



# 2012

# Legislative Digest

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

September 2012

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



## Acknowledgments

---

The Southern States Energy Board's **2012 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 for assisting us in compiling and reviewing the **Digest**.

Published by  
**Southern States Energy Board**  
6325 Amherst Court  
Norcross, Georgia 30092

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

# Table of Contents

<b>Acknowledgments .....</b>	<b>2</b>
<b>Representative Rocky Adkins.....</b>	<b>5</b>
<b>Introduction.....</b>	<b>7</b>
Categories of Energy Legislation.....	13
Categories of Environmental Legislation.....	15
<b>Matrices and Graphs.....</b>	<b>17</b>
Matrices and Graphs Abbreviations.....	18
Matrices of 2012 Energy and Environmental Legislation .....	19
Overall Energy Legislation .....	20
Overall Environmental Legislation .....	21
<b>Southern States Energy Board Member States</b>	
Alabama .....	23
Arkansas .....	31
Florida.....	33
Georgia.....	51
Kentucky .....	63
Louisiana.....	71
Maryland.....	83
Mississippi .....	97
Missouri .....	101
North Carolina.....	111
Oklahoma.....	117
Puerto Rico .....	127
South Carolina .....	129
Tennessee.....	155
Texas .....	165
U.S. Virgin Islands.....	167
Virginia .....	169
West Virginia .....	187
<b>Southern States Energy Board.....</b>	<b>195</b>
2011-2012 Executive Committee.....	197
Members of the Board .....	198





## **Representative Rocky Adkins**



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 25th year as a Legislator.

A native of Sandy Hook, Kentucky, Representative 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, Representative 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. Representative Adkins quickly accumulated legislative responsibilities and served on a number of influential committees, including the House Appropriations & Revenue Committee and the Budget Review Subcommittee on Transportation.

A leader in the field of energy independence, Representative Adkins has introduced several ground-breaking pieces of legislation that will help our nation achieve energy self sufficiency in the coming years. His legislation includes incentives for the conversion for 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.

Representative Adkins' legislative initiatives also promote conservation and incentives for energy efficient home building and construction. He was appointed Vice Chair of the Southern States Energy Board in 2008 by Chairman, Governor Joe Manchin, who called Representative Adkins, "the South's lead legislator on energy."

Representative Adkins is a 14-year survivor of cancer and he actively raises funds for research by sponsoring an annual golf tournament entitled the "Rocky Adkins Charity Golf Outing Cure for Cancer." The tournaments have raised more than \$1 million since 1995.





# Introduction

---

## Representative Rocky Adkins

It is my privilege to present the 2012 **Energy and Environmental 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 2012 legislative session, 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 467 pieces of legislation.

Precise state by state 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 34 percent of the total legislation summarized in this document. The largest topic areas this year was *Utilities* where there were 49 bills passed and *Natural Gas and Petroleum* with the passage of 35 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 two categories continue to be *Inland Water Resource Management and Conservation* and *Land Management and Conservation*. These two categories combined for 111 pieces of legislation.

When examining legislation passed state-by-state it is not unusual to observe certain trends or themes. This year was no different. The most apparent, yet least surprising trend involved the adoption of measures dealing with natural gas and petroleum. Since the publication of the 2011 Digest, five states adopted legislation related to emerging issues surrounding hydraulic fracturing and horizontal drilling for natural gas and petroleum. Another though less prevalent trend involved measures promoting energy efficiency in state and publicly funded buildings. Nine separate states adopted a total of 14 such measures involving building codes or performance savings contracts. Another interesting trend that continued from 2011 in the alternative energy arena is various incentives to support the development of renewable energy enterprise or economic zones. Finally, a number of states addressed the continuing problem of metal theft that



is causing economic hardship on citizens, businesses, and governments as well as rising utility and insurance rates by imposing stricter standards on sellers and recyclers.

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 22 energy and environmental bills during the 2012 legislative session. One of the most significant is HB 518, which creates the Alabama Public Interest Energy and Fuel Research and Development Grants Program within the Department of Agriculture and Industries Center for Alternative Fuels to provide funding for public interest energy and fuel research and development projects. Also, Alabama adopted two important bills related to the coal industry. HB 144 adds companies primarily engaged in the coal mining industry to the list of businesses qualifying for sales, use, mortgage, deed and non-educational property tax abatements under the state's 1992 abatement law as well as the state's income tax capital credit. The provisions of this bill will reduce potential property tax, mortgage and deed tax, income tax and sales tax receipts to the state and potential non-educational property and sales tax receipts of local governments in the event that eligible coal mining companies would have located or expanded operations in Alabama without the incentives provided in this bill. HB 145 reestablishes Alabama's coal severance tax, which expired on October 1, 2011, and provides for a distribution of its revenues to specific entities within the bill, including the Alabama Coal Academy and coal producing counties.

**Arkansas** did not have a regular legislative session in 2012.

**Florida** adopted 36 energy and environmental measures. HB 7117 is a major energy bill containing provisions related to alternative energy development, energy efficiency, and governmental reorganization. HB 7117 reinstates and revises the sales tax exemption for renewable energy technologies; the renewable energy technologies investment corporate income tax credit; and the renewable energy production corporate income tax credit. Also, it authorizes the Florida Department of Agriculture and Consumer Services to establish a clearinghouse on its website regarding cost savings associated with energy efficiency and conservation measures. In regard to environmental legislation, HB4001 repeals the Florida Climate Protection Act, which authorized the Florida Department of Environmental Protection to adopt rules to create a cap-and-trade program to reduce greenhouse gas emissions.

**Georgia** passed 32 energy and environmental bills. The House through HR 1367 and the Senate through SR 848 urged Congress to prohibit the federal Environmental Protection Agency from further regulating greenhouse gas emissions without a comprehensive study of their economic and environmental impacts. Also, Georgia adopted SB 427 requiring the Environmental Protection Division to develop procedures to ensure timely processing of permits or variances. Also, the status of the applications must be securely available via EPD's website, which allows real time tracking of environmental permits issued to businesses by the regulatory agency.



The **Kentucky** General Assembly enacted 21 energy and environmental bills. A very significant and historic bill was HB 559 that lifts the 28 year moratorium on constructing new nuclear facilities under limited conditions, including for nuclear-assisted coal or gas conversion processes where electricity is not the primary output. It allows for re-enrichment of depleted nuclear tails; recycling or reprocessing of spent nuclear fuels; and the processing of metals contaminated with radioactive materials. Through HB 465, Kentucky created a Brownfields Redevelopment Program to be administered through the Energy and Environment Cabinet. HB 465 extends a release from liability to property owners seeking to redevelop a site where a release of petroleum, pollutants or contaminants has occurred, if the owner is willing to meet certain conditions.

In **Louisiana**, 46 bills covering energy and environmental issues passed the legislature. In the energy area, legislators acted to deal with oil and natural gas development, including SB 555 addresses the issues surrounding lawsuits between landowners and the oil and gas industry from environmental damage done many years ago. Prior law provided that if at any time during the proceeding a party admitted liability for environmental damage or the finder of fact determined that environmental damage existed and determined legal responsibility, the court would order the development a plan or submittal for the evaluation or remediation to applicable standards of the contamination that resulted in the environmental damage. SB 555 will allow a party to admit responsibility for cleaning up environmental damage according to regulatory standards without admitting liability for any other claims for damages.

Fifty-one bills related to energy and the environments were passed by **Maryland** legislators this year. Under HB 1186 and SB 652, the legislature specifies that energy generated from geothermal heat pumps is eligible to be included in the state's renewable energy portfolio standards. Maryland continues to address serious environmental issues related to the Chesapeake Bay and HB 446 significantly adjusted the Chesapeake Bay Restoration Fee for Maryland residents and businesses. The Chesapeake Bay Restoration Fee was designed in 2004 to upgrade Maryland's wastewater treatment plants with enhanced nutrient removal technology and implement cover crops to reduce nitrogen loading to the Bay.

The **Mississippi** legislature adopted 16 acts addressing energy and environmental matters. This session Mississippi was one several legislatures in recent years to continue to address the issue of hunting for non-native deer species, such as white-tail deer, through HB 756 and SB 325. In an interesting step, the legislature through HB 386 is allowing Jefferson Davis County to spend a portion its oil and gas severance tax revenues to defray the cost of garbage collection and disposal in the county.

The **Missouri** legislature adopted 20 energy and environmental measures during the 2012 legislative session. Missouri in HB 1251 and HB 1647 revised the their State Oil and Gas Council by adding a representative of the Missouri Independent Oil and Gas Association, specifying that the university member of the Council must be a professor from the Missouri University of Science and Technology Petroleum Engineering Program, and adding two public members, one of which must live in a list of specific



counties. Also Missouri, like many SSEB other many states, continues to address the serious issue of metal theft through HB1150, which provides new procedures for vehicles with salvage titles and for scrap metal operators.

During the 2012 Short Session, **North Carolina** passed eight new laws related to energy and the environment. HB 952 exempts sources of emissions from state air toxics emissions controls that are subject to certain federal emissions requirements. The bill directs the North Carolina Department of Environment and Natural Resources to require permit conditions that eliminate unacceptable risks to human health. The North Carolina Division of Air Quality must review the state air toxics program and provide reports to the legislature on the implementation of the bill.

Through SB 820, which received national attention, **North Carolina** established a regulatory framework and a process for adopting rules related to shale gas exploration and extraction by hydraulic fracturing. Specifically, this bill reconstituted the Mining Commission as the Mining and Energy Commission; requires the Mining and Energy Commission to develop a modern regulatory program for the management of oil and gas exploration and development activities in the state, including the use of horizontal drilling and hydraulic fracturing for that purpose; authorizes horizontal drilling and hydraulic fracturing, but prohibits the issuance of permits for these activities pending subsequent legislative action; and enhances landowner and public protections related to horizontal drilling and hydraulic fracturing. Also, this bill establishes the Joint Legislative Commission on Energy Policy. The Joint Legislative Commission on Energy Policy will exercise legislative oversight over energy policy in the state by monitoring the Mining and Energy Commission; evaluating energy-related industries in the state; and by monitoring changes in federal laws and regulations.

The **Oklahoma** Legislature considered and adopted 40 energy and environmental bills. HB 2654, SB 243 and SB 1665, provide significant litigation reform, and result from an agreement by Oklahoma's oil-and-gas industry and royalty owners to reduce frivolous lawsuits. SB 1096 established the Oklahoma State Facilities Energy Conservation Program. The program directs all state agencies and higher education institutions to achieve an energy efficiency and conservation improvement target of at least 20 percent by the year 2020. Improvement is based upon a benchmark prior to the implementation of program. Upon implementation, all agencies are required to input historical utility cost into approved software on a monthly basis. Under SB1096, the State Finance Director will oversee the development and implementation of the energy conservation program. All costs associated with the implementation of SB 1096 are to be fully funded by savings generated as a result of energy conservation.

This year **Puerto Rico** adopted 4 pieces of energy and environmental legislation. SB 2472 provided significant amendments to the territory's Net Metering Act. The bill increases the maximum generating capacity of net metering projects to five megawatts for commercial and industrial clients interconnected with the Puerto Rico Electric Power Authority's (PREPA) sub-transmission and transmission system, along with other provisions. Puerto Rico also took a significant step to address the problem of the disposal of electronics through HB 2, known as the E-Waste Recycling Act. It prohibits



any person from disposing of televisions or electronic equipment in a municipal landfill or any place other than an authorized collection center under a Recycling and Disposal Plan to be approved by the Solid Waste Management Authority and the Environmental Quality Board.

During the 2012 Session, **South Carolina** passed 37 new laws related to energy and the environment. Under HB 4639, South Carolina updated their building energy codes to the 2009 International Energy Conservation Code standards. Through SB 1029, the legislature provided geographic boundaries for a large number of previously undefined, but some very well known bodies of water, which will aid both state and local agencies. Also, the legislature through five bills addressed both freshwater and saltwater fishing.

**Tennessee** enacted 33 pieces of legislation related to energy and the environment. The legislature is as it examined state agencies and took a significant step through SB 2247 / HB2385, which reorganizes the Tennessee Regulatory Authority (TRA). The bills redefine the membership of the TRA, which sets rates and service standards for privately owned telephone, natural gas, electric and water utilities, to consist of five part-time directors, instead of four full-time directors. It sets term expirations for existing directors. Also, the bill calls for monthly meetings, unless the requirement is waived by majority vote of directors. It requires the directors to elect a chair and vice-chair and delineates the chair's responsibilities. The legislation sets the salaries for the directors and creates an executive director position to be appointed by the governor and defines his/her responsibilities. Also, Tennessee through their HR 195 was one several states that expressed disappointment with the U.S. President's rejection of the Keystone XL Pipeline. The resolution expressed support for pipeline as a way to create jobs and encouraged the President to approve TransCanada's next permit application.

**Texas** did not have a regular legislative session in 2012.

At the time of publication, the **U.S. Virgin Islands** had adopted 2 bills and 4 resolutions in the energy and environmental area. The legislature continues to seek money from Congress for renewable energy development in order to lower energy costs in the territory. Two bills provided ratification of coastal zone permits for redevelopment, dredging and maintenance of marina and dock facilities.

The **Virginia** General Assembly passed 71 pieces of energy and environmental legislation. HB 559 and SB 511 allow natural gas utilities to expand infrastructure as necessary to provide natural gas to economic development projects where it is not already available and when a project developer commits to at least a five-year contract for natural gas use. HB 1102 and SB 413 encourage investment in renewable energy research and development by providing renewable energy certificates to utilities for investment in research projects to advance renewable energy technologies. The proposal will allow a utility to meet no more than 20 percent of its annual voluntary renewable energy goal with investments in such research and development projects. The awarded certificates will be based on the amount of the investment divided by the average price of a Tier 1 and Tier 2 renewable energy certificate in PJM, the regional transmission organization of which Virginia's electric utilities are members, for the previous year.



Twenty-five bills related to energy and environment passed the **West Virginia** legislature, including the significant HB410, known as the Natural Gas Horizontal Well Control Act, which passed in December of 2011 during a Special Session. HB 401 sets forth conditions and fees for horizontal well permits as well as terms of usage for water withdrawal. This measure also provides a onetime payment of \$2,500 to surface owners of disturbed land as a reimbursement for real property taxes. Also, this bill restricts new well locations, expands the presumption of liability for well owners and provides a series of civil and criminal penalties. Finally, the bill requires the Department of Environmental Protection to promulgate a series of studies, rulemakings, regulations and reports. In 2012, mine safety continued to be prime consideration for West Virginia legislators. HB4351 amends provisions related to mine safety with a goal of preventing coal mine disaster injuries and fatalities by strengthening rock dusting requirements; providing new methane standards; codifying an anonymous mine safety tip line; and requiring pre-employment and random drug testing. It also increases fines and penalties for those who give advance notice of an inspector's presence at a mine or who willfully violate any safety standard that causes a fatality, among other safety improvements aimed toward preventing coal mine disaster injuries and fatalities.

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



# Categories of Energy Legislation

---

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 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**

---

## **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 off-shore and on-shore 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

---

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

The bar graphs on "Energy Legislation" and "Environmental Legislation" show the number of states enacting legislation by category during the year. A list of abbreviations used in the graphs is provided. Readers should refer to the categories section for more information on the criteria used in placing legislation in categories.



# **Matrices and Graphs Abbreviations**

---

## **Energy Legislation**

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**

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**

SB	Senate Bill
SCR	Senate Concurrent Resolution
SJR	Senate Joint Resolution
SR	Senate Resolution
HB	House Bill
HCR	House Concurrent Resolution
HJR	House Joint Resolution
HR	House Resolution



## Matrix of 2012 Energy Legislation

Types of Legislation	AL	AR	FL	GA	KY	LA	MD	MS	MO	NC	OK	PR	SC	TN	TX	VI	VA	WV
AED	√		√			√	√		√				√	√		√	√	√
CM	√		√		√	√											√	√
EMHS						√								√			√	
EE			√	√		√					√	√	√	√			√	√
NGP	√		√	√		√	√		√	√	√		√	√			√	√
RC	√		√	√	√	√		√			√			√			√	
U	√		√	√	√	√	√	√	√	√	√	√	√	√			√	√

## Matrix of 2012 Environmental Legislation

Types of Legislation	AL	AR	FL	GA	KY	LA	MD	MS	MO	NC	OK	PR	SC	TN	TX	VI	VA	WV
AQPC	√		√	√				√		√	√		√	√			√	√
CZM			√	√		√	√	√					√			√	√	
EMHS					√				√	√	√		√				√	√
EHS			√	√		√	√	√	√		√			√			√	√
HWSM	√					√	√	√	√									
IWRMC	√		√	√	√	√	√	√	√		√		√	√			√	
LMC	√		√	√	√	√	√	√	√	√	√		√	√			√	√
RW					√				√		√							
RC	√		√	√	√	√			√		√			√			√	√
SW	√		√	√	√	√	√	√	√	√	√	√	√	√			√	√
WQPC			√	√	√		√		√	√	√		√				√	√

### Energy

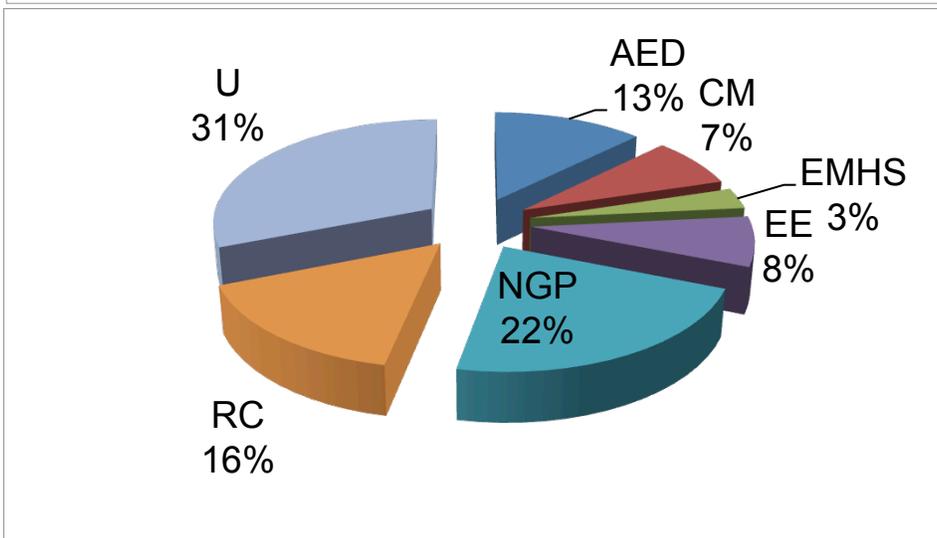
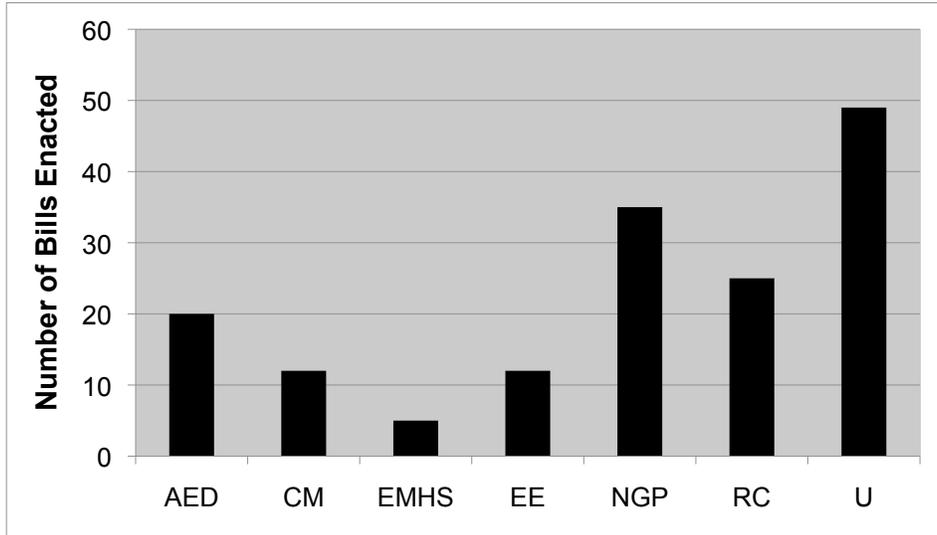
AED-Alternative Energy Development  
 CM-Coal and Minerals  
 EMHS-Emergency Management and Homeland Security  
 EE-Energy Efficiency  
 NGP-Natural Gas and Petroleum  
 RC-Reorganization and Coordination  
 U-Utilities

### Environmental

AQPC-Air Quality and Pollution Control  
 CZM-Coastal Zone Management  
 EMHS-Emergency Management and Homeland Security  
 EHS-Environmental Health Services  
 HWS-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



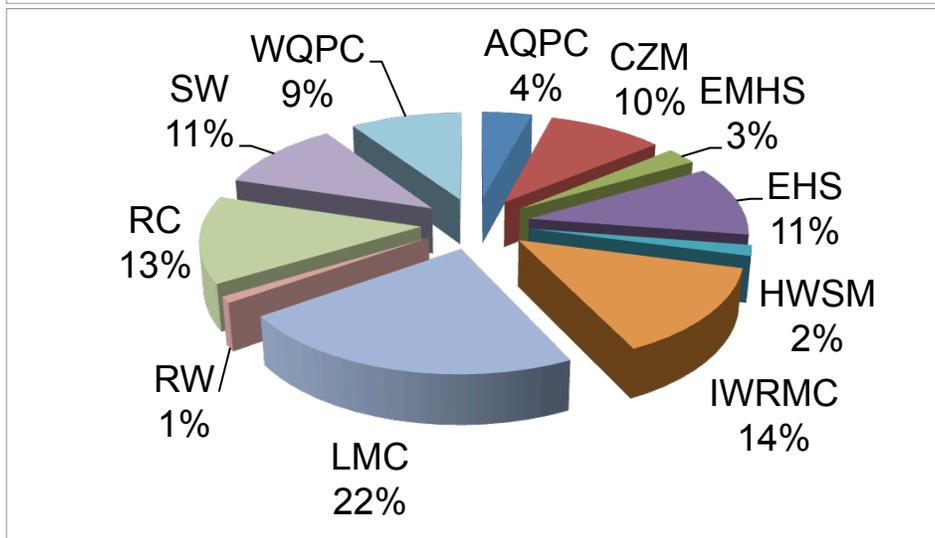
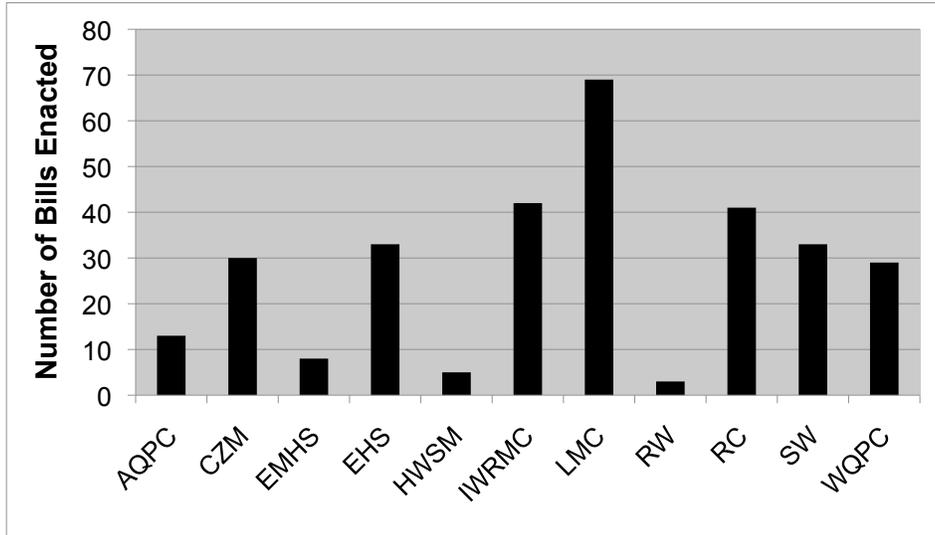
# Overall Energy Legislation



- 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 Environmental Legislation



- |       |   |
|-------|---|
| 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                   |





# Alabama

---

## Energy Legislation

### Alternative Energy Development

#### **HB518: Public Interest Energy and Fuel Research and Development Grants Program**

Rep. Greg Wren

Establishes the Public Interest Energy and Fuel Research and Development Grants Program within the Department of Agriculture and Industries to provide funding for energy and fuel related research and development projects. The program will be implemented and administered by the Commissioner of Agriculture and Industries through the Department's Center for Alternative Fuels. In addition, this bill establishes the non-reverting Public Interest Energy Research and Development Grants Fund to receive state appropriations, gifts, grants, federal funds and any other funds to be used to make public energy and fuel research and development grants. The bill also provides that the Commissioner shall expend and deduct 20 percent of the amount in the Fund for the operation of the center and program. Unobligated balances in the Fund will be invested by the State Treasurer and any interest earned would be credited to the Fund rather than the State General Fund. In addition, this bill creates the eight-member Advisory Commission on Public Interest Energy and Fuel Research and Development Grants. The Commission members will serve without compensation and advise the Commissioner of Agriculture and Industries regarding the distribution of grant funds.

### Coal and Minerals

#### **HB144: Expansion of Existing Tax Incentives to Coal Companies**

Rep. Bill Roberts

Adds companies primarily engaged in the coal mining industry to the list of businesses qualifying for sales, use, mortgage, deed and non-educational property tax abatements under the state's 1992 abatement law as well as the state's income tax capital credit.

The provisions of this bill will reduce potential property tax, mortgage and deed tax, income tax and sales tax receipts to the state and potential non-educational property and sales tax receipts of local governments in the event that eligible coal mining companies would have located or expanded operations in Alabama without the incentives provided in this bill.

#### **HB 145: Coal Severance Tax Reestablishment**

Rep. Bill Roberts

Reestablishes Alabama's coal severance tax, which expired on October 1, 2011, and provides for a distribution of its revenues to specific entities within the bill, including the Alabama Coal Academy and coal producing counties.



## Natural Gas and Petroleum

### **HB 341: Exemption for Motor Fuel Storage Tanks from Alabama Uniform Environmental Covenants Act**

Rep. Jim Carns

Exempts underground and above ground storage tanks storing motor fuel from the requirements of the Alabama Uniform Environmental Covenants Act.

### **HB543: Petroleum Inspection Fees**

Rep. Greg Wren

Increases the percentage of petroleum inspection fees retained by the Department of Agriculture and Industries from five percent to ten percent of total collections per month and will increase fees collected by the Department by an estimated \$500,000 for the fiscal year ending September 20, 2012, and \$3 million for the fiscal year ending September 30, 2013, and every subsequent fiscal year.

### **HR501: Resolution Urging the Federal Government to Expedite A Decision on Keystone XL Pipeline**

Rep. Randy Wood

Urges the President and Congress to expedite a decision on the construction of the Keystone XL Pipeline, which would provide significant, positive contributions to U.S. energy security and the U.S. economy valued at over \$20 billion.

## Reorganization and Coordination

### **SB111: Renewal of Alabama Public Service Commission**

Sen. Paul Bussman

Provides for the continuance of the Public Service Commission until October 1, 2013, pursuant to the Alabama Sunset Law.

### **SB114: Renewal of the Plumbers and Gas Fitters Examining Board**

Sen. Paul Bussman

Extends the Plumbers and Gas Fitters Examining Board until October 1, 2016, pursuant to the Alabama Sunset Law.

### **SB115: Continuance of the Alabama Board of Electrical Contractors**

Sen. Paul Bussman

Provides for the continuance of the Alabama Board of Electrical Contractors until October 1, 2016, pursuant to the Alabama Sunset Law.

### **SB119: Continuance of the Board of Examiners of Mine Personnel**

Sen. Paul Bussman

Extends the Board of Examiners of Mine Personnel, until October 1, 2016. The Board examines mine foreman and fire bosses.



**SB121: Renewal of the Alabama Liquefied Petroleum Gas Board**

Sen. Paul Bussman

Provides for the continuance of the Alabama Liquefied Petroleum Gas Board until October 1, 2016, pursuant to the Alabama Sunset Law.

Utilities

**HB93: One Call before You Dig Notification**

Rep. Ronald Johnson

Requires those digging or excavating to contact the Alabama One Call Notification System or the utility in house notification system, in order to spot hidden underground utilities. All underground facility operators are required to be members of the Alabama One Call Notification System.



# Alabama

---

## Environmental Legislation

### Air Quality and Pollution Control

#### **SJR91: Joint Resolution Urging Congress to Limit the EPA's Ability to Regulate Greenhouse Gasses**

Urges Congress to:

- Adopt legislation prohibiting EPA by any means necessary from regulating greenhouse gas emissions, including, if necessary, defunding EPA greenhouse gas regulatory activities;
- Impose a moratorium on promulgation of any new air quality regulation by EPA by any means necessary, except regulation to directly address an imminent health or environmental emergency, for a period of at least two years, including defunding EPA air quality regulatory activities;
- Require the administration to undertake a study identifying all regulatory activity that EPA intends to undertake in furtherance of its goal of "taking action on climate change and improving air quality" and specifying the cumulative effect of all of these regulations on the economy, jobs, and American economic competitiveness. The study should be a multi-agency study drawing on the expertise both of EPA and of agencies and departments having expertise in and responsibility for the economy and the electric system and should provide an objective cost-benefit analysis of all EPA's current and planned regulations together.

### Hazardous Waste and Substance Management

#### **HB601: Pesticide Registration Fee**

Rep. Chad Fincher

Increases the maximum biennial pesticide registration fee charged by the Board of Agriculture and Industries from \$400 to \$600. In addition, this bill modifies the existing biennial pesticide registration fee schedule and will increase pesticide registration fees paid to the Agricultural Fund of the Department of Agriculture and Industries by an estimated \$650,000 for the fiscal years ending September 30, 2013, and September 30, 2014, and by an estimated \$1,300,000 for the fiscal year ending September 30, 2015, and every fiscal year thereafter. This bill also provides that the pesticide fees paid to the Agricultural Fund are to be used exclusively for certain operations of the Pesticide Management Division of the Department of Agriculture and Industries.



## Inland Water Resource Management and Conservation

### **HB328: Income Tax Credit for Purchase and Installation of Irrigation System**

Rep. Chad Fincher

Provides an income tax credit for the purchase, installation and fuel conversion costs of qualified irrigation and reservoir systems. The credit is equal to 20 percent of the accrued cost of qualified irrigation equipment and the cost of constructing a qualified reservoir and any fuel conversion costs, not to exceed \$10,000 in any tax year. The credit cannot exceed the taxpayer's Alabama income tax liability computed without regard to the credit. The credit will be effective for the 2012 tax year and subsequent tax years. In addition, the bill further provides that for these types of equipment purchases, the calendar year 2011 federal expensing provisions will remain in effect for Alabama tax purposes. The credit for the purchase and installation of qualified irrigation equipment or qualified reservoir is limited to one per taxpayer.

### **SB367: Special Licensing Requirements for Paddlefish Fishing**

Sen. Shadrack McGill

Establishes a special commercial license for the buying and selling of paddlefish, also known as a spoonbill catfish. The bill establishes a \$750 fee for the annual license. Any person fishing for paddlefish without a license will be guilty of a Class A misdemeanor.

## Land Management and Conservation

### **HB318: Willful Removal of Timber and Forest Products by Deception**

Rep. Charles Newton

Makes the willful and deceptive timber and forest products removal a Class A misdemeanor.

### **SJR: Joint Resolution Expressing Opposition to Oil and Gas Leasing in Alabama's National Forests**

Sen. Gerald Dial

Expresses opposition to the sale of oil and gas leases to parcels of Alabama national forest land on June 14, 2012, by the United States Bureau of Land Management. Also, it urges the United States Bureau of Land Management to act to protect drinking water resources and other important forest, water, and economic resources by removing all parcels located in Alabama national forests from the June 14, 2012, lease sale.

## Reorganization and Coordination

### **HB544: Seed Inspection Fee**

Rep. Steve Clouse

Provides that the Department of Agriculture and Industries may establish and administer seed inspections and provides for record keeping requirements for any seed sold or distributed in the state for planting purposes. This bill authorizes the Board of Agriculture and Industries to charge a seed inspection fee to be determined by the



Board. The fee assessed for the seed inspections may be 10 cents per one-hundred pounds of seed inspected; however, the Board may establish the fee at any rate it determines and all fees collected under the provisions of this bill will be deposited in the Agricultural Fund of the Department. The Department will review the fee schedule and administration of the seed inspection fee program and make recommendations for its renewal or renewal with revisions prior to the fourth year of each legislative quadrennium.

**SB477: Prohibition of Local Governments Accepting United Nation’s Agenda 21 Funds**

Sen. Gerald Dial

Prohibits the state and its political subdivisions from entering into any agreement, expending any sums of money related to contracting services, or giving or receiving any financial aid to and from non-governmental and inter-governmental organizations defined in the United Nations Agenda 21 sustainable development environmental plan.

**Solid Waste**

**HB 278: Offenses Related to Secondary Metal Recycling**

Rep. Bill Poole

Expands offenses relative to the secondary metals recycling law and increases fines which will go to the State General Fund, county general funds, and other funds receiving court costs. This bill also requires secondary metals recyclers to register with the Alabama Criminal Justice Information Center (ACJIC) and pay an annual registration fee of \$250 and to enter required information into a database maintained by ACJIC for each secondary metal transaction.

**HB447: Performance Bonds for Certain Waste Treatment Facilities**

Rep. Ronald Johnson

Authorizes the Alabama Department of Environmental Management (ADEM) to require certain centralized waste treatment facilities to post a performance bond or other form of financial assurance in an amount sufficient to close the facility if it becomes necessary; and it authorizes permit holders for non-hazardous industrial waste treatment plants to impose a user fee equal to five percent of the costs of the facility to treat industrial waste. The fee will be remitted to ADEM. Also, this bill creates the Centralized Waste Treatment Facility Rehabilitation Fund to be managed by ADEM for the collection of the user fees established by the bill. Upon the fund reaching a threshold amount of \$10,000,000, ADEM may suspend the posting of bonds or other financial assurance requirements. If the fund falls below the threshold amount at the end of any fiscal year, financial assurance requirements of the permit holders may resume until ADEM determines the threshold amount is restored to the fund. The bill further provides that the funds authorized in the bill are for the exclusive use of closing a facility if the owner or operator ceases proper operation, abandons, or fails to properly maintain a facility to ensure compliance with environmental regulations.



**HB556: Moratorium on Landfill Permits**

Rep. Alan Baker

Extends by an additional 12 months the existing 24-month moratorium on the issuance of any new permits by the Alabama Department of Environmental Management for public solid waste landfill facilities which receive or are intended to receive wastes not generated by the permittee. Under the provisions of this bill, the extended moratorium ends May 31, 2014.

**Water Quality and Pollution Control**

**SJR 16: Resolution Clarifying the State's Stewardship Role over Water**

Sen. Gerald Dial

Clarifies the state's stewardship role over its water resources to enhance its ability to protect the water from federal and interstate encroachment. This resolution requests that the Alabama Office of Water Resources work with other agencies to ensure that this stewardship role is reflected in on-going efforts to enhance water resource planning and management in Alabama.





# Arkansas

---

*Arkansas did not have a regular legislative session in  
2012.*





# Florida

---

## Energy Legislation

### Alternative Energy Development

#### **HB7117: Omnibus Energy Bill**

Rep. Scott Plakon

Contains the following provisions on renewable and alternative motor vehicle fuels:

- Creates a sales tax exemption for equipment used in distribution of biodiesel, ethanol, and other renewable fuels. The cap is \$1 million per state fiscal tax year. The definition of “renewable fuel” includes fuels other than ethanol, such as biobutanol.
- Provides a renewable energy technologies investment tax credit against the corporate income tax based on investment in equipment to be used in production, storage, and distribution of renewable fuels. The cap is \$1 million per corporation and \$10 million total per state fiscal year. The definition of “renewable fuel” includes fuels other than ethanol, such as biobutanol.
- Includes algae in the Department of Agriculture’s permitting of nonnative plants so they can be used on a large-scale as feedstocks for renewable fuels. It also allows consideration of experience and research in exempting plants from permitting requirements and in decreasing bonding requirements.
- Finally, it exempts electric vehicle charging stations from regulation by the Public Service Commission (PSC). It also provides for Department of Agriculture and Consumer Services (DACS) rulemaking on sales practices.

On renewable electric energy, this bill does the following:

- Creates a renewable energy production credit against the corporate income tax based on \$0.01 per kilowatt hour of renewable energy produced. The cap is \$1 million per corporation and \$5 million for state fiscal year 2012-2013, which is increased to \$10 million for 2013-2014 through 2016-2017, with provisions for prorating credits if claims exceed the annual cap.
- Requires DACS to do a forest inventory, which will help determine what biomass is available for these purposes.

### Coal and Minerals

#### **HB7087: Economic Development**

Rep. Stephen Precourt

Contains many provisions relating to taxation. It provides tax incentives for various Florida industries, and allows for additional distributions of tax revenue for various purposes. Specific provisions relate to the severance tax on phosphate. This bill reduces the tax rate and changes the distribution of the severance tax on phosphate.



## Energy Efficiency

### **HB7117: Omnibus Energy Bill**

Rep. Scott Plakon

Contains the following provisions on conservation and efficiency:

- Appropriates \$250,000 in nonrecurring money for the 2012-2013 fiscal year from the PSC Regulatory Trust Fund for the Public Service Commission, in consultation with the Department of Agriculture and Consumer Services, to use to contract for an independent evaluation of the Florida Energy Efficiency and Conservation Act to determine whether it remains in the public interest. The review must consider:
  - The cost to ratepayers;
  - The incentives and disincentives associated with the Act's provisions;
  - Whether the programs create benefits without undue burden on the customers; and
  - The models and methods used to determine conservation goals.
- Requires DACS and other specified entities to develop and DACS to maintain a webpage containing cost and benefit information on energy efficiency and conservation measures to educate consumers.
- Finally, the bill authorizes local government to use discretionary sales surtax proceeds to provide funding to residential property owners who make energy efficiency improvements to their residential property if done pursuant to referendum.

## Natural Gas and Petroleum

### **HB7087: Economic Development in Mature Oil Fields**

Rep. Stephen Precourt

Contains many provisions relating to taxation. It provides tax incentives for various Florida industries, and allows for additional distributions of tax revenue for various purposes. Specific provisions relate to mature oil field recovery and this provides a lower severance tax rate for oil recovered from new wells in fields discovered prior to 1981.

## Reorganization and Coordination

### **HB231: Intergovernmental Cooperation**

Rep. Mike Horner

Revises the definition of "electric utility" in the Florida Interlocal Cooperation Act of 1969 to also include those municipalities, authorities, commissions, special districts, or other public bodies that own, maintain, or operate an electrical generation, transmission, or distribution system within the state on June 25, 2008. It also provides legislative intent that each electric utility included in the revised definition of electric utility may exercise the powers granted by the Joint Power Act, in conjunction with the exercise of the powers and authority granted by the Florida Interlocal Cooperation Act of 1969. Also, the bill authorizes a separate legal entity with member public agencies



located in at least five counties, of which three are not contiguous, to conduct public meetings and workshops by means of communications media technology. It defines the term “communications media technology” as a conference telephone, videoconference, or other communications technology by which all persons attending a public meeting or workshop may audibly communicate.

### **HB7037: Sunshine State One-Call of Florida, Inc.**

Rep. Ken Roberson

Saves from repeal a public records exemption for proprietary confidential information held by Sunshine State One-Call of Florida, Inc., thus ensuring that Sunshine State One-Call of Florida, Inc., can continue to operate the automated call-before-you-dig notification system to more effectively protect underground utility facilities.

### **HB7087: Economic Development**

Rep. Stephen Precourt

Contains many provisions relating to taxation. It provides tax incentives for various Florida industries, and allows for additional distributions of tax revenue for various purposes. Specific provisions relate to:

SEED Fund – provides \$14.9 million in non-recurring funds to the State Economic Enhancement and Development Trust Fund, to be used by the Department of Economic Opportunity for economic development programs, supplementing amounts provided in the GAA.

Preference for Florida Businesses – grants a five percent preference to Florida vendors for purchases of printing services and purchases of tangible personal property by state agencies, universities, colleges, school districts and other political subdivisions of the state. Counties and municipalities are not required to provide this preference. It exempts the provider of a statewide public service announcement program provided by a Florida statewide nonprofit corporation, with a guaranteed documented match of at least \$3 to \$1 from competitive bidding requirements. Also, it provides that a vendor whose principal place of business is in Florida may not be precluded from being an authorized reseller of information technology commodities of a state contractor if certain criteria are met.

