

**2014 General Assembly Report**  
**Energy, Utility, and Sustainability Legislation**  
**Northern Virginia Regional Commission**  
**January 20, 2014**

Contents

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- Energy – Utility related .....Page 1
- Energy Efficiency and Renewable related.....Page 18
- Sustainability – Non-energy related.....Page 23
- Transportation – Energy impact .....Page 27
- Energy – Not otherwise classified.....Page 32
- Energy – Resource Extraction related.....Page 36

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**Energy - Utility related**

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**HB 25 Public service companies; updates citation to federal Public Utility Holding Company Act, etc.**

*Chief patron:* Habeeb

*Summary as introduced:*

**Obsolete provisions; regulation of public service companies.** Updates a citation to the federal Public Utility Holding Company Act. The bill also removes an obsolete reference to repealed sections of the Code of Virginia that pertained to express companies. The bill is a recommendation of the Virginia Code Commission.

11/26/13 House: Referred to Committee on Commerce and Labor

01/07/14 House: Impact statement from SCC (HB25)

01/14/14 House: Reported from Commerce and Labor (21-Y 0-N)

01/16/14 House: Read first time

01/17/14 House: Read second time and engrossed

**HB 106 Competitive telephone companies; establishes procedure for regulation.**

*Chief patron:* Byron

*Summary as introduced:*

**Regulation of competitive telephone companies.** Establishes a procedure by which certain telephone companies may elect to be regulated as competitive telephone companies. In order to make such an election, a telephone company shall be either an incumbent local exchange telephone company for which the State Corporation Commission (SCC) has found its incumbent service territory to be competitive or a

competitive local exchange telephone company. A competitive telephone company will be exempt from the Securities Act and the Utility Transfer Act. The SCC shall continue to have jurisdiction over wholesale telephone services and issues, including the payment of switched network access rates or other intercarrier compensation, interconnection, porting, and numbering. A competitive telephone company in its incumbent territory will continue to be obligated to extend or expand its facilities to furnish retail voice service and facilities when the person, firm, or corporation does not have service available from one or more alternative providers of wireline or terrestrial wireless communications services at prevailing market rates. The SCC will continue not to have power to regulate contracts between telephone companies and the Commonwealth and its agencies.

12/15/13 House: Prefiled and ordered printed; offered 01/08/14 14101725D

12/15/13 House: Referred to Committee on Commerce and Labor

### **HB 227 Public water and sewer utilities and authorities; service contracts.**

*Chief patron:* Cole

*Summary as introduced:*

**Public water and sewer utilities and authorities; service contracts.** Authorizes localities and water and sewer authorities to establish and operate programs under which they agree to repair, replace, or maintain the water or sewer line of a customer's residential dwelling. The bill also exempts such agreements from requirements applicable to providers of home service contracts.

12/27/13 House: Prefiled and ordered printed; offered 01/08/14 14100999D

12/27/13 House: Referred to Committee on Counties, Cities and Towns

01/09/14 House: Assigned CC & T sub: #2

01/16/14 House: Subcommittee recommends reporting (11-Y 0-N)

01/17/14 House: Reported from Counties, Cities and Towns with amendments (16-Y 6-N)

### **HB 363 Electric utility regulation; approval of generation facilities.**

*Chief patron:* Kory

*Summary as introduced:*

**Electric utility regulation; approval of generation facilities.** Requires the State Corporation Commission, in its consideration of an application for approval of an electrical generation facility, to consider environmental effects not expressly governed by a permit or expressly considered by a permitting authority, including carbon emissions and the overall impacts of new and existing facilities on the health and welfare of the residents of the Commonwealth. The measure also removes provisions that prohibited the Commission from imposing additional conditions with respect to such matters.

01/03/14 House: Prefiled and ordered printed; offered 01/08/14 14101744D

01/03/14 House: Referred to Committee on Commerce and Labor

01/07/14 House: Impact statement from SCC (HB363)

01/16/14 House: Assigned C & L sub: Special Subcommittee on Energy

**HB 560 Department of Transportation; conveyance of certain right-of-way usage.**

*Chief patron:* Fariss

*Summary as introduced:*

**Department of Transportation; conveyance of certain right-of-way usage.** Allows the Department of Transportation, under certain circumstances, to issue land use permits to any company owning or operating an interstate natural gas pipeline or to a franchised cable television systems operator owning or operating a utility line. Currently, VDOT may issue land use permits only to public utility companies.

01/06/14 House: Prefiled and ordered printed; offered 01/08/14 14102441D

01/06/14 House: Referred to Committee on Transportation

**HB 787 Virginia Freedom of Information Act; application to the State Corporation Commission, exemptions.**

*Chief patron:* LeMunyon

*Summary as introduced:*

**Freedom of Information Act; application to the State Corporation Commission; exemptions; proceedings for enforcement.** Provides that the State Corporation Commission (Commission) is a public body for the purposes of the Freedom of Information Act (FOIA), but exempts records of the Commission to the extent such records relate to activities of the Commission other than administrative activities. The bill provides, however, that disclosure of records related to the Commission's administrative activities shall not be required if (i) such records are otherwise covered by applicable legal privileges, (ii) disclosure of such records could threaten the safety or security of the Commission's employees, physical plant, or information technology assets or data, or (iii) such records are not publicly available from other public bodies under the laws of the Commonwealth. The bill also provides that records held by the clerk of the Commission related to business entities shall be held confidential in accordance with laws and regulations applicable specifically to such records. The bill defines "administrative activities" as matters related to the Commission's operational responsibilities and operational functions, including its revenues, expenditures, financial management and budgetary practices, personnel policies and practices, and procurement policies and practices. "Administrative activities" does not include the Commission's formal or informal regulatory or legal proceedings or activities, records related to which shall be governed, inter alia, by laws and regulations applicable specifically to such regulatory and legal proceedings or activities or in accordance with applicable legal privileges. The bill also grants the Commission certain exemptions from the open meeting provisions of FOIA. Finally, the bill designates the venue for FOIA petitions against the Commission. The bill reverses a case holding that FOIA is not applicable to the Commission (Christian v. State Corporation Commission, November 2011).

01/07/14 House: Prefiled and ordered printed; offered 01/08/14 14103279D

01/07/14 House: Referred to Committee on Commerce and Labor

01/15/14 House: Impact statement from SCC (HB787)

**HB 808 Electrical utility facilities; consideration of stability of fuel prices.**

*Chief patron:* Lopez

*Summary as introduced:*

**Electrical utility facilities; consideration of stability of fuel prices.** Requires the State Corporation

Commission, when required to approve the construction of any electrical utility facility, to consider the long-term price stability of any fuels used in the generation of energy from the facility.

01/07/14 House: Prefiled and ordered printed; offered 01/08/14 14101532D

01/07/14 House: Referred to Committee on Commerce and Labor

01/14/14 House: Impact statement from SCC (HB808)

01/15/14 House: Assigned C & L sub: Special Subcommittee on Energy

### **HB 822 Electric utilities; renewable energy portfolio standard program.**

*Chief patron:* Lopez

*Summary as introduced:*

**Electric utilities; renewable energy portfolio standard program.** Eliminates the double credit provided for renewable energy generation from facilities fueled primarily by animal waste. The measure also limits a utility's ability to apply excess renewable energy to the requirements of any future RPS Goals to the two calendar years after the renewable energy was generated or the renewable energy certificates were created, except that a utility may apply renewable energy certificates it acquired prior to January 1, 2014. Finally, it states that it is in the public interest for utilities to achieve the RPS Goals.

