wireless facility or wireless support structure by prohibiting the governing authority from: conditioning the approval of any application on a requirement that a modification/collocation to the structure be subject to a review that is inconsistent with current law requirements; requiring removal of an existing wireless support structure/facility as a condition to approval of an application unless it is



abandoned and owned by the applicant; or requiring the applicant to place an antenna or other wireless communications equipment on publicly-owned land or on a publicly or privately-owned water tank, building, or electric transmission tower as an alternative to the location proposed by the applicant. The bill specifies certain time restraints for notification and approval of an application for a new wireless facility or wireless support structure.

Finally, the measure places reasonable limitations on the amount of certain fees that may be charged by the local governing authority related to: zoning, permitting, or review/inspection; reimbursement of consultant fees; and rental, license, or other fees to locate a wireless facility or support structure on the government entity's property.

### **HB 494: Private Airstrips**

Rep. Andrew Welch

Provides for adequate visual warning in the use of private airstrips by outlining the process for a private airstrip owner to pay the owner of a utility line to install security markers. The bill also contains a limitation of liability for property owners in relation to use of the property by others for recreational purposes.

### **SB 117: Georgia Utility Facility Protection Act**

Sen. Rick Jeffares

Addresses excavation and blasting near utility lines by adding definitions and adding certain timeframes for responses to utility locate requests. With respect to the markings, the bill expressly requires that the person making the utility markings comply with the rules and regulations of the Department of Transportation so as not to "obstruct signs, pavement markings, pavement, or other safety devices."

Additionally, the legislation provides that the PSC shall promulgate the rules governing large projects. The act also removes strict liability for any person engaged in blasting or excavating within the curb lines of a public road that causes damage to a utility facility located within the roadway hard surface or the graded aggregate base, so long as the person has complied with the requirements of the statute and there is no indication that the utility facility is in conflict with the proposed excavation.





# Georgia

## Environmental Legislation

### Air Quality and Pollution Control

#### **HR 1158: Encourages Congress to Establish National Energy Policy**

Rep. Chuck Martin

Urges the U.S. Congress, the U.S. Department of Energy, and the U.S. Environmental Protection Agency (EPA) to support efforts to research and develop carbon capture and sequestration technologies, which include exploration of geological storage opportunities for states, like Georgia. The EPA is encouraged to work closely with Georgia and all states as it continues to develop greenhouse gas emission guidelines under the Clean Air Act. Further, all states should be given maximum flexibility by the EPA to implement carbon dioxide performance standards for fossil-fueled power plants within their jurisdictions.

The resolution recognizes that the EPA is adopting stringent guidelines to reduce carbon dioxide emissions from existing fossil fuel-fired electric generating facilities under the federal Clean Air Act. Conversely, Congress has charged the states, not the EPA, with establishing performance standards. It is in the best interests of Georgia's electricity consumers to continue to benefit from reliable, affordable electricity generated from coal-based electricity generating plants.

### Coastal Zone Management

#### **HB 715/SB 296: Jekyll Island**

Rep. Mark Hamilton; Sen. Ross Tolleson

Removes the 35 percent limitation and, instead, sets a maximum acreage limit of 1,675 acres of developable land (1,597 acres are deemed as already converted to developed land) to bring more certainty to the development process for the Jekyll Island-State Park Authority. Of the remaining acreage: (1) Twelve acres must be used solely for the expansion of the existing campground; (2) Forty-six acres must be used solely for public health, public safety, or public recreation (excluding residential and commercial development); and (3) Twenty acres remain available for unrestricted uses. Prior law authorized the Jekyll Island-State Park Authority to develop no more than 35 percent of the land area of Jekyll Island that lies above water at mean high tide. This percentage has been difficult to determine over the years.



## **Environmental Health Services**

### **SB 305: Written Notice and Opportunity to Remedy Building Code Violations**

Sen. Lindsey Tippins

Provides that if a state fire marshal, local fire marshal, state inspector, or code official determines that building construction or plans are not in compliance with code, such official(s) may deny a permit or a request for a certificate of occupancy or a certificate of completion, or may issue a stop-work order for all or any portion of a project only by giving written notification of non-compliance and by providing an opportunity to remedy the violation. "Written notification" is defined in this bill as a typed, printed, or handwritten notice citing specific sections of applicable building codes and standards that have been violated. The written notice must describe specifically where and how the design or construction is non-compliant.

### **SR 953: Senate Mold and Mildew Remediation Contractor Study Committee**

Sen. Donzella James

Creates the Senate Mold and Mildew Contractor Study Committee. Mold and mildew are ongoing problems in homes located in humid areas. It is a public health concern, and is very dangerous for people living in homes and apartments that are afflicted with mold and mildew contamination. There are many hard-working contractors who seek to remediate mold and mildew problems; however, there are also nefarious contractors who are not honest and take advantage of frightened and anxious people who seek to have their mold and mildew issues correctly resolved. The study committee will look into ways to mitigate the damage caused by these dishonest contractors and further review ways to assist people who need mold and mildew remediation. The study committee will have five members appointed by the president of the senate. If the committee drafts a report, it must be submitted by December 1, 2014, when the committee is abolished.

## **Hazardous Waste and Substance Management**

### **HB 904/SB 333: Listings on the Hazardous Site Inventory**

Rep. Tom McCall; Sen. Ross Tolleson

Provides a property owner with the right to an administrative hearing if the property is listed on the Environmental Protection Division's (EPD) hazardous site inventory on or after July 1, 2014.

## **Inland Water Resource Management and Conservation**

### **HB 777: Interstate Boating Violator Compact**

Rep. Alan Powell

Enacts the Interstate Boating Violator Compact, currently an agreement between Georgia and South Carolina, which allows the home state to treat a boating conviction of one of its residents in another state as if the conviction had occurred in the home state.



The Department of Natural Resources (DNR) can suspend a person's boating privileges for violations of vessel laws of this state and any state that is a member of the compact.

**SB 213: Flint River Basin**

Sen. Ross Tolleson

Provides the director of the Environmental Protection Division with more flexibility in times of severe drought. Key provisions of the bill include: making irrigation reduction auctions optional, instead of a requirement, in the event of a drought declaration by EPD; requiring irrigation efficiencies of 80 percent by the year 2020 (60 percent for mobile and solid-set irrigation systems); clarifying what stream flows include and do not include for purposes of establishing acceptable Flint River Basin stream flows; requiring the state to identify opportunities for agriculture water efficiency measures; and allowing EPD to restrict flow downstream of any state-funded augmentation project.

**SB 299: Watershed Protection Standards**

Sen. Steve Gooch

Clarifies and allows local governments to submit their own watershed protection plans with stream buffer areas different from those developed by the Department of Natural Resources, so long as the watershed protection plans are approved by DNR and still contain the state-imposed buffer areas. Prior law authorized the DNR to develop minimum standards and procedures for the protection of watersheds, including buffer areas.

**Land Management and Conservation**

**HB 740: Active Duty Military Personnel; Resident Hunting and Fishing Privileges**

Rep. Kevin Tanner

Allows active duty military personnel and their dependents to pay the resident rate for all lifetime hunting and fishing licenses, as well as the privilege to hunt or fish without a license on his or her property. However, the domicile requirement is a period of at least three months.

**HB 755: Forest Land Fair Market Value**

Rep. Jay Powell

Revises the definition of forest land fair market value and addresses the appeal process for property owners.

**HB 783: Implied Consent Warning for Hunting Under the Influence**

Rep. Bill Hitchens

Makes a technical change to the implied consent warning language for hunting under the influence to ensure that it corresponds to the provisions in current law regarding testing and license suspension. The warning must read that a person's hunting privileges will only be suspended if the person is convicted of hunting under the influence.



### **HB 786: Infant Lifetime Sportsman’s License for Nonresidents**

Rep. David Knight

Creates an infant nonresident lifetime sportsman’s license. The purpose of this bill is to encourage and recruit the younger generation to become sportsmen. HB 786 allows nonresident infants (under the age of two) to purchase a lifetime sportsman’s license at the resident rate without the additional requirement of being a grandchild of a resident license holder. The bill also streamlines license procedures to be more customer friendly by only requiring a driver’s license as proof of identification.

### **HB 790: Timber Removal and Land Boundaries**

Rep. Chuck Williams

Amends language relating to damages for conversion or destruction, to provide a four-year statute of limitations after the cutting and/or carrying away of timber. The bill also amends laws relating to forestry investigators to include firefighters and foresters in provisions relating to enforcement of forestry laws. This legislation adds that an arrest made by an appointed state forestry commission investigator may be based from the information and observation of a commission firefighter or forester in addition to a law enforcement officer. This law also authorizes these investigators to execute search and arrest warrants for criminal forestry law violations.

This bill creates a rebuttable presumption that a property owner selling timber should not be liable to adjoining landowners for trespass or conversion of property caused by a third party harvester where the boundaries have been clearly and accurately marked or agreed. Under these provisions, damages for converted timber should be treble the fair market value of the trees cut as they stood, treble the diminished fair market value of any trees incidentally harmed, costs of reasonable reforestation activities related to the plaintiff’s injury, and attorney fees and expenses of litigation. Further, when the defendant is a willful trespasser, the plaintiff may also recover punitive damages. The defendant should be presumed a willful trespasser when the boundary lines of the property have been clearly and accurately marked.

### **HB 863: Cruelty to Animals**

Rep. Rich Golick

Provides that a person commits the misdemeanor offense of cruelty to animals when he or she: (a) causes physical pain, suffering, or death to an animal by any unjustifiable act or omission; or (b) having intentionally exercised custody, control, possession, or ownership of an animal, fails to provide the animal with adequate food, water, sanitary conditions, or ventilation based on a reasonableness standard for the particular type of animal and breed. A subsequent offense for cruelty to animals constitutes a misdemeanor of a high and aggravated nature. Further, a person is guilty of aggravated cruelty to animals, a felony, when he or she: (a) maliciously causes death or physical harm or pain to an animal’s body; (b) tortures an animal; (c) maliciously administers poison; or (d) having intentionally exercised custody, control, possession, or ownership of an animal, fails to provide the animal with adequate food, water, sanitary conditions, or ventilation based on a reasonableness standard for the particular type of animal and



breed to the extent that death or a member of its body is rendered useless or seriously disfigured.

Under this legislation, a person is justified in injuring or killing an animal when he or she reasonably believes that it is necessary to defend against imminent threat of injury or damage to any person, animal, or property. However, a person is not justified in injuring or killing an animal under the circumstances above when: (a) the person being threatened is attempting to commit, committing, or fleeing after the commission or attempted commission of a crime; (b) the person being threatened is trespassing, or committing other tortious interference with property; or (c) the animal being threatened is not lawfully on the property where the threat is occurring. Animals covered under this legislation do not include fish or a pest that may be exterminated or removed from a business, residence, or other structure.

### **HB 957: Limitation of Liability for Brownfields**

Rep. Chuck Williams

Expands the limitation of liability for brownfield redevelopment to include tenants; broadens available sites to include federally-listed sites; and clarifies that the purchaser protection applies before Environmental Protection Division approval of a correction action plan. The purchaser may apply for protection within 30 days after taking title and must subsequently receive EPD approval of a correction action plan. The Georgia Brownfield Act, previously known as the Georgia Hazardous Site Reuse and Redevelopment Act, provides a limitation of liability for prospective purchasers of a property that has a pre-existing release, so long as the purchaser receives EPD approval of a correction action plan.

### **HB 983: Agricultural Tax Exemptions**

Rep. Tom McCall

Clarifies the Georgia Agriculture Tax Exemption Program by clearly defining what is to be exempt from sales taxes when used in conjunction with agriculture. Agriculture operations are delineated so as to provide a clear definition of what is to be deemed agriculture as well as the definition of who qualifies as a producer. The commissioner of the Department of Agriculture is required to verify farming activity through certain tax filings of the applicant as well as work with the Department of Revenue to produce a list of exempted items.

This bill also outlines the tax-exempt status of contractors. Contractors will not incur use tax on tangible personal property that a qualified agricultural producer purchases tax-exempt and furnishes to the contractor for use in the performance of an agricultural operation, provided the property is returned upon completion of the project. Further, use tax will not be incurred by the contractor for the grain bins, irrigation equipment, and fencing that a qualified agricultural producer purchases tax-exempt and furnishes to the contractor for installation.

### **SB 322: Protects Certain Wildlife Habitats**

Sen. Tyler Harper

Removes one of the threats to the gopher tortoise identified by the federal government,



the use of gas or other chemicals by rattlesnake hunters to extract snakes from tortoise burrows, to help conserve the tortoise, and to prevent its listing as an endangered species. Prior law prohibited a person from disturbing or destroying wildlife habitats, except for poisonous snake habitats. This bill removes this exemption and prohibits the destruction of poisonous snake habitats.

#### **SR 847: Panola Mountain State Park**

Sen. Rick Jeffares

Authorizes the Department of Natural Resources to establish facilities for DNR staff and a historical and cultural preservation laboratory at Panola Mountain State Park in Rockdale and Henry Counties.

#### **SR 896: Joint Study Committee on the Georgia Legacy Program**

Sen. Ross Tolleson

Creates the Joint Study Committee on the Georgia Legacy Program to examine funding options for the protection and conservation of the state's natural resources and land. Senate Bill 210, which was passed by the senate last year, created a Georgia Legacy Council to approve projects for funding, and established two funds to provide loans/grants for the projects (these funds were formerly the Georgia Land Conservation Revolving Loan Fund and the Georgia Land Conservation Trust Fund).

## **Reorganization and Coordination**

#### **HB 825: Farm Winery Licenses**

Rep. Penny Houston

Creates a new license for a fruit grower already licensed as a farm winery to manufacture distilled spirits and fortified wines for sale exclusively through a licensed wholesaler. Further, Georgia farm wineries may have an on premise tasting room, provided that there is not more than one tasting room and that its wine is not sold in more than one tasting room.

#### **SB 361: Georgia Geospatial Advisory Council**

Sen. Buddy Carter

Re-establishes the Georgia Geospatial Advisory Council (the council was repealed in 2012) to take inventory of county, regional, and state flood maps and gather data to ensure all are the same and accurate. The Environmental Protection Division must coordinate with state executive branch departments and agencies to appoint members of the council, which may consist of representatives from state departments, and agencies, local governments, universities, regional commissions, or other stakeholders. The Federal Emergency Management Agency periodically releases new floodplain maps that are used as a basis to determine flood insurance rates. These new maps affect many Georgians, especially those in South Georgia, necessitating a need to ensure that property owners are aware of any changes made to floodplains. This bill stands repealed on June 30, 2017.



## **SR 868: Granting of Nonexclusive Easements**

Sen. John Albers

Grants nonexclusive easements for the construction, operation, and maintenance of facilities, utilities, and ingress and egress in, on, over, under, upon, across, or through property owned by the state of Georgia in the counties of Appling, Barrow, Bibb, Bryan, Fulton, Gordon, Jasper, Laurens, McIntosh, Monroe, Toombs, and Troup.

## **Solid Waste**

### **HB 908: Tire Fees**

Rep. Lynne Riley

Extends the tire collection fee for five years. Current law imposes a \$1 fee on each new replacement tire sold in this state, collected by retail dealers at the time the dealer sells a new tire to a consumer. The fee funds the Solid Waste Trust Fund, which is used for scrap tire management – cleanup, preventative measures, education, and administration.

## **Water Quality and Pollution Control**

### **HB 549: Water Emergency Response Procedures**

Rep. Jon Burns

Requires any person in charge of a substance that is discharged into state waters that would endanger the health or property of downstream users to notify the Environmental Protection Division. EPD must establish a protocol, to be reviewed every five years, for coordinated responses with local emergency management agencies and the Georgia Emergency Management Agency, to discharges that create emergency situations. While this bill is in response to the 2011 Ogeechee River incident, which involved a major fish kill and an unauthorized wastewater discharge, its requirements apply statewide.

### **HB 741: Sludge Land Application Permits**

Rep. Kevin Tanner

Requires the permit applicant to provide written verification of compliance with local zoning laws. Further, public hearings for permits must be held within the jurisdiction of the governing authority where the proposed site is located. Current law prohibits a person from operating a sludge land application system without obtaining permit approval from the director of the Environmental Protection Division.





# Kentucky

## Energy Legislation

### Coal and Minerals

#### **HB 2: Coal County College Completion Scholarship**

Speaker Greg Stumbo

Expands and places into law the Kentucky Coal County College Completion Scholarship pilot program implemented by the executive branch for nine Eastern Kentucky counties in 2012. The scholarships are expanded to students in the state's 34 coal counties in both East and West Kentucky.

#### **HB 328: Reciprocity of Laws and Regulations**

Rep. Fitz Steele

Amends state law to authorize reciprocal interstate agreements pertaining to coal mining. The legislation authorizes the secretary of energy and environment or their designee to enter into, execute, and enforce reciprocal agreements with other states relating to compliance with KRS Chapters 350, 351, and 352 and the administrative regulations promulgated under those chapters. The intent of the bill is to allow underground mining companies whose mines cross state boundaries to be regulated by one state rather than both.

#### **HB 336: Reclamation**

Rep. Tanya Pullin

Requires a mining permittee to include in the reclamation plan removal of electric distributions installations on the surface including poles, wires, and other attachments unless the permittee has been granted an alternative post-mine use that is industrial, commercial, or residential.

#### **SB 74: Kentucky Industrial Revitalization Act**

Sen. Jimmy Higdon

Amends the Kentucky Industrial Revitalization Act (KIRA) to allow companies with an existing project to undertake supplemental projects during or within 24 months following the term of the initial project, and to receive additional incentives relating to the supplemental project over its 10 year term. Incentives available to companies through KIRA include income tax credits and employee wage assessments. The bill also exempts property incorporated into the construction or modification of a blast furnace, performed as part of a KIRA supplemental project, from the state sales and use tax, effective for purchases made on or after July 1, 2016, and during the supplemental project term. The criteria for supplemental project applicants includes an agreement to incur at least \$10 million in additional eligible costs for improvements to a blast furnace that is located at the economic revitalization project, and that the applicant has burned at least one million tons of Kentucky coal during the initial term of the agreement.



## **Emergency Management and Homeland Security**

### **SB 74: Liability Protection for Architects and Engineers**

Sen. Jimmy Higdon

Provides Good Samaritan protection for architects and engineers who volunteer their services in a disaster or emergency.

## **Energy Efficiency**

### **SB 70: Energy Conservation in State Buildings**

Sen. Stan Humphries

Clarifies that definitions related to energy efficiency in state buildings includes conservation measures.

### **SB 153: Federal Funds Matching for Energy Efficiency**

Sen. Ernie Harris

Authorizes the use of Pollution Prevention Fund dollars to match federal funds for the purpose of providing energy efficiency technical assistance.

## **Reorganization and Coordination**

### **SB 91: Orders of the Public Service Commission**

Sen. Jared Carpenter

Allows the Public Service Commission to deliver its orders by electronic transmission unless a party objects in writing. The commission must deliver its orders by mail to any party that requests and demonstrates good cause for hard copy delivery.

### **SB 122: Department of Revenue**

Sen. Chris Girdler

Creates the Division of Minerals Taxation and Geographical Information System Services within the Department of Revenue Office of Property Valuation.

### **SB 128: Department of Housing, Buildings, and Construction**

Sen. Paul Hornback

Establishes the Electrical Division within the Department of Housing, Buildings and Construction.

## **Utilities**

### **HB 192: Special Purpose Government Entities**

Rep. Brent Yonts

Amends law regarding auditing and reporting by special purpose governmental entities. The legislation exempts, from the definition of “fees,” those costs associated with environmental controls and energy cost adjustments made pursuant to an approved base rate providing for periodic adjustment of costs by a municipal utility purchasing



power from the Tennessee Valley Authority. The bill also allows audits done to satisfy federal requirements for that power agreement to satisfy state law.

### **HB 291: Siting of Generation Facilities**

Rep. Mike Denham

Requires unregulated entities interested in constructing a facility for the generation of electricity to hold a public meeting in the counties where acquisition of real estate is being considered if it is requested. Requests may come from any of several city or county governmental entities. The meeting will be held no later than 30 days from the time of the request, and notices shall be posted in newspapers and on websites, while anyone whose real estate is being included in the project will be notified by mail. The act requires the unregulated entity to provide notice of all research, testing, and any activities being planned to the Energy and Environment Cabinet, the Public Service Commission, the Transportation Cabinet, and the Office of the Governor by the date of the public meeting. It allows local government entities to require an unregulated entity to agree to a code of conduct and allows the Public Service Commission to create a model code of conduct between the local government entities and the unregulated entities to use if they wish. Finally, it directs the Public Service Commission to conduct a study of windmill siting and character, to be submitted by September 30, 2014.

### **HB 430: Underground Facilities Damage Prevention Act**

Rep. Steve Riggs

Amends the Underground Facilities Damage Prevention Act, also known as the "Call Before You Dig" law. Specifically, the measure changes the name of the "one-call center" to the "Kentucky Contact Center," and changes the term "design locate request" to "design information request." The bill clarifies and provides additional requirements of operators for design information requests. Also, it allows a person responsible for excavation in addition to the excavator to notify the operator of the work schedule and requires the operator to comply with the act once the excavator has marked the boundaries and contacted the utility notification center or centers.





# Kentucky

## Environmental Legislation

### Air Quality and Pollution Control

#### **HB 388: Standards for Carbon Dioxide Emissions**

Rep. Jim Gooch

Finds and declares that the U.S. Environmental Protection Agency (EPA) intends to adopt guidelines to reduce carbon dioxide emissions, and the U.S. Congress charges the states with establishing related standards for existing fossil fuel-fired generating plants.

The legislation establishes the basis for a performance standard for existing coal-fired electric generating units. In summary, the three main requirements in setting performance standards are:

1. All related costs of establishing the performance standard must be considered;
2. The CO<sub>2</sub> reduction standard must be reasonable for the existing coal-fired generating plant; and
3. The standard may not require switching from coal to other fuels, co-firing other fuels with coal, or limiting the use of the electric generating unit.

The legislation establishes the same performance standard requirements for gas-fired generating units as those for coal-fired generating units. Also, it sets forth the criteria to be used for determining whether or not to establish performance standards for existing fossil fuel-fired generating units that are less stringent than those contained in federal rules or guidelines.

The bill establishes that the Energy and Environment Cabinet may develop methods for performance standard implementation that give electric generating units flexibility to comply with performance standards. It specifically prohibits the cabinet from proposing a performance standard plan to the federal government that is not in conformity with the bill or not preparing a plan in consultation with the Public Service Commission in order to ensure minimal impact on utility customers.

The legislation concludes with a provision stating that any plan by the cabinet to regulate CO<sub>2</sub> emissions shall have no legal effect if:

1. The EPA does not issue rules or guidelines for reducing CO<sub>2</sub> emissions by fossil-fueled electric generating units;
2. The EPA withdraws rules or guidelines; and
3. A court invalidates federal EPA rules and guidelines.



## **Environmental Health Services**

### **SB 144: Planning and Zoning**

Sen. David Givens

Requires the planning commission to make a recommendation within 60 days, allows for a waiver of the requirement, and establishes procedures for failure to act within 60 days and allows the board of zoning adjustment review and revocation of conditional use permits previously issued, in certain circumstances, and allows revocation of a conditional use permit if the board is not informed of certain modifications.

### **SB 228: Underground Facility Damage**

Sen. Ernie Harris

Provides a fine for violating any provision of the Underground Facility Damage Prevention Act of 1994, which results in damage to a facility containing any flammable, toxic, corrosive, or hazardous materials or the release of the materials.

## **Inland Water Resource Management and Conservation**

### **SB 66: Boater Freedom Act**

Sen. Chris Girdler

Requires boating enforcement officers to have a reasonable suspicion of violation of the state's boating laws before boarding and inspecting a boat on Kentucky waterways.

### **SB 123: Sewerage Corporations**

Sen. Dennis Parrett

Provides that sewer utilities must give notice of rate increases to their customers, similar to other Public Service Commission jurisdictional utilities; however, this bill deletes the requirement that sewerage corporations notify all customers in writing of the proposed rate change and probable financial impact.

## **Land Management and Conservation**

### **HB 448: Prevention of Crop Destruction**

Rep. Tom McKee

Allows landowners, their spouses, dependent children, or their designees to kill or trap on their lands any wildlife causing damage to the lands or personal property without a tag, allows for disposal of the carcass onsite, requires inedible parts from wildlife not to be utilized for any purpose, and requires inedible parts from wildlife to be destroyed or left afield. The measure also allows the Department of Fish and Wildlife Resources to promulgate regulations establishing procedures for the designee appointment process and for permitting landowners to remove carcass in a timely manner for processing.



### **SB 170: Noxious Weed and Invasive Plant Program**

Sen. Dennis Parrett

Amends the state's noxious weed and invasive plant program to allow the Department of Highways to revise the list of noxious weed and invasive plant list itself, instead of the Kentucky legislature. The bill also establishes a program to promote awareness and eradication through the use of electronic media and the cooperative extension service. The law sets forth the factors the department may consider in making a determination regarding the addition or deletion of a plant and states that the department shall review the regulation at least once every four years.

## **Reorganization and Coordination**

### **HB 314: Landscape Architects**

Rep. Ruth Ann Palumbo

Revises standards for the practice of landscape architecture. The legislation amends the requirements for licensure and includes provisions for retired and inactive licenses. It sets the types of fees that the Board of Landscape Architecture may charge; and directs how a landscape architect may sign and seal work product. The bill clarifies reasons for licensee discipline, and it increases the maximum fine the board may levy to \$10,000 per violation. It also sets out requirements for board membership, provides for the election of board officers, updates board member's per diem, provides for administrative regulatory authority, and allows the board to make a direct request to enjoin violations.

### **SB 129: Office of the General Counsel**

Sen. Jared Carpenter

Abolishes the Environmental Protection Legal Division within the Office of the General Counsel.

### **SB 208: Kentucky Industrial Hemp Commission**

Sen. Paul Hornback

Removes the speaker of the house of representatives or the speaker's designee, the president of the senate or the president's designee, the chair of the Senate Agriculture Committee, and the chair of the House Agriculture and Small Business Committee from the Kentucky Industrial Hemp Commission.

## **Solid Waste**

### **HB 445: Waste Tire Fees**

Rep. Rick Rand

Extends the sunset date of collection of the waste tire fee of \$1.00 per new tire sold to June 30, 2016. The fee collects approximately \$2.5 million annually.





# Louisiana

## Energy Legislation

### Natural Gas and Petroleum

#### **HB 297: Deposits Accompanying Bids on Mineral Leases on State Lands**

Rep. Gordon Dove

Adds electronic funds transfer to the list of acceptable methods of payment for deposits required to accompany bids including certified check, cashier's check, or bank money order during the process of accepting bids for mineral leases on state lands.

#### **HB 712: Interest on Overpayments of Severance Tax**

Rep. Hunter Greene

Requires the Department of Revenue (DOR) to pay interest on refunds for overpayments of severance taxes to operators whose wells qualify for the severance tax suspension on new horizontal wells or deep wells at the following rates:

- If the refund is paid within 180 days of the filing of a claim for refund or an amended return with all supporting documentation, interest on the refund must be paid at the rate set by DOR, which must be the U.S. Treasury Yield Curve Constant Maturity 6-Month Treasury Rate on the first business day of October of the preceding year; or
- If the refund is paid after 180 days from such filing, interest is paid at the U.S. Treasury-based rate above set by DOR for the first 180 days and the judicial rate of interest for any period of time after that in accordance with the provisions of R.S. 47:1624.

#### **SB 462: Cross-Unit Well Study Commission**

Sen. Robert Adley

Creates the Cross-Unit Well Study Commission within the Department of Natural Resources (DNR), Office of Conservation. The bill requires the commission to study the legal implication of the prescription of nonuse in relation to the drilling of any well located closer than 330 feet from the property boundary of a drilling unit or lease. The commission is null on August 1, 2015, and thereafter.

#### **SB 525: Interstate and Intrastate Natural Gas Pipelines**

Sen. Robert Adley

Defines "interstate natural gas pipeline" as used in new law to mean an interstate natural gas pipeline where any portion is geographically located within the state and when the pipeline portion provides service within the state to one or more local distribution systems that in turn provide service to their customers. The bill provides that on and after March 10, 2014, if the Federal Energy Regulatory Commission (FERC) approves a proposal to abandon an interstate natural gas pipeline, then the pipeline portion within the state is to be considered an intrastate natural gas pipeline and a public utility as of the date of the approval and is subject to the jurisdiction of the



Louisiana Public Service Commission (LPSC). The bill requires an applicant who files a proposal with the FERC proposing to abandon an interstate natural gas pipeline subject to new law to provide written notice and a copy of its application to the LPSC. Further, the legislation requires the applicant to provide a written notice and a copy of any FERC abandonment order upon issuance to the LPSC. After issuance of a FERC order, any abandonment proceeding for such pipeline portion in Louisiana is governed by the applicable rules, regulations, and orders of the LPSC. No abandonment is effective until the applicant complies with the LPSC's rules, regulations, and orders and all other applicable state and federal agency regulations. The bill states that its provisions are in addition to the requirements of R.S. 30:555.

The legislation does not apply if the owner or operator of the interstate pipeline seeking abandonment has done all of the following items:

- Reached a written agreement with the existing customers providing for the continued availability and supply of natural gas from the interstate pipeline or for the supply and delivery of natural gas from alternative sources;
- Filed this agreement as an uncontested settlement with FERC and the commission has issued a final order approving the uncontested settlement without change and the settlement is no longer subject to appeal; and
- Provided a copy of the uncontested settlement agreement and the final order of FERC to the LPSC.

### **SB 570: Prescription for Nonuse of Mineral Rights**

Sen. Gerald Long

Provides that when land is acquired from any person by an acquiring authority or other person as part of an economic development project pursuant to a cooperative endeavor agreement between the acquiring authority and the state through the Department of Economic Development and a mineral right subject to the prescription of nonuse is reserved, the prescription of nonuse will thereafter not run against the right for a period of 20 years from the date of acquisition whether the title to the land remains in the acquiring authority or is subsequently transferred to a third person, public or private.

### **SB 585: Permits for the Drilling and Operation of Solution Mined Caverns**

Sen. Fred Mills

Requires public hearings before issuing permits to drill or operate a new solution-mined cavern or expand or convert an existing solution-mined cavern in Iberia Parish. The commissioner of conservation will promulgate rules for the public hearing. The legislation requires public notice on three separate days within a period of 30 days prior to the public hearing.

The applicant, at least 30 days prior to the public hearing, must submit a report to the commissioner of conservation, the Iberia Parish governing authority, and Save Lake Peigneur, Inc. The report must provide a baseline analysis of groundwater in the area of a permitted activity including both the water level and salt content; a plan for monitoring the groundwater in the area for levels and salt during the activity permitted; a geologic analysis of the integrity of the salt dome; and the results of an analysis of



testing that attempts to determine the source and composition of the foaming or bubbling appearing in Lake Peigneur.

### **SB 667: Legacy Lawsuit Reform**

Sen. Robert Adley

Provides for legal procedures relative to remediation of oilfield sites and exploration and production sites. The bill specifies a “rebuttable presumption” that, if a responsible party admits liability for regulatory cleanup, then the cleanup plan structured and approved by the Louisiana Department of Natural Resources is the most feasible plan to evaluate and remediate environmental damage, strengthening the limited admissions process and generating more regulatory cleanups prior to lengthy and costly litigation. The measure defined “contamination” to ensure that a claim is based on unsafe or unsuitable levels, not merely the presence of a substance. The legislation clarifies the types and standards for damages that can be recovered in legacy lawsuits, injecting predictability into the process for all parties. The bill provides for attorney fees in favor of the party who is dismissed on a motion for preliminary dismissal, discouraging frivolous claims aimed at numerous people, and companies in the chain of title.

## **Reorganization and Coordination**

### **HB 167: Licensing of Professional Geoscientists**

Rep. Hunter Greene

Recognizes exams created by entities other than the Louisiana Board of Professional Geoscientists and extends the exemption period for a license applicant from taking the examination if he meets the other requirements of law.