## Utilities

### **HB209: Communications Services Tax**

Rep. J.W. Grant

Allows a dealer of communications services to exclude charges for any good or service that is exempt from the communications services tax, with specified exceptions, so long as those exempt items can be reasonably identified from the selling dealer’s books and records. Also, this bill provides that a dealer may be held liable for net aggregate underpayment of the tax, including interest and penalties, which is due as a result of assigning one or more service addresses to an incorrect local taxing jurisdiction if the dealer failed to use one or more of the specified methods for making such assignments and if the dealer’s failure results in a net aggregate underpayment of the local



communications services taxes with respect to one or more tax periods that are being examined by the Department; and the Department has determined the misallocations between jurisdictions for all taxes levied and collected by the dealer with respect to any tax period being examined by the department.

Also, this legislation creates the Communications Services Tax Working Group within the Department of Revenue to:

- Review national and state tax policies relating to the communications industry;
- Review the historical amount of tax revenue that has been generated by the communications services taxes for the purposes of determining the effect that laws passed in the past five years have had on declining revenues;
- Review the extent to which this revenue has been relied on to secure bonded indebtedness;
- Review the fairness of the state's communications tax laws and the administrative burdens it contains, including whether the applicability of the tax laws is reasonably clear to communications services providers, retailers, customers, local government entities and state administrators;
- Identify options for streamlining the administrative system;
- Identify options that remove competitive advantages within the industry as it relates to the state's tax structure without unduly reducing revenue to local governments; and
- Prepare a report addressing these issues and submit it to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2013.

### **HB7087: Economic Development**

Rep. Stephen Precourt

Contains many provisions relating to taxation. It provides tax incentives for various Florida industries, and allows for additional distributions of tax revenue for various purposes. Specific provisions relate to electricity used in packing houses and provide a sales tax exemptions for electricity used in packing houses for fresh fruit and vegetables and for meat from cattle and hogs.

### **HB945: Broadband Internet Service**

Rep. Doug Holder

Requires the Department of Management Services (DMS), in consultation with the Department of Economic Opportunity (DEO), to develop and submit to the United States Department of Commerce a request to transfer the federal broadband grant from DMS to DEO. DMS is to provide immediate written notice upon receipt from the United States Department of Commerce of its approval or denial of the request for a transfer of the broadband to the Governor, the President of the Senate, and the Speaker of the House of Representatives of that decision. If the request for transfer is approved, DMS is required to submit a budget amendment for approval by the Legislative Budget Commission to transfer from DMS to DEO the funds necessary to implement the remainder of the bill.



Effective upon approval of the budget amendment, the bill transfers, by type-two transfer, the Broadband Initiative Program from DMS to DEO. It designates DEO to replace DMS as the agency responsible for implementing the state's broadband program, and designates DEO as the single state entity to receive and manage all federal State Broadband Initiative funds. DEO is required to establish a public-private partnership that will collaboratively perform the work of implementing the broadband program. DEO's strategic plan to increase use of broadband Internet service in Florida must be developed with the use of consumer research into residential and business technology utilization data. Broadband mapping must be developed at the census block level of detail.



# Florida

---

## Environmental Legislation

### Air Quality and Pollution Control

#### **HB4001: Florida Climate Protection Act**

Rep. Scott Plakon

Repeals s. 403.44, F.S., known as the Florida Climate Protection Act (Act), which authorizes the Department of Environmental Protection (DEP) to adopt rules to create a cap-and-trade regulatory program to reduce greenhouse gas emissions. The Act was enacted in 2008, and DEP has not adopted any rules. The bill also deletes a related provision in s. 366.8255, F.S., on the recovery of costs associated with greenhouse gas registries.

### Coastal Zone Management

#### **HB 13: Sovereignty Submerged Lands**

Rep. Jim Frishe

Authorizes the Board of Trustees of the Internal Improvement Trust Fund (Board) to lease sovereignty submerged lands for certain multi-family residential docks and piers without requiring lease fees. It specifies a maximum 10-year lease term, lease fees for the preempted area over and above the 10 square foot per linear foot of shoreline maximum, exemptions from lease fees on revenue derived from transfer of private property entitled to a homestead exemption and inspections at least once every 10 years to ensure compliance. The bill authorizes the Board to impose additional fees and requirements authorized by law.

#### **HB 691: Beach Management**

Rep. Jim Frishe

Renames ch. 161, part I and II, F.S., as the “Dennis L. Jones Beach and Shore Preservation Act.” It also implements most of the Beach Management Working Group’s recommendations regarding streamlining and transparency. The bill does not reduce environmental protections for beach construction projects, including nourishment and erosion control projects. The bill clarifies that guidelines cannot be enforced as rules and clarifies the requirements for DEP to make requests for additional information. Finally, the bill exempts certain minimal exploratory activities from permitting.

### Environmental Health Services

#### **HB 479: Animal Control**

Rep. Marlene O’Toole

Expands the list of drugs that can be used to euthanize and immobilize domestic animals. The bill allows the Board of Pharmacy, at the request of the Board of Veterinary



Medicine, to expand the list of drugs that may be used to euthanize or immobilize domestic animals if findings support the addition of drugs to the list for humane and lawful treatment of animals. The bill limits the possession and use of these drugs to animal control officers and employees or agents of animal control agencies and humane societies while operating within the scope of their employment or official duties. The bill clarifies that the Department of Health is responsible for issuing the permit, by removing an outdated reference to the Department of Business and Professional Regulation being responsible for issuing the permit. The bill provides the Department of Health and the Board of Pharmacy with the authority to deny a permit, or fine, place on probation, or otherwise discipline an applicant or permittee for failure to maintain certain standards or violation of statutes. The bill allows the Department of Health to immediately suspend a permit through emergency order upon a determination that a permittee poses a threat to public health, safety and welfare. The bill eliminates food-based delivery of euthanasia drugs as an acceptable method of euthanization. The bill permits euthanasia by intracardial injection only upon a dog or cat, which is unconscious and exhibits no corneal reflex. Lastly, the bill requires an animal control officer, a wildlife officer, and an animal disease diagnostic laboratory to report to the Department of Health knowledge of any animal bite, diagnosis or suspicion of a group of animals having similar disease, or any symptom or syndrome that may pose a threat to humans.

#### **SB 1724: Mosquito Control Districts**

Sen. J.D. Alexander

Grants the board of commissioners of a mosquito control district the power of eminent domain to condemn any land or easements necessary for the purposes of mosquito control. This bill provides that mosquito control districts are fully authorized to do and perform all things necessary to carry out the intent and purposes of this law. This statutory language would include the authority to exercise eminent domain power.

### Inland Water Resource Management and Conservation

#### **HB1197: Stormwater Management**

Rep. Mike Horner

Prohibits governmental entities, excluding water control districts established under the Florida Administrative Procedure Act, or a special district created by special act for water management purposes, from charging storm water management assessments on land classified as agricultural if the farm operation has a National Pollutant Discharge Elimination System (NPDES) permit, an environmental resource permit, or works-of-the-district permit or implements best management practices adopted as rules under the Florida Administrative Procedure Act.

#### **HB 4123: Federal Environmental Permitting**

Rep. Rachel Burgin

Repeals s. 373.4144(2), F.S., directing the Department of Environmental Protection (DEP) to file a report with the President of the Senate and the Speaker of the House of Representatives proposing any required federal and state statutory changes that would be necessary to accomplish consolidation of state and federal wetland permitting



programs, and to coordinate with the Florida congressional delegation on any necessary changes to federal law. The section also renumbers the subsequent subsection of law and makes minor language changes.

## Land Management and Conservation

### **HB 313: Limitations on Premises Liability for Landowners Providing Recreational Opportunities**

Rep. Leonard Bemby

Allows private property owners who provide outdoor recreational opportunities on their properties to enter into written agreements with the state, as opposed to formal leases, and still receive the benefit of the limitation of liability. The bill also provides limitation of liability protection to private property owners who make their properties available to specific persons, as opposed to “the public,” for the purpose of hunting, fishing or wildlife viewing. To limit liability, the landowner must provide notice of the liability limits to the person or persons using the land. The property owner must not derive any profit from patronage of the property for outdoor recreational purposes; however, reimbursement of reasonable costs and expenses may be included in the agreement.

### **HB 1117: Conservation of Wildlife**

Rep. Shawn Harrison

Allows 16 zoos and aquariums that are accredited by the Association of Zoos and Aquariums in Florida to seek authorization from the Board of Trustees of the Internal Improvement Trust Fund and the Water Management Districts to use state lands to conduct enhanced research. The research could include the following areas: husbandry, reproductive biology, endocrinology, nutrition, genetics, behavior, health and ecology of native and non-native species of animals and birds. Projects involving mammalian species that are carnivores or primates are prohibited. The bill specifies that a detailed description of the proposed project include containment facilities and a plan to ensure the timely recovery of animals that have escaped due to natural disasters or other unforeseen events.

### **HB1197: Omnibus Agriculture Bill**

Rep. Mike Horner

Citrus Harvesting

Authorizes the use of citrus harvesting equipment and citrus fruit loaders to transport citrus between farms on public state highways without violating the public highway use restriction and for the purpose of qualifying for a refund of motor fuel taxes.

Commercial Feed or Feedstuff

Requires the Department of Agriculture and Consumer Services (DACS) to adopt rules establishing standards for the sale, use, and distribution of commercial feed or feedstuff, which standards must be developed in consultation with the Commercial Feed Technical Council.



### Florida Farm Operations

Revises the definitions of "farm operations" and "farm product" and creates a definition for "apiculture" so that honeybee and apiary activities and products are provided protections afforded by the Florida Right to Farm Act. It preempts to the Department of Agriculture and Consumer Services (DACS) the statewide authority to regulate, inspect, permit, and determine placement of managed honeybee colonies and to adopt rules for this purpose after consulting with local governments and other affected stakeholders. The bill creates a definition for "farm sign" which will result in farm signs being exempt from the Florida Building Code and any county or municipal code subject to certain restrictions on location, lighting, and use of certain words on the signs.

### Florida Farm Winery Program

Reduces the minimum acreage required to qualify as a certified Florida Farm Winery from 10 to 5 acres of land, which produces commodities used in the production of wine. It also requires that 60 percent of the wine produced must be made from Florida agricultural products.

### Artificial Dying or Coloring of Certain Animals

Repeals a statute that prohibits the artificial dying or coloring of any animal or fowl or the use of very young animals or fowl as merchandising premiums.

### **HB4039: Recreation and Parks**

Rep. Elizabeth Porter

Repeals duplicative statutes dealing with the authority that cities and counties have to set aside lands and/or buildings for use as playgrounds and recreation centers and to appropriate funds to conduct, equip, and maintain these facilities. Since 1968, cities and counties under their home rule authority have been able to levy such taxes, subject to referendum, within their respective millage cap.

### **HB 7025: Fish and Wildlife Conservation Commission**

Rep. Steve Crisafulli

Makes changes to several fish and wildlife statutes including those involving the Florida Panther license plate, the Florida Wildlife magazine, usage of the Documentary Stamp Tax and vessel registration fees for marine mammal care. It also includes license requirements for scuba divers who are taking saltwater products from a licensed charter dive boat; the mentor option of the hunter safety course for hunting in Florida; the fee schedule for blue crab soft shell endorsements; and, lastly, the bill adds two third degree felony offenses to the list of Level 5 offenses on the offense severity ranking chart of the Criminal Punishment Code of Florida.

### **SB 924: Special Observances: Designation of Everglades Day**

Sen. David Simmons

The bill designates April 7th of each year as "Everglades Day."



## Reorganization and Coordination

### **HB 503: Environmental Deregulation**

Rep. Jimmy Patronis

Revises provisions of Florida law relating to environmental regulations. Specifically, it:

- Prohibits a county or a municipality from conditioning the processing for a development permit on an applicant obtaining a permit or approval from any other state or federal agency;
- Authorizes the DEP to issue a coastal construction permit before an applicant receives an incidental take authorization;
- Expands eligibility for those entities entitled to reduced or waived permit processing fees;
- Expands the use of Internet-based self-certification services and general permits;
- Exempts previously authorized underground injection wells from ch. 373, part III, F.S., except for Class V, Group 1 wells;
- Reduces the time for agency action or proposed action on a permit from 90 to 60 days;
- Provides for an expanded state programmatic general permit;
- Raises the qualifying low-scored site initiative priority ranking score from 10 to 29, and exempts certain expenditures from counting against the program;
- Revises qualifications for fiscal assistance for innocent victim petroleum storage system restoration;
- Provides expedited permitting for intermodal logistic centers (inland ports);
- Authorizes zones of discharges existing installations, with certain limitations;
- Revises requirements for permit revocation;
- Revises the definition for “financially disadvantaged small community”;
- Revises the definition of industrial sludge;
- Specifies recycling credits available for counties that operate waste-to-energy facilities;
- Revises provisions related to solid waste disposal and management;
- Provides for a general permit for small surface water management systems;
- Expands the definition for “transient noncommunity water systems” to include religious institutions;
- Clarifies creation of regional permit action teams for certain businesses;
- Allows for sale of unblended fuels for specified applications, and specifies that alternative fuels other than ethanol may be used as blending fuels for blending gasoline; and
- Prohibits the collection of permit renewal fees for those permits that were automatically extended by Chapter 2011-139, ss. 73 and 79, L.O.F.

### **HB827: Limited Agricultural Associations**

Rep. Elizabeth Porter

Provides for conversion of a limited agricultural association into a domestic not-for-profit corporation. Specifically, the bill establishes requirements for conversion, including certain information that must be filed with the Department of State to convert into a domestic corporation. The conversion does not affect any obligation or liability of



the Association. Additionally, the bill creates a fee of \$35 for filing a certificate of conversion into a domestic corporation.

Limited agricultural associations were created by statute in 1941 as a way to enable agricultural producers in the state to benefit from a collective effort without the expenses imposed by a corporate structure. Currently, there are about 60 limited agricultural associations operating in Florida, the majority of which are county farm bureaus, which provide services to over 140,000 members.

### **HB1237: Update to Florida Citrus Code**

Rep. Ben Albritton

Revises the Florida Citrus Code, which was created in 1949 to regulate and protect the citrus industry. Specifically, it:

- Updates the short title from “The Florida Citrus Code of 1949” to the “Florida Citrus Code;”
- Updates terminology to more correctly reflect current processes;
- Revises the qualifications and terms of members of the Florida Citrus Commission (Commission) and provides for the members to serve staggered 3-year terms;
- Requires the Commission to review the citrus districts every five years and, upon certain findings, make recommendations to the legislature for redistricting of the districts;
- Requires the Department of Citrus (Department) to be staffed 5 days per week, 40 hours per week. Allows the executive director, with the Commission’s approval, to establish alternative schedules for individual employees to ensure maximum efficiencies;
- Clarifies and readopts the Department’s authority to adopt rules to implement certain powers and duties;
- Authorizes the Department to conduct, or arrange to be conducted, research related to disease and crop efficiency that advances the purpose of the Florida citrus industry and commercialization related to advancing such research;
- Updates obsolete tax language. Substitutes the term “assessment” for “excise tax” and sets the maximum assessments for grapefruit, oranges, tangerines, and citrus hybrids entering the primary channel of trade in the fresh and/or processed form;
- Requires persons liable for the periodic payments of assessments to submit a letter of credit from an issuing financial institution located in the United States to guarantee payment;
- Changes the majority of voting members of the Commission from nine to seven;
- Specifies dimensions for standard shipping and field boxes for fresh fruit and revises circumstances relating to the use of such boxes; and
- Requires approval of a majority of the Commission for any salary adjustment of a department employee who earns \$100,000 or more.



### **HB1239: Florida Citrus Records**

Rep. Ben Albritton

Creates a public records exemption for information contained in non-published reports or data related to certain studies or research related to citrus fruit and processed citrus products that is conducted, caused to be conducted or funded by the Department of Citrus. The exemption is subject to review and repeal on October 2, 2017, unless saved from repeal by the legislature, under the provisions of the Open Government Sunset Review Act.

### **HB 1383: Fish and Wildlife Conservation Commission Powers Reorganization**

Rep. Rich Glorioso

Acts on the recommendations of the Environmental Unit Sub-Team of the Law Enforcement Consolidation Task Force that was established to conduct a review of the conservation law enforcement activities and assets of the Department of Agriculture and Consumer Services (DACS), the Department of Environmental Protection (DEP), and the Florida Fish and Wildlife Conservation Commission (FWCC), to determine if any duplication of law enforcement functions exist between the agencies. As a result of the work of the Sub-Team, the task force recommended integration of the DEP Division of Law Enforcement (DLE) into the FWCC DLE and integration of the DACS Office of Agricultural Law Enforcement officers assigned to the Conservation and Recreational Lands (CARL) Patrol and the investigator responsible for commercial aquaculture violations into the FWCC DLE.

Department of Environmental Preservation Division of Law Enforcement

- The bill provides for a type 2 transfer of the Division of Law Enforcement of DEP, excluding the Bureau of Emergency Response, to the Division of Law Enforcement of FWCC.

Department of Agriculture and Consumer Services Division of Law Enforcement

- The bill provides for a type 2 transfer of the Division of Law Enforcement of the Department of Agriculture and Consumer Services sworn positions assigned to the Florida Forest Service and funded by the Conservation and Recreation Lands Program and the investigator responsible for the enforcement of aquaculture violations to the DLE within the FWCC.

Pay/Benefits for Transferred Personnel

- The bill provides for the transfer of any accrued annual leave, sick leave, and regular and special compensatory leave balances for personnel who transfer divisions.

Transition Advisory Group

- The bill provides for an advisory group made up of representatives of FWCC, DACS, and DEP to help guide the transitions required by the bill.



#### Powers of the Fish and Wildlife Commission Division of Law Enforcement

- The bill provides that the DLE of the FWCC has the power to investigate and arrest for violations of laws and rules of the DEP, the Board of Trustees of the Internal Improvement Trust Fund, and the DACS, including state parks, coastal and aquatic managed areas, greenways and trails, CARL lands, and aquaculture lands.
- The bill creates a section of law detailing the specific powers and duties of the FWCC relating to state parks, aquatic preserves and wild and scenic rivers.
- The bill adds the Office of Emergency Response to the list of special offices within the DEP.

#### **HB 7003: Environmental Resource Permitting**

Rep. Steve Crisafulli

Directs the Department of Environmental Protection (DEP) to adopt statewide environmental resource permit (ERP) rules. The Water Management Districts (WMDs) and delegated local governments are directed to implement the rules without rulemaking, except to conform existing rules. The bill specifies that the statewide ERP rules are to be based on existing DEP and WMD rules. Differences are allowed that are based on geographic differences in physical or natural characteristics. The bill allows the WMDs, with DEP oversight, to continue to adopt rules governing design and performance standards for stormwater quality and quantity. “Grandfather” clauses are included for ongoing activities that will not be subject to the new rules. The bill requires DEP staff oversight and training to ensure statewide consistency in implementing the ERP rules. The bill requires that local governments seeking delegation to implement the ERP program use statewide ERP rules and gives local governments that have already received delegation, one year from adoption of the rules to conform their ordinances. Lastly, the bill reenacts s. 70.001(12), F.S., for the purposes of a cross-reference.

#### **HB 7015: Open Government Sunset Review/ Private Museum Donors**

Rep. George Moraitis

Result from the Environmental Preservation and Conservation Committee’s Open Government Sunset Review of the public records exemption for information that identifies a donor or prospective donor to publicly owned house museums designated by the U.S. Department of Interior as National Historic Landmarks if the donor desires to remain anonymous. The exemption will expire on October 2, 2012, unless saved from repeal through reenactment by the legislature. This bill reenacts this public records exemption.

#### **HB7021: Department of Agriculture Powers and Duties**

Rep. Steve Crisafulli

Addresses a number of issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (DACCS). The bill provides for the following:

- Establishes the Division of Food, Nutrition and Wellness;



- Designates DACS, rather than the Department of Environmental Protection, as the staff responsible for acquiring and administering certain conservation easements;
- Extends the due date from September 15 to September 30 for mosquito control districts to provide their certified budgets to DACS;
- Allows water hyacinths produced by certified aquaculture producers to be exported to domestic, as well as foreign markets;
- Repeals statutory language relating to the John A. Mulrennan, Sr. Arthropod Research Laboratory;
- Allows DACS to adopt the most current federal regulations concerning food safety;
- Eliminates the Food Safety Pilot Program, relating to inspection of food establishments and vehicles;
- Provides direct statutory authority to DACS to distribute grants funds to farmers;
- Updates the name of the Office of Energy and Water to the Office of Agricultural Water Policy;
- Specifies that members of certain committees, boards, councils, working groups, task forces or other advisory bodies created within DACS are not entitled to per diem or travel expenses;
- Repeals the statute relating to the Florida Agricultural Exposition which was closed in 2008;
- Eliminates three technical councils and replaces them with a new Agricultural Feed, Seed and Fertilizer Advisory Council;
- Requires a review of marketing orders when requested by an advisory council rather than an annual audit by a certified public accountant;
- Revises the fertilizer tonnage fee program;
- Requires companies distributing feed in the state to report the number of tons distributed to DACS on a quarterly basis, specifies penalties for failure to comply, and specifies that consumers who purchase commercial feed that is in violation of state standards may seek legal or administrative action to recover penalties;
- Allows soil and water conservation districts to work across district lines in order to maximize the utilization of water conservation devices, systems, and techniques;
- Repeals provisions relating to cattle vaccination for brucellosis;
- Renames the “Wounded Warrior Special Hunt Area” as the “Operation Outdoor Freedom Special Hunt Area;”
- Gives the Florida Forest Service the sole authority to authorize silviculture and agricultural open burning to eliminate duplicative permitting;
- Provides an education fee waiver for elementary, middle, high school, and vocational schools that participate in the aquaculture certification program;
- Eliminates the Aquaculture Interagency Coordinating Council; and
- Authorizes the Commissioner of Agriculture to act as trustee on bonds posted with the United States Department of Agriculture in compliance with the Packers and Stockyards Act.



## Solid Waste

### **HB885: Secondary Metal Dealers and Recyclers**

Rep. Clay Ford

Addresses metal theft by amending provisions of the Florida Code, relating to secondary metal dealers and recyclers.

As it relates to secondhand dealer, this bill does the following:

- Defines the term "appropriate law enforcement official"; and
- Requires that individuals purchasing, consigning, or trading secondhand goods at a flea market be regulated by secondhand dealer laws.

As it relates to secondary metal recyclers, this bill does the following:

- Defines the terms "appropriate law enforcement official," "personal identification card," "restricted regulated metals," and "utility";
- Requires that secondary metals recyclers maintain and transmit daily an electronic record of all the previous day's purchase transactions to the appropriate law enforcement official;
- Revises the timeframe that secondary metals recyclers are required to maintain purchase transaction records;
- Limits the liability of secondary metals recyclers for the conversion of motor vehicles to scrap metal, as well as in premise liability cases;
- Modifies the acceptable forms of payment; and
- Prohibits the purchase of regulated metals before 7:00a.m. or after 7:00p.m.

As applied to secondary metal recyclers, this bill does the following with respect to preemption:

- Provides that the regulation of purchase transactions involving regulated metals property is preempted to the state with the exception that any ordinance enacted by a county or municipality before March 1, 2012, is precluded from such preemption. Such ordinances or regulations may subsequently be amended to incorporate provisions found under the secondary metal recycler law section; and
- Creates a specific exception to preemption for Miami-Dade County until July 1, 2013.

With respect to metal theft, this bill does the following:

- Increases the penalty for violation of secondary metals recycler laws to a third degree felony;
- Increases the penalty for three or more violations of such provisions to a second degree felony;
- Defines the term "electrical substation" in the theft of copper statute; and
- Provides that a person who knowingly and intentionally engages in the unlawful removal of copper from an electrical substation commits a felony of the first degree.



### **HB1223: Increase in Metal Theft Penalties**

Rep. Brad Drake

Increases penalties such that a secondary metals recycler who violates specified secondary metal recycler laws commits a felony of the third degree and that a third or subsequent violation of such provisions will be punished as a felony of the second degree. This bill also amends s. 812.145, F.S., by defining an "electrical substation" as a facility that takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one or more distribution lines less than 69 kilovolts in size. Furthermore, the bill provides that anyone who removes copper or other nonferrous metals from an electrical substation site commits a felony of the first degree.

## Water Quality and Pollution Control

### **HB 639: Reclaimed Water**

Rep. Dana Young

Addresses the regulation and use of reclaimed water. It defines "reclaimed water" and "reclaimed water distribution system." It reaffirms that reclaimed water is an alternative water supply and eligible for such funding and authorizes specified contract provisions for the development of reclaimed water as an alternative water supply. It gives reclaimed water utilities more control over reclaimed water and prohibits the water management districts from requiring a permit for reclaimed water. However, the bill authorizes the water management districts to require reclaimed water under certain circumstances. The bill requires the Department of Environmental Protection and each water management district to initiate rulemaking to adopt specified revisions to the water resource implementation rule. It authorizes the Department of Environmental Protection to regulate the use of surface water or groundwater to supplement a reclaimed water system. Finally, the bill specifies limitations of the Act.

### **HB 1389: Water Storage and Water Quality Improvements**

Rep. Steve Perman

Provides legislative intent to encourage public-private partnerships for water storage and water quality improvements on agricultural lands throughout the state. The bill specifies that any agreement must include a baseline condition to determine the extent of wetlands and other surface waters on a property. In addition, the bill specifies that during and after expiration of any agreement, the extent of the wetlands and other surface waters on the property is the original baseline condition. The legislation also creates the Study Committee on Investor-owned Water and Wastewater Utility Systems Study. The purpose of the Committee is to identify issues of concern of investor-owned water and wastewater utility systems. The Committee must prepare and submit a report to the governor, legislature and any relevant agencies detailing its findings and making specific recommendations by February 15, 2013. The bill specifies the Committee terminates on June 30, 2013.



## **HB 7051: Rules Establishing Numeric Nutrient Criteria**

Rep. Matt Caldwell

Exempts proposed rule amendments to Rules 62-302 and 62-303 of the Florida Administrative Code (F.A.C.) that were proposed for adoption by the Environmental Regulation Commission (ERC) on December 8, 2012, from legislative ratification under s. 120.541(3), F.S. It clarifies that ERC acted within its legislative authority in proposing for adoption Rule 62-302.531(9), F.A.C. Lastly, the bill directs the Department of Environmental Protection to submit the proposed rules to the U.S. Environmental Protection Agency within 30 days of this bill becoming a law.





# Georgia

---

## Energy Legislation

### Energy Efficiency

#### **SB113: Guaranteed Energy Performance Savings Contracts**

Sen. Buddy Carter

Changes the definition of “public works construction” projects for local governments in the Georgia Code, so as to exempt projects local governments may enter into that would be covered in Title 50 under the “Guaranteed Energy Savings Performance Contracting Act.” Local governments must issue a request for proposal when entering into a guaranteed energy savings performance contract, and publicly advertise the energy services contract opportunity. However, the local government is not required to request proposals from providers on the prequalification list maintained by the governmental unit.

### Natural Gas and Petroleum

#### **HB743: Motor Fuel Excise Tax Exemption: Public and Campus Transportation and Local Sales Tax Exemption: Jet Fuel**

Rep. Tom Rice

Extends an existing exemption from the motor fuel tax for public and campus transportation systems. It was set to expire on June 30, 2012, and was extended by this legislation through June 30, 2015. Also, it further exempts jet fuel at Atlanta’s Hartsfield-Jackson airport from local sales tax.

### Reorganization and Coordination

#### **HB769: Consumers’ Utility Counsel Division: Filings to Public Service Commission**

Rep. Harry Geisinger

Amends the Georgia Code to no longer require the Consumers’ Utility Counsel Division of Public Service Commission to provide filings to the Public Service Commission until the Division is funded by an Appropriations Act.

#### **HB386: Tax Reform**

Rep. Mickey Channell

Codifies existing regulations regarding the integrated plant theory as to the sales and use tax exemption for manufacturers. Manufacturing is broadly defined. The new exemption is generally effective January 1, 2013. A new exemption for energy used in manufacturing and mining is phased in over four years beginning in 2012. Local governments may levy an excise tax on energy.



### **SB332: Local Energy Excise Manufacturing Tax**

Sen. William Ligon

Authorizes the cities in a county where there is no intergovernmental agreement, or if the county does not levy a local energy excise manufacturing excise tax, to pass the excise tax by ordinance. The cities have 30 days to exercise the tax after the county; any levied tax would go into effect on the first day of the month following the adoption of the applicable ordinance for the excise tax.

### **SB396: The Herty Advanced Materials Development Center**

Sen. Ronnie Chance

Renames the Herty Advanced Materials Development Center to the Georgia Southern Herty Advanced Materials Development Center and will transfer control of the Center to the Board of Regents of the University System of Georgia. This bill also establishes an advisory board for the Center, to consist of three persons appointed by the governor and two persons appointed by the president of Georgia Southern University, who will serve without compensation. Manufacturers throughout the U.S. and Europe seek out Herty for assistance with their materials innovation needs such as fiber recycling, roll-based composites, hydrophobic pellet development and conversion of wood into paper products.

### **SB483: Public Service Commission Chairperson**

Sen. Jeff Mullis

Specifies the term of the Public Service Commission Chairperson, and how the chairperson is selected. The current chair may serve until January 1, 2013. The chairperson will be chosen by a majority of the PSC members. The term of office will be for two years. Any three members may call for a chairperson election at any time, but only twice per calendar year. A member can only serve as chairperson for two consecutive terms.

## Utilities

### **HB332: Universal Service Fund Surcharges**

Rep. Don Parsons

Requires local exchange carriers to obtain approval from the Georgia PSC to collect surcharges by showing that it will not result in an increase in service fees or service rates, unless the charge is a separate line item or required under state or federal law.

### **HB1049: The 9-1-1 Service Act of 1977: Prepaid Wireless Services and VoIP Service Supplier**

Rep. Wendall Willard

Adds Voice over Internet Protocol companies to the list of service suppliers that must provide information to the Director of the Georgia Emergency Management Agency. The "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977" requires that communications services suppliers provide the Director of the Georgia Emergency Management Agency with information that relates to the 9-1-1 emergency system. The information includes: the name(s) of the supplier, address and the telephone number of the service provider. Wireless service suppliers are currently permitted to collect up to



30¢ per call to recover costs expended on providing wireless 9-1-1 services to customers. The bill prohibits service suppliers from collecting any costs on its prepaid services. The legislation redefines the service more specifically as a wireless connection that is: sold to consumers in advance of its use; sold in a fixed number of units that are known; declines with use; and expires without an additional purchase. Further, the service would not be combined with other communications services that are paid in arrears. Finally, to qualify as “wireless prepaid services,” the subscriber could not be billed for the service nor presented with a monthly statement.

**HB1115: Telegraph: Repeal of Code References; Carrier of Last Resort Requirements**

Rep. Mike Dudgeon

Deletes references to the regulation of telegraph services in Georgia. The existing requirements include deregulation and tariff reports to the legislature and live access operators. Purview by the PSC and carrier of last resort obligations and for AT&T (the law refers to the company that elects alternative regulation and does not receive sums from the Universal Access Fund) are severed by this bill.

**HB1132: Fair Business Practices Act of 1975: Telemarketing Oversight**

Rep. Robert Dickey

Adds new language regulating telemarketing and solicitation services made into and received within the State of Georgia. The telemarketers must clearly identify themselves or the entity making the call. Caller ID services may not be blocked or disabled by the telemarketer or solicitation service; moreover, the number displayed must be an actual working number with an accurate identity of the caller. This would not apply to existing commercial relationships or political calls. Violation of these laws may result in a \$10 fine per violation and are eligible for class action status.

**SR848: Resolution on Cellular Jammers in Prisons and Jails**

Sen. Johnny Grant

Urges Congress to amend the Communications Act of 1934 and the Federal Communication Commission's rules so as to permit the use of "cellular jammers" for the prevention of illegal cell phone use in prisons, jails, and youth detention facilities. Current federal law prohibits the manufacture, importation, marketing, sale, and operation of "cellular jammers" within the United States.



# Georgia

---

## Environmental Legislation

### Air Quality and Pollution Control

#### **HR1367: Resolution Urging Congress to Limit EPA's Power**

Rep. Harry Geisinger, Rep. Lynn Smith and Rep. Chuck Martin

Urges Congress to prohibit the Environmental Protection Agency (EPA) from further regulating greenhouse gas emissions without a comprehensive economic and environmental study.

#### **SR848: Resolution on EPA Regulations**

Sen. Ross Tolleson and Sen. David Shafer

Urges the United States Congress to adopt legislation prohibiting the federal Environmental Protection Agency (EPA) from regulating greenhouse gas emissions or enacting new air quality regulations without studying the environmental and economic impacts. Further, the resolution demands the Obama Administration to identify all regulatory activity EPA intends to undertake.

### Coastal Zone Management

#### **HB869: Saltwater Fishing Bill**

Rep. Roger Lane

Revises various provisions relative to salt water fisheries management. Of significance, House Bill 869 authorizes the Board of Natural Resources to promulgate regulations establishing seasons, harvest limits, gear and methods to take fish in fresh and salt waters; and authorizes the Board to manage bait shrimp dealers and bait shrimp fishing. The Senate adopted a floor amendment, which clarifies that a cashier employed by a licensed bait dealer does not have to obtain a commercial fishing license; and establishes a Coastal Finfish Advisory Panel within DNR, which was adopted by the Senate in a floor amendment. The DNR must consult with the Panel on all issues affecting salt-water finfish fisheries.

#### **SB319: Coastal Marshland Permit Live-Aboard**

Sen. Rick Jeffares

Increases the time periods from 30 days to a possible 90 days that a person may occupy a live aboard, also known as a boat, located in marshland. Current law requires a person to obtain a permit from the Coastal Marshlands Protection Committee before filling, dredging, or altering marshlands, or constructing or locating a structure on or over any marshlands.



## **SB464: Commercial Crabbing Licenses; One Day Saltwater Fishing Licenses**

Sen. William Ligon

Commercial Crabbing Licenses

Limits, beginning May 1, 2013, the number of new commercial crabbing licenses to 100 that can be issued by the Department of Natural Resources. The commercial crabbing licenses issued prior to May 1, 2013, will remain active until the time a license is not renewed. The bill also removes the prohibition on the sale of licenses; however, licenses may only be sold to any person not holding a current commercial crabbing license. Current law prohibits and penalizes a person for taking crabs without a license or intentionally damaging or destroying a crab trap/float. This bill provides additional penalties for violations that are specifically related to licensure: a first offense will result in a three-month suspension; a second offense will result in a six-month suspension; and a third or subsequent offense will result in permanent revocation of a license.

Saltwater Fishing Licenses

Also, this legislation creates a one-day salt-water shore fishing license that may be purchased by residents and non-residents for a fee of \$5.00.

## Environmental Health Services

### **HB685: Responsible Dog Ownership Law**

Rep. Gene Maddox

Creates the Responsible Dog Ownership Law, which requires the classification of dogs as dangerous or vicious and provides for regulation of those dogs by requiring: dog control officers in local governments; minimum safety standards for classified dogs; euthanasia in some specific circumstances; and hearing procedures for determination and classification purposes. Some dogs are excluded from some of the law's requirements, including law enforcement or military dogs in official use, hunting dogs, herding dogs, predator control dogs, and dogs injuring a person who is trespassing, abusing a dog, or committing a crime against a person. Localities are not prohibited from adopting more restrictive regulations.

## Inland Water Resource Management and Conservation

### **SB319: Use of Boats State Park Lakes**

Sen. Rick Jeffares

Prohibits the use of boats on all state park lakes and other areas when DNR has posted a sign or other form of notice restricting such use; exceptions exist for law enforcement and official use by DNR.

## Land Management and Conservation

### **HB728: Covenants Running with the Land**

Rep. Rick Jasperse

Provides that if a zoning ordinance expressly acknowledges the continuing application of a restrictive covenant upon the ordinance's initial enactment, the covenant will be



effective until it expires on its own terms. This applies to covenants created before the county or municipality adopted zoning laws.

### **HB916: Conservation Use Properties**

Rep. David Knight

Provides exclusions for determining the value of the conservation use property to include the “underlying property” on which the residence is located whereby its minimum lot size is governed by local zoning ordinances or two acres—whichever is less; however, this exclusion will not apply for existing covenants until they come up for renewal. Further, this legislation strikes the 25 minimum acreage that was adopted under HB 1081 (2008), but requires the property owner of less than 25 acres seeking qualification to submit additional proof, and an IRS Schedule E farm-related income loss form will serve as proof of such use and no other records are required. A tax assessor must conduct a visual onsite visit of the property seeking qualification. This legislation also defines the term “contiguous” to mean land within a county that has undivided common ownership or a property that is divided by a boundary or easement or railroad, but the conservation use applicant must elect its contiguous nature at the time of application. Additional and subsequently purchased property may be added to a conservation use property at the time of its purchase, but it cannot exceed 50 additional acres.

### **SB309: Taylor’s Law**

Sen. Rick Jeffares

Authorizes the Commissioner of the Department of Natural Resources (DNR) to issue special authorization to hunt big game or alligators to any person not older than 21 years of age who has been diagnosed with a terminal illness. The term “terminal illness” means an incurable or irreversible condition with a life expectancy that does not exceed 12 months. Special authorization may include waiving legal weapons requirements, quota limitations, or hunter education requirements. However, a person who receives special authorization must hunt only under the direct supervision of a licensed adult hunter.

### **SB284: Georgia Land Bank Act of 2012**

Rep. Tim Golden

Provides for the creation and rules of operation for land banks. Under its provisions, counties, municipal corporations and consolidated governments may create land banks empowered to acquire vacant, abandoned or delinquent properties. Dilapidated, abandoned, and tax delinquent housing lowers property values and tax revenues, increases costs of fire and police protection, and undermines community cohesion. Land banks that acquire these properties and make them available for new investment are one means of returning them to productive properties. Land banks will acquire properties and transfer or sell them to parties who will use the land for publicly- beneficial uses, such as affordable housing, conservation areas, land trusts, or long-term investment into local private enterprise.



### **SB357: Treated Timber Products**

Sen. John Wilkinson

Repeals the “Georgia Treated Timber Products Act of 1973” which regulated creosote treated posts and other products.

## Reorganization and Coordination

### **HB409: Licensing and Registration of Veterinarians and Veterinarian Technicians**

Rep. Gene Maddox

Amends provisions related to the requirements for an application for a license to practice veterinary medicine. This bill removes the provision allowing students to sit for the exam, and delays application for a license to practice veterinary medicine until after the applicant has passed a board approved examination. Furthermore, under this bill, the State Board of Veterinary Medicine (Board) must approve an examination to measure the competence of an applicant wishing to practice as a veterinary technician and set the score necessary to pass. The Board will no longer be responsible for approving study materials for the exam or setting the rules and regulations governing the preparation, administration, and grading of the exams.

### **SB427: Environmental Protection Division: Permits and Variances**

Sen. Ross Tolleson

Requires the Environmental Protection Division to develop procedures to ensure timely processing of permits or variances. Further, the status of the applications must be securely available via EPD’s website.

### **HB476: Commissioner’s Authority in Final Agency Review and Reconsideration of a Final Decision**

Rep. Billy Maddox

Clarifies the timing of the Commissioner of Agriculture’s final decision and reconsideration of the final decision related to hearings for individuals who are adversely affected under the initial order. Under this bill, the Commissioner’s final decision must be rendered not more than 30 days from the date of the filing of an application for final agency review. The Commissioner’s reconsideration of the final decision must be rendered within 30 days of the latest filing deadline. It is the duty of the Agriculture Commissioner to issue all orders and perform actions including:

- Impoundments;
- Quarantine;
- The issuance, suspension, denial, or revocation of registrations, licenses, or permits; or
- The approval or denial of applications for registrations, licenses, or permits, provided for in federal and state laws, to be enforced by the Department of Agriculture.



### **HB532: Vidalia Onion Royalties**

Rep. Rusty “Culver” Kidd

Eliminates the requirement that royalties and license fees for Vidalia onions to the Georgia Department of Agriculture not exceed \$0.05 per six ounces of products connected to the use of the trademark.