01/07/14 House: Prefiled and ordered printed; offered 01/08/14 14103290D

01/07/14 House: Referred to Committee on Commerce and Labor

01/15/14 House: Assigned C & L sub: Special Subcommittee on Energy

### **HB 848 Electric utility regulation; recovery of costs of new underground distribution facilities.**

*Chief patron:* Loupassi

*Summary as introduced:*

**Electric utility regulation; recovery of costs of new underground distribution facilities.** Authorizes investor-owned electric utilities to recover the costs of new underground distribution facilities through a rate adjustment clause. Eligible facilities will replace existing overhead distribution facilities of 69 kilovolts or less. A utility shall not seek any annual incremental increase in the level of investments in such facilities that exceeds five percent of the utility's distribution rate base. In determining whether to approve a rate adjustment clause for such facilities, the State Corporation Commission is directed to liberally construe the provisions of Title 56 and to give due consideration to the public policy goals of increased electric service reliability and reduced outage times associated with the replacement of existing overhead distribution facilities with new underground facilities. None of the costs of such new facilities shall be allocated to customers in the large general service rate class.

01/08/14 House: Prefiled and ordered printed; offered 01/08/14 14102014D

01/08/14 House: Referred to Committee on Commerce and Labor

01/16/14 House: Reported from Commerce and Labor with amendments (20-Y 0-N)

## **HB 870 New infrastructure; tax credit for certain investment.**

*Chief patron:* Yancey

*Summary as introduced:*

**New infrastructure investment tax credit.** Creates an income tax credit beginning in taxable year 2014 for any business that places into service new infrastructure for its own use. Infrastructure eligible for the credit would include broadband infrastructure, transmission lines, gas lines, private roadways, computerized ports, and water and sewer infrastructure. The amount of the credit would be 25 percent of the expenses incurred by the business in placing the new infrastructure into service. If, however, the new infrastructure is placed into service in conjunction with a public highway or road construction or improvement project, the credit would equal 35 percent of the infrastructure expenses incurred by the business. A business would be limited to \$50,000 in tax credits for each taxable year. Also, there is a cap of \$2.5 million on the aggregate amount of credits that may be issued in any fiscal year. Unused tax credits could be carried forward for five taxable years.

01/08/14 House: Prefiled and ordered printed; offered 01/08/14 14102265D

01/08/14 House: Referred to Committee on Finance

01/19/14 House: Impact statement from TAX (HB870)

## **HB 879 Electric utility regulation; net energy metering by municipalities, etc.**

*Chief patron:* Yost

*Summary as introduced:*

**Net energy metering by municipalities and multifamily customer-generators.** Authorizes municipal renewable energy net metering projects. Participating municipalities are authorized to aggregate the electric energy load of their governmental buildings, facilities, and any other governmental operations requiring the consumption of electric energy for the purpose of net energy metering from a renewable energy generating facility. To be eligible, the generation facility for the municipal renewable energy net metering project shall use as its sole energy source solar power, wind power, or aerobic or anaerobic digester gas and landfill gas; not have an aggregate generation capacity of more than five megawatts unless a utility elects a higher capacity; be located on land owned or controlled by the municipality; be interconnected and operated in parallel with an electric utility's transmission and distribution facilities; and be used primarily to provide energy to metered accounts of the municipality. The aggregated municipal net metered accounts may be served by multiple meters. The aggregated load shall be served under the appropriate rate schedules. The measure also requires the State Corporation Commission, by July 1, 2015, to establish a program of multifamily net energy metering, which will allow a customer or customers that operate a renewable energy generating facility in a condominium, apartment complex, neighborhood, or homeowners association served by a common distribution circuit to be an eligible multifamily net metering customer-generator. The generation facility for multifamily net metering shall use as its total source of fuel renewable energy; not have an aggregate generation capacity of more than 500 kilowatts; be located on land owned or controlled by the eligible condominium, apartment complex, or homeowners association or on customers' property within the condominium, apartment complex, neighborhood, or homeowners association; be interconnected and operated in parallel with an electric utility's transmission and distribution facilities; and be used primarily to provide energy to metered accounts of the eligible multifamily net metering customer-generator. Eligible multifamily net metering customer-generators are exempt from the monthly standby charge assessed on other eligible customer-generators.

01/08/14 House: Prefiled and ordered printed; offered 01/08/14 14102427D  
01/08/14 House: Referred to Committee on Commerce and Labor  
01/14/14 House: Impact statement from SCC (HB879)  
01/15/14 House: Assigned C & L sub: Special Subcommittee on Energy

### **HB 881 Electric utility regulation; renewable energy portfolio standard program, etc.**

*Chief patron:* Yost

*Summary as introduced:*

**Renewable energy portfolio standard program; renewable energy certificate registration and tracking system.** Requires the State Corporation Commission to establish a system for registering and tracking renewable energy certificates in order to facilitate the creation and transfer of such certificates. To the extent practicable, the system shall be consistent with and operate in conjunction with the system developed by PJM Interconnection LLC. The system shall include a registry of information regarding available renewable energy certificates and renewable energy certificate transactions. The measure establishes limits on the duration of a renewable energy certificate. The Commission is also directed to establish requirements for documentation and verification of renewable energy certificates by licensed energy suppliers and renewable energy generators, including net energy metering program participants. The measure eliminates provisions for double or triple credit toward meeting the renewable energy portfolio standard for energy derived from specific renewable energy sources, except that a utility will receive double credit toward meeting the standard for energy derived from onshore wind obtained via power purchase agreements entered into prior to January 1, 2013.

01/08/14 House: Prefiled and ordered printed; offered 01/08/14 14102431D  
01/08/14 House: Referred to Committee on Commerce and Labor  
01/15/14 House: Assigned C & L sub: Special Subcommittee on Energy

### **HB 906 Electric utility regulation; net energy metering by municipalities, etc.**

*Chief patron:* Krupicka

*Summary as introduced:*

**Net energy metering by municipalities and multifamily customer-generators.** Authorizes municipal renewable energy net metering projects. Participating municipalities are authorized to aggregate the electric energy load of their governmental buildings, facilities, and any other governmental operations requiring the consumption of electric energy for the purpose of net energy metering from a renewable energy generating facility. To be eligible, the generation facility for the municipal renewable energy net metering project shall use as its sole energy source solar power, wind power, or aerobic or anaerobic digester gas and landfill gas; not have an aggregate generation capacity of more than five megawatts unless a utility elects a higher capacity; be located on land owned, leased, or operated by the municipality; be interconnected and operated in parallel with an electric utility's transmission and distribution facilities; and be used primarily to provide energy to metered accounts of the municipality. The aggregated municipal net metered accounts may be served by multiple meters that are located at separate sites. The measure also requires the State Corporation Commission, by July 1, 2015, to establish a program of multifamily net energy metering, which will allow a customer or customers that operate a renewable energy generating facility in a condominium, apartment complex, or homeowners association served by a common distribution circuit to be an eligible multifamily net metering customer-generator. The generation facility for multifamily net metering shall use as its total source of fuel renewable energy; not

have an aggregate generation capacity of more than 500 kilowatts; be located on land owned or controlled by the eligible condominium, apartment complex, or homeowners association or on customers' property within the condominium, apartment complex, or homeowners association; be interconnected and operated in parallel with an electric utility's transmission and distribution facilities; and be used primarily to provide energy to metered accounts of the eligible multifamily net metering customer-generator. Each eligible multifamily net metering customer-generator shall own the energy transmitted by the renewable energy system until drawn from the grid at each eligible multifamily net metering customer-generator's residence. Eligible multifamily net metering customer-generators are exempt from the monthly standby charge assessed on other eligible customer-generators.

