

## Environment and Natural Resources

### H.B. 168

**Primary Sponsor:** Rep. Arndt

**Effective Date:** September 15, 2020

#### **BFPP immunity**

- Establishes an affirmative defense that allows a bona fide prospective purchaser (BFPP) to claim immunity from liability for the costs associated with the state’s performance of investigational and remedial activities to address a release or threatened release of a hazardous substance from the BFPP’s facility.
- Specifies that a BFPP is a purchaser of a facility, where hazardous substances were disposed of before the purchaser acquired it, who can demonstrate specific factors relating to that facility.
- Specifies that the affirmative defense is available to a BFPP in any pending civil action as of the act’s effective date or any new civil action initiated thereafter.
- Makes conforming changes to the law governing the Voluntary Action Program (VAP) consistent with the new affirmative defense.

#### **Covenant not to sue**

- Eliminates the law that automatically voids a covenant not to sue under the VAP when a property subject to institutional controls or activity and use limitations is not in compliance with those controls or limitations.
- Instead, authorizes (but does not require) the Director of Environmental Protection to issue an order voiding the covenant in that circumstance.
- Specifies that the order voiding the covenant not to sue is an appealable action.

### H.B. 211

**Primary Sponsor:** Rep Arndt

**Effective date:** January 29, 2021

- Replaces the prior process – by which a property owner could sell at auction a watercraft vessel or outboard motor (“vessel”) valued at less than \$10,000 and abandoned on the property owner’s property – with a new process by which the property owner may directly obtain title to the vessel after:
  - The vessel has been left without permission for 20 days;
  - The property owner has sent proper notice to the vessel owner and any lienholders;

- The vessel continues to remain unclaimed for an additional ten days after notice is received; and
- The property owner executes an affidavit with the clerk of courts affirming the proper requirements have been met to take title.
- Allows a property owner to impound an abandoned vessel left on the property owner's property and to initiate a civil action to recover the costs of storing or removing the vessel.
- Requires the Chief of the Division of Parks and Watercraft to provide a watercraft owner with a disclosure statement regarding the requirements and procedures established by the act regarding vessels valued at under \$10,000 when the owner registers or renews the registration for their watercraft.

## **H.B. 242**

**Primary Sponsors:** Reps. Lang and Jones

**Effective date:** January 15, 2021

- Prohibits local governments, for 12 months after the act's effective date, from imposing a tax, fee, assessment, or other charge on auxiliary containers (for example, a plastic or paper bag), the sale, use, or consumption of those containers, or on the basis of receipts received from the sale of the containers.
- For 12 months after the act's effective date, specifically authorizes a person to use an auxiliary container for purposes of commerce or otherwise.
- Clarifies that the state anti-littering law (prohibiting the improper deposit of litter) applies to auxiliary containers.