### **SB324: Exemption of Farriers from Veterinary License Requirements**

Sen. Jeff Mullis

Adds, “Any person lawfully engaged in the art or profession of farriery” to the list of those who do not need to comply with the license and registration requirements for those engaged in veterinary medicine or veterinary technology. A farrier is a specialist in equine hoof care, including the trimming and balancing of horses' hooves and the placing of shoes on their hooves, if necessary. A farrier combines some blacksmith's skills (fabricating, adapting, and adjusting metal shoes) with some veterinarian's skills (knowledge of the anatomy and physiology of the lower limb) to care for horses' feet.

### **SB367: Surety Bonds on Civil Penalties**

Sen. John Bulloch

This bill authorizes the Agriculture Commissioner to require anyone to obtain a surety bond on the balance of a civil penalty owed or suspend a portion of a penalty pursuant to a consent order or final decision when no further review is taken or allowed on an administrative action. The Commissioner may commence and maintain an action against the principal and surety on the bond against anyone who violates the consent order or final decision.

### **SB390: Designated Seed Certification Agency**

Sen. John Bulloch

Allows the Dean of the University of Georgia (UGA) College of Agricultural and Environmental Sciences to continue to designate a certifying agency under his authority to provide for seed, plant, and variety certification and labeling. However, under this bill, the Georgia Crop Improvement Association, Inc. is no longer specifically referred to as the certifying agency. The only requirement is that the designee be in good standing with the Association of Official Seed Certifying Agencies. The bill extends immunity to the certifying agency and its employees from liability for damages resulting from certification work. This immunity from liability is to the same extent as the state and state officers and employees under the Georgia Tort Claims Act. This bill also requires farmers, seed purchasers, or commercial fruit or nut tree producers, who claim damages as a result of negligence, to file their complaint with the Commissioner in time for the seed, crop, plants, or trees to be inspected to determine if the alleged deficiencies warrant arbitration.

### **SR 715: Expansion of Guest Worker Program**

Sen. Tommie Williams

Urges Congress to expand the H-2A guest worker program, which is currently under the U.S. Department of Labor, by allowing states to administer their own H-2A guest worker programs to be monitored by the United States Department of Agriculture.



## Solid Waste

### **HB872: Regulated Metals and Certificates of Title**

Rep. Jason Shaw

Metal Theft

Addresses the continuing plague of metal thefts. This legislation adds new definitions for:

- “Burial object” is used for grave site decoration or marker;
- “Aluminum property” involves aluminum forms designed for shaping concrete;
- “Copper property” means complete copper compositions including wire, pipe and tubing; and
- “Regulated metal property” is revised to include ferrous metals, aluminum and copper property, burnt copper, electrical coils or catalytic converters.

Batteries are not subject to these recycling requirements. Battery recycling is subject to federal regulation, which governs recycling of acidic batteries. Purchase transactions must be legibly recorded and maintained. New requirements include:

- A clear, undistorted digital photograph or video image of the metal and the seller;
- Scanned or photocopied ID and sheriff-issued permit;
- A digital image of the sellers of the regulated metals;
- A signed affidavit by the seller stating that he or she is the rightful owner of the property or is entitled to sell it. Lying on the signed affidavit will be punishable as an act of false swearing.

All of the items required to be maintained must be submitted to the Georgia Bureau of Investigation for entry into newly created recyclers’ database that will be accessible to law enforcement personnel.

### Certificates of Title

Persons selling motor vehicles for scrap must either provide the title of the vehicle or execute a statement on a DOR-provided form, which must be provided to DOR within 72 hours of receipt. Cash payments for regulated metals will be prohibited. Payment by check or electronic fund transfers or voucher is authorized. Vouchers cannot be immediately exchanged for cash; may be redeemed only after three (3) days. Vouchers are redeemable only for cash and expire after six (6) months. Business hours can only be from 7A.M to 7P.M. Specific crimes are defined concerning conversion and receipt of stolen property regarding regulated metals. Property used in committing these crimes is subject to forfeiture. A secondary metal recycler must obtain a permit from the sheriff in the county of residence; if the person is not a Georgia resident, then a permit must be obtained in the county where the recycling facility is located. Specific forms will be made available by the Secretary of State’s office. The permit is valid for 12 months. The sheriff must maintain records of these permits to be entered into the electronic database and, at a minimum, must include the issue date of the permit, and the name and address of the dealer. The sheriff may assess a fee up to \$200. The first violation of any of these requirements will result in a misdemeanor; the second, a misdemeanor of a high and



aggravated nature; and the third, a felony carrying a sentence between one and ten years imprisonment. Civil actions are warranted. This legislation specifically contemplates local regulation of this issue, but does not supersede or preempt local ordinances governing this issue. Further, if title is unavailable for transfer and conversion to scrap parts then the owner or agent must affirm the vehicle is worth less than \$850 and is older than 12 model years. The affirmation must show:

- The vehicle will never be titled again;
- The vehicle will be dismantled;
- Vehicle description;
- Owner's information and driver's license number;
- The value and age of the vehicle;
- The title cannot be located or it was never obtained;
- The vehicle is clear of lien interests;
- Signature and date of transaction;
- Payment was \$850 or less; and
- The purchaser's information and National Motor Vehicle Title Information System ID.

Scrap businesses must certify that the vehicle is not subject to any lien or other interest when an on-line method for doing so is available. The statement must be provided to the Department of Motor Vehicles within 72 hours of the transaction to request cancellation of any application title and registration. Violation of these requirements is a felony with up to a \$5000 fine and three (3) years in jail. There are different requirements regarding lien satisfaction for vehicles 11 years old or less and 12 years old and greater.

## Water Quality and Pollution Control

### **HB1102: Brownfields and Water Usage**

Rep. Lynn Smith  
Brownfields

Provides liability protection from third-party claims and the cost of ground water clean-up for a prospective purchaser of contaminated property, provided that the Director of the Environmental Protection Division approves, and cleanup standards are met. This bill allows a prospective purchaser to apply for a limitation of liability within 30 days of acquiring the title to a property. Under current law, property classified as brownfield property was eligible to be assessed at 40 percent of its fair market value for 10 consecutive assessment years. This bill contains the language of House Bill 994, which allows brownfield property to be eligible for the preferential tax assessment for a 15-year period under certain circumstances.

#### Water Usage

Requires certain public water suppliers to transmit customer water consumption data to local governments and to suspend water services to customers who have failed to pay wastewater sewer system use charges.



Regulation of Certain Land Disposal Sites

Extends the sunset date from July 1, 2012, to July 1, 2014, to authorize the DNR and the Department of Human Resources to permit and regulate land disposal sites that receive septic tank waste.





# Kentucky

---

## Energy Legislation

### Coal and Minerals

#### **HB385: Mine Safety Review Commission's Drug Free Certification Program**

Rep. Jim Gooch

Changes to the drug free certification program for coal miners by requiring Kentucky to impose analogous sanctions against the licenses and certifications of coal miners who violate the drug testing requirements of a reciprocal state; allows first time offenders to enter a deferment program for drug treatment; establishes a notice and appeal process; establishes penalties; and allows the Mine Safety Review Commission to establish additional drug testing panels by order.

#### **HB411: Coal Truck Driver Appreciation Day**

Rep. John Short

Designates the Monday of the fourth week of August each year as Coal Truck Driver Appreciation Day.

### Reorganization and Coordination

#### **HB 358: Boiler Piping External Inspections**

Rep. Melvin Henley

Revises guidelines for external boiler piping inspections. Specifically, it permits facilities subject to piping inspection to conduct inspections with independent inspection agencies in lieu of inspections conducted by an employee of the Department of Housing, Buildings and Construction, if the inspector meets certain qualifications.

### Utilities

#### **HB559: Nuclear Related Technologies**

Rep. Rocky Adkins

Clarifies that the moratorium on construction of new nuclear fission power plants does not preclude several nuclear-related technologies, including closed loop fuel cycle plants designed to assist in conversion of coal and gas to fuels. Among the activities to which the current moratorium is not to be construed as applying or precluding are: (1) enrichment of depleted uranium hexafluoride tails; (2) processing of metals contaminated with radioactive materials; (3) recycling or reprocessing of spent nuclear fuels; or (4) nuclear-assisted coal or gas conversion processes; provided that electricity is not the primary output of any of these processes. The current moratorium would not, even in the absence of this legislation, have applied to the first three categories of activities. The final category is intended to allow facilities to compete for siting of a high-temperature gas-cooled modular reactor used for conversion of coal to syngas or synthetic fuel.



**HB399: Interest Rates for Utilities**

Rep. Tommy Thompson

Requires the PSC to determine interest rates paid by utilities on an annual basis. This applies only to rural electric co-ops and investor-owned utilities.

**SB152: 811 Call before You Dig Law**

Sen. Mike Wilson

Amends the 811 “call before you dig” law to include timber harvesting with mechanized equipment within the activities potentially damaging to underground utilities.



# Kentucky

---

## Environmental Legislation

### Emergency Management and Homeland Security

#### **SB32: Trooper Jonathan K. Leonard Kentucky Blue Alert System Act**

Sen. Ray Jones

Requires the Department of Kentucky State Police to operate a Kentucky Blue Alert Network to provide public notification through the use of the news media and highway signs when a peace officer is killed or seriously injured, and an offender who is being sought has been identified; designates as the Trooper Jonathan K. Leonard Kentucky Blue Alert System Act.

#### **SB55: Mutual-Aid Agreements in Emergencies**

Sen. Jack Wood

Permits jurisdictions in the state to enter into mutual-aid agreements with other states to share first-responder personnel in case of an emergency. The bill would also extend the same immunity to these first responders as is afforded to those from within Kentucky.

### Inland Water Resource Management and Conservation

#### **HB93: Rules of the Road for Watercraft**

Rep. Sara Beth Gregory

Clarifies that the Rules of the Road for personal watercraft are part of the Kentucky Inland Navigation Rules and that a personal watercraft or motorboat must be operated at all times in a reasonable and prudent manner so as not to endanger human life, human physical safety, or property.

#### **SB150: Sewer Collection Charges**

Sen. Tom Buford

Clarifies existing law on whether a water district can require a water supplier to disconnect water service for non-payment of a sewer bill. Also, this bill gives water districts the ability to require water suppliers to disconnect water service for non-payment of a sewer bill. It clarifies that water districts have comparable authority as cities and sanitation districts in regard to sewer service.

### Land Management and Conservation

#### **HB344: Feral Hogs**

Rep. Steven Rudy

Prohibits the release of a feral or wild hog into the wild. Also, this bill sets fines and a penalty of prohibiting convicted individuals from hunting, fishing, trapping, or being a



commercial guide for ten years. The offense under this legislation is a Class A misdemeanor.

### **HB440: Agri-Tourism**

Rep. Mike Denham

Creates new sections of the Kentucky Revised Statutes to define "agritourism," "agritourism activity," "agritourism professional," "inherent risks of agritourism activity," and "participant." This bill establishes liability protection for agritourism professionals and conditions under which agritourism professionals are not protected from liability. It will also require warning notices to be posted at places that conduct agritourism activities.

### **HCR29: Children's Outdoor Bill of Rights**

Rep. Derrick Graham

States the increased outdoor participation of Kentucky's children and young adults is a public policy goal of the Commonwealth. Public institutions in the Commonwealth serving children and young adults are encouraged to offer, promote, and encourage free play opportunities, outdoor experiences, and field trips to natural areas and venues that provide right-brain learning which stimulates creativity and innovation. It was declared the sentiment of the General Assembly that children in Kentucky, as a part of their childhood development, are encouraged to:

- Fish, swim, paddle, ski, wade, splash, or otherwise enjoy a Kentucky stream, creek, river, or lake, hike, hunt, bird watch, view elk and other wildlife;
- Explore Kentucky's natural wilderness areas, parks, trails, woods, natural habitats, farms, and agri-tourism establishments;
- Bike in safe areas and routes to schools, recreation and park areas, neighborhood stores, and shops;
- Enjoy kid-friendly parks, attend school activities, extracurricular events, and free play opportunities that inspire and hopefully instill a culture of learning that develop balanced right-brain and left-brain learning and that promote the concepts of No Child Left Inside; and
- Assist, advise, and promote access to outdoor areas and opportunities.

### **SB92: Livestock Buying Stations**

Sen. David Givens

Defines buying stations and regulates such facilities in a manner similar to that of stockyards, which are already regulated under the authority of the Kentucky Department of Agriculture. The bill is a response to the 2010' collapse of a major livestock dealer that purchased and sold cattle across the United States. The particular dealer purchased millions of dollars worth of cattle from farmers in Kentucky early in November of 2010 for which it paid for with bad checks. All of the cattle purchased with bad checks were marketed through buying stations.



## Radioactive Waste

### **HB 265: Maxey Flats Nuclear Waste Site**

Rep. Rick Rand

Creates the Executive Branch budget for fiscal years 2012 to 2014, which provides \$17 million to install a permanent cap at the Maxey Flats nuclear waste site.

## Reorganization and Coordination

### **HB518: Waste Tire Working Group and Farm Vehicle Escorts**

Rep. Tom McKee

Waste Tire Working Group

Adds members to the waste tire working group by requiring that the appointee who is a county judge/executive be appointed by the governor from a list of three nominees submitted by the Kentucky County Judge/Executive Association; adds a member to the working group who is a mayor to be appointed by the Governor from a list of three nominees submitted by the Kentucky League of Cities; and adds a member to the working group who is a representative of private industry engaged in the business of retail tire sales.

Over Dimensional Farm Vehicles

Prohibits the Kentucky Transportation cabinet from promulgating administrative regulations setting forth escort vehicle requirements for overdimensional farm implements or vehicles towing overdimensional farm implements that are more stringent than the following:

- For a single vehicle and load in excess of twelve (12) feet in width being operated on a two (2) lane highway, no more than one (1) lead vehicle shall be required;
- For a single vehicle and load in excess of twelve (12) feet in width being operated on a four (4) lane highway, no more than one (1) trail vehicle shall be required;
- For a single vehicle and load in excess of eighty-five (85) feet in length being operated on a two (2) lane highway, no more than one (1) lead vehicle shall be required;
- For more than one vehicle and load in excess of twelve (12) feet in width or eighty-five (85) feet in length being operated as a convoy on a two (2) lane highway, no more than one (1) lead vehicle shall be required;
- A lead escort vehicle on a two (2) lane highway under this paragraph may also serve as a tow vehicle;
- Any distance for lead or trail escort vehicles shall contain provisions allowing for a variance from that distance due to safety or road conditions; and
- A vehicle or its escort shall be required to bear a sign declaring that the vehicle is oversized or be required to use lights, flashers, or flags, but a vehicle or its escort shall not be required to do both.



### **SB162: Revisions of Requirements for Geologists**

Sen. Joe Bowen

Provides a comprehensive revision of statutes governing registration of geologists, including conferring additional investigative powers on the registration board.

## Solid Waste

### **HB265: Waste Tires**

Reauthorizes the waste tire fee for two additional years.

### **HB390: Secondary Metal Recyclers**

Rep. Tanya Pullin

Establishes a registration system for secondary metal recyclers to be administered by the Public Protection Cabinet. Among the provisions of the new program is an obligation for “secondary metals recyclers” who obtain or process used ferrous or nonferrous metals to submit to a background check, register with the Public Protection Cabinet, and pay an annual registration. The new law prohibits cash transactions for purchases of metals (manhole covers, light poles, guard rails, street signs, funeral markers or bases, railroad equipment, condensing or evaporating coils, stainless steel beer kegs, catalytic converters and storm drain covers), and mandates daily digital reporting of purchases to the county sheriff and police. The new law requires that the recycler obtain reasonable proof that the seller is, or is the agent for, the owner of the materials.

## Water Quality and Pollution Control

### **HB465: Brownfields Redevelopment Program**

Rep. Fred Nesler

Establishes a Brownfields Redevelopment Program to be administered by the Energy and Environment Cabinet. Owners of property where a release of petroleum, pollutants, or contaminants has occurred would be exempt from the obligations to perform characterization and corrective action for the release, provided the owner certifies and the Cabinet finds that the release occurred prior to acquisition of the property, that “all appropriate inquiries” were made, that all legal notices have been made regarding the presence of the hazardous substance on the property; that the property owner complies with all land use restrictions and does not impede or compromise any institutional controls; that the property owner is not affiliated with any person potentially liable for the release; and that the person has not caused or contributed to the release. The bill establishes criteria for the protection from liability for property owners and authorizes the Cabinet to promulgate administrative regulations to establish standards and procedures for implementing the Brownfields Redevelopment Program. The bill also provides that property owners are not required to take corrective action where a release from a petroleum storage tank has occurred if the property owner is not the tank owner or operator, and states that no further action is needed regarding residual contamination on property where a release has occurred from a petroleum storage tank



if the contamination is below standards established by the Cabinet under the Brownfields Redevelopment Program.

**HJR11: Stream Restoration Resolution**

Rep. Fitz Steele

Expresses a need for stream restoration to be undertaken to improve the chemical and biological characteristics of the water in the state and requires identification of improvements to sewer infrastructure and straight pipes as a method of undertaking stream restoration via mitigation. Also, the resolution requires the Energy and Environment Cabinet to work with the University of Kentucky and the University of Louisville to develop a method of evaluating the value of straight pipe and sewer projects to the overall mitigation requirement.





# Louisiana

---

## Energy Legislation

### Alternative Energy Development

#### **SB257: Alternative Energy Development on Public Lands**

Sen. Jody Amedee

Provides that the State Mineral and Energy Board has the authority to lease public lands for alternative energy sources, and provides rules and regulations. Also, it provides rules for lands governed by ports, harbors and terminal districts. The bill states that ports or districts will receive reimbursement for actual expenses incurred for any studies or reports conducted in order for their approval as alternative energy source leasing sites.

### Coal and Minerals

#### **HB274: Expropriation of Property**

Rep. Franklin Foil

Provides revisions on the laws of expropriation relative to the state, political subdivisions, and nonpublic legal entities having the authority to expropriate, including requirements as to notice, compensation, and attorney fees; includes any domestic or foreign corporation, limited liability company, or other legal entity created for or engaged in piping and or marketing of coal or lignite in whatever form or mixture convenient for transportation within a pipeline.

### Emergency Management and Homeland Security

#### **HB838: Deepwater Horizon Oil Spill**

Rep. Simone Champagne

Requires that monies received from violations of certain federal and state laws associated with the Deepwater Horizon Oil Spill be deposited into the Coastal Protection and Restoration Fund.

#### **HB1211: Environmental Emergencies**

Rep. Karen St. Germain

Provides that contracts for legally sensitive services provided by scientists, economists, modelers, statisticians, cultural resources experts, and other such practitioners assisting the state in assessment of damages under the state and federal oil pollution acts are professional services contracts. Also, this bill authorizes the oil spill coordinator and his agents, employees, contractors, and subcontractors, to enter lands, water, and premises to conduct assessments; provides that such entering is not a civil or criminal trespass, temporary servitude, nor entry under any eminent domain. It requires the Oil Spill Interagency Council to study the Oil Spill Contingency Fund and the fees charged that go into the fund and report recommendations for changes or enhancements to the



House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources prior to January 15, 2013.

## Energy Efficiency

### **HB1213: Alternative Fuel Vehicles**

Rep. Stephen Ortego

Limits the vehicles which may be purchased or leased by the state to those which are capable of and equipped for using bi-fuel, natural gas, or liquefied petroleum gas, referred to collectively as "alternative fuels." The commissioner of administration may waive requirement of purchase of vehicles if certain conditions are met.

### **SB538: Commercial Building Energy Conservation Code**

Sen. Mack "Bodi" White

Defines "ANSI/ASHRAE/IESNA 90.1" as the document developed by the American National Standards Institute, American Society of Heating, Refrigerating, and Air Conditioning Engineers, and the Illuminating Engineering Society of North America entitled *Energy Standard for Buildings Except Low-Rise Residential Buildings*; and provides International Energy Conservation Code, as the document developed by the International Code Council, Inc., entitled *International Energy Conservation Code* (IECC) for purposes of the Louisiana Building Energy Conservation Code.

## Oil & Natural Gas

### **HB504: Energy/Drilling Units**

Rep. Gordon Dove

Authorizes the Commissioner of Conservation to unitize wells for an ultra-deep structure, where true vertical depth is more than 22,000 feet, and to adopt a development plan for such ultra-deep structure unit. This bill authorizes the Commissioner to unitize, force pool, and consolidate all separately owned tracts and other property ownerships within the unit. It requires that the initial allocation of unit production be based on the surface acreage separately owned within the unit.

### **HB748: Evaluation of Oil and Gas Resources**

Rep. Erich Ponti

Exempts the practice of evaluation of oil and gas resources from the provisions regulating engineering practices when performed by a licensed engineer under certain circumstances.

### **HB957: Hydraulic Fracturing**

Rep. John Bel Edwards

Provides for the disclosure of the composition, suppliers of and ingredients of hydraulic fracturing fluids as well as for the protection of trade secrets regarding hydraulic fracturing fluids.



### **HB1061: Petroleum Dispensing Devices**

Rep. Stephen Ortego

Authorizes use by the public of self-service, coin-operated, credit card, or any other pump-activating automatic liquefied petroleum gas-dispensing device at any retail station. This bill requires dealers to post at each dispenser step-by-step operating instructions readily visible to the operator during transfer operations and requires the Liquefied Petroleum Gas Commission to promulgate and adopt rules and regulations.

### **HB1075: Louisiana State Uniform Construction Code Council**

Rep. Stuart Bishop

Requires the Louisiana State Uniform Construction Code Council to amend the uniform construction code to prohibit the construction of any residential or commercial structure within a 100-foot radius of any oil and gas well or oil and gas test well. The bill further provides that the prohibition not apply to any certified plugged and abandoned well or to an inactive well where the owner of such well and the owner of the proposed residential or commercial structure otherwise enter a written agreement.

### **SB128: Licensing of Petroleum Geologist**

Sen. Dan Claitor

Removes “fossil fuels” from the definition of “geosciences.” It provides that no person employed or acting as a petroleum geologist will be required to be licensed or certified by the Louisiana Board of Professional Geoscientists or to pay any fee to the board in order to practice or testify regarding any environmental geology or geoscientist case on any wells or facilities owned by the person or the company employing the petroleum geologist. The bill states that no person employed or acting as a petroleum geologist will be required to be licensed or certified by the Louisiana Board of Professional Geoscientists in order to testify or prepare and present an exhibit or document for the sole purpose of being placed in evidence before any entity of state government or its political subdivisions. Also if any change in state law requires the Louisiana Board of Professional Geoscientists to license petroleum geologists, the Board must provide written notice to the New Orleans Geological Society, the Baton Rouge Geological Society, the Shreveport Geological Society, and the Lafayette Geological Society at least 90 days prior to taking any action. Finally, this legislation prohibits, as of January 1, 2013, an employee of the DNR, including but not limited to the office of conservation, or DEQ from being appointed to the Board.

### **SB555: Remediation of Environmental Damage**

Sen. Robert Adley

Provides for the remediation of oilfield sites and exploration and production sites. Prior law provided that if at any time during the proceeding a party admits liability for environmental damage or the finder of fact determines that environmental damage exists and determines the party or parties who caused the damage or who are otherwise legally responsible, the court would order the party or parties who admit responsibility or whom the court finds legally responsible for the damage to develop a plan or submittal for the evaluation or remediation to applicable standards of the contamination that resulted in the environmental damage. This bill allows any party to subpoena, for purposes of deposition or trial, any employee, contractor, or



representative of the department or agency involved in the formulation of the feasible plan.

**SB748: Environmental Controls for Natural Gas Lines**

Sen. Dan Morrish

Provides that natural gas from distribution lines will have a reportable release of 1,000 pounds or more.

**Reorganization and Coordination**

**HB958: Competitive Projects Payroll Incentive Program**

Rep. Joel A. Robideaux

Creates the Competitive Projects Payroll Incentive Program which grants rebates to certain qualifying businesses, and prohibits certain businesses from participating in the program, including a business primarily engaged in manufacturing of machinery or equipment primarily intended to serve the energy industry.

**SB590: Elimination of Certain Dedicated Funds**

Sen. John Alario

Provides for the elimination of certain special funds in the state treasury, and dedicates those funds to general revenue. Those funds include: The General Aviation and Reliever Airport Maintenance Grant Program Fund, Agricultural Products Processing Development Fund, Rural Development Fund, Formosan Termite Initiative Fund, School and District Accountability Rewards Fund, Job Reserve Fund, Teacher Education Incentive Program Trust Fund, Louisiana Opportunity Loan Fund, Teacher Educational Aid for Children Fund, Director Of Workers' Compensation Revolving Fund, Domestic Violence Victims Account, Louisiana Historic Cemetery Trust Fund, Casino Gaming Proceeds Fund, State Disaster or Emergency Relief Fund, Used Oil Recycling Trust Fund, Office of Motor Vehicle Testing Fund, Greater New Orleans Expressway Commission Additional Cost Fund, Louisiana Used Motor Vehicle Commission Fund, Allen Parish Local Government Gaming Mitigation Fund, Louisiana Blighted Property Reclamation Revolving Loan Fund, Louisiana Auctioneers Licensing Board Fund, Addictive Disorders Professionals Licensing and Certification Fund, Small Contract Bond Fund, Municipalities Energy Expense Fund, Louisiana Economic and Port Development Infrastructure Fund, Manufactured Home Tax Fairness Fund, Grants for Grads Fund, FEMA Mobile Home Reimbursement Fund, Hurricane Recovery Health Insurance Premium Fund, Walking the Walk of Our Kids Fund, Technology Commercialization Fund, Statewide Education Facilities Fund, Capitol Complex Master Plan Fund, Hurricane Relief Programs Fraud Detection Fund, Oil Spill Relief Programs Fraud Detection Fund, Community-based Primary Health Care Initiative Fund, Tobacco Control Program Fund, Louisiana Children Youth and Families Investment Fund, Child Poverty Prevention Fund, Claiborne Parish Tourism and Economic Development Fund, St. Helena Parish Tourist Commission Fund, Kappa Kamp Fund, Railroad Crossing Safety Fund, Broadband Infrastructure and Information Technology Fund, Louisiana Welcome Center Improvement Fund, Rural Economic Development Account, and the Manufactured and Mobile Homes Settlement Fund.



## Utilities

### **HB117: Vehicles Driven by Utilities**

Rep. Henry Burns

Prohibits commercial motor vehicle drivers issued certain waivers permitted under existing law from driving commercial motor vehicles for public utilities regulated by the Public Service Commission or the City Council of the City of New Orleans.

### **SB399: Electric Cooperatives**

Sen. Mack “Bodi” White

Allows for perpetual existence of an electric cooperative, unless stated otherwise in the articles of incorporation of the cooperative. This bill allows bylaws to be adopted, amended, or repealed by the board of directors, providing those bylaws do not conflict with the provisions of Louisiana law. Also, it makes additional provision for governance related to powers of members and board members.

### **HB468: Right of Passage for Utilities**

Rep. Neil Abramson

Provides utilities a right of passage for enclosed estates. The bill requires that new or additional maintenance burdens resulting from a utility servitude will be the responsibility of the owner of the dominant estate. Also, the bill requires that utility crossings be constructed in compliance with federal and state standards in order to mitigate hazards. For purpose of this legislation, “utility” is defined as a service such as electricity, water, sewer, gas, telephone, cable television, and other commonly used power and communication networks required for the operation of an ordinary household or business.

### **HB824: Underground Utilities and Facilities Damage Prevention Law**

Rep. Erich Ponti

Provides for changes to the Underground Utilities and Facilities Damage Prevention Law. This bill requires notice to be given to a regional notification center within four hours of the beginning of an emergency excavation, within 12 hours of the beginning of an emergency excavation after a tropical storm or hurricane, or within 24 hours of the beginning of an emergency excavation after control of a wildfire emergency. It removes and/or clarifies redundant categories and definitions.

### **SB273: Franchise Fees**

Sen. Barrow Peacock

Authorizes the Public Service Commission, notwithstanding any law, rule, regulation, or order to the contrary, on or after January 1, 2013, to require that, whenever a parish governing authority imposes a franchise fee upon a public utility which the utility collects or recovers from the utility's consumers, the utility's monthly billing statement shall specifically and clearly include a separate line item for the applicable franchise fee, with the name of the parish imposing the fee, the total amount or rate of the franchise fee, and the total amount of the billing attributable to the fee. This bill requests that the Public Service Commission study requiring public utilities to include such a line item,



including holding public hearings as deemed necessary and to report its findings to the legislature on or before February 1, 2013.



# Louisiana

---

## Environmental Legislation

### Coastal Zone Management

#### **HB314: Marine Consortium for Research and Education**

Rep. John A. Berthelot

Continues the Louisiana Universities Marine Consortium for Research and Education to conduct research and promote education in marine sciences and marine technology, particularly where related to coastal resources and energy-related industries impacting coastal resources. This bill provides for an executive board to administer the affairs of the consortium.

#### **HB317: Salvage Material Usage**

Rep. "Truck" Gisclair

Authorizes the use of salvage material in coastal protection and restoration projects. This bill sets forth the roles for Department of Transportation and Development as well as the Office of Coastal Protection and Restoration.

#### **HB384: Authority of Port Commissions**

Rep. Mike Danahay

Authorizes any port commission to permit and grant riparian owners, their lessees, or other persons occupying with the riparian owner's consent, the use of any property owned, leased, or lawfully occupied by the port, if the individual commission has determined that the needs of commerce, navigation, or other public purpose are being satisfied and would not face interference. This bill authorizes any port commission to lease or sublease property without the necessity of public bidding.

#### **HB413: Office of Coastal Protection**

Rep. Joe Harrison

Authorizes the Office of Coastal Protection and Restoration to assist the Bayou Lafourche Fresh Water District and gives the District authority over activities on the banks of Bayou Lafourche. The bill includes the Coastal Protection and Restoration Authority in the list of entities for which the district shall maintain and operate pumping or pipeline facilities.

#### **HB656: Coastal Protection**

Rep. Gordon Dove

Redraws the coastal zone boundary. This bill requires an electronic version of the map to be available for viewing or download on the website for the Office of Coastal Management at the Department of Natural Resources. It requires the Secretary of the Department to maintain a map or collection of maps available to the public that accurately depict the areas of the coastal zone that the Secretary has determined to be fastland or above the five foot contour.



### **HB916: Coastal Protection and Restoration Authority**

Rep. Karen St. Germain

Changes the "Coastal Protection and Restoration Authority" to the "Coastal Protection and Restoration Authority Board" and changes the "Office of Coastal Protection and Restoration Authority" to "Coastal Protection and Restoration Authority."

### **SB290: Louisiana Universities Marine Consortium (LUMCON)**

Sen. Edwin Murray

Specifies that LUMCON is a statewide entity and removes the restriction that consortium functions be performed primarily at the LUMCON Center; reconfigures the membership of the LUMCON executive board and provides for voting and non-voting members; adds master planning and other reporting requirements.

## Environmental Health Services

### **HB618: Environmental Management Orders**

Rep. Neil Abramson

Provides for the development of an environmental management order in civil actions alleging environmental damage. The order must provide terms for access to the affected property, investigation and environmental testing, sampling and testing protocols, and time frames for testing and sampling.

### **SB151: Pesticide Dealers**

Sen. Francis Thompson

Increases the records retention requirement for pesticide dealers from two years to three years. This bill specifies that agricultural consultants shall retain one copy of all pesticide use recommendations for three years. Also, it provides that monies in the Pesticide Fund received from the registration of pharmaceuticals administered to livestock may be used for the expenses of the Office of Animal Health and Food Safety. The bill authorizes the Structural Pest Control Commission to issue subpoenas to compel the attendance of witnesses or produce documents or records.

### **SB200: Lead Hazard Inspections**

Sen. Jean-Paul Morrell

Requires the owner of any licensed day care center, preschool, or public or non- public elementary school facility that qualifies as a child-occupied facility and first placed in operation after August 1, 2012, to have an inspector conduct an inspection of the facility and grounds for the presence of lead hazards.

### **SB211: Lead Hazards**

Sen. Jean-Paul Morrell

Requires child-occupied facilities to disclose lead hazards, lead abatement activities, or lead testing.



## Hazardous Waste and Substance Management

### **SB376: Accidents Involving Hazardous Materials**

Sen. Gary Smith

Extends the time of notice of violation from 30 days to within 60 calendar days whenever an incident involves hazardous materials and includes evacuations, fatalities, or serious injuries.

## Inland Water Resource Management and Conservation

### **HB532: Surface Water**

Rep. Jim Morris

Extends the opportunity for the state to enter into cooperative agreements for the sale of surface water. The legislation would allow the state Department of Natural Resources, which oversees surface water contracts, to extend an agreement's terms to match incentive deals a company has made with the state Department of Economic Development.

### **HB918: Water Control Structures**

Rep. Johnny Guinn

Prohibits any unauthorized person from willfully opening a water control structure which results in the drainage of saltwater into any natural water body or drain; defines "water control structure" as a structure in a water management system that conveys water, controls the direction or rate of flow, maintains a desired water surface elevation, or measures water. Violators will be fined not less than \$500 nor more than \$1,000 or imprisoned, with or without hard labor, for not more than five years, or both. Any hunting, fishing, or gear license or permit or privilege possessed by the offender may be revoked and the offender may be permanently prohibited from seeking any permit, license, or privilege.

### **HB1190: Alternative Oyster Culture Permits**

Rep. Gordon Dove

Authorizes the Department of Wildlife and Fisheries to issue an alternative oyster culture (AOC) permit authorizing alternative oyster culture activities within the confines of an existing oyster lease on a state water bottom. The bill provides for a \$100 application fee and an annual fee of \$2 per acre per year for the area permitted, not to exceed \$1,000 per year. It authorizes the Department to issue the permit for locations and activities not requested in the permit. The bill prohibits the issuance of a permit in certain areas designated by the U.S. Army Corps of Engineers. The bill requires the Department to specify permissible equipment and materials, and requires that all equipment and materials comply with U.S. Coast Guard regulations and all state and federal fishing laws; and makes additional related authorizations.



### **SB436: Sabine River Authority**

Sen. Gerald Long

Requires the Sabine River Authority to obtain legislative committee and certain local government approval for out-of-state water sales.

### **SB502: Water District Reporting**

Sen. Dan Claitor

Requires that, on or before April 1st annually, each water conservation district, fresh water district, and groundwater conservation district created by law submit a written report of the district's groundwater resources to the Commissioner of Conservation, the Ground Water Resources Commission, the Ground Water Management Advisory Task Force, the Senate Committee on Natural Resources, and the House Committee on Natural Resources and Environment. The report must include but not be limited to, the amount of water used for residential, commercial or industrial, or agricultural purposes, respectively; actual and projected saltwater intrusion or encroachment; and any current or projected sale of water for use outside of the state, including the amount of water so sold and the price paid by each out-of-state user. For purposes of the annual report, the district may use an estimation of the amount of water used for agricultural and industrial purposes.

## Land Management and Conservation

### **HB887: Exotic Deer Imports**

Rep. Robert Johnson

Allows the Commissioner of the Department of Agriculture and Forestry to charge a service fee on imported exotic deer and antelope, elk, and farm-raised white tail deer and other exotic cervidae to defray the costs of services to the alternative livestock industry. The bill sets a fee to be collected annually at the time of license renewal.

### **HB844: Severance Tax on Certain Forest Products**

Rep. Katrina Jackson

Repeals a prior law providing for a severance tax on certain forest products and certain related provisions.

## Reorganization and Coordination

### **HB896: Coastal Protection**

Rep. Gordon Dove

Transfers certain functions of the Department of Transportation and Development (DOTD) to the Coastal Protection and Restoration Authority (CPRA) and makes provisions for the transition of all applicable authorities.

### **SB249: Wildlife and Fisheries**

Sen. Gerald Long

Recreates the Department of Wildlife and Fisheries for four more years. This bill changes the termination date from July 1, 2013, to July 1, 2017. Also, this bill provides



for the general recreation of the Department and its statutory entities, effective June 30, 2012, in accordance with the sunset law. With July 1, 2017, as the new termination date, termination would begin July 1, 2016, without renewal proceedings.

### **SB495: Water Resources Commission**

Sen. Gerald Long

Changes the name of the Ground Water Resources Commission to the Water Resources Commission; makes changes to Commission membership, updates duties of the Commission.

## Solid Waste

### **HB48: Theft of Metal Sentencing**

Rep. Lance Harris

Provides that a thief's sentence will be calculated based on the value of the copper or metal stolen and repairing the damaged property. Under this legislation, the courts will determine the fair market value of the metal, the cost to replace the metal and the cost of repairing or replacing the damaged property. The most severe penalty prescribed by the bill calls for a defendant to receive a prison term between five and 10 years and a fine of up to \$1,000 when the theft and property damage is valued at \$1,000 or more.

### **HB310: Scrap Vehicle Dismantling**

Rep. Erich Ponti

Changes the age of a vehicle for which no delivery of title is required to issue a permit to dismantle from 10 years to 15 years.

### **HB1067: Waste Tire Recycling**

Rep. Karen St. Germain

Provides for reimbursement for processing of waste tires and changes the requirement for liability insurance to commercial liability insurance. Also, the bill requires waste tire transporters to have a surety bond in a minimum amount of \$10,000. Further, the bill provides a change to the calculation of the payment to waste tire processing facilities to 7-1/2¢ per pound of waste tire material that is recycled or that reaches end-market uses or that reaches end-market uses or per whole waste tires marketed and shipped to a qualified recycler.





# Maryland

---

## Energy Legislation

### Alternative Energy Development

#### **HB258: Minimum Required Term for Sale or Transfer of Solar Renewable Energy Credits**

Del. Jeannie Haddaway-Riccio

Removes the 15-year minimum duration requirement for contracts for the purchase of Solar Renewable Energy Credits between an electricity supplier and a renewable on-site generator with a capacity not exceeding 10 kilowatts.

#### **HB1186/SB652: Geothermal Heat Pump Grant Program**

Del. Sally Jameson and Sen. Mac Middleton

Specifies that energy generated from a geothermal heating and cooling system is eligible for inclusion in meeting the renewable energy portfolio standard. This bill promotes the installation of geothermal heating and cooling systems by allowing the heat output of the systems, converted from British Thermal Units (BTUs) to kilowatt-hours, to substitute for the electricity use it displaces in the form of renewable energy credits.

#### **SB1004: Thermal Biomass Energy**

Sen. Mac Middleton

Defines energy from certain thermochemical and anaerobic digestion thermal biomass systems as a Tier 1 renewable source and as eligible for inclusion in meeting the renewable energy portfolio standard. Owners of eligible systems in Maryland may receive renewable energy credits for the amount of energy generated by the system, converted from BTUs to kilowatt-hours.

#### **HB1187/SB791: Solar Portion of the State Renewable Portfolio Standard**

Del. Sally Jameson and Sen. Robert Garagiola

Accelerates the solar portion of the Renewable Portfolio Standard beginning in calendar 2013 and continuing through 2019, making the goal of two percent by 2020, instead of by 2022. The incremental cost of compliance with the legislation is highly sensitive to future solar renewable energy credit prices and whether or not Public Service Commission caps the compliance cost of the solar RPS at one percent of annual retail electricity sales.

### Natural Gas and Petroleum

#### **HB402: Dormant Mineral Interests Recordation**

Del. Wendell Beitzel

Prohibits a clerk of a circuit court from recording an instrument that affects a real property lease dealing in natural gas and oil unless the instrument is accompanied by a complete intake sheet. Generally, a deed or other instrument affecting property and



presented for recordation in the land records must be (1) accompanied by a complete intake sheet on the form provided by the Administrative Office of the Courts; or (2) if the deed or other instrument effects a change in ownership on the assessment books, endorsed by the assessment office for the county where the property is located.

### **HB1123: Presumptive Impact of Natural Gas Wells in Deep Shale Deposits**

Del. Heather Mizeur

Establishes a presumptive impact area that applies to areas around a deep shale deposit gas well for which Maryland Department of Environment (MDE) has issued a gas exploration or production permit. In a presumptive impact area, it is presumed that contamination of a “water supply” was caused by the activities of gas exploration or production. The presumptive impact area is in effect within a radius of 2,500 feet from the vertical wellbore and for 365 days after the last event of well drilling, completion, or hydraulic fracturing. The bill establishes the conditions under which a permittee must replace a water supply or compensate a property owner, specifies when a permittee’s actions are deemed adequate to resolve contamination presumed to be caused by the permittee, and provides specified exceptions to the presumption of causation and the requirement that a permittee compensate a property owner or replace a water supply.

### **SB472: Dormant Mineral Interests**

Sen. George Edwards

Requires that a court order that terminates a mineral interest under the Maryland Dormant Mineral Interests Act contain specific identifying information, which is generally consistent with current requirements of the Maryland rules.