01/08/14 House: Prefiled and ordered printed; offered 01/08/14 14103405D

01/08/14 House: Referred to Committee on Commerce and Labor

01/15/14 House: Assigned C & L sub: Special Subcommittee on Energy

**HB 937 Virginia Freedom of Information Act; application to the State Corporation Commission, exemptions.**

*Chief patron:* Surovell

*Summary as introduced:*

**Freedom of Information Act; application to the State Corporation Commission; exemptions; proceedings for enforcement.** Provides that the State Corporation Commission (Commission) is a public body for the purposes of the Freedom of Information Act (FOIA), but exempts records of the Commission to the extent such records relate to (i) the Commission's exercise of the powers and duties prescribed to it by the Constitution of Virginia or by any law relating to the regulation or control of persons engaged in any activity or conduct that is subject to the jurisdiction of the Commission under any provision of Title 6.2, 13.1, 38.2, or 56; (ii) any person subject to licensure or regulation by the Commission; (iii) the Commission's exercise of the powers and duties prescribed to it by Chapter 26 (§ 58.1-2600 et seq.) of Title 58.1 that are not matters required by law to be entered on any public assessment roll or book or are not generally available to the public through regulatory disclosure or otherwise; (iv) portions of drawings, plans, or maps that reveal critical structural components, interconnectivity, security equipment and systems, network monitoring, network operation center, and other equipment and systems related to public utility infrastructure; (v) confidential proprietary records, including balance sheets and financial statements, voluntarily provided by a private business pursuant to a promise of confidentiality from the Commission; (vi) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) of a private business that are not generally available to the public through regulatory disclosure or otherwise; (vii) other information submitted by a private business where, if these records were made public, the financial interest of the Commission or private business would be adversely affected; or (viii) any records otherwise exempted from public disclosure. The bill also grants the Commission certain exemptions from the open meeting provisions of FOIA. Finally, the bill designates venue for FOIA petitions against the Commission. The bill reverses a case holding that FOIA is not applicable to the Commission (Christian v. State Corporation Commission, November 2011).

01/08/14 House: Prefiled and ordered printed; offered 01/08/14 14100809D

01/08/14 House: Referred to Committee on Commerce and Labor

01/15/14 House: Impact statement from SCC (HB937)

**HB 949 Natural gas utilities; upstream supply infrastructure projects.**

*Chief patron:* Hugo

*Summary as introduced:*

**Natural gas utilities; upstream supply infrastructure projects.** Authorizes a natural gas utility to recover eligible costs of eligible natural gas supply infrastructure projects. A plan for recovery of such costs may provide the utility with an option to receive the gas or sell the gas at market prices. The measure also (i) provides that the transportation of natural gas by pipeline, without providing service to end users within the territory, shall not be considered operating in the territory of another certificate holder; (ii) bars the State Corporation Commission from approving the construction of a natural gas compressor station in an area without the locality's certification only if the area is zoned exclusively for residential use; and (iii) expands the definition of a strategic natural gas facility to include a natural gas transmission company that adds design day deliverability or designed send out of at least 100,000 dekaTherms per day in the aggregate. The bill exempts open season capacity acquisitions or releases between a public service company and an affiliated interest from the requirement that the Commission approve contracts entered into by a public service company.

01/08/14 House: Prefiled and ordered printed; offered 01/08/14 14103407D

01/08/14 House: Referred to Committee on Commerce and Labor

**HB 978 Public utility; definition in PPTA and PPEA.**

*Chief patron:* Rust

*Summary as introduced:*

**Public utility definition in PPTA and PPEA.** Defines a public utility within the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002. The bill contains an emergency clause.

EMERGENCY

01/08/14 House: Prefiled and ordered printed with emergency clause; offered 01/08/14 14101425D

01/08/14 House: Referred to Committee on Commerce and Labor

01/14/14 House: Impact statement from SCC (HB978)

**HB 1011 Local Government, Commission on; local mandates.**

*Chief patron:* Byron

*Summary as introduced:*

**Commission on Local Government; local mandates.** Extends from July 1, 2014, to July 1, 2016, the task force appointed by the Governor to review state mandates on localities.

01/08/14 House: Prefiled and ordered printed; offered 01/08/14 14101897D

01/08/14 House: Referred to Committee on Counties, Cities and Towns

01/15/14 House: Assigned CC & T sub: Subcommittee #2



## **HB 1036 State Corporation Commission; availability of records.**

*Chief patron:* Joannou

*Summary as introduced:*

**State Corporation Commission; availability of records.** Requires the State Corporation Commission to make available for public inspection records that are related to matters related to the Commission's operational responsibilities and operational functions, including revenues, expenditures, financial management and budgetary practices, personnel policies and practices, and procurement policies and practices. Disclosure of the records is not required if the records are otherwise covered by applicable legal privileges; disclosure of such records could threaten the safety or security of the Commission's employees, physical plant or information technology assets or data; or the records are not publicly available from other public entities. In addition, the requirement does not apply to records related to the Commission's formal or informal regulatory or legal proceedings or activities. Records held by the clerk of the Commission related to business entities shall be made public or held confidential in accordance with laws and regulations applicable specifically to such records.

01/08/14 House: Prefiled and ordered printed; offered 01/08/14 14102997D

01/08/14 House: Referred to Committee on Commerce and Labor

01/15/14 House: Impact statement from SCC (HB1036)

## **HB 1059 Electric utility regulation; generation facility cost recovery.**

*Chief patron:* Kilgore

*Summary as introduced:*

**Electric utilities; generation facility cost recovery.** Limits the portion of the costs incurred by an investor-owned electric utility between July 1, 2007, and December 31, 2013, in developing a nuclear power facility or an offshore wind project that are recoverable through a rate adjustment clause to 30 percent of such amount. The remaining 70 percent of such costs will be recoverable only through existing base rates in the test periods under review in the utility's next biennial review filed after July 1, 2014. All of the costs incurred after December 31, 2013, will be recoverable through a rate adjustment clause as may be approved by the State Corporation Commission. The measure also amends a provision that currently states that nothing precludes the Commission from determining the reasonableness or prudence of any cost incurred or projected to be incurred by a utility. As revised, contradictory provisions that limit the Commission's ability to make such determinations will control.