## **Utilities**

### **HB 868: Underground Utilities and Facilities Damages Prevention Law**

Rep. Erich Ponti

Amends the state Underground Utilities and Facilities Damage Prevention Law. Prior law defined “mark by time” as the date and time provided by the regional notification center by which the utility or facility operator is required to mark the location or provide information to enable an excavator or demolisher, using reasonable and prudent means, to determine the specific location of the utility or facility. The bill retains present law and adds that the mark by time may be extended if mutually agreed upon and documented between the excavator and operator. Prior law required the excavator or demolisher to wait at least 48 hours, beginning at 7:00 a.m. on the next working day, following notification before commencing any excavation or demolition activity, except in the case of an emergency or if informed by the regional notification center that no operators were to be notified. The bill retains present law and provides that the parties may extend the time in prior law by mutual and documented agreement by the excavator and operator.

The legislation provides that if the surface over the buried or submerged line is to be removed, supplemental offset markings may be used and must be on a uniform



alignment and clearly indicate that the actual facility is a specific distance away. The bill revises penalty provisions of the Underground Utilities and Facilities Damage Prevention Law, including but not limited to giving a warning for a first violation rather than a monetary civil penalty and specifying that the term "facility" in some penalty provisions refers to facilities that are related only to non-hazardous materials.





# Louisiana

## Environmental Legislation

### Air Quality and Pollution Control

#### **SB 650: Louisiana Carbon Dioxide Emission Fossil Fuel-Fired Electrical Generating Units Control Act**

Sen. Mike Walsworth

Authorizes the Department of Environmental Quality (DEQ), in collaboration with and input from the Louisiana Public Service Commission, to establish performance standards for measuring carbon dioxide emissions from existing fossil fuel-fired electric generating units. The legislation sets forth criteria for performance standards and provides that the DEQ can set adjusting standards of performance on fossil fuel-fired electric generating units and further determine if state standards are to be less stringent or allow for longer compliance schedules for individual units than those provided for in applicable federal rules or guidelines. The DEQ's plan establishing performance standards for existing fossil fuel-fired electric generating units must be consistent with new law and may include alternative compliance options for meeting standards. The bill requires alternative compliance options to comply with a guidance document by the U.S. Environmental Protection Agency, based on measures that can be implemented, and are consistent with prior law.

### Coastal Zone Management

#### **HB 133: Vidalia Port Commission**

Rep. Andy Anders

Expands the Vidalia Port Commission to include all of Concordia Parish. The bill changes the residency requirement to the parish of Concordia and increases the membership of the commission from five to seven members. The legislation also changes the term of successor appointments from six-year to four-year terms.

#### **HB 254: Bucktown Marina Boat Slips**

Rep. Nick Lorusso

Creates an exception to existing law applicable to the boat slips at the Bucktown Marina in Jefferson Parish. The bill provides that leases of boat slips are on a first-come, first-served basis for fair market value as determined by an appraiser and that the rates for and availability of such slips shall be published in the official journal of the parish.

#### **HB 397: Dredging and Excavating in the Coastal Zone**

Rep. Jerry Gisclair

Prohibits dredging sand pits and excavating within 300 feet of Hwy. 1 south of the town of Golden Meadow in Lafourche Parish, which is in the Coastal Zone, unless such excavating is associated with a drainage, utility, communication, pipeline, or fiber optic



project for which a coastal use permit has been issued. The bill requires excavation associated with a pipeline project be refilled upon completion of the project.

### **HB 416: Responsibility for Fisheries**

Rep. Eddie Lambert

Expands the responsibility of the Wildlife and Fisheries Commission to include conservation, management, and sustainability programs for all fisheries in the state, including saltwater and freshwater. The bill defines a sustainable fishery as one that is scientifically monitored and actively managed to be viable today and in the future, conserving fish and their environment and the supporting communities and economies that depend upon these resources. Under prior law, the commission was responsible for saltwater finfish conservation and management.

### **HB 440: Shrimping Nets**

Rep. Joe Harrison

Amends prior law related to skimmer nets that prohibited the use of double skimmer nets with a frame more than 16 feet measured horizontally or 12 feet measured vertically or 20 feet measured diagonally. Also, prior law prohibited the use of a double skimmer with a lead line greater than 28 feet. The bill limits the size of a double skimmer to no larger than a 72 feet opening and a lead line no more than 33 feet. The measure removes the prohibition on the mounting of a skimmer net or butterfly net more than 24 inches from the side of the vessel and repeals prohibition on a person from using sweeper devices, leads, extensions, wings, or other attachments in conjunction with or attached to skimmer nets.

### **HB 523: Large Mouth Bass in Salt Water Areas**

Rep. Eddie Lambert

Authorizes a possession limit of three times the daily take limit for largemouth bass and spotted bass taken south of U.S. Highway 90. The fisherman must hold and be in possession of a recreational fishing license and show a landing receipt from a public boat launch that demonstrates that the fisherman was actively on the water or at a remote camp two days or more. The bill requires the fish to be kept in separate bags for each species of fish and date taken. The bags must be marked with the date the fish were taken; the species and the number of fish contained in the bag; and the name and license number of the person who took the fish. The legislation requires that the fish be in the possession of only the person who took the fish. The increased possession limit is null and void and of no effect beginning July 1, 2016, and thereafter.

### **HB 850: Cleanup of Hazardous Substances**

Rep. Gordon Dove

Allows the Coastal Protection and Restoration Authority (CPRA), with approval of the CPRA Board, to enter into a contract for the study, investigation, and cleanup of, or response to, hazardous substances directly with an entity that is already under contract with the U.S. Army Corps of Engineers (USACE) for an integrated coastal protection project where the hazardous substance is located and where federal law, rules, regulations, guidance, or the terms of a cooperative, partnership, or other agreement for the project require the state to directly take action relative to the hazardous substance.



In approving the contract with the Corps of Engineers contracting entity, the bill requires the board to determine that the Corps of Engineers entered into the contract with its contractor through a public bid process, received at least two estimates for the work from other contractors qualified to conduct such work, obtained an estimate for the needed work from the Corps of Engineers contractor, and determined that contracting directly with the USACE contractor is economical, feasible, and in the best interest of the health, safety, and welfare of the citizens of the state.

### **HB 913: Finfish Task Force**

Rep. Christopher Leopold

Creates the Finfish Task Force within the Louisiana Department of Wildlife and Fisheries (LDWF) to consist of the following appointments:

- The governor or his designee;
- Three members appointed by the secretary of the LDWF to include a marine biologist, an enforcement agent, and an economist;
- The commissioner of the Louisiana Department of Agriculture and Forestry (LDAF) or his designee;
- The secretary of the Department of Health and Hospitals (DHH) or his designee;
- Three members and three alternate members appointed by the governor, each of whom possesses a commercial fisherman's license with a "certified" endorsement, three to be selected from a list of six nominees submitted by the Louisiana Shrimp Association and three to be selected from a list of six nominees submitted by the Delta Commercial Fisheries Association;
- One member appointed by the governor who is an active Louisiana dock buyer of finfish; and
- Three members and three alternate members appointed by the governor, each of whom possesses recreational freshwater and saltwater fishing licenses, four to be selected from a list of eight nominees submitted by the Coastal Conservation Association of Louisiana and two to be selected from a list of four nominees submitted by BASS Louisiana.

The legislation provides that the appointees representing state government agencies are not voting members and are not counted as part of a quorum. The bill requires the adoption of bylaws and provides for appointment by the governor of a chairman for the first year. The bill prohibits compensation for appointees but authorizes reimbursement of expenses at the same rate as state employees. The legislation charges the task force with responsibility to coordinate efforts to increase production and marketability; study the decline in finfish marketability; assist in the development of a finfish inspection program and branding program; and make recommendations to the Wildlife and Fisheries Commission and state departments and agencies for implementation of policies intended to enhance the domestic finfish industry. Finally, the bill states that the task force will represent the industry before federal and state administrative and legislative bodies and contract for legal services necessary to represent the interests of the finfish industry in judicial, administrative, and legislative proceedings.



### **HB 1046: Shucked Oysters**

Rep. Christopher Leopold

Requires all shucked oysters to be labeled and packaged as required under the National Shellfish Sanitation Program and the National Institute of Standards and Technology. All licensed oyster captains, harvesters, and certified wholesale/retail dealers of shell stock and shucked oyster products must verify that oysters being sold are in compliance with these standards.

### **HB 1056: Crawfish Promotion and Research Board**

Rep. Eddie Lambert

Provides for certain assessments to be levied, imposed, and collected on artificial crawfish bait, crawfish tail meat, and on bags used to package live crawfish. Also, the measure removes the appointment term for members of the state Crawfish Promotion and Research Board and the authority for referenda for assessment purposes.

### **HB 1082: Saltwater Fishing License Fees**

Rep. Stuart Bishop

Provides for an additional fee for a resident saltwater fishing license and dedicates the revenues to saltwater fisheries management and conservation. The bill enacts a \$5.50 fee for purchase of such license for residents and \$30 for nonresidents. Also, the bill enacts an additional fee of \$7.50 for residents purchasing a saltwater license between June 1, 2014, and May 31, 2018. The revenues from the additional fee must be credited to the Saltwater Fish Research and Conservation Fund (SFRCF). The bill creates the SFRCF and requires that the revenues deposited into the fund be used by the Office of Fisheries of the Department of Wildlife and Fisheries for data collection and management of recreational saltwater fish species.

### **HB 1154: Crab Traps**

Rep. Jerry Gisclair

Amends current law on escape rings on crab traps that requires at least two escape rings on the outside walls of the trap with at least one in each chamber of the trap. The measure requires three escape rings with at least two in the upper chamber of the trap. The bill changes the requirement that the escape rings to be no less than 2 and 5/16ths inches in diameter to a diameter of 2 and 3/8ths inches. Finally, prior law exempted from these requirements crab traps with a mesh of 2 and 5/16ths inches and traps in Lake Pontchartrain. The bill removes the exemption for traps placed in Lake Pontchartrain.

### **HB 1160: Professionalism in Commercial Crab Industry**

Rep. Ray Garofalo

Requires the Wildlife and Fisheries Commission to establish a program to increase and elevate professionalism in the commercial crab industry. The program must include education in the proper fishing techniques necessary for the health and sustainability of the species; proper techniques for the best capture and presentation of the crabs for marketability; and proper instructions regarding the placement, tending, and maintenance of crab traps to reduce potential conflicts with other user groups. The bill authorizes the program to include an apprenticeship program. The professionalism



program must be established no later than November 15, 2014, through rules promulgated pursuant to the Administrative Procedure Act.

Also, the bill provides that beginning November 15, 2014, and applicable to license year 2015 and thereafter, no person can be issued a commercial crab trap gear license unless that person qualifies under one or both of the following provisions:

- The person possessed a valid commercial crab trap gear license during any two license years between 2011 and 2014; or
- The person has enrolled in and completed the program to increase and elevate professionalism in the commercial crab industry established pursuant to the provisions of R.S. 56:305.6.

### **SB 246: Shrimping Water Lines**

Sen. Dan Morrish

Changes the division of shrimping water lines to conform to the existing coastline as a result of changes caused by coastal erosion and subsidence. The measure allows the Wildlife and Fisheries Commission to amend by rule the line of demarcation in accordance with the Administrative Procedure Act.

### **SB 280: Contracts, Leases, and Agreements for the Port of South Louisiana**

Sen. Troy Brown

Authorizes the Port of South Louisiana through its executive director, upon record vote of a majority of commissioners, to make and enter into contracts, leases, and other agreements with railroads, trucking companies, bargelines, and with any and all companies interested in the transportation, storage, and shipping of goods and other products, whether by rail, truckline, bargeline, oceangoing vessels, or otherwise for the use of facilities of the port or any part or portion thereon, for a period of time not exceeding 80 years, but prohibits granting an exclusive franchise to any carrier.

### **SB 305: Coastal Louisiana Levee Consortium**

Sen. Norby Chabert

Creates the Coastal Louisiana Levee Consortium to be an advisory commission of the Coastal Protection and Restoration Authority Board (CPRA Board). The consortium will be a public body and subject to open meetings and public record laws. The purpose of the consortium is to:

- Facilitate communication and coordination of efforts to protect coastal Louisiana, its people, property, and resources;
- Increase awareness and understanding of integrated coastal protection, including but not limited to conditions, issues, strategies, and policies of flood control, coastal levee systems, hurricane risk reduction systems, and mitigation projects; and
- Provide a unified voice that is representative of the coastal levee community in communicating information necessary for decision-making to policymakers at the state and federal levels and to the CPRA Board.

### **SB 342: St. Tammany Levee, Drainage, and Conservation District**

Sen. Jack Donahue

Renames the St. Tammany Levee District as the St. Tammany Levee, Drainage, and Conservation District and provides for its governance by a nine person board of commissioners appointed by the governor. The governor must appoint from the nominations at least four members who are residents of the unincorporated areas of the district. Vacancies will be filled in the same manner as the original appointment provided for in the bill.

Under the legislation, commissioners are subject to term limitations provided in R.S. 42:3.2, except that a commissioner appointed to fill more than one-half of an unexpired term may serve no more than three additional consecutive terms in addition to such partial term. A commissioner whose term is expired will not be allowed to continue to serve or to vote. The governor or the nominating entity may remove a commissioner for neglect of duty that involves a violation of state law or public policy of the state.

The bill authorizes tax and bond authority for the district. A tax election may only be held within the district.

Under the legislation, the primary duty for the board is to establish, construct, operate, or maintain flood control works related to hurricane protection, tidewater flooding, saltwater intrusion, and conservation. The measure authorizes the board to buy and sell property, make and execute contracts, and perform any and all things necessary to carry out its objectives.

### **SB 469: Standing to Assert Claims**

Sen. Bret Allain

Clarifies that only entities authorized under the Coastal Zone Management Act (CZMA) may bring litigation to assert claims arising out of activities covered under coastal use permits. These parties include parishes and the state. It further requires that dollars recovered through CZMA litigation must be spent on coastal restoration. Any monies received by any state or local governmental entity arising from or related to a certain state or federal permit, a violation thereof, or enforcement thereof, or for damages or other relief arising from any permitted use must be used for integrated coastal protection, including coastal restoration, hurricane protection, and improving the resiliency of the coastal area.

### **SB 528: Louisiana International Deep Water Gulf Transfer Terminal Authority**

Sen. A. G. Crowe

Revises the coordinates for the Louisiana International Deep Water Gulf Transfer Terminal Authority. Also, the bill provides additional powers to an executive board, sets in place the process for legislative auditor and provides a process for financial compliance.



## **Emergency Management and Homeland Security**

### **HB 920: Civil Penalties for Violations of the Right-to-Know Law**

Rep. Karen Gaudet St. Germain

Provides for beneficial emergency planning, preparedness, and response projects as a component to a settlement of a civil penalty assessment for violations of the Right-to-Know Law.

## **Environmental Health Services**

### **HB 160: Licensing of Explosives**

Rep. Karen Gaudet St. Germain

Requires licensing only for exploding or explosive targets in quantities greater than five pounds. The bill adds "exploding or explosive target" to the definition of "explosives," and defines "exploding or explosive target." Prior law provided for the regulation and licensing of explosives and for licensing of manufacturers, dealer-distributors, users, blasters, and handlers of explosives.

## **Hazardous Waste and Substance Management**

### **SB 537: Notification of a Release of Hazardous Materials**

Sen. Danny Martiny

Amends the requirement that proper notification of a release of hazardous materials be made by telephone. The legislation allows notifications to be issued by electronic means as defined by the Department of Environmental Quality.

## **Inland Water Resource Management and Conservation**

### **HB 577: Water System Acquisition**

Rep. Terry Brown

Authorizes the Waterworks District No. 3 of Rapides Parish to acquire, by donation, one privately owned water system located in the Grant Parish for the purpose of supplying water services to the residents of the parishes of Grant and Rapides. The bill also authorizes the district to acquire all property or facilities owned by the system and to acquire all machinery deemed necessary by the district to maintain and operate the system. Under the legislation, all properties and facilities acquired are considered publicly owned by the district. The bill prohibits the district from acquiring any water system pursuant to proposed law until the governing authorities of the district and Grant Parish enter into an intergovernmental agreement that provides for the operation and maintenance of the system, including any expansion of the system's water lines, and requires the district to provide water services to the residents of Grant Parish.



### **HB 782: Invasive Plant Removal**

Rep. Jeff Thompson

Requires that entities who remove water from bodies, determined by the Department of Wildlife and Fisheries to be negatively impacted by invasive aquatic vegetation, to reimburse the state at a rate of not more than \$0.15 per 1,000 gallons with no consideration for economic development or other considerations as provided in present law. The reimbursement goes into the Aquatic Plant Control Fund. The measure provides that revenues deposited into the fund from the use of water from bodies with aquatic weeds should preferably be used in the treatment of aquatic weed on the body of water generating the income.

### **HB 905: Black River Lake Recreation and Water Conservation District**

Rep. Andy Anders

Provides that the Black River Lake Recreation and Water Conservation District is comprised of all of Concordia Parish, specifically including precincts 4-6, 5-3, 5-4, 5-5, 5-6, and 5-7. The bill changes the number of appointments to the governing commission of the district from six to three and specifies that each appointee must reside in or own property in the district. Further, the legislation requires that two members must be appointed by the legislative delegation representing Concordia Parish, instead of the governing authority, and one member must be appointed by the governing authority of Concordia Parish, instead of the governing authority of Catahoula Parish.

### **HB 919: Utility Contractors**

Rep. Erich Ponti

Permits any person or firm who is not licensed by the State Plumbing Board, but who is properly licensed for municipal and public works utility construction pursuant to the requirements of the State Licensing Board for Contractors, to perform main-line utility construction on private property or undedicated rights-of-way or servitudes, limited to the following:

- Gravity sanitary sewer collection lines six inches and larger, including manholes, main lines, wyes, and tees;
- Sewer force mains four inches and larger; and
- Water mains four inches and larger, including fire hydrants, valves, and fittings.

The bill does not permit any person not properly licensed by the State Plumbing Board to perform any work on any gas main or service lines within the boundary lines of any private property or undedicated right-of-way or servitude.

### **SB 141: Cooperative Agreements to Withdraw Running Surface Water**

Sen. Gerald Long

Amends current law allowing a person or entity to enter into a cooperative endeavor agreement to withdraw running surface water. A cooperative endeavor agreement to withdraw running surface water may have an initial term not to exceed two years. The bill provides an extension to the provision that no new cooperative endeavor agreement can be entered into for which an application was received by the Department of Natural Resources from December 31, 2014, to December 31, 2016. Also, the bill changes the



possible termination date for a person or entity who enters into a cooperative endeavor agreement to withdraw running surface waters from December 31, 2014, to December 31, 2016.

**SB 154: Aquaculturally Raised Game Fish**

Sen. Gerald Long

Allows any properly licensed person to import, sell, or purchase aquaculturally raised game fish. The bill provides an exception to the notification requirement that the buyer or handler of each shipment of any game fish notify the secretary of the Department of Wildlife and Fisheries before its impending arrival for any game fish, if it is being imported under the domesticated aquatic organisms license. The bill increases the maximum size limit for imported rock bass, white bass, yellow bass, crappie, and bream fingerlings from three to six inches and removes the maximum size limit for spotted or striped bass.

**SB 369: Crappie Limits on Lake D'Arbonne**

Sen. Mike Walsworth

Sets a 50-fish possession limit for crappie on Lake D'Arbonne. The bill authorizes the Wildlife and Fisheries Commission to amend by rule the possession limit for crappie on Lake D'Arbonne, but only after the Department of Wildlife and Fisheries conducts sampling and data analysis that demonstrate that the fisheries resource is being negatively impacted and the department recommends changing the possession limit to the commission.

**Land Management and Conservation**

**HB 186: Hunting with Sound Suppressors**

Rep. Cameron Henry

Authorizes hunting game birds and wild quadrupeds with firearms fitted with a sound suppressor.

**HB 241: Wildlife and Fisheries Commission**

Rep. James Armes

Removes the effective date reference from the ballot language for a proposed constitutional amendment that would require two members of the Wildlife and Fisheries Commission to be residents of north Louisiana.

**HB 344: Licenses for Spouses of Deceased Veterans**

Rep. James Armes

Provides that any resident of Louisiana who is the surviving spouse of a member of the U.S. Armed Forces, the Louisiana Army National Guard, or the Louisiana Air National Guard who was killed while in action in a combat zone will be issued all hunting licenses and permits for a total fee of \$2.50 and recreational and saltwater fishing licenses for a total fee of \$2.50.



### **HB 1071: Residency Status for Hunting Licenses**

Rep. Charles Chaney

Reduces the time required to qualify as a resident for the purchase of hunting licenses. The bill alters the time required to qualify as a bona fide resident from twelve months to six months for purchase of a license for hunting or recreational fishing activities when such license does not authorize any commercial activity.

### **HB 1072: Hunting and Fishing Licenses for Retired Members of the Military**

Rep. Jack Montoucet

Authorizes the issuance of hunting and fishing licenses for a reduced fee to retired members of the military. The bill allows issuance of a retired military hunting and fishing license to a person who is a retired member of the U.S. Armed Forces, the Louisiana Army National Guard, or the Louisiana Air National Guard and was either born in Louisiana or is a bona fide Louisiana resident. The fee for the license is \$5 and it would be in lieu of basic hunting, big game, bow, primitive firearms, and waterfowl licenses, turkey hunting stamps, Wildlife Management Areas hunting permits, and the basic and saltwater fishing licenses. The license also authorizes the use of a crossbow or a bow that is drawn, held, and released by mechanical means and magnified scopes may be used with crossbows.

### **HB 1284: Special Hunting Season for Military Veterans**

Rep. Jeff Thompson

Requires the setting of a special open deer hunting season in 2014 for Louisiana residents who are honorably discharged veterans of the U.S. Armed Forces. The bill authorizes the Wildlife and Fisheries Commission to establish a special open deer season on private property for honorable discharged veterans. The season must be a weekend prior to the opening weekend of the regular gun season in all of the applicable zones and must run concurrently with the youth hunt. The measure requires the veteran to hold and be in possession of a basic hunting license and a big game license and be able to provide proof satisfactory of an honorable discharge. The veteran's open season will be on private property only and is prohibited on state-owned or federally-owned or managed property.

### **SB 93: Seedling Sales**

Sen. Francis Thompson

Amends the law requiring that the Louisiana Forestry Commission retain all receipts from the sale of seedlings at commission nurseries. The bill instead requires the Department of Agriculture and Forestry to retain all receipts from the sale of seedlings at department nurseries. Prior law required that receipts from the sale of seedlings be expended in the development and operation of the commission's nurseries for scientific forestry research and experimentation for land acquisition and general operations of the commission. The bill narrows the scope of prior law to require that receipts from the sale of seedlings only be expended in the general operations of the department nurseries instead of the commission and otherwise retains prior law.



**SB 119: Exotic Cervidae**

Sen. Francis Thompson

Requires any owner or lessee of farms or preserves engaged in owning, raising, selling, or harvesting imported exotic deer, antelope, elk, farm-raised white tail deer, and other exotic cervidae, for any purpose, to apply to the commissioner of the Department of Agriculture and Forestry for a license. The bill removes the prior fencing height requirement and authorizes the commissioner to adopt rules regarding fencing requirements for owners or breeders of imported exotic deer, elk, and antelope. The authorized civil penalty assessed by the commissioner is raised from up to \$100 per violation to up to \$1,000 per violation.

**SB 170: Release of Pen-Raised Animals, Fowl, and Fish**

Sen. Gerald Long

Prohibits the in-state release of any pen-raised or wild animal, fowl, or fish from within the state except upon permission of the secretary of the Department of Wildlife and Fisheries. The legislation adds fish to the prohibition of the transportation of any wild animal or fowl for restocking purposes, except in accordance with the certain rules.

**SB 206: Mayhaw Fruit Tree**

Sen. John Smith

Designates the mayhaw fruit tree as the official state fruit tree and authorizes its use on official documents of the state and with the insignia of the state.

**SB 209: Regulation of Solution Mining Injection Wells**

Sen. Rick Ward

Requires the commissioner of the Office of Conservation, within the Department of Natural Resources, to promulgate rules and regulations to control solution mining injection wells resulting in a cavern. Permits must include reimbursement to any person who owns immovable property located within an area under mandatory or forced evacuation for a period of more than 180 days. The bill applies to residential property. The legislation sets a value for reimbursement for replacement value of property as the value 180 days before declaration of the disaster or emergency.

**SB 212: Hunting Firearms Fitted with Sound Suppressors**

Sen. Rick Ward

Expands the authorization to hunt with a firearm fitted with a sound suppressor to game birds and all wild quadrupeds, which includes outlaw quadrupeds, nutria, and beaver. Hunting with a sound suppressor remains limited to individuals authorized to possess a firearm fitted with a sound suppressor, as evidenced by possession of the federal tax stamp required by the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

**SB 250: Big Exotic Cat Ownership**

Sen. Rick Ward

Clarifies that previous ownership of a big exotic cat will include persons who obtained their animal by lawful means and continuously possessed their animal since August 15, 2006. Current law provides that Wildlife and Fisheries Commission, through its secretary, may promulgate rules and regulations to control the importation and private



possession of big exotic cats. The rules provide exceptions for big cats traditionally kept by colleges and universities, animal sanctuaries, zoos, wildlife research centers, and scientific organizations and for owners who can prove previous ownership.

### **SB 251: Trading, Bartering, and Exchanging Animal Products**

Sen. Rick Ward

Prohibits any person from selling or offering to trade, barter, or exchange or attempting to sell, purchase, trade, barter, or exchange any game quadruped, any and part of any wild bird, or the plumage, aigrettes, skin, or body with an exception for persons holding a breeder's license. The bill allows for a purchase, trade, barter, or exchange or attempt to sell, purchase, trade, barter, or exchange for the sale of tails and hides of legally taken squirrels, legally taken deer licensed for buyers and licensed fur dealers, provided that the sale of any such tails or hides is made within 10 days of the close of the squirrel or deer hunting season. Finally, the measure requires that any fur dealer having squirrel or deer tails or hides in his possession after the close of squirrel or deer hunting season or who has traded, bartered, or exchanged tails and hides must file a report with the Department of Wildlife and Fisheries.

### **SB 662: Hunting from Moving Vehicles and Aircraft**

Sen. Dale Erdey

Prohibits taking of game birds and wild quadrupeds while riding or standing in or upon a moving land vehicle or aircraft.

### **SB 664: Prescribed Burning**

Sen. Patrick Page Cortz

Requires the rules and regulations for prescribed burning for ecological, silvicultural, wildlife management, agricultural, and range management purposes to be adopted and promulgated by the commissioner of the Department of Agriculture and Forestry pursuant to the Administrative Procedure Act. Complaints by citizens about prescribed burns must be made to the commissioner, who shall investigate such complaints and who will possess the authority to suspend or revoke his authorization issued to persons found to be in violation of the prescribed burn requirements or rules and regulations.

### **SB 681: Taking of Quadrupeds and Outlaw Birds by Aircraft**

Sen. Dan Morrish

Allows the Department of Wildlife and Fisheries to promulgate rules and regulations to permit the taking and disposal of outlaw quadrupeds and outlaw birds by aircraft when such quadrupeds and birds become destructive of private or public property and become a nuisance. The rules must prohibit the sale of the animal or any part of the animal. Any person authorized to take any outlaw quadruped or outlaw bird will be exempt from obtaining any other permits or licenses for the taking of such animals.



## **Reorganization and Coordination**

### **HB 793: Capital Area Groundwater Commission**

Rep. Karen Gaudet St. Germain

Alters the composition of the Capital Area Groundwater Commission. The bill replaces the executive secretary of the Louisiana Stream Control Commission with the secretary of the Department of Environmental Quality or his designee, designates the commissioner of the Office of Conservation as the assistant secretary from the Department of Natural Resources. The measure adds the director of the Department of Public Works of the city of Baton Rouge and parish of East Baton Rouge, or his designee, and a member appointed by the Louisiana State University from the School of Renewable Natural Resources for a total of 17 members.

### **SB 82: Department of Agriculture and Forestry**

Sen. Francis Thompson

Recreates the Department of Agriculture and Forestry and its statutory entities. The legislation provides that July 1, 2019, is the new termination date for the department and that termination begins on July 1, 2018, unless the department is again recreated.

### **SB 239: Department of Environmental Quality**

Sen. Mike Walsworth

Recreates the Department of Environmental Quality and its statutory entities, effective June 30, 2014, for a four-year period.

### **SB 261: Lake Charles Harbor and Terminal District Board of Commissioners**

Sen. Ronnie Johns

Amends the procedures of the Lake Charles Harbor and Terminal District Board of Commissioners. For the purpose of filling a vacancy for any reason, the president or other presiding officer of the board will send notice of the vacancy by registered or certified U. S. mail to the appropriate nominating authority not later than 10 calendar days after occurrence of the vacancy for any cause. The bill requires the nominating authority to submit its nominations to the governor no later than 60 calendar days after occurrence of the vacancy. The governor is required to fill the vacancy if a nominating authority fails to submit nominations 120 calendar days after occurrence of the vacancy.

Under the legislation, commissioners are limited to two and one-half terms in three consecutive terms and are not eligible for appointment to the board for a period of 12 years after completion of two and one-half terms in the three consecutive terms. Members must serve until their successors have been appointed and take office. The bill extends the term of serving commissioners holding positions A and B on the board until August 1, 2015; commissioners holding positions E, F, and G on the board until August 1, 2016; and commissioners holding positions C and D on the board until August 1, 2017.



## **Solid Waste**

### **HB 1075: Cigarettes as Litter**

Rep. Patrick Connick

Adds cigarettes, cigarette butts, cigars, cigarillos, and cigar or cigarillo tips to the definition of “litter” in existing law. The bill increases the penalties for the intentional disposal or permitting the disposal of cigarettes, cigarette butts, cigars, cigarillos, and cigar or cigarillo tips from a motor vehicle as follows:

- Changes the first offense from \$250 to \$300; retains eight hours of community service in a litter abatement program;
- Changes the second offense from \$500 to \$700; retains 16 hours of community service in a litter abatement program; and
- Changes the third and subsequent offense from \$1,250 to \$1,500; retains 80 hours of community service in a litter abatement program and suspension of driver's license for one year.

## **Water Quality and Pollution Control**

### **SB 341: Drinking Water Primacy**

Sen. Jack Donahue

Removes the prior statutory August 1, 2014, deadline for the Louisiana Standards for Water Works Construction, Operation, and Maintenance Committee within the Department of Health and Hospitals to develop standards to be placed in the state Sanitary Code for water works construction, operation, and maintenance. The legislation requires that the committee approve, at a minimum, rules and regulations necessary for the state to maintain drinking water program primacy from the U.S. Environmental Protection Agency and that DHH promulgate only committee approved rules as necessary to secure or maintain this primacy.

### **SB 425: Privately Owned Water and Sewer Systems**

Sen. Patrick Page Cortez

Provides that a privately owned public water supply or sewer system provider serving the residents of a political subdivision within a parish having a population greater than 200,000 but less than 230,000 according to the latest federal census must comply with all applicable standards set forth in law and regulation, including standards relative to chlorination and iron and manganese control of drinking water and disinfection of wastewater discharged in compliance with such sewer system provider's permit, rules, regulations, and laws governing the operation of such sewer system provider.

The bill provides that in addition to any other penalty or liability authorized by law that may be imposed upon a privately owned public water supply or sewer system provider that fails to meet applicable standards, a political subdivision may by ordinance adopt a remediation charge to be imposed upon such a system operating therein in accordance with such conditions and in such an amount as the political subdivision determines in order to implement the provisions of the bill.

Also, the measure provides that a privately owned public water supply or sewer system provider that is penalized by the state or political subdivision within which it operates at least two separate times within a consecutive 12-month period due to failure to comply with applicable laws and regulations relative to water supply or wastewater treatment and discharge will, upon the request of the governing authority of the political subdivision, transfer such system to the political subdivision for just compensation or be subject to receivership pursuant to R.S. 30:2075.3 or R.S. 40:5.9. Such a transfer will be subject to applicable rules, regulations, and laws governing the transfer of a permit, license, or certificate for a privately owned public water supply or sewer system provider and is be subject to approval by the Public Service Commission.