## Utilities

### **HB280/SB449: Deadlines for Electric Service Quality and Reliability Standards**

Del. Brian Feldman and Sen. Mac Middleton

Moves back the yearly deadlines for electric companies to submit compliance reports, and for the Public Service Commission (PSC) to determine whether each electric company has met certain annual service quality and reliability standards, to April 1 and September 1, respectively. The Maryland Electricity Service Quality and Reliability Act of 2011 required the PSC to adopt regulations implementing service quality and reliability standards for the delivery of electricity to retail customers by electric companies.

### **HB520/SB929: Contact Voltage**

Del. Shirley Nathan-Pulliam and Sen. John Astle

Codifies Public Service Commission regulations that require electric companies to establish voltage survey plans, conduct contact voltage surveys, use best efforts to mitigate any contact voltage discovered, and submit a yearly compliance report to the PSC. The bill requires the PSC to submit a report to the General Assembly by January 1, 2013, on the progress of the implementation of the bill and the associated regulations.



### **HB770: New Generation Facilities and Customer Credits and the Electric Universal Service Program**

Del. Derrick Davis

Requires the PSC to consider the adequacy of current funding for the Electric Universal Service Program (EUSP), if an electric company or an affiliate is required to distribute a customer rate credit under an agreement with the PSC in connection with a merger or acquisition. Any funds deposited into the EUSP are in addition to, and may not substitute for, other funds collected under the Program.

### **HB884: Condominium Utilities**

Del. Michael Summers

Requires utilities and other suppliers of electric, gas, water, or sewer service to condominiums to post a notice conspicuously at or near the entry to the common area of the condominium if a charge is in default for at least 60 days.

### **HB913/SB655: Allowance for Master Meters for Tenant Utility Services**

Del. Derrick Davis and Sen. Katherine Klausmeier

Continues the authorization for the PSC to allow the use of a master electric or gas meter for HVAC services without requiring individual metering or submetering in a residential multiple occupancy building as long as the utility bill for HVAC services is included in the rent for that unit.

### **HB1269/SB765: Study on Tenant Payment of Landlord Utility Bills**

Del. Ben Barnes and Sen. James Mathias

Requires the PSC to convene a workgroup to study and make recommendations on how to develop a mechanism to allow tenants in residential properties to pay for their utilities when the landlord responsible for utility payments defaults. By December 1, 2012, the PSC must report its findings and recommendations to the Senate Finance Committee and the House Economic Matters Committee.

### **HB1280/SB997: Electric Vehicle Charging Stations**

Del. Brian McHale and Sen. Robert Garagiola

Establishes that charging stations are retail electric customers, subject to paying for electricity on a per kilowatt-hour basis. The bill does exempt the charging stations from the definition of “electricity supplier” or “electric company.” This allows charging stations to set prices for electricity and other services through any method they wish (such as a flat fee), rather than through PSC-regulated rates. The bill requires a custodian of personal records at the Motor Vehicle Administration to release specified personal information for use by an electric company, but only (1) information describing a plug-in vehicle, and identifying the address of the registered owner of the vehicle; (2) for use in planning for the availability and reliability of the electric power supply; and (3) if the information is not published or further disclosed, including to an affiliate, or used for marketing or solicitation purposes.



**HB1427/SB1073: Certificate of Public Convenience and Necessity**

Del. Sally Jameson and Sen. Mac Middleton

Authorizes the PSC to waive the Certificate of Public Convenience and Necessity (CPCN) requirement for construction relating to existing overhead transmission lines for good cause. The bills also require the PSC to waive the CPCN requirement under specified circumstances of limited construction and in situations, which affect public safety and require a CPCN review for the construction of small land-based wind energy generating stations that are within 46 miles of the Patuxent River Naval Air Station.



# Maryland

---

## Environmental Legislation

### Coastal Zone Management

#### **HB269: Disclosure of Personal Information**

Chair, Education, Health, and Environmental Affairs Committee

Narrows the scope of the Public Information Act prohibition on disclosing personal information held in all Department of Natural Resources (DNR) records to apply exclusively to personal information about the owner of a registered vessel, effectively making the prohibition consistent with the State Boat Act. Additionally, an owner of a registered vessel is no longer required to submit a written request to DNR to keep their personal identification information confidential.

#### **HB446: Chesapeake Bay Restoration Fee**

Speaker Michael E. Busch

Generally doubles the Bay Restoration Fee paid by users of specified wastewater facilities, onsite sewage disposal systems, and sewage holding systems beginning July 1, 2012. The fee increases from (1) \$2.50 to \$5.00 per month for those receiving an individual water or sewer bill from a billing authority; (2) \$30 to \$60 per year for each user of an on-site sewage disposal (septic) system or sewage holding tank that does not receive a water bill; and (3) \$2.50 to \$5.00 per month for each equivalent dwelling unit (EDU) up to 2,000 EDUs for multiunit residential users that do not receive an individual sewer bill and for nonresidential users. The bill makes several other changes including (1) requiring a local government to establish a financial hardship exemption program; (2) establishing an exemption from the fee for local career or volunteer fire departments; (3) establishing an exemption from the fee increase for septic systems and sewage holding tanks and properties served by wastewater treatment plants that are not located in the Chesapeake Bay or Atlantic Coastal Bay watersheds; (4) prohibiting any change in the fee that would reduce the amount of funds available for repayment of outstanding bonds; (5) establishing additional uses of the Bay Restoration Fund beginning in fiscal year 2018; and (6) reducing the fee to current levels beginning July 1, 2030.

#### **HB1305: Free Fishing Areas**

Chair, Environmental Matters Committee

Authorizes the DNR to adopt regulations establishing free recreational fishing areas in tidal and nontidal waters of the state. A Chesapeake Bay and coastal sport fishing license, an angler's license, or a trout stamp is not required to fish in these areas; however, a person must register with the DNR before fishing in free areas located in tidal waters.



### **HB1306: State Aquaculture Program**

Chair, Environmental Matters Committee

Clarifies and streamlines the aquaculture program. The bill requires DNR to establish water column application fees, rents, and surcharges in consultation with the Aquaculture Coordinating Council (as is the case with other leases). The bill also reduces the required advertising in local newspapers for a submerged land or water column lease application from weekly for four weeks to weekly for two weeks. The bill further prohibits placement of unlawfully harvested oysters on a lease and authorizes aquaculture demonstration leases in specified portions of oyster sanctuaries (as is the case with other leases). The DNR's authority to regulate the taking, possession, transport, or sale of oysters from leased oyster bottoms is altered to allow for the harvest of oysters under three inches in size from leased bottom.

### **SB127: Marine Gathering Permits**

Chair, Education, Health, and Environmental Affairs Committee

Requires a person to obtain a written permit from the DNR prior to sponsoring or holding a gathering of at least 100 vessels in state waters, subject to specified exceptions. Organizers or sponsors must submit a permit application and fee to the DNR prior to sponsoring or holding a marine gathering. The DNR is required to establish an application fee that does not exceed the cost of processing the permit and must adopt regulations governing the application and issuance of a permit. The bill establishes enforcement provisions, including criminal penalties.

## **Environmental Health Services**

### **HB190: Noise Control**

Chair, Environmental Matters Committee

Repeals the requirements for the MDE to enforce noise control standards and implement a coordinated statewide noise control program. Environmental noise standards, sound level limits, and noise control units may instead be adopted and enforced by local governments. The bill does not repeal the requirement for the MDE to adopt noise standards, limits, or rules, and requires the MDE to revise such standards and limits as necessary or appropriate.

### **HB644: Lead Poisoning Prevention**

Del. Nathaniel Oaks

Makes various changes to the Reduction of Lead Risk in Housing Law administered by the MDE to address the disruptive effect of the recent Court of Appeals decision and some of the issues examined by the study group. Among other things, the changes (1) expand the application of the law to owners of residential rental property built between 1950 and 1978 beginning January 1, 2015; (2) increase the annual registration fee from \$15 to \$30; (3) alter the definition of "abatement" to include renovation, repair, and painting in specified properties built before 1978; (4) authorize the MDE to adopt regulations related to abatements involving renovation, repair, and painting; (5) repeal a rebuttable presumption that an owner of property that is not in compliance with the lead law is presumed to have failed to exercise reasonable care; (6) provide that



evidence that a property owner was or was not in compliance with the lead law is admissible to prove that the owner exercised or failed to exercise reasonable care; and (7) require a party who makes certain allegations or denials without a good faith basis to pay reasonable costs, including attorney's fees, incurred by the adverse party in opposing the allegation or denial.

### **HB1262/SB649: Asbestos Worker Protection**

Del. Tom Hucker and Sen. Victor Ramirez

Increases the maximum civil penalty for violating, whether willfully or not, any asbestos removal provision, from \$5,000 to \$25,000. The bills also establish an Asbestos Worker Protection Fund within the MDE to be used for asbestos worker protection and enforcement activities; the fund consists of all civil and criminal penalties and fines related to asbestos removal. Finally, the bill alters the conditions for accreditation of an individual engaged in an asbestos occupation.

### **HB1268: Lead-Free Plumbing Materials**

Del. Ben Barnes

Alters the definition of "lead-free" for individual plumbing fittings and fixtures and for pipes and pipe fittings. Specifically, "lead-free" means containing, at most, four percent lead by dry weight for individual plumbing fittings and fixtures, or eight percent lead by dry weight for individual pipes and pipe fittings, unless a lower percentage is necessary to comply with the standards established under the federal Safe Drinking Water Act of 1974. When calculating weighted average lead content, only the installed or repaired individual pipes, pipe fittings, plumbing fittings, or fixtures that are under consideration.

### **SB142: Food Safety**

Chair, Education, Health, and Environmental Affairs Committee

Expands the Secretary of Agriculture's authority to allow the establishment of a farm quarantine and issuance of related orders in the event of a pathogen infection or infestation. The bill also expands a prohibition against concealment of an infection or infestation to include pathogen infection or infestation. The Secretary also has the authority, when requested by a person financially interested in a farm product, to examine the product on the basis of Maryland Department of Agriculture (MDA) or U.S. Department of Agriculture standards and provide the person with an official certificate. The bill amends the Secretary's authority to allow for food safety certification of farm products and farm production practices in accordance with U.S. Food and Drug Administration (FDA) standards. The bill also requires the Secretary to deny access to business-related information concerning any person who applies for a certificate or is certified unless disclosure is necessary to protect the public health.

## Hazardous Waste and Substance Management

### **SB114: Controlled Hazardous Substance Driver Certification**

Chair, Education, Health, and Environmental Affairs Committee

Repeals the controlled hazardous substance driver certificate. The bill also requires the MDE, in consultation with federal and state transportation officials, to conduct a review



relating to the efficiency and regulatory consistency of its controlled hazardous substance vehicle certification process and to report its findings and recommendations to specified legislative committees by December 15, 2012. The U.S. Department of Transportation has ruled that the application of Maryland's controlled hazardous substance driver certification program to out-of-state drivers was preempted by federal hazardous materials transportation law due to certain state requirements that were stricter than corresponding federal requirements.

## Inland Water Resource Management and Conservation

### **HB1141: Wetlands and Waterways Applications**

Del. Ron George

Alters wetlands and waterways application fees, fee exemptions, and minimum compensation rates. The bill also alters the definition of a "major project" and establishes several new definitions. The bill requires the MDE to convene a workgroup by January 1, 2015, which must report findings and recommendations on the effect of the bill by December 1, 2015.

### **SB236: Sustainable Growth and Agricultural Preservation Act of 2012**

Speaker Michael Busch

Establishes four tiers to guide growth on central sewer and septic systems. The growth tiers, which are based on specified land use characteristics, must be adopted by local jurisdictions before the jurisdiction may approve a major residential subdivision served by on-site sewage disposal systems, community sewerage systems, or shared systems. Among other things, the bill sets out to reduce sprawl development, which threatens the availability of viable agricultural lands. Tier IV areas are areas that are not planned for sewerage service and are areas planned or zoned for land, agricultural, or resource protection, preservation, or conservation; areas dominated by agricultural lands, forest lands, or other natural areas; or other specified areas. In these areas, minor subdivisions on septic systems and major subdivisions are allowed only under certain conditions.

### **SB994: Well Drilling Permits**

Sen. David Brinkley

Requires a well driller applying for a permit to drill a well, or a person operating under a certain exemption from the requirement to obtain a permit, to notify a municipality if the well will be drilled within, or one mile or less from, a municipality's boundary.

### **SB117: Notice in Dewatering Projects**

Chair, Education, Health, and Environmental Affairs Committee

Authorizes the MDE to waive the water appropriation permit notice and hearing requirements for a construction dewatering project. Dewatering is the temporary removal of ground or surface water from a construction site to allow for construction under dry conditions. According to MDE, dewatering associated with construction projects typically has a short duration and often needs to begin on short notice; the bill reduces the permit processing time for most construction dewatering projects.



## Land Management and Conservation

### **HB129/SB346/SB390: Deer Hunting on Sundays in Caroline County**

Caroline County Delegation

Authorizes deer hunting on private property in Caroline County and Harford County, respectively (1) with a bow and arrow or crossbow on the last three Sundays in October and the second Sunday in November; and (2) on each Sunday of the deer firearms season.

### **HB134/SB662: Archery Hunting Safety Zone**

Carrroll County Delegation

Decreases the archery hunting safety zone radius in Carroll County from 150 yards to 50 yards, thus making available additional hunting grounds. A safety zone is an area surrounding a dwelling house, residence, church, or other building or camp occupied by human beings within which a person, other than an owner or occupant, may not shoot or discharge any firearm or other deadly weapon while hunting.

### **HB594: Pamela J. Kelly Tree-Mendous Maryland Program**

Del. Maggie McIntosh

Codifies this program by establishing the Pamela J. Kelly Tree-Mendous Maryland Program for the purpose of planting native trees and shrubs on public lands, community open spaces, school grounds, and rights-of-way. The program is funded by donations and grants received by DNR for the program. DNR is authorized to seek, accept, and expend donations and grants for the implementation and administration of the program.

### **HB1052: Wildlife Poaching Prevention Act**

Del. Wendell Beitzel

Repeals current law governing the suspension of hunting licenses and authorizes the courts and DNR to suspend, for up to five years, a hunting license or the hunting privileges of a person who is convicted of violating State or federal hunting laws. Also, it requires DNR to list the criteria for suspension of a hunting license or hunting privileges by regulation. The enforcement mechanisms under the bill substantially mirror the current law enforcement mechanisms for fisheries. The bill also establishes the grounds for the immediate suspension of a hunting license and timing and hearing requirements for the suspension of a hunting license or hunting privileges.

### **HB1058/SB442: Funding for Local Development under Project Open Space**

Del. Dana Stein; Sen. Richard Colburn

Clarifies and modifies how local POS funds are distributed to land acquisition and recreational facility projects. The state is required to provide 90 percent of the total project funding when a local government builds a recreational facility, rather than acquires land, within a Priority Funding Area (PFA) and limits the amount of impervious surface on the land to no more than 10 percent. The state must also provide 90 percent instead of 50 percent of the total project funding when a local government builds a recreational facility outside of a PFA if the DNR determines that (1) an indoor recreational facility is designed to serve multiple PFAs or multiple census designated



places within a PFA; (2) the indoor recreational facility contains equipment or facilities, including a swimming pool, that cannot be supported in multiple locations; and (3) the applicable local government planning and zoning agency has verified that the location of an indoor recreational facility is consistent with the local comprehensive plan.

**HB1146: Deerhunting on Sunday in Somerset and Worcester Counties**

Del. Charles Otto

Authorizes deer hunting on private property in Somerset and Worcester counties on each Sunday of the deer firearms season.

**HB1431: Turkey Hunting on Sundays in Calvert, Charles, and St. Mary's Counties**

Del. Tony O'Donnell

Authorizes turkey hunting on private property in Caroline Calvert, Charles, and St. Mary's counties, on Sundays during the spring turkey hunting season.

**SB105: Turkey Hunting on Sundays in Caroline and Dorchester Counties**

Sen. Richard Colburn

Authorizes turkey hunting on private property in Caroline and Dorchester counties on Sundays during the spring turkey hunting season. This bill is an emergency measure.

**SB126: Land Preservation and Recreation Plans**

Del. Dana Stein

Requires that Land Preservation and Recreation Plans (LPRP) be prepared and revised every five years, instead of six years, and requires the DNR to consult with local governments when preparing and revising the Maryland LPRP. The LPRPs must identify and recommend for state acquisition areas facing the most intense and immediate development pressure.

**SB129: Reserving Abandoned Land for Public Use**

Chair, Judicial Proceedings Committee

Repeals the September 30, 2012, termination date for Chapter 92 of 2007, giving the DNR permanent statutory authority to obtain certificates of reservation for these abandoned properties in order to protect natural resources and expand public access to natural areas. There are several relatively small tracts of land that are not owned by the state and which are wholly within or immediately adjacent and contiguous to land owned and managed by the DNR. The presence of small, isolated, private tracts of land within and adjacent to DNR lands makes it difficult to manage the entire property as a whole for the benefit of the public.

**Solid Waste**

**HB1/SB208: Recycling in Multifamily Housing**

Del. Stephen Lafferty; Sen. Paul Pinsky

Requires the property owner or manager of an apartment building or the council of unit owners of a condominium containing 10 or more units to provide for the collection and removal of recyclable materials by October 1, 2014. A county may require these owners



and managers to report to the county on recycling activities. The bills establish a penalty of \$50 for each day that recycling is not provided for or carried out in accordance with the county recycling plan. Enforcement, including the authority to conduct inspections, is to be provided by a local government, and any penalties collected are paid to the jurisdiction that brought the enforcement action. Effective October 1, 2013, each county must address the bills' requirements in its currently required recycling plan. The bills do not preempt any other law, rule, or ordinance that is more stringent and do not affect local government authority to enact and enforce recycling requirements that are more stringent, including the establishment of any civil penalties.

### **HB206/SB246: Secondhand Precious Metal Object Dealers**

Del. Sally Jameson; Sen. Joan Conway

Authorizes a secondhand precious metal object dealer to place all items acquired in a single transaction into a secure container approved by local law enforcement during the required holding period, as long as each item in the transaction is recorded separately in the required written record of the transaction and the container is tagged with a number which corresponds to the transaction and the written record entry.

### **HB879: Recycling of Electronic Devices**

Del. Dan Morhaim

Makes various changes to the existing Statewide Electronics Recycling Program, including increasing the administrative penalties for selling devices without registering with the MDE, transferring enforcement authority from the Comptroller to the MDE, and altering the current registration requirements and fee structure. The bill changes the criteria by which MDE classifies a manufacturer for purposes of registration and fee requirements to be based on the number of electronic devices sold in Maryland rather than the number of devices manufactured. The bill's new fee structure exempts manufacturers that sold fewer than 100 covered electronic devices in the state in the prior year, but increases the highest fees for the largest manufacturers from \$5,000 to \$10,000 for a manufacturer that sold at least 1,000 devices in the state in the prior year. The bill maintains the current \$500 annual fee for any manufacturer that establishes a device take back program, thereby incentivizing manufacturers to establish such programs. Finally, the bill requires the Secretary of the Environment to convene a workgroup, by October 1, 2015, to review and assess the impact of the new fees and to report its findings and recommendations to specified legislative committees by December 31, 2015.

### **HB929: State and County Recycling Targets**

Del. Dana Stein

Increases the reduction through recycling targets that must be included in a county recycling plan. For a county with a population of over 150,000, the bill increases the target rate from 20 percent to 35 percent; if the county plan instead provides an adequate justification as to why the reduction cannot be met, as authorized under current law, the bill increases the minimum recycling requirement from 10 percent to 15 percent. For a county with a population of less than 150,000, the target rate increases from 15 percent to 20 percent and the corresponding minimum requirement is raised from 5 percent to 10 percent. Each county plan must include the new targets by July 1,



2014. Full implementation of each plan is required by December 31, 2015. This bill establishes provisions that provide for some flexibility for counties. The bill also increases, from 20 percent to 30 percent, the required reduction through recycling of the waste stream generated by the state government. If this target is determined to not be practical or economically feasible, the bill increases, from 10 percent to 15 percent, the minimum required level of recycling that must be achieved. Each unit of state government must implement a recycling plan reflecting these new requirements by July 1, 2014. Finally, the bill establishes a voluntary statewide recycling goal of 55 percent by 2020 and a voluntary statewide waste diversion goal of 60 percent by 2020.

## Water Quality and Pollution Control

### **HB723: Montgomery County On-Site Sewage Disposal System and Well Easements**

Montgomery County Delegation

Authorizes a practice the county has used for several decades to satisfy both the agricultural land preservation and septic system requirements. Specifically, the bill authorizes the use of a septic system or well located on a property in a Montgomery County “rural zone” to serve one additional lot or parcel that has been subdivided from the property containing the septic system or well under a septic system or well easement, provided that (1) the property on which the septic system or well is located does not have an existing septic system or well easement; (2) the subdivision of the property was made in accordance with a state or county agricultural land conservation program if the property is subject to an agricultural land conservation easement; and (3) a septic system easement applies to only one subdivided lot or parcel. The bill specifies that a septic system or well may not (1) serve land that is designated by the state or the governing body of Montgomery County as a special protection area; or (2) decrease the land available for agricultural production by more than 4,000 square feet.

### **HB987: Watershed Protection and Restoration Program**

Del. Tom Hucker

Requires each county and municipal corporation subject to a National Pollutant Discharge Elimination System Phase I municipal storm sewer system permit (MS4 permit) (currently Baltimore City and the nine most populous counties), by July 1, 2013, to adopt local laws or ordinances necessary to establish an annual stormwater remediation fee and a local watershed protection and restoration fund to provide financial assistance for the implementation of local stormwater management plans. The bill exempts a jurisdiction that has enacted and implemented a similar watershed protection and restoration program by July 1, 2012, that is consistent with the bill, and exempts governmental properties and regularly organized volunteer fire departments from the fee.

### **HB1117: Stormwater Permits for Solar Panels**

Del. Stephen Hershey

Specifies that for the purposes of issuing a stormwater permit for a project to install a solar panel, any calculation relating to the impervious surface of the project may include only the foundation or base supporting the solar panel.



### **HB1303: Cost Sharing for Water Pollution Control**

Chair, Environmental Matters Committee

Increases from \$100,000 to \$200,000 the maximum dollar amount of state cost-sharing for water pollution control projects under the Maryland Agricultural Water Quality Cost-Share Program. This change is anticipated to help farmers install animal waste storage and treatment projects that will be needed to comply with nutrient management requirements and help the state achieve the reductions called for in the baywide pollution diet, or Total Maximum Daily Load (TMDL).

### **HB1304: Animal Waste Technology Fund**

Chair, Environmental Matters Committee

Establishes an Animal Waste Technology Fund administered by the MDA to provide financial assistance for animal waste technology projects to individuals and business enterprises that (1) conduct research or develop technologies that are intended to reduce the amount of nutrients in animal waste; (2) alter the composition of animal waste; (3) develop alternative animal waste management strategies; or (4) use animal waste in a production process. The stated goal of the fund is to encourage the development and implementation of economically feasible technologies that help protect the public health and the environment by reducing the amount of nutrients from animal waste to enable farmers to meet nutrient management requirements and provide alternative animal waste management strategies to farmers.

### **SB115: Waterworks and Wastewater Works Certified Operators**

Chair, Education, Health, and Environmental Affairs Committee

Authorizes specified waterworks, wastewater works, and industrial wastewater works to have a certified operator serve in responsible charge instead of a certified superintendent on approval from the MDE. In order to qualify for the exemption from the requirement to be under the supervision of a certified superintendent, the system must serve fewer than 500 persons, have minimal treatment requirements, and employ no more than two operators.

### **SB115: Sediment Trading on Agricultural Land**

Chair, Education, Health, and Environmental Affairs Committee

Adds sediment trading to the program by authorizing the MDA to establish requirements for the voluntary certification and registration of sediment credits on agricultural land. The multi-year \$512,000 federal grant from the U.S. Department of Agriculture's Natural Resources Conservation Service that was used to initiate the nutrient credit certification program may be used for the sediment credit certification program as well.





# Mississippi

---

## Energy Legislation

### Reorganization and Coordination

#### **SB2429: Extends Repealer of Public Service Commission**

Sen. Merle Flowers

Extends repealer of the Public Service Commission (PSC) until July 1, 2013.

### Utilities

#### **HB825: Jurisdiction of the Public Service Commission over Telecommunications**

Rep. Jim Beckett

Alters the regulation of telecommunications services. Under this legislation, the Public Service Commission is not authorized to regulate the rates, terms and conditions of single-line flat rate voice communication service, nor impose other regulations. The bill also clarifies that nothing in Title 77, Chapter 3 (Regulation of Public Utilities) of the Mississippi Code may be construed to apply to video services, voice over Internet protocol services, commercial mobile services, internet protocol enabled services, in addition to broadband services. The Commission will continue to regulate intrastate switched access service, as well as arbitrate and enforce interconnection agreements between telecommunication providers. Providers of intrastate access and unbundled network elements will not be required to file financial, service quality or other information with the Commission. Intrastate access fees will be the same as the fees for interstate access services.

#### **SB2729: Outside Counsel and Consultants Hired by the Public Service Commission**

Sen. Merle Flowers

Provides that the Public Service Commission, with the aid and the assistance of the public utilities staff, will have the power to monitor, investigate, and seek relief in any appropriate federal forum from all existing or proposed interstate rates, charges, allocations and classifications, and all rules and practices in promulgated and prescribed by or for any public utility by the Federal Electric Reliability Commission (FERC), other federal agencies or federal courts. The Public Service Commission and the executive director of the public utilities staff may each enter into professional services contracts with one or more attorneys or consultants from a competent, qualified and independent firm as may be required by the Commission or the executive director. Costs associated with the professional service contracts may not exceed \$1,500,000.00 for each agency with respect to each rate regulated affected utility in any twelve-month period.



# Mississippi

---

## Environmental Legislation

### Air Quality and Pollution Control

#### **SB2812: Removal of Fee Limits When Operating Under Title V of the Federal Clean Air Act**

Sen. Tommy Gollot

Removes the maximum amount of annual Title V permit fees that may be assessed to an air emission source subject to Title V. Prior to this state law change, the maximum annual fee that could be assessed to a facility was \$250,000. This bill does not change the minimum annual fee of \$250, nor does it change the maximum emission rate of each pollutant used in the calculation of fees, which is 4,000 tons per year per facility. All fees collected pursuant to the bill will be deposited into the "Air Operating Permit Program Fee Trust Fund."

### Coastal Zone Management

#### **HB386: Revisions of Commercial Oyster Harvesting Restrictions**

Rep. Casey Eure

Revises the restrictions for commercial oyster fisherman by allowing them to harvest oysters on reefs approved by the Wildlife and Fisheries Commission in three coastal counties.

#### **SB2557: Tidelands Leasing**

Sen. Sean Tindell

Provides that residential property owners will not be required to obtain a tidelands lease for exercising their common law and statutory littoral and riparian rights. Under the state's Coastal Wetlands Protection Law, the state serves as a trustee for tidelands and submerged lands.

### Environmental Health Services

#### **HB282: Mosquito and Pest Control Services in the City of Indianola**

Rep. Sara Thomas

Authorizes the governing authorities of the City of Indianola, Mississippi, in their discretion, to fix and collect fees to maintain a mosquito and pest control program within the municipality, and such fees may be assessed to and collected from the water and wastewater/sewer bills of the consumers of the municipality by means of a single unified statement for such water, wastewater/sewer and other public health sanitation purposes. This legislation will sunset on December 31, 2015.



### **HB634: Cultivation of Non-Native Plant Species**

Rep. Preston Sullivan

Provides for the possibility of civil penalties, in addition to criminal penalties, for cultivation of non-native invasive plant species for the purpose of fuel production. The fine cannot exceed \$5,000 per violation.

### **SB2316: Boll Weevil Management Corporation Trust Fund**

Sen. Billy Hudson

Extends repealer on annual audit of Mississippi Boll Weevil Management Corporation Trust Fund until July 1, 2016.

## Inland Water Resource Management and Conservation

### **HB1529: City of Hattiesburg Wastewater System**

Rep. Percy Watson

Authorizes the City of Hattiesburg to enter into certain contracts, operations agreements and leases regarding its wastewater systems. The city may enter into agreements with any person for a term not to exceed 30 years, and for the collection, storage, transportation, treatment and/or disposal of wastewater. The bill sets forth standards for competitive bidding and contract procurement.

### **HB1533: Sandy Creek Wastewater Authority Act**

Rep. Jerry Turner

Creates the Sand Creek Wastewater Authority Act. This bill sets forth the powers, duties and structure of the Authority. The Sandy Creek Wastewater Authority will serve Lee County and adjacent counties with a goal of preventing and controlling water pollution.

### **SB2703: Pearl River Valley Water Supply District**

Sen. Josh Harkins

Revises board appointments, powers and duties in the Pearl River Water Supply District. Under this legislation, individuals who are residential leaseholders in Madison and Rankin Counties will have guaranteed spots on the Pearl River Water Supply District Board.

## Land Management and Conservation

### **HB756: Hunting for Non-Native Deer**

Rep. Mark Formby

Extends the Commission on Wildlife, Fisheries and Parks ability to regulate the hunting of non-native in noncommercial wildlife enclosures until July 1, 2014. The Commission will continue to regulate any facility that prevents the free ingress and egress of native or nonnative deer. The Commission may continue to promulgate rules and regulations requiring the issuance of permits and the payment of reasonable fees.



### **HB848: Wildlife and Sport Fish Restoration Programs**

Rep. Ken Morgan

Provides that the State of Mississippi assents to the provisions of the Pittman-Robertson Wildlife Restoration Act of 1937 and the Dingell-Johnson Sport Fish Restoration Act of 1950 and the Commission may perform any acts as may be necessary to ensure the conservation of fish and wildlife. State revenue from hunting and fishing license sales will be under the exclusive control of the state fish and wildlife agency for the sole use of the administration of the state fish and wildlife agency, which includes only the functions required to manage the agency and the fish and wildlife-related resources for which the agency has authority under state law. However, because of the assent to federal law provided by this legislation, Mississippi is guaranteed to continue to receive approximately \$10,000,000 annually for participation in federal Wildlife and Sport Fish Restoration (WSFR) programs. WSFR funding comes from manufacturers' excise taxes on sporting arms and ammunition, fishing equipment, and boats and motors.

### **SB2325: Penalty for Illegally Hunting Non-Native Deer**

Sen. Giles Ward

Increases the penalty to a Class I violation for illegally harvesting non-native deer. Any person who has been convicted of a Class I violation will be fined not less than \$2,000.00 nor more than \$5,000.00 and will be imprisoned in the county jail for five days. The person will also forfeit all hunting, trapping and fishing privileges for a period of not less than 12 consecutive months from the date of conviction.

## Solid Waste

### **HB386: Oil and Gas Severance Tax Revenue for Waste Management in Jefferson Davis County**

Rep. Joseph Warren

Authorizes the Board of Supervisors of Jefferson Davis County, Mississippi, in its discretion, to expend an amount not to exceed \$200,000.00 of the oil and gas severance tax revenue distributed to the county to assist in defraying the cost of garbage collection and disposal in the county.



# Missouri

---

## Energy Legislation

### Alternative Energy Development

#### **HB1462: Qualified Biodiesel Producer Incentive Fund**

Rep. John Cauthorn

Changes eligibility for producers receiving payments from the Missouri Qualified Biodiesel Producer Incentive Fund. Currently, a producer is eligible to receive payment from the fund for 60 months unless it fails to receive the full amount due to a lack of appropriations, in which case it is eligible for up to 24 additional months. This bill removes the 24-month limitation and allows a producer's eligibility to continue until there is payment of the full amount.

### Natural Gas and Petroleum

#### **HB1251/HB1647: State Oil and Gas Council and Missouri Propane Education and Research Council**

Rep. Don Ruzicka and Rep. Jeanie Riddle

State Oil and Gas Council

Revises the composition of the State Oil and Gas Council by adding a representative of the Missouri Independent Oil and Gas Association, specifying that the university member be a professor from Missouri University of Science and Technology Petroleum Engineering Program, and adding two public members, one of which must live in a third or fourth classification county. The bill specifies the specific duties and powers of the Council.

Missouri Propane Education and Research Council

Changes the laws regarding the Missouri Propane Education and Research

Council. The bill removes the provision allowing the director of the council to initiate a referendum on the abolishment of the Council and the fee for odorized propane. It removes the director's authority to fill Council vacancies and requires appointments to be made by the Council following a public nomination process; approve or modify Council budgets. The Council will approve or modify the budget after a 30-day public comment period prior to the beginning of each fiscal period; require additional reports from the Council; establish alternative means to collect the odorized propane fee and establish late payment charges. The director retains the authority to reject Council appointments and reject the budget plan or modifications. The bill removes the provision allowing the National Propane Education and Research Council to establish a program coordinating its operation with the Missouri Council and authorizing the Missouri Council to keep funds from a federal rebate on propane fees.



## Utilities

### **HB1108: Requirements for Telecommunications Carriers**

Rep. Jeanie Lauer

Requires a telecommunications carrier and certain commercial mobile service providers to provide, upon request, call location information concerning the user of a telecommunications service or a wireless communications service to a law enforcement official or agency in order to respond to a call for emergency service or to provide caller location information in an emergency situation that involves danger of death or serious physical injury to any person where disclosure of communications relating to an emergency is required without delay. There can be no cause of action in any court against any telecommunications carrier or telecommunications service or commercial mobile service provider as well as telecommunications service or wireless communications service or its officers, employees, agents, or other specified persons for providing any information, facilities, or assistance to a law enforcement official or agency. These provisions cannot prohibit a telecommunications carrier or commercial mobile service provider from establishing protocols by which it can voluntarily disclose call location information.

### **SB628: Public Service Commission Appeals**

Sen. Kirk Schaefer

Provides that when a party files a notice of appeal on a Missouri Public Service Commission order or decision, the Commission must forward it to the appellate court with the territorial jurisdiction over the county where the hearing was held or in which the Commission has its principal office.



# Missouri

---

## Environmental Legislation

### Emergency Management and Homeland Security

#### **HB1251/HB1647: Chemical Emergency Preparedness Fund**

Rep. Don Ruzicka; Rep. Jeanie Riddle

Extends the authorization until August 28, 2018, for the collection of hazardous waste fees. Currently, the collection of fees for hazardous waste in the workplace, which fund the Missouri Emergency Response Commission, is authorized until August 28, 2012. Beginning January 1, 2013, any employer required to report hazardous substances, known as Tier II filers, may request the Commission to distribute the report to the local emergency planning committees and fire Departments by paying a \$10 fee for each facility listed which cannot be applied to the employer's fee cap. The fee is to be deposited into the Chemical Emergency Preparedness Fund.

### Environmental Health Services

#### **HB1251/HB1246: Asbestos Abatement**

Rep. Don Ruzicka; Rep. Jeanie Riddle

Provides that certain businesses that regularly engage in asbestos abatement at their locations are exempted from certain asbestos-related state requirements if they are subject to specified federal laws relating to construction work and asbestos. The exemption applies to state requirements for the certification of certain individuals for asbestos-related work, accreditation for asbestos-related training programs, registration as an asbestos abatement contractor, and notification of the Department of Natural Resources for certain size asbestos abatement projects. To receive the exemption, a business must submit information about its asbestos-related employee training to meet federal requirements and the type of asbestos abatement projects, which constitute its normal operations. If the Department determines that the entity does not qualify for the exemption, it may deny the exemption but must notify the entity of the denial within 180 days of the receipt of the application. An entity whose exemption is denied may appeal to the Commission within 30 days of the notice of denial. An exempted entity must submit a one-time fee of \$250 and must submit documentation of any significant changes as they occur in its asbestos-related training program. A representative of the Department must be allowed, without prior notice, to attend, monitor, and evaluate any asbestos-related training program of an exempted entity.

#### **SB566: Rabies Vaccinations**

Sen. Dan Brown

Requires that if a person suspects that he or she has been exposed to rabies through contact with a dog or cat, the owner of such dog or cat must show documentation of rabies vaccination or else surrender the animal to proper authorities. A licensed



veterinarian will examine the surrendered animal and may euthanize the animal if he or she deems necessary to the health of the exposed party.

### **SB631: Videotaping of Animal Abuse**

Sen. Mike Parson

Provides that if any individual employed at a location where farm animals are harbored videotapes or otherwise makes a digital recording of suspected animal abuse or neglect to a farm animal, he or she must submit the videotape or digital recording to a law enforcement agency within 24 hours of the recording. The videotape or recording cannot be spliced, edited, or manipulated in any way prior to its submission. An intentional violation is a Class A misdemeanor.

## Hazardous Waste and Substance Management

### **HB1251/HB1647: Environmental Control Rules and Hazardous Waste Fee Collection**

Rep. Don Ruzicka; Rep. Jeanie Riddle

Environmental Control Rules

Authorizes the Hazardous Waste Commission to establish standards and guidelines through rules and regulations to ensure Missouri is in compliance with the federal Resource Conservation and Recovery Act (RCRA). The guidelines and standards cannot be any stricter than those required under Subtitle C of the RCRA. The Commission may develop rules to implement state statutes when they expressly prescribe standards or requirements that are stricter than the federal requirements; implement requirements prior to any federal requirements; or allow the establishment or collection of fees, costs, or taxes. The Commission may retain, modify, or repeal any current rules relating to thresholds for determining the class of a hazardous waste generator; descriptions of applicable registration or reporting periods; reporting of hazardous waste activities to the Department of Natural Resources; requirements that generators display hazard labels on containers and tanks during the time the waste is stored onsite; exclusions for hazardous secondary materials used to make zinc fertilizers or that are burned for fuel or recycled upon request. The permit must be modified if it contains requirements no longer in effect. The Department is prohibited from selectively excluding any or part of a rule of the Commission from any authorization application package or program revision submitted to the United States Environmental Protection Agency under 40 CFR 271.1 and 271.5.

Hazardous Waste Fee Collection

Currently, the collection of fees for hazardous waste in the workplace, which fund the Missouri Emergency Response Commission is authorized until August 28, 2012. The bill extends the authorization until August 28, 2018. Beginning January 1, 2013, any employer required to report hazardous substances, known as Tier II filers, may request the Commission to distribute the report to the local emergency planning committees and fire Departments by paying a \$10 fee for each facility listed which cannot be applied to the employer's fee cap. The fee is to be deposited into the Chemical Emergency Preparedness Fund.



## Inland Water Resource Management and Conservation

### **HB1179: Major Water Users**

Rep. Kent Hampton

Prohibits any major water user from conveying water withdrawn or diverted from within the Southeast Missouri Regional Water District to a location outside of the water district if it interferes with the reasonable and customary activities of another registered major water user within the district. If a conveyance occurs, the attorney general or the party or parties affected may file an action for an injunction. In no case can the injunction be issued if it would be detrimental to public health or safety. A major water user is a person, firm, corporation, or an entity of the state with a water source and equipment necessary to withdraw or divert 100,000 gallons or more of water per day from any water source.

### **HB1251/HB1246: County Drinking Water Supply Program**

Rep. Don Ruzicka; Rep. Jeanie Riddle

Creates a county drinking water supply lake authority in Christian County to promote the general welfare and a safe drinking water supply through the construction, operation and maintenance of a drinking water supply lake in the county.

## Land Management and Conservation

### **SB607: Regulation of Outdoor Advertising**

Sen. Bill Stouffer

Provides that the rules in effect for outdoor advertising on August 27, 1999, will be reinstated for any section of highway scheduled for construction and there is immediate moratorium imposed on the issuance of state sign permits for new sign structures. Owners of existing signs which meet requirements for outdoor advertising in effect on August 27, 1999, may reset such signs on the same or adjoining property with the execution of a partial waiver and reset agreement. All signs are subject to biennial inspection fees under this act. The bill affects digital billboards.

### **SB631: Corporate Ownership of Agricultural Land**

Sen. Mike Parson

Exempts agricultural land in use as of September 28, 2007, by a corporation, limited liability company, or a limited liability partnership for the production of swine or swine products in Worth, Gentry, or Daviess counties. However, a corporation is prohibited from expanding its operations on the land except for repairing, maintaining, or rebuilding any of its buildings or conducting activities in order to meet state or federal laws. Currently, no corporation not already engaged in farming as of September 28, 1975, may engage in farming or acquire agricultural land in Missouri, except for under certain circumstances.