01/08/14 House: Presented and ordered printed 14103508D

01/08/14 House: Referred to Committee on Commerce and Labor

01/14/14 House: Impact statement from SCC (HB1059)

01/15/14 House: Assigned C & L sub: Special Subcommittee on Energy

## **HB 1061 Electric utility regulation; renewable energy portfolio standard program.**

*Chief patron:* Surovell

*Summary as introduced:*

**Renewable energy portfolio standard program.** Establishes minimum percentages of the RPS Goals that Dominion, defined as a Phase II utility, is required to meet from distributed generation energy sources. Dominion may meet this goal by applying renewable energy certificates from any combination

of (i) energy derived from renewable energy by a system capable of net energy metering located on the distribution grid, (ii) renewable thermal energy from solar water heating systems located in the Commonwealth, or (iii) a financial contribution to the Voluntary Solar Resource Development Fund. The distributed generation minimum starts at 5 percent in reporting year 2015 and is 25 percent in reporting year 2024 and thereafter. In connection with the issuance of renewable energy certificates for qualified investments, a participating utility is required to divide the amount of its qualified investments in the Voluntary Solar Resource Development Fund during the applicable period by the lesser of the average price for solar renewable energy certificates or \$250 and divide the amount of all other qualified investments by the participating utility during the applicable period by the average price for Tier 1 renewable energy certificates and for Tier 2 renewable energy certificates. The State Corporation Commission is required to establish a market-based renewable energy trading system. The trading system shall be consistent with and operate in conjunction with the trading system developed by PJM Interconnection LLC. The ability to carry forward renewable energy certificates is limited to the two years following the year in which the certificate was created. The measure also eliminates provisions for double or triple credit toward meeting the renewable energy portfolio standard for energy derived from specific renewable energy sources.

01/08/14 House: Presented and ordered printed 14103378D

01/08/14 House: Referred to Committee on Commerce and Labor

01/15/14 House: Assigned C & L sub: Special Subcommittee on Energy

### **HB 1101 Service districts; underground utilities.**

*Chief patron:* Torian

*Summary as introduced:*

**Service districts; underground utilities.** Adds Prince William County to the list of those localities with authority to establish service districts to impose taxes or assessments upon the owners of abutting property for the underground relocation of distribution lines for electricity, telephone, cable television, and similar utilities. Such underground relocation of distribution lines may only be ordered by the governing body and the cost thereof apportioned in pursuance of an agreement between the governing body and the abutting landowners.

01/10/14 House: Presented and ordered printed 14103662D

01/10/14 House: Referred to Committee on Counties, Cities and Towns

01/15/14 House: Assigned CC & T sub: Subcommittee #2

### **HB 1224 Natural gas-fueled electric generation facilities; incentives.**

*Chief patron:* O'Quinn

*Summary as introduced:*

**Natural gas-fueled electric generation facilities; incentives.**

01/17/14 House: Presented and ordered printed 14104132D

01/17/14 House: Committee Referral Pending

**HB 1228 Electric utility regulation; recovery of distribution system costs.**

*Chief patron:* Kilgore

*Summary as introduced:*

**Electric utility regulation; recovery of distribution system costs.** Authorizes any electric utility to petition the State Corporation Commission for approval of a rate adjustment clause to recover from non-industrial customers the projected and actual costs of programs that will enhance the reliability of the utility's distribution system.

01/17/14 House: Presented and ordered printed 14103469D

01/17/14 House: Committee Referral Pending

**HJ 76 Study; mandatory renewable energy portfolio standard program; report.**

*Chief patron:* Herring

*Summary as introduced:*

**Study; mandatory renewable energy portfolio standard program; report.** Directs the Commission on Electric Utility Regulation to study the establishment of a mandatory renewable energy portfolio standard program for the Commonwealth. The study will (i) address issues associated with transitioning from the existing voluntary renewable energy portfolio standard program to a mandatory program, (ii) determine the costs and benefits that would be associated with requiring electric utilities to meet varying levels of renewable energy portfolio standard goals, (iii) recommend measures to address electric utilities that do not meet the program's goals, and (iv) determine if it is feasible and advisable to require that all electric utilities in Virginia participate in a mandatory renewable energy portfolio standard program.

01/07/14 House: Prefiled and ordered printed; offered 01/08/14 14101612D

01/07/14 House: Referred to Committee on Rules

**HR 78 State Corporation Commission; nominating a person to be elected.**

*Chief patron:* Kilgore

*Summary as introduced:*

**Nominating a person to be elected to the State Corporation Commission.**

01/14/14 House: Taken up for immediate consideration

01/14/14 House: Engrossed by House

01/14/14 House: Agreed to by House by voice vote

01/14/14 House: Election by House (99-Y 0-N)

01/14/14 House: VOTE: ELECTION (99-Y 0-N)

**SB 10 Water and sewer; discounted fees and charges for certain low-income and disabled customers.**

*Chief patron:* Garrett

*Summary as introduced:*

**Discounted fees and charges for certain low-income and disabled customers; population density.**

Removes the requirement that a locality owning a water and sewer system have a population density of no more than 200 persons per square mile before it may by ordinance develop criteria for providing discounted water and sewer fees and charges for low-income and disabled customers.

12/04/13 Senate: Prefiled and ordered printed; offered 01/08/14 14100735D

12/04/13 Senate: Referred to Committee on Local Government

01/15/14 Senate: Impact statement from DPB (SB10)

**SB 119 State Corporation Commission; availability of records.**

*Chief patron:* Watkins

*Summary as introduced:*

**State Corporation Commission; availability of records.** Requires the State Corporation Commission to make available for public inspection records that are related to matters related to the Commission's operational responsibilities and operational functions, including revenues, expenditures, financial management and budgetary practices, personnel policies and practices, and procurement policies and practices. Disclosure of the records is not required if the records are otherwise covered by applicable legal privileges; disclosure of such records could threaten the safety or security of the Commission's employees, physical plant or information technology assets or data; or the records are not publicly available from other public entities. In addition, the requirement does not apply to records related to the Commission's formal or informal regulatory or legal proceedings or activities. Records held by the clerk of the Commission related to business entities shall be made public or held confidential in accordance with laws and regulations applicable specifically to such records.

12/30/13 Senate: Prefiled and ordered printed; offered 01/08/14 14102996D

12/30/13 Senate: Referred to Committee on Commerce and Labor

01/15/14 Senate: Impact statement from SCC (SB119)

**SB 308 Broadband and other telecommunications services; provision by localities.**

*Chief patron:* Vogel

*Summary as introduced:*

**Broadband and other telecommunications services; provision by localities.** Expands the area within which a locality may provide broadband and other services to the zone within 100 miles of the geographic boundaries of its electric distribution system. Current law limits a locality to the area within 75 miles of its electric distribution system. The bill updates the baseline year for determining the extent of a locality's electric distribution system from March 1, 2002, to March 1, 2012. The bill also makes technical changes.

01/06/14 Senate: Prefiled and ordered printed; offered 01/08/14 14102748D

01/06/14 Senate: Referred to Committee on Local Government

**SB 350 Net energy metering by municipalities & multifamily customer-generators; projects authorized.**

*Chief patron:* Edwards

*Summary as introduced:*

**Net energy metering by municipalities and multifamily customer-generators.** Authorizes municipal renewable energy net metering projects. Participating municipalities are authorized to aggregate the electric energy load of their governmental buildings, facilities, and any other governmental operations requiring the consumption of electric energy for the purpose of net energy metering from a renewable energy generating facility. To be eligible, the generation facility for the municipal renewable energy net metering project shall use as its sole energy source solar power, wind power, or aerobic or anaerobic digester gas and landfill gas; not have an aggregate generation capacity of more than five megawatts unless a utility elects a higher capacity; be located on land owned or controlled by the municipality; be interconnected and operated in parallel with an electric utility's transmission and distribution facilities; and be used primarily to provide energy to metered accounts of the municipality. The aggregated municipal net metered accounts may be served by multiple meters. The aggregated load shall be served under the appropriate rate schedules. The measure also requires the State Corporation Commission, by July 1, 2015, to establish a program of multifamily net energy metering, which will allow a customer or customers that operate a renewable energy generating facility in a condominium, apartment complex, neighborhood, or homeowners association served by a common distribution circuit to be an eligible multifamily net metering customer-generator. The generation facility for multifamily net metering shall use as its total source of fuel renewable energy; not have an aggregate generation capacity of more than 500 kilowatts; be located on land owned or controlled by the eligible condominium, apartment complex, or homeowners association or on customers' property within the condominium, apartment complex, neighborhood, or homeowners association; be interconnected and operated in parallel with an electric utility's transmission and distribution facilities; and be used primarily to provide energy to metered accounts of the eligible multifamily net metering customer-generator. Eligible multifamily net metering customer-generators are exempt from the monthly standby charge assessed on other eligible customer-generators.