Under the legislation, the Department of Health and Hospitals must provide technical assistance concerning iron and manganese issues to privately owned public water supply providers to pursue possible solutions such as installing new wells with greater depths and to assist impacted populations to resolve their drinking water issues. Privately owned public water supply providers that have onsite water filtration systems are required to maintain and utilize such systems. Any privately owned public water supply provider that fails to maintain and utilize any a filtration system is subject to a fine by DHH of \$1,000 per day until the system is maintained and utilized. The Office of Public Health of DHH must promulgate and adopt rules in accordance with the Administrative Procedure Act to implement iron and manganese control requirements for water systems.







# Maryland

## Energy Legislation

### Alternative Energy Development

#### **HB 202/SB 186: Collection of Loan Payment for Clean Energy Loan Program**

Del. Charles Barkley; Sen. Brian Feldman

Authorizes a private lender to provide capital for a loan to a commercial property owner under a local clean energy loan program. With the express consent of any holder of a mortgage or deed of trust on a commercial property that is to be improved through a loan under the program:

- a county or municipality may collect loan payments owed to a private lender or to the county or municipality, and costs associated with administering the program, through a surcharge on the property owner’s property tax bill;
- an unpaid surcharge is, until paid, a lien on the real property it is imposed on; and
- state law provisions applicable to a property tax lien also apply to an unpaid surcharge lien.

#### **HB 1165/SB 875: Jane E. Lawton Conservation Loan Program**

Del. Benjamin Kramer; Senator Katherine Klausmeier

Modifies the Jane E. Lawton Conservation Loan Program. Provisions relating to renewable energy projects, including an authorization for funding to be deposited in a local revolving loan fund used to provide capital for renewable energy projects, are repealed so that the loan program is focused only on energy efficiency projects. The Maryland Energy Administration (MEA) is authorized to use the Jane E. Lawton Conservation Fund to enhance the credit financing offered by a bank or other financial institution for a project. A credit enhancement must (1) carry out the purposes of the program in a manner MEA considers appropriate; (2) facilitate financing of at least one project of a local jurisdiction, nonprofit organization, or eligible business; and (3) be offered only to a bank or other financial institution in good standing with the State Department of Assessments and Taxation (SDAT) that is incorporated in the state or registered to do business in the state. MEA may assess a reasonable fee to a participating bank or financial institution and must adopt regulations to carry out the credit enhancement provisions.

The definition of “eligible business,” with respect to the program in general, is modified to refer to a commercial enterprise or business that is in good standing with SDAT and to include businesses registered to do business in the state in addition to those incorporated in the state. A requirement that a borrower document the anticipated energy cost savings over a defined period after the completion of a project are greater than the cost of the project is modified to require that the documentation be in accordance with a methodology acceptable to MEA and based on the savings and costs



of the borrower. A requirement that a portion of the money in the fund be annually reserved for loans to nonprofit organizations is clarified to require that the money be reserved for a period determined by MEA of at least 90 days before being made available to other borrowers. The bill also specifies that the project must be located in Maryland.

### **HB 1345/SB 908: Qualified Plug-In Electric Vehicle Excise Tax Credit**

Del. Brian McHale; Sen. Roger Manno

Alters the existing qualified plug-in electric vehicle excise tax credit by modifying the value of the credit and extending the termination date of the program through fiscal year 2017. The bill also repeals the electric vehicle recharging equipment income tax credit and replaces the credit with a rebate program administered by the Maryland Energy Administration. MEA may award an annual maximum of \$600,000 in rebates in fiscal year 2015 through 2017, with funding for these rebates provided by transfers from the Strategic Energy Investment Fund (SEIF).

### **SB 2: Garrett County Industrial Wind Energy Conversion System Variance**

Sen. George Edwards

Repeals a provision that authorizes an applicant for a proposed industrial wind energy conversion system in Garrett County to seek a variance in the minimum setback requirement with the county after obtaining written authorization from all adjoining property owners.

### **SB 259: Maryland Agricultural Land Preservation Foundation Easements**

Sen. Thomas Middleton

Authorizes the Maryland Agricultural Land Preservation Foundation (MALPF) to approve the use of land subject to an agricultural easement for the generation of electricity by a facility using an “authorized renewable energy source” under specified conditions and subject to specified requirements. The bill prohibits such approval after a specified date. The bill requires MALPF to adopt implementing regulations and to report to specified legislative committees by a specified date on the implementation of the bill. The measure further requires a facility owner to remit a specified annual payment to the Maryland Agricultural Land Preservation Fund and to remove a facility under specified circumstances. MALPF is authorized to charge specified costs associated with the implementation of the legislation. The bill’s effective date is July 1, 2014, and applies to any easement acquired by MALPF before, on, or after this date.

### **SB 985: Green Banks and Clean Bank Financing Incentives**

Sen. Brian Fosh

Requires the Maryland Clean Energy Center (MCEC), in collaboration with the Maryland Energy Administration, to conduct a study and make recommendations related to green banks and clean bank financing initiatives, including aspects of implementation and funding. In conducting the study, MCEC and MEA must consult with any person or entity that MCEC determines appropriate, including utilities, industry representatives, financial organizations, and the Coalition for Green Capital. MCEC, in collaboration with MEA, must submit an interim report by December 1, 2014,



and a final report by December 1, 2015, on its findings and recommendations to the Senate Finance Committee and the House Economic Matters Committee.

## **Energy Efficiency**

### **HB 207: High Performance State Buildings**

Chair, Health and Government Operations Committee; Chair, Appropriations Committee

Broadens the definition of a high-performance building to include any building that complies with a nationally recognized and accepted green building code, guideline, or standard that is reviewed and recommended by the Maryland Green Building Council and approved by the secretaries of the Department of Budget and Management and the Department of General Services (DGS). It also requires the council to establish a process for receiving public input.

### **HB 510: Sustainable Communities Tax Credit Program**

Chair, Ways and Means Committee

Extends the termination date of the Sustainable Communities Tax Credit Program through fiscal year 2017, requires the Governor to include an appropriation to the commercial program in fiscal years 2015 through 2017, authorizes the Maryland Historical Trust (MHT) to award a maximum \$4.0 million in credits to small commercial projects, clarifies the authority of MHT to revoke certain expired tax credits, and alters other program eligibility requirements and procedures.

### **HB 553: Energy-Efficient Homes Construction Loan Program**

Chair, Environmental Matters Committee

Establishes the Energy-Efficient Homes Construction Loan Program within the Department of Housing and Community Development (DHCD) to provide low-interest loans for the construction of “low-energy” and “net-zero” homes. An applicant must meet specified criteria to qualify for and receive a loan under the program. An Energy-Efficient Homes Construction Fund is established as a special fund within DHCD to pay the expenses of the program, provide credit enhancement under the program, and make or purchase loans under the program. DHCD must administer the program, adopt specified regulations, and submit required reports.

### **HB 629: Maryland Green Purchasing Committee**

Chair, Health and Government Operations Committee

Repeals the 5 percent price preference for recycled materials in state law and instead requires each state agency, to the extent practicable, to adopt the Environmentally Preferable Procurement (EPP) specifications developed by the Maryland Green Purchasing Committee (MGPC). The MGPC is required to keep its specifications online. An “environmentally preferable product or service” is defined as one that, throughout its full lifecycle, (1) is energy efficient, water efficient, biobased, nonozone depleting, made with recycled content, or nontoxic or (2) has other attributes recognized as environmentally preferable by the MGPC. The definition of “environmentally preferable purchasing” in current law is amended to reflect that any benefits of environmentally preferable products or services are based on (1) their full lifecycles, (2) relevant



international consensus standards, and (3) other relevant factors including recycling, energy recovery, climate change, fossil fuel, and ozone depletion as well as the other factors in current law. Each state agency is required to report annually to the Department of General Services on its purchase of environmentally preferable products and services as a percentage of its gross purchases.

The bill expands the MGPC to include the state treasurer and the secretaries of the Maryland Department of Information Technology and the State Department of Education, or their designees. DGS is required to provide staff support to the committee, with assistance as necessary from other member agencies. The committee must (1) promote EPP through education and training and (2) establish the framework and format for state agency reports to DGS. All bidders or offerors on state procurement contracts, not just those bidding on DGS contracts, must certify in writing that any claims of environmental attributes are consistent with the Federal Trade Commission's guidelines for the use of environmental marketing terms.

### **HB 786: Tax Exemption for Light-Emitting Diode Bulbs**

Del. Aruna Miller

Adds light emitting diode (LED) light bulbs to the items (specified Energy Star products and solar water heaters) that are currently exempt during the annual state sales tax-free period, which runs from the Saturday immediately preceding the third Monday in February through the third Monday in February.

## **Natural Gas and Petroleum**

### **SB 678: Oil Contaminated Site Environmental Cleanup Fund**

Sen. Joan Carter Conway

Increases the fee assessed on oil transferred into the state until July 1, 2017, to 8.0 cents per barrel from 3.0 cents per barrel; beginning July 1, 2017, the fee is 5.0 cents per barrel. Until July 1, 2017, 7.75 cents of the per-barrel fee are credited to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund (Oil Fund) and 0.25 cents are credited to the Oil Contaminated Site Environmental Cleanup Fund (Reimbursement Fund). The bill allows owners of heating oil tanks to continue to apply for assistance from the Reimbursement Fund through June 30, 2017. The bill also alters the due date of the annual Oil Fund status report and requires the secretary of the Maryland Department of the Environment (MDE) to convene a workgroup to review and assess long-term funding needs of the state's oil pollution programs. The MDE must report the workgroup's findings and recommendations to specified legislative committees by December 31, 2016.

## **Utilities**

### **HB 35: Improving Electric Service Quality and Reliability**

Del. Warren Miller

Requires the Public Service Commission (PSC) and each electric company assessed a penalty for a violation of specified service quality and reliability standards to establish



priorities for targeting remediation efforts to improve electric service quality and reliability for the worst performing feeder lines and other distribution lines and equipment. The remediation efforts must be paid for, in whole or in part, using the Electric Reliability Remediation Fund, a new special fund established by the bill. The measure redirects the payment of civil penalties assessed for violations of the specified service quality and reliability standards from the general to the new fund.

**HB 928/SB 1044: Ratepayer Protections**

Del. David Rudolph; Sen. Thomas Middleton

Requires the Public Service Commission, by January 1, 2015, to submit a report to the General Assembly on the status of the PSC's efforts to provide appropriate protections for consumers in connection with competitive retail electricity and gas supply, including recommendations as to how to better protect ratepayers. The PSC must convene a workgroup of interested persons, including retail electricity suppliers, to advise the PSC on the information and recommendations that should be included in the report. The bill terminates on July 31, 2015.





# Maryland

## Environmental Legislation

### Air Quality and Pollution Control

#### **HB 628/SB 238: Air Quality in Relocatable Classrooms**

Del. Shane Robinson; Sen. Nancy King

Requires the Board of Public Works (BPW), in consultation with the Department of General Services and the Department of Housing and Community Development, to adopt regulations that establish criteria to enhance the indoor air quality for relocatable classrooms built after July 1, 2014, that are purchased or leased with state or local funds. The regulations must mandate that each unit be built with materials containing low amounts of volatile organic compounds (VOCs) in accordance with industry standards.

### Coastal Zone Management

#### **HB 11: Septics Account of the Bay Restoration Fund**

Chair, Environmental Matters Committee

Expands the uses of the Septics Account of the Bay Restoration Fund (BRF) to include (1) providing grants or loans for connecting a property served by an onsite sewage disposal (septic) system to an existing biological nutrient removal (BNR) facility; (2) covering the cost of the principal on debt issued by a local government for specified sewer connection projects; and (3) providing assistance for specified sewer connection projects located outside of a priority funding area (PFA). The Maryland Department of the Environment must adopt regulations establishing specified procedures for public participation and review of projects outside of a PFA, and MDE must report to specified legislative committees by December 1 of each year, beginning in 2015, on the impact of each such project funded. Finally, the bill repeals the requirement that a local government adopt a policy or procedure to guarantee that any future connection to an existing BNR facility meets each of several specified BRF requirements in state law.

#### **HB 12: Septic Account of the Bay Restoration Fund**

Chair, Environmental Matters Committee

Requires up to 10 percent of the funds in the Septics Account of the Bay Restoration Fund to be distributed to a local public entity delegated by the Maryland Department of the Environment to cover reasonable costs associated with the implementation of MDE regulations pertaining to onsite sewage disposal (septic) systems that utilize the best available technology (BAT) for the removal of nitrogen.

#### **HB 58: Chesapeake Bay Critical Area in Talbot County**

Del. Jeannie Haddaway-Riccio

Requires a criminal prosecution or a suit for a civil penalty for an offense that occurs in the Chesapeake Bay Critical Area in Talbot County to be brought within three years if the criminal prosecution or civil penalty suit is for a violation of a local law that



relates to environmental protection or natural resource conservation, including a local law regulating grading, sediment control, storm water management, zoning, construction, or health and public safety. The three-year statute of limitations begins to run once the local authorities in fact knew or reasonably should have known of the violation.

### **HB 118: Impact of Ocean Acidification on State Waters**

Del. Eric Luedtke

Establishes the Task Force to Study the Impact of Ocean Acidification on State Waters staffed by the Department of Natural Resources (DNR). The task force must analyze the best available science regarding ocean acidification and the potential effects of acidification on the ecology of state waters and on state fisheries and make recommendations regarding potential strategies to mitigate the effects. The bill provides for the membership of the task force and specifies that task force members may not receive compensation but are entitled to reimbursement for expenses. The task force must report its findings and recommendations to the governor and the General Assembly by January 1, 2015.

### **HB 129: Exemption from State Public Ethics Law for Chesapeake Bay Trust**

Del. Shane Robinson

Exempts the trustees and employees of the Chesapeake Bay Trust from the State Public Ethics Law. Instead, the legislation requires the board of the trust to adopt provisions to govern the public ethics of the trustees and employees relating to conflicts of interest for nonprofit organizations. A copy of these provisions must be kept on written file and made available for public inspection at the principal office of the Chesapeake Bay Trust.

### **HB 154: Fisheries Advisory Commission**

Del. Anthony O'Donnell

Adds a member to the Sport Fisheries Advisory Commission who must be a representative of the Tidal Fisheries Advisory Commission. The Tidal Fisheries Advisory Commission representative may not be the Sport Fisheries Advisory Commission representative serving on the Tidal Fisheries Advisory Commission.

### **HB 1153: Nuisance Protections for Fishing and Seafood Operations**

Del. Jay Jacobs

Expands existing provisions of law protecting agricultural and silvicultural operations from nuisance actions to also apply to commercial fishing and seafood operations. The measure also generally excludes conditions resulting from a commercial fishing and seafood operation from a definition of "nuisance" under provisions authorizing and/or requiring actions to be taken by the secretary of the Department of Health and Mental Hygiene and local health officers to control and abate nuisances.

### **SB 62: Chesapeake Bay Trust**

Sen. John Astle

Alters the term limit for members of the Chesapeake Bay Trust's Board of Trustees that are not ex-officio members from two terms to two consecutive terms. The bill also



repeals a prohibition on the trust soliciting or accepting any gift, bequest, or lease of real or personal property.

### **SB 960: Cox Creek Citizens Oversight Committee**

Sen. Bill Ferguson

Updates a reference to a Maryland legislative district for purposes of ensuring that the membership of the Cox Creek Citizens Oversight Committee continues to include a representative from areas surrounding the Port of Baltimore. The Cox Creek Citizens Oversight Committee oversees the implementation of the Cox Creek Dredged Material Containment Facility in Anne Arundel County, Maryland. The committee provides advice to the Maryland Port Administration (MPA) regarding the operation of the facility and the potential impacts it may have on the nearby communities, as well as the natural resources in the area.

## **Emergency Management and Homeland Security**

### **SB 77: Utility Company Vehicles**

Chair, Judicial Proceedings Committee

Repeals obsolete provisions pertaining to hours-of-service and reporting requirements for vehicles operated by utility companies during emergencies.

## **Environmental Health Services**

### **HB 73/SB 247: Personal Injury or Death Caused by a Dog**

Del. Luiz Simmons; Sen. Brian Frosh

Establishes that in an action for damages against an owner of a dog for personal injury or death caused by the dog, evidence that the dog caused the personal injury or death creates a rebuttable presumption that the owner knew or should have known that the dog had vicious or dangerous propensities. Notwithstanding any other law or rule, the judge in a jury trial may not rule as a matter of law that the presumption has been rebutted before the jury returns a verdict.

However, the owner of a dog is strictly liable for any injury, death, or loss to person or property that is caused by the dog while the dog was running at large unless the injury, death, or loss was caused to the body or property of a person who was (1) committing or attempting to commit a trespass or other criminal offense on the property of the owner; (2) committing or attempting to commit a criminal offense against any person; or (3) teasing, tormenting, abusing, or provoking the dog.

The common law of liability as it existed on April 1, 2012, applies to an action for personal injury or death caused by a dog against a person other than the dog's owner, regardless of the dog's breed or heritage. The bill also expresses the intent of the General Assembly that the bill's provisions abrogate the holding of the Court of Appeals in *Tracey v. Solesky*, 427 Md. 627 (2012). The bill's provisions do not affect any other common law or statutory cause of action, defense, or immunity. The bill applies prospectively, and does not have any effect on or application to any cause of action arising before its effective date.



## **HB 229: Flame Retardant Chemicals in Child Care Products**

Del. James Hubbard

Prohibits a person from importing, selling, or offering for sale any child care product that contains more than one-tenth of one percent (by mass) of tris (1, 3-dichloro-2-propyl) phosphate, or TDCPP. TDCPP (along with TCEP) is one of several phosphorus-based flame retardants referred to as “TRIS” chemicals. “TRIS” denotes a chemical compound that features three parts of equal structure.

The U.S. Consumer Product Safety Commission (CPSC) prohibited the use of TRIS in children’s clothing in 1977, citing laboratory tests that demonstrated a causal link between TRIS and cancer in animals. CPSC has since identified TRIS as a “probable human carcinogen.” TDCPP, also known as chlorinated TRIS, remains in use as a flame retardant for polyurethane foam, plastics, resins, and some fabric backings. TDCPP may be the most common flame retardant found in baby products with foam, including car seats, changing pads, and baby carriers.

A person that violates the prohibition is subject to a civil penalty of up to \$1,000 for a first violation and \$2,500 for each subsequent violation. A court may also enjoin any action prohibited by the bill. The Department of Health and Mental Hygiene (DHMH) must adopt regulations to implement the bill by January 1, 2015.

## **Inland Water Resource Management and Conservation**

### **HB 1043: Deferred Water and Sewer Assessments**

Prince George’s County Delegation

Requires a contract for the initial sale of residential real property in Prince George’s County to include specified disclosures relating to deferred water and sewer assessments. The bill applies to assessments recorded by a covenant or declaration that defers costs for water and sewer improvements for which the purchaser may be liable. The measure prohibits a person or entity that is establishing water and sewer costs for the initial sale of residential real property from amortizing costs passed on to a purchaser by imposing a deferred water and sewer charge for more than 20 years after the date of the initial sale. For existing single-family residential real property in Prince George’s County, a person or entity that imposes a deferred water and sewer charge must provide the property owner with a bill including specified disclosures. The balance owed on a deferred water and sewer assessment may be redeemed at the present value of the assessment. The legislation requires Prince George’s County to study specified issues relating to deferred water and sewer charges and report its preliminary findings to the Prince George’s County senators and the house delegation by December 1, 2014, and report its final findings by December 1, 2015.

### **HB 1148: Striped Bass Fishery**

Del. Jay Jacobs

Requires the Department of Natural Resources to conduct a study on methods of obtaining more accurate harvest data for the recreational striped bass fishery. The study must examine the benefits that more accurate harvest data for the recreational striped bass fishery would have on the scientific and management capabilities of DNR with



respect to the entire striped bass fishery. DNR must report its findings and recommendations to the governor; the Senate Education, Health, and Environmental Affairs Committee; and the House Environmental Matters Committee by December 1, 2014.

## **Land Management and Conservation**

### **HB 296: Wildland Areas**

Speaker Timothy Jones, et al.

Proposes the expansion of 14 wildland areas and the addition of nine wildland areas under the state wildlands preservation system, resulting in an increase of approximately 21,887 acres. The expansions and additions are located in Allegany, Baltimore, Calvert, Charles, Frederick, Garrett, Montgomery, Somerset, and Worcester counties. The bill also authorizes specified actions in certain areas and clarifies that land held by the state in certain areas under a certificate of reservation is included in the applicable wildland area for so long as the certificate of reservation is in effect.

### **HB 621/SB 700: Registration Fees for Pesticides**

Del. Stephen Lafferty; Sen. Roger Manno

Increases the annual registration fee for pesticides and the terminal registration fee for discontinued pesticides from \$100 to \$110. At least \$10 of each annual registration fee and each terminal registration fee (which are directed to the State Chemist Fund under current law) must be used only for the activities of the Maryland Department of Agriculture (MDA) relating to the collection, analysis, and reporting of data on pesticide use in the state. Money expended from the State Chemist Fund for those activities is supplemental to and not intended to take the place of funding that otherwise would be appropriated for such activities.

### **HB 667/SB 660: Devocalizing Dogs and Cats**

Del. Benjamin Kramer; Sen. Lisa Gladden

Prohibits a person, other than a licensed veterinarian, from “devocalizing” a dog or cat. A licensed veterinarian may surgically devocalize a dog or cat only if the veterinarian (1) administers anesthesia to the animal during the procedure and (2) provides the owner or keeper of the animal a written certification containing specified information. “Devocalize” means to perform a surgical procedure involving cutting, notching, punching, abrading, lasering, suturing, or otherwise physically altering the vocal apparatus of a dog or cat with the intent of altering, reducing, or eliminating vocal sounds produced by the animal. “Devocalize” includes debarking, devoicing, silencing, ventriculocordectomy, vocal cordectomy, bark reduction, and bark softening. Violators are guilty of a misdemeanor, punishable by imprisonment for up to 90 days and/or a \$1,000 maximum fine for a first offense and imprisonment for up to one year and/or a maximum fine of \$2,000 for a second or subsequent offense.



### **HB 1124/SB 827: Possession of Dangerous or Wild Animals**

Del. Eric Luedtke; Sen. Catherine Pugh

Amends the state's prohibition on possession of dangerous or wild animals. The bill authorizes the holder of a Class C Exhibitor's License under the federal Animal Welfare Act to retain ownership of specified animals owned by the license holder before July 1, 2014. Also, the measure requires a license holder to meet specified requirements in order to acquire or breed specified animals on or after July 1, 2014. The legislation makes it mandatory, rather than discretionary, for a local animal control authority to take steps to find long-term placement of a seized animal with another appropriate facility.

### **HB 1174: Suspensions of Hunting and Fishing Licenses**

Del. Kathleen Dumais

Establishes that provisions governing the denial or suspension of licenses for failure to pay child support apply to recreational hunting and fishing licenses. The bill also requires the Department of Human Resources (DHR) to, by July 1, 2014, request an exemption from the federal government that would allow the state to collect only the last four digits of a recreational hunting or fishing license applicant's Social Security number, instead of the whole Social Security number, on the license application. If correspondence granting an exemption is received by July 1, 2015, the bill (1) requires only the last four digits of a recreational hunting or fishing license applicant's Social Security number to be included on the application; (2) repeals a requirement that an applicant's occupation be included on a hunting license application; and (3) allows for just the last four digits of an person's Social Security number to be exchanged between the Department of Natural Resources and DHR for purposes of identifying persons in arrears on child support obligations for potential license denial or suspension.

The bill takes effect June 1, 2014, and the contingent provisions take effect when the Department of Legislative Services receives notice of the specified correspondence from DHR.

### **HB 1312: Program Open Spaces**

Del. Pamela Beidle

Specifies that state and local Program Open Space (POS) funds may be used to provide or enhance public access to acquired and existing recreational and open space sites. The bill requires the Department of Natural Resources, for each project recommended, to consider whether it is feasible to provide public access to the recreational and open space site. A DNR subdivision must, for each proposed POS project, consider whether it is feasible to provide public access to the proposed project. When considering whether it is feasible to provide public access to a site or a proposed project, DNR and subdivisions may consider (1) the availability of funds available under POS or from other sources to provide public access to the site or project; (2) public safety and liability issues if public access were provided to the site; (3) whether the site was acquired as a part of a larger recreational and open space project that is not yet completed and ready for public access; and (4) the existence of a contractual commitment on the site that would limit public access for a period of time, including a home, agricultural, or hunting lease.

Finally, the legislation modifies the authorized uses of the Bay Access Areas Fund within DNR to allow DNR to use the fund to provide public access to the recreational and open space uses of the acquired land.

**SB 70: Commercial Fertilizer Law**

Chair, Education, Health, and Environmental Affairs Committee

Revises definitions under the Maryland Commercial Fertilizer Law and clarifies provisions enacted under the Fertilizer Use Act of 2011 regarding types and amounts of nitrogen resulting from the application of fertilizer to turf.

**SB 93: Recreational Incentives Pilot Program**

Chair, Education, Health, and Environmental Affairs Committee

Establishes a Recreational Incentives Pilot Program in the Department of Natural Resources to determine whether offering incentive discounts to individuals who have not purchased a specified recreational fishing or hunting license within the previous three years increases the number of such recreational licenses purchased. DNR must develop and carry out a plan to implement the pilot program that (1) identifies eligibility criteria; (2) establishes amounts for the incentive discounts; and (3) includes a marketing strategy. Incentive discounts may not exceed 50 percent of the underlying license fee. By September 30, 2017, DNR must submit a report to the governor and General Assembly on the operation and results of the pilot program. DNR may adopt implementing regulations.

**SB 231: Carrying of Handguns during Bow Hunting**

Sen. George Edwards

Prohibits the Department of Natural Resources from preventing a licensed bow hunter from openly carrying a “handgun” that the hunter is otherwise authorized to carry if the bow hunter (1) is at least 21 years old; (2) is hunting in deer management Region A; (3) is carrying the handgun for personal protection; and (4) does not use the handgun to kill wildlife wounded by a vertical bow or crossbow. A “handgun” is a firearm that has a barrel length not exceeding six inches and does not have a scope or an attached electronic device.

**SB 309: Archery Hunting Safety Zone**

Montgomery County Senators

Decreases the archery hunting safety zone size, in Montgomery County, from 150 yards to 100 yards from a dwelling house, residence, church, or other building or camp occupied by human beings.

**SB 473: Deer Hunting in Frederick County**

Sen. George Edwards

Expands the authority of the Department of Natural Resources to allow deer hunting on Sundays in Frederick County by allowing deer hunting from the first Sunday in October through the second Sunday in January of the following year on specified private property and public land that is designated for Sunday hunting by DNR.



### **SB 582: Licensed Tree Experts**

Del. Pamela Beidle

Requires a licensed tree expert to notify electronically the Department of Natural Resources of companies that work under the tree expert's license and the companies' liability and property damage insurance and workers' compensation insurance, including any applicable changes. The notification time period is established by DNR.

### **SB 659: Surgery on Dogs**

Sen. Lisa Gladden

Prohibits a person, other than a licensed veterinarian who is using anesthesia on the animal, when appropriate, from (1) cropping or cutting off the ear of a dog; (2) docking or cutting off the tail of a dog; (3) cutting off the dewclaw of a dog; or (4) surgically birthing a dog. Violators are guilty of a misdemeanor, punishable by imprisonment for 90 days and/or a maximum fine of \$1,000 for a first offense and imprisonment for up to 180 days and/or a maximum fine of \$5,000 for a second or subsequent offense.

### **SB 966: Deer Hunting in Charles and St. Mary's Counties**

Sen. Roy Dyson

Requires the Department of Natural Resources to establish a three-year program to train rifle shooters to hunt deer to control the deer population in Charles and St. Mary's counties. The bill adds a deer hunting season specific to Charles and St. Mary's counties and allows additional hunting of deer in those counties with a shotgun under a "deer management permit." DNR must adopt regulations to implement certain provisions of the bill, including a system for staggering participation in the program. The bill's effective date is July 1, 2014, and terminates June 30, 2017.

## **Reorganization and Coordination**

### **HB 511: State Board of Foresters**

Del. Dereck Davis

Extends the termination date for the State Board of Foresters by 10 years to July 1, 2025, and requires a preliminary evaluation of the board by December 15, 2022.

### **HB 702: Land Surveyors**

Del. Michael Vaughn

Alters the requirements for licensure as a professional land surveyor. Generally, new education and experience requirements are phased in over time. Of the four available pathways to licensure, one academic pathway is no longer available after December 31, 2023, and one nonacademic pathway is no longer available after December 31, 2025.

### **HB 1430: State Children's Environmental Health and Protection Advisory Council**

Del. James Hubbard

Alters the composition of the State Children's Environmental Health and Protection Advisory Council. The bill broadens representation on the council by replacing the position dedicated for a representative from Johns Hopkins University with a representative from an academic institution and modifying the expertise required of the



individual to be studying the impact of environmental exposures on childhood disease (rather than environmental allergies on childhood asthma); (2) removes the requirement that the epidemiologist be an environmental epidemiologist; (3) removes the requirement that the two licensed health care providers with expertise in the field of children's health be pediatric health care providers; and (4) adds one representative from the Maryland Commission on Environmental Justice and Sustainable Communities.

### **SB 292: State Board of Stationary Engineers**

Senate President Mike Miller

Extends the termination date for the State Board of Stationary Engineers by 10 years to July 1, 2024, and requires a preliminary evaluation of the board by December 15, 2021.

## **Solid Waste**

### **HB 1506: Maryland Waste Disposal Authority**

Del. Norman Conway

Authorizes Wicomico County to become a participating county in the Northeast Maryland Waste Disposal Authority. The Northeast Maryland Waste Disposal Authority was created in 1980 as a public instrumentality of the state. The authority's mission is to plan and develop waste management systems that meet the highest environmental standards while providing the most efficient and reliable waste disposal services possible.

### **SB 390: Illegal Dumping and Litter Control Law**

Baltimore City Senators

Alters the Illegal Dumping and Litter Control Law penalties for littering violations committed while operating a motor vehicle by repealing the authorization for a court to suspend the driver's license of the convicted violator and instead requiring a court to notify the Motor Vehicle Administration (MVA) of the violation. The Chief Judge of the District Court and the Administrative Office of the Courts, in conjunction with MVA, must establish uniform procedures for reporting a violation. MVA must assess two points against a driver's license for a violation involving a maximum of 100 pounds or 27 cubic feet of litter and not done for commercial gain; three points for littering between 100 pounds and 500 pounds or between 27 cubic feet and 216 cubic feet and not for commercial gain; and five points for littering more than 500 pounds or 216 cubic feet, or any amount for commercial gain. Finally, the legislation also clarifies the authority of MVA to refuse to register or transfer the registration of a vehicle for violating the Illegal Dumping and Litter Control Law.

### **SB 781: Recycling Waste at Special Events**

Sen. Karen Montgomery

Requires the organizer of a special event to provide for the collection of recyclable materials. The organizer of a special event must provide a recycling receptacle immediately adjacent to each trash receptacle at the special event, ensure that all recycling receptacles are clearly distinguished from trash receptacles by color or signage, and ensure that all recyclable materials deposited into recycling receptacles at the

special event are collected for recycling. These requirements apply to any special event that includes temporary or periodic use of a public street, publicly owned site or facility, or public park, serves food or drink, and is expected to have 200 or more persons in attendance. The measure requires, as part of the currently required county recycling plan submitted to the Maryland Department of the Environment, that each county address the collection and recycling of recyclable materials from special events. A county must revise its recycling plan by October 1, 2015, to address this requirement. The bill also requires the recycling required for special events to be carried out in accordance with the revised county recycling plans. The measure establishes a civil penalty for a violation of the bill's recycling requirements at special events of \$50 per day. This may be enforced by inspections conducted by an enforcement unit, officer, or official of a county, a municipality, or any other local government. Any civil penalty collected must be paid to the local jurisdiction that brought the enforcement action.