## Radioactive Waste

### **HB1251/HB1647: Transportation of Radioactive Materials**

Rep. Don Ruzicka; Rep. Jeanie Riddle

Changes fee assessments by the Hazardous Waste Management Commission. The bill assesses the fee per truck transporting rather than per cask. Currently, a fee of \$1,800 is charged for each cask transported through or within the state by truck of high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel, or highway route controlled quantity shipments and all cask shipments are subject to a surcharge of \$25 per mile for every mile over 200 miles traveled within the state.

## Reorganization and Coordination

### **HB1251: Land Survey Program**

Rep. Don Ruzicka

Changes the laws regarding the Land Survey Program within the Department of Natural Resources. The bill dissolves the State Land Survey Authority and the Land Survey Advisory Committee and establishes the Land Survey Program and the Land Survey Commission within the Department of Natural Resources. Also it revises the membership, terms, and duties of the Commission. The legislation creates the Missouri Land Survey Fund for the deposit of \$1 of the \$6 fee collected by every county recorder for recording any instrument, which currently is deposited into the General Revenue Fund for use by the Department. It expands the duties of the Department by requiring it to restore, establish, maintain and preserve Missouri state and county boundary markers and provide the framework for all geodetic positioning activities in the state. The legislation requires the Commission to recommend to the Department a person to be selected and appointed State Land Surveyor. The State Land Surveyor will be the chief administrative officer of the program. He or she must be selected under the State Merit System on the basis of professional experience and registration. Furthermore, the bill requires the Commission to produce a report to the Department and the General Assembly that recommends the appropriate administrative or overhead cost rate that will be charged to the program and includes all indirect services provided by the Department, Division of Geology and Land Survey within the Department, and Office of Administration.

## Solid Waste

### **HB1150: Salvage Motor Vehicles and Scrap Metal Operators**

Rep. Jason Smith

Salvage Motor Vehicles

Provides that an owner presenting a motor vehicle, which is at least 10 years old and has been issued a salvage title, to a vehicle examination in order to obtain a certificate of ownership with the prior salvage motor vehicle designation cannot be required to repair or restore the vehicle to its original appearance in order to pass or complete the vehicle examination. The bill establishes a procedure by which an insurer who purchases a vehicle through the claims adjustments process can obtain a salvage title or junking



certificate when an insurer is unable to obtain a negotiable title by making an application to the Department of Revenue. The application must declare that the insurer has made at least two written attempts to obtain the certificate of ownership, transfer documents, or other acceptable evidence of title and be accompanied by proof of claims payment from the insurer, proof of delivery of the letters to the vehicle owner, a statement indicating how the vehicle came into the insurer's possession, a description of the vehicle, the current location of the vehicle, and the \$8.50 fee. Thirty days prior to making application for title, an insurer must notify any owners or lienholders of record for the vehicle that the owner intends to apply for a certificate of title for the vehicle. Upon receipt of the application and supporting documents, the Department director must search the records of the Department or initiate an inquiry with another state if the vehicle was registered or titled in another state to verify the name and address of any owners and any lienholders. Any lienholder will have 30 days to notify the Department before it issues a salvage title or junking certificate to the insurer.

#### Scrap Metal Operators

Allows a scrap metal operator to purchase or acquire an inoperable motor vehicle, or the parts from a vehicle, that is at least 10 model years old without receiving the original title if the scrap metal operator verifies with the Department of Revenue, via the Department's online record access, that the motor vehicle is not subject to any recorded security interest or lien. The scrap metal operator must also forward a copy of the seller's state identification, along with a bill of sale, to the Department. The bill of sale form, which the Department director is required to design, must include a certification that the motor vehicle is at least 10 model years old, is inoperable, and is not subject to any recorded security interest or lien and a certification by the seller that he or she has the legal authority to sell the vehicle. Upon receipt of this information, the Department must cancel any certificate of title and registration for the motor vehicle. If the motor vehicle is inoperable and at least 20 model years old, the scrap metal operator cannot be required to verify whether the motor vehicle is subject to any recorded security interests or liens. "Inoperable" means a motor vehicle that is in a rusted, wrecked, discarded, worn out, extensively damaged, dismantled, and mechanically inoperative condition and the vehicle's highest and best use is for scrap purposes.

#### **HB1251: Audits of Solid Waste Districts and Landfill Fee Adjustments**

Rep. Don Ruzicka

Authorizes the state auditor to audit, as he or she deems necessary, solid waste management districts in the same manner as he or she may audit any state agency. Currently, the Department of Natural Resources cannot make an annual adjustment to the fees charged to solid waste sanitary landfills or transfer stations from October 1, 2005, to October 1, 2014, except for an adjustment in the amount needed to fund the operating costs of the Department. The bill extends the prohibition on adjustments to October 1, 2017.



## Water Quality and Pollution Control

### **HB1251: Safe Drinking Water Act Fees and Water Pollution Control**

Rep. Don Ruzicka

#### Safe Drinking Water Act Fees

Authorizes the Department of Natural Resources to impose fees for the implementation, administration, and enforcement of the federal Safe Drinking Water Act and extends the fees from September 1, 2012, to September 1, 2017.

#### Water Pollution Control

Changes the laws regarding water pollution control by:

- Requiring the Clean Water Commission to provide to anyone who submitted written comments or oral testimony on a proposed rule an opportunity to respond to the proposed order of rulemaking or the Department's response to comments made during the public meeting or during the public notice comment period at any public meeting to vote on an order or rulemaking or other Commission policy;
- Removing the requirements for public input from permit holders and potential applicants when the Commission is developing or renewing a general permit or a permit by rule for an aquaculture facility;
- Removing the requirement that provides that aquaculture facilities only need a general permit unless the applicant requests a site-specific permit;
- Revising the requirement that an application for a renewal of an operating permit be filed at least 180 days before the permit expires to 30 days before the permit expires for general permits, unless otherwise notified by the Director of the Department of Natural Resources;
- Specifying that general permits may be applied for and issued electronically once available;
- Specifying timeframes for Department review and issuance of general permits. When there is no public participation required, the Department must issue or deny an initial general permit within 60 days of receipt of the application and must issue or deny a renewal general permit within 60 days of the later of receipt of the application or the finalization of a new general permit. When public participation is required, the Department's review time frame is increased to 90 days;
- Requiring the Department, as of January 1, 2013, to comply with certain public participation requirements when issuing a new general permit or when reissuing a general permit for aquaculture, land disturbance, or for a general permit under which 50 or more permits are issued;
- Requiring the affordability finding to also be made for stormwater sewer systems;
- Authorizing an exception to the affordability finding requirement for collection system extension permits, operating permit renewals with no new environmental requirements, and when the permit applicant certifies that the permit requirements are affordable or otherwise waives the affordability requirement; and



- Allowing the permit applicant the opportunity to review the Department's affordability finding and suggest changes. Reasonable time spent on the affordability finding must be considered in addition to the Department's required permit review timeframes.





# North Carolina

---

## Energy Legislation

### Natural Gas and Petroleum

#### **SB820: Clean Energy and Economic Security Act**

Sen. Bob Rucho

Establishes a regulatory framework and a process for adopting rules related to shale gas exploration and extraction by hydraulic fracturing. Specifically, this bill:

- Reconstitutes the Mining Commission as the Mining and Energy Commission;
- Requires the Mining and Energy Commission to develop a modern regulatory program for the management of oil and gas exploration and development activities in the state, including the use of horizontal drilling and hydraulic fracturing for that purpose;
- Authorizes horizontal drilling and hydraulic fracturing, but prohibits the issuance of permits for these activities pending subsequent legislative action; and
- Enhances landowner and public protections related to horizontal drilling and hydraulic fracturing,

Also, this bill establishes the Joint Legislative Commission on Energy Policy. The Joint Legislative Commission on Energy Policy will exercise legislative oversight on energy policy in the state by monitoring the Mining and Energy Commission; evaluating energy-related industries in the state; and by monitoring changes in federal laws and regulations.

### Utilities

#### **HB1088: Tennessee Valley Authority Payments**

Rep. Roger West

Provides for the apportionment of funds from Tennessee Valley Authority payments between Graham county and Swain county as well as clarification regarding assets and property as follows:

- The dam itself will be allocated and assessed between Graham and Swain counties based on the location of survey marker 1475 as located on the power house;
- The two generators and all other equipment located in Graham county will be assessed in Graham county;
- Two-thirds of the generator building will be assessed in Graham county and the remaining one-third will be assessed in Swain county;
- The remaining one generator and all other equipment located in Swain county will be assessed in Swain county;



- The nearby transmission facilities, which are located in Swain county, will be assessed in Swain county; and
- All off-site property (such as off-site transmission lines and land) will be assessed in the county where such property is located.

The payments received by the state and local governments from the Tennessee Valley Authority in lieu of taxes under section 13 of the Act of Congress creating it, and as amended, are apportioned between the local governments in which the property is owned or an operation is carried on, on the basis of each local government's percentage of the total value of the Authority's property in the state.



# North Carolina

---

## Environmental Legislation

### Air Quality and Pollution Control

#### **HB952: Air Toxics Program Reforms**

Rep. Mitch Gillespie

Exempts sources of emissions from state air toxics emissions controls that are subject to certain federal emissions requirements. The bill directs the Department of Environment and Natural Resources to require permit conditions that eliminate unacceptable risks to human health. The Division of Air Quality must review the state air toxics program and provide reports to the legislature on the implementation of the bill.

### Emergency Management and Homeland Security

#### **SB798: Emergency Management Changes**

Sen. Peter Brunstetter

Establishes the Joint Legislative Emergency Management Oversight Committee. The Joint Legislative Emergency Management Oversight Committee will examine, on a continuing basis, issues related to emergency management in North Carolina in order to make ongoing recommendations to the General Assembly on ways to promote effective emergency preparedness, management, response, and recovery. The Committee may examine:

- Whether the state building code sufficiently addresses issues related to commercial and residential construction in hurricane and flood prone areas;
- The public health infrastructure in place to respond to natural and manmade disasters;
- Hurricane preparedness, evacuation, and response;
- Energy security issues;
- Terrorism preparedness and response, including bioterrorism;
- Flood and natural disaster preparation and response; and
- Any other topic the Committee believes is related to its purpose.

A Committee report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee. Also, this bill provides that any person, firm or corporation, together with any successors in interest, if any, owning or controlling real or personal property who, voluntarily or involuntarily, knowingly or unknowingly, with or without compensation, grants a license or privilege or otherwise permits or allows the designation or use of the whole or any part or parts of such real or personal property for the purpose of sheltering, protecting, safeguarding or aiding in any way. Persons will not be civilly liable for the death of or injury to any person or the loss of or damage to the property of any persons where such death, injury, loss or damage resulted from, through or because of the use of the real or personal property for



any of the emergency response purposes, provided that the use of the property is at the request of the state government or any political subdivision.

## Environmental Health Services

### **HB512: Rendering Act Amendments**

Rep. John Torbett

Amends the laws governing the licensing and regulation of rendering plants. The bill removes definitions, increased licensing fee, renewal requirements, and other provisions related to collectors of waste kitchen grease. The bill enacts the following:

- Amends G.S. 106-168.5, changing the title of the group that furnishes a member of the rendering plant inspection committee from the North Carolina Division of the Southeastern Renderers Association to the North Carolina Renderers Association;
- Alters G.S. 106-168.8 to add proof of general liability insurance in the amount of \$1 million dollars as a requirement for a rendering operation; and
- Makes it a Class H felony to take or aid in the taking of a waste kitchen grease container or the waste kitchen grease contained therein, if the container bears a notice that unauthorized removal is prohibited without the written consent of the owner, and the value of the container or the container with the grease, is more than \$1,000. If the value is \$1000 or less, then the offense is a Class 1 misdemeanor.

The act defines "waste kitchen grease" as animal fats or vegetable oils that have been used and will not be reused for cooking in a food establishment.

## Land Management and Conservation

### **SB686: Eliminates the Penalty for Early Renewal of Licenses**

Sen. Buck Newton

Eliminates the financial penalty for early renewal of hunting, fishing and trapping licenses.

## Solid Waste

### **HB821: Use of Recycled Asphalt by the Department of Transportation**

Rep. Bryan Holloway

Allows the Department of Transportation to use recycled asphalt for highway construction and maintenance, if it meets the required minimum content standards and the material meets the minimum specifications for the project.

### **HB199: Metal Theft Prevention Act of 2012**

Rep. Jonathon Rhyne

Strengthens nonferrous metals theft prevention by (1) requiring permitting of nonferrous metals sellers and purchasers and (2) making it a crime to cut, mutilate,



deface, or otherwise injure the property of another to obtain nonferrous metals. The bill requires that receipts and records be kept by secondary metals recyclers, which the bill defines as any firm or corporation that collects used ferrous or nonferrous metals for the purpose of reusing them, converts such metals into raw materials, or has the necessary equipment to convert such metals into raw materials. The law also provides criminal penalties for various offenses related to the sale, purchase, transport, and possession of nonferrous metals. The proposed legislation defines nonferrous metal as metals not containing significant quantities of iron or steel, such as copper, aluminum other than aluminum cans, catalytic converters, or stainless steel beer kegs or containers.

## Water Quality and Pollution Control

### **HB1207: Delinquent Stormwater Fees**

Rep. Jim Crawford

Allows Granville County, Person County, the City of Creedmoor, the Town of Butner and the Town of Stem to collect delinquent stormwater utility fees in the same manner as delinquent personal and real property taxes.





# Oklahoma

---

## Energy Legislation

### Energy Efficiency

#### **SB1096: Oklahoma State Facilities Energy Conservation Program**

Sen. Brian Bingman

Creates the Oklahoma State Facilities Energy Conservation Program, which sets an energy cost reduction target of 20 percent by the year 2020. The Office of State Finance will oversee the program and all state facilities will be subject to it. The bill calls for an initial fee-free period of not less than 12 months as the program is established as well as a free ongoing vendor support beyond its initial term. Also, prior organizational behavior-based energy conservation programs under contract with a state agency will be evaluated by the director of the Office of State Finance to determine if the contract complies with the Program.

### Oil and Natural Gas

#### **HB2654: Energy Litigation Reform Act**

Rep. Fred Jordan

Provides rules of construction for certain oil and gas agreements and specifies terms that must apply to any action brought to recover proceeds and/or interest under the Production Revenue Standards Act. The measure also requires that parties bringing a civil action against a person in violation of the Production Revenue Standards Act give written notice of the alleged violation. Once notice of the claim has been provided, no action may be started until after the claimant has received notice that the claim has been denied or until 30 days has passed from receipt of the notice, whichever is first. With respect to class action suits, the purported class representative is required to present to the court prima facie evidence of the claimant's own right to the requested relief before any proceedings are maintained to certify a class. The court will exclude any member from the class that does not affirmatively request inclusion in the class.

#### **SB243: Seismic Exploration Regulation Act Amendments**

Sen. Cliff Branan

Amends provisions of the Seismic Exploration Regulation Act related to required notification procedures for surface estate owners. It requires seismic exploration operator applicants to file an affidavit within 90 days with the county clerk reporting the mailing of a notice and listing the surface owners, which were not locatable. Surface owners that are not locatable will be deemed as having rejected the offer. The bill also requires the notice to include a description of the surface estate to be entered upon for seismic exploration. If there is not a prior written agreement related to seismic operation, the notice must include a specific provision related to the amount of damages offered by the operator to the surface owner. The bill requires an operator to provide



notice to the surface owner at least 15 days prior to seismic exploration, and in the absence of an agreement, requires the two parties to make a good-faith effort to resolve reasonable damage issues. The surface owner may accept the offer by following specified procedures, but that acceptance does not prohibit the owner from attempting to recover damages. If the surface owner rejects or fails to make a timely acceptance of the offer prior to the deadline, the surface owner will be deemed to have rejected it and the operator may enter the property and commence seismic operations. Finally, the bill requires an applicant to file an affidavit with information about attempts to contact the surface owners and provides for a cause of action for damages, defines the circumstances in which the surface owner or the operator is the prevailing party and directs the recovery of costs.

**SB1164: Definition of Synthetic Diesel**

Sen. Bryce Marlatt

Adds the definition of “synthetic diesel” to the statute setting forth motor fuel specifications for the purposes of prescribing requirements for quality. Under this bill, synthetic diesel means a hydrocarbon made up of hydrocarbons that are primarily aliphatic in character with the number of carbon atoms ranging from C-10 to C-20.

**SB1189: Additions to the 2011 Shale Reservoir Development Act**

Sen. Bryce Marlatt

Adds horizontal well unitizations to the list of locations that fit under the definition of “associated common source of supply” in the 2011 Shale Reservoir Development Act.

**SB1336: Petroleum Storage Tank Indemnity Fund**

Sen. Cliff Branan

Extends the Petroleum Storage Tank Indemnity Fund from December 31, 2012, to December 31, 2022.

**SB1434: Petroleum and Gas Excise Tax**

Sen. Brian Bingman

Requires that each fiscal year beginning July 1, 2013, \$1.35 million derived from the excise tax on petroleum oil and \$1.35 million derived from the excise tax on natural gas and/or casinghead gas will be transferred to the Oil and Gas Division Revolving Fund of the Oklahoma Corporation Commission rather than the General Revenue Fund.

**SB1464: Oklahoma Quality Jobs Act Definition Modification**

Sen. Brian Bingman

Amends the Oklahoma Quality Jobs Program Act by changing the definition of “basic industry” to include more jobs related to the extraction of crude petroleum and natural gas. The measure expands the limits on the definition of “new direct jobs” with establishments related to crude petroleum and natural gas to include manufacturing and maintenance services. It also removes the prohibition against employment related to drilling services being considered new direct jobs.



### **SB1665: Seismic Exploration Regulation Act**

Sen. Rob Johnson

Creates the Seismic Exploration Regulation Act. The bill amends the definitions of “seismic exploration,” “operator,” “surface estate,” and “surface owner” and stipulates that it is sufficient to send a notification of seismic exploration by mail to a surface estate owner’s last address shown in the records of the county clerk. The notice must include a description of the surface estate as well as a specific provision regarding the amount of damages offered by the operator to the surface owner. Finally, the legislation establishes regulations on entities conducting seismic test hole blasting within 200 feet of any habitable dwelling, building, or water well. This includes notification at least 15 days prior to the commencement of seismic exploration, avenues for the surface owner to accept or reject the notice, and civil action procedures for the surface owner to recover damages.

### **Reorganization and Coordination**

### **HB2230: Renewal of the Oklahoma Liquefied Petroleum Gas Research, Marketing, and Safety Commission**

Rep. George Faught

Recreates the Liquefied Petroleum Gas Research, Marketing and Safety Commission in accordance with the provisions of the Oklahoma Sunset Law until July 1, 2016.

### **HJR1119: Corporation Commission Rule Approval**

Rep. Earl Sears

Requires legislative approval for certain rule changes in the Corporation Commission. The rule changes affect certain fees. The fee increases are to help offset rising costs in various divisions of the Commission.

### **SB1627: Oklahoma Energy Initiative**

Sen. Brian Bingman

Creates the Oklahoma Energy Initiative Act. The measure states the objectives of the Initiative and allows it to receive assistance from any state agency or public entity to implement the Act. The bill also mandates that the Initiative be administered and governed by the eight-member Oklahoma Energy Initiative Board and outlines its responsibilities. There are no term limits for members, although each term would last four years. The Board shall be comprised of: one person appointed by the Governor, one person appointed by the President Pro Tempore of the Senate, one person appointed by the Speaker of the House, the Vice President of Research from Oklahoma University (OU) (or a member otherwise appointed by the President of OU), the Vice President of Research from Oklahoma State University (OSU) (or a member otherwise appointed by the President of OSU), the Vice President of Research from the University of Tulsa (UT) (or a member otherwise appointed by the Governor), the Vice President of Research from Oklahoma City University (OCU) (or a member otherwise appointed by the Speaker of the House), and one member representing the Samuel Roberts Noble Foundation appointed by the President Pro Tempore of the Senate. Also, SB 1627 creates the Oklahoma Energy Initiative Revolving Fund. The Oklahoma Energy Initiative will serve as a strategic program designed to create, advance, and promote



new and existing energy research and development efforts related to Oklahoma's core energy competencies by:

- Promoting research and development in the areas of conventional and unconventional oil and natural gas development and production, CO<sub>2</sub> enhanced oil recovery, wind forecasting, advanced biofuels, energy storage, water management, energy policy and economic analysis, energy system optimization, renewable energy integration into the electrical grid, and similar energy technologies;
- Fostering communication and collaboration between state and federal governmental agencies, institutions of higher education, nonprofit research institutions, and private entities located throughout Oklahoma;
- Advancing research and development programs that provide benefits to all industries and regions of the state;
- Streamlining research and development efforts between private and public industry to create synergistic relationships that coordinate, not duplicate, research efforts;
- Establishing Oklahoma as a regional resource and clearinghouse for transformative energy technologies in the areas of traditional energy and renewable resource research and development;
- Attracting best-in-class researchers to Oklahoma in competency areas aligned with Oklahoma's natural resource base;
- Coordinating with the Oklahoma Department of Commerce to enhance venture capital investment in energy-related research and business opportunities; and
- Promoting seed funding that can be leveraged against state, federal, and private-source funding to establish sufficient startup resources.

### **SB1628: Oklahoma Energy Initiative Act Statutory Updates**

Sen. Brian Bingman

Updates statutory language related to the Interstate Oil Compact Fund of Oklahoma to reflect the name change of the “Bartlesville Energy Research Center” to the “Oklahoma Energy Initiative” as created in the “Oklahoma Energy Initiative Act.”



# Oklahoma

---

## Environmental Legislation

### Air Quality and Pollution Control

#### **HCR1031: Resolution Calling on Congress to Increase U.S. Environment Protection Agency (EPA) Oversight**

Sen. Ron Justice and Rep. John Enns

Calls for Congressional oversight of the Environmental Protection Agency due to rules and regulations passed by that agency which hinders businesses and makes it more expensive for them to operate.

### Emergency Management and Homeland Security

#### **HB2419: Liability During Severe Weather**

Rep. John Enns

Eliminates liability for any entity or individual that provides access to a safe place in times of severe weather if acting in good faith.

### Environmental Health Services

#### **HB2188; Prohibition of Castor Bean Transportation**

Rep. Dale Dewitt

Prohibits the transportation of castor beans in quantities of more than 50 pounds in Oklahoma. The bill provides that the offense a misdemeanor and establishes a fine of not to exceed \$500.

#### **HB2189: Prohibition of Castor Bean Production**

Rep. Dale Dewitt

Provides that it's illegal to plant, nurture or commercially produce castor beans in Oklahoma, makes violation of the law a misdemeanor and sets a fine of no more than \$500.

#### **HB2353: Swine Feeding Operations**

Rep. Steve Kouplen

Exempts employees of swine feeding operations responsible for management of swine waste from annual training requirements after completing 18 hours of training. Instead, employees must complete three hours of training every three years. The bill also requires licensed feeding operations to develop training course content rather than the Oklahoma State University Cooperative Extension Service. Feeding operations must submit course content to the Department of Agriculture, Food and Forestry for approval.



### **HB2715: Pesticide Applicator Licenses**

Rep. Mike Jackson

Allows the State Board of Agriculture to suspend, cancel, revoke or refuse to issue a pesticide applicator license if a person negligently used methods or pesticides that are ineffective or improper or has operated in a negligent manner, thereby causing a pesticide to drift off target.

### **HJR1110: Lead Paint Rules**

Rep. Don Armes

Accepts proposed Department of Environmental Quality rules regarding the lead-based paint renovation, repair and painting program. It is a program administered by the federal EPA that can be delegated to the entities in state governments.

### **SB1518: Feral Swine Control**

Sen. Eddie Fields

Prohibits anyone from importing live feral swine into the state unless the swine are going directly to a slaughter facility in a sealed trailer. Individuals transporting the swine must have a U.S. Department of Agriculture permit for the movement of restricted animals.

### **SB1751: Judas Pig Tagging System**

Sen. Josh Breechen

Defines Judas pig tagging system as a population control technique where a radio-collared feral swine is released into a control area and then tracked down after it joins other feral swine for removal of the entire pack. The feral hog must be released onto the same private land on which it was caught within 24 hours of its capture.

## Inland Water Resource Management and Conservation

### **HB1910: Oklahoma Water Resources Board Actions**

Rep. Mike Jackson

Deletes language related to the Oklahoma Water Resources Board's (OWRB) ability to issue an emergency order requiring remedial action without notice and hearing if imminent danger exists that a well, boring or pump will cause pollution to water resources. This bill authorizes the OWRB to test for, issue and regulate licenses and operator certifications and to inspect certain wells or boreholes. It authorizes OWRB to inspect any water well, monitoring well, boring, water well pump or abandoned well and borehole by entering upon the premises upon consent of the landowner or as allowed by district court. Also, the bill authorizes the agency to prohibit use of a well until it is brought into compliance, and it reduces the expenditure cap of the Well Drillers and Pump Installer Remedial Action Indemnity Fund from \$15,000 to \$10,000 for each well, borehole or pump for which action is taken. The measure allows the OWRB to issue orders prohibiting actions by license and certification holders and to present to the attorney general for collection or action those matters in which a respondent fails, refuses or neglects to comply with the OWRB order to pay an administrative penalty or take a particular action. It directs the AG to deposit one-half of the penalties collected in



the Well Drillers and Pump Installers Regulation Account and one-half in the AG's Revolving Fund.

**HB2198: Paddlefish**

Rep. Steve Vaughan

Makes it a misdemeanor to take, possess or transport paddlefish products exceeding \$5,000 in value or act as an accessory. Upon conviction, a person may be fined between \$5,000 and \$25,000 or sentenced to up to one year in jail. The bill also allows the confiscation of any item, equipment, vehicle or other property used in violation of the measure. Proceeds of the sale of those items will be used by the Department of Wildlife Conservation to combat the unlawful taking and possession of paddlefish.

**HB3055: Water for 2060 Act**

Rep. Kris Steele

Creates the Water for 2060 Act and a 15-member council to recommend more efficient practices related to water and expand education programs for consumer water-use habits. The council is composed of four experts in municipal, rural residential, agricultural and water-efficiency practices appointed by the Governor, five experts in recreation, industrial, oil and gas, irrigation and wastewater reuse practices appointed by the Speaker of the House, five experts in soil conservation, small business, environmental water interests and marginal quality and brackish water use practices appointed by the Pro Tempore of the Senate, and the executive director of the Oklahoma Water Resources Board who will serve as the chair. The bill requires the Speaker of the House and Pro Tem of the Senate to appoint residents of each congressional district to the council. Members serve at the pleasure of their appointing authority and must submit a final report to the Governor and Legislature no later than three years after the effective date of the Act. Also, the measure adds rural water districts to the definition of communities that can be the subject of pilot programs through the Oklahoma Water Conservation Grant Program. It also adds projects that promote efficiency, recycling and reuse of water to the list of possible pilot projects funded by the program.

**HJR1085: Water Resources and Sewage Treatment Program Bonds**

Rep. Phil Richardson

Puts to a vote of the people a proposed constitutional amendment that would, if approved, authorize the Oklahoma Water Resources Board (OWRB) to issue bonds for a reserve fund for water resource and sewage treatment financial. The OWRB would be able to issue general obligation bonds up to \$300 million only after other monies and sources were used for repayment. The Legislature would be required to provide for administration of the fund, methods for issuing the bonds and sufficient appropriations to pay for the bonds.

Land Management and Conservation

**HB1314: Repeal of Hunting Ban on White Tail Deer**

Rep. Phil Richardson

Repeals the section of Oklahoma state statutes that prohibits the possession, hunting, chasing, harassment, capture, shooting at, wounding, killing or trapping of white deer,



except white deer that are farmed cervidae. It also repeals the fine for violations to the section.

### **HB2495: Unclaimed Processed Venison**

Rep. Tommy Hardin

Allows people or businesses operating as meat processors in the state to release any unclaimed lawfully harvested venison to the Oklahoma Department of Wildlife Conservation's Hunters Against Hunger Program after 90 days following notification by telephone to the person who brought the wild game for processing that the game is available for collection.

### **HB2607: Conservation Easements**

Rep. Gus Blackwell

Prohibits the Oklahoma Wildlife Conservation Commission and the Oklahoma Department of Wildlife Conservation from entering into or approving a setback or conservation easement that includes a setback related to energy or agricultural structures regarding a threatened, endangered or candidate species that is more restrictive than those allowed by federal law, rules or guidelines. Before approving a conservation easement or setback, the Oklahoma Wildlife Conservation Commission and the Department of Wildlife Conservation must review all information and studies presented by a public or private entity affected by the proposed easement or setback.

## Radioactive Waste

### **HB2365: Regulation of Radioactive Resources**

Rep. Lisa Billy

Removes from the jurisdiction of the Department of Environmental Quality (DEQ) radiation-related electronic products used for bomb detection by Oklahoma law enforcement bomb squads or for diagnosis by diagnostic x-ray facilities. The bill also exempts the electronic products from rulemaking authority of the DEQ board.

## Reorganization and Coordination

### **HB2212: Renewal of the Waterworks and Wastewater Works Advisory Council**

Rep. George Faught

Recreates the Waterworks and Wastewater Works Advisory Council in accordance with the provisions of the Oklahoma Sunset Law with a termination date of July 1, 2015.

### **HB2215: Renewal of the State Board of Veterinary Medical Examiners**

Rep. George Faught

Recreates the State Board of Veterinary Medical Examiners in accordance with the provisions of the Oklahoma Sunset Law with a termination date of July 1, 2014.



### **HB2768: State Board of Agriculture Meetings**

Rep. R.C. Pruitt

Requires that the State Board of Agriculture meet in regular session a minimum of eight times a year rather than monthly.

### **SB1500: Grand River Dam Authority Board Meeting Attendance**

Sen. Eddie Fields

Authorizes an appointing authority of the Grand River Dam Authority Board of Directors to remove their appointed member if the member fails to attend a total of three regularly scheduled board meetings in a calendar year.

### **SB1506: Grand River Dam Authority**

Sen. Eddie Fields

Authorizes the Grand River Dam Authority (GRDA) to participate in the Southwest Power Pool Integrated Marketplace or other programs established by a regional transmission organization of which it is a member. It also authorizes the GRDA to engage in the buying and selling of electricity products, fuel commodities and financial instruments and specifically excludes any expansion of retail activities of the district. The bill directs the board of directors to adopt a hedging policy to enable the district to take advantage of standard market products to reduce risk while preventing speculative trading and potential abuses.

### **HB2264: Licensure of Animal Shelters**

Rep. Doug Cox

Removes from licensure of facilities using dogs and cats from animal shelters for scientific and educational activities from oversight of the State Board of Health and gives oversight to the Oklahoma Department of Agriculture, Food, and Forestry. The bill requires that effective November 1, 2012, all records maintained by the State Board of Health must be transferred to the Oklahoma Department of Agriculture, Food, and Forestry.

## **Solid Waste**

### **SB1042: Roofing Material Recycling**

Sen. Ron Justice

Requires owners of roofing material recycling facilities to install scales, weigh roofing materials received, and record weights. Operators will charge \$1.50 per ton of roofing material received. Operators will retain 25 cents of the fee to recoup the cost of the scales up to \$40,000. When the cost is recouped, the fee will revert to \$1.25. Operators will remit the fee to the Department of Environmental Quality and will submit receipts for the payment of disposal of non-recyclable materials at a permitted landfill or solid waste disposal site to receive credit against the fee owed to the Department of Environmental Quality for that tonnage. The bill does not apply to roofing material recycling facilities regulated under permits for solid waste land disposal sites.



## Water Quality and Pollution Control

### **HB2835: Allowing Usage of Gray Water**

Rep. Scott Martin

Prohibits the Department of Environmental Quality from requiring a permit for private residential gray water use of less than 250 gallons per day for household gardening, composting or landscape maintenance if the resident meets 12 conditions related to gray water location, storage and discharge.

### **HB2917: Nutrient Management Plan for Poultry Feeding Operations**

Rep. Phil Richardson

Allows the Oklahoma Department of Agriculture, Food, and Forestry to promulgate rules providing for voluntary fees to be charged to registered poultry feeding operations for the development of nutrient management plans, which poultry feeding operations are required to update every six years. The bill defines nutrient management plan as a written plan that includes a combination of conservation and management practices designed to protect the natural resources of the state. The nutrient management plan also must include a certified nutrient management plan and animal waste management plan.

### **SB1043: Water Discharge Permits and Hazardous Bacterial Situations**

Sen. Scott Martin

Requires the Department of Environmental Quality to convene a working group of municipalities, consulting engineers, technical experts and the general public to explore opportunities for water reuse and to define the process for variances related to aspects of water reuse. The bill requires the Board of Environmental Quality to promulgate rules for the indirect potable reuse of treated wastewater, including a variance process from the water reuse construction and operation standards. It also directs the Board to promulgate rules for a variance process from the water reuse construction and operations standards for Category 2 and Category 3 reuse water to authorize storage within existing surface impoundments. Rules must protect public health and the environment and must be promulgated no later than July 1, 2013. Also, the bill requires the Department of Environmental Quality when promulgating rules or guidelines for monitoring cyanobacteria (blue-green algae) in bodies of water to use an analysis of the level of cyanobacteria toxin present in the water rather than or in addition to the cell density of toxic cyanobacteria present in the water as the basis for identifying hazardous conditions and issuing swimming and fishing advisories and warnings.

### **SJR: Department of Environmental Quality Rules**

Sen. Susan Paddack

Approves rules promulgated by the Department of Environmental Quality. The rules enable a volunteer program designed to help municipalities regain treated wastewater.



# Puerto Rico

---

## Energy Legislation

### Energy Efficiency

#### **SB2372: Energy Performance Contracts**

Sen. Thomas Rivera Schatz

Allows the government to enter into specialized contracts designed to promote energy efficiency and the use of renewable energy while reducing the commonwealth's dependence on and the environmental impacts of oil used for power generation. The Energy Savings Performance Contracts Act allows government entities to enter into contracts with "Qualified Energy Savings Companies" that are authorized by the Energy Affairs Administration as having specialized knowledge in energy conservation, energy efficiency, renewable energy, and water conservation and use. Through these contracts, the companies help the government implement energy-efficiency measures and the government benefits from the resulting cost savings. Before entering into a contract, the company must conduct an energy audit of the government unit and provide estimated savings projections. Once the contract is in place, the company must provide quarterly reports to the government on the savings achieved from the efficiency measures implemented. The bill also contains provisions on financing, payment schedules, and permissible length of the term of the contract.

### Utilities

#### **SB2472: Net Metering Act Amendments**

Sen. Thomas Rivera Schatz

Increase the maximum generating capacity of net metering projects to five megawatts for commercial and industrial clients interconnected with the Puerto Rico Electric Power Authority's (PREPA) sub-transmission and transmission system. The bill states that net metering facilities must comply with interconnection and operation requirements set forth in PREPA's regulations, and that failure to comply with such requirements may entail suspension from the Net Metering Program. However, PREPA cannot capriciously suspend or cancel any net metering agreement, nor can PREPA undermine contractual obligations. Also, the measure provides that any of the parties to a net metering dispute may request the Energy Affairs Administration to appoint an arbitrator to resolve such controversy if the parties have not reached an agreement within 120 days of the filing a net metering application before PREPA, or in those cases in which PREPA disconnects a renewable energy resource under the Net Metering Program because of technical or safety reasons.



# Puerto Rico

---

## Environmental Legislation

### Solid Waste

#### **HB2: E-Waste Recycling Act**

Rep. Jenniffer González Colón

Prohibits any person from disposing of cathode ray tubes or electronic equipment in a municipal landfill or any place other than an authorized collection center under a Recycling and Disposal Plan to be approved by the Solid Waste Management Authority and the Environmental Quality Board. Cell phones, TVs, cathode ray tubes, monitors, computers and accessory equipment, security cameras, printers, cartridges, videogame systems, GPS units, amplifiers, routers, watches, chronometers, among others, are subject to regulation under the E-Waste Recycling Act.

#### **HB2978: Secondary Metal Sales Limitations**

Rep. José Chico Vega

Addresses rising metal thefts by limiting the hours secondary purchasers of metals and vehicles can operate to 7:00AM-7:00PM.



# South Carolina

---

## Energy Legislation

### Alternative Energy Development

#### **HB1059: Income Tax Credit for Plug-In Hybrid Vehicles**

Rep. James Merrill

Extends an existing state income tax credit of \$2,000 for highway-speed, plug-in vehicles. The tax credit has an annual impact cap of \$500,000 and is provided on a first-come, first-served, basis.

### Energy Efficiency

#### **HB4639: International Energy Conservation Code of 2009 Standards**

Rep. Bill Sandifer

Updates building energy codes in South Carolina to the 2009 International Energy Conservation Code standards.

### Natural Gas & Petroleum

#### **HB3478: Sale of Petroleum Products**

Rep. Tom Young

Allows small oil and gas companies to splash blend ethanol fuel in South Carolina. The bill requires every terminal operator to offer for sale all grades of petroleum and diesel products that are not already preblended with ethanol and that are suitable for subsequent blending of the product with ethanol.

### Utilities

#### **HB3508: Government Owned Broadband Providers**

Rep. Mike Gambrell

Amends the Government-Owned Telecommunications Service Providers Act. The bill imposes the same requirements on government-owned broadband operations that are currently imposed on government-owned telecommunications operations. The bill includes an exception from the requirements for operations in an “unserved area.” The “unserved area” is defined as a 2010 Census block in which at least 75 percent of households have either no access to broadband or only have access from a satellite provider.

#### **HB4108: Special Needs Account Customers**

Rep. Karl Allen

Amends the definition of “special needs customer” for purposes of electric and gas services to include individuals with Alzheimer’s disease and dementia.



**SB1247: Final Orders of Public Service Commission (PSC)**

Sen. Bradley Hutto

Allow the PSC to serve a final order or decision by electronic service, registered mail, or certified mail.

**SB1301: Expansion of Public Service District Board Membership**

Sen. Michael Fair

Allows the possible expansion of Public Service District Board Membership, who in some counties oversee water, fire and/or sewer services. The membership may seek to authorize additional members not to exceed a total of ten by petitioning the county legislative delegation if the membership is appointed by or upon the recommendation of the county legislative delegation or the county governing body, if the membership is elected or appointed by or upon the recommendation of the county governing body or an entity other than the county legislative delegation. The petition must be in writing and include reasons for the increase in membership. If the county legislative delegation or the county governing body has not affirmatively disapproved the petition within sixty days of receiving the petition, the membership may file the petition with the Office of the Secretary of State. Upon certification by the Secretary of State that additional members have been authorized, the membership will be increased. If the membership is elected, the additional members must be elected at the next regularly scheduled election for the membership in the same manner as the membership is elected and to serve for terms of the same length and until their successors are elected and qualify; provided, that of the additional members first elected if an even number of additional members is elected, one-half of the additional members receiving the highest number of votes shall serve initial terms of the same length as the membership. The remaining additional members receiving the next highest number of votes will serve initial terms of one-half that length or if an odd number of additional members are elected, one-half plus one of the additional members receiving the highest number of votes shall serve initial terms of the same length as the membership. The remaining additional members receiving the next highest number of votes shall serve initial terms of one-half that length. Thereafter, the successors of the additional members must be elected for terms of the same length as the membership.



# South Carolina

---

## Environmental Legislation

### Air Quality and Pollution Control

#### **HB4654: Application of the Pollution Control Act**

Rep. Nelson Hardwick

Addresses the Pollution Control Act, which regulates the discharge of sewage, industrial waste, and other pollutants through permitting programs at the Department of Health and Environmental Control (DHEC). The bill responds to a recent South Carolina Supreme Court ruling as it relates to who has standing to file a lawsuit under South Carolina's Pollution Control Act and whether the act addresses waters, such as Carolina Bays and other isolated wetlands, for which DHEC has no permitting program. The legislation specifies that no private cause of action is created by or exists under the Pollution Control Act. The legislation provides that Pollution Control Act permit requirements do not apply to: (1) discharges in a quantity below applicable threshold permitting requirements established by the Department; (2) discharges for which the Department has no regulatory permitting program; (3) discharges exempted by the Department from permitting requirements; or (4) normal farming, silviculture, aquaculture, ranching, and wildlife habitat management activities that are not prohibited by or otherwise subject to regulation. It specifies that these limitations on permitting requirements must not be construed to impair or affect common law rights, repeal prohibitions or requirements of other statutory law or common law, or diminish DHEC's authority to abate public nuisances or hazards to public health or the environment, to abate pollution as defined in the Pollution Control Act, or to respond to accidental discharges or spills. A procedure is established for filing written petitions with DHEC for a declaratory ruling on the applicability of a specific, existing regulatory program to a proposed or existing discharge into the environment. Also, the bill authorizes DHEC to issue emergency orders to protect the public health or property from unpermitted discharges and provides that relief from departmental decisions is to be sought through hearings in the Administrative Law Court. The legislation also creates the "Isolated Wetlands and Carolina Bays Task Force" to review, study, and make recommendations concerning issues related to isolated wetlands and Carolina Bays in South Carolina. The law provides for the composition of the task force and requires it to issue a report before terminating.