01/07/14 Senate: Prefiled and ordered printed; offered 01/08/14 14101887D

01/07/14 Senate: Referred to Committee on Commerce and Labor

01/14/14 Senate: Impact statement from SCC (SB350)

**SB 428 Personal property tax; localities authorized to tax telephone and telegraph companies.**

*Chief patrons:* Hanger, Vogel

*Summary as introduced:*

**Personal property tax; telephone and telegraph companies.** Authorizes localities to tax the personal property of telephone and telegraph companies not used in furnishing telegraph, telephone, broadband personal, or mobile commercial communication services, at the applicable personal property rate. Under current law, all personal property of telegraph and telephone companies must be taxed at the locality's real property tax rate. The bill also requires telephone and telegraph companies to include in their annual report to the State Corporation Commission separate listings of property according to whether or not it is used in furnishing telegraph, telephone, broadband personal, or mobile commercial communication services.

01/07/14 Senate: Prefiled and ordered printed; offered 01/08/14 14102603D  
01/07/14 Senate: Referred to Committee on Finance  
01/16/14 Senate: Impact statement from SCC (SB428)

**SB 459 Electric utility regulation; recovery of nuclear refueling costs.**

*Chief patron:* Stosch

*Summary as introduced:*

**Electric utility regulation; recovery of nuclear refueling costs.** Requires an electric utility to establish a regulatory asset for regulatory accounting and ratemaking purposes under which it shall defer operation and maintenance costs incurred in connection with the refueling of any nuclear-powered generating plant and certain related work. These deferred O&M costs shall be amortized over the refueling cycle, but in no case for more than 18 months. The State Corporation Commission is required to treat the deferred and amortized costs of such regulatory asset as part of the utility's costs for the purpose of certain proceedings.

01/07/14 Senate: Prefiled and ordered printed; offered 01/08/14 14102198D  
01/07/14 Senate: Referred to Committee on Commerce and Labor  
01/14/14 Senate: Impact statement from SCC (SB459)

**SB 498 Electric utility regulation; renewable energy portfolio standard program.**

*Chief patron:* McEachin

*Summary as introduced:*

**Renewable energy portfolio standard program.** Amends the existing renewable energy portfolio standard program to require that for calendar years 2016 through 2025 a utility shall apply (i) renewable energy generated from renewable energy generation facilities owned by the utility, (ii) renewable thermal energy, (iii) certificates issued by the State Corporation Commission and held or acquired by a participating utility that validate a qualified investment made by the participating utility, (iv) renewable energy sales achieved or renewable energy certificates acquired prior to January 1, 2014, or (v) renewable energy sales or renewable energy certificates from electric energy derived from any combination of sunlight, onshore wind, offshore wind, wave motion, tides, or geothermal power generated or purchased in the interconnection region of the regional transmission entity of which the participating utility is a member. A utility shall be able to apply renewable energy from run-of-river generation obtained via power purchase agreements entered into prior to January 1, 2014. A utility shall receive double credit toward meeting the renewable energy portfolio standard for energy derived from onshore wind obtained via power purchase agreements entered into prior to January 1, 2014.

01/08/14 Senate: Prefiled and ordered printed; offered 01/08/14 14101772D  
01/08/14 Senate: Referred to Committee on Commerce and Labor

**SB 519 Natural gas utilities; upstream supply infrastructure projects.**

*Chief patron:* Wagner

*Summary as introduced:*

**Natural gas utilities; upstream supply infrastructure projects.** Authorizes a natural gas utility to recover eligible costs of eligible natural gas supply infrastructure projects. A plan for recovery of such

costs may provide the utility with an option to receive the gas or sell the gas at market prices. The measure also (i) provides that the transportation of natural gas by pipeline, without providing service to end users within the territory, shall not be considered operating in the territory of another certificate holder; (ii) bars the State Corporation Commission from approving the construction of a natural gas compressor station in an area without the locality's certification only if the area is zoned exclusively for residential use; and (iii) expands the definition of a strategic natural gas facility to include a natural gas transmission company that adds design day deliverability or designed send out of at least 100,000 dekatherms per day in the aggregate. The bill exempts open season capacity acquisitions or releases between a public service company and an affiliated interest from the requirement that the Commission approve contracts entered into by a public service company.

01/08/14 Senate: Prefiled and ordered printed; offered 01/08/14 14103394D

01/08/14 Senate: Referred to Committee on Commerce and Labor

### **SB 550 Service districts; underground utilities.**

*Chief patron:* Puller

*Summary as introduced:*

**Service districts; underground utilities.** Adds Prince William County to the list of those localities with authority to establish service districts to impose taxes or assessments upon the owners of abutting property for the underground relocation of distribution lines for electricity, telephone, cable television, and similar utilities. Such underground relocation of distribution lines may only be ordered by the governing body and the cost thereof apportioned in pursuance of an agreement between the governing body and the abutting landowners.

01/08/14 Senate: Presented and ordered printed 14102738D

01/08/14 Senate: Referred to Committee on Local Government

### **SB 580 Electric utility regulation; renewable energy portfolio standard program, etc.**

*Chief patron:* Edwards

*Summary as introduced:*

**Renewable energy portfolio standard program; renewable energy certificate registration and tracking system.** Requires the State Corporation Commission to establish a system for registering and tracking renewable energy certificates in order to facilitate the creation and transfer of such certificates. To the extent practicable, the system shall be consistent with and operate in conjunction with the system developed by PJM Interconnection LLC. The system shall include a registry of information regarding available renewable energy certificates and renewable energy certificate transactions. The measure establishes limits on the duration of a renewable energy certificate. The Commission is also directed to establish requirements for documentation and verification of renewable energy certificates by licensed energy suppliers and renewable energy generators, including net energy metering program participants. The measure eliminates provisions for double or triple credit toward meeting the renewable energy portfolio standard for energy derived from specific renewable energy sources, except that a utility will receive double credit toward meeting the standard for energy derived from onshore wind obtained via power purchase agreements entered into prior to January 1, 2013.