The legislation does not affect the authority of a local government to enact and enforce more stringent recycling requirements, including establishing civil penalties, for a special event. A county may require the organizer of a special event to report to the county on recycling activities.

## **Water Quality and Pollution Control**

### **HB 834/SB 564: Violations of Water Pollution Control Laws**

Del. Barbara Frush; Sen. Bryan Simonaire

Increases, from \$5,000 to \$10,000, the maximum administrative penalty for each violation of the Water Pollution Control subtitle of the Environment Article. The bill also increases, from \$50,000 to \$100,000, the maximum total penalty that may be imposed on a person for such violations.

### **HB 878: Usage of Compost-Based Products**

Del. Dana Stein

Establishes the use of compost and compost-based products in highway construction projects as a best management practice for erosion and sediment control, as well as post-construction storm water management. By December 30, 2014, the State Highway Administration (SHA) must establish a specification for acquiring and using compost and compost-based products for (1) erosion and sediment control practices identified in the most recent Maryland Standards and Specifications for Soil Erosion and Sediment Control developed by the Maryland Department of the Environment and (2) post-construction storm water management practices identified in MDE's most recent Maryland Stormwater Design Manual. SHA must update the specifications as necessary and post the specifications on its website. The bill also establishes specified study and reporting requirements for SHA.

### **HB 937: Wastewater Treatment Financing**

Del. Donald Elliott

Requires the Maryland Department of the Environment to ensure the fair and equitable distribution of financial assistance among wastewater treatment facilities with a design capacity of less than 500,000 gallons per day and those with a capacity of 500,000

gallons per day or more. The bill applies to financial assistance provided under (1) the Water Quality Fund; (2) the Bay Restoration Fund; (3) the Biological Nutrient Removal Program; and (4) the Supplemental Assistance Program.

**SB 101: Drinking Water Revolving Loan**

Chair, Education, Health, and Environmental Affairs Committee

Expands the authorized uses of the Maryland Drinking Water Revolving Loan Fund to include providing financial assistance in the form of grants, negative interest loans, forgiveness of principal, subsidized interest rates, and any other form of financial assistance authorized or required under various federal laws.

**SB 127: Manure Transportation Project**

Chair, Education, Health, and Environmental Affairs Committee

Provides the Maryland Department of Agriculture, under the Manure Transportation Project, discretion to determine the amount of funding provided to match funding contributed by the commercial poultry producer industry for the transportation and handling of poultry litter. The bill repeals a limit of no more than \$10 per ton. The limitation on funding provided for the transportation of livestock manure is also modified by eliminating a \$20 per ton limit but retaining the limit of 87.5 percent of eligible costs.

The Manure Transportation Project is a cost-share program established to assist in the transportation of excess poultry or livestock manure from farms that do not have sufficient land to use the manure for crop production in accordance with a nutrient management plan or that have land that is phosphorus over enriched. The program is intended to protect water quality by fostering efficient land application of manure and alternative waste management and use technologies.





# Mississippi

## Energy Legislation

### Coal and Minerals

#### **HB 925: Interstate Mining Compact**

Rep. Scott Bounds

Adopts the Interstate Mining Compact and authorizes the governor to participate in the Interstate Mining Compact Commission on behalf of the state.

### Emergency Management and Homeland Security

#### **SB 2289: Statewide Mutual Aid Compact**

Sen. Terry Burton

Provides that the Mississippi Band of Choctaw Indians is an authorized participant under the Statewide Mutual Aid Compact. Under the legislation, sponsorship and development of mutual aid plans and agreements between the political subdivisions of the state and the Mississippi Band of Choctaw Indians is similar to the mutual aid arrangements with other states.

### Energy Efficiency

#### **SB 2378: State Uniform Construction Code**

Sen. Videt Carmichael

Adopts certain nationally recognized codes and standards as the State Uniform Construction Code and exempts certain structures from requirements under the State Uniform Construction Code. Under this legislation, a county board of supervisors or municipal governing authority must adopt and amend as minimum codes one of the following as the State Uniform Construction Code:

- One of the last three adopted editions of the International Building Code (IBC) and any specific appendix or appendices as adopted and amended by the Mississippi Building Codes Council;
- One of the last three adopted editions of the International Residential Code (IRC) and any specific appendix or appendices as adopted and amended by the Mississippi Building Codes Council, with the exception of those provisions that require the installation of a multipurpose residential fire protection sprinkler system or any other fire sprinkler protection system in a new or existing one- or two-family dwelling; and
- Other codes addressing matters such as electrical, plumbing, mechanical, fire and fuel gas, and any specific appendix or appendices as adopted and amended by the Mississippi Building Codes Council.



### **SB 2521: Energy Efficiency Contracts**

Sen. David Blount

Authorizes public entities to enter into energy performance contracts and shared savings contracts for energy efficiency equipment, services relating to the installation, operation, and maintenance of the equipment. Also, the bill changes the administrative authority of the Department of Finance and Administration by increasing the maximum level of energy efficiency contracts, including contracts for alternative fuel motor vehicles and ancillary equipment associated with fueling.

## **Natural Gas and Petroleum**

### **HB 1263: Pooling Orders**

Rep. Angela Cockerham

Revises the time period in which operations on an existing or proposed well must commence in order for an operator or consenting owner to receive alternate charges under a pooling order from the State Oil and Gas Board.

### **HB 1590: Taxes related to Liquefied Natural Gas**

Rep. Mark Baker

Defines the term “diesel gallon” for the purpose of the tax on liquefied natural gas and provides that the tax levied on liquefied natural gas must be levied on each diesel gallon of liquefied natural gas. Also, the bill exempts motor vehicles that use liquefied natural gas and no other compressed gas from the requirement of obtaining a decal from the Department of Revenue.

### **HB 1622: Chickasawhay Natural Gas District**

Rep. Dennis DeBar

Authorizes the board of directors of the Chickasawhay Natural Gas District to construct, expand, operate, obtain, and maintain compressed natural gas automobile refueling stations. Further, the bill authorizes the board of directors to sell compressed natural gas within the jurisdictional boundaries of the district to public entities at such stations to public entities for use in motor vehicles owned or leased by a public entity.

### **SB 2838: Underground Storage Tanks**

Sen. Terry Burton

Clarifies that the State Oil and Gas Board statutes are applicable for the issuance of a permit for underground storage tanks.

## **Reorganization and Coordination**

### **SB 2744: Public Utilities Staff**

Sen. Eugene Clark

Deletes a provision that requires the executive director of the Mississippi Public Utilities Staff to appoint a communications engineer.



## **Utilities**

### **SB 2017: Certificates of Incorporation for Electric Power Associations**

Sen. Terry Burton

Revises the procedure by which any electric power association may amend its certificate of incorporation.

### **SB 2018: Corporate Names for Electric Power Associations**

Sen. Terry Burton

Allows the corporate name of electric power associations to include the words “electric cooperative.” This bill amends the Electric Power Association Law found in the Mississippi Code of 1972.

### **SB 2021: Electronic Voting for Electric Power Association Matters**

Sen. Terry Burton

Allows members of electric power associations to electronically vote on matters.

### **SB 2148: Excavation Near Underground Utility Facilities**

Sen. Terry Burton

Revises the term “excavate or excavation” to exclude routine railroad maintenance activities as used in the regulation of excavations near underground utility facilities. The bill creates a new code section that provides nothing in the legislation will be abrogate or modify any contractual provision entered into between railroads or any other party owning or operating an underground facility or underground utility lines within the railroads’ right-of way.



# Mississippi

## Environmental Legislation

### Coastal Zone Management

#### **HB 1581: Lowndes County Port Authority**

Rep. Jeffrey Smith

Authorizes the Lowndes County Port Authority to increase per diem compensation for its members. The legislation provides that compensation must be paid from income and other available funds of the Lowndes County Port.

### Hazardous Waste and Substance Management

#### **HB 1096: Hazardous Waste Removal by Municipalities**

Rep. Rita Mattison

Addresses the authority of municipalities to remove abandoned or dilapidated buildings in certain circumstances. The bill removes statutory cost limitation for removal of hazardous waste.

### Inland Water Resource Management and Conservation

#### **HB 386: Licensing Exemptions for Wells**

Rep. Mark Formby

Deletes the repealer on licensing exemption for wells constructed for irrigation on a driller's farm.

#### **HB 1450: Tombigee River Valley Water Management District**

Rep. Herb Frierson

Approves the expenditure of special funds for the purpose of defraying the expenses of the Tombigee River Valley Water Management District for fiscal year 2015.

#### **HB 1503: Town of Faulkner Water System**

Rep. Jody Steverson

Authorizes and empowers the town of Faulkner to acquire the Blackjack Development Association, Inc., Water System and to assume the operation and maintenance of the Blackjack Development Association, Inc., Water System, and, in connection therewith, such governing authorities are vested with the power to assume all liabilities, obligations, assets, duties, and responsibilities of such association. Under the legislation, the town has such powers and authority concerning the association and its facilities as is granted by law to municipalities concerning water systems. The bill provides that any indebtedness incurred by the town of Faulkner as a result of the exercise of the authority granted to it through the legislation will not constitute a debt



within the meaning of any statutory limitation as to the amount of debt that may be incurred by the municipality.

### **SB 2405: Penalties for Shooting at Levees**

Sen. Giles Ward

Increases the penalty for hunting or engaging in target practice upon or near a levee structure enacted by any board of levee commissioners. If any person hunts or engages in target practice upon any levee structure erected by any board of levee commissioners, the entire landside right-of-way of the levee structure or the riverside right-of-way of the levee structure within a distance of 200 feet from the toe of the levee structure, the person or persons will, upon conviction, be punished as committing a Class I violation of the game and fish laws.

## **Land Management and Conservation**

### **HB 385: Law Enforcement Officers for Arson Investigations**

Rep. Mark Formby

Extends the repealer on the provision of law that authorizes the Mississippi Forestry Commission to hire law enforcement officers to investigate and make arrests associated with wood arson.

### **HB 391: Regulation of Enclosures for Cervides**

Rep. Mark Formby

Deletes the repealer on regulatory authority of the Wildlife, Fisheries, and Parks Commission to regulate native and non-native cervid (an animal of the deer family) enclosures. The bill states that continual regulation is needed to ensure the safety of the animals inside the enclosures.

### **HB 719: Bag Limits on Deer**

Rep. Scott Bounds

Permits the Commission on Wildlife, Fisheries, and Parks to expand or restrict bag limits based on deer population. The commission has the plenary authority to set the bag limits for white-tailed deer and promulgate any regulations necessary to facilitate the exercise of that authority, consistent with best management practices and scientific data and subject to all existing applicable laws, rules, and regulations of this state or the United States.

### **HB 720: Wearing Orange While Hunting**

Rep. Ken Morgan

Prescribes circumstances under which the wearing of at least 500 square inches of hunter's orange is required when engaged in deer hunting.

### **HB 864: Trapping and Transporting Wild Hogs**

Rep. Lester Carpenter

Provides that wild hogs may be caught or trapped and transported within the state, with a permit issued by the Mississippi Department of Wildlife, Fisheries, and Parks. Under the legislation, wild hogs may not be released alive, except for slaughter, into an



enclosure no larger than 500 square feet to prevent their escape or to a facility where the hog may be immediately prepared for slaughter. A conviction for violating the law would lead to forfeit of hunting, trapping, and fishing privileges for a period of one year. The bill allows a person to receive a permit via phone to transport wild hogs. The measure has a July 1, 2016, repealer, meaning the legislation will cease at that time if it has not been extended by the state legislature.

**SB 2143: Hunting Season Revision**

Sen. Giles Ward

Revises and adds time to the open season on fur-bearing animals and for hunting opossums, raccoons, and bobcats with dogs and guns.

**SB 2369: Hunting Season for Squirrels**

Sen. Giles Ward

Revises the hunting season for squirrels by providing that the season will open on October 1 and run through February 28. Under this legislation, the Commission on Wildlife, Fisheries, and Parks may set an additional squirrel season that cannot open any earlier than May 15 and run not later than June 1.

**Reorganization and Coordination**

**SB 2579: Marine Resources Accountability and Reorganization Act**

Sen. Brice Wiggins

Reorganizes the Department of Marine Resources and removes the agency from the Personnel Board for six months. The bill requires an annual audit of the agency and creates a chief financial officer position.

**Solid Waste**

**HB 407: Trust Fund Money for Regional Recycling Grants**

Rep. Mark Formby

Deletes the repealer on the provision of law authorizing the Commission of Environmental Quality to set aside certain trust fund monies for regional recycling cooperative grants.





# Missouri

## Energy Legislation

### Alternative Energy Development

#### **HB 2441: Registered Fueling Devices**

Rep. John Diehl

Adds compressed natural gas meters, liquefied natural gas meters, electrical charging stations, and hydrogen fuel meters to the list of devices that the Division of Weights and Measures in the Department of Agriculture may establish a fee for the registration, inspection, and calibration services performed by the division that is to be deposited into the Agriculture Protection Fund. The provisions of the bill regarding standards of weights and measures must apply to the following commercial weighing and measuring equipment used for measuring or ascertaining the quantity of gas, electricity, or fuel for vehicle use: compressed natural gas meters, liquefied natural gas meters, electrical charging stations, and hydrogen fuel meters.

### Coal and Minerals

#### **HB 1201/SB 642: Surface Mining Operations**

Rep. Kevin Engler; Sen. Gary Romine

Amends laws regarding surface mining operations. Under prior law, a proposal to operate a surface mine requires the operator to send a notice of intent to operate a surface mine to the last known address of any landowner of record with real property that is contiguous or adjacent to the proposed mine plan area. The bill repeals this provision and requires that the notice be sent to the last known address of any real property landowner of record whose property is within one-half mile from the border of the proposed mine plan area and adjacent to the proposed area, land upon which the mine plan area is to be located, or adjacent land having a legal relationship with either the applicant or the owner of the land upon which the mine plan area is located. If any individual who receives the notification requests a public meeting, the applicant must bear the expenses.

Under prior law, the Land Reclamation Commission evaluated permit applications for proposed surface mining operations. The bill transfers this authority to the staff director of the commission. Upon completion of the notice of intent to operate a surface mine and any public meetings, the staff director must make a decision within six weeks after completion of the process, rather than the prior four weeks after the public notice period, to issue or deny a permit application. In certain cases, the staff director may seek additional information from the applicant before making a decision to issue or deny the permit. In issuing a permit, the staff director may impose reasonable conditions consistent with specified provisions. The staff director's decision must be deemed to be the decision of the director of the Department of Natural Resources and subject to appeal to the Administrative Hearing Commission. The bill specifies the criteria that the



Administrative Hearing Commission may consider when reviewing the staff director's permit application decision.

If the Land Reclamation Commission changes a finding of fact or conclusion of law or modifies or vacates the decision recommended by the Administrative Hearing Commission, it must issue its own decision, which must be subject to judicial review. For an appeal of the commission's decision, the court of appeals district with jurisdiction in the county where the mine is to be located must have original jurisdiction. A judicial review cannot be available until and unless all administrative remedies are exhausted.

### **SB 672: Financial Incentives for Energy Companies**

Sen. Mike Parson

Prohibits the City of St. Louis from imposing restrictions by ballot measure on public financial incentives authorized by statute for businesses involved in bituminous coal and lignite surface mining. The provision expires on December 31, 2017.

## **Emergency Management and Homeland Security**

### **HB 1190: Facilitating Business Rapid Response to State Declared Disasters Act**

Rep. Mike Kelley

Establishes the Facilitating Business Rapid Response to State Declared Disasters Act and requires the issuance of permits to transport equipment and materials following a disaster with a disruption of utility service. An out-of-state business that is responding to a declared state disaster or emergency or any of its out-of-state employees are not subject to specified state or local employment, licensing, or registration requirements, including registration with the secretary of state; withholding or income tax registration, filing, or remitting requirements; and use tax on equipment used or consumed if the equipment does not remain in the state after the disaster period unless the out-of-state business or employee remains in Missouri after the conclusion of the disaster period. An out-of-state business includes a business that is affiliated with a registered business solely through common ownership if that entity does not have any registrations, tax filings, or nexus in the state before the declared disaster or emergency. A prior registration as an out-of-state business for a declared disaster or emergency must not be considered a registration in this state. The employees of an out-of-state business that are responding to a declared disaster in Missouri are not required to file and pay state or local income taxes, to be subject to tax withholdings, or to pay any state or local fee unless the employee remains in Missouri after the conclusion of the disaster period.

The out-of-state business must provide assistance in repairing, renovating, installing, or building infrastructure related to the declared disaster or emergency and notify the secretary of state within 10 days of entering the state and provide specified information. The secretary of state must provide the information to the Department of Revenue within 30 days after receipt of the notification.

## **Energy Efficiency**

### **SB 601: Tax Deductions for Energy Efficiency Audits**

Sen. Jason Holsman

Reauthorizes the income tax deduction for energy efficiency audits and implementation of the recommendations of such audits as of January 1, 2014. The deduction expired on December 31, 2013. The deduction will expire on December 31, 2020.

## **Natural Gas and Petroleum**

### **HB 2141: Tax Rates for Natural Gas**

Rep. John Diehl

Specifies measurement standards and tax rates for compressed natural gas and liquefied natural gas as a motor fuel and removes them from the provisions regarding alternative fuel decal and tax requirements. The tax on compressed natural gas fuel must be five cents per gasoline gallon equivalent as specified in the bill until December 31, 2019, then 11 cents per equivalent until December 31, 2024, and then 17 cents per equivalent thereafter. The tax on liquefied natural gas fuel must be five cents per diesel gallon equivalent as specified in the bill until December 31, 2019, then 11 cents per equivalent until December 31, 2024, and then 17 cents per equivalent thereafter.

The bill creates an exception for owners or operators of passenger motor vehicles, buses, or commercial motor vehicles who may opt for the continued use of the alternative fuel decal if:

- The motor vehicles are powered by compressed or liquefied natural gas; and
- The owners or operators of the motor vehicles have installed a compressed or liquefied natural gas fueling station used solely to fuel the motor vehicle they own or operate as of December 31, 2015.

An owner or operator of a compressed or liquefied natural gas fueling station whose vehicles bear an alternative fuel decal must be prohibited from selling or providing compressed or liquefied natural gas to any motor vehicle they do not own or operate. Once an owner or operator under this exception declines to renew the alternative fuel decals, he or she must no longer be eligible to apply for and use the alternative fuel decals.

### **HB 2441: Propane Safety**

Rep. John Diehl

Changes the name of the Missouri Propane Gas Commission to the Missouri Propane Safety Commission and changes the membership of the commission by removing the member representing the Department of Natural Resources and replacing him with the state fire marshal or his or her designee. Under prior law, a city, town, village, fire district, or other political subdivision cannot adopt or enforce any ordinance or regulation in conflict with the Missouri Propane Safety Act. The bill adds a county to the prohibition.



### **HCR 5: Expression of Support for Keystone XL**

Rep. Keith English

Expresses support for continued and increased importation of Canadian oil sands and urges Congress to support continued and increased importation of Canadian oil sands. Additionally, the resolution urges Congress to ask the United States Secretary of State to approve the TransCanada Keystone Coast Expansion pipeline project that has been awaiting a presidential permit since 2008 to reduce dependence on unstable governments, improve our national security, and strengthen ties with an important ally.

### **SB 842: Diesel Fuel Sampling**

Sen. Mike Parson

Changes the provision that the director of the Department of Revenue or his agents may conduct inspections and remove samples of diesel fuel to determine the coloration of the fuel. The bill limits these types of inspections by banning inspections from any individual who is not holding the fuel for wholesale or retail sale and who is not located at certain places, unless the agent has reasonable suspicion to believe that a violation is being committed.

## **Reorganization and Coordination**

### **HB 1651/SB 734: Rural Electric Cooperative Bylaws**

Rep. Lyndall Fraker; Sen. Mike Cunningham

Allows a rural electric cooperative to amend its bylaws to allow electronic participation in meetings for the purpose of forming quorums and for voting.

## **Utilities**

### **HB 1867: Underground Facility Owners**

Rep. Dave Schatz

Requires all underground facility owners in the state to maintain participation in a notification center during the time he or she owns and operates an underground facility. Under the legislation, the excavator, prior to commencing work, is required to determine best practices for confirming the horizontal and vertical location of facilities at the site of excavation and must consider conditions at the site including geology, access to the site, and the presence of paved surfaces. The bill requires, no later than April 1, 2015, and each year thereafter, each underground facility owner who owns or operates an electric, gas, or pipeline facility to submit to a central repository designated by the notification center a report of damages experienced by its facilities for the prior year. The legislation allows parties with a dispute related to the provisions of the bill to request arbitration for disputes of less than \$5,000. Also, if lateral sewer pipes or water services lines are replaced, or rehabilitated by excavation within the public right-of-way, the facility owner shall be required to place an access point and cleanout at the edge of the public right-of-way at the facility owner's expense.



### **SB 649: Utility Right-of-Way**

Sen. Brad Lager

Modifies provisions relating to right-of-way of political subdivisions. The bill technically corrects a paragraph cross-reference and technically corrects "permit" to "permits." Currently, a public utility right-of-way user that has been denied a permit may bring an action for review in any court of competent jurisdiction. This act specifies that the court must be in Missouri. Currently, no political subdivision may require any public utility granted right-of-way access prior to August 28, 2001, to enter into an agreement or obtain a permit for general access to remain in the right of way. The act removes this date and allows any public utility that has been granted right-of-way access to remain in the right-of-way without entering into an agreement or obtaining a permit for general access.

### **SB 653: Pole Attachment**

Sen. Brad Lager

Modifies the definition of pole attachment to include an attachment by any attaching entity to any pole owned by a municipality. The bill defines a pole as a utility pole that is owned or controlled by a municipal utility or municipality. A municipal utility or municipality may deny access to the utility's poles only if there is insufficient capacity or safety and reliability concerns that the attaching entity cannot resolve. Nothing may be construed to prohibit a municipal utility or municipality from requiring an attaching entity to enter into a pole attachment agreement. The legislation repeals that any party can seek review of any fee, term, or condition by binding arbitration and instead allows for dispute resolution by allowing either party to bring an action for expedited review in any court of competent jurisdiction. During the pendency of the dispute, the attaching entity may proceed with its attachments at a rental rate mutually agreed upon by the parties, or as calculated in accordance with the cable service rate formula. A municipal pole owner may be authorized to exceed the rate of return cost components of the cable service rate formula under certain circumstances. The attaching entity is required to comply with applicable and reasonable engineering and safety standards, and shall not hold liable the municipality for damages caused by the attaching entity. The bill extends these provisions to not supersede existing pole attachment agreements established prior to August 28, 2013, to August 28, 2014. The legislation explicitly does not confer any authority to the Public Service Commission or any other governmental entity to regulate pole attachments.

The act allows a municipal utility or municipality to, after written notice, revoke a pole attachment permit with or without fee refund for the substantial breach of a pole attachment agreement or permit, until the breach is cured. A substantial breach is specified as set forth in this act. Municipal utilities or municipalities may request the attaching entity to rearrange, relocate, or remove a pole attachment in the event of an imminent threat to public health, life, or safety. Absent action from the entity, the municipal utilities or municipalities have the authority to perform these actions.





# Missouri

## Environmental Legislation

### Air Quality and Pollution Control

#### **HB 1302/SB 644: Wood Burning**

Rep. Tim Remole; Sen. Dan Brown

Prohibits the Department of Natural Resources from regulating the manufacture, performance, or use of residential wood burning heaters or appliances through a federally required state implementation plan or otherwise, unless authorized to do so by the General Assembly. No rule or regulation establishing or enforcing performance standards for residential wood burning heaters or appliances may become effective unless first approved by the Joint Committee on Administrative Rules. A new rule or regulation may not be applied to existing wood burning furnaces, stoves, fireplaces, or heaters that individuals are currently using as their source of heat for their homes or businesses. All wood burning furnaces, stoves, fireplaces, and heaters existing on August 28, 2014, may not be subject to any rules or regulations. An employee of the state or state agency cannot enforce any new rules or regulations against any existing wood burning furnace, stove, fireplace, and heater.

#### **HB 1631: Emission Standards Analysis**

Rep. Todd Richardson

Requires the Air Conservation Commission to develop emission standards through an analysis of each carbon dioxide generation plant within the state regardless of the number of turbines at each plant site. The commission must consider in developing and implementing emission standards for each existing source of carbon dioxide, among other factors, the remaining useful life of the existing source to which the standard applies, consistent with specified federal regulations. The commission must consider, consistent with its statutory duties to achieve the prevention, abatement, and control of air pollution by all commercially available and economically feasible methods, the overall economic impact from any and all emission standards and compliance schedules developed and implemented under specified federal regulations. The commission may develop, on a unit-by-unit basis for individual existing sources and emissions of carbon dioxide at these existing sources, consistent with federal regulation, emission standards that are less stringent, but not more stringent, than applicable federal emission guidelines or longer compliance schedules than those required by federal regulations.

This determination must be based on:

- Unreasonable cost of control resulting from plant age, location, or basic process design;
- Physical impossibility of installing necessary control equipment; or
- Other factors specific to the existing source or class of existing sources that make application of a less stringent standard or final compliance time significantly more reasonable.



If any provision of the bill or the application thereof to any individual or circumstance is held invalid, the invalidity must not affect other provisions or applications of the bill that can be given effect without the invalid provision or application and these provisions are declared to be severable.

### **HCR 30: Fossil Fuel Emission Rules**

Rep. Diane Franklin

Urges the Environmental Protection Agency to use some basic common sense and reject any federal fossil fuel emission rules or regulations that would have the practical effect of removing coal as a viable fuel option for both new and existing electric generation in the State of Missouri and elsewhere, and to adopt only such rules and regulations that allow state utility and environmental regulators maximum flexibility and discretion in implementation.

## **Environmental Health Services**

### **SB 731: Nuisance Actions and Injunctions**

Sen. Jamilah Nasheed

Provides that property is a nuisance if it affects the value of any property in the neighborhood and adds the actions of failure to reasonably maintain the property and violations of ordinances to the list of actions that lead to liability for the nuisance. Prior law states that property in certain counties and cities is considered a nuisance if it adversely affects the property values of a neighborhood due to neglect or violation of a code or standard in addition to other reasons.

Prior law provided that any person who owned property within a reasonable distance to nuisance property in such counties and cities to bring a nuisance action for damages and allowed a neighborhood organization in such cities and counties representing any person who could maintain a nuisance action to bring a nuisance action for injunctive relief. The bill only allows those who live within 1,200 feet to bring a nuisance action and provides that anyone who owns property within 1,200 feet of the nuisance may also bring an action for injunctive relief. In addition, the bill redefines neighborhood organization and provides that such organizations may bring nuisance actions on behalf of any person who owns property within the neighborhood described in the organization's articles of incorporation or bylaws. A neighborhood organization must certify certain facts when filing a nuisance action.

Under the legislation, provisions regarding a neighborhood association's ability to bring nuisance actions that currently apply to Kansas City are made to also apply to the city of St. Louis. The bill modifies the definitions governing these provisions and the notice requirements for such actions. Prior law allowed a neighborhood organization representing persons aggrieved by an ordinance violation in Kansas City to seek injunctive relief. This act allows a neighborhood organization in St. Louis or Kansas City to seek injunctive relief, on behalf of an owner or resident of property that is within 1,200 feet of a property on which there is a code violation that is in the neighborhood described in the articles or bylaws of the organization, or on its own behalf with respect to a violation on property anywhere in the neighborhood.



Current law prohibits nuisance actions against residential rental properties by neighborhood organizations under these provisions unless the municipal code enforcement agency has issued a nuisance violation notice at least 45 days before the action is brought. This act repeals the limitation and provides that the action may not be brought if there is a citation pending against the property by the city based on a violation of the same code or ordinance provision unless it has been pending for at least 45 days and the violation has not been abated.

The measure prohibits neighborhood organizations from bringing nuisance actions if the organization has certain interests in real estate in the city or county in which the nuisance property is located. Also, the bill repeals a provision of current law, which specifies that standing is not granted under the statutes for a nuisance action in Kansas City involving a physical interior defect or a violation of municipal alcoholic beverages laws.

## **Inland Water Resource Management and Conservation**

### **HB 1692: Public Water Supply District Boards**

Rep. Bert Korman

Repeals the provision allowing a person who is not a voter or resident of the district to be a member of a public water supply district board if he or she has received service from the district at his or her primary place of residence one year immediately prior to his or her election and requires all members of a public water supply district board to be voters who have resided in the district for one year prior to the election. A sewer district is allowed to impose a fee of up to \$36 per year for a lateral sewer service line repair program upon approval by a majority of voters in the district and the adoption of a resolution by the sewer district's board of trustees. Rules for charging the fee to condominium units are specified in the bill. The fee cannot be imposed in any city, town, village, or the unincorporated area of a county that has already approved a fee for a sewer line repair program. Voters in such municipalities that already have the program are not eligible to vote on the question of whether the sewer district can impose the fee. The county collector is allowed to add the lateral sewer service fee to property tax bills. If a city, town, village, or the county had imposed a fee for a sewer line repair program, but later rescinded its fee after voters have authorized the sewer district to impose a fee, the sewer district can request approval from voters in the municipality or unincorporated area to impose its fee.

## **Land Management and Conservation**

### **HB 2238: Industrial Hemp**

Rep. Caleb Jones

Allows the Department of Agriculture to grow industrial hemp for research purposes and allows the use of hemp extract to treat certain individuals with epilepsy.



## **SB 691: Insurance Coverage for Sinkholes**

Sen. Jay Wasson

Permits insurers to issue policies exclusively for sinkhole loss on habitational property upon application under the "Missouri Basic Property Insurance Inspection and Placement Program." Specific procedures for sinkhole loss claims investigation and expedited approval may be established by plans in addition to the procedures required under the Missouri Basic Property Inspection and Placement Program.

## **Reorganization and Coordination**

### **SB 809: Licensing of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects**

Sen. Jay Wasson

Modifies various provisions of law regarding the licensing of architects, professional engineers, professional land surveyors, and professional landscape architects. The bill adds definitions of the terms "design coordination," "design survey," "incidental practice," "professional landscape architect," and "responsible charge." The term "landscape architect" is now changed to "professional landscape architect" throughout state law.

Under this legislation, any person appointed to the Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects must have been engaged in the practice of the specified field as a Missouri licensee for at least ten years immediately preceding the appointment. The board may license any architect, professional engineer, professional land surveyor, or professional landscape architect licensed in another state or province of Canada, or in another country, when such applicant has met certain qualifications and requirements for licensure. When a vacancy occurs on the board and the vacancy to be filled requires the appointment of an architect then the president of the American Institute of Architects/Missouri shall submit to the director of the Division of Professional Registration a list of five names to fill the vacancy. The bill removes the provisions abolishing the Landscape Architectural Council.

The law provides that architects, professional engineers, land surveyors, and landscape architects are in responsible charge of a certain work product, which can affect the health, safety, and welfare of the public within their scope of practice. Architects, professional engineers, land surveyors, and landscape architects must affix a personal seal to all final technical submissions. Technical submissions include drawings, surveys, specifications, and reports prepared by the licensee.

Under prior law, an architect, engineering, land surveyor, or landscape architecture license that was not renewed within three months of the renewal date was suspended automatically, and expired within nine months if the licensee failed to pay the reinstatement fee. Under this legislation, the license will expire on the renewal date, but the licensee may, within the expiration date or at the discretion of the board, pay a fee and have the license reinstated.

Regarding architects, the bill provides that licensing requirements shall not apply to the practice of architecture when a person is constructing a privately owned structure containing less than 2,000 square feet, and which is not a part of a project which contains more than one structure. Additionally, licensing requirements will not apply to a person who remodels or repairs a privately owned multiple family dwelling containing three or four families provided that the alterations do not affect the safety features of the building. In order to apply to the board for licensure as an architect, a person must hold a certified Intern Development Program record with the National Council of Architectural Registration Boards and have passed all divisions of the Architect Registration Examination. If an applicant fails to score a passing grade then the applicant may apply for reexamination by division, in accordance with guidelines established by the National Council of Architectural Registration Boards.