### Coastal Zone Management

#### **HB4033: Widening and Dredging Waterways**

Rep. Andy Patrick

Allows the widening and dredging of certain waterways to be included within a municipal improvement district at the time the district is created, if the property owner gives written approval to the district.



### **SB1231: Saltwater Game Fish Classifications and Shad Fishing**

Sen. Chauncey Gregory

Classifies *Cobia Rachycentron canadum* as a saltwater game fish. The bill provides that it is unlawful to sell, purchase, trade, or barter or attempt to sell, purchase, trade, or barter cobia taken from state waters. In addition, the bill revises provisions for commercial shad fishing by easing certain restrictions on take limits and by providing open seasons in particular areas.

### **SB1364: Sheepshead Catch and Size Limits**

Sen. Ronnie Cromer

Provides catch limits for Sheepshead. It is unlawful for a person to take or have in possession more than:

- Ten spotted seatrout in any one day;
- Three red drum in any one day;
- One tarpon in any one day;
- Five black drum *Pogonias cromis* in any one day;
- 20 flounder (*Paralichthys* species) taken by means of gig, spear, hook and line, or similar device in any one day, not to exceed forty flounder in any one day on any boat;
- One weakfish *Cynoscion regalis* in any one day;
- Ten sheepshead (*Archosargus probatocephalus*) in any one day, not to exceed 30 sheepshead in any one day on any boat.

Also, it is illegal to take or possess Hardhead Catfish *Ariopsis felis* or Gafftopsail Catfish *Bagre marinus*. A person may not gig for spotted seatrout or red drum from December first, through the last day of February inclusive. The bill also provides following size limits for sheepshead. It is unlawful to take, possess, land, sell, purchase, or attempt to sell or purchase:

- Spotted seatrout (*Cynoscion nebulosus*) (winter trout) of less than fourteen inches in total length;
- Flounder (*Paralichthys*) of less than fourteen inches total length;
- Red drum (*Sciaenops ocellatus*) (channel bass or spottail bass) of less than fifteen inches in total length, or more than twenty-three inches in total length;
- Black drum *Pogonias cromis* of less than fourteen inches or more than twenty-seven inches in total length;
- Weakfish *Cynoscion regalis* of less than twelve inches in total length; or
- Sheepshead (*Archosargus probatocephalus*) of less than fourteen inches in total length.

## **Emergency Management and Homeland Security**

### **SB1137: Architects and Engineers Volunteer Act**

Sen. Phillip Shoopman

Enacts the Architects and Engineers Volunteer Act, which provides that a licensed architect or engineer who voluntarily, without compensation, provides structural,



electrical, mechanical, or other engineering services at the scene of a declared national or state emergency, at the request of the governor, is not liable for any personal injury, wrongful death, property damage, or other loss caused by the licensed engineer's acts, errors, or omissions in performing the engineering services for a structure, building, piping, or other engineered system, either publicly or privately owned. Immunity from liability is only effective as to services rendered during the thirty days following the event that gave rise to the declared state of emergency. Any licensed architect or engineer appointed cannot be held liable for any civil damages as a result of the providing of requested services unless the damages result from providing, or failing to provide engineering services if the consequences of the services provided are proven by a preponderance of the evidence to be the result of gross negligence or recklessness. This Act applies if the architect or engineer does not receive payment for the appointed services and prescribed duties. However, if the architect or engineer is an employee of the state, the individual may continue to receive compensation from his employer.

## Environmental Health Services

### **SB220: Resale of Meat and Meat Products**

Sen. Darrell Jackson

Provides that fresh meat or fresh meat products sold to a consumer may not be offered to the public for resale for human consumption, if the fresh meat or fresh meat products have been returned by the consumer.

### **SB788: Farm Animal and Research Facilities Protection Act**

Sen. Daniel Verdin

Provides additional liability exemptions to veterinarians and people who hold a superior interest in the property. Also, the bill makes it is unlawful to tamper with animal or crop operations to fraudulently gain access to an animal or crop operation, and provides for a civil cause of action for violations of this Act related to animal or crop operations.

## Inland Water Resource Management and Conservation

### **HB3790: Bamberg County Water and Sewer Authority**

Rep. Bakari Sellers

Creates the Bamberg County Water and Sewer Authority. The bill sets forth duties, terms, responsibilities and powers of the Authority.

### **HB3864: Protection of Freshwater Game Fish**

Rep. Nelson Hardwick

Provides significant changes to state freshwater fishing laws by:

- Setting a bass creel limit of 10 and a 14-inch minimum size for black bass in all but the Savannah River waters, where it will remain at 12 inches to comply with South Carolina's reciprocal fishing agreement with Georgia;
- Establishing a statewide limit of five trout per day, except in Lake Jocassee, where the limit is three;



- Setting a minimum size limit of 8 inches for crappie and a reduction in the daily limit from 30 to 20 to allow more of the species to reach reproductive size and stabilize populations;
- Reducing the creel limit on redbreast from 20 to 15 to try to slow the adverse impact of flathead catfish on those sunfish in coastal rivers.

### **HB3865: Unlawful Freshwater Actions**

Rep. Nelson Hardwick

Bans transporting fish from one body of water to another to try to slow the spread of invasive fish species and help control disease agents. This bill also establishes protection for the approximately 30 species of freshwater mussels native to South Carolina, making it illegal to take mussels without a permit. This bill also sets standards and limits for fishing devices.

### **HB3873: Herring Season**

Rep. Ted Vick

Sets forth seasons, times, methods, equipment, size limits, and take limits in commercial fishing for herring in the state.

### **HB4205: Nonprofit Corporations Offering Water Service**

Rep. Laurie Funderburk

Adds additional conversion requirements for not-for-profit corporations providing water service that are financed by federal or state loan, which are being permitted to convert to public service districts.

### **HB4665: Edgefield County Water and Sewer Authority**

Rep. Bill Hixon

Amends the composition of Edgefield County Water and Sewer Authority. The Authority will be composed of seven members, who must be resident electors of either Edgefield or Aiken County, provided that no more than two members may be resident electors of Aiken County. Those members of the Authority who are resident electors of Edgefield County must be appointed by the governor, upon the recommendation of a majority of the members of the Edgefield County Council with the approval of the Edgefield county legislative delegation. The governor, upon the recommendation of the members of the Edgefield County legislative delegation, may appoint no more than two members of the Authority who must be resident electors of Aiken County and who must reside within the service area of the authority in Aiken County. Of those originally appointed, two will be appointed for terms of two years, two for terms of four years, and one for a term of six years. Upon the end of the terms of the original members, their successor will be appointed by the governor, in the same manner as is provided for the original appointment, for terms of six years. Any vacancy occurring by reason of death, resignation, or otherwise must be filled for the remainder of the unexpired term by appointment of the governor in the same manner as is provided for the original appointment. All members of the Authority must hold office until their successors have been appointed and qualified.



### **HB4726: Lateral Sewer Lines**

Rep. Mike Pitts

Allows a special purpose district or public service district the ability to provide service to a subdivision if a residential subdivision received conceptual approval from DHEC for septic tank use and subsequently five or more lots in the subdivision were denied septic tank permits by DHEC.

### **HB4801: Pioneer Rural Water District Board**

Rep. Bill Sandifer

Alters the membership of the Pioneer Rural Water District Board, which serves Anderson and Oconee Counties. The Board must consist of five residents of the district's service area who are qualified electors of Anderson or Oconee County. Board members currently serving on the bill's effective date may serve the remainder of their terms pursuant to their appointment and until their successors are elected and qualified. Upon the expiration of the term of each member serving on this legislation's effective date, the member's term will be for three years and until a successor is elected and qualified. The members must be elected to represent distinct territories within the district's service area. A vacancy must be filled for the remainder of the unexpired term. Each Board member must be elected by the qualified customers of Pioneer Rural Water District who are both (a) residents of the district's service area and (b) qualified electors of Anderson or Oconee county. For purposes of this bill, a 'resident' is an individual domiciled in Anderson or Oconee county. Each qualified customer is entitled to one vote, provided that only one vote is cast per household. Sixty days prior to an election to fill a Board member's seat, a meeting of the qualified customers from the Board member's territory shall be held to nominate an individual or individuals who reside in that territory and are qualified customers with service from the district within that territory. The nominated individual or individuals' names shall be placed on the ballot at the annual meeting. If more than two persons are nominated, only the two individuals receiving the highest number of votes will have their names placed on the ballot.

Notice of a district or territory meeting must be provided as follows: (1) posted in at least one newspaper with general circulation in the district's service area fifteen days prior to the meeting; (2) posted on Pioneer Rural Water District's website for at least fifteen days prior to the meeting; and (3) written notice, in a conspicuous font, at least twenty-four point bold font, included with the water bill to customers eligible to vote in the district or territory meeting, as applicable, for the billing cycle immediately preceding the meeting. Also, this bill provides that before the Board makes an investment in a facility or any other action that obligates the water district for one million dollars or more, it must provide for an independent audit by a certified public accountant or public accountant or firm of these accountants who have no personal interest, direct or indirect, in the fiscal affairs of the district or in an entity which may benefit financially from the transaction to be audited. This audit must include the potential impact of the Board's action on its ratepayers and must be presented to the district's customers at a meeting prior to entering into the action prompting the audit. Notice of a meeting must be provided to customers of the district in the same manner as publication of elections.



**SB947: Lake Paul A. Wallace Authority**

Sen. Gerald Malloy

Creates the Lake Paul A. Wallace Authority and sets forth membership, power and duties of the Authority.

**SB1029: Geographic Boundaries for Bodies of Water**

Sen. Larry Martin

Provides geographic boundaries for previously undefined bodies of water. The definitions are as follows:

'Ashepoo River' means all waters of the Ashepoo River from its confluence with Saint Helena Sound upstream to the confluence of Jones Swamp and Ireland Creeks, near S.C. State Highway 63/U.S. Highway 17A Bridge in Colleton County.

'Ashley River' means all waters of the Ashley River from its confluence with the Cooper River in Charleston Harbor upstream to the confluence of Great Cypress Swamp and Rumphs Hill Creeks.

'Back River (Jasper County)' means all waters of Back River from its confluence with the Savannah River upstream to its headwaters on Hutchinson Island.

'Little Back River (Jasper County)' means all waters of Little Back River from its confluence with Back River upstream to the confluence of McCoy's Creek and Union Creek.

'Beaufort River (Beaufort County)' means all waters of Beaufort River from its confluence with Port Royal Sound upstream to the confluence with Battery, Cowen, Albergottie, and Brickyard Creeks.

'Black Creek (Chesterfield, Darlington, and Florence Counties)' means all waters of Black Creek from its confluence with the Great Pee Dee River upstream to S.C. State Highway S-13-513 (Griggs Street Bridge) in Chesterfield County.

'Black Creek (Lexington County)' means all waters of Black Creek from its confluence with North Fork Edisto River upstream to its headwaters at Taylors Pond Dam near S.C. State Highway S-32-77 (Two Notch Road Bridge) in Lexington County.

'Black Mingo Creek' means all waters of Black Mingo Creek from its confluence with the Black River upstream to the confluence of Paisley Swamp and Cedar Swamp Creeks.

'Black River' means all waters of Black River from its confluence with the Great Pee Dee River upstream to its headwaters northwest of S.C. State Highway S-31-33 near McCutchens Crossroads in Lee County.

'Bohicket Creek (Charleston County)' means all waters of Bohicket Creek from its confluence with North Edisto River upstream to its confluence with Church Creek.



'Broad River' means all waters of Broad River from its confluence with the Saluda River at U.S. Highway 1/U.S. Highway 378 (Gervais Street Bridge) upstream to the North Carolina/South Carolina state line.

'Lower reach of the Broad River' means all waters of the Broad River from its confluence with the Saluda River at U.S. Highway 1/U.S. Highway 378 (Gervais Street Bridge) upstream to Parr Dam.

'Upper reach of the Broad River' means all waters of the Broad River from Parr Dam upstream to the North Carolina/South Carolina state line.

'Broad River (Beaufort County)' means all waters of Broad River from its confluence with Port Royal Sound upstream to the confluence of Whale Branch, Coosawhatchie River, and Pocotaligo River.

'Buffalo Creek (Newberry County)' means all waters of Buffalo Creek from its confluence with Lake Murray upstream to State Highway S-36-404.

'Bull Creek (Georgetown and Horry Counties)' means all waters of Bull Creek from its divergence from the Great Pee Dee River to its confluence with the Waccamaw River.

'Bull River (Beaufort County)' means all waters of Bull River from its confluence with Coosaw River upstream to its confluence with Wimbee Creek and Williman Creek.

'Bulls Bay' means all open bay waters bounded on the east by a line running northeast from the northern tip of Bull Island following the COLREG line to the southern tip of Sandy Point.

'Bush River' means all waters of Bush River from Lake Murray in Newberry County at S.C. State Highway S-36-41, upstream to its headwaters beyond S.C. State Highway S-30-72 Bridge (Gary Street) in Laurens County.

'Calibogue Sound' means all waters between Hilton Head Island and Daufuskie Island bounded on the seaward side by a line running due west from the westernmost tip of Hilton Head Island (latitude 32° 6.82' N, longitude 080° 49.78' W) and bounded on the inland side by a line from the northern tip of Daufuskie Island (latitude 32° 8.34' N, longitude 080° 50.35' W) running along the marsh shore of Bull Island to its easternmost point (latitude 32° 11.46' N, longitude 080° 47.37' W) and then running due east to Hilton Head Island, and then following the shoreline in a southwesterly direction across the confluence of Broad Creek to the westernmost tip of Hilton Head Island.

'Cape Romain Harbor (Charleston County)' means all waters inshore of the COLREG line between Cape Island and Murphy Island and bounded on the eastern side by Cape Island and to its confluence with Romain River, Horsehead Creek, Congaree Boat Creek, and Alligator Creek, and inshore of the COLREG line from Cape Island to Raccoon Key.



'Catawba River' means all waters of the Catawba River from the backwaters of Fishing Creek Reservoir at S.C. State Highway 9 upstream to the Lake Wylie Dam.

'Chattooga River' means all waters of the Chattooga River beginning at its confluence with Opossum Creek upstream to the North Carolina/South Carolina state line.

'East Fork Chattooga River' means all waters of East Fork Chattooga River from its confluence with the Chattooga River upstream to the North Carolina/South Carolina state line.

'Chauga River' means all waters of the Chauga River from Lake Hartwell upstream to the confluence of Village and East Village Creeks.

'Chechessee Creek (Beaufort County)' means all waters of Chechessee Creek from its confluence with Chechessee River upstream to the confluence with Colleton River near Manigault Neck.

'Chechessee River (Beaufort County)' means all waters of Chechessee River from its confluence with Port Royal Sound upstream to the confluence with Hazzard Creek.

'New Chehaw River (Colleton County)' means all waters of New Chehaw River from its confluence with the Combahee River upstream to its diversion from the Old Chehaw River.

'Old Chehaw River (Colleton County)' means all waters of Old Chehaw River from its confluence with the Combahee River upstream to its headwaters outside of the town of Green Pond.

'Cheohee Creek' means all waters of Cheohee Creek from its confluence with Flat Shoal River and Tamassee Creek upstream to its headwaters east of S.C. State Highway 107 in Oconee County.

'Church Creek (Charleston County)' means all waters of Church Creek from its confluence with Wadmalaw River in Wadmalaw Sound upstream to its confluence with Bohicket Creek.

'Clark Sound' means all waters bounded on the northwestern side by James Island and on the eastern side by marshes associated with Morris Island.

'Clark's Creek' means all waters of Clark's Creek from its confluence with the Great Pee Dee River upstream to its divergence from the Lynches River in Florence County.

'Colleton River (Beaufort County)' means all waters of Colleton River from its confluence with Chechessee River upstream until its confluence with Okatee River.



'Combahee River' means all waters of the Combahee River from its confluence with the Coosaw River upstream to the confluence of the Salkehatchie and Little Salkehatchie Rivers.

'Congaree River' means all waters of the Congaree River from its confluence with the Wateree River upstream to the confluence with the Broad and Saluda Rivers at U.S. Highway 1/U.S. Highway 378 (Gervais Street Bridge).

'Cooper River (Beaufort County)' means all waters of Cooper River from its confluence with Calibogue Sound upstream to its confluence with the New River.

'Cooper River (Berkeley and Charleston Counties)' means all waters of Cooper River from its confluence with the Ashley River in the Charleston Harbor upstream to the confluence of East Branch Cooper River and West Branch Cooper River.

'Cooper River system (Berkeley and Charleston Counties)' means all waters of Cooper River and its fresh water tributaries, from the freshwater/saltwater dividing line to its headwaters including the East and West Branch and the Tailrace Canal.

'Coosaw River (Beaufort County)' means all waters of Coosaw River from its confluence with Saint Helena Sound upstream to its confluence with Whale Branch, McCalley's Creek, and Brickyard Creek.

'Coosawhatchie River' means all waters of the Coosawhatchie River from its confluence with the Broad River (Jasper County) upstream to U.S. Highway 301 in Allendale County.

'Great Cypress Swamp' means all waters of the Great Cypress Swamp from its confluence with the Ashley River upstream to the confluence of Partridge Creek and Wassamasaw Swamp Creek or Big Run Creek.

'Dawhoo River (Charleston County)' means all waters of Dawhoo River from its confluence with the North Edisto River upstream to its divergence with the South Edisto River.

'Durbin Creek (Greenville and Laurens Counties)' means all waters of Durbin Creek from its confluence with the Enoree River in Laurens County upstream to S.C. State Highway 418 in Laurens County.

'Eastatoe Creek' means all waters of Eastatoe Creek from Lake Keowee backwaters upstream to the North Carolina/South Carolina state line.

'Edisto River' means all waters of the Edisto River from its confluence with the South Edisto River and Dawhoo River upstream to the confluence of the North Fork Edisto River and South Fork Edisto River.



'North Edisto River' means all waters of the North Edisto River from its confluence with the Atlantic Ocean upstream to the confluence of Dawhoo River and Wadmalaw River.

'South Edisto River' means all waters of the South Edisto River from its confluence with Saint Helena Sound upstream to the confluence of the Edisto River and Dawhoo River.

'North Fork Edisto River' means all waters of the North Fork Edisto River from its confluence with the South Fork Edisto River upstream to the confluence of Chinquapin Creek and Lightwood Knot Creek in Lexington County.

'South Fork Edisto River' means all waters of the South Fork Edisto River from its confluence with the North Fork Edisto River upstream to S.C. State Highway S-19-41 (Edisto Road) in Edgefield County.

'Enoree River' means all waters of the Enoree River from its confluence with the Broad River upstream to its headwaters near S.C. State Highway S-23-869 (Tubbs Mt. Road).

'Five Fathom Creek (Charleston County)' means all waters of Five Fathom Creek from its confluence with Bull's Bay just west of Sandy Point to its divergence from the Intracoastal Waterway.

'Folly Creek (Charleston County)' means all waters of Folly Creek from its confluence with Folly River upstream to its confluence with Lighthouse Creek.

'Folly River (Charleston County)' means all waters of Folly River from its confluence with the Atlantic Ocean north of Stono Inlet upstream to the tidal flats behind Folly Island and onto its confluence with Rat Island Creek.

'Harbor River (Beaufort County)' means all waters of Harbor River from its confluence with Saint Helena Sound and the Atlantic Ocean upstream to its confluence with Station Creek and Trenchards Inlet.

'Jeffries Creek' means all waters of Jeffries Creek from its confluence with the Great Pee Dee River upstream to S.C. State Highway 403 in Darlington County.

'Kiawah River (Charleston County)' means all waters of Kiawah River from its confluence with the Atlantic Ocean at Captain Sam's Inlet upstream to its confluence with the Stono River.

'Little River (Abbeville, Anderson, and McCormick Counties)' means all waters of Little River from the backwaters of Lake J. Strom Thurmond in McCormick County upstream to the confluence of Baker Creek (Long Branch) and Corner Creek in Anderson County.

'Little River (Horry County)' means all waters of Little River from its confluence with the Atlantic Ocean at Little River Inlet upstream to its confluence with the Intercoastal Waterway to the headwaters of Socastee Creek.



'Little River (Newberry and Laurens Counties)' means all waters of Little River from its confluence with the Saluda River upstream to S.C. State Highway S-30-419 (Ghost Creek Road) in Laurens County.

'Little River (Sumter County)' means all waters of Little River from its confluence with the Wateree River upstream to its divergence from the Wateree River.

'Log Creek (Edgefield County)' means all waters of Log Creek from its confluence with Turkey Creek upstream to S.C. State Highway 23 (Columbia Highway).

'Long Cane Creek (McCormick County)' means all waters of Long Cane Creek from the backwaters of Lake J. Strom Thurmond near S.C. State Highway 28 in McCormick County upstream to S.C. State Highway S-1-75 in Abbeville County.

'Lumber River' means all waters of Lumber River from its confluence with the Little Pee Dee River upstream to the North Carolina/South Carolina state line.

'Lynches River' means all waters of Lynches River from its confluence with the Great Pee Dee River upstream to the North Carolina/South Carolina state line.

'May River (Beaufort County)' means all waters of May River from its confluence with Calibogue Sound upstream to its headwaters just past the confluence of Stoney Creek.

'McCoy's Cut (Jasper County)' means all waters of McCoy's Cut from its divergence from Savannah River to its confluence with Union Creek to form the Little Back River.

'Mill Creek (Florence County)' means all waters of Mill Creek from its confluence with Muddy Creek upstream to its divergence from Lynches River.

'Morgan River (Beaufort County)' means all waters of Morgan River from its confluence with Saint Helena Sound upstream to the confluence of Lucy Point Creek and Warsaw Flats.

'Muddy Creek (Florence and Williamsburg Counties)' means all waters of Muddy Creek from its confluence with Clark's Creek upstream to its headwaters near Hemingway, South Carolina.

'Mulberry Creek (Greenwood County)' means all waters of Mulberry Creek from the backwaters of Lake Greenwood upstream to U.S. Highway 25 in Greenwood County.

'Mungen Creek (Beaufort County)' means all waters of Mungen Creek from its divergence from the New River to its confluence with the New River.

'Murrell's Inlet (Georgetown County)' means all saltwaters of Murrell's Inlet from the seaward tip of the Murrell's Inlet jetties inland. This includes these tributary creeks: Main Creek, Woodland Creek, Parsonage Creek, Allston Creek, and Oaks Creek and adjacent marshes.



'New River' means all waters of New River from its confluence with the Atlantic Ocean upstream to its headwaters at Garrett Lake near U.S. Interstate Highway 95.

'North Santee Bay' means all waters of the bay west of a line running southwest from the southern tip of South Island to the eastern tip of Cedar Island and upstream to the confluence of Mosquito and Big Duck Creeks.

'Okatee River (Beaufort County)' means all waters of Okatee River from its confluence with Colleton River upstream to its headwaters near U.S. Highway 278.

'Oolenoy River' means all waters of Oolenoy River from its confluence with the South Saluda River upstream to its headwaters near US Highway 178 in Pickens County.

'Pacolet River' means all waters of Pacolet River from its confluence with the Broad River upstream to the Lake H. Taylor Blalock Dam in Spartanburg County.

'North Pacolet River' means all waters of North Pacolet River from its confluence with the South Pacolet River upstream to the North Carolina/South Carolina state line.

'South Pacolet River' means all waters of South Pacolet River from Lake William C. Bowen in Spartanburg County upstream to its headwaters near Glassy Mountain in Greenville County.

'Great Pee Dee River (also known as Pee Dee River or Big Pee Dee River)' means all waters of Great Pee Dee River from its confluence with Winyah Bay upstream to the North Carolina/South Carolina state line.

'Little Pee Dee River' means all waters of Little Pee Dee River from its confluence with the Great Pee Dee River upstream to Red Bluff Lake Dam at the confluence of Gum Swamp Creek and Beaver Dam Creek in Marlboro County.

'Pocotaligo River (Beaufort, Hampton, and Jasper Counties)' means all waters of Pocotaligo River from its confluence with the Broad River upstream to its headwaters north of U.S. Highway 17 in Jasper County.

'Pocotaligo River (Clarendon and Sumter Counties)' means all waters of Pocotaligo River from its confluence with the Black River upstream to the confluence of Cane Savannah Creek and Turkey Creek in Sumter County.

'Port Royal Sound' means all waters of Port Royal Sound between Hilton Head Island and Bay Point, bounded on the seaward side by a line running northeasterly from the easternmost tip of Hilton Head Island (latitude 32° 12.97' N, longitude 080° 40.05' W), to the southernmost tip of Bay Point (latitude 32° 15.39' N, longitude 080° 43.68' W), and bounded on the inland side by a line from the northernmost tip of Hilton Head Island (latitude 32° 16.23' N, longitude 080° 43.68' W), running northeasterly to the southern tip of Parris Island (latitude 32° 17.88' N, longitude 080° 40.08' W), and thence running southeasterly to the southern tip of Bay Point.



'Price Creek (Charleston County)' means all waters of Price Creek from its confluence with the Atlantic Ocean upstream to its divergence from Sewee Bay.

'Rabon Creek (Laurens County)' means all waters of Rabon Creek from the backwaters of Lake Greenwood upstream to the Lake Rabon Dam in Laurens County.

'Re-diversion Canal' means all waters of the Re-diversion Canal from its confluence with the Santee River upstream to the St. Stephen Dam and those waters upstream of the dam to its juncture with Lake Moultrie in Berkeley County.

'Reedy River' means all waters of Reedy River from the backwaters of Lake Greenwood at S.C. State Highway S-30-6 in Laurens County, upstream to Boyd Millpond Dam, and all waters upstream of Boyd Millpond to its headwaters near Renfrew and Travelers Rest in Greenville County at S.C. State Highway S-23-103.

'Rocky River' means all waters of Rocky River from Lake Secession upstream to the confluence of Little Beaverdam and Beaverdam Creeks in Anderson County.

'Saint Helena Sound' means all waters of Saint Helena Sound bounded by Edisto Beach, Otter Island, Ashe Island, Morgan Island, St. Helena Island, and Harbor Island, bounded on the seaward side by the COLREG line from Edisto Beach to Hunting Island, and bounded on the inland side by the U.S. Highway 21 bridge in the mouth of Harbor River, from the northern tip of Coffin Point (latitude 32° 26.78' N, longitude 080° 29.01' W), just east of the mouth of Coffin Creek running north crossing the mouth of Morgan River to the eastern tip of Morgan Island marsh (latitude 32° 28.14' N, longitude 080° 28.63' W), and then running north across the mouth of Coosaw River to the southern tip of Ashe Island (latitude 32° 29.77' N, longitude 080° 28.35' W), and by a line running due west from the western tip of Ashe Island (latitude 32° 30.19' N, longitude 080° 27.33' W), crossing the mouth of Rock Creek to Hutchinson Island, and by a line running south across the mouth of the Ashepoo River to the eastern side of Otter Island (latitude 32° 28.72' N, longitude 080° 25.15' W) and extending to the southern tip of Edisto Beach (latitude 32° 28.64' N, longitude 080° 20.30' W).

'Salkehatchie River' means all waters of Salkehatchie River from its confluence with the Little Salkehatchie River upstream to the confluence of Buck Creek and Rosemary Creek near S.C. State Highway S-06-166 in Barnwell County.

'Little Salkehatchie River' means all waters of Little Salkehatchie River from its confluence with the Salkehatchie River upstream to the Lake Cynthia Dam in Barnwell County.

'Middle Saluda River' means all waters of Middle Saluda River from its confluence with South Saluda River upstream to its headwaters near U.S. Highway 276 in Greenville County.

'North Saluda River' means all waters of North Saluda River from its confluence with South Saluda River upstream to the North Saluda Reservoir (Poinsett Reservoir) Dam.



'South Saluda River' means all waters of South Saluda River from its confluence with Saluda River and North Saluda River upstream to the Table Rock Dam in Greenville County.

'Lower reach of the Saluda River' means all waters of Saluda River from its confluence with Broad River upstream to the Lake Murray Dam.

'Middle reach of the Saluda River' means all waters of Saluda River from the backwaters of Lake Murray at S.C. State Highway 395, upstream to the Lake Greenwood Dam.

'Upper reach of the Saluda River' means all waters of Saluda River from the backwaters of Lake Greenwood upstream to the confluence of North Saluda River and South Saluda River.

'Little Saluda River' means all waters of Little Saluda River from the backwaters of Lake Murray upstream to the confluence of Mine Creek and Red Bank Creek near U.S. Highway 378 in Saluda County.

'Sampit River' means all waters of Sampit River from its confluence with Winyah Bay upstream to U.S. Highway 17A in Georgetown County.

'Santee River' means all waters of Santee River from its confluence with North Santee River and South Santee River upstream to the Lake Marion Dam and from the backwaters of Lake Marion at the railroad trestle bridge near Rimini upstream to the confluence of the Congaree and Wateree Rivers.

'North Santee River' means all waters of North Santee River from its confluence with North Santee Bay upstream to its confluence with the Santee River and South Santee River.

'South Santee River' means all waters of South Santee River from its confluence with the Atlantic Ocean upstream to its confluence with Santee River and North Santee River.

'Lower reach of the Santee River' means all waters of Santee River from its confluence with the Atlantic Ocean upstream via the North Santee River, the South Santee River, and the Santee River to the Lake Marion Dam including the waters of the Re-diversion Canal upstream to the St. Stephen Dam.

'Upper reach of the Santee River' means all waters of Santee River from the backwaters of Lake Marion at the railroad trestle bridge near Rimini upstream to the confluence of the Congaree and Wateree Rivers.

'Santee River system' means all waters of Santee River including tributaries from the saltwater/freshwater dividing line on the North and South Santee Rivers upstream to the Lake Murray Dam on the Saluda River, the Canal Dam on the Broad River, and the Wateree Dam on the Wateree River.



'Savannah River' means all waters of Savannah River from its confluence with the Atlantic Ocean upstream to the Lake J. Strom Thurmond Dam and from the backwaters of Richard B. Russell Lake upstream to the Lake Hartwell Dam.

'Lower reach of the Savannah River' means all waters of Savannah River from its confluence with the Atlantic Ocean or mouth of the Savannah River as defined by a line from Jones Island, South Carolina (also known as Oysterbed Island) point at latitude 32° 02.30' N, longitude 080° 53.35' W; across Cockspur Island, Georgia, point at latitude 32° 01.97' N, longitude 080° 52.93' W to Lazaretto Creek, Georgia, point at latitude 32° 01.03' N, longitude 080° 52.85' W upstream to the Lake J. Strom Thurmond Dam.

'Upper reach of the Savannah River' means all waters of Savannah River from S.C. State Highway 181 (the backwaters of Richard B. Russell Lake) upstream to the Lake Hartwell Dam.

'Socastee Creek (Horry County)' means all waters of Socastee Creek from its confluence with Waccamaw River upstream to the Intercoastal Waterway to the headwaters of Little River.

'Stevens Creek' means all waters of Stevens Creek from the back waters of Stevens Creek Reservoir upstream to the confluence of Hard Labor Creek and Cuffytown Creek in McCormick County.

'Stono River (Charleston County)' means all waters of Stono River from its confluence with the Atlantic Ocean at Stono Inlet upstream to its confluence with Wadmalaw River in Wadmalaw Sound.

'Story River (Beaufort County)' means all waters of Story River from its confluence with Fripp Inlet upstream to its confluence with Trenchards Inlet.

'Thicketty Creek' means all waters of Thicketty Creek, excluding private impoundments, from its confluence with the Broad River upstream to the Lake Thicketty Dam in Cherokee County.

'Trenchards Inlet (Beaufort County)' means all waters of Trenchards Inlet from its confluence with the Atlantic Ocean upstream to its confluence with Station Creek and Harbor River.

'Tulifinny River' means all waters of Tulifinny River from its confluence with the Coosawhatchie River upstream to its divergence from the Coosawhatchie River.

'Turkey Creek (Edgefield County)' means all waters of Turkey Creek from its confluence with Stevens Creek upstream to S.C. State Highway 23 in Edgefield County.

'Tyger River' means all waters of Tyger River from its confluence with Broad River upstream to the confluence of the North Tyger River and South Tyger River.



'Middle Tyger River' means all waters of Middle Tyger River from its confluence with the North Tyger River upstream to its headwaters just north of S.C. State Highway 11, excluding Lake Lyman.

'North Tyger River' means all waters of North Tyger River from its confluence with the South Tyger River upstream to its headwaters south of S.C. State Highway 11 in Spartanburg County.

'South Tyger River' means all waters of South Tyger River from its confluence with the North Tyger River upstream to the confluence of Mush Creek and Barton Creek in Greenville County, excluding the lakes.

'Union Creek (Jasper County)' means all waters of Union Creek from its confluence with McCoy's Cut and Little Back River upstream to its headwaters near Chisolm Cemetery.

'Waccamaw River' means all waters of Waccamaw River from its confluence with Winyah Bay upstream to the North Carolina/South Carolina state line.

'Wadmalaw River (Charleston County)' means all waters of Wadmalaw River from its confluence with the North Edisto River to its junction with the Intracoastal Waterway and Church Creek.

'Wando River' means all waters of Wando River from its confluence with the Cooper River upstream to its headwaters.

'Warrior Creek' means all waters of Warrior Creek from its confluence with the Enoree River upstream to its headwaters just west of S.C. State Highway S-30-660 in Laurens County.

'Wateree River' means all waters of Wateree River from its confluence with the Congaree River upstream to the Lake Wateree Dam.

'Whale Branch (Beaufort County)' means all waters of Whale Branch from its confluence with Coosaw River, McCalley's Creek, and Brickyard Creek upstream to its junction with the Broad River.

'Wilson Creek (Greenwood County)' means all waters of Wilson Creek from its confluence with the Saluda River upstream to U.S. Highway 25/U.S. Highway 221/U.S. Highway 178 Bypass in Greenwood County.

'Winyah Bay' means all waters of Winyah Bay east of a line running south from the southern tip of North Island to the eastern tip of Sand Island, and extending to the mouths of the Sampit, Great Pee Dee, and Waccamaw Rivers.

'Wright River (Jasper County)' means all waters of Wright River from its confluence with the Atlantic Ocean upstream to its headwaters in Jasper County.



'Lake H. Taylor Blalock' means all waters of Pacolet River impounded by the Lake Blalock Dam upstream to the confluence with North Pacolet River below Reservoir #1 (Rainbow Lake) Dam in Spartanburg County.

'Lake William C. Bowen' means all waters of South Pacolet River impounded by the Lake Bowen Dam upstream to S.C. State Highway 11.

'Cedar Creek Lake (also known as Stumpy Pond or Rocky Creek Lake)' means all waters of Catawba River impounded by the Cedar Creek/Rocky Creek Dam upstream to the Dearborn Powerhouse on Rocky Creek and U.S. Highway 21 on Rocky Creek. This includes waters between the Cedar Creek Hydro Station on the west bank upstream to the base of the shoals north of Hill Island (Bypass Reach).

'Lake Cooley' means all waters of Jordan Creek impounded by the Lake Cooley Dam upstream to S.C. State Highway S-42-784 (Ballenger Road) in Spartanburg County.

'Lake Cunningham' means all waters of South Tyger River impounded by the Lake Cunningham Dam upstream to S.C. State Highway 101 in Greenville County.

'Fishing Creek Reservoir' means all waters of Catawba River impounded by the Fishing Creek Dam upstream to S.C. State Highway 9. This includes all waters upstream of the Fishing Creek Dam to the confluence of Rum Creek and Cane Creek on Cane Creek and to Catawba Ridge Boulevard on Bear Creek.

'Goose Creek Reservoir' means all waters of Goose Creek impounded by the Goose Creek Reservoir Dam upstream to U.S. Highway 52 in Berkley County.

'Lake Greenwood' means all waters of Saluda River impounded by the Buzzard's Roost (Lake Greenwood) Dam upstream to U.S. Highway 25 including the tributaries of Cane Creek upstream to S.C. State Highway 72, Rabon Creek upstream to S.C. State Highway S-30-54 in Laurens County, and the Reedy River upstream to S.C. State Highway S-30-6 in Laurens County.

'Lake Hartwell' means all waters of Savannah River impounded by the Lake Hartwell Dam upstream to the Lake Yonah Dam on the Tugaloo River and to the Lake Keowee Dam on the Keowee River. This includes all waters upstream of Hartwell Dam to S.C. State Highway S-04-97 on Six and Twenty Creek in Anderson County.

'Lake Hartwell Tailwater' means all waters of Savannah River upstream of S.C. State Highway 181 to Lake Hartwell Dam.

'Lake Jocassee' means all waters of Keowee, Toxaway, and Whitewater Rivers impounded by the Lake Jocassee Dam upstream to the elevation of 1110 msl.

'Lake Keowee' means all waters of Keowee River impounded by the Little River Dam at Newry and the Keowee Dam to Jocassee Dam. This includes all waters upstream of the Little River Dam to the confluence of Cane Creek and Little Cane Creek on Cane Creek,



to S.C. State Highway S-37-175 on Crooked Creek, to S.C. State Highway S-37-24 (Burnt Tanyard Road) on Little River, and to S.C. State Highway S-37-200 on Stamp Creek in Oconee County. This includes all waters upstream of the Keowee Dam to the confluence of Eastatoe River and Little Eastatoe Creek on the Eastatoe River; S.C. State Highway 133 on Cedar, Crowe, and Mile Creeks in Pickens County.

'Louther's Lake' means the oxbow lake off of the Great Pee Dee River in eastern Darlington County near S.C. State Highway S-16-495.

'Lake Lyman' means all waters of Middle Tyger River impounded by the Lake Lyman Dam upstream to S.C. State Highway S-42-75 in Spartanburg County.

'Lake Marion' means all waters of the Santee River and its tributaries impounded by the Lake Marion Dam including the flooded backwater areas within the Santee Cooper project area in Calhoun and Sumter Counties.

'Lake Monticello' means all waters impounded by the Frees Creek Dam including the recreational subimpoundment in Fairfield County.

'Lake Moultrie' means all waters impounded by the Pinopolis Dam including the Diversion Canal and those waters of the Re-diversion Canal within the Santee Cooper project area.

'Lake Murray' means all waters of Saluda River impounded by the Lake Murray Dam upstream to S.C. State Highway 395 and the Little Saluda River arm up to Big Creek.

'Parr Reservoir' means all waters of Broad River impounded by the Parr Reservoir Dam upstream to S.C. State Highway 34.

'Reservoir #1 (Rainbow Lake)' means all waters of South Pacolet River impounded by the Reservoir #1 Dam upstream to Lake William C. Bowen Dam in Spartanburg County.

'Lake Robinson (Darlington and Chesterfield Counties)' means all waters of Black Creek and its tributaries impounded by the Lake Robinson Dam upstream to its headwaters west of S.C. State Highway S-13-46 in Chesterfield County.

'Lake Robinson (Greenville County)' means all waters of South Tyger River impounded by the Lake Robinson Dam upstream to S.C. State Highway S-23-114.

'Lake Russell' means all waters of Savannah River impounded by the Lake Richard B. Russell Dam upstream to the Lake Hartwell Dam including the tributary Rocky River upstream to the Lake Secession Dam.

'Saluda Lake (Pickens and Greenville Counties)' means all the waters of the Saluda River and its tributaries impounded by the Saluda Dam upstream to the S.C. State Highway S-39-183 (Farr's Bridge Road).



'Lake Secession' means all the waters of Rocky River impounded by the Lake Secession Dam upstream to S.C. State Highway 413.

'Stevens Creek Reservoir' means all waters of Savannah River upstream of the Stevens Creek Dam to the Lake J. Strom Thurmond Dam including the tributary of Stevens Creek upstream to the confluence of Dry Branch, Cheves Creek, and Stevens Creek in Edgefield County.

'Lake J. Strom Thurmond (formerly Clarks Hill Lake)' means all waters of Savannah River impounded by the Lake J. Strom Thurmond Dam upstream to the Richard B. Russell Dam, including the tributaries of Little River to Calhoun Mill at the S.C. State Highway 823 Bridge and Long Cane Creek to Patterson Bridge at S.C. State Highway S-33-117 in McCormick County.