01/10/14 Senate: Presented and ordered printed 14103257D

01/10/14 Senate: Referred to Committee on Commerce and Labor

## **SB 585 Electric utility regulation; recovery of costs of new underground distribution facilities.**

*Chief patron:* Saslaw

*Summary as introduced:*

**Electric utility regulation; recovery of costs of new underground distribution facilities.** Authorizes investor-owned electric utilities to recover the costs of new underground distribution facilities through a rate adjustment clause. Eligible facilities will replace existing overhead distribution facilities of 69 kilovolts or less. A utility shall not seek any annual incremental increase in the level of investments in such facilities that exceeds five percent of the utility's distribution rate base. In determining whether to approve a rate adjustment clause for such facilities, the State Corporation Commission is directed to liberally construe the provisions of Title 56 and to give due consideration to the public policy goals of increased electric service reliability and reduced outage times associated with the replacement of existing overhead distribution facilities with new underground facilities. None of the costs of such new facilities shall be allocated to customers in the large general service rate class.

01/10/14 Senate: Presented and ordered printed 14101925D

01/10/14 Senate: Referred to Committee on Commerce and Labor

## **SB 615 Carbon dioxide; regulating emissions.**

*Chief patron:* Carrico

*Summary as introduced:*

**Regulating carbon dioxide emissions.** Establishes the process for adopting state carbon dioxide (CO<sub>2</sub>) requirements consistent with the emission guidelines the U.S. Environmental Protection Agency (EPA) intends to propose under §111d of the Clean Air Act for regulating CO<sub>2</sub> emissions from existing fossil fuel-fired electric generating units in June 2014. The bill requires the State Air Pollution Control Board to establish separate CO<sub>2</sub> performance standards for coal-fired and gas-fired electric generating units on a case-by-case basis, and based on the best system of emission reduction that has been adequately demonstrated and can be reasonably achieved through measures undertaken at each unit, without requiring the unit to switch fuel. The bill requires the Board to consider on a case-by-case basis whether less stringent performance standards than those required by EPA's Emission Guidelines are warranted, taking into account seven enumerated criteria. Once the Board determines appropriate performance standards, the Board, to the "maximum extent permissible," is to implement the performance standards through flexible regulatory mechanisms, including emissions averaging or emissions trading. Finally, the bill prohibits the state from submitting any §111d plan to EPA inconsistent with the bill, except as is necessary to comply with federal regulations.

01/15/14 Senate: Presented and ordered printed 14103858D

01/15/14 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

## **SB 643 Electric utilities; costs of offshore wind facilities.**

*Chief patron:* McEachin

*Summary as introduced:*

**Electric utilities; costs of offshore wind facilities.** Requires a utility planning or developing a generating facility utilizing energy derived from offshore wind to cease deferral of at least 70 percent of any previously deferred or capitalized costs associated with such facility that the utility incurred between July



1, 2007, and December 31, 2013. This portion of the costs shall be (i) eligible for recovery only through the utility's base rates as a current period expense and (ii) deemed to have been reasonably and prudently incurred. The measure authorizes the State Corporation Commission to permit the utility to restore to common equity of the utility's capital structure any amounts charged to period expense resulting from this provision.

01/17/14 Senate: Presented and ordered printed 14103810D

01/17/14 Senate: Referred to Committee on Commerce and Labor

**SJ 61 Study; strategies for preventing/mitigating potential damages caused by geomagnetic disturbances.**

*Chief patron:* Reeves

*Summary as introduced:*

**Study; strategies for preventing and mitigating potential damages caused by geomagnetic disturbances and electromagnetic pulses; report.** Directs the Joint Commission on Technology and Science (JCOTS) to study the nature and magnitude of potential threats caused by geomagnetic disturbances and electromagnetic pulses, examine the Commonwealth's vulnerabilities to such threats, and recommend strategies to protect the Commonwealth's infrastructure from geomagnetic disturbances and electromagnetic pulses. The resolution requests that JCOTS report its findings and recommendations no later than the first day of the 2015 Regular Session.

01/07/14 Senate: Prefiled and ordered printed; offered 01/08/14 14100988D

01/07/14 Senate: Referred to Committee on Rules

**SR 21 State Corporation Commission; nominating a person to be elected.**

*Chief patron:* Watkins

*Summary as introduced:*

**Nominating persons to be elected to the State Corporation Commission.**

01/14/14 Senate: Taken up for immediate consideration

01/14/14 Senate: Engrossed by Senate

01/14/14 Senate: Agreed to by Senate by voice vote

01/14/14 Senate: Bill text as passed Senate (SR21ER)

01/14/14 Senate: Election of a member of the SCC (38-Y 0-N)

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## Energy Efficiency and Renewable Energy related

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### **HB 435 Machinery and tools, merchants' capital, and BPOL taxes; maximum rates and income tax credits.**

*Chief patron:* LeMunyon

*Summary as introduced:*

#### **Machinery and tools, merchants' capital and BPOL taxes; maximum rates and income tax credits.**

Prohibits a locality from increasing its merchants' capital tax, local license (BPOL) fees and taxes, and taxes on machinery and tools used in a business above the locality's rates in effect as of January 1, 2014, and establishes refundable income tax credits for the same taxes beginning with taxable year 2014.

The refundable individual and corporate income tax credits would equal 33 percent of such taxes paid during the taxable year. The credit would sunset on December 31, 2018. The bill also would prohibit any subtraction or deduction for these taxes in computing Virginia taxable income.

01/04/14 House: Prefiled and ordered printed; offered 01/08/14 14102075D

01/04/14 House: Referred to Committee on Finance

### **HB 776 Surviving spouses; eligibility for in-state tuition charges.**

*Chief patron:* Wilt

*Summary as introduced:*

**Surviving spouses; eligibility for in-state tuition charges.** Waives the requirement that the factors presented in support of entitlement to in-state tuition must exist for the one-year period prior to the date of the alleged entitlement for spouses of certain military members who were killed in action, are missing in action, or are prisoners of war.

01/07/14 House: Prefiled and ordered printed; offered 01/08/14 14100481D

01/07/14 House: Referred to Committee on Education

01/10/14 House: Assigned Education sub: Higher Education

### **HB 910 Renewable energy property; tax credits for placing into service.**

*Chief patron:* Villanueva

*Summary as introduced:*

**Renewable energy property tax credits.** Establishes beginning with taxable year 2014 tax credits for placing into service renewable energy property. The credit would equal 40 percent of the costs paid or incurred to place the renewable energy property into service, not to exceed \$3 million for any individual piece of renewable energy property. The bill provides that credits in excess of \$250,000 would be allowed in three equal taxable year installments. The amount of tax credits otherwise allowed would be proportionally reduced to reflect any public grants, bonds, or other public moneys used in funding the renewable energy property. The bill defines renewable energy as energy derived from sunlight, wind,

falling water, biomass, waste, landfill gas, municipal solid waste, wave motion, tides, and geothermal power, but not including energy derived from coal, oil, natural gas, or nuclear power.

The Department of Mines, Minerals and Energy would administer the tax credit program. The Department would be authorized to issue up to \$100 million in renewable energy property tax credits each fiscal year.

The bill would allow the tax credits to be carried forward for five taxable years or to be transferred or assigned to other persons for use.

01/08/14 House: Prefiled and ordered printed; offered 01/08/14 14103453D

01/08/14 House: Referred to Committee on Finance

### **HB 1063 Renewable energy property; tax credits for installing.**

*Chief patron:* Villanueva

*Summary as introduced:*

**Renewable energy property tax credits.** Establishes beginning with taxable year 2014 tax credits for placing into service biomass, geothermal, hydroelectric, solar photovoltaic, solar thermal, and wind systems (renewable energy property). The credit would equal 40 percent of the costs paid or incurred to place the renewable energy property into service, not to exceed \$3 million for any individual piece of renewable energy property placed into service. The bill provides that credits in excess of \$250,000 would be allowed in three equal taxable year installments. The amount of tax credits otherwise allowed would be proportionally reduced to reflect any public grants, bonds, or other public moneys used in funding the renewable energy property.