For professional engineer licensure, the measure provides that practicing as an engineer in Missouri includes construction observation and the inspection of construction for compliance with specifications. When an applicant for licensure as an engineer or professional land surveyor fails to make the necessary examination grade, such applicant may apply for reexamination in accordance with the guidelines established by the National Council of Examiners for Engineering and Surveying. The act adds that the practice of professional land surveying must include the preparation of property descriptions, the surveying of rights-of-ways and easements, and work involving design surveys.

Under prior law, a professional land surveyor could request inactive license status. The bill specifies that a licensee may return to active license status by notifying the board, paying the appropriate fees, and meeting all other requirements set by the board. If an inactive licensee does not maintain a current license in Missouri for five years immediately prior to reactivation the licensee may be required to take an additional exam. The act repeals provisions which provide that the board must issue a professional land surveying license to an individual with twenty years of experience and who passes certain exams.

Finally, the bill addresses "professional landscape architecture" by defining the term as the performance of professional services in connection with feasibility studies, design surveys, formulation of graphic and written criteria to govern the planning and design of land construction programs, and other similar duties detailed in the measure. An applicant for a professional landscape architecture license must make a passing grade on each examination, and a passing grade shall be fixed by the board, but shall not exceed the passing grade determined by the Council of Landscape Architectural Registration Boards. The bill repeals provisions of which provide that the board may license without examination any landscape architect certified in another state or territory of the United States when qualifications are met.



## **Solid Waste**

### **SB 664: New Tire Fee**

Sen. Dan Brown

Extends the expiration date for the fee imposed on new tires sold in this state from 2015 to 2020.

## **Water Quality and Pollution Control**

### **SB 664: Clean Water Commission and Discharge Permits**

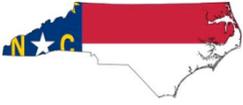
Sen. Dan Brown

Modifies the authority of the Clean Water Commission so that it may only revise water quality standards upon completion of an assessment by the Department of Natural Resources finding that there is an environmental need for such revision. In implementing revised water quality standards modifications of 25 percent or more, the Department of Natural Resources shall also conduct an evaluation as set forth in this act. The department shall use these evaluations in making site-specific permit decisions.

The bill also requires that when issuing permits that incorporate a new requirement for discharges from a publicly owned treatment works facility, the Department of Natural Resources must make a finding of affordability on the costs to be incurred and the impact of any rate changes on ratepayers. This act defines "finding of affordability" and modifies the definition of "affordability." The finding of affordability shall be based upon certain criteria as set forth in this act. Further, this act requires that the Department of Natural Resources file an annual report with the governor and certain members of the General Assembly on findings of affordability completed in the previous calendar year.







# North Carolina

## Energy Legislation

### Energy Efficiency

#### **HB 201: Energy Conservation Code for Commercial Buildings**

Rep. John Torbett

Amends the applicability of the Energy Conservation Code for certain existing commercial buildings. Under the legislation, the alteration of commercial buildings and structures that received a certificate of occupancy prior to January 1, 2012, may be subject to the rules pertaining to energy efficiency and energy conservation that were in effect on December 31, 2011. The addition of commercial buildings and structures that received a certificate of occupancy prior to January 1, 2012, may be subject to the rules pertaining to energy efficiency and energy conservation that were in effect on December 31, 2011, so long as the addition does not increase the building area of the existing commercial building or structure to more than one hundred fifty percent (150%) of the building area of the commercial building or structure as it was in existence on December 31, 2011. For the purpose of this bill, the term "commercial buildings and structures" includes all structures and buildings that are not classified as a Group R occupancy by the Building Code Council.

### Natural Gas and Petroleum

#### **SB 786: Energy Modernization Act**

Sen. Bob Rucho

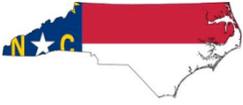
Enacts the Energy Modernization Act, which:

- Extends the deadline for development of a modern regulatory program for the management of oil and gas exploration, development, and production in the state and the use of horizontal drilling and hydraulic fracturing treatments for that purpose;
- Modifies certain exemptions from requirements of the Administrative Procedures Act applicable to rules for the management of oil and gas exploration, development, and production in the state and the use of horizontal drilling and hydraulic fracturing treatment for that purpose;
- Authorizes the issuance of permits for oil and gas exploration, development, and production in 60 days after the applicable rules become effective;
- Creates the North Carolina Oil and Gas Commission and reconstitutes the North Carolina Mining Commission;
- Amends miscellaneous statutes governing oil and gas exploration, development, and production activities;
- Establishes a severance tax applicable to oil and gas exploration, development, and production activities;



- Amends miscellaneous statutes unrelated to oil and gas exploration, development, and production activities; and
- Directs studies on various issues, as recommended by the Joint Legislative Commission on Energy Policy.





# North Carolina

## Environmental Legislation

### Inland Water Resource Management and Conservation

#### **SB 163: Reclaimed Water as Source Water**

Sen. Brent Jackson

Prohibits the state or a political subdivision from limiting a landowner's withdrawal and use of water when the water is from (1) an impoundment constructed by or owned by the landowner; (2) wells constructed on the landowner's property; or (3) other natural sources of water on the landowner's property, such as captured stormwater, springs, and artesian wells with certain codified exceptions.

### Land Management and Conservation

#### **HB 201: State Environmental Protection Act Exemption**

Rep. John Torbett

Provides that no environmental document will be required in connection with the redevelopment or reoccupation of an existing building or facility, so long as any additions to the existing building or facility do not increase the total footprint to more than one hundred fifty percent (150%) of the footprint of the existing building or facility and so long as any new construction does not increase the total footprint to more than one hundred fifty percent (150%) of the footprint of the existing building or facility.

#### **HB 366: Right to Farm**

Rep. James Langdon

Requires the state Department of Environment and Natural Resources (DENR) to keep confidential records relating to environmental complaints filed against farms until DENR determines that a violation occurred. It also gives DENR discretion over responding to environmental complaints made against agricultural operations if the complaints are frivolous or filed in bad faith. Further, the new law directs DENR to develop a formal system for receiving, investigating, and responding to environmental complaints. Another section of the bill creates an enhanced penalty for trespassing at an agricultural facility, a provision added to protect biosecurity on farms. The bill also creates a requirement for a person operating an all-terrain vehicle on someone else's property to have the written consent of the property owner. The measure also contains language that limits the authority of local governments to regulate the use of fertilizers.

#### **HB 1131: New Year's Opossum Drop in Brasstown**

Rep. Roger West

Exempts Clay County from state wildlife laws with respect to opossums between the dates of December 26 and January 2.



### **HR 1257: Corolla Wild Horses**

Rep. Bob Steinburg

Urges the U.S. Congress to pass legislation to protect the Corolla wild horses so that they can survive as a free-roaming wild herd. The Corolla wild horses have been managed through a public-private partnership that includes representatives of the U.S. Fish and Wildlife Service, the state of North Carolina, Currituck County, and the Corolla Wild Horse Fund. The U.S. Fish and Wildlife Service currently insists that no more than 60 horses be allowed in the herd. The North Carolina House of Representatives recognizes that world-renowned genetic scientists have determined that a herd of at least 110 horses, with a target population of 120 to 130 horses is necessary to maintain the genetic viability of the Corolla herd. The House of Representatives also recognizes that 110 to 130 horses are well within the carrying capacity of the land.

### **SB 734: Regulatory Reform Act of 2014**

Sen. Trudy White

Clarifies the authority local governments have to adopt certain agricultural and environmental ordinances. A county or city cannot adopt or continue in effect any ordinance, rule, regulation, or resolution regulating the use, sale, distribution, storage, transportation, disposal, formulation, labeling, registration, manufacture, or application of fertilizer in any area that the Board can regulate. Ordinances regulating fertilizers to protect water quality may be adopted by a county or city as long as the ordinances have been approved by the Environmental Management Commission or the Department of Environment and Natural Resources.

## **Reorganization and Coordination**

### **HB 558: Tax Liability of Soil and Water Conservation Districts**

Rep. Chris Whitmire

Provides that soil and water conservation districts are allowed an annual refund of sales and use taxes paid by it on direct purchases of tangible personal property and services, other than electricity, telecommunications service, and ancillary service. Sales and use tax liability indirectly incurred by a soil and water conservation district on building materials, supplies, fixtures, and equipment that become a part of or annexed to any building or structure that is owned or leased by it and is being erected, altered, or repaired for use by the soil and water conservation district is considered a sales or use tax liability incurred on direct purchases. A request for a refund must be in writing and must include any information and documentation required by the secretary of the Department of Revenue. A request for a refund is due within six months after the end of the governmental entity's fiscal year.

## **Water Quality and Pollution Control**

### **HB 201: Impervious Surface Calculations**

Rep. John Torbett

Provides that storm water runoff rules and programs cannot require private property owners to install new or increased storm water controls for preexisting development or redevelopment activities that do not remove or decrease existing storm water controls.



Under this legislation, "development" is defined as any land-disturbing activity that increases the amount of built-upon area or that otherwise decreases the infiltration of precipitation into the subsoil. When development occurs at a site that has existing development, the built-upon area of the existing development shall not be included in the density calculations for additional storm water control requirements, and storm water control requirements cannot be applied retroactively to existing development, unless otherwise required by federal law. A "redevelopment" is any land-disturbing activity that does not result in a net increase in built-upon area and that provides greater or equal storm water control to that of the previous development.

### **HB 573: Usage of Storm Water Management Fees**

Rep. Charles Jeter

Broadens the permitted uses of storm water management fees. Under this legislation, a county may fund and/or establish a program with storm water management fees that not only purchases property and demolishes flood prone buildings but may also implement flood damage reduction techniques that result in improvements of private property, including but not limited to (1) elevating structures and/or their associated components, (2) demolishing flood prone structures, and (3) retrofitting and/or flood proofing flood prone structures. However, the county must meet the following circumstances:

- It has obtained the private property owner's written consent to the flood reduction improvements; and
- It has determined that improving the storm water system is either not technically feasible or not cost-effective thereby providing savings to the storm water fund.

### **HB 894: Storm Water Reallocation**

Rep. Rick Catlin

Assists local governments in encouraging redevelopment in areas with existing hard storm water infrastructure in place. This bill allows local governments to determine the capacity of their storm water pipes to accept additional storm water flow from sites and then allocate that capacity to redevelopment sites. The legislation provides the reallocation procedure as a substitute for on-site storm water retention requirements for redeveloped sites.

### **SB 294: Storm Water Management**

Sen. Earline Parmon

Addresses storm water management practices. Specifically, it allows entities regulated under Phase II of the National Pollutant Discharge Elimination System Program to utilize the state Department of Transportation's Best Management Practices Toolbox for linear transportation products.

### **SB 574: Liability for Groundwater Contamination**

Sen. Shirley Randleman

Clarifies that certain civil actions related to groundwater contamination are not subject to the 10-year statute of repose. As provided in the bill, the 10-year period may not be construed to bar an action for personal injury or property damages caused or contributed to by the consumption, exposure, or use of water supplied from



groundwater contaminated by a hazardous substance, pollutant, or contaminant. For purposes of this legislation “contaminated by a hazardous substance, pollutant, or contaminant” means the concentration of the hazardous substance, pollutant, or contaminant that exceeds groundwater quality standards.

The General Assembly finds that prior to the U.S. Supreme Court ruling *in CTS Corp. v. Waldburger*, that there was ambiguity and uncertainty regarding the effect of federal law on the North Carolina statute of repose in certain environmental cases. The Court held on June 9, 2014, that North Carolina’s statute of repose is not preempted by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), which instead only preempts state statutes of limitations on bringing state-law environmental tort cases. The General Assembly finds that it was the intent of the legislature to maximize under federal law the amount of time a claimant had to bring a claim predicated on exposure to a contaminant regulated by federal or state law. The General Assembly finds that the Supreme Court's decision is inconsistent with the legislature's intentions and the legislature's understanding of federal law at the time that certain actions were filed.

### **SB 729: Coal Combustion Residuals**

Rep. Tom Apodaca

Provides timelines for conversion from wet to dry coal ash handling, an end to the deposition of coal combustion residuals (CCRs) in wet impoundments, and final closure of all 33 North Carolina impoundments under environmental standards. Also, the bill sets deadlines for groundwater assessment and remediation for all 33 CCR impoundments.

The legislation requires electric utilities to identify drinking water wells within one-half mile down-gradient of each CCR impoundment, test wells potentially affected by groundwater contamination from the impoundment, and provide an alternative water supply if testing finds a contaminant associated with CCRs at levels exceeding the groundwater standard. Under prior law, the state Department of Environment and Natural Resources could use enforcement authority to require a person responsible for groundwater contamination to identify and test wells for contamination. Under the measure, enforcement actions focus on conditions at individual sites and the groundwater assessments are more incremental, gradually working out from the known source of contamination and continuing only as far as testing shows high levels of contamination. The bill mandates that utilities provide an alternative water supply to any well owner whose drinking water well shows high levels of a contaminant associated with coal combustion residuals.

The measure establishes stricter design, construction, and siting standards for large projects using coal ash as fill for construction projects and puts a moratorium on smaller structural fill projects. (Any project using more than 8,000 tons of coal ash per acres or more than 80,000 tons total is considered a “large” structural fill.) Large structural fill projects must be lined, have leachate collection systems, monitor for groundwater impacts, and provide financial assurance. The bill also establishes new siting criteria for

large structural fills, including setbacks from streams, wetlands, wells, and property boundaries.

The legislation places a one-year moratorium on smaller structural fill projects while DENR studies the adequacy of standards for those projects. There are two exceptions to the moratorium on small structural fills: voluntary compliance with the new, stricter standards applied to large structural fill projects; or the use of CCRs as structural fill for a public road project.

The bill amends water quality laws to require earlier notice to DENR and to the public following a wastewater spill that reaches surface waters. Prior law allowed 48 hours for notice to the public. The act requires notice to DENR as soon as practicable (and no later than 24 hours after the spill reaches surface waters) and to the public within 24 hours. The new notice requirements apply to all wastewater spills and not just those associated with CCR impoundments.

Finally, the measure imposes a new fee on electric utilities that own CCR impoundments to support its implementation. The bill allocates funds for 25 new positions in DENR to work on coal ash and five positions in the Department of Public Safety to support the Coal Ash Management Commission.

### **SB 883: Riparian Buffer Requirements**

Sen. Andrew Brock

Disapproves the Mitigation Program Requirements for Protection and Maintenance of Riparian Buffers adopted by the Environmental Management Commission.







# Oklahoma

## Energy Legislation

### Alternative Energy Development

#### **HB 3348: Wind Speed Towers**

Rep. Don Armes

Requires towers used for measuring wind speed, as part of the wind power generation process, to be marked, painted, and flagged for clear visibility if it is at least 50 feet tall. The Oklahoma Aeronautics Commission is responsible for promulgating the specific rules for these towers, including marking and notification requirements for building or removal of the towers.

#### **SB 1456: New Class of Retail Electric Customers**

Sen. A. J. Griffin

Directs retail electric suppliers to create a new class of retail customer for those who install distributed power generation, i.e. onsite solar electricity generation that is connected to the grid. The new class and its associated tariff must be created by December 31, 2015, but does not apply to customers with distributed power generation as of November 1, 2014.

### Natural Gas and Petroleum

#### **HB 2533: Oklahoma Underground Facilities Damage Prevention Act**

Rep. Weldon Watson

Gives the Corporation Commission authority to enforce the Oklahoma Underground Facilities Damage Prevention Act. The bill directs the commission to begin a Notice of Inquiry process into pipeline safety and prevention of excavation damage. Topics to be addressed include complaint processes, the commission's current enforcement powers, rights during legal proceedings, and any reports or findings of the governor's Pipeline Safety Task Force.

#### **HB 2562: Production Taxes and Drilling Incentives**

Speaker Jeffrey Hickman

Establishes a reduced 2 percent gross production tax rate on production from a new well spudded on or after July 1, 2015, for 36 months of production. Thereafter, the standard 7 percent rate takes effect.

The apportionment of gross production taxes collected at the 2 percent rate will be distributed as follows:

- 50 percent will be credited to the General Revenue Fund;
- 25 percent will be credited to the County Highway Fund. Each county will receive a proportionate share of the funds based on the proportion of the total value of



production from each county in the corresponding month of the preceding year;  
and

- 25 percent will be credited to each county, to be distributed to the school districts on an average daily attendance per capita distribution basis.

The measure also extends the exemption period for several drilling incentives.

### **HB 3297: Natural Gas Vehicles**

Rep. Leslie Osborn

Transfers to the Department of Labor all authority and property relating to the regulation of compressed natural gas (CNG) fueling stations and to the implementation of the Alternative Fuels Technician Certification Act. The bill clarifies statutory language and recodifies amended sections of existing law to move them into Title 40 (Labor). The measure also reduces the tax credit available beginning in 2020 for “clean-burning motor vehicle” purchases from 50 percent of the cost of the vehicle to 45 percent, effective July 1, 2014. Also, beginning on that date, the measure directs the Oklahoma Tax Commission to transfer 5 percent of the cost of qualified vehicles for the tax year two years prior into the Compressed Natural Gas Conversion Safety and Regulation Fund.

### **SB 78: Horizontal Well Development Act**

President Pro Tempore Brian Bingman

Creates the Horizontal Well Development Act. The measure modifies the 2011 Shale Reservoir Development Act by authorizing the Oklahoma Corporation Commission to allow multi-unit horizontal drilling in targeted reservoirs, in addition to shale. The measure defines “targeted reservoir” and clarifies allocations for multi-unit horizontal wells.

### **SB 1418: Disposal of Oil Field Waste**

Sen. Frank Simpson

Directs the Corporation Commission to add to its rules a requirement that disposal of oilfield waste in a commercial waste disposal site include records of the material, such as who generated it, its source, volume of waste, and where it was disposed. The records are to be kept in the same way as other similar records and to be available to the public.

### **SB 1438: Mechanical Licensing Act**

Sen. Dan Newberry

Amends the Mechanical Licensing Act. The bill clarifies that licensing requirements of the act do not apply to employees, contractors, or contractors’ employees of intrastate gas pipelines and gas gathering pipelines.



## **Reorganization and Coordination**

### **SB 1581: Oklahoma Energy Initiative Board**

Sen. Ron Justice

Changes the membership of the Oklahoma Energy Initiative Board. The size of the board is reduced by two members, removing those appointed by the president pro tempore of the senate and the speaker of the house. References to the title secretary of energy are updated to secretary of energy and environment. The bill clarifies that legislative members appointed are not eligible to receive refunds of travel expenses, since no legislative members are to be appointed to the board.





# Oklahoma

## Environmental Legislation

### Air Quality and Pollution Control

#### **HR 1070: Regulation of Methane Gas from Livestock**

Rep. John Enns

States that the Oklahoma House of Representatives opposes the regulation of methane gas in livestock or any other species and opposes the ability of the federal government to enforce overreaching regulations that incrementally aid in inhibiting the ability of agriculture in Oklahoma to operate, increase production costs and negatively affect production.

### Emergency Management and Homeland Security

#### **HB 2325: Civil Immunity for Providers of Shelter**

Rep. Bobby Cleveland

Provides civil immunity to any person who voluntarily provides shelter at the request of the state or federal government during a declared state of emergency. The measure also adds tornado to the list of catastrophic acts of nature that may prompt a state of emergency.

### Environmental Health Services

#### **HB 2620: Protect Property Rights Act**

Rep. Steve Martin

Creates the Protect Property Rights Act. The measure prohibits registration of real property and provides exceptions. The measure designates an abandoned building to constitute a public nuisance and provides for definition. The measure provides procedures for the abatement process.

#### **SB 72: Protections form Police Dogs and Horses**

Sen. Mark Allen

Prohibits a person from administering a nonpoisonous desensitizing substance to a police dog or police horse. The bill also makes it a crime to beat, torture, injure so as to disfigure or disable, administer poison to, set a booby trap device for the purpose of injury so as to disfigure, disable or kill, pay or agree to pay bounty for purposes of injury so as to disfigure, disable or kill any police dog or police horse. Punishment is increased to a fine of not more than \$7,500. If the commission of the act occurs during the commission of a misdemeanor or felony, the fine is increased to not more than \$7,500 and up to five years imprisonment. The legislation also provides that the act does not apply to a peace officer or veterinarian who terminates the life of a police dog or police horse to relieve undue pain or suffering or to a police dog that is off duty and running



loose without supervision and is harmed by a motor vehicle or is perceived to be a threat to the public.

## **Hazardous Waste and Substance Management**

### **HB 2378: Good Samaritans**

Rep. Randy Grau

Reduces liability standards for “Good Samaritans” who voluntarily assist with hazardous waste reclamation projects or water pollution abatement sites. “Good Samaritans” must provide a plan to be approved by the Department of Environmental Quality.

## **Inland Water Resource Management and Conservation**

### **HB 2910/SB 1198: Waterways Advisory Board**

Rep. David Brumbaugh; Sen. Gary Stanislawski

Modifies the criteria for membership to the Oklahoma Waterways Advisory Board. The measure provides that a member appointed from the public at large must have professional experience and expertise in shipping, freight logistics or construction, operation, maintenance and rehabilitation of transportation systems. The measure would strike the current criterion that requires this board member to be an economist with not less than five continuous years of experience in inland navigation feasibility studies, operation, maintenance, and rehabilitation issues and possess demonstrated knowledge of maritime towing industry.

### **SCR 32: Red River Watershed Basin**

Sen. Jerry Ellis

Memorializes Congress to direct the U.S. Geological Survey to conduct a master multi-state study of the Red River Watershed Basin.

## **Land Management and Conservation**

### **HB 2518: Lifetime Hunting and Fishing Licenses**

Rep. Steve Vaughn

Amends requirements for lifetime hunting and fishing licenses to include a provision that applicants intend to remain residents of Oklahoma.

### **HB 2618: Nuisance Wildlife**

Rep. Steve Martin

Requires a nuisance wildlife control operator permit for trapping, capturing, possessing, transporting, relocating, or euthanizing nuisance wildlife for commercial purposes. The permit is issued upon the successful completion of a certification exam. The measure provides exemptions and penalties for violations.



**HB 3135: Quail Hunting by Nonresidents**

Rep. Mike Jackson

Adds quail to the list of excluded game for a certain five-day nonresident hunting license. The license currently excludes deer, antelope, elk, turkey, or bear.

**SB 711: Municipal Annexation Procedures**

Sen. Sean Burrage

States that where the territory is to be annexed by any city or town, which includes land owned by a state beneficiary public trust, or was previously owned and conveyed by a state beneficiary public trust, the annexation will not be carried out but will require written consent of the trust.

**SB 1884: Combined Pesticide Law**

Sen. Ron Justice

Amends the Combined Pesticide Law to delete threshold levels for certain pesticides and authorizes the State Board of Agriculture to promulgate rules establishing thresholds for termiticides.

**Reorganization and Coordination****HB 2765: Commercial Pet Breeder Licenses**

Rep. Brian Renegar

Amends expiration dates for animal shelter operator and commercial pet breeder licenses to January 1 and July 1, respectively.

**HB 3134: Bidding on Conservation Projects**

Rep. Mike Jackson

Amends the Public Competitive Bidding Act to exempt contracts by the Department of Wildlife Conservation when working on conservation projects and activities on lands owned or managed by the Oklahoma Wildlife Conservation Commission. These contracts are subject to a competitive bidding process established by the agency. The bill changes the maximum dollar amount from \$50,000 to \$25,000 for contracts eligible for a competitive bidding process conducted by the agency, rather than the Office of Management and Enterprise Services.

**HB 3191: Professional Engineers and Land Surveyors**

Rep. Gus Blackwell

Extends the sunset of the State Board of Licensure for Professional Engineers and Land Surveyors to 2020.

**HB 3192: Oklahoma Climatological Survey**

Rep. Gus Blackwell

Extends the sunset of the Oklahoma Climatological Survey to 2020.



**HB 3203: Licensed Architects, Landscape Architects, and Registered Interior Designers**

Rep. Gus Blackwell

Extends the sunset of the Board of Governors of the Licensed Architects, Landscape Architects, and Registered Interior Designers of Oklahoma to 2020.

**SB 417: Uniform Building Code Commission**

Sen. Dan Newberry

Requires appointments to the Oklahoma Uniform Building Code Commission to be staggered four-year terms. Appointed members are limited to two consecutive full four-year terms, provided members may be reappointed after a two year absence from the commission. An outgoing member may continue to serve beyond their term limit until a successor is appointed. The measure also allows the commission to establish a training and certification process for all residential and commercial building code inspectors and directs the commission to establish regional training academies to train county and municipal inspector in the Uniform Building Code. The training would be paid for from permit fees and all inspectors acting on behalf of the state must complete the training on and after January 1, 2015.

The measure also eliminates late fees for any past due payment of permit fees.

**SB 1508: Master Conservancy Districts**

Sen. Mike Schulz

Modifies the eligibility requirements for individuals who are appointed or elected to the board of directors of a master conservancy district. Municipal employees are not eligible to be a member of the board. However, current members who are municipal employees may complete their term and run for re-election. The measure also increases the per diem from \$50 to \$100 for not more than two meetings per month.

**SB 1724: State Architectural and Registered Interior Designers Act**

Sen. Dan Newberry

Amends the State Architectural and Registered Interior Designers Act and updates statutory language. Definitions are updated and clarified, including: “code” to mean a nationally recognized code adopted by the Uniform Building Code Commission and “plans” to mean technical documents intended to meet those codes.

The legislation extends the sunset date of the Board of Governors of the Licensed Architects, Landscape Architects, and Registered Interior Designers of Oklahoma to 2020. Statutory language is updated and clarified. Qualification standards and experience requirements are updated and clarified. Travel expense reimbursement is extended to the board’s staff. The act provides the board authority over registrations, in addition to the current licenses. The legislation gives the board additional options regarding license updating and renewal. The measure provides the board the authority to grant scholarships to those obtaining certain architecture-related degrees. Exemption from written certification tests would be allowable if the board decides it is in the public interest and that the person is qualified by equivalent standards. Under the bill, the



board may grant temporary licenses in compliance with the Post-Military Service Occupation, Education, and Credentialing Act.

The board's power to suspend or revoke a license or certification is modified when the person is found to be violating a provision of this act or rules of the board. The formal hearing rules are replaced by those described under the Administrative Procedures Act. The act is clarified so that nothing prohibits a person or firm from entering architectural or landscape design competitions that involve only programming, planning, or design. The winner would be required to apply for a license within 10 days of winning, before seeking commission on the project.

The measure would make it illegal for an architect or landscape architect to hold financial interest in a company bidding for a contract on a building for which he/she had prepared plans and specifications. Under prior law, it was illegal only for them to bid for such a contract.

### **SB 1964: Governor's Cabinet**

Sen. A. J. Griffin

Repeals the executive environmental subcommittee of the Governor's Cabinet.

## **Solid Waste**

### **HB 3102: Used Tire Recycling Act**

Rep. Mike Jackson

Amends the distribution of the fees collected through the Used Tire Recycling Act by removing the allocation cap for capital investment reimbursements to used tire facilities or tire-derived fuel facilities. The bill provides that allocations for capital investment reimbursement to used tire facilities and tire-derived fuel facilities may be disbursed after the other statute-mandated allocations are made; there is no cap on the allocation amount. Excess money in the Used Tire Recycling Indemnity Fund can be used by the Department of Environmental Quality to increase market demand for products made from the state's used tires.

### **SB 1336: Construction and Operation of Landfills**

Sen. Ron Justice

Authorizes the Department of Environmental Quality to create administrative rules regarding permit requirements for the construction and operation of landfills. The measure also authorizes the agency to issue temporary permits for research and development activities related to landfill sites. Landfills of a certain size currently are required to develop and implement a vegetation plan to prevent erosion, control dust, and improve aesthetics. The bill allows for alternative plans that accomplish similar objectives.

## **Water Quality and Pollution Control**

### **HB 3349: Revolving Fund Creation**

Rep. Don Armes

Creates two revolving funds: “Environmental Remediation Revolving Fund” and “Environmental Programs Revolving Fund.” These funds are related to water programs.

### **SB 1187: Point Source Discharges**

Sen. Rob Standridge

Authorizes the Oklahoma Department of Environmental Quality to issue point-source discharges into sensitive water bodies, so long as the discharges do not contain concentrations of pollutants greater than the existing concentrations in the water body.

### **SB 1413: Water Quality Management Advisory Council**

Sen. A. J. Griffin

Modifies the membership of the Water Quality Management Advisory Council to include a representative of a commercial or public laboratory accredited by the Department of Environmental Quality for both the Drinking Water and the General Environmental Laboratory classifications.







# Puerto Rico

## Energy Legislation

### Alternative Energy Development

#### **HB 1228: Culebra Vehicle Excise Taxes (Adopted on August 29, 2013)**

Rep. Perello Borrás

Amends the Internal Revenue Code for a New Puerto Rico in order to exempt all bona fide residents of the island municipality of Culebra to make full payment of excise taxes on the purchase of vehicles powered by alternative or combined fuels.

#### **SB 550: Renewable Energy Installers (Adopted on October 16, 2013)**

Sen. Seilhamer Rodri

Reinstates the expert electricians and electrical engineers, duly authorized to practice in Puerto Rico, as persons authorized to install the equipment using renewable energy sources to generate electricity.

#### **SB 884: Tax Exemptions for Electric Vehicles**

Sen. Eduardo Bhatia Gautier

Exempts “vehicles mostly powered by electricity” from the payment of excise taxes. These vehicles are defined as: (1) “Plug-in Hybrids” – vehicles that combine a conventional fuel engine with a regenerative electric motor that can be plugged-in to a conventional electric outlet or to a residential or commercial recharging station; or (2) “Electric” – vehicles that only use electric power and do not generate any type of emissions to the environment. Both of these types of vehicles would be 100 percent exempted from the payment of excise taxes.

### Reorganization and Coordination

#### **SB 837: Act for the Transformation and Energy Relief of Puerto Rico**

Sen. Eduardo Bhatia Gautier

Establishes the Act for the Transformation and Energy Relief of Puerto Rico, which creates the Puerto Rico Energy Commission, the State Energy Public Policy Office, the Puerto Rico Energy Administration, and the Independent Consumer Protection Office.

#### *Puerto Rico Energy Commission*

The measure creates the Puerto Rico Energy Commission (the “Energy Commission”). The commission will have the power to: (1) regulate energy companies and approve and revise rates or charges charged by such companies for any matter directly or indirectly related to the rendering of electrical services; (2) ensure prices in power purchase



agreements, wheeling rates, and interconnection charges are fair and reasonable; (3) regulate wheeling of energy; (4) revise and approve minimum technical requirements and additional technical requirements for the interconnection of distributed generators and oversee compliance with the same; and (5) set standards for facilities or plants of generating electric companies to guarantee efficiency and reliability of electric service in accordance with industry best practices and oversee compliance with such standards.

Organizationally, the commission is overseen by a board of directors comprised by three commissioners appointed by the governor with the advice and consent of the senate. The commission also is supported by an executive director, who works together with the Puerto Rico Energy Affairs Administration and provides technical advice to the commissioners.

### *State Energy Public Policy Office*

The act creates the State Energy Public Policy Office, which will be in charge of developing and adopting energy public policy in Puerto Rico. The State Energy Public Policy Office will have the power to identify the maximum percentage of renewable energy to be integrated into Puerto Rico's grid and identify adequate technologies and sites for such integration. The State Energy Public Policy Office will also regulate, in conjunction with the Permits Management Office, requirements for the construction projects to promote energy efficiency, among others. The State Energy Public Policy Office will be the legal successor of the Puerto Rico Energy Affairs Administration.