'Lake Tugaloo' means all waters of Tugaloo River impounded by the Lake Tugaloo Dam upstream to the confluence of the Chattooga River and Opossum Creek in Oconee County.

'Lake Wateree' means all waters of Catawba and Wateree Rivers impounded by the Lake Wateree Dam upstream to the Cedar Creek Hydro Station and Rocky Creek Hydro Station and the dam between the two. This includes the waters to the confluence of Colonel Creek and the first unnamed tributary on Colonel Creek; to the confluence of Fox (June) Creek and the first unnamed tributary on Fox (June) Creek; to S.C. State Highway S-28-101 on Rochelle Creek; to the confluence of Dutchman's Creek and the first unnamed tributary on the south side of Dutchman's Creek; to the confluence of Taylor Creek and the first unnamed tributary on the north side of Taylor Creek; to U.S. Highway 21 on Little Wateree Creek and Big Wateree Creek; to Wildlife Road on Singletons Creek; to S.C. State Highway S-28-13 on Beaver Creek and to S.C. State Highway 97 on White Oak Creek.

'Lake Wylie' means all waters of Catawba River impounded by the Lake Wylie Dam upstream to the southern end of Sunset Island, which constitutes the North Carolina/South Carolina state line, and bounded on the east by the North Carolina/South Carolina state line, which follows the middle of the course of the Catawba River. This includes all waters impounded by the Lake Wylie Dam to S. C. State Highway 274 on Little Allison Creek; to the confluence of Big Branch and Allison Creek on Big Allison Creek; to Vineyard Road on Torrance Creek; to the confluence of Beaver Dam Creek and Crowder's Creek on Crowder's Creek; to the confluence of the first unnamed tributary on Mill Creek and Mill Creek; to the North Carolina/South Carolina state line on Catawba Creek. The upper boundary of Lake Wylie is the North Carolina/South Carolina state line located mid channel of the Catawba River at the confluence of the Catawba River and South Fork Catawba River.

'Lake Yonah' means all waters of Tugaloo River impounded by the Lake Yonah Dam upstream to the Lake Tugaloo Dam."



## **SB1220: Surface Water Withdrawal Application Fees**

Sen. Paul Campbell

Sets the following fee schedule for surface water withdrawal application fees:

- Existing surface water withdrawal permit application processing fee - \$1,000
- New surface water withdrawal permit application processing - \$7,500
- Modification of surface water withdrawal permit application processing fee - \$2,000
- Renewal of surface water withdrawal permit with modifications application processing fee - \$1,000
- Surface water withdrawal annual operating fee per permitted intake - \$1,000

No new fees may be charged for surface water withdrawal applications following January 1, 2013, without an act of the General Assembly setting the fee schedule.

## **Land Management and Conservation**

### **HB3083: Conservation Bank Sunset Extension**

Rep. Mike Pitts

Allows the South Carolina Conservation Bank to continue to operate, as if it was not scheduled to sunset in 2013, until the South Carolina Conservation Bank Trust Fund is exhausted or until July 1, 2021.

### **HB3631: Prescribed Burns**

Rep. James Harrison

Provides protection to landowners who choose to conduct prescribed fires on their property. This legislation promotes the most efficient and cost-effective forest management tool within South Carolina. A fire manager must supervise the burning, taking into consideration fire behavior and smoke management on the site and neighboring sites. Fire managers must also abide by specific regulatory and statutory guidelines. Property owners will not be held liable for damages unless they are proven grossly negligent.

### **HB3730: Fur Licenses and Animal Traps**

Provides that in addition to a valid state hunting license, an annual commercial fur license is required of all persons who sell or take by any means, for commercial purposes, and all persons who trap or who attempt to trap any fur bearing animals. The license is issued by the Department of Natural Resources (DNR) at a cost of twenty-five dollars for residents and two hundred dollars for nonresidents. Any person having in his possession more than five fur bearing animals or raw or green pelts must have a valid commercial fur license. This bill does not apply to processors, manufacturers, or retailers. A person under the age of sixteen may purchase a commercial fur license without having to purchase a state hunting license after completing the 'Trappers Education Course.' A person under the age of sixteen is exempt from the licensing requirements, while in the presence of a commercial fur licensee, but may not sell any fur bearing animals or raw or green pelts unless licensed by the state. Also, this bill



provides that there is no closed season for hunting or taking coyotes with weapons and sets forth standards for animal traps.

### **HB4033: Hunting Migratory Waterfowl on Lake Keowee, Broadway Lake and Lake Moultrie**

Rep. Bill Sandifer

Makes it unlawful to hunt migratory waterfowl on Lake Keowee, Broadway Lake in Anderson County, and Lake Moultrie within two hundred yards of a dwelling without written permission of the owner and occupant. A person violating this law is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

### **HB4983: Bird Sanctuaries**

Rep. Tommy Pope

Declares the following areas to be bird sanctuaries:

- Port Royal Plantation on Hilton Head Island, Beaufort county;
- Highlands of Otranto Subdivision in Berkeley county;
- The Town of Bonneau in Berkeley county;
- St. James Estates, Spring Hill, Devonshire, Raintree, and Harbor Lakes Subdivisions in Berkeley county;
- The subdivision of Clear View on James Island, Charleston county;
- James Island water district in Charleston county;
- The subdivision of Lee-Jackson-McCalls Corner on James Island, Charleston county;
- St. Phillips Parish, St. Michaels Parish, and North Charleston Public Service District, Charleston county;
- Melrose, Longbranch, and Shaftesbury Subdivisions in Charleston county as bounded on the South by Highway 17, on the West by Long Branch Creek, on the North by Magwood property line, and on the East by the property line of Castlewood Subdivision;
- Forest Lakes Subdivision located in the City and County of Charleston;
- Winnsboro Mills in Fairfield county bounded on the North by the city limits of Winnsboro, on the South by the intersection of Highways 321, 34, and 215, on the West by the by-pass of Highway 321, and on the East by Golf Course Road;
- Avondale Forest as recorded at plat book RR page 186, and plat book BBB page 36, in the office of the Registrar of Mesne Conveyances for Greenville county;
- Lake Forest and Lake Forest Heights in Greenville county, bounded on the North by Edwards Road, on the East by Shannon Drive, on the South by Old Spartanburg Road, and the West by Highway 291;
- Botony Woods, Greenville county;
- Heritage Lakes in Greenville county;
- The City of Ocean Drive Beach, Horry county;
- Windy Hill Beach, Horry county;
- Briarcliff Acres in Horry county as bounded on the North by Highway 17, on the East by the Holmes property, on the South by the Atlantic Ocean, and on the West by the Patterson property;



- Kirkover Hills near Camden in Kershaw county;
- Sunnyhills Subdivision near Camden in Kershaw county;
- The area between the Western city limits of Camden and the Seaboard Railroad tracks, Kershaw county;
- The area bounded by the Haile Street Extension, U.S. Highway No. 1, and Lake Shore Drive near Camden, Kershaw county;
- Saluda Gardens, Saluda Terrace, Westover Acres, and Saluda Hills Subdivisions in Lexington county;
- Town of Arcadia Lakes, Richland county;
- Community of Belvedere in Richland county;
- Deerfield Plantation, Berkeley county;
- City of Tega Cay, York county;
- The area in York county, embracing the Country Club Estates, the Rock Hill Country Club, the Oakdale School property, a portion of the Drennan property, and being bounded on the North by the Fewell property, on the East by the Fewell and Parrish properties, on the South by the old Mount Holly Road, and on the West and North by State Highway No. 72;
- The area in York county consisting of all waters and tributaries impounded by the Lake Wylie Dam located within the boundaries of the State of South Carolina. Notwithstanding any other provision of law, waterfowl may be hunted during any appropriate migratory waterfowl season on all waters of Lake Wylie with the following restrictions: it is unlawful to hunt migratory waterfowl on Lake Wylie within two hundred yards of a dwelling, school or business without written permission of the owner and occupant;
- The area known as the community of River Hills Plantation, Inc., in York county;
- The Town of Pawleys Island in Georgetown county;
- The area in Clarendon county consisting of that portion of Tawcaw Creek, adjacent to Goat Island, lying Southeast of County Road 38, and extending into Lake Marion to the extent of the Santee National Wildlife Refuge boundaries lying East and West of that portion of Lake Marion;
- Rolling Green Retirement Community in Greenville county; and
- The grounds of the Presbyterian Home of South Carolina located on Highway 56 in the Town of Clinton in Laurens county.

### **SB168: Unlawful Cutting and Sale of Timber**

Sen. Phillip Shoopman

Increases the current penalty for cutting, removing, or transporting timber products without consent of the landowner to a tiered set of fines and penalties. If the value of the forest products is one thousand dollars or less, a person is guilty of a misdemeanor and, upon conviction for a first offense, must be fined not more than fifteen hundred dollars or imprisoned for not more than thirty days, or both; and for a second or subsequent offense, must be fined not less than two thousand dollars and not more than five thousand dollars or imprisoned for not more than sixty days, or both. If the value of the forest products is more than one thousand dollars but less than five thousand dollars, a person who violates the law for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not less than five thousand dollars and not more than ten thousand dollars or imprisoned for not more than five years, or both; and for a second



or subsequent offense, is guilty of a felony and, upon conviction, must be fined not less than ten thousand dollars and not more than twenty thousand dollars or imprisoned for not more than ten years. If the value of the forest products is five thousand dollars or more, a person who violates the law for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not less than ten thousand dollars and not more than twenty thousand dollars or imprisoned for not more than ten years, or both; and for a second or subsequent offense, is guilty of a felony and, upon conviction, must be fined not less than ten thousand dollars and not more than twenty thousand dollars or imprisoned for not more than ten years.

### **SB152: Hunting Migratory Waterfowl on Lake Moultrie**

Sen. Larry Grooms

Makes it unlawful to hunt migratory waterfowl on Lake Moultrie within two hundred yards of a dwelling without written permission of the owner and occupant Lake Moultrie means all waters impounded by the Pinopolis Dam, including the Diversion Canal and those waters of the Re-diversion Canal within the Santee Cooper project area. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

### **SB741: Night Hunting of Feral Hogs and Coyotes**

Sen. Shane Martin

Allows feral hogs and coyotes to be hunted at night by hunters using laser sights. This bill also provides that every vehicle, boat, trailer, other means of conveyance, animal, and firearm used in the hunting of deer or bear at night, or used in connection to a violation of night hunting laws is forfeited to the state and must be confiscated by any peace officer, who must deliver it to DNR.

### **SB1087: Free Fishing and Hunting Days**

Sen. Darrell Jackson

Provides that a state resident is not required to possess a license or permit for recreational fishing in the freshwaters on the fourth of July and the date observed by the state for National Memorial Day. Also, DNR may designate department-sanctioned fishing events in the freshwaters of the state as exempt from recreational freshwater fishing license requirements. However, the events may not exceed one for each county a year. This bill does not apply to individuals fishing for a commercial purpose or when a commercial fishing license is required to use certain nongame fishing devices. DNR must designate two days a year as 'free hunting days' during which state residents may hunt without procuring the necessary licenses and permits. These days need not be consecutive.

### **SB1059: Composition of the Department of Natural Resources (DNR) Board**

Sen. Ronnie Cromer

Increases the number of DNR Board members to reflect the new 7th Congressional District, and requires Senate confirmation for the DNR director.



### **HB3744: Exemptions from Licensure for Soil Classifiers**

Rep. Shannon Erikson

Exempts units of local government that practice soil science solely in the capacity of their office or employment from the license requirements of soil classifiers.

## Solid Waste

### **SB1031: Vehicles Sold for Scrap**

Sen. Joel Lourie

Provides that for vehicles scrapped without a title, an affidavit is required by seller and dealer, which include a statement that the vehicle will never be titled again and a description of the vehicle to include the VIN number. In addition, the affidavit will include the name, address and drivers license of the owner of the vehicle. As well as certification that the owner never possessed a title to the vehicle in his or her name or was issued a title for the vehicle, but title was lost or stolen. Plus, the affidavit will include certification that the vehicle is older than 15 years and is not subject to a secure interest of lien. The bill creates a felony offense for any seller who perjures himself on the affidavit. In order to create a paper trail for instances that cars have been stolen and affidavits falsified the bill requires dealers to keep records for five years that include a copy of the seller's driver's license. Within 48 hours of purchase of the vehicle the dealer must report to DMV the following information; dealer's name, address, contact information, National Motor Vehicle Identification System (NMVITIS) number, VIN numbers, date vehicles were obtained, names of the sellers and whether vehicles will be crushed or exported out of US. All of the information provided will only be used for reporting to NMVITIS or for law enforcement use. The bill also creates a 15 calendar day hold on vehicles that are still in working condition, do not have a title, auction sales receipt or disposal authority receipt and cannot be found in NMIVTIS. In addition the bill creates a misdemeanor offense with penalties for dealers that do not comply with provisions, increases on second offense with the third offense a felony and confiscation of the dealer's equipment.

## Water Quality and Pollution Control

### **HB3470: Phosphate in Household Detergents Ban**

Rep. Mike Pitts

Prohibits the manufacture, use and sale of household dish and laundry detergents containing phosphate in amounts greater than 0.5 percent.

### **HB3617: Three Strikes Sewer Polluter Bill**

Rep. Mike Pitts

Requires that any wastewater utility with three spills of over 5,000 gallons each within a 12-month period (per every 100 miles of pipe) to undergo a comprehensive audit of what caused the spill and to fix the identified problems.



# Tennessee

---

## Energy Legislation

### Alternative Energy Development

#### **SR26: Resolution in Support of Holifield Radioactive Ion Beam Facility Funding**

Sen. Ken Yager

Expresses the sense of the Tennessee General Assembly that the President and U.S. Congress should not eliminate funding for the user program at the Holifield Radioactive Ion Beam Facility at the Oak Ridge National Laboratory. It urges the President and U.S. Congress to include funding for the program in the final FY12 budget. The resolution required copies be sent to each member of Tennessee's Congressional Delegation.

### Emergency Management and Homeland Security

#### **SB2332/HB2514: Emergency Management Assistance Compact**

Sen. Mike Bell and Rep. Jim Cobb

Extends the termination date of the Emergency Management Assistance Compact to June 30, 2017. Under the Tennessee Governmental Entity Review Law, the Compact was scheduled to terminate on June 30, 2012.

#### **SB2651/HB2336: Authorization of Deadly Force at Nuclear Facilities**

Sen. Ken Yager and Rep. David Hawk

Authorizes a nuclear security officer to employ deadly force in certain situations at Category I Nuclear Facilities. Specifically, the bill authorizes a nuclear security officer to use deadly force when it appears reasonably necessary to prevent or impede terroristic tactics in an act, or attempted act, of radiological sabotage at a Category I nuclear facility.

### Energy Efficiency

#### **SB3392/HB3550: Energy Efficient Schools Council**

Sen. Mike Bell and Rep. Jim Cobb

Creates a sunrise provision for the Energy Efficient Schools Council (EESC) on June 30, 2013. It expands the groups that may submit a list of qualified persons for appointment to the Council by the Speaker of the Senate to include interested contractor groups. Also, it expands the groups that may submit a list of qualified persons for appointment to the Council by the Speaker of the House of Representatives to include interested architectural and engineering groups. The bill requires the Speaker of the House of Representatives and the Speaker of the Senate respectively to consult with interested contractors or architectural or engineering groups when making their appointments.



## Natural Gas and Petroleum

### **HR195: Resolution in Support of Keystone XL Pipeline**

Rep. Dennis Powers

Resolves that President Obama's rejection of the proposed Keystone XL pipeline represents a missed opportunity to create tens of thousands of jobs and to lessen our nation's dependence on foreign oil. Also, it expresses support for the construction of the Keystone XL pipeline and encourages President Obama to approve TransCanada's next permit application. It requires a copy of the resolution be transmitted to the President of the United States.

### **SB2717/H2976: Liability of Natural Gas Providers**

Sen. Bill Ketrone and Rep. Judd Matheny

Specifies that a natural gas provider who supplies, handles, transports, or sells compressed or liquefied natural gas intended for use with properly constructed, inspected, and certified vehicle fuel systems in this state would be immune from civil liability, if the proximate cause of the injury or damages was caused by:

- An alteration, modification or repair of gas equipment that could not have been discovered by the natural gas provider in the exercise of reasonable care; or
- The use of natural gas equipment in a manner or for a purpose other than that for which the natural gas equipment was intended to be used or could reasonably have been foreseen, as long as the natural gas provider or the manufacturer of the natural gas equipment has taken reasonable steps to warn the ultimate consumer of the hazards associated with foreseeable misuses of the equipment.

This bill prohibits any defendant from alleging or proving that a person or entity caused or contributed to causing a plaintiff's injuries, death, or other losses, unless the plaintiff could have maintained an action against the person.

The bill does not affect, modify, or eliminate the liability of a manufacturer of natural gas equipment or its employees under any legal claim.

### **SB2718/HB3024: Compressed Natural Gas Dealer Permits**

Sen. Bill Ketrone and Rep. Phillip Johnson

Requires dealers of compressed natural gas (CNG) to apply for and obtain a permit from the Department of Revenue (DOR) for the purpose of dispensing CNG to the public or for private use. Also, it states that dealers must post permits, or copies of permits, in conspicuous places. Dealer applications must be accompanied by a bond payable to the state. The bill requires permitted dealers to collect and remit to DOR the CNG tax codified in Tennessee Code Ann. § 67-3-1113. It establishes recordkeeping and reporting requirements for permitted dealers. Also, it declares that meters and dispensers used for selling compressed natural gas be inspected and verified by the Department of Agriculture (DOA).



## Reorganization and Coordination

### **SB2192/HB2746: Senate Energy and Environment Committee**

Sen. Steve Southerland and Rep. David Hawk

Changes the Tennessee Code Annotated to reflect renaming of the Senate Environment, Conservation and Tourism Committee as the "Senate Energy and Environment Committee."

### **SB2247/HB2385: Tennessee Regulatory Authority Reorganization**

Sen. Mark Norris and Rep. Gerald McCormick

Redefines the membership of the Tennessee Regulatory Authority (TRA), which sets rates and service standards for privately owned telephone, natural gas, electric and water utilities, to consist of five part-time directors, instead of four full-time directors. It sets term expirations for existing directors. Also, the bill calls for monthly meetings, unless the requirement is waived by majority vote of directors. It requires the directors to elect a chair and vice-chair and delineates the chair's responsibilities. The legislation sets the salaries for the directors and creates an executive director position to be appointed by the governor and defines his/her responsibilities.

## Utilities

### **SB2170/HB2225: Boards of Commissioners for Utility Districts**

Sen. Ken Yager and Rep. Ryan Haynes

Requires a county mayor to fill vacancies on the board of commissioners of single and multi-county utility districts by choosing from a list of nominees provided by the remaining board of commissioners. This mandate is effective July 1, 2013, for single-county utility districts and July 1, 2014, for multi-county utility districts. The requirement does not apply to a single-county utility district if it is located within a county with a metropolitan form of government; the use of a plurality vote of the customers of the utility district has been authorized by the General Assembly on or after July 1, 2011 and the selection of members of the board is by appointment by a county probate judge. The bill does not apply to a multi-county utility district if, on or after July 1, 2011, the use of a plurality vote of the customers of the utility district has been authorized by the General Assembly.

### **SB2242/HB2380: Utility Relocation Plans**

Sen. Mark Norris and Rep. Gerald McCormick

Authorizes the Department of Transportation (DOT) to digitally distribute utility relocation plans to utility owners.

### **SB2289/HB2425: Cooperative Power Purchasing Agreements**

Sen. Mike Faulk and Rep. Mike White

Authorizes counties, municipalities, and utility districts to utilize pricing discounts offered from any nationwide or regional competitive bid cooperative purchasing program when purchasing supplies and equipment. When required by charter or private



act to purchase by competitive bidding, the procuring governmental unit is authorized to consider the price given by the cooperative purchasing program as a bid or quotation.

**SB3334/HB3094: Employment Contracts for Municipal Electric Systems**

Sen. Bill Ketrone and Rep. Bob Ramsey

Authorizes municipal electric systems and governmental utility systems operating an electric plant to enter into an employment contract with the plant's superintendent, general manager, or chief executive officer not to exceed five years.

**SB3608/HB3758: Confidentiality of Consumer Energy Data**

Sen. Joe Haynes and Rep. Janis Sontany

Classifies consumer specific energy usage data, except for aggregate monthly billing information, as a private record.



# Tennessee

---

## Environmental Legislation

### Air Quality and Pollution Control

#### **SB1295/HB688: Emissions Exemptions for Antique Vehicles**

Sen. Jack Johnson and Rep. Jim Gotto

Exempts antique vehicles, which are vehicles over 25 years old with non-modified engines, and are being registered for antique motor vehicle license plates from the emissions testing requirements imposed in certain counties as a requirement for motor vehicle registration.

#### **SB3549/HB3765: Variances under the Air Quality Act**

Sen. Rusty Crowe and Rep. Matthew Hill

Authorizes the Air Pollution Control Board to issue the Tennessee Department of Environment and Conservation Commissioner authority to grant variances for certain open burnings and emissions testing requirements. Under present law, any person seeking a variance under the Air Quality Act must file a petition for variance with the technical secretary of the Air Pollution Control Board.

This bill authorizes the Board to delegate the authority to approve certain types of variances to the Commissioner, or the Commissioner's designee, pursuant to this bill. The types of variances that may be delegated for granting by the Commissioner upon recommendation by the technical secretary include, but are not limited to, the following:

- The use of open burning, not otherwise permitted by rules or regulations, for the limited purpose of testing a fire control device or system in order to obtain insurance; and
- The use of a variance in the case of financial hardship or other extenuating circumstances under which a vehicle that fails emissions testing and for which a waiver is not permitted.

Any petitioner for a variance who objects to a conditional grant of a variance by the Commissioner may seek a hearing before the full Board as if the variance was denied. Any such hearing will be subject to the procedural requirements for hearings conducted under present law.

### Environmental Health Services

#### **SB1283/HB208: Forfeited Deposits from Spay/Neuter Programs**

Sen. Steve Southerland and Rep. Mike Harrison

Allows forfeited deposits to the spay or neuter program in Hawkins County to be used to defray operational expenses of animal control programs, including, but not limited to, costs for purchasing food, medications, tests, upgrades for the animal housing areas, or



any other supplies or products that would improve the quality of life for dogs or cats in such programs. The funds may not be used to pay salaries of persons employed by any agency located within the county.

**SB2719/HB2983: Codifies No Duty of Property Owners to Trespassers**

Sen. Brian Kelsey and Rep. Vance Dennis

Directs that a possessor of real property owes no duty of care to a trespasser except to refrain from causing willful or wanton injury. It authorizes a possessor to willfully cause injury to a trespasser or use force to prevent or terminate a trespass or criminal offense. If the possessor maintained an attractive nuisance, the bill subjects a possessor to liability for the physical injury or death of a child trespasser.

**Inland Water Resource Management and Conservation**

**SB2257/HB2395: Watershed Conservation District Reporting Requirements**

Sen. Steve Southerland and Rep. Ron Lollar

Adds more reporting requirements to the prior law concerning watershed districts. Prior law required each watershed district to prepare an annual report of its business affairs and transactions. This bill requires that each watershed district must submit its annual report to the State Soil Conservation Committee and the Comptroller of the Treasury.

This legislation mandates that, if a watershed district is dissolved in the same manner as general welfare and nonprofit corporations, the watershed district must file a true and correct copy of the dissolution with the State Soil Conservation Committee. If a watershed district is otherwise dissolved by operation of law, this bill requires the chair of the State Soil Conservation Committee to do the following:

- File a notice of dissolution with the secretary of state and upon such filing the watershed district will no longer be deemed to exist; and
- File a copy of the notice of dissolution with the register of deeds of any county in which the watershed district is located.

**Land Management and Conservation**

**SB2403/HB2294: Hunting Licenses for Individuals with Intellectual Disabilities**

Sen. Randy McNally and Rep. Cameron Sexton

Authorizes the issuance of hunting licenses to persons with intellectual disabilities, subject to their attending a hunter education course and hunting in the presence of persons who are hunter-education-certified and licensed to hunt.

**SB2647/HB3048: Coon Dog Training**

Sen. Ken Yager and Rep. John Mark Windle

Adds Morgan County to the list of counties, which has a training season for coon dogs no less than six months long, instead of having a training season from July 1 to the first



day of the open season for hunting coons. Prior to this legislation, the coon dog training season in Morgan County lasted from July 1<sup>st</sup> - September 15<sup>th</sup>. Any person found to have killed or taken a raccoon during such training season commits a Class C misdemeanor offense.

**SB2854/HB3156: Harvest Season for Wild Ginseng**

Sen. Ken Yager and Rep. Kelly Keisling

Changes the dates of harvest season for wild ginseng from August 15 through December 31 to September 1 through December 31 of each year. Also, it adjusts the reporting requirement for ginseng dealers to reflect a new start date of harvest season.

**SB2879/HB3383: Feral Hogs**

Sen. Steve Southerland and Rep. Ron Lollar

Makes it a Class A misdemeanor to knowingly transport or release into the wild, or cause to be transported into or within the state, live wild-appearing swine without appropriate documentation from the Department of Agriculture.

**Reorganization and Coordination**

**SB1243/HB2518: Air Pollution Control Board Extension**

Sen. Mike Bell and Rep. Jim Cobb

Extends the Air Pollution Control Board until June 30, 2015. This bill also revises certain provisions regarding appointments to the Board and qualifications of Board members. These revisions replace the present law requirement for the governor to appoint certain members to the Air Pollution Control Board from lists of nominees that are submitted by specific representative governmental, trade, and professional organizations. The revision provides that the governor must consult interested groups, including the organizations specified under present law when selecting candidates for appointment to the Board. It adds educational and experience requirements for the manufacturing industry representatives on the Air Pollution Control Board and requires that those members must be currently employed by manufacturers at the time of their appointments to the Board. This bill also correctly names the Tennessee Chamber of Commerce and Industry as a manufacturing group that will be authorized, along with other interested manufacturing groups, to submit names of qualified persons who may be appointed to the Board. Also, this legislation directs the Air Pollution Control Board to adopt and implement a conflict of interest policy for Board members.

**SB2197/HB2336: Replacement of the term “County Audit Division”**

Sen. Jim Tracy and Rep. Kelly Keisling

Replaces the terms “County Audit Division” with “Comptroller of the Treasury” and “Department of Audit” where appropriate in provisions regarding Judicial Information System Advisory Committee members, the County Financial Management System, and audits of the Solid Waste Authority within the *Tennessee Code Annotated*.



**SB2334/HB2543: State Forestry Commission Extension**

Sen. Mike Bell and Rep. Jim Cobb

Extends the termination date of the State Forestry Commission to June 30, 2017. Under the Tennessee Governmental Entity Review Law, the Commission is scheduled to terminate on June 30, 2012.

**SB2337/HB2517: Soil Scientist Advisory Committee Extension**

Sen. Mike Bell and Rep. Jim Cobb

Extends the termination date of the Soil Scientist Advisory Committee to June 30, 2013. Under the Tennessee Governmental Entity Review Law, the Committee was scheduled to terminate on June 30, 2011, and is currently in wind-down.

**SB2338/HB2535: Water Quality Control Board Extension**

Sen. Mike Bell and Rep. Jim Cobb

Extends the termination date of the Water Quality Control Board to June 30, 2013. Under the Tennessee Governmental Entity Review Law, the Board was scheduled to terminate June 30, 2012.

**SB2342/HB2505: Board of Ground Water Management Extension**

Sen. Mike Bell and Rep. Jim Cobb

Extends the termination date of the Board of Ground Water Management to June 30, 2013. Under the Tennessee Governmental Entity Review Law, the Board was scheduled to terminate on June 30, 2012.

**SB2822/HB2966: Powers of Referees in Shelby County Environmental Courts**

Sen. Brian Kelsey and Rep. Jim Coley

Directs that Shelby County referees have the power of a trial court and the same authority as the judge directing the case to the referee in certain environmental courts.

Solid Waste

**SB2636/HB2437: Motor Vehicles Sold for Scrap**

Sen. Bo Watson and Rep. Vince Dean

Increases, from 10 to 25 years, the required age of a motor vehicle that can be purchased by a motor vehicle dismantler or metal processor without proof of title, provided certain information concerning the vehicle is maintained by the buyer for at least three years. Under this bill, in order to buy a vehicle for parts or scrap, the dismantler and recycler or scrap metal processor must not crush or shred the vehicle for three business days from the date of purchase and that the purchaser's National Motor Vehicle Title System Information identification number must be included in the record that the purchaser is required to maintain for three years.

**SB2825/HB3371: Holding Period for Scrap Metal**

Sen. Bill Ketrone and Rep. Joe Carr

Decreases, from 30 to 20, the number of days from the date of purchase that a scrap dealer must hold items prior to selling or changing their form. The bill requires a party



asserting ownership of stolen property held by a scrap dealer, to have reported the theft to law enforcement within 20 rather than 30 days after knowing of the theft in order to recover the property.

## Water Quality and Pollution Control

### **SB3394/HB3558: Fluoride in Water Systems**

Sen. Tim Barnes and Rep. Bob Ramsey

Provides that any public water system or waterworks system that initiates or permanently discontinues the fluoridation of its water supply to give notice of such discontinuance to the Departments of Environment and Conservation as well as the Department of Health within 10 days of decision and public notice to customers in the next general mailing, which must be 30 days prior to discontinuance.





# Texas

---

*Texas did not have a regular legislative session in 2012.*





# U.S. Virgin Islands

---

## Energy Legislation

### Alternative Energy Development

#### **R268: Resolution to Congress for Solar Power Funding**

Sen. Carlton Dowe

Authorizes and requests that the Virgin Islands Delegate to Congress petition the United States Department of the Interior, the United States Department of Energy or any other federal agency for funding to retrofit schools and hospitals within the territory with solar powered energy.

#### **R285: Resolution to the President and Congress for Alternative Energy Funding**

Sen. Alicia Hansen

Petitions the Congress of the United States and the President of the United States to create a 270 million dollar subsidy, per year for a period of two years, to bring relief to the people of the United States Virgin Islands from the Levelized Energy Adjustment Clause, and to issue a grant in the amount of 100 million dollars to the Government of the United States Virgin Islands to create alternative energy solutions to the energy crisis thereby providing lower energy costs to the government and its people.



# U.S. Virgin Islands

---

## Environmental Legislation

### Coastal Zone Management

#### **B226: Ratification of Coastal Zone Permit**

Sen. Louis Hill

Ratifies Major Coastal Zone Permit CZT-06-10 (L&W) issued to SBRMCOA, LLC for maintenance dredging, installation of a water line, and the use and occupancy of submerged and filled lands at Plot No. 11J and 11 Estate Smith Bay, St. Thomas. The permit is issued for a term of 20 years to an existing marina.

#### **B287: Ratification of Coastal Zone Permit**

Sen. Louis Hill

Ratifies the governor's approval of major coastal zone permit CZT-11- 14 06 (W). The permit was issued to Compass Point Marina for the expansion of its dock facilities and the continued use of submerged land located at Parcel 41 Remainder and seaward of Parcel No. 41-6-1, Estate Frydenhoj, on St. Thomas.



# Virginia

---

## Energy Legislation

### Alternative Energy Development

#### **HB232/SB492: Landfill Gas**

Del. John A. Cosgrove and Sen. John Watkins

Expands the definition of renewable energy to include landfill gas. The measure also provides that the goals under the renewable energy portfolio standard (RPS) program may be composed of renewable thermal energy equivalents. A renewable thermal energy equivalent is the thermal energy output from a renewable-fueled combined heat and power (GHP) generation facility that is (i) constructed, or renovated and improved, after January 1, 2012, (ii) located in the commonwealth, and (iii) utilized in industrial processes other than the combined heat and power generation facility, where thermal energy is expressed as an equivalent number of megawatt hours.

#### **HB564: Ratemaking Incentive for Landfill Gas**

Del. Daniel Marshall

Authorizes investor-owned electric utilities to earn an enhanced rate of return, equal to 200 basis points above the authorized rate of return, on their investments in generation facilities that are fired by methane or other combustible gas produced in a solid waste management facility licensed by the Waste Management Board. The facility includes the equipment used in collecting, drying, treating, and compressing the landfill gas and in transmitting the landfill gas from the solid waste management facility where it is collected to the generation facility of combustion.

#### **HB780: Converted Electric Vehicles**

Del. Alfonso Lopez

Creates a definition for vehicles converted from gas to electric power and provides that such vehicles, when accompanied by certain documents, need not be examined by the Department of Motor Vehicles prior to the issuance of a title. The bill also provides for the titling and registration of and special equipment required for a converted electric vehicle. The bill contains technical amendments. The bill has a delayed effective date of October 1, 2012.

#### **HB1016: Alternative Fuel Vehicle Conversion Fund**

Del. Charles D. Poindexter

Establishes the Alternative Fuel Vehicle Conversion Fund to assist state agencies with the incremental cost of converting an existing state-owned vehicle to use an alternative fuel or of purchasing a new vehicle equipped to operate on alternative fuel over a similar conventional-fuel-powered vehicle. The Fund will be administered by the Department of General Services.



### **HB1166/SB382: Renewable Energy Portfolio Standard Program Reporting**

Del. Jennifer McClellan and Sen. Donald McEachin

Requires each utility participating in the renewable portfolio standard program to identify, in its annual report to the State Corporation Commission, the states where purchased or owned renewable energy was generated, the decades in which the renewable energy generating units were placed in service, and the fuel types used to generate the renewable energy.

### **HB1102/SB413: Renewable Energy Portfolio Standard**

Sen. Thomas Norment and Del. Jackson Miller

Allows any investor-owned electric utility that participates in the renewable energy portfolio standard program to meet up to 20 percent of an RPS goal through certificates evidencing the utility's expenses in conducting research and development activities in Virginia related to renewable or alternative energy sources. To qualify, such expenses shall either:

- Be designed to enhance the participating utility's understanding of emerging energy technologies and their potential impact on and value to the utility's system and customers within the Commonwealth;
- Promote economic development within the Commonwealth;
- Supplement customer-driven alternative energy or energy efficiency initiatives;
- Supplement alternative energy and energy efficiency initiatives at state or local governmental facilities in the Commonwealth; or
- Be designed to mitigate the environmental impacts of renewable energy projects.

The State Corporation Commission will issue certificates to utilities making qualified investments based on the prices for renewable energy certificates in the interconnection region of the regional transmission entity of which the utility is a member. Qualified investments are stated to be reasonable and prudent operating expenses of a participating utility. A participating utility is not authorized to recover the costs associated with qualified investments through rate adjustment clauses and is not authorized to earn a return on its qualified investments. A participating utility is not eligible for a research and development tax credit for qualified investments made under this measure. The bill also provides that a utility will receive double credit toward meeting the program's goals for energy from facilities in the commonwealth fueled primarily by animal waste.

### **SB627: Solar Panels in Community Associations**

Sen. Chapman Petersen

Clarifies a community association's authority to prohibit or restrict the installation of solar power devices.



## Coal and Minerals

### **HB684/SB330: Coal Mine Safety**

Del. Israel D. O'Quinn and Sen. Charles Carrico, Sr.

Requires the operator of a coal mine to submit (i) a map of the mine to the chief of the Division of Mines of the Department of Mines, Minerals and Energy before producing coal and (ii) any revisions that show directional changes whenever mining projections deviate more than 600 feet from the approved mine plan. The bill also allows instructors that are certified by the Board of Coal Mining Examiners to determine the fitness of a miner to detect explosive gas before the miner is put in charge of cutting, loading, drilling, continuous miner, or timbering machines.

### **HB710: Use of Mine Voids**

Del. Terry Kilgore

Establishes the presumption that, unless specified by contract, the owner of the coal mineral estate retains the rights to extract any coal remaining in place and to use an underground void for any activity related to the removal of coal from the subject property or other properties. No injunction shall be allowed to prevent such uses where the void is governed by a mine permit. Where the void is located within a sealed mine for which a mining permit no longer exists, the owner of the coal mineral estate must pay reasonable compensation for the consent of the void's owner, and the void's owner may not unreasonably withhold such consent.

## Emergency Management and Homeland Security

### **HB893: E-911 Services Board**

Del. Tony Wilt

Establishes that the Commonwealth Interoperability Coordinator serve as an advisor to the E-911 Services Board to ensure that enhanced wireless emergency telecommunications services and technologies are compliant with the statewide interoperability strategic plan.

## Energy Efficiency

### **HB894/SB493: Utility Energy Efficiency Programs**

Sen. John Watkins and Del. Lee Ware

Provides that an energy efficiency program proposed by an electric utility is in the public interest if, among other factors, the net present value of the benefits exceeds the net present value of the costs as determined by the Commission upon consideration of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. The Commission's determination shall include an analysis of all four tests, and a program or portfolio of programs shall not be rejected based solely on the results of a single test. An electric utility's energy efficiency program may be deemed to be in the public interest if it provides measurable and verifiable energy savings to low-income customers or elderly customers. The current standard for



what constitutes a cost-effective conservation and energy efficiency program conducted by a natural gas utility is revised to conform to these new provisions for electric utilities. Finally, the measure expands the definition of "energy efficiency program" with regard to electric utilities to include customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices. The bill contains an emergency clause.

### **HB1167: High Performance Buildings Act**

Del. Chris Jones

Requires executive branch agencies and institutions entering the design phase for the construction of a new building greater than 5,000 gross square feet in size, or renovating such a building where the cost of renovation exceeds 50 percent of the value of the building, to conform to Virginia Energy Conservation and Environmental Standards developed by the Department of General Services considering the U.S. Green Building Council (LEED) green building rating and other appropriate requirements. Exemptions from the requirement may be granted by the director of the Department of General Services upon a finding of special circumstances that make construction or renovation to the standards impracticable.

### **SB504: Equipment Permitting**

Sen. Frank Wagner

Allows operators of facilities that hold air quality, solid waste, or water quality permits to install new technology, equipment, or other apparatus at the permitted facility without having to obtain a new, modified, or amended permit so long as they can demonstrate that the new technology will result in increased energy efficiency and improved environmental conditions.

## Natural Gas and Petroleum

### **HB536: Motor Fuels Tax**

Del. Bobby Orrock

Removes the requirement that bulk users and retailers of undyed diesel fuel be licensed. The bill also gives the commissioner of the Department of Motor Vehicles discretion to seize and lock or seal a tank or other storage receptacle holding illegally imported, transported, delivered, stored, acquired, or sold fuel until the fuels tax and related penalties and interest are assessed and paid. Under current law, the commissioner is required to seize and lock or seal the tank or other storage receptacle holding such fuel.

### **HB1136: Boiler and Pressure Vessel Safety Act**

Del. Lee Ware

Exempts qualified stationary American Society of Mechanical Engineers (ASME) LP-Gas containers used exclusively in propane service from the Boiler and Pressure Vessel Safety Act until July 1, 2013. The bill also removes obsolete language.



## Reorganization and Coordination

### **HB211/SB539: Forward Energy Pricing**

Del. Jackson Miller and Sen. Linda Fuller

Authorizes, subject to available appropriation, any public body to use forward pricing mechanisms for budget risk reduction. Forward pricing mechanisms are contracts or financial instruments that obligate the public body to buy or sell a specified quantity of energy at a future date at a set price or provide the option to buy or sell the contract or financial instrument. Forward pricing mechanism transactions may be made only if (i) the quantity of energy affected by the mechanism does not exceed the estimated energy use for the public body for the same period, (ii) the period of the mechanism does not exceed 48 months, (iii) a separate account is established for operational energy for the public body, (iv) the public body develops written policies and procedures, and (v) the public body establishes an oversight process.

### **HB1177: Virginia Energy Plan**

Del. Michael Watson

Adds to the list of the commonwealth's energy objectives the following: (i) ensuring an adequate energy supply and a Virginia-based energy production capacity; and (ii) minimizing the commonwealth's long-term exposure to volatility and increases in world energy prices through greater energy independence.