The Department of Mines, Minerals and Energy would administer the tax credit program. The Department would be authorized to issue up to \$100 million in renewable energy property tax credits each fiscal year.

The bill would allow the tax credits to be carried forward for five taxable years or to be transferred or assigned to other persons for use.

01/08/14 House: Presented and ordered printed 14101623D

01/08/14 House: Referred to Committee on Finance

### **HB 1158 Distributed electric generation; establishment of community solar gardens.**

*Chief patron:* Surovell

*Summary as introduced:*

**Distributed electric generation; community solar gardens.** Authorizes the establishment of community solar gardens, which are required to be owned by a subscriber organization that has at least 10 subscribers. Subscribers will receive credits on their utility bills from energy generated at the solar facility in proportion to the size of their subscription. The output and renewable energy credits from a solar garden shall be purchased by the utility in the form of net metering credits allocated to the subscribers. To the extent that a subscriber's net metering credit exceeds the subscriber's electric bill in any billing period, the credit will be applied against future bills. If the electricity output of the community solar garden is not

fully subscribed, the utility is required to purchase the unsubscribed renewable energy at a rate equal to the utility's average hourly incremental cost of electricity supply over the immediately preceding calendar year.

01/15/14 House: Presented and ordered printed 14100787D

01/15/14 House: Referred to Committee on Commerce and Labor

01/16/14 House: Assigned C & L sub: Special Subcommittee on Energy

**HB 1239 Real and personal property tax exemption; solar energy equipment, facilities, or devices.**

*Chief patron:* Hugo

*Summary as introduced:*

**Real and personal property tax exemption; solar energy equipment, facilities, or devices.** Exempts from real and personal property tax solar energy equipment, facilities, or devices that are collecting, generating, transferring, or storing thermal or electric energy.

01/17/14 House: Presented and ordered printed 14103597D

01/17/14 House: Committee Referral Pending

**HR 42 Commending the Alexandria Redevelopment and Housing Authority.**

*Chief patron:* Krupicka

*Summary as introduced:*

**Commending the Alexandria Redevelopment and Housing Authority.**

01/07/14 House: Prefiled and laid on Speaker's table; offered 01/08/14 14102236D

01/10/14 House: Engrossed by House

01/10/14 House: Agreed to by House by voice vote

**SB 123 Wind energy projects; regulations to mitigate adverse effects of turbine blades on wildlife.**

*Chief patron:* Garrett

*Summary as introduced:*

**Wind energy projects; regulations to mitigate adverse effects of turbine blades on wildlife.** Directs the Board of Game and Inland Fisheries to adopt regulations establishing mitigation measures to reduce the adverse effects of wind turbines on wildlife. The bill lists two possible measures: the use of visual markers on turbine blades and the incorporation of sonic devices to repel birds and bats flying at night.

12/30/13 Senate: Prefiled and ordered printed; offered 01/08/14 14101866D

12/30/13 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

01/16/14 Senate: Reported from Agriculture, Conservation and Natural Resources with substitute (8-Y 5-N)

01/16/14 Senate: Committee substitute printed 14104060D-S1

**SB 199 Service districts; different classifications of property may be taxed based on benefit received.**

*Chief patron:* Alexander

*Summary as introduced:*

**Service districts.** Provides that different classifications of property within a service district may be taxed at different rates based on the benefit received within that particular classification.

01/03/14 Senate: Prefiled and ordered printed; offered 01/08/14 14101021D

01/03/14 Senate: Referred to Committee on Local Government

01/14/14 Senate: Stricken at request of Patron in Local Government (10-Y 0-N)

**SB 222 Solar panels; community association's authority to prohibit.**

*Chief patron:* Petersen

*Summary as introduced:*

**Solar panels in community associations.** Clarifies a community association's authority to prohibit or restrict the installation of solar power devices.

01/03/14 Senate: Prefiled and ordered printed; offered 01/08/14 14101221D

01/03/14 Senate: Referred to Committee on Commerce and Labor

**SB 418 Solar equipment; certified pollution control equipment and facilities.**

*Chief patron:* Hanger

*Summary as introduced:*

**Certified pollution control equipment and facilities; solar equipment.** Adds solar equipment to the definition of certified pollution control equipment and facilities that are exempt from state and local taxation pursuant to Article X, Section 6 of the Constitution of Virginia.

01/07/14 Senate: Prefiled and ordered printed; offered 01/08/14 14101551D

01/07/14 Senate: Referred to Committee on Finance

01/16/14 Senate: Impact statement from TAX (SB418)

**SB 498 Electric utility regulation; renewable energy portfolio standard program.**

*Chief patron:* McEachin

*Summary as introduced:*

**Renewable energy portfolio standard program.** Amends the existing renewable energy portfolio standard program to require that for calendar years 2016 through 2025 a utility shall apply (i) renewable energy generated from renewable energy generation facilities owned by the utility, (ii) renewable thermal energy, (iii) certificates issued by the State Corporation Commission and held or acquired by a participating utility that validate a qualified investment made by the participating utility, (iv) renewable energy sales achieved or renewable energy certificates acquired prior to January 1, 2014, or (v) renewable energy sales or renewable energy certificates from electric energy derived from any combination of

sunlight, onshore wind, offshore wind, wave motion, tides, or geothermal power generated or purchased in the interconnection region of the regional transmission entity of which the participating utility is a member. A utility shall be able to apply renewable energy from run-of-river generation obtained via power purchase agreements entered into prior to January 1, 2014. A utility shall receive double credit toward meeting the renewable energy portfolio standard for energy derived from onshore wind obtained via power purchase agreements entered into prior to January 1, 2014.

01/08/14 Senate: Prefiled and ordered printed; offered 01/08/14 14101772D

01/08/14 Senate: Referred to Committee on Commerce and Labor

### **SB 512 Solar equipment; certified pollution control equipment and facilities.**

*Chief patron:* Wagner

*Summary as introduced:*

**Certified pollution control equipment and facilities; solar equipment.** Adds solar equipment to the definition of certified pollution control equipment and facilities that are exempt from state and local taxation pursuant to Article X, Section 6 of the Constitution of Virginia.

01/08/14 Senate: Prefiled and ordered printed; offered 01/08/14 14100699D

01/08/14 Senate: Referred to Committee on Finance

01/16/14 Senate: Impact statement from TAX (SB512)

### **SB 653 Renewable energy property tax credits.**

*Chief patron:* Norment

*Summary as introduced:*

**Renewable energy property tax credits.** Establishes, beginning with taxable year 2014, tax credits for placing into service renewable energy property. The credit would equal 40 percent of the costs paid or incurred to place the renewable energy property into service, not to exceed \$2.5 million for any individual piece of renewable energy property. The bill provides that credits in excess of \$250,000 would be allowed in three equal taxable year installments. The amount of tax credits otherwise allowed would be proportionally reduced to reflect any public grants, bonds, or other public moneys used in funding the renewable energy property. The bill defines renewable energy as energy derived from sunlight, wind, falling water, biomass, waste, landfill gas, municipal solid waste, wave motion, tides, or geothermal power, but not including energy derived from coal, oil, natural gas, or nuclear power.