### *Puerto Rico Energy Administration*

The Puerto Rico Energy Administration ("the Energy Administration") is created as an independent government entity to provide administrative and operational support to the Energy Commission, the State Energy Public Policy Office, and the Independent Consumer Protection Office. The Energy Administration will create an online filing system through which persons under the jurisdiction of the Energy Commission will submit documents to initiate cases before such commission.

### *Independent Consumer Protection Office*

The act creates the Independent Consumer Protection Office to educate, guide, assist, and represent clients of electrical service in Puerto Rico, specifically having the powers, among others:

- To make independent recommendations to the Energy Commission regarding electricity bills/invoices, energy public policy, and any other matter affecting electricity consumers;
- To represent consumers and file complaints before the such commission regarding rates, bills/invoices, energy public policy, the environment, and any other matter affecting such clients; and
- To participate in the adoption and modification of rates proposed by the Puerto Rico Electric Power Authority (PREPA).

## Utilities

### **SB 837: Act for the Transformation and Energy Relief of Puerto Rico**

Sen. Eduardo Bhatia Gautier

Establishes the Act for the Transformation and Energy Relief of Puerto Rico, which provides for a RELIEF Plan, updates the process for PREPA ratemaking, creates a new section of PREPA's Enabling Act, and requires the Energy Commission to adopt regulations for client service standards for energy companies.

#### *RELIEF Plan*

Requires the Puerto Rico Electric Power Authority to adopt Puerto Rico's Energy RELIEF Plan, which would require PREPA to ensure that, within three years from July 1, 2014, at least 60 percent of the electricity generated in Puerto Rico from fossil fuels (gas, coal, petroleum, and others) is generated in a highly efficient manner, as defined by the Energy Commission, an independent regulatory body created by the act. PREPA is required to present to the Energy Commission the Energy RELIEF Plan within 60 days from the commission's approval of its regulations. If PREPA does not comply with said requirement, the Energy Commission will instead prepare said RELIEF Plan within a period of 90 days. PREPA is also required, within one year from July 1, 2014 (to be revised every three years thereafter), to submit to the Energy Commission for its approval an Integrated Resources Plan setting a long-term strategy (20 years) for meeting energy demands based on current and attainable infrastructure and technologies, combined with conservation and diversification efforts.

The plan will include performance parameters such as revenues per kilowatt-hour; operational and maintenance costs per kilowatt-hour; operational and maintenance costs of the distribution system per client; costs in client service per client; general and administrative costs per client; energy sustainability; emissions; and total yearly use of energy in Puerto Rico, among others.

#### *Ratemaking*

Under the legislation, setting of rates by PREPA will henceforth be reviewed by the Energy Commission before becoming effective. Such process will require public hearings, which will be conducted by the Independent Consumer Protection Office, another new agency created by the act (*see* Reorganization and Coordination). An initial review of rates is mandated within 180 days from approval of the act. The Energy Commission will review the following evidence when considering whether rates are fair and reasonable:

- Efficiency, sufficiency, and suitability of facilities and service;
- Costs related to the payment of debt by PREPA;
- Direct and indirect generation, transmission, and distribution costs, including marginal costs, stranded costs, and costs attributed to loss of energy by theft or inefficiency;
- All charges and costs included in the fuel purchase adjustment and energy purchase adjustment charges categories as of the date of approval of the act;

- PREPA’s capacity to improve its service and facilities;
- Energy conservation and efficient use of alternative energy sources;
- Data related to effects of special legislation, subsidies, and contributions; and
- Any other data or information deemed necessary.

The approved rate will be invoiced in the manner prescribed by the act. The breakdown of the approved rate or change of rate will be posted on the Energy Commission’s website. It is worth noting that if the Energy Commission does not undertake any action after 180 days of filing of a petition for review of rates, the rate will become final and the Energy Commission may not review it. The Energy Commission will approve under the categories “fuel purchase adjustment” and “energy purchase adjustment” only those costs directly related to the purchase of fuel and the purchase of energy. No other cost or charge will be included under such categories, and under no circumstances will the payment of lines of credit (including interest) be included as costs directly related to the purchase of fuel and the purchase of energy.

A new electricity invoice will be designed and submitted by PREPA for the Energy Commission’s approval. Such invoice will include a breakdown detailing the following: fuel purchase adjustment; adjustment of energy purchased from co-generators and renewable energy producers; costs associated with the Renewable Energy Certificates; account service and maintenance charges; consumption charges; operational expenses; energy theft; electrical losses; payment of issued debt; accounts payable by the public sector; accounts payable by the private sector; special laws; and any other charge related to residential and commercial clients’ utility bill/invoice. The invoice will not include costs or charges under the category “fuel purchase” or “energy purchase” that are not approved by the Energy Commission.

### *Enabling Act*

The act also incorporates a new section to PREPA’s Enabling Act, which will allow for citizen suits to be filed by individuals or legal entities before the Energy Commission demanding PREPA’s compliance with rate making duties under the act. Final decisions issued by the Energy Commission will be reviewable by the Puerto Rico Court of Appeals. The act defines “energy companies” as any person or entity offering generation, invoicing, or reselling of electrical energy. The term includes PREPA.

The Energy Commission will also have the power to:

- Regulate energy companies and approve and revise rates or charges charged by such companies for any matter directly or indirectly related to the rendering of electrical services;
- Ensure prices in power purchase agreements, wheeling rates, and interconnection charges are fair and reasonable;
- Regulate wheeling of energy;
- Revise and approve minimum technical requirements and additional technical requirements for the interconnection of distributed generators and oversee compliance with the same; and



- Set standards for facilities or plants of generating electric companies to guarantee efficiency and reliability of electric service in accordance with industry best practices and oversee compliance with such standards.

The Energy Commission must certify energy companies to render services in Puerto Rico. Energy companies operating in Puerto Rico as of the date of enactment of the act are required to request a certification within 90 days after adoption of the regulation governing the certification process by the Energy Commission. Once the application is completed, the certification will be automatically granted. Generally, new applicants will be granted certifications if the Energy Commission does not request additional information from the applicant within 30 days from filing. The Energy Commission may charge reasonable fees to process such applications.

Under the act, energy companies are required to submit to the Energy Commission the following information:

- Integrated resources plan setting the parameters and goals of the company to comply with Puerto Rico's electric power needs within a reasonable time period;
- Future operational budgets during the period determined by the Energy Commission via regulation;
- Service cost studies showing the relationship between current company costs and revenues received by concept of rates or charges;
- Management goals and plans as to energy demand, efficiency and conservation, load management programs and technologies, emissions reduction, resource diversification, and use of renewable energy sources, as applicable;
- Reliability reports regarding average system frequency;
- Reports describing wheeling requests presented before PREPA and results of such requests; and
- Any other information, document or report the commission deems necessary.

The Energy Commission may limit access to confidential information and documents that may be required, if requested by the applicant. To defray operational and administrative costs, the Energy Commission must set an annual charge proportional to the gross income of persons under its jurisdiction resulting from rendering of electric services or transportation of electricity. Also, any person or energy company earning income from the generation of electricity will pay charges to the commission that will not exceed 0.25 percent of its annual gross income resulting from the rendering of such services. Persons under the jurisdiction of the Energy Commission are required to file with said commission audited financial statements within 180 days of the approval of the act for the purpose of determining the applicable amount that will be charged.

The Energy Commission will approve the conflict resolution procedures that energy companies propose to implement with their clients. Also, a client who wishes to challenge an invoice must first file its objections, request an investigation before such electrical service company, and generally exhaust remedies before requesting a review before the Energy Commission, which will consider the energy company's decision de novo. Challenging an invoice will not exempt clients from their obligation to pay future invoices.



## *Client Service Standards*

The Energy Commission is required to adopt regulations establishing client service standards for energy companies. Moreover, the Energy Commission will approve the following information submitted by energy companies pertaining to client service:

- Fair and reasonable practices for providing services;
- Fair and reasonable practices for measuring services;
- Fair and reasonable practices for guaranteeing the precision of equipment used to provide service;
- Fair and reasonable practices to guarantee the reliability and continuity of provided service;
- Practices for the protection of the health and safety of employees and the general public, including adequate installation, use, maintenance, and operation of security devices and other equipment;
- Client service terms and conditions; and
- Any other standards and regulations related to services provided by certified energy companies deemed necessary.

Certified energy companies, including PREPA, are required to comply with the Energy Commission's approved efficiency standards and any other industry parameters and submit for approval of the Energy Commission their strategic plans to comply with efficiency standards.

The Energy Commission, along with PREPA, will establish requirements for the publication of requests for proposals ("RFPs") for the purchase of energy or for the modernization of generating plants and facilities. The Energy Commission will receive and evaluate proposals and recommend a decision to PREPA in a period of 90 days, after which the selected proponent will negotiate and execute the corresponding agreement within a period of 60 days. The contract would be subject to the approval of the Energy Commission.

The Energy Commission will evaluate and approve all energy contracts between PREPA and any electric service company before such contracts are executed. The Energy Commission will certify any sale, purchase, or merger of energy companies or their facilities in accordance with the Energy RELIEF Plan, the integrated resources plan, and the public's best interest. Certification procedures will be established by the Energy Commission pursuant to regulations. Factors to be considered include size and generating capacity of a facility and the impact of the proposed transaction upon the electrical industry and clients. The Energy Commission must render a decision regarding the proposed transaction within 180 days from the filing of the request.





# Puerto Rico

## Environmental Legislation

### Land Management and Conservation

#### **SB 769: Amendments to the Puerto Rico Permitting Process Reform Act (Adopted on November 25, 2013)**

Sen. Eduardo Bhatia Gautier

Eliminates the Adjudicative Board, the Office of the Inspector General of Permits, and the Permits Review Board. Most of the powers of the Adjudicative Board and the Office of the Inspector General of Permits are transferred to the executive director of the Permits Management Office (“OGPe”, by its Spanish acronym), while other powers will be under the jurisdiction of the Puerto Rico Planning Board (PRPB).

The bill provides that environmental compliance determinations issued by OGPe will now be considered final decisions, separate and independent from the permits or approvals issued by OGPe, autonomous municipalities, or the PRPB. Thus, final determinations issued by OGPe in regard to the adequacy of environmental documents and compliance with Article 4(B)3 of the Puerto Rico Environmental Public Policy Act will be subject to judicial review.

Specifically, under the legislation the PRPB has jurisdiction over location approvals. For its part, the executive director of OGPe has the power, among others, to evaluate and make final determinations with regard to exceptions and construction and use variances (also discretionary determinations) and any other matter delegated by the PRPB.

Pursuant to the bill, the OGPe’s executive director will act as the representative of the public interest and will have the authority to process and investigate complaints. The executive director may also issue orders of cease and desist, as well as immediate closure of properties or structures found to be in violation of law or regulation. Under the legislation, most of the powers of the Office of the Inspector General of Permits were transferred to the OGPe’s executive director. PRPB must also audit and oversee final determinations, permits, and certifications issued by OGPe’s Authorized Professionals and Inspectors.







# South Carolina

## Energy Legislation

### Alternative Energy Development

#### **HB 3125: Clean Energy Industry Manufacturing Market Development Advisory Commission**

Rep. Kenneth Hodges

Establishes the Clean Energy Industry Manufacturing Market Development Advisory Commission at the South Carolina Department of Commerce (SCDOC). The SCDOC is tasked with analyzing and recommending ways to enhance the clean energy manufacturing sector in South Carolina. The 14-member commission will assist in the development of new manufacturing supply chains and markets for clean energy technology, materials, and products in South Carolina. The secretary of the SCDOC and the director of the Energy Office, or their designees, and 12 appointees chosen by the secretary representing clean energy industries, utilities, and educational institutions will make up the commission.

As required by the legislation, the commission will develop two reports; an initial report by December 31, 2014, and then a final report by September 30, 2015. The reports must analyze:

- The state's existing clean energy manufacturing industry;
- Job development potential;
- Market potential in the state, other states, or in foreign countries for technology, materials, and products developed by a clean energy industry;
- Existing state incentives and ones that could be developed;
- Incentives in other states;
- Benchmarks to increase clean energy manufacturing in South Carolina; and
- Public education and marketing programs that could be implemented.

After issuing its September 2015 report, the commission stands dissolved unless reauthorized by law.

#### **HB 3644: Energy Tax Credit Incentive Program**

Rep. Dwight Loftis

Revises the Renewable Energy Tax Credit Incentive Program. The legislation redesignates the program as the “South Carolina Clean Energy Tax Incentive Program.” The bill decreases the investment thresholds and job creation requirements that must be met in order to qualify for the credit. Also, the measure requires written notification to the Department of Commerce of an intention to claim the credit and extends the availability of the credit, currently set to expire at the end of 2015, so that it is available through 2020. The legislation revises tax credits afforded businesses for retraining current employees on new equipment and technology. The yearly amount of this credit against withholdings is increased from \$500 to \$1000. The current dollar-for-dollar



match is replaced with a requirement that a business expend at least \$1.50 on retraining eligible employees for every \$1 claimed as a tax credit. The annual renewal fee is lowered from \$500 to \$250. Under the legislation, credits are disallowed if the employee is required to reimburse or pay for the costs of the retraining. The legislation includes provisions for the programs to be reviewed by the Department of Revenue and the State Board of Technical and Comprehensive Education. Businesses with retraining credits of at least \$40,000, rather than the current \$10,000, are subject to the additional annual fee of \$1000.

Also, the bill revises provisions for the corporate license tax credit allowed for cash contributions to provide infrastructure for eligible projects to include in the definition of "eligible project" a municipal or county-owned, multiuse sports and recreational complex located in a county that collects at least \$5 million in a fiscal year in state-imposed accommodations tax.

### **SB 1189: Solar Generation**

Sen. Chauncey Gregory

Provides revisions relating to the generation, distribution, and sale of electrical power that are geared towards reshaping South Carolina's electrical power grid so that it is devoted not only to a few, major, centrally-located power plants run by traditional investor-owned utilities but can also better accommodate electrical generation resources that are distributed throughout the grid, such as rooftop solar arrays, as well as other distributed energy resources such as energy storage and managed loads, including electric vehicle charging.

The legislation makes provisions for a South Carolina Distributed Energy Resource Program to promote the establishment of a reliable, efficient, and diversified portfolio of distributed energy resources for the state. The initiative includes changes in the way that investor-owned utilities purchase power from other, smaller providers of electricity to encourage investment in renewable energy in the form of both relatively large facilities, such as wind farms, and smaller resources such as the solar power collectors installed by residential and commercial net-metering customers. The legislation also includes provisions to accommodate customers in leasing renewable electric generation resources rather than undertaking the significant costs involved in purchasing them outright.

## **Energy Efficiency**

### **HB 3592: Building Rating Standards**

Rep. Bill Sandifer

Revises the Energy Independence and Sustainable Construction Act of 2007 to provide that the Budget and Control Board may utilize the Green Globes Rating System or the LEED Silver standard in place as of January 1, 2013, as a building rating system standard. Any updates to these standards would require approval by the General Assembly in order to apply to state construction projects.





# South Carolina

## Environmental Legislation

### Coastal Zone Management

#### **SB 294: Beach Renourishment Funds**

Sen. Raymond Clearly

Addresses the use of local accommodations tax revenue for beach renourishment. The legislation revises conditions for the expenditure of local accommodations tax revenues to clarify that in certain situations funds may be used for beach renourishment. The legislation establishes a procedure that allows a municipality or county, upon a two-thirds vote of the membership of the local governing body, to hold these funds for more than two years so long as the funds are exclusively committed to the control and repair of waterfront erosion, including beach renourishment.

#### **SB 503: Beach Preservation Act**

Sen. Paul Thurmond

Enacts the Beach Preservation Act. The legislation provides authorization for a municipality that has a public beach and imposes a local accommodations tax not exceeding one and one-half percent to impose an additional beach preservation fee of up to one percent to fund beach renourishment, erosion mitigation, dune restoration, and other beach maintenance projects and activities. The bill establishes the protocol for approving this additional local accommodations fee through a referendum and provides that the beach preservation fee is not subject to statutory maximum local accommodations tax limitations.

#### **SB 1010: South Carolina Tom Yawkey Wildlife Center Trust Fund**

Lt. Gov. Yancey McGill

Creates the South Carolina Tom Yawkey Wildlife Center Trust Fund, the income and principal of which must be used only for the purposes of supporting the operation and maintenance and the acquisition of additional real property complementary to those tracts of real property owned by the South Carolina Department of Natural Resources (DNR) in Georgetown County, South Carolina, including South Island and the greater parts of North Island and Cat Island, known collectively as the Tom Yawkey Wildlife Center. The legislation authorizes the trust fund to receive public and private funding and provides for the trust fund to be administered by a board of trustees, whose chairman and members, serving ex-officio, are the chairman and members of the board of the DNR. Currently, an old ferry is used to gain access to wildlife center properties, and the trust fund is to be used to build and maintain a barge bridge.



### **SB 1031: Protection for Golf Courses**

Sen. Chip Campsen

Provides the Department of Health and Environmental Control (DHEC) with authority to issue emergency orders for sand scraping and sandbagging as protection for golf courses. The legislation provides that golf courses seaward of the baseline that existed prior to the effective date of the regulations promulgated in 1991 pursuant to the Beachfront Management Act may be protected under emergency orders issued or approved by DHEC using the same methodology that is used to protect structures pursuant to emergency orders.

### **SB 1089: Sale of Port Royal Property**

Sen. Tom Davis

Establishes deadlines and conditions for an expedited sale by the State Ports Authority of the former port property at Port Royal in Beaufort County.

## **Environmental Health Services**

### **HB 3361: Protections for Pets in Domestic Abuse Cases**

Rep. Gilda Cobb-Hunter

Authorizes protections for pets in court orders of protection from domestic abuse in order to prevent the mistreatment of an animal from being used as a means of threatening or coercing a domestic abuse victim. This legislation authorizes a court to prohibit harm or harassment of a pet animal in an order of protection from domestic abuse. The court may also order the temporary possession of pets when providing for the temporary possession of personal property. The measure also enhances penalties for criminal violations involving cruelty to animals. The legislation provides that the South Carolina Society for the Prevention of Cruelty to Animals, or other organizations organized for the same purpose, may not make an arrest for a violation of the laws in relation to cruelty to animals.

## **Inland Water Resource Management and Conservation**

### **HB 4561: Interstate Boating Violator Compact**

Rep. Bill Hixon

Authorizes the South Carolina Department of Natural Resources to enter into an interstate boating violator compact that assists law enforcement in enforcing boating laws on watercraft that cross lines of jurisdiction as they travel through the waters of this state and neighboring states.

### **SB 502: Starr-Iva Water and Sewer District**

Sen. William O'Dell

Authorizes the Starr-Iva Water and Sewer District in Anderson County to provide water service to a specified area of Abbeville County, upon the consent of the governing body of Abbeville County, to solve a critical water service problem.



**SB 558: Restrictions of Watercraft**

Sen. Glenn Reese

Revises the restrictions on the use of watercraft on Lakes William C. Bowen and H. Taylor Blalock in Spartanburg County.

**SB 714: South Carolina Captive Alligator Propagation Act**

Sen. Bradley Hutto

Enacts the South Carolina Captive Alligator Propagation Act. The legislation allows the Department of Natural Resources to regulate the business of propagating alligators for commercial purposes as well as the hunting, control, and management of alligators.

**SB 913: Falconry Permitting Process**

Sen. Chip Campsen

Establishes a state permitting process for engaging in falconry, the hunting of wild quarry in its natural state and habitat by means of a trained bird of prey or raptor (Order Falconiformes or Order Strigiformes other than a bald eagle). Since the federal government has returned oversight of falconry to the states, this legislation establishes state-level provisions to allow falconry to continue to be conducted lawfully in South Carolina. A person holding a valid federal falconry permit on January 1, 2014, may engage in falconry without a South Carolina falconer's permit until the federal permit expires.

**SB 1028: Horsepower for Watercraft on Tugalo Lake**

Sen. Thomas Alexander

Increases the horsepower limitation for watercraft operated on Tugalo Lake, located in Oconee County, from 20 to 25.

**SB 1177: Prohibited Activities on State Lakes and Ponds**

Sen. Chauncey Gregory

Provides that activities prohibited in wildlife management areas are also prohibited on state lakes and ponds owned or leased by the Department of Natural Resources and in department-owned heritage preserves. The legislation eliminates provisions under which the DNR exercises management authority over the lakes and ponds that it owns or leases by establishing terms and conditions for their use by the public through regulations promulgated under the Administrative Procedures Act. The bill also makes revisions to prohibited activities.

**Land Management and Conservation.****SB 699: Fertilizer Inspections Fees**

Sen. Daniel Verdin

Provides an addition to the inspection tax on the distribution or sale of commercial fertilizer. The bill imposes an inspection fee of \$1 a ton on the distribution or sale of commercial fertilizer. All revenues of the fee imposed must be retained and expended by the Division of Regulatory and Public Service Programs of Clemson University for support of division programs.



### **SB 839: Industrial Hemp**

Rep. Kevin Bryant

Allows industrial hemp to be grown in South Carolina. With the inclusion of hemp in the recently enacted federal farm bill, several states have enacted legislation authorizing the cultivation of this fiber and oilseed crop that has a wide variety of uses, including twine, rope, paper, construction materials, carpeting, and clothing; has applications in manufacturing industrial oils, cosmetics, medicines, and food; and has the potential for use as a cellulosic ethanol biofuel. The bill distinguishes hemp grown for scientific, economic, and environmental uses from the narcotic marijuana, a genetically different cultivar of the same plant species, and provides authorization for cultivating industrial hemp in this state to be used for any lawful purpose. Under this legislation, industrial hemp is excluded from the state's statutory definition of marijuana. Criminal penalties are established to address the cultivation of industrial hemp as a means of disguising marijuana production or distribution operations. A violation is a misdemeanor that carries a term of imprisonment for up to three years and/or a fine of up to \$3,000.

### **SB 1071: Game Zones**

Sen. Chip Campsen

Provides for game zone consolidation, which reduces the state's current six game zones into four larger game zones in order to bring greater standardization and simplification to the laws governing the hunting of wild game in South Carolina. The legislation provides for the merger of the current Game Zone 6 into Game Zone 3, the current Game Zone 5 into Game Zone 4, and makes various adjustments to hunting limitations.

### **SB 1178: Lottery Hunts**

Sen. Greg Hembree

Provides that a hunter's privilege to participate in a lottery hunt may be revoked for the remainder of the hunt if a Department of Natural Resources officer witnesses or has probable cause to believe that there has been an occurrence of a violation. The bill further provides for remedies (participation in the next lottery hunt of the type for which the privilege was revoked or the reinstatement of preference points) if the hunter is not convicted of violations arising from the lottery hunt.

## **Solid Waste**

### **HB 3847: Electronic Waste Recycling**

Rep. David Hiott

Establishes registration fees and shortfall fees for manufacturers of computers, televisions, and other covered devices to fund required recycling of electronic waste. The legislation includes computer monitors in labeling requirements and recycling program requirements.





# Tennessee

## Energy Legislation

### Alternative Energy Development

#### **HB 1743/SB 1759: Propane Vehicles**

Rep. Judd Matheny; Sen. Bill Ketron

Adds propane powered vehicles to the list of energy efficient vehicles that may be purchased by the state according to the provisions of the Energy Independence Act of 2013. Additionally, propane fueling infrastructure will be included in the list of properties eligible to receive tax credits as certified green energy production facilities. Also, the legislation adds "all electric" vehicles as energy-efficient motor vehicles for purposes of meeting the goal of making the state fleet of passenger motor vehicles all energy-efficient and as alternative fuel motor vehicles.

#### **SR 93: Renewable Energy Development**

Sen. Steve Southerland

Supports the right of Tennesseans to install renewable energy projects at their homes and businesses and urges the Tennessee Valley Authority (TVA) and Tennessee local power companies to facilitate interconnections for small renewable energy projects throughout the state with simple, uniform, safe, reliable, reasonable, and fair interconnection procedures. The resolution urges TVA and Tennessee local power companies to continue soliciting input from stakeholders, evaluating national best practices for application in the Valley, and providing support for the year-round development of distributed renewable energy systems installed by Tennesseans and businesses, with fair compensation for generation and encouragement of solar photovoltaic generation to provide the opportunity for Tennesseans and businesses to participate in renewable energy generation.

### Energy Efficiency

#### **HB 1636/SB 1540: Energy Efficient Schools Council**

Rep. Judd Matheny; Sen. Mike Bell

Extends the Energy Efficient Schools Council through June 30, 2019.

### Natural Gas and Petroleum

#### **HB 1477/SB 1460: Tennessee Energy Acquisition Corporations' Purchases**

Rep. Curtis Johnson; Sen. Mark Green

Authorizes the Tennessee Energy Acquisition Corporations (TEAC) to invest funds with certain entities who are rated in one of the three highest rating categories given by nationally recognized rating agencies. The provisions of the legislation will allow TEAC



to continue providing natural gas at discounted prices to local governments throughout the state.

**HB 1769/SB 2076: Transportation Fuel Equity Act**

Rep. Gerald McCormick; Sen. Mark Norris

Enacts the "Transportation Fuel Equity Act." The legislation uniformly taxes all commercial carriers using diesel fuel to transport persons or property for a fee and it establishes the manner for collection of the tax; however, the bill does not apply to marine vessels, boats, barges, and other crafts operated on waterways. Also, the law revises registration and reporting provisions.

**Reorganization and Coordination**

**HB 2313/SB 2473: Feasibility of a Statewide Energy Plan Study**

Rep. John Ragan; Sen. Mark Norris

Requires the University of Tennessee's Howard H. Baker Jr. Center for Public Policy to perform a study on the economic feasibility of creating and utilizing a statewide comprehensive energy policy. The bill sets forth the study objectives. It authorizes the Baker Center to establish public and private partnerships to perform the study. The measure requires a report to be made to the energy task force of the house of representatives no later than October 1, 2014.





# Tennessee

## Environmental Legislation

### Environmental Health Services

#### **HB 1522/SB 1689: Destruction of Dangerous Dogs**

Rep. Andrew Farmer; Sen. Becky Massey

Moves the jurisdiction for issuance of orders to destroy dogs that attack humans from circuit court to general sessions court. The bill removes authorization to give notice of a petition to destroy a dog that has attacked a human to the dog's owner via certified mail so that notice of all such petitions must be made by personal service on the dog's owner.

#### **HB 2206/SB 2266: Pet Crematories**

Rep. John Windle; Sen. Ken Yager

Requires for-profit animal crematories to provide receipts to persons who bring animals for cremation at the time that the remains are left and at the time that the cremains are picked up. The receipts will contain identifying information concerning the animal, the time and date of delivery and pickup, and the parties involved. Failure to issue the receipts required by this bill will be a Class E felony. In addition to any period of incarceration to which a violator is sentenced, the minimum fine for a violation of this bill will be \$500.

### Inland Water Resource Management and Conservation

#### **HB 60/SB 764: Water Utility Complaints**

Rep. Roger Kane; Sen. Steve Southerland

Removes the requirement that a water utility board of commissioners hear nonspecific complaints, thus limiting the types of complaints to be heard to those regarding persons in need of utility service, the quality of service performed, and the adjustment of bills.

#### **HB 1650/SB 1742: Water Utility Funding**

Rep. Cameron Sexton; Sen. Becky Massey

Provides that a municipal water utility system may continue to operate a public works system as a special revenue fund when the governing body of the municipality determines that it is in the best interest of the customers of the public works system and the citizens of the municipality. The bill adds a requirement that all water systems and wastewater facilities must utilize an enterprise fund for accounting and reporting its operations and any water system or wastewater facility currently not operating as an enterprise fund must be doing so by July 1, 2016.



## **Land Management and Conservation**

### **HB 952/SB 1777: Drone Prohibition**

Rep. Judd Matheny; Sen. Mike Bell

Prohibits the use of drones to conduct video surveillance of private citizens who are lawfully hunting or fishing. The bill classifies any such use of drones as a Class C misdemeanor.

### **HB 964/SB 915: Land Use Plans**

Rep. Curry Todd; Sen. Frank Nicely

Requires locally adopted or enforced development standards, in effect on the date an application for a building permit, preliminary plat, or site plan is submitted to the county or municipal planning commission or local government, to remain the development standards applicable to the development, provided, the application for final approval is made within the vesting period of five years. If development occurs in phases, there must be a separate vesting period applicable to each phase and the development standards in effect at the time of application for a building permit, preliminary plat, or site plan for the first phase shall remain the standards applicable to all subsequent phases during the vesting period.

### **HB 1078/SB 1095: Delinquent Tax Sale Bid Requirements**

Rep. Mark White; Sen. Mark Norris

Authorizes the county legislative body to determine if no bid is necessary from the governmental entity at a delinquent tax sale on certain non-buildable or non-conforming parcels. The bill creates an exception first to the general requirement that, at a delinquent tax sale, the clerk must bid the amount due for taxes, interest, penalties and costs, where no other bidder offers the same or higher bid. Under this act, the clerk will not be required to bid if the county legislative body determines that the land being sold is non-buildable or non-conforming, including, but not limited to: storm water detention basins; drainage ditches; private road rights-of-way; private drives; common open areas; and utility easements.

### **HB 1410/SB 1614: Definition of Agriculture**

Rep. Gerald McCormick; Sen. Mark Norris

Expands the definition of “agriculture” to include entertainment activities conducted in conjunction with, but secondary to, commercial production of farm products and nursery stock. The bill declares that the Tennessee Right to Farm Act shall be broadly construed to effectuate its purposes.

### **HB 1545/SB 1706: Residences on Farms**

Rep. Paul Bailey; Sen. Paul Niceley

Clarifies that buildings used as residences by farmers and farm workers are “incidental to the agricultural enterprise.”



**HB 2347/SB 2461: Qualified Conservation Organizations**

Rep. Craig Fitzhugh; Sen. Lowe Finney

Establishes that a qualified conservation organization also includes any department or agency of the United States government that acquires an easement pursuant to law for the purpose of restoring or conserving land for natural resources, water, air, and wildfire.

**Reorganization and Coordination**

**HB 788/SB 332: Drycleaner Environmental Response Board**

Rep. Judd Matheny; Sen. Mike Bell

Transfers the duties of the Drycleaner Environmental Response Board to the Commissioner of Environment and Conservation.

**HB 1139/SB 762: Water Utility District Appointments**

Rep. Bill Dunn; Sen. Jack Johnson

Revises provisions governing appointments to the board of commissioners of a single-county water utility district. In situations where the county mayor timely rejects a third list of nominees submitted by a county legislative body to fill a vacancy on a board of commissioners of a single-county utility district, the county legislative body may appoint a commissioner from any of the three lists previously submitted to the county mayor, instead of requiring that the county legislative body appoint a commissioner from only the third list of nominees.

**HB 1435/SB 1640: Administrative Process**

Rep. Gerald McCormick; Sen. Mark Norris

Establishes a uniform administrative process for third-party appeals for matters relating to permits issued under the Water Quality Control Act, the Solid Waste Disposal Act, the Air Quality Control Act, and the Hazardous Waste Management Act.

**HB 1437/SB 1641: Board of Water Quality, Oil, and Gas**

Rep. Gerald McCormick; Sen. Mark Norris

Revises the terms of members appointed to the Board of Water Quality, Oil, and Gas.

**HB 1614/SB 1573: Fish and Wildlife Commission**

Rep. Judd Matheny; Sen. Mike Bell

Extends the termination date of the Tennessee Fish and Wildlife Commission to June 30, 2018.

**HB 1619/SB 1584: Wastewater Financing Board**

Rep. Judd Matheny; Sen. Mike Bell

Extends the termination date of the Wastewater Financing Board to June 30, 2019.



**HB 1622/SB 1548: Local Government Planning Advisory Committee**

Rep. Judd Matheny; Sen. Mike Bell

Extends the termination date of the Local Government Planning Advisory Committee to June 30, 2020.

**HB 1632/SB 1582: Solid Waste Control Board**

Rep. Judd Matheny; Sen. Mike Bell

Extends the Underground Storage Tanks and Solid Waste Disposal Control Board to June 30, 2018.