## Utilities

### **HB559/SB511: Natural Gas Utility Infrastructure Projects**

Del. Daniel Marshall and Sen. Frank Wagner

Permits a natural gas utility to construct the necessary facilities of a qualifying project and to recover the eligible infrastructure development costs necessary to develop the eligible infrastructure for designated projects in future rates. Eligible infrastructure development costs include planning, development, and construction costs and, if applicable, an allowance for funds used during construction, in addition to a return on investment, a revenue conversion factor, depreciation, and property taxes. A qualifying project is an economic development project requiring natural gas service as to which the natural gas utility has made a good faith determination that:

- It is located in an area where adequate natural gas infrastructure is not available;
- Eligible infrastructure will provide opportunities for increased natural gas usage and economic development benefits in the area of the eligible infrastructure in addition to those provided by the subject project;
- Either the developer or occupant of the proposed project shall provide, prior to the initiation of service, a binding commitment to the natural gas utility regarding capacity needed for a period of at least five years from the date gas is made available, which commitment covers a level of service no less than 50 percent of the capacity of the gas facilities to serve such project, or the natural gas utility receives a financial guaranty from the developer or state or local



government in the amount of at least 50 percent of the estimated investment to be made by the natural gas utility in the proposed project;

- The natural gas utility has negotiated with the project's developer or occupant in an attempt to reach agreement on a commitment for the entire aid to construction otherwise required to cover the cost of the necessary eligible infrastructure; and
- The projected non-gas revenues from the proposed project will not be sufficient to cover the cost of service associated with the necessary eligible infrastructure after accounting for any aid to construction contributed by the developer of the project or the person that will occupy the proposed project.

Natural gas utilities are required to account for the actual monthly eligible infrastructure development costs incurred on the cumulative investment in eligible infrastructure in excess of any aid to construction contributed by the developer of the project or the person that will occupy the proposed project as a deferred cost until new base rates and charges that incorporate eligible infrastructure development costs become effective for the utility. Transportation and storage quantities of contracts entered into by a natural gas utility for the acquisition of upstream pipeline capacity to meet the reasonably anticipated service requirements of a qualifying project and other service requirements to be served through the eligible infrastructure shall be deemed prudent and reasonable.

#### **HB587/SB418: Electric Transmission Lines**

Del. Donald Merricks and Sen. William Stanley

Eliminates the requirement that an electric transmission line of 138 kV obtain State Corporation Commission approval, based on findings that the line is needed and that its corridor or route will reasonably minimize adverse impact on the scenic assets, historic districts, and environment of the area concerned, if a certificate of public convenience and necessity for the line is not required. The measure provides that a certificate is not required for such a line if the public utility has obtained approval pursuant to requirements regarding local planning commission approval of the comprehensive plan and applicable local zoning ordinances.

#### **HB975: Government Utility Corporations**

Del. Robert Bell

Clarifies that (i) property may be taken by eminent domain by a public corporation for sanitary sewer, water and stormwater facilities, or transportation facilities and (ii) a government utility corporation (a county or municipality, or entity or agency thereof, that provides or operates specified authorized utility services) shall be considered to be acting as a public service corporation or public service company with regard to the provision of such authorized utility services for the purposes of any taking of private property by eminent domain in accordance with the Constitution of Virginia.

#### **HB1186/SB652: Pole Attachment**

Del. Joe May; Sen. William Stanley

Authorizes the State Corporation Commission to determine just and reasonable rates, and certain terms and conditions of service, for attachments to electric cooperative poles



by telecommunications service providers and cable television systems. The authority may be exercised if, after good faith negotiations, the parties cannot reach an agreement regarding the attachment. Fees may be assessed to allow the Commission to recover appropriate costs of such proceedings.

**SB653: Condemnation**

Sen. Stephen Newman

Provides that lands may be condemned for certain specified uses, including the installation of electric utility lines or telephone lines, because those uses are inherently public uses when undertaken by a locality.



# Virginia

---

## Environmental Legislation

### Air Quality and Pollution Control

#### **HB805/SB502: Motor Vehicle Emission Inspections**

Del. Joe May and Sen. Richard Saslaw

Privatizes services now provided by the Department of Environmental Quality related to vehicle emissions inspections. The bill also updates authorized testing equipment and allows use of wireless systems and on-road emissions testing.

### Coastal Zone Management

#### **HB196: Haul Seine Nets**

Del. Lynwood W. Lewis, Jr.

Requires a haul seine net that is longer than 1,000 yards and is anchored at one end to the shore and the other end mechanically drawn, without the aid of a boat or vessel, to have up to 400 feet of two-and one-half inch mesh.

#### **HB238: Blue Crabs**

Del. Barry Knight

Limits the Marine Resources Commission's fisheries management authority in the Albemarle and Currituck watersheds to the recreational and commercial harvest of blue crab.

#### **HB1183: Virginia Port Authority**

Del. John Cosgrove

Amends several provisions relating to the Virginia Port Authority and the conduct of its business. The bill (i) extends until 2017 the international trade facility tax credit, the barge and rail usage tax credit, and the Virginia port volume increase tax credit; (ii) specifies that the members of the Authority have expertise in particular industries; (iii) authorizes the Board to form a Maritime Advisory Council to provide advice and counsel to the Board; and (iv) creates the Port Opportunity Fund for the development and implementation of marketing for the Port and to expand the use of the Virginia Port Authority facilities. The bill also requires that the governor make recommendations to the General Assembly regarding the establishment of an economic development zone and incentives concerning the Port.

#### **HJ50/SJ76: Study to Prevent Recurrent Flooding in Tidewater and Eastern Shore Virginia Localities**

Del. Christopher Stolle and Sen. Ralph Northam

Requests the Virginia Institute of Marine Science to study strategies for adaptation to recurrent flooding in Tidewater and Eastern Shore Virginia localities. The resolution is



contingent upon an appropriation of General Funds effectuating the provisions of the resolution.

**HJ96: Summer Flounder**

Del. Michael Watson

Requests the Atlantic States Marine Fisheries Commission to allow Virginia's recreational fishermen to harvest summer flounder that are smaller than the current 17.5-inch minimum size limit.

**SB470: Sportfishing License Pricing**

Sen. Ralph Northam

Removes references to specific dollar amounts currently charged for the freshwater and saltwater components of a combined sportfishing license and recognizes that the Department of Game and Inland Fisheries and the Marine Resources Commission currently have the authority to independently establish the price of each agency's component of the combined license.

Emergency Management and Homeland Security

**HB293/SB253: Dam Safety in Emergencies**

Del. Edward Scott and Sen. Bryce Reeves

Requires the Soil and Water Conservation Board to consult with the Department of Emergency Management in implementing the dam safety program and makes clarifying amendments.

Environmental Health Services

**HB239/SB126: Use of Methyl Bromide Gas Fumigation**

Del. Barry Knight and Sen. John Watkins

Asserts that the Department of Forestry's preferred method of treatment of its forest tree nurseries is methyl bromide gas fumigation in pre-seeding land preparation under the U.S. Environmental Protection Agency's listed usage exemption QPS (Quarantine and Pre-Shipment). The bill allows the commissioner to issue inspection certificates to certify that seedling shipments are pest and disease free.

**HB537/SB305: Dangerous Dog Registry**

Del. Bobby Orrock and Sen. Harry Blevins

Changes the procedure by which dangerous dogs are registered in Virginia. The bill requires an animal control officer, instead of the state veterinarian, to post dangerous dog registration information on the registry website. It removes the requirement that an animal control officer provide a copy of the registration certificate and verification of compliance of the owner with the registration procedures to the state veterinarian. The owner of an animal found to be a dangerous dog has to obtain a registration certificate from the local animal control officer or treasurer within 45 days. The current law requires the owner to obtain a certificate within 10 days. The fee for the certificate is increased from \$50 to \$150 and the bill eliminates the \$100 registration fee due to the



state veterinarian. By January 31 of each year, the certificate has to be updated and renewed by the owner at a fee of \$85. A portion of the fees collected goes to the state veterinarian to maintain the registry.

### **HB839: Defective Drywall**

Del. Matthew James

Redefines the term "defective drywall" to mean drywall or similar building material composed of dried gypsum-based plaster that (i) contains elemental sulfur exceeding 10 parts per million as has been found in some drywall manufactured in the People's Republic of China and imported into the United States between 2004 and 2007 and, when exposed to heat, humidity, or both, releases elevated levels of hydrogen sulfide gas into the air or (ii) has been designated by the U.S. Consumer Product Safety Commission as a product with a defect that constitutes a substantial product hazard within the meaning of § 15(a)(2) of the Consumer Product Safety Act (15 U.S.C. § 2064(a)(2)).

### **HB848/SB148: Methamphetamine Lab Cleanup Costs**

Del. Joseph Johnson and Sen. Phillip Puckett

Allows localities to provide by ordinance that any person who is convicted of an offense for manufacture of methamphetamine shall be liable to the locality or other law-enforcement entity for the expense in cleaning up any methamphetamine lab related to the conviction.

### **HB1009: Land Disturbing Activities**

Del. David Ramadan

Specifies the means of serving an order for land disturbance where no plan has been approved or permit obtained, other than where an agricultural exemption applies. Current law refers only to an order for a failure to comply with a plan or permit.

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

### **HB175: Riparian Blinds in Back Bay**

Del. Barry Knight

Limits the placement of duck blinds by riparian landowners in Back Bay to the riparian owner's shoreline at the mean low water mark but allows blinds erected and licensed by riparian owners in 2011 to remain at their current locations.

### **HB567: Delinquent Water and Sewer Bills**

Del. Daniel Marshall, III

Authorizes (i) an owner of property who is the occupant or where a single meter serves multiple units or (ii) a lessee or tenant, provided he has written authorization from the owner, to establish water and sewer services in his own name. The bill provides for a locality or water authority to require a deposit of not more than five months of water and sewer charges. A lien may also be placed on the property under circumstances outlined when charges are delinquent. This bill is a recommendation of the Virginia Housing Commission.



### **HB1218: Stream Mitigation Banks**

Del. James Morefield

Combines the Tennessee River Basin and the Big Sandy River Basin into one river watershed for the purpose of establishing and operating a stream mitigation bank within the watershed.

### **HJ243: State Regulations of Wetlands**

Del. Kathy Boyd

Requests the Department of Environmental Quality to study the benefits and costs of seeking authority from the U.S. Environmental Protection Agency to administer the § 404 permitting program under the federal Clean Water Act.

### **SB425: Interbasin Transfer of Water Resources**

Sen. Frank Ruff

Charges the State Water Control Board with the responsibility to establish procedures for obtaining a Virginia Water Protection Permit for the transfer of water resources between major river basins in Virginia that may impact water basins in another state. The bill requires the applicant for a permit for an interbasin transfer of water to provide certain information, including an analysis of alternatives to the transfer and a comprehensive analysis of the impacts that would occur in the source and receiving basins.

### **SB560: Dam Construction and Maintenance by Sanitation District**

Sen. Richard Stewart

Authorizes the board of supervisors of a sanitary district to construct and maintain dams within the district. Current law does not address dams but permits such boards to construct and maintain water supply systems, drainage systems, lighting systems, and other facilities. The bill will become effective upon its passage.

## Land Management and Conservation

### **HB95/SB147: Bear Hound Training**

Del. Tony Wilt

Allows the training of dogs to hunt bears to occur from 4 a.m. until 10 p.m. Currently, the training of dogs to hunt bears is limited to one-half hour before sunrise until four and one-half hours after sunset.

### **HB300/SB354: Beehive Grant Fund and Beehive Grant Program**

Del. Edward Scott and Sen. Craig Deeds

Creates the Beehive Grant Fund and Beehive Grant Program for new beehives. The grant is \$200 to registered beekeepers for each new hive purchased or materials or supplies purchased to construct a new hive. The bill limits the grant to \$2,400 per individual per calendar year. Grants will be paid from such funds as are appropriated for the purpose.



### **HB301: Cool-Season Lawn and Turf Seed**

Del. Edward Scott

Permits the sale of cool-season lawn and turf seed up to 15 months after the completion of the required germination test. Current law limits the sale of seed in general to the period within nine months of the completion of the test.

### **HB307: Rural Retreat Lake Park in Wythe County**

Del. Anne B. Crockett-Stark

Waives a facility use permit fee that will be imposed by the Department of Game and Inland Fisheries on visitors to Rural Retreat Lake Park who are engaged in land-based recreational activity. The Department is planning to charge a fee, beginning January 1, 2012, for persons 17 years of age and older who do not have a valid Virginia fishing, hunting, or trapping license or a boat registered with the Department. The bill contains an emergency clause.

### **HB522: Motorized Wheelchairs on Trails**

Del. Peter Farrell

Permits the Department of Conservation and Recreation to allow the use of wheelchairs or other power-driven mobility devices on the statewide system of trails in accordance with the federal Americans with Disabilities Act of 1990.

### **HB538: Hunter Education Program**

Del. Bobby Orrock

Requires the Board of Game and Inland Fisheries to establish at least one full-time hunter education coordinator position in each of the Department of Game and Inland Fisheries' administrative regions.

### **HB719/SB528: Hunting and Fishing Licenses for Disabled Veterans**

Del. David Yancey and Sen. Thomas Garrett

Allows a veteran who is permanently disabled due to a service-connected disability to obtain at no cost a combined hunting and freshwater fishing lifetime license, or a separate hunting or freshwater fishing lifetime license.

### **HB766/SB128: Governor's Agriculture and Forestry Industries Development Fund**

Del. Steve Landers and Sen. William Stanley

Creates the Governor's Agriculture and Forestry Industries Development Fund. The bill establishes an economic development grant and loan program targeted specifically at agricultural and forestry operations. Grants and loans will be awarded to support localities' efforts to attract value-added or processing facilities using Virginia-grown products. Under the program, localities will apply for grants or loans after having established a relationship with a new or expanding business.

### **HB855: Nuisance Species**

Del. Joseph Yost

Adds coyotes and feral swine to the definition of nuisance species for wildlife management purposes.



### **HB880: Fishing Licenses for Partially Disabled Veterans**

Del. Mark Sickles

Establishes a special fishing license for resident and nonresident veterans who have a service-connected disability of at least 70 percent as rated by the U.S. Department of Veterans Affairs. The resident veterans will pay one-half the cost of the annual state resident basic fishing license and the nonresident veterans will pay one-half the cost of the state nonresident basic fishing license. Last year, a similar law was enacted that allowed partially disabled resident and nonresident veterans to obtain the basic hunting license at one-half the cost.

### **HB990: Non-Lethal Control Measures for Elk**

Del. James W. Morefield

Grants the director of the Department of Game and Inland Fisheries the option to authorize nonlethal control measures against elk found to be responsible for damage. The current statute grants such an option with respect to bear only.

### **HB995/SB428: Payments from Timber Sales made to Localities**

Del. Margaret Ransone and Sen. Frank Ruff

Limits the payment made to localities by the Department of Forestry to one-fourth of the gross proceeds derived solely from the sale of timber harvested on state forest lands; however, the counties of Appomattox, Buckingham, and Cumberland will receive one-eighth of the gross proceeds from the timber sales on state forest lands located in their county. Currently, localities receive one-fourth of the gross proceeds from revenue generated by any revenue-generating activity occurring on state forest lands.

### **SB123: Uniform Environmental Covenants Act**

Sen. John Watkins

Limits the use of covenants under the Uniform Environmental Covenants Act to those situations in which all parties agree to use such a covenant.

### **SB559: Biking on Forest Lands**

Sen. Emmett Hanger

Authorizes the state forester to issue the special use permit for certain activities on state forest lands without the approval of the Board of Forestry. The bill expands the requirement for a permit for mountain biking to all bike riding. The existing \$15 fee is removed; instead it is left to the Department to set the fee through the regulatory process. The bill also removes the option of the state forester to issue a separate license to trap on state forest lands.

## **Reorganization and Coordination**

### **HB292/SB405: Virginia Economic Development Partnership Authority**

Del. Edward Scott and Sen. Emmett Hanger

Adds the secretary of agriculture and forestry and the secretary of technology as voting members of the board of directors of the Virginia Economic Development Partnership Authority.



### **HB302/SB52: Division of Consolidated Laboratory Services' Environmental Certification Program**

Del. Edward Scott and Sen. John Watkins

Exempts applicable state laboratories from the Division of Consolidated Laboratory Services' environmental certification program when the laboratories are using the protocols established by the Department of Conservation and Recreation's voluntary nutrient management training and certification program in determining soil fertility, animal manure nutrient content, or plant tissue nutrient uptake.

### **HB687/SB370: Virginia Resources Authority**

Del. Israel O'Quinn and Sen. Bryce Reeves

Allow designees of the state treasurer and the state health commissioner to serve on the Board of the Virginia Resources Authority.

### **HB1113: Biscuit Run Land Exchange**

Del. David J. Toscana

Establishes a procedure that authorizes the Department of Conservation and Recreation to exchange parcels of land it owns for interest in property owned by a private company near Biscuit Run in Charlottesville.

### **SB678: Governor's Reorganization of Executive Branch of State Government**

Sen. Ryan McDougle

Reorganizes the executive branch of state government as follows:

- Eliminates the Virginia Public Buildings Board;
- Eliminates the Reforestation Board and transfers its responsibilities to the Board of Forestry. The terms of the current members of the Board of Forestry will expire July 1, 2012, and the governor is authorized to appoint 11 new members to the Board. Initially, the members will be appointed for staggered terms;
- Eliminates the Seed Potato Board and incorporates its duties and responsibilities into the Potato Board;
- Eliminates the Pesticide Control Board and transfers its duties and responsibilities to the Board of Agriculture and Consumer Services. The bill also increases the membership of the Board of Agriculture and Consumer Services by adding two pesticide applicators;
- Merges the Board for Professional Soil Scientists and Wetland Professionals with the Board for Geology;
- Eliminates the Board of Surface Mining Review and requires any appeals of an order issued by the Department of Mines, Minerals and Energy to be conducted by the Department using the case decision procedures of the Administrative Process Act;
- Eliminates the Board of Mineral Mining Examiners and places its duties and responsibilities with the Department of Mines, Minerals and Energy;
- Deregulates mold remediators and mold inspectors;



- Moves the responsibility of providing environmental education programs from the Department of Environmental Quality to the Department of Conservation and Recreation;
- Moves the Municipal Separate Storm Sewer System (MS4) Program from the Virginia Soil and Water Conservation Board to the State Water Control Board. The bill has to be reenacted to become effective, except that the assessment by the secretary of natural resources of the water quality programs of the commonwealth can begin July 1, 2012;
- Abolishes the Chippokes Plantation Farm Foundation and transfers any interests in any real or tangible personal property of the Foundation to the Department of Conservation and Recreation;
- Eliminates the Virginia Scenic River Board and transfers its duties to the Board of Conservation and Recreation; and
- Eliminates the Foundation for Virginia's Natural Resources.

The bill contains numerous technical amendments to accomplish this reorganization.

## Solid Waste

### **HB1076: Special Use Permits for Landfills**

Del. Timothy Hugo

Provides that a locality may require a special use permit for the storage or disposal of certain nonagricultural materials not generated on the farm or agriculturally zoned property.

### **SB629: Sanitation Commission District Expenses**

Sen. Craig Deeds

Provides that members of sanitation district commissions may be paid a reasonable per diem not to exceed \$1,500 annually.

### **SB672: Hampton Road Sanitation District**

Sen. Thomas Norment

Amends the sanitation district's enabling act by expressly permitting the Hampton Roads Sanitation District Commission to determine the rate of interest on revenue bonds, removing the six percent interest-rate cap for the sale of bonds, and allowing the Commission to refund revenue bonds at a higher interest rate than that at which they were issued where the Commission determines such a refund to be in the best interests of the District. Where the Commission secures revenue bonds with a trust agreement, the bill allows such an agreement to require that the bonds be delivered to the trustee with written instructions to cancel them before they will be deemed extinguished. The bill eliminates the requirement that the public official's liability insurance policy covering each Commissioner shall have a \$10,000 deductible and be available through the Commonwealth. A change to the definitions section expands the meaning of the word "owner" to include not only individuals, corporations, and other listed entities but also limited liability companies.



### **SB676: Recycling Reports**

Sen. Thomas Garrett

Requires solid waste planning units or localities with a population of greater than 90,000 to submit a recycling report annually and requires those units or localities with a population of 90,000 or less to submit the report at least once every four years. Currently, all solid waste planning units or localities are required to submit the report annually.

## **Water Quality and Pollution Control**

### **HB176/SB77: Nutrient Trading Act**

Del. Barry Knight and Sen. John Watkins

Directs the Virginia Soil and Water Conservation Board to adopt regulations governing the certification of certain nutrient credits. Referring to Chesapeake Bay Total Maximum Daily Loads (TMDLs), the legislation sets out certain requirements of the regulations, directs the Department of Conservation and Recreation to establish an online registry of certified credits, and provides for enforcement and appeals. The bill provides that an operator of a credit-generating facility found to be in violation of the Nutrient Trading Act or any attendant regulations shall be subject to a civil penalty not exceeding \$10,000.

### **HB932: Nutrient Control**

Del. Scott Lingamfelter

Provides that the Department of Conservation and Recreation operate a voluntary nutrient management program to assist owners and operators of agricultural land and turf to effectively manage and apply nutrients to their land. In developing the program, the Department is to begin testing the software for assisting owners and operators of agricultural lands and turf by July 1, 2013, and begin full implementation by July 1, 2014. The development of the software may be deferred until funds become available.

### **HB1065/SB407: Soil and Water Conservation Board**

Del. Beverly Sherwood and Sen. Emmett Hanger

Integrates elements of the Erosion and Sediment Control Act, the Stormwater Management Act, and the Chesapeake Bay Preservation Act so that these regulatory programs can be implemented in a consolidated and consistent manner, resulting in greater efficiencies (one-stop shopping) for regulated entities. The bill also eliminates the Chesapeake Bay Local Assistance Board and places its responsibilities with the Virginia Soil and Water Conservation Board.

### **HB1158: Water Protection Permit Issuance**

Del. David Bulova

Requires the State Water Control Board to give consideration to any relevant information contained in the state water supply plan when determining whether to issue a Virginia Water Protection Permit. There is a specific exemption for the cooling facilities on Lake Anna.



**HB 1262/SB662: Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals**

Del. Charles Poindexter and Sen. Charles Smith

Provides that regulations of the Board of Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals shall include requirements for the division of sewage system installers into classes, one of which shall be restricted to the installation of conventional onsite sewage systems, and that the Board shall not require applicants for initial licensure as a conventional onsite sewage system installer to pass an examination prior to the issuance of the license provided that the applicant satisfactorily demonstrates to the Board that he has been actively engaged in the performance of duties of a conventional onsite sewage system installer for at least eight years within the 12-year period immediately preceding the date of application for licensure. The bill sunsets on July 1, 2016.





# West Virginia

---

## Energy Legislation

### Alternative Energy Development

#### **HB2740: Restrictions on Solar Panels**

Rep. Mike Manypenny

Nullifies any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document of a housing development or association that effectively prohibits or restricts the installation or use of a solar energy system is void and unenforceable; however, in instances involving a housing development or association, an association or development may, by vote of its members, establish or remove a restriction that prohibits or restricts the installation or use of a solar energy system. This bill does not apply reasonable restrictions on solar energy systems including restrictions for historical preservation, architectural significance, religious or cultural importance to a given community.

### Coal and Minerals

#### **HB4351: Mine Safety**

Speaker Rick Thompson

Amends provisions related to mine safety with a goal of preventing coal mine disaster injuries and fatalities by:

- Strengthening rock dusting requirements and provides new methane standards;
- Codifying an anonymous mine safety tip line;
- Requiring pre-employment and random drug testing; and,
- Increasing fines and penalties for those who give advance notice of an inspector's presence at a mine or who willfully violate any safety standard that causes a fatality, among other safety improvements aimed toward preventing coal mine disaster injuries and fatalities.

#### **SB487: Creation of the Coalbed Methane Gas Distribution Fund**

Sen. Richard Browning

Creates the Coalbed Methane Gas Distribution Fund. This bill relates to the distribution of coalbed methane gas severance tax to counties. It redefines "county economic development entity." Without this bill, some counties currently could not receive their share of this money because their economic development authority (EDA) was not created under WV Code § 7-12. This bill defines "county economic development entity" as a county economic development authority established in §7-12 of the West Virginia Code or if a county does not have an authority under §7-12, an entity designated by resolution of the county commission of the county as the lead entity for economic development activities for the purpose of encouraging economic development in the



county. Under the Code, the entity may be a county economic development corporation; regional economic development council, a corporation or a partnership. Also, the bill authorizes the tax commissioner to deposit coalbed methane severance tax moneys into the Coalbed Methane Gas Distribution Fund created in the State Treasurer's Office and directs the State Treasurer to distribute these funds to county commissions directly (when total is \$10,000 or less) or to the designated county economic development entities (including accumulated but undistributed moneys from fiscal years 2009, 2010, 2011 and 2012, in counties whose EDA's didn't heretofore qualify). When funds total \$10,000 or less, the county commission may then use the funds to offset its regional jail costs, costs of any community corrections programs in which it participates, expenses of a volunteer fire department that provides service within its county or expenses of any library that provides services within its county. The bill also provides that the permissible uses of Coalbed Methane Gas Distribution Fund moneys received by county economic development entities are for economic development projects and infrastructure projects. None of these funds may be used for paying wages to any employee of the county or EDA. Under this legislation, on or before December 1, 2013, and December 1 of each year thereafter, the county economic development entity or county commission receiving a distribution of funds will deliver to the Joint Committee on Government and Finance a written report setting forth the specific projects for which those funds were expended during the next prior fiscal year, a detailed account of those expenditures and a showing that the expenditures were made for the purposes required by this section.

#### **SB497: Attorney's Fees and Court Cost under Surface Mining and Reclamation Act**

Sen. Robert Beach

Provides for the awarding of attorney fees and costs for proceedings before the Surface Mine Board and the Court System under West Virginia Surface Coal Mining and Reclamation Act, if a claim is for the purpose of harassment or made in bad faith.

#### **SB579: Special Reclamation Tax on Clean Coal**

Sen. Robert Beach

Increases the tax from 14.4 cents per ton to 27.9 cents per ton of coal, with the entire additional 13.5 cents per ton earmarked for future water pollution treatment. Money in the Special Reclamation Fund is used for cleaning up coal mines abandoned since passage of the 1978 federal strip-mining law.

### Energy Efficiency

#### **SB76: The Green Buildings Act**

Sen. John Unger

Requires new facility projects of public agencies and projects receiving state funds to be designed and constructed complying with the International Energy Conservation Code adopted by the State Fire Marshall and the ANSI/ASHRAE/IESNA Standard 90.1-2007, which is a green building standards code.



## Natural Gas and Petroleum

### **HB: 401 Natural Gas Horizontal Well Control Act (2011 4<sup>th</sup> Special Session)**

Gov. Tomblin and Joint Select Committee on Marcellus Shale

Sets forth conditions and fees for horizontal well permits as well as terms of usage for water withdrawal. This bill also provides a one time payment of \$2,500 to surface owners of disturbed land as “reimbursement” for real property taxes. Also, this bill restricts new well locations, expands the presumption of liability for well owners and provides a series of civil and criminal penalties. Finally, this bill requires the Department of Environmental Protection to promulgate a series of studies, rulemakings, regulations and reports.

### **HB4086: “Cracker” Tax Credit Incentive**

Speaker Rick Thompson

Extend the special valuation of certified capital addition property to include certain significant initial investment in certain manufacturing facilities, without the qualifying requirement of preexisting investment, and to enlarge the time over which that special valuation applies from 10 years to 25 year for tax purposes. This bill provides that capital additions to manufacturing facilities by entities whose business activities are classified under North American Industry Classification System (NAICS) code 211112 (natural gas liquid extraction) or capital additions at manufacturing facilities that use one or more products produced at a facility with NAICS code 211112 with a combined investment in excess of \$2 billion are eligible for the special method for appraising qualified capital additions to manufacturing facilities. The bill also provides that the special method for appraising qualified capital additions to manufacturing facilities for facilities whose combined original cost exceeds \$2 billion is available for 25 years. The proposed change extends the period of salvage treatment on a certified capital addition from the 10-year period first established in 1997 to 25 years for certain qualified manufacturing investments in excess of \$2 billion. The investment would also no longer be required to be added to an existing facility in the state. West Virginia is competing with Ohio and Pennsylvania for natural gas liquid extraction manufacturing facilities. Neither Ohio nor Pennsylvania imposes local property taxes on manufacturing machinery and equipment. However, local property taxes are imposed on manufacturing machinery and equipment by the Constitution in West Virginia.

## Utilities

### **HB4088: Telecommunications Tax Repeal**

Speaker Rick Thompson

Repeals the West Virginia Telecommunications Act. The bill repeals the four percent gross receipts tax on any business selling or furnishing telegraph, telephone, or other communications services that are subject to regulation by the West Virginia Public Service Commission. The tax is imposed on services determined to not be subject to competition.



### **HB4530: Public Service Commission Financing Orders**

Rep. Harry White

Authorizes the Public Service Commission to consider and issue a financing order to a regulated electric utility to permit the recovery of expanded net energy costs. The bill will allow Appalachian Power to issue bonds to finance unrecovered fuel cost, which are an operating expense.

### **SB110: Broadband Deployment Council**

Sen. John Unger

Increased the number of members and changed the membership appointment process for the Broadband Deployment Council. The duties of the Council were expanded to include:

- Exploring the potential for increased use of broadband service for the purposes of education, career readiness, workforce preparation, and alternative career training;
- Exploring ways for encouraging state and municipal agencies to expand the development and use of broadband services for the purpose of better serving the public, including audio and video streaming, voice-over Internet protocol, teleconferencing, and wireless networking;
- Cooperating and assisting in the expansion of electronic instruction and distance education services by July 2014;
- Promoting awareness of public facilities that have community broadband access that can be used for distance education and workforce development; and
- Advising on deployment of e-government portals such that all public bodies and political subdivisions have homepages, encourage one-stop government access, and that all public entities stream audio and video of all public meetings.

### **SB212: Disruption of Communication and Public Utility Services**

Sen. Herb Snyder

Creates criminal offenses for disrupting communications and public utility services. Any person who causes a disruption of communications services or public utility services by the theft or by intentionally damaging communications or public utility equipment and causes a disruption of communication services or public utility services to ten or more households or subscribers or a loss in the value of the property in an amount of \$1,000 or more will be guilty of a misdemeanor and, upon conviction thereof, for a first offense, will be sentenced to not more than two thousand hours of court-approved community service and fined not more than \$10,000, or both. For a second offense, the person is guilty of a felony and, upon conviction thereof, will be imprisoned in a state correctional facility not less than one nor more than five years or fined not more than \$10,000, or both. For third and subsequent offenses, the person is guilty of a felony and, upon conviction thereof, will be imprisoned in a correctional facility for not less than one nor more than ten years, or fined not more than \$10,000, or both. For purposes of this law, communications and public utility equipment, includes, but is not limited to, public safety communications towers and equipment, telephone lines, communications towers and tower equipment, radio towers and tower equipment,



railroad and other industrial safety communication devices or systems, electric towers and equipment and electric transmission and distribution lines.



# West Virginia

---

## Environmental Legislation

### Air Quality and Pollution Control

#### **SB496: Greenhouse Gas Inventory Requirement**

Sen. John Unger

Allows reporting of greenhouse gases under the United States Environmental Protection Agency's Mandatory Reporting of Greenhouse Gases Rule to satisfy greenhouse gas reporting requirements in West Virginia.

#### **SB544: Heavy- Duty Truck Idling Law Temperature Exemption**

Sen. Douglas Facemire

Removes the expiration date of May 1, 2012, for the temperature exemption to West Virginia's heavy-duty truck idling law, which prevents idling for more than 15 minutes. Drivers operating trucks when the temperature is below 40°F or above 75°F will continue to be exempt from the idling law.

### Emergency Management and Homeland Security

#### **SB387: Floodplain Disaster Management**

Sen. John Unger

Requires that beginning July 1, 2012, all floodplain managers must complete training of six hours in floodplain management annually, as provided by the West Virginia Division of Homeland Security and Emergency Management and provides that another manager may take over the responsibilities of a manager who has not completed the required training. The bill also eliminates the requirement that the Office of Emergency Services report to the West Virginia Disaster Recovery Board on debris that may cause an obstruction during disasters.

### Environmental Health Services

#### **SB75: Equine Facilities Rescue Act**

Sen. John Unger

Creates the Equine Facilities Rescue Act. This bill provides for licensing, inspection standards, legislative rules and penalties for non-profit organizations that care for unwanted and homeless equines due to age, health, or other circumstances.



## Land Management and Conservation

### **HB4087: Discontinuance of Timber Severance Tax**

Speaker Rick Thompson

Extends the moratorium on the regular severance tax on the privilege of severing timber until the expiration of the additional Workers Compensation Debt Reduction Act tax for severing timber.

### **SB202: Stewardship Contracts with U. S. Forest Service**

Sen. Bob Williams

Permits the state forest services division to enter into stewardship contract with the U.S. Forest Service.

### **SB517: Community Correction Programs**

Sen. Karen Facemyer

Allows community beautification and reclamation programs for state highways, municipal, county and state parks and recreation areas, and community gardens to be part authorized community corrections programs for inmates.

## Reorganization and Coordination

### **SB30: Department of Motor Vehicle Purchases**

Sen. Robert Beach

Brings the West Virginia Division of Motor Vehicles into compliance with National Motor Vehicle Title Information System language and to provide a form to expedite processing of salvage vehicles.

## Solid Waste

### **HB4345: Railroad Scrap**

Rep. Brent Boggs

Provides that the sale of railroad scrap metal must be done by duly authorized individuals and in amount of no less than one ton per transaction, along with other conditions for the transaction. Also, this bill provides civil and criminal penalties for unlawfully selling and purchasing railroad scrap metal.

### **SB528: Scrap Metal Dealers**

Sen. Herb Snyder

Requires scrap metal dealers to obtain a business license and keep certain information from each scrap metal transaction. The dealer and seller would need to sign a purchase ticket and statements of ownership, with dealers required to produce information upon request of law enforcement officers and notify law enforcement under certain circumstances. The bill prohibits the possession of stolen or unlawfully obtained scrap metal, and prohibits the purchase of certain items of scrap metal without proof of lawful possession. Payments for scrap metal must be made by check. The bill increases



criminal penalties and authorizes suspension or revocation of business licenses for failure to properly register or obtain information.

## Water Quality and Pollution Control

### **SB562: Narrative Water Quality Standards**

Sen. Robert Beach

Requires the Department of Environmental Protection (DEP) to propose rules measuring compliance with the biologic components that require evaluation of the holistic health of the aquatic ecosystem. It also requires a determination that a stream supports a balanced aquatic community, contains appropriate levels of fish and has enough of the right streambed bugs to support the appropriate fish. The rules DEP proposes may not establish standards less protective than current requirements.

### **SB615: Water Pollution Control Act**

Sen. Art Kirkendoll

Conforms the state Water Pollution Control Act to the federal Clean Water Act.

### **SB676: Chesapeake Bay Watershed Compliance Projects**

Sen. Roman Prezioso

Extends grant funding application date for Chesapeake Bay watershed compliance projects to December 31, 2012.



## **Southern States Energy Board**

---

The Southern States Energy Board is a non-profit interstate compact organization created in 1960 and established under Public Laws 87-563 and 92-440. The Board's mission is to enhance the quality of life in the South through innovations in energy and environmental policies, programs and technologies. As an institution that has led to economic growth in the South, SSEB endeavors to reach the goal of sustainable development by implementing strategies that support its mission. SSEB develops, promotes and recommends policies and programs that ensure energy reliability and security and protect and enhance the environment.

Sixteen southern states and two territories comprise the membership of SSEB: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, Virginia, Virgin Islands and West Virginia. Each jurisdiction is represented by the Governor and a legislator from the House and Senate. A Governor serves as Chairman and legislators serve as Vice Chairman and Treasurer. Ex-officio, non-voting board members include a federal representative appointed by the President, the Southern Legislative Conference Energy and Environment Committee Chairman and SSEB's Executive Director, who serves as Secretary.

SSEB was created by state law and consented to by Congress with a broad mandate to contribute to the economic and community well being of the citizens of the southern region. The Board exercises this mandate through the creation of programs in the fields of energy and environmental policy research, development and implementation, science and technology exploration and related areas of concern. SSEB serves its members directly by providing timely assistance designed to develop effective energy and environmental policies and representing members before governmental agencies at all levels.





## **2011-2012 Executive Committee**

---

The list of members below reflects officials who serve the Board as of August 23, 2012. For a current roster, please contact the SSEB staff or visit our website at [www.sseb.org](http://www.sseb.org).

### **Chair**

The Honorable Mary Fallin, Governor of Oklahoma

### **Vice-Chair**

Representative Rocky Adkins, Commonwealth of Kentucky

### **Treasurer**

Representative Myra Crownover, Texas

### **Member, Executive Committee**

The Honorable Robert Bentley, Governor of Alabama

### **Member, Executive Committee**

The Honorable Jay Nixon, Governor of Missouri

### **Member, Executive Committee**

Senator Robert Adley, Louisiana

### **Member, Executive Committee**

Senator Thomas McLain (Mac) Middleton, Maryland

### **Member, Executive Committee**

Representative Harry Geisinger, Georgia

### **Member, Executive Committee**

Representative Weldon Watson, Oklahoma

### **Chair, SLC Energy & Environment Committee**

Representative Charles “Chuck” Martin, Georgia●

### **Federal Representative**

The Honorable Linda Key Breathitt●

### **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  
Representative Tiffany Rogers  
Mr. Marc Harrison (Governor's Alternate)

## **Florida**

The Honorable Rick Scott, Governor  
Senator Lizbeth Benacquisto  
Representative Clay Ford  
Governor's Alternate (*pending appointment*)

## **Georgia**

The Honorable Nathan Deal, Governor  
Senator David Shafer  
Senator Ross Tolleson (Alternate)  
Representative Harry Geisinger  
Representative Lynn Smith (Alternate)  
Representative Charles Martin, Chair  
SLC Energy & Environment Committee  
Ms. Jill Stuckey (Governor's Alternate)

## **Kentucky**

The Honorable Steve Beshear, Governor  
Senate (*pending appointment*)  
Representative Rocky Adkins  
Dr. Leonard K. Peters (Governor's Alternate)

## **Louisiana**

The Honorable Bobby Jindal, Governor  
Senator Robert Adley  
Representative Joe Harrison  
Governor's Alternate (*pending appointment*)

## **Maryland**

The Honorable Martin O'Malley, Governor  
Senator Thomas McLain (Mac) Middleton  
Delegate Dereck E. Davis  
Delegate Sally Y. Jameson (Alternate)  
Mr. Malcolm Woolf (Governor's Alternate)

## **Mississippi**

The Honorable Phil Bryant, Governor  
Senator Terry C. Burton  
Senator Sean J. Tindell (Alternate)  
Representative Gary Staples  
Mr. Kirk Sims (Governor's Alternate)  
Mr. Chris Champion (Governor's Alternate)

## **Missouri**

The Honorable Jay Nixon, Governor  
Senator Mike Kehoe  
Representative Jeanie Riddle  
Mr. Jeff Harris (Governor's Alternate)

## **North Carolina**

The Honorable Bev Perdue, Governor  
Senator Robert Rucho  
Representative Mitch Gillespie  
Mr. Jonathan Williams (Governor's Alternate)

## **Oklahoma**

The Honorable Mary Fallin, Governor  
Senator Cliff Branam  
Representative Weldon Watson  
Mr. C. Michael Ming (Governor's Alternate)

## **Puerto Rico**

The Honorable Luis G. Fortuño, Governor  
Mr. José Rafael Díaz  
Mr. Luis Bernal (Governor's Alternate)

## **South Carolina**

The Honorable Nikki Haley, Governor  
Senator Lawrence Grooms  
Representative William E. Sandifer  
Governor's Alternate (*pending appointment*)

## **Tennessee**

The Honorable Bill Haslam, Governor  
Senator Mark Norris  
Representative John Ragan  
Mr. Robert Martineau, Governor's Alternate

## **Texas**

The Honorable Rick Perry, Governor  
Senator Jeff Wentworth  
Representative Myra Crownover  
Mr. Barry Smitherman (Governor's Alternate)

## **Virgin Islands**

The Honorable John P. deJongh, Governor  
Mr. Karl Knight, Governor's Alternate

## **Virginia**

The Honorable Robert F. McDonnell, Governor  
Senator John C. Watkins  
Delegate Harry R. Purkey  
Ms. Maureen Matsen (Governor's Alternate)

## **West Virginia**

The Honorable Earl Ray Tomblin, Governor  
Senator Douglas E. Facemire  
Senator Art Kirkendoll (Alternate)  
Delegate Linda Goode Phillips  
Mr. John F. Herholdt (Governor's Alternate)