**HB 1933/SB 2048: Eminent Domain Reporting**

Rep. John Fogerty; Sen. Mike Bell

Requires the Department of Environment and Conservation to provide the House Agriculture and Natural Resources Committee and the Senate Energy, Agriculture, and Natural Resources Committee a report of property acquired by the department in the prior year through the use of the power of eminent domain.

**Solid Waste**

**HB 1562/SB 1467: Solid Waste Management Requirements**

Rep. Ron Lollar; Sen. Mark Norris

Removes steel slag, mill scale, and other products from solid waste management requirements. The bill defines “products” to include materials resulting from the fabrication, manufacturing, or production process that are sold and distributed for consumption, use, or further processing into a desired commodity. The measure requires such items to be managed as items of value and in a controlled manner rather than as discarded material.

**HB 1898/SB 1917: Reduction of Solid Waste Goals**

Rep. Art Swann; Sen. Steve Southerland

Declares it is the goal of the state to reduce the amount of solid waste disposed of at Class I municipal solid waste disposal facilities and incinerators by 25 percent until December 31, 2015, by 38 percent between January 1, 2016, and December 31, 2017, and by 50 percent beginning January 1, 2018. The legislation requires any municipal solid waste region failing to meet such waste reduction goals to implement a residential curbside collection of source-separated recyclable materials, provide notice of the opportunity to recycle to households, and promote source separation of recyclable materials through a public education program as well as implementing one of nine specified programs. The Department of Environment and Conservation (TDEC) must give priority to solid waste regions that fail to meet such goals when issuing grants.

**HB 2425/SB 2560: Scrap Tire Management**

Rep. Bill Spivey; Sen. Janice Bowling

Deletes the current law prohibition on the acceptance of un-shredded tires at landfills. The bill authorizes processed tires to be accepted at landfills. The measure establishes



less stringent tire-handling requirements for counties receiving funds from the \$1.00 tire pre-disposal fee.







# Texas

## Energy Legislation

Texas did not have a regular legislative session in 2014.





# Texas

## Environmental Legislation

Texas did not have a regular legislative session in 2014.

As an update to the 2013 legislative session, companion bills HB 4, HB 1025, and SJR 1 provided for a constitutional amendment to be placed on the November ballot for the creation of the State Water Implementation Fund for Texas to assist in the financing of priority projects in the State Water Plan to ensure the availability of adequate resources.

In 2011, Texas suffered the worst, single-year drought in the state's history. The drought, which continues today, costs Texans billions of dollars in lost income annually. Some Texas communities struggle to maintain adequate supplies of clean, affordable water.

To help address the water supply shortfalls associated with drought, Texas has a State Water Plan. In 2013, the 83rd Legislature put Texas on course to implement the plan by passing a package of water legislation: HB 4 by Rep. Allan Ritter, HB 1025 by Rep. Jim Pitts, and SJR 1 (Proposition 6) by Sen. Tommy Williams.

In order to capitalize the water infrastructure funding program set up through HB 1 and HB 1025, the legislature proposed taking \$2 billion from the state's "economic stabilization fund." Accessing this funding required approval by voters of a constitutional amendment – SJR 1.

On November 5, 2013, the amendment (delineated as Proposition 6) passed.





# U.S. Virgin Islands

## Energy Legislation

### Alternative Energy Development

#### **B 4: Feed-In Tariff Act**

Sen. Craig Barshinger

Allows residents to build renewable energy projects and sell all the electricity to the local utility. Through the feed-in tariff, the Water and Power Authority (WAPA) will purchase up to 15 megawatts of local renewable energy. The price paid for energy will be less than WAPA's avoided wholesale cost and is expected to be around \$0.26 per kilowatt-hour. Renewable energy generators will enter a power purchase agreement with WAPA lasting between 10 and 30 years. Renewable energy systems between 10 and 500 kilowatts can participate. Solar, wind, biomass, and geothermal technologies are eligible for the program.

#### **R 148: Feasibility Study on Ocean Thermal Energy (Sent to the Lt. Governor on July 24, 2013)**

Senate President Shawn-Michael Malone

Expresses the legislature's interest in facilitating a feasibility study on ocean thermal energy (as a renewable energy source in the territory pursuant to Act No. 7075) and to establish a Memorandum of Understanding (MOU) with Ocean Thermal Energy (OTE) Corporation. The resolution authorizes the president of the legislature to execute an MOU with OTE Corporation for an ocean thermal energy conversion feasibility study. The bill also prescribes the contents of the MOU, including a covenant that the legislature will bear no costs for the study and that the MOU does not create a legally binding obligation for either party to build or operate an OTE conversion facility or to enter into any agreement to acquire the energy services provided by any OTE conversion facility.

### Natural Gas and Petroleum

#### **B 249: HOVENSA Resolution**

Senate President Shawn-Michael Malone

States that the consensus of the Virgin Islands Legislature is that negotiations with HOVENSA should be re-examined and that the changes suggested by the legislature, if adopted and incorporated in a Fourth Amendment Agreement, should resolve the issues raised in previous negotiations. The legislature urges the governor to adopt its recommendations and incorporate them in a new Fourth Amendment Agreement with HOVENSA.



## **Reorganization and Coordination**

### **B 17: Single Payer Utility Fund (Veto Overridden on October 23, 2013)**

Sen. Terrence Nelson

Creates a Single Payer Utility Fund for the purpose of paying the Virgin Islands Water and Power Authority for the electric and water utility bills of departments, agencies, and instrumentalities of the government of the Virgin Islands that are supported by the General Fund. The commissioner of finance will administer the fund.

## **Utilities**

### **B 184: Energy Crisis Assistance Program (Enacted on August 23, 2013)**

Senate President Shawn-Michael Malone

Provides an additional \$300,000 in funding for the Energy Crisis Assistance Program (ECAP) for a total of \$1,800,000 in fiscal year 2014.

### **R 140: Virgin Islands Energy Crisis (Adopted on September 26, 2013)**

Sen. Myron Jackson

Finds that the development of renewable energy, alternative energy, and energy efficiency are important for the future of the Virgin Islands, its energy security, and the protection of the public health, environment, and economic sustainability. Given the severe hardship imposed on the residents of the Virgin Islands by increasing fuel and energy costs on an already overtaxed citizenry, the legislature declares an energy crisis in the territory of the United States Virgin Islands and urges the governor of the Virgin Islands to declare an energy crisis as well.





# U.S. Virgin Islands

## Environmental Legislation

### Coastal Zone Management

#### **B 91: Marine Terminal Tax (Effective on October 1, 2013)**

Sen. Donald Cole

Provides that the Marine Terminal Tax will be paid directly to the Virgin Islands Port Authority, instead of the government of the Virgin Islands.

### Solid Waste

#### **B 12: Scrap Metal (Adopted on September 26, 2013)**

Sen. Nereida “Nellie” Rivera-O’Reilly

Amends provisions related to the purchase or resale of scrap metal. The bill establishes licensing requirements for scrap metal dealers and recyclers in the Virgin Islands and specifically prohibits the sale of metal infrastructure that would not normally be on the market, such as guardrails, road signs, utility lines, and manhole covers. The legislation gives the police the power to put a hold notice on a scrap metal dealer or recycler if there is a reasonable suspicion that there are stolen materials. A dealer breaking the law the first time is subject to a misdemeanor conviction and up to four days in jail and a fine of \$500. Anyone who commits a third or subsequent violation is guilty of a felony, punishable by up to 18 months in prison and a fine of \$5,000 or double the loss suffered by a victim. The bill forbids any cash transactions in excess of \$100 for scrap metal.

#### **B 141: Cooking Oil Recycling (Adopted on June 30, 2013)**

Sen. Samuel Sanes

Authorizes the Department of Planning and Natural Resources to establish a Used Oil Collection Certification Program to train and certify individuals in becoming certified used oil collectors from businesses and homes for recycling and reuse.

#### **B 210: Waste Management Authority Appropriation (Adopted on October 15, 2013)**

Senate President Shawn-Michael Malone

Appropriates monies from the Antilitter and Beautification Fund to the Waste Management Authority for the fiscal year ending September 30, 2014.







# Virginia

## Energy Legislation

### Alternative Energy Development

#### **HB 340: Alternative Fuel Vehicle Conversion Fund**

Del. Scott Taylor

Allows moneys in the Alternative Fuel Vehicle Conversion Fund to be used by local governments, local governmental agencies, and local school divisions for the purpose of assisting with the incremental cost of local government-owned alternative fuel vehicles.

#### **HB 1025: Biofuels Production Incentive Grant Program**

Del. Riley Ingram

Changes the amount of the grant for biofuels produced in the commonwealth from \$0.10 for each gallon produced and subsequently sold to (i) \$0.04 for each gallon sold in calendar year 2014, (ii) \$0.03 for each gallon sold in calendar year 2015, and (iii) \$0.025 for each gallon sold in calendar year 2016 and during the period January 1, 2017, through June 30, 2017. Each producer applying for a grant for 2015 production of biofuels is required to make a good faith effort to produce such biofuels using feedstock that is not derived from corn or the corn kernel, stalk, or any other part of the plant. No grant will be awarded for biofuels produced in 2016 or thereafter using feedstock derived from corn or the corn kernel, stalk, or any other part of the plant. The bill provides for a maximum of \$1.5 million in grants to be awarded in each of fiscal years 2014-2015, 2015-2016, and 2016-2017. The legislation changes current law that provides for no grant to be awarded for sales of biofuels made subsequent to December 31, 2016.

#### **HB 1239/SB 418: Solar Energy Property Taxes**

Del. Timothy Hugo; Sen. Emmett Hanger

Exempts from real and personal property tax business-owned or business-operated solar energy equipment, facilities, or devices that collect, generate, transfer, or store thermal or electric energy.

#### **SB 222: Solar Panels in Community Associations**

Sen. Chapman Petersen

Clarifies a community association's authority to prohibit or restrict the installation of solar power devices. The measure bars a community association from prohibiting a property owner from installing a solar energy collection device on the owner's property unless the community association's recorded declaration establishes such a prohibition.



## **Coal and Minerals**

### **HB 710/SB 560: Reclamation of Coal Mined Areas**

Del. Israel O'Quinn; Sen. Phillip Puckett

Amends the Virginia Coal Surface Mining Control and Reclamation Act of 1979 by removing the ability of certain applicants to provide a bond without separate surety. The bill also raises the target balance of the Coal Surface Mining Reclamation Fund (the Fund) from \$1.75 million to \$20 million, alters the method of deducting certain expenditures from the fund, and makes technical amendments. The provisions of the law affecting § 45.1-270.4 have an expiration date of July 1, 2017.

### **HB 1014: Coal Mine Safety**

Del. Ben Chafin

Empowers the Department of Mines, Minerals, and Energy to enter into reciprocal agreements with responsible officers of other states and assigns to the chief of the Division of Mines the duty of supervising the execution and enforcement of such reciprocal agreements where they implicate any part of the Coal Mine Safety Act.

## **Emergency Management and Homeland Security**

### **HB 90: Utility Service During Federal Government Shutdown**

Del. Robert Marshall

Allows the governor to declare a state of emergency in response to a federal government shutdown, which is defined as a partial or total discontinuance of federal governmental services due to a failure by the President and Congress to approve the necessary funding for the operations of the federal government. During the period that the state of emergency is in effect, no public utility shall terminate a customer's service for nonpayment if the State Corporation Commission determines that such customer is a federal government employee or contractor or will be disproportionately adversely affected by the federal government shutdown. The bill provides that the governor, during the state of emergency, may request that the Supreme Court declare a judicial emergency in which all judicial proceedings or other court matters involving creditor process be suspended in cases where the defendant is a federal government employee or contractor or the Supreme Court determines that the defendant will be disproportionately adversely affected by the federal government shutdown.

## **Natural Gas and Petroleum**

### **HB 123: Petroleum Transport Vehicles**

Del. Edward Scott

Allows amber warning lights on petroleum and propane transport vehicles to be lit when the vehicle is parked or delivering petroleum or propane products.



**HB 341: Natural Gas Vehicle Weight**

Del. Scott Taylor

Allows vehicles fueled, wholly or partially, by natural gas to weigh up to 2,000 pounds more than the applicable weight limit on non-interstate highways. The bill requires the operator of the vehicle to be able to demonstrate that the vehicle uses natural gas.

**HB 516: Certification of Natural Gas Automobile Mechanics and Technicians**

Del. Scott Taylor

Establishes a regulatory program for certification of natural gas automobile mechanics and technicians by the director of the Department of Professional and Occupational Regulation and sets out the requirements for certification.

**HB 949/SB 519: Upstream Supply Infrastructure Projects**

Del. Timothy Hugo; Sen. Frank Wagner

Authorizes a natural gas utility to recover eligible costs of eligible natural gas supply infrastructure projects. A plan for recovery of such costs may provide the utility with an option to receive the gas or sell the gas at market prices. The measure also (i) provides that the transportation of natural gas by pipeline, without providing service to end users within the territory, shall not be considered operating in the territory of another certificate holder; (ii) bars the State Corporation Commission from approving the construction of a natural gas compressor station in an area without the locality's certification only if the area is zoned exclusively for residential use; and (iii) expands the definition of a strategic natural gas facility to include a natural gas transmission company that adds design day deliverability or designed to send out of at least 100,000 dekatherms per day in the aggregate.

**HB 1028/SB 552: Gas Severance Tax**

Del. William Morefield; Sen. Charles Carrico

Extends the sunset date from December 31, 2014, to December 31, 2015, for the local gas severance tax that is dedicated to (i) the Gas Road Improvement Fund, (ii) the Virginia Coalfield Economic Development Fund, and (iii) water, sewer, and gas lines.

**SB 25: Virginia Offshore Energy Emergency Response Fund**

Sen. Bryce Reeves

Establishes the Virginia Offshore Energy Emergency Response Fund and directs to it the first \$50 million in royalties received by the commonwealth as the result of offshore natural gas and oil drilling and exploration. Additional revenues and royalties will be applied to maintain the fund at \$50 million if moneys are withdrawn from the fund. After the fund reaches \$50 million, excess revenues and royalties will be transferred to the general fund annually.



## **Reorganization and Coordination**

### **HB 796: Virginia Energy Plan Updates**

Del. Alfonso Lopez

Postpones the due date for quadrennial updates to the Virginia Energy Plan from July 1 to October 1.

### **HB 1167: Virginia Coal and Energy Alliance**

Del. William Morefield

Changes the name of the Virginia Coal Association to the Virginia Coal and Energy Alliance.

### **SB 643: Costs of Offshore Wind Facilities**

Sen. Donald McEachin

Limits the portion of all costs incurred by an electric utility between July 1, 2007, and December 31, 2013, in developing an offshore wind facility that are recoverable through a rate adjustment clause to 30 percent of such amount. The remaining 70 percent of all such costs related to such a facility shall be recovered ratably through existing base rates as determined by the State Corporation Commission in the test periods under review in the utility's next biennial review filed after July 1, 2014.

All of the costs incurred after December 31, 2013, may be deferred for recovery through a rate adjustment clause as may be approved by the SCC. The measure also states that the planning and development activities for new generation facilities utilizing energy derived from offshore wind are in the public interest.

### **SB 653: Renewable Energy Property Grants**

Sen. Thomas Norment

Establishes, beginning with fiscal year 2016, grants for placing into service renewable energy property. The grant would equal 35 percent of the costs paid or incurred to place the renewable energy property into service, not to exceed \$2.5 million for any individual piece of renewable energy property. The bill provides that grants in excess of 2.5 percent of the total program appropriation for the relevant fiscal year would be paid in three equal calendar year installments. No grant would be awarded for renewable energy property that generated electricity within the 12 months preceding the date of the grant application or renewable energy property paid for by utility ratepayer funds. The law defines renewable energy as energy derived from sunlight, wind, falling water, biomass, waste, landfill gas, municipal solid waste, wave motion, tides, or geothermal power, but not including energy derived from coal, oil, natural gas, or nuclear power.

The Department of Mines, Minerals, and Energy would administer the grant program. The department would be authorized, subject to appropriation, to award up to \$10 million in renewable energy property grants for fiscal year 2016. The act contains a second enactment that requires the act to be reenacted in the 2015 General Assembly in order to become effective.



## Utilities

### **HB 25: Public Service Companies Regulation**

Del. Gregory Habeeb

Updates a citation to the federal Public Utility Holding Company Act. The bill also removes an obsolete reference to repealed sections of the Code of Virginia that pertained to express companies. The legislation is a recommendation of the Virginia Code Commission.

### **HB 560: Land Use Permits**

Del. Matthew Farris

Exempts persons, including corporations, that provide utility service for their own agricultural or residential use from having to get land use permits from the Virginia Department of Transportation.

### **HB 822/SB 498: Renewable Energy Portfolio Standard Program**

Del. Alfonso Lopez; Sen. Donald McEachin

Limits the ability of an electric utility participating in the renewable energy portfolio standard (RPS) program to bank renewable energy sales or renewable energy certificates (RECs) that are in excess of the yearly sales requirement for that RPS goal. The measure provides that the utility may use such excess sales or RECs to achieve the RPS goals only in the subsequent five calendar years after the renewable energy was generated or the certificates were created. An electric utility may continue to apply RECs that it acquired prior to January 1, 2014.

### **HB 848/SB 585: Cost Recovery for New Underground Distribution Facilities**

Del. Manoli Loupassi; Sen. Richard Saslaw

Authorizes investor-owned electric utilities to recover the costs of new underground distribution facilities through a rate adjustment clause. Eligible facilities will replace existing overhead distribution facilities of 69 kilovolts or less. Petitions seeking approval for recovery of such costs shall not be brought more frequently than annually. A utility shall not seek any annual incremental increase in the level of investments in such facilities that exceeds 5 percent of the utility's distribution rate base. In determining whether to approve a rate adjustment clause for such facilities, the State Corporation Commission is directed to liberally construe the provisions of Title 56 and to give due consideration to the public policy goals of increased electric service reliability and reduced outage times associated with the replacement of existing overhead distribution facilities with new underground facilities. None of the costs of such new facilities shall be allocated to customers in the large power service rate class for a Phase I utility or general service rate classes for a Phase II utility. The measure also rewords a provision that currently states that nothing precludes the commission from determining the reasonableness or prudence of any cost incurred or projected to be incurred by a utility.



**HB 978: Utility Crossings**

Del. Thomas Rust

Establishes the framework for the Commonwealth Transportation Board to resolve the differences between a locality and a private entity established through the Public-Private Transportation Act (PPTA) of 1995 concerning the movement of utilities owned by the locality or political subdivision because of the PPTA project.

**SB 459: Electric Utility Regulation**

Sen. Walter Stosch

Requires an electric utility to establish a regulatory asset for regulatory accounting and ratemaking purposes under which it must defer operation and maintenance (O&M) costs incurred in connection with the refueling of any nuclear-powered generating plant and certain related work. These deferred O&M costs must be amortized over the refueling cycle, but in no case for more than 18 months. The State Corporation Commission is required to treat the deferred and amortized costs of such regulatory asset as part of the utility's costs for the purpose of certain proceedings. The measure also limits the portion of all costs incurred by an electric utility between July 1, 2007, and December 31, 2013, in developing a nuclear power facility that are recoverable through a rate adjustment clause to 30 percent of such amount. The remaining 70 percent of all such costs related to such a facility shall be recovered ratably through existing base rates as determined by the SCC in the test periods under review in the utility's next biennial review filed after July 1, 2014.

All of the costs incurred after December 31, 2013, may be deferred for recovery through a rate adjustment clause as may be approved by the SCC. The measure also states that the planning and development activities for new nuclear generation facilities are in the public interest.





# Virginia

## Environmental Legislation

### Air Quality and Pollution Control

#### **HB 1261/SB 615: Carbon Dioxide Emissions under the Virginia Energy Plan**

Del. Ben Chafin

Requires the Virginia Energy Plan to include, with regard to any regulations proposed or promulgated by the U.S. Environmental Protection Agency to reduce carbon dioxide emissions from fossil fuel-fired electric generating units under Section 37 111(d) of the Clean Air Act, an analysis of the costs to and benefits for energy producers and electric utility customers; the effect on energy markets and reliability; and the commercial availability of technology required to comply with such regulations. The measure postpones the due date for quadrennial updates to the Virginia Energy Plan from July 1 to October 1.

Interim updates on the plan are required to be provided by October 1 of the third year of each administration. The measure also requires the Division of Energy of the Department of Mines, Minerals, and Energy, in plan updates starting in 2014, to set forth energy policy positions relevant to any potential regulations of the State Air Pollution Control Board to reduce carbon dioxide emissions from fossil fuel-fired electric generating units under Section 111(d) of the Clean Air Act. The division is required to address policy options for establishing separate standards of performance for carbon dioxide emissions from existing fossil fuel-fired electric generating units to promote the plan's overall goal of fuel diversity. The plan is also required to (i) examine policy options for state regulatory action to adopt less stringent standards or longer compliance schedules than those provided for in applicable federal rules or guidelines and (ii) identify options, to the maximum extent permissible, for any federally required regulation of carbon dioxide emissions from existing fossil fuel-fired electric generating units.

### Coastal Zone Management

#### **HB 390/SB 209: Sand Replenishment**

Del. Christopher Stolle; Sen. Jeffrey McWaters

Provides that when sand or other material is placed on state-owned bottomlands seaward of the mean low-water mark in order to provide beach nourishment or storm protection or as a result of a dredging project, the deposited material shall be deemed accretion. The public has a right of use and maintenance of the area as previously existed on the adjacent land above the mean low-water mark. The bill affects sand placement projects of the specified type beginning January 1, 2009.



**HB 648: Oyster Measures**

Del. Margaret Ransone

Reduces from 2,800 cubic inches to 2,500 cubic inches the minimum size of the container that is one of the measures by which oysters in the shell may be bought or sold.

**HB 655/SB 49: Menhaden Fishery**

Del. Edward Scott; Sen. Richard Stuart

Extends the sunset date for management of the menhaden fishery from January 1, 2015, to July 1, 2016. The bill also allows any person purchasing more than one of the licenses for the same vessel to catch menhaden with a purse net to pay a fee equal to that for a single license. The provisions of the program enacted in 2014 that would be extended include (i) criteria for qualifying for a limited entry purse seine bait license, (ii) allocation of the total allowable landings, (iii) administration of the management program, (iv) reporting requirements, (v) biological sampling, (vi) license fees, (vii) authority of the commissioner of the Marine Resources Commission, and (viii) annual closure of the fishery.

**HB 672: Port of Virginia Economic and Infrastructure Development Grant Program**

Del. Charles Poindexter

Expands the Port of Virginia Economic and Infrastructure Development Zone into a statewide grant program and allows the Virginia Port Authority and the Department of Taxation to exchange information.

**HB 840: Specialty License Plates**

Del. Lynwood Lewis

Authorizes the issuance of revenue-sharing special license plates supporting education, charity, and scientific study for Virginia's Eastern Shore business community.

**HB 844: Eastern Shore Water Access Authority Act**

Del. Lynwood Lewis

Allows the counties of Accomack and Northampton by resolution to declare that there is a need for a public access authority. If an operating agreement is developed, the counties may form the Eastern Shore Water Access Authority. The authority's duties shall include identifying land that can be secured for use by the general public as a public access site, researching all identified sites, determining appropriate public use levels of identified access sites, developing appropriate mechanisms for transferring title of commonwealth or private holdings to the authority, developing appropriate acquisition and site management plans for public access usage, determining what holdings should be sold to advance the mission of the authority, securing funding and permits for dredging projects and facilities construction projects that enhance recreational and commercial public access, and performing other duties. The authority shall be governed by a board of directors. Whenever it shall appear to the authority that the need for the authority no longer exists, the authority, or in the proper case, any participating political subdivision, may petition the circuit court of a participating political subdivision for the dissolution of the authority.



**HB 845: Baylor Survey Lines**

Del. Lynwood Lewis

Authorizes the Marine Resources Commission to reestablish the boundaries of the Baylor Survey between holders of leases on private grounds and the public grounds. Due to recent information that indicates that a number of private leases were granted by the commission within the Baylor grounds, the commission, under certain conditions, would be allowed to adjust the lines between private leases that have been held for more than five years and the publicly accessible Baylor grounds.

**HB 909/SB 434: Red Drum**

Del. Barry Knight; Sen. John Miller

Repeals an obsolete section restricting the taking of channel bass. The Atlantic States Marine Fisheries Commission currently establishes the restrictions on the taking of channel bass (red drum).

**HB 911/SB 569: Living Shorelines General Permit**

Del. Barry Knight; Sen. Richard Stuart

Requires regulations for the issuance of general permits for living shoreline projects to include an expedited review process. The bill allows construction of such projects under the local wetlands and coastal primary sand dunes ordinances. A living shoreline is a shoreline management practice that provides erosion control and water quality benefits; protects, restores, or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, and fill.

**HB 1092/SB 603: Condemnation of Oyster Grounds**

Del. Margaret Ransone; Sen. Richard Stuart

Prohibits localities from exercising the right of eminent domain to condemn privately leased riparian and general oyster planting grounds. These planting grounds are assigned to persons under a lease agreement approved by the Virginia Marine Resources Commission. An exception to the condemnation prohibition is made for permitted water-dependent linear wastewater projects where there is no practical alternative.

**HB 1217: Chesapeake Bay Preservation Areas**

Del. Rick Morris

Directs the State Water Control Board to adopt certain criteria for use by local governments in evaluating development in Chesapeake Bay Preservation Areas. The bill provides that any locality allowing owners of certain onsite sewage treatment systems to submit documentation in lieu of proof of septic tank pump-out shall require that such documentation be certified by a licensed or certified onsite sewage system operator or soil evaluator.



### **HJR 16/SJR 3: Recurrent Flooding Study**

Del. Christopher Stolle; Sen. Mamie Locke

Establishes an 11-member joint subcommittee to formulate recommendations for the development of a comprehensive and coordinated planning effort to address recurrent flooding. The joint subcommittee is charged with recommending short- and long-term strategies for minimizing the impact of recurrent flooding. The joint subcommittee must submit its report to the governor and the 2016 Regular Session of the General Assembly.

### **SB 10: Discounted Water and Sewer Fees**

Sen. Thomas Garrett

Permits the Town of Louisa by ordinance to develop criteria for providing discounted water and sewer fees and charges for low-income and disabled customers. Current law allows only a locality that owns a water and sewer system and has a population density of no more than 200 persons per square mile to develop such criteria.

### **SB 67: Discounted Sewer Fees**

Sen. Henry Marsh

Allows the city of Richmond to develop criteria for providing discounted water and sewer fees and charges for low-income, elderly, or disabled customers.

### **SB 98: Plumbing Repairs**

Sen. Henry Marsh

Provides that the city of Richmond may develop criteria for financial assistance to customers for plumbing repairs and the replacement of water-inefficient appliances.

### **SB 467: Conveyance of Easement**

Del. Thomas Norment

Authorizes the Marine Resources Commission to grant an easement and rights-of-way across beds of the York River, including a portion of the Baylor Survey Grounds No. 5, to Plains Marketing for the expansion, construction, updating, and maintenance of the Yorktown oil facility, an area containing 160,908 square feet or 3.694 acres.

### **SJR 69: Port of Virginia Rail Facilities**

Sen. John Watkins

Requests the Office of Intermodal Planning and Investment to develop a Master Rail Plan for the principal facilities of the Port of Virginia.

## **Environmental Health Services**

### **HB 740: Duty to Seize or Kill a Dog Killing or Injuring Livestock or Poultry**

Del. Jennifer McClellan

Provides that a local animal control officer or other officer has a duty to seize or kill a dog found in the act of killing or injuring livestock or poultry. Prior law provided that the officer had a duty to kill the dog.

### **HB 972: Protective Orders for Companion Animals**

Del. Benjamin Cline

Provides that a court may include in a protective order provisions granting to the petitioner possession of a companion animal if the petitioner is the owner of the animal.

### **SB 228: Diseased Animals**

Sen. Chapman Petersen

Requires a pet dealer to reimburse certain veterinary fees when a consumer returns or retains a diseased dog or cat that has been certified by a veterinarian as being unfit for purchase. Current law requires the pet dealer to refund the purchase price or exchange the unfit pet for a pet of equivalent value. The legislation extends the return or reimbursement period from 10 to 14 days in the case of an animal infected with parvovirus and eliminates the condition that the animal be described as pedigreed. The bill also requires a pet shop or licensed dealer to provide the identity of the breeder of each dog or cat for sale and incorporates information about the refund provision into the text of the required notice document. Also, it requires certain dealers to record and post specific information about the breeder of each animal.

## **Hazardous Waste and Substance Management**

### **HB 856: Hazardous Waste Transport**

Del. Matthew Fariss

Removes the requirement that a hazardous waste permit is required from the Department of Environmental Quality to transport hazardous waste. The federal government currently regulates the transporting of hazardous waste.

## **Inland Water Resource Management and Conservation**

### **HB 572: Wetlands Zoning Ordinance**

Del. Bill DeSteph

Requires a local wetlands board to give a permit applicant credit toward local in-lieu fees in the amount of the fee he has paid, as an agreed-upon permit condition, to the Virginia Aquatic Resources Trust Fund or another dedicated wetlands restoration fund. The bill makes technical changes.

### **HB 654: Wetland and Stream Mitigation Banks**

Del. Edward Scott

Allows the use of a hydrologic unit system or dataset other than the National Watershed Boundary Dataset and allows the adjustment of the hydrologic unit boundaries of such dataset based on the availability of more accurate information.

### **HB 1012: Water and Sewer Liens**

Del. Lionell Spruill

Adds the city of Suffolk to the list of localities permitted to provide by ordinance that charges for water and sewer shall be a lien on the real estate served by such waterline or sewer.



**HB 1034/SB 466: Dam Owners**

Del. Robert Orrock; Sen. John Watkins

Protects owners of land upon which dams that are owned, maintained, or operated by soil and water conservation districts are situated from liability for damages to the property of others or the injury to persons resulting from the failure of the dam. However, this protection is not afforded to the landowner if the damage to others is a result of an act or omission by the landowner that is unrelated to ownership, maintenance, or operation of the dam.

**HB 1124: Liability for Dams**

Del. Robert Orrock

Requires the owner of a dam, prior to conveying ownership of the dam or decommissioning the dam to a third party, to notify the director of the Department of Conservation and Recreation of the transfer in accordance with the Virginia impounding structure regulations requirements.

**HB 1166: Scenic River Designation for Banister River**

Del. Les Adams

Extends the State Scenic River designation of the Banister River from the current 38.4 miles to 63.3 miles.

**HB 1175: Special Hunting and Fishing Licenses for Disabled Veterans**

Del. Peter Farrell

Expands the special hunting and fishing license for totally disabled resident veterans to include fishing for trout in waters stocked by the Department of Game and Inland Fisheries and issuance of the Virginia Migratory Waterfowl Conservation Stamp.

**SB 257: Scenic River Designation for Tye River**

Sen. Creigh Deeds

Designates a 12.7-mile segment of the Tye River as a component of the Virginia Scenic Rivers System.

**SB 290: Water and Sewer Liens**

Sen. Charles Carrico

Adds Prince George and Smyth Counties to those localities in which charges for water and sewer constitute a lien against the real property.

**SB 551: Scenic River Designation for Cranesnest River**

Sen. Phillip Puckett

Designates a 10.7-mile segment of the Cranesnest River in Dickenson county as a component of the Virginia Scenic Rivers System. The bill also removes from several sections a provision regarding the suitability of certain lands for mining under the Scenic Rivers Act and places them under one section that would then apply to all scenic rivers.



## **Land Management and Conservation**

### **HB 54/SB 432: Compensation for Livestock or Poultry**

Del. Keith Hodges; Sen. Ryan McDougle

Establishes a \$750 cap on the fair market value that the owner of livestock that has been killed or injured by dogs or hybrid canines is entitled to receive as compensation, provided certain procedures are followed. Currently, such compensation cannot exceed \$400 per animal.

### **HB 177: Statewide Application of Grass Cutting Ordinances**

Del. Peter Farrell

Provides that any county may by ordinance require that the owner of occupied residential real property cut the grass or lawn area of less than one-half acre on such property or any part at such time or times as the governing body shall prescribe when growth on such grass or lawn area exceeds 12 inches in height; or may whenever the governing body deems it necessary, after reasonable notice, have such grass or lawn area cut by its agents or employees, in which event, the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes and levies are collected. No such ordinance adopted by the county will have any force and effect within the corporate limits of any town. Violation of such ordinance may be punishable by a civil penalty not to exceed \$100. Prior to this legislation, a limited number of counties were hallowed to have grass cutting ordinances.

### **HB 268/SB 51: Agricultural Operations**

Del. Robert Orrock; Sen. Richard Stuart

Protects certain activities at agricultural operations from local regulation in the absence of substantial impacts on the public welfare and requires localities to take certain factors into account when regulating any of several activities: the conduct of agritourism activities, the sale of agricultural or silvicultural products or related items, the preparation or sale of foods that otherwise comply with state law, and other customary activities. Localities are prohibited from subjecting the listed activities to a special-use permit requirement in the absence of a substantial impact on health, safety, or public welfare and in most situations are prevented from stringently regulating the sound produced by the listed activities. The bill provides that its provisions shall not affect an entity licensed in accordance with the alcoholic beverage control laws, affect the provisions of the Right to Farm Act, alter the provisions related to licensed farm wineries, or restrict the taxation authority of any locality.

### **HB 858: State Forest Activity Fee**

Del. Matthew Fariss

Authorizes the Department of Forestry to promulgate emergency regulations to establish a special use permit fee for activities taking place in state forests. Until the regulations become effective, a fee not to exceed \$15 shall be charged for a special use permit for five specific activities: hunting, fishing, trapping, riding bikes, and riding horses. Currently, the department can charge a fee for these specific activities but does not have the flexibility to include other types of forest-based recreational activities. The



bill would allow the department to use the regulatory process to include additional activities authorized under the special use permit, without having to amend the statutory authorization.

### **HB 968: Purchasers of Brownfields**

Del. Matthew James

Changes the definition of the "bona fide prospective purchaser" of brownfield property to include not only the person who acquires or proposes to acquire ownership of a brownfield property but also the tenant of such person. The bill conforms Virginia's definition with the federal definition.

### **HB 988: Coyote Control**

Del. Benjamin Cline

Directs the Department of Game and Inland Fisheries and the Department of Agriculture and Consumer Services to promote programs to those seeking assistance with coyote control concerns.

### **HB 991: Hunting and Fishing Licenses for Nonresident Disabled Veterans**

Del. Benjamin Kline

Allows nonresident veterans who are totally and permanently disabled due to a service-connected disability to purchase licenses to hunt or fish at a cost equal to one-quarter the fee for the state nonresident hunting or fishing license. Currently, no discount is given for nonresident disabled veterans.

### **HB 1089: Definition of Agricultural Products**

Del. Rick Morris

Clarifies the definition of "agricultural products" for zoning purposes. The bill adds aquaculture to the definition of agriculture in the state code and no longer allows localities to require a special-use permit for oyster farming or other agricultural activities in districts zoned for it. The law has a delayed effective date of January 1, 2015.

### **HB 1237/SB 154: Hunting on Sundays**

Del. Todd Gilbert; Sen. Phillip Puckett

Allows hunting on Sundays under certain circumstances. A person may hunt waterfowl, subject to restrictions imposed by the director of the Department of Game and Inland Fisheries, and a landowner and his immediate family or a person with written permission from the landowner may hunt or kill any wild bird or wild animal, including nuisance species, on the landowner's property. However, the aforementioned hunting activities cannot occur within 200 yards of a house of worship. The bill prohibits the hunting of deer or bear with a gun, firearm, or other weapon with the aid or assistance of dogs on Sunday.



**SB 5: Right to Farm Act**

Sen. John Edwards

Restores application of certain provisions of the Right to Farm Act to cities and towns that currently only apply to counties.

**SB 42: Penalty for Penning of Foxes or Coyotes**

Sen. David Marsden

Makes it a Class 1 misdemeanor for any person to erect or maintain an enclosure for the purpose of pursuing, hunting, or killing a fox or coyote with dogs. Until July 1, 2054, the bill exempts from the ban any foxhound training preserve that was operating under a permit issued by the Department of Game and Inland Fisheries as of January 1, 2014. The measure also directs the department to adopt regulations to limit the total number of foxes stocked annually to 900, to be allocated in proportion to the acreage of each operating preserve. Finally, the bill provides that the department may not deny a permit solely on the basis of record keeping failures and that any permit denial shall constitute a case decision under the Administrative Process Act.

**SB 145: Special Fox Hunting Licenses**

Sen. Richard Stuart

Establishes a special license for hunting foxes on horseback with hounds but without firearms. The license exempts the licensee from the requirement that he complete a hunter education program. The bill provides that the standard hunting license fee shall apply.

**SB 371: Hunting, Trapping, and Fishing Licenses and Permits**

Sen. Jeffrey McWaters

Allows the Department of Game and Inland Fisheries to issue hunting, trapping, and fishing licenses valid for one year from a future effective date. Under current law, such licenses are valid for one year from the date of purchase.

**SB 413: Wildlife Rehabilitators**

Sen. Emmett Hanger

Allows persons authorized by the Department of Game and Inland Fisheries to provide care for wildlife as long as the care provided complies with the department's regulations and permit conditions.

**SB 430: Special Farm Brewery Licenses**

Sen. John Watkins

Creates a new limited brewery license for breweries that manufacture no more than 15,000 barrels of beer per calendar year, are located on a farm in the commonwealth, and use agricultural products that are grown on the farm in the manufacture of their beer.

The bill limits local regulation of limited brewery licensees and specifically prohibits the imposition of minimum parking, road access, or road upgrade requirements on any licensed limited brewery.



### **SB 431: Voluntary Remediation Program**

Sen. John Watkins

Removes the \$5,000 cap on registration fees collected by the Department of Environmental Quality from persons conducting voluntary remediation on contaminated properties. The fees defray the costs of administering the voluntary remediation program. The bill also exempts the Virginia Waste Management Board from the regulatory requirements of the Administrative Process Act (APA) so that new regulations needed to adjust the fee schedule will be in place by July 1, 2014. The bill requires any subsequent adjustment to the fee schedule to be in compliance with the APA.

### **SB 444: Hybrid Canines**

Sen. Thomas Norment

Authorizes any locality to prohibit by ordinance the keeping of hybrid canines. The bill alters the definition of hybrid canine and makes technical amendments. "Hybrid canine" means any animal that is or can be demonstrated to be a hybrid of the domestic dog and any other species of the Canidae family; that at any time has been permitted, registered, licensed, or advertised as such; or that at any time has been or is permitted, registered, licensed, advertised or otherwise described, represented, or reported as such by its owner to a licensed veterinarian, law enforcement officer, animal control officer, humane investigator, official of the Department of Health, or state veterinarian's representative.

### **SB 467: Conveyance of Easement**

Sen. Thomas Norment

Authorizes the Marine Resources Commission to grant an easement and rights-of-way across beds of the York River, including a portion of the Baylor Survey Grounds No. 5, to Plains Marketing for the expansion, construction, updating, and maintenance of the Yorktown oil facility, an area containing 160,908 square feet or 3.694 acres.

## **Reorganization and Coordination**

### **HB 784: Composition of Advisory Boards**

Del. Mark Cole

Reduces the number of non-legislative citizen members who serve on the Virginia Geographic Information Network Advisory Board from nine to seven by eliminating the position for an elected official who serves on a planning district commission and eliminating one of the two current representatives of a utility or transportation industry utilizing geographic data. The bill specifies that vacancies on the Litter Control and Recycling Fund Advisory Board that occur other than by expiration of term are to be filled for the unexpired term and that no person is eligible to serve on the advisory board for more than two terms.

### **HB 876: Virginia Port Authority Board of Commissioners**

Del. Chris Jones

Changes the composition of the board of commissioners of the Virginia Port Authority



by adding a member from Greater Hampton Roads. The bill also requires that one member have maritime shipping experience.

**HB 1074: Virginia Racing Commission**

Del. Edward Scott

Transfers responsibility for the Virginia Racing Commission to the secretary of Agriculture and Forestry. Currently, the Virginia Racing Commission is under the authority of the secretary of Commerce and Trade.

**HB 1121: Composition of the Board of Game and Inland Fisheries**

Del. Edward Scott

Changes the criteria for appointments made to the Board of Game and Inland Fisheries. The bill requires the 11 members of the board, appointed by the governor, to be citizens of the commonwealth and knowledgeable of wildlife conservation, hunting, fishing, boating, agriculture, forestry, or habitat. Each of the four regions of the Department of Game and Inland Fisheries is to be represented by two members, and three members are to be members-at-large, each from a different region. Under prior law, the board consisted of one member representing each congressional district.

**HB 1193: Appointments to State Water Control Board**

Del. Michael Webert

Provides for appointments to the States Water Control Board. Members of the board shall be citizens of the commonwealth; shall be selected from the commonwealth at large for merit without regard to political affiliation; and shall, by character and reputation, reasonably be expected to inspire the highest degree of cooperation and confidence in the work of the board. Members shall, by their education, training, or experience, be knowledgeable of water quality control and regulation and shall be fairly representative of conservation, public health, business, land development, and agriculture. In making appointments, the governor shall endeavor to ensure balanced geographical representation. No person shall become a member of the board who receives, or during the previous two years has received, a significant portion of his income directly or indirectly from certificate or permit holders or applicants for a certificate or permit.

**SB 545: Reforestation Operations Fund**

Sen. Frank Ruff

Changes the current Reforestation Operations Fund to a nonreverting special fund in which the interest generated by the fund is credited to the fund.

**Solid Waste**

**HB 62: Solid Waste Disposal Fees**

Del. Roslyn Tyler

Allows Southampton County to levy fees for the disposal of solid waste at a county collection or disposal facility not to exceed the actual cost incurred by the county in removing and disposing of solid waste. The bill adds Southampton County to the list of counties permitted to use fees to purchase equipment; grants Southampton County the



same authority that Accomack, Highland, Pittsylvania, and Wise counties have regarding such fees; and allows Southampton County to exempt certain disabled veterans from such fees. The bill also makes technical changes.

**HB 795/SB 614: Transportation of Waste Kitchen Grease**

Del. Tony Wilt; Sen. Jill Holtzman Vogel

Requires certain persons transporting waste kitchen grease to conspicuously display a decal issued by the commissioner of the Department of Agriculture and Consumer Services on the outside of any vehicle used for such purpose. Current law requires the person to display his name and registration number on the vehicle in letters not less than three inches high.

**HJR 28/SJR 75: Manufacturing Development Commission**

Del. Daniel Marshall; Sen. Frank Wagner

Directs the Manufacturing Development Commission to examine the economic and environmental benefits of the use of recycled material in the manufacturing process in Virginia.

## **Water Quality and Pollution Control**

**HB 131/SB 414: Tax Contributions for Restoration of the Chesapeake Bay**

Del. Scott Lingamfelter; Sen. Emmett Hanger

Requires the secretary of the Department of Natural Resources (DNR) to submit a report to the committees of oversight and the Virginia delegation to the Chesapeake Bay Commission by November 1 of each year describing how the moneys from the voluntary income tax check-off for Chesapeake Bay restoration activities were expended. The bill requires the report to be posted on a website maintained by the secretary of DNR, along with a cumulative listing of previous grants, beginning with awards granted on or after July 1, 2014.

**HB 1006/SB 582: Probable Maximum Precipitation**

Del. Kathy Byron; Sen. Thomas Garrett

Directs the Department of Conservation and Recreation to utilize a storm-based approach in order to derive the Probable Maximum Precipitation (PMP) level for locations in the commonwealth. By updating the PMP, it is anticipated that dam owners will have significant cost savings in spillway construction and remediation efforts. The bill also allows owners of impoundment structures with spillway design inadequacies, who maintain coverage under a conditional operation and maintenance certificate in accordance with the board's impounding structure regulations, to not be required to rehabilitate the spillway of their impounding structure until the analysis has been completed and reviewed by the Virginia Soil and Water Conservation Board. Such owners shall remain subject to all other requirements of the Dam Safety Act and regulations.

**HB 1173/SB 423: Stormwater Management Programs**

Del. Keith Hodges; Sen. Emmett Hanger

Requires the Department of Environmental Quality to establish a Virginia Stormwater



Management Program (VSMP) for any locality that neither opts to establish its own program nor operates a municipal separate storm sewer system (MS4). The bill defers the VSMP requirement for six months for certain recent MS4 localities. The law alters the permitting appeals process and allows for an agreement in lieu of a stormwater management plan, and it directs the State Water Control Board to adopt regulations relating to the issuance of permits for parcels in subdivisions, the registration of single-family residences, and the reciprocity given by Virginia for proprietary best management practices established elsewhere. The legislation exempts single-family residences from payment of the department's portion of the fee for the state general permit. Finally, the bill provides that the consolidation of state post-construction requirements into Virginia's general permit shall not modify the scope of enforcement of the federal Clean Water Act and exempts from most requirements of the Administrative Process Act those regulations of the State Water Control Board that will be necessary to implement the act.

**HJR 57/SJR 35: Selenium Toxicity Study**

Del. Terry Kilgore; Sen. Charles Carrico

Requests the Department of Environmental Quality to study the toxicity of selenium to aquatic life.

**SB 657: Alternative Onsite Sewage System Installers**

Sen. Richard Black

Directs the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals to extend one time and deem to be valid interim licenses as an alternative onsite sewage system installer held by an individual at such time as the individual applies and meets the eligibility criteria to take the examination required for issuance of an alternative onsite sewage system installer license.

A license extended in accordance with this act shall be valid until such time as the individual receives a passing score on the examination required for issuance of a license as an alternative onsite sewage system installer or until December 31, 2014, whichever occurs sooner. This bill contains an emergency clause.







# West Virginia

## Energy Legislation

### **Coal and Minerals**

#### **HB 2954: Mine Safety Technology Taskforce**

Del. Mike Caputo

Requires that members of the Mine Safety Technology Task Force be paid the same compensation as members of the legislature.

#### **HB 4449: Proximity Detection Systems and Cameras**

Del. Rupert Phillips

Includes proximity detection systems and cameras used on continuous mining machines and underground haulage equipment for tax credit purposes under the West Virginia Innovative Mine Safety Technology Credit Act. This bill expands the definition of “eligible safety property” by adding proximity detection systems and cameras used on continuous mining machines and underground haulage equipment to the existing machine-mounted methane monitors as approved innovative mine safety technology.

#### **HB 4480: Acid Mine Drainage Fund**

Del. Kevin Craig

Authorizes the Department of Environmental Protection’s Office of Abandoned Mine Lands and Reclamation to retain the earnings on the investment of the Acid Mine Drainage Fund.

#### **SB 603: Methane Apparatus**

Sen. Art Kirkendoll

Requires the automatic de-energization of an extraction apparatus where a machine-mounted methane monitor indicates a methane concentration of one and five-tenths percent. Also, the bill removes the requirement that the Board of Coal Mine Health and Safety promulgate a legislative rule defining the term “sustained period.”

#### **SB 623: Drug Testing for Miners**

Sen. Corey Palumbo

Amends the statute relating to substance abuse testing for miners by requiring employers to clarify the duty of an employer to notify the Office of Miners’ Health, Safety, and Training when a miner tests positive for drugs or alcohol in accordance with the employer’s substance abuse program.



## **Natural Gas and Petroleum**

### **HB 4154: Motor Fuel Excise Tax**

Speaker Tim Miley

Clarifies that the refundable amount from the flat rate component of the motor fuel excise tax for certain qualified persons remains six cents per gallon. This legislation fixed a technical error.

### **SB 416: Property Appraisals**

Sen. Roman Prezioso

Clarifies that both producing and reserve oil properties and producing and reserve natural gas properties are to receive tentative appraisals from the state tax commissioner. The bill also clarifies that the tentative appraisals of both producing and reserve oil properties and producing and reserve natural gas properties may petition the state tax commissioner to request a review of the tentative appraisal.

### **SB 461: West Virginia Future Fund**

Senate President Jeff Kessler

Creates the West Virginia Future Fund. The bill calls for holding back 3 percent of the severance tax dollars on the state's natural energy resources and placing the money in an interest-bearing special revenue account. The interest of the Future Fund will be encumbered until fiscal year 2020 to assure its growth. Investment income from the Future Fund may only be spent for enhancing education and workforce development, economic development and diversification, infrastructure improvements, and tax relief measures.

## **Utilities**

### **HB 2803: Integrated Resource Planning**

Del. Tim Manchin

Requires electric utilities to implement integrated resource planning. Electric companies must submit future electric generation plans to the Public Service Commission that include consideration of demand-side energy resources including energy efficiency.



# West Virginia

## Environmental Legislation

### Air Quality and Pollution Control

#### **HB 4346: Establishing Separate Standards of Performance for Carbon Dioxide Emissions**

Del. Rupert Phillips

Creates a new section in the West Virginia Code to establish separate regulatory standards for carbon dioxide emissions from existing fossil fuel power generation plants. These standards will be integrated into the state's plan to comply with Section 111 of the Clean Air Act. The intention of the bill is to create flexibility and require consideration of additional factors in setting the emission standards.

The legislation provides that existing coal-fired power generating units and existing gas-fired power generating units must meet standards particular to each respective class. In setting these standards, the West Virginia Department of Environmental Protection must consider consumer impacts, health and environmental impacts, energy demand, market factors, physical restrictions, overall cost, anticipated useful life of the plants, economic impacts of closure, site-specific factors affecting the reasonableness of the standards, and plant age and process factors.

### Environmental Health Services

#### **HB 2757: Private Causes of Action for Dog Euthanasia**

Del. Isaac Sponaugle

Creates a private cause of action seeking the humane destruction of a dog if: (1) it has attacked a person causing personal injuries requiring medical treatment in the amount of \$2,000 or (2) the dog has attacked that person and attacked another person in the past twelve months. The bill provides for the elements of the cause of action and the contents of the petition. Also, the legislation allows for attorneys fees and costs. The court must issue a written order if the dog is to be euthanized. The owner of the dog must provide proof that the dog has been euthanized. If the dog is not ordered to be humanely destroyed, the court must dismiss the action with prejudice.

#### **SB 560: Vacant Buildings and Property**

Sen. Jack Yost

Relates to the registration, maintenance, and regulation of dwellings unfit for human habitation and vacant buildings and properties by municipal governments; defines terms; clarifies the parties responsible for compliance with municipal ordinances regarding these dwellings, buildings, and properties; and authorizes municipalities to enact maintenance of vacant buildings and properties ordinances.



# **Inland Water Resource Management and Conservation**

## **SB 403: Injurious Aquatic Species**

Sen. William Laird

Regulates the importation and possession of certain injurious aquatic species. This bill makes it unlawful for any person to possess, sell, offer for sale, import, bring or cause to be brought or imported into this state or release into the waters of this state, in a live condition, any bighead carp (*Hypophthalmichthys nobilis*), silver carp (*Hypophthalmichthys molitrix*), black carp (*Mylopharyngodon piceus*), largescale silver carp (*Hypophthalmichthys harmandi*), diploid white amur (*Ctenopharyngodon idella*) or snakehead (*Channa spp.*), gametes or eggs of the same, or any hybrids of these species. The director of the Department of Natural Resources may not issue a stocking permit to any person for the species and their hybrids listed in this subsection, but may issue written authorization for the importation or possession of these species or their hybrids into this state if the importation or possession does not violate any federal law and if the use is limited to scientific research.

## **SB 454: Dam Owners**

Sen. Ronald Miller

Defines the owner of a dam for purposes of the Dam Control Act. “Owner” means any person who:

- Holds legal possession, ownership, or partial ownership of an interest in a dam, its appurtenant works or the real property the dam is situated upon;
- Has a lease, easement, or right-of-way to construct, operate, or maintain a dam; or
- Is a sponsoring organization with existing or prior agreement with the Natural Resources Conservation Service for a dam or its appurtenant works constructed with assistance from Public Law 78-534, Section 13 of the Flood Control Act of 1944; Public Law 83-566, the Watershed Protection and Flood Prevention Act of 1954; the pilot watershed program authorized under the heading “Flood Prevention” of the Department of Agriculture Appropriation Act of 1954, Public Law 156, 67 Stat. 214; or Subtitle H of Title XV of the Agriculture and Flood Act of 1981, commonly known as the Resource Conservation and Development Program, 16 U. S. C. § 3451.

## **SB 485: Natural Streams Preservation Act Exemptions**

Sen. Art Kirkendoll

Provides exemptions from permitting requirements of the Natural Streams Preservation Act for the state Department of Transportation's Division of Highways (DOH). Under the bill, DOH is not required to obtain a permit under this section when it is repairing or replacing damaged bridges and that repair or replacement requires the construction of temporary flow diversions in the stream that will not permanently materially alter or affect the free-flowing characteristics of a substantial part of the stream, so long as boat passage remains available during the entire period of bridge repair or replacement.

## **Land Management and Conservation**

### **HB 3011: Industrial Hemp Development Act Amendments**

Del. Mike Manypenny

Amends the 2002 Industrial Hemp Development Act by removing the state requirement that “a person growing industrial hemp for commercial purposes” must comply with the U.S. Department of Justice’s Drug Enforcement Administration (DEA) procedures for the production, distribution, and sale of industrial hemp. Also, the bill removes the inclusion of meeting federal DEA requirements as part of a complete defense to prosecution for the possession or cultivation of marijuana.

### **HB 4301: Reciprocal Hunting and Fishing Licenses**

Del. Jeff Eldridge

Allows limited reciprocal use of hunting and fishing licenses with the commonwealth of Kentucky.

### **HB 4393: Dangerous Wild Animals**

Del. Randy Swartzmiller

Creates the Dangerous Wild Animals Act and sets forth findings, purpose, and defines terms. Also, the legislation establishes the Dangerous Wild Animal Board and requires the board to create a list of dangerous wild animals by rule.

### **HB 4431: Necessity of Hunting Licenses**

Del. Randy Swartzmiller

Clarifying that persons who possess firearms, hunting dogs, or other indicia of hunting do not necessarily need to have a hunting license. This bill relates to the Department of Natural Resources enforcement of hunting or fishing without a proper license. While investigating a matter, the department may require a person to exhibit for inspection any lawful license they may possess, and present all wildlife, paraphernalia, implements, or devices they have in their possession. The mere possession of a firearm does not, in and of itself, indicate that a person has been hunting, fishing, trapping, or taking wildlife, but may be considered along with other evidence as to whether a person has been hunting, fishing, trapping, or otherwise taking wildlife.

### **SB 353: Timber Theft**

Sen. Bob Williams

Defines timber theft and provides the Division of Forestry the authority to investigate and enforce violations occurring in state forests managed by the division.

### **SB 357: Logging Sediment Control Act Penalties**

Sen. Bob Williams

Combines the existing Logging Sediment Control Act civil penalties with the criminal penalties to create administrative efficiency in prosecuting cases and collecting the associated fines and penalties. The bill also adds another criminal penalty, “Failure to Reclaim,” to the criminal penalties section to give the agency another level of enforcement for timber operators who refuse to comply and leave the operation out of compliance.



### **SB 535: Ginseng Definition**

Sen. Gregory Tucker

Clarifies the definition of “ginseng” to mean whole, sliced, or parts of roots of cultivated ginseng, woods grown ginseng, wild simulated ginseng, and wild ginseng, excluding manufactured parts, products, and derivatives, such as powders, pills, extracts, tonics, teas, and confectionary.

### **SB 572: Timber Financing**

Sen. Gregory Tucker

Provides that a record of a mortgage that is effective as a financing statement covering as-extracted collateral or timber to be cut remains effective as a financing statement covering as-extracted collateral or timber to be cut until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real property.

### **SB 579: Land Reuse Agency**

Sen. John Unger

Authorizes the creation of a land reuse agency for the purpose of improving housing development and land use by providing an option to all municipalities, counties or combinations to create a land banking program in order to eliminate blight and address vacant, delinquent, or foreclosed properties.

## **Reorganization and Coordination**

### **SB 365: Conservation District Supervisors**

Sen. Ronald Miller

Provides an exception to certain provisions of the West Virginia Ethics Act for elected conservation district supervisors who participate in the West Virginia Conservation Agency Agricultural Enhancement Program.

## **Solid Waste**

### **HB 4339: Solid Waste Authority Closure Cost Assistance Fund**

Del. Denise Campbell

Ensures that money from the Solid Waste Authority Closure Cost Assistance Fund is available to facilitate the closure of the Elkins-Randolph County Landfill and the Webster County Landfill.

### **SB 378: Waste Service Vehicles**

Sen. Donald Cookman

Directs that no person shall drive a motor vehicle and meet or overtake from either direction a stopped waste service vehicle at a speed in excess of fifteen miles per hour under certain circumstances; defines “waste service vehicle”; sets forth situations in which the special speed limit applies; provides criminal penalties; and permits waste service vehicles to be equipped with special lights.



## Water Quality and Pollution Control

### **SB 373: Water Resources Protection**

Sen. John Unger

Amends the Water Resources Protection and Management Act to incorporate recommendations from the State Water Resources Management Plan. Those recommendations include:

- Changing the definition of a large quantity user to a person who uses at least 300,000 gallons of water in any 30-day period;
- Requiring large quantity users to report actual water withdrawals or usage for a calendar year on an annual basis;
- Requiring drilling contractors or well owners to report the depth to groundwater or drilled wells; and
- Directing the Department of Environmental Protection secretary to develop a program to regulate new and existing aboveground storage tanks, etc.





# **Southern States Energy Board Members**

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## **2013-2014 Executive Committee**

The list of members below reflects officials who serve the Board as of September 1, 2014. For a current roster, please contact the SSEB staff or visit our website at [www.sseb.org](http://www.sseb.org).

### **Chairman**

The Honorable Robert Bentley, Governor of Alabama

### **Chairman-Elect**

The Honorable Earl Ray Tomblin, Governor of West Virginia

### **Vice-Chairman**

Representative Rocky Adkins, Commonwealth of Kentucky

### **Treasurer**

Representative Myra Crownover, Texas

### **Member, Executive Committee**

The Honorable Phil Bryant, Governor of Mississippi

### **Member, Executive Committee**

The Honorable Mike Beebe, Governor of Arkansas

### **Member, Executive Committee**

Senator Robert Adley, Louisiana

### **Member, Executive Committee**

Senator Mark Norris, Tennessee

### **Member, Executive Committee**

Representative Harry Geisinger, Georgia

### **Member, Executive Committee**

Representative Weldon Watson, Oklahoma

### **Chair, SLC Energy & Environment Committee**

Representative William E. Sandifer, South Carolina ●

### **Federal Representative**

The Honorable Jim Powell ●

### **Secretary**

Kenneth J. Nemeth, Executive Director, SSEB ●

- *Ex-Officio, Non-Voting Executive Committee Members*



## **Members of the Board**

### **Alabama**

The Honorable Robert Bentley,  
Governor  
Senator Jimmy W. Holley  
Senator Cam Ward (Alternate)  
Representative Randy Davis  
Representative Howard Sanderford  
(Alternate)  
Representative Micky Hammon  
(Governor's Alternate)

### **Arkansas**

The Honorable Mike Beebe, Governor  
Senator Eddie Joe Williams  
Senator Bobby J. Pierce (Alternate)  
Representative Sue Scott  
Representative Denny Altes, Chair  
SLC Energy & Environment Committee  
Mr. Marc Harrison (Governor's  
Alternate)

### **Florida**

The Honorable Rick Scott, Governor  
Senator Anitere Flores  
Representative Jose Felix Diaz  
Governor's Alternate (*pending  
appointment*)

### **Georgia**

The Honorable Nathan Deal, Governor  
Senator Ross Tolleson  
Senator Jack Murphy (Alternate)  
Representative Harry Geisinger  
Representative Lynn Smith (Alternate)  
Ms. Jill Stuckey (Governor's Alternate)

### **Kentucky**

The Honorable Steve Beshear, Governor  
Senator Brandon Smith  
Senator Jared Carpenter (Alternate)  
Representative Rocky Adkins  
Representative Jim Gooch Jr.  
(Alternate)  
Dr. Leonard K. Peters (Governor's  
Alternate)

### **Louisiana**

The Honorable Bobby Jindal, Governor  
Senator Robert Adley  
Senator Gerald Long (Alternate)  
Representative Joe Harrison  
Representative Raymond Garofalo, Jr.  
(Alternate)  
Commissioner Scott Angelle (Governor's  
Alternate)

### **Maryland**

The Honorable Martin O'Malley,  
Governor  
Senator Thomas McLain (Mac)  
Middleton  
Delegate Dereck E. Davis  
Delegate Sally Y. Jameson (Alternate)  
Governor's Alternate (*pending  
appointment*)

### **Mississippi**

The Honorable Phil Bryant, Governor  
Senator Terry C. Burton  
Senator Sean J. Tindell (Alternate)  
Representative Gary Staples  
Representative Angela Cockerham  
(Alternate)  
Mr. Chris Champion (Governor's  
Alternate)

### **Missouri**

The Honorable Jay Nixon, Governor  
Senator Mike Kehoe  
Representative Jeanie Riddle  
Representative Rocky Miller (Alternate)  
Mr. Jeff Harris (Governor's Alternate)



**North Carolina**

The Honorable Pat McCrory, Governor  
Senator Robert Rucho  
Senator E. S. Newton (Alternate)  
Representative Mike Hager  
Mr. Mitch Gillespie (Governor's  
Alternate)  
Mr. Tony Almeida (Governor's  
Alternate)

**Oklahoma**

The Honorable Mary Fallin, Governor  
Senator Cliff Branam  
Senator Bryce Marlatt (Alternate)  
Representative Weldon Watson  
Representative Josh Cockroft  
(Alternate)  
Secretary Michael Teague (Governor's  
Alternate)

**Puerto Rico**

The Honorable Alejandro Garcia Padilla,  
Governor  
Senator Cirilo Tirado Rivera  
Honorable Cesar Hernandez Alfonzo  
Mr. Jose Maeso (Governor's Alternate)

**South Carolina**

The Honorable Nikki Haley, Governor  
Senator Lawrence Grooms  
Senator Thomas C. Alexander  
(Alternate)  
Representative William E. Sandifer  
Governor's Alternate (*pending  
appointment*)

**Tennessee**

The Honorable Bill Haslam, Governor  
Senator Mark Norris  
Representative John Ragan  
Mr. Robert "Bob" Martineau  
(Governor's Alternate)

**Texas**

The Honorable Rick Perry, Governor  
Senate (*pending appointment*)  
Representative Myra Crownover  
Chairman Barry Smitherman  
(Governor's Alternate)

**U.S. Virgin Islands**

The Honorable John P. deJongh,  
Governor  
Mr. Karl Knight (Governor's Alternate)

**Virginia**

The Honorable Terry McAuliffe,  
Governor  
Senator John C. Watkins  
Senator John S. Edwards (Alternate)  
Senator Frank W. Wagner (Alternate)  
Delegate James W. (Will) Morefield  
Governor's Alternate (*pending  
appointment*)

**West Virginia**

The Honorable Earl Ray Tomblin,  
Governor  
Senator Douglas E. Facemire  
Senator Art Kirkendoll (Alternate)  
Delegate Linda Goode Phillips  
Delegate Brent Boggs (Alternate)  
Mr. Jeff F. Herholdt (Governor's  
Alternate)









*Transcending Boundaries*

# 2014 LEGISLATIVE DIGEST

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

ALABAMA	OKLAHOMA
ARKANSAS	PUERTO RICO
FLORIDA	SOUTH CAROLINA
GEORGIA	TENNESSEE
KENTUCKY	TEXAS
LOUISIANA	U.S. VIRGIN ISLANDS
MARYLAND	VIRGINIA
MISSISSIPPI	WEST VIRGINIA
MISSOURI	
NORTH CAROLINA	

Southern States Energy Board  
6325 Amherst Court  
Peachtree Corners, GA 30092  
Ph: 770.242.7712  
Fax: 770.242.9956  
[www.sseb.org](http://www.sseb.org)