The Department of Mines, Minerals and Energy would administer the tax credit program. The Department would be authorized to issue up to \$10 million in renewable energy property tax credits each fiscal year.

The bill would allow the tax credits to be carried forward for five taxable years or to be transferred or assigned to other persons for use.

01/17/14 Senate: Presented and ordered printed 14103588D

01/17/14 Senate: Referred to Committee on Finance

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## Sustainability related; Non-Energy

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### **HB 71 Agricultural operations; local regulation of certain activities.**

*Chief patron:* Pogge

*Summary as introduced:*

**Agricultural operations; local regulation of certain activities.** Protects customary agritourism activities at agricultural operations from local bans in the absence of substantial impacts on the public welfare and requires localities to take certain factors into account when regulating agritourism activities. The bill requires a basis in health, safety, or public welfare for a local ordinance that restricts any of several activities: the conduct of agritourism activities, the sale of agricultural or silvicultural products or related items, the preparation or sale of foods that otherwise comply with state law, and other customary activities. Localities are prohibited from subjecting those listed activities to a special-use permit requirement, and in most situations localities are prevented from stringently regulating the sound produced by the listed activities.

12/06/13 House: Prefiled and ordered printed; offered 01/08/14 14100755D

12/06/13 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/13/14 House: Assigned ACNRsub: Agriculture

### **HB 117 Paper and plastic bags; imposes tax of five cents on disposable bags used by purchasers,etc.**

*Chief patron:* Morrissey

*Summary as introduced:*

**Paper and plastic bag tax.** Imposes a tax of five cents (\$0.05) beginning on July 1, 2015, on disposable paper bags and disposable plastic bags used by purchasers to carry tangible personal property purchased in grocery stores, convenience stores, or drug stores. The following would be exempt from the tax: durable, reusable plastic bags; plastic bags used to carry ice cream, meat, fish, poultry, leftover restaurant food, newspapers, and dry cleaning; paper and plastic bags used to carry alcoholic beverages or prescription drugs; and multiple plastic bags sold in packages and intended for use as garbage, pet waste, or leaf removal bags. Retailers are allowed to retain one cent (\$0.01) of the five-cent (\$0.05) tax or two cents (\$0.02) if the retailer has a customer bag credit program. Failure to collect and remit the tax will result in fines of \$250, \$500, and \$1,000 for the first, second, and third and subsequent offenses, respectively. The revenues from the tax would be deposited into the Virginia Water Quality Improvement Fund.

The bill also authorizes each county and city by ordinance to impose a tax on disposable paper bags and disposable plastic bags at the same rate and under the same terms and conditions as the state tax. Revenues from the local tax would be collected by the Tax Commissioner and distributed monthly to the county or city imposing the tax. Each county or city adopting an ordinance to impose the tax would be required to provide a certified copy of the ordinance to the Tax Commissioner at least six months prior to the date the tax is to become effective.

12/17/13 House: Prefiled and ordered printed; offered 01/08/14 14100982D

12/17/13 House: Referred to Committee on Finance

01/12/14 House: Impact statement from TAX (HB117)

01/13/14 House: Assigned Finance sub: Subcommittee #2  
01/15/14 House: Subcommittee recommends laying on the table

**HB 687 Building Revitalization Grant Fund; created.**

*Chief patron:* Torian

*Summary as introduced:*

**Building Revitalization Grant Fund.** Establishes the Building Revitalization Grant Fund administered by the Department of Housing and Community Development to award grants of up to \$100,000 to businesses that make a capital investment of \$1 million in revitalizing or retrofitting existing buildings to serve as a new place of business.

01/07/14 House: Prefiled and ordered printed; offered 01/08/14 14101969D  
01/07/14 House: Referred to Committee on General Laws  
01/10/14 House: Assigned GL sub: Subcommittee #1  
01/16/14 House: Impact statement from DPB (HB687)

**HB 806 Tree replacement; VDOT to adhere to locality's policy.**

*Chief patron:* Lopez

*Summary as introduced:*

**VDOT tree replacement policy.** Requires VDOT, in highway construction projects, to adhere to any tree replacement policy adopted by the locality in which the construction project is located.

01/07/14 House: Prefiled and ordered printed; offered 01/08/14 14101527D  
01/07/14 House: Referred to Committee on Transportation  
01/10/14 House: Assigned Transportation sub: Subcommittee #1

**HB 884 Virginia Infrastructure Grant Fund; established.**

*Chief patron:* Yancey

*Summary as introduced:*

**Virginia Infrastructure Grant Fund established.** Creates, from such funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources, the Virginia Infrastructure Grant Fund, to be administered by the Department of Housing and Community Development. The bill requires the Department to establish criteria for making grants from the Fund, including procedures for determining the amount of a grant and the required local match, if any. The Fund is intended to help localities make investments in roads, bridges, smarter electrical grids, upgraded water and sanitation systems, mass transit systems, clean energy and more energy-efficient buildings, and the provision of broadband.

01/08/14 House: Prefiled and ordered printed; offered 01/08/14 14102711D  
01/08/14 House: Referred to Committee on Counties, Cities and Towns  
01/15/14 House: Assigned CC & T sub: Subcommittee #2



**HJ 16 Recurrent flooding; joint subcommittee established to formulate recommendations to address.**

*Chief patron:* Stolle

*Summary as introduced:*

**Study; recurrent flooding; report.** Establishes a 15-member joint subcommittee to formulate recommendations for the development of a comprehensive and coordinated planning effort to address recurrent flooding. The joint subcommittee is charged with recommending short- and long-term strategies for minimizing the impact of recurrent flooding. Its report is to be submitted by November 1, 2015.

12/10/13 House: Prefiled and ordered printed; offered 01/08/14 14100502D

12/10/13 House: Referred to Committee on Rules

**HJ 28 Recycled material; Manufacturing Development Commission to study benefits in manufacturing process.**

*Chief patron:* Marshall, D.W.

*Summary as introduced:*

**Study; Manufacturing Development Commission; report.** Directs the Manufacturing Development Commission to examine the economic and environmental benefits of the use of recycled material in the manufacturing process in Virginia.

12/27/13 House: Prefiled and ordered printed; offered 01/08/14 14100767D

12/27/13 House: Referred to Committee on Rules

**HJ 170 Constitutional amendment (first resolution); right to acquire farm-produced food.**

*Chief patron:* Cline

*Summary as introduced:*

**Constitutional amendment (first resolution); right to acquire farm-produced food.** Provides that people have the right to acquire, for their own consumption, farm-produced food directly from the farmer who produced it. The proposed amendment permits reasonable regulations and restrictions authorized by general law.

01/16/14 House: Presented and ordered printed 14100947D

01/16/14 House: Referred to Committee on Privileges and Elections

**SB 5 Right to Farm Act; restoration of certain provisions.**

*Chief patron:* Edwards

*Summary as introduced:*

**Right to Farm Act; restoration of provisions.** Restores application of certain provisions of the Right to Farm Act to cities and towns that currently only apply to counties. The proposed amendments were enacted in 2007 (Chapter 444 of the Acts of Assembly of 2007) but were omitted a year later in the 2008

revision of Title 3.1, Agriculture, Horticulture and Food. This bill is a recommendation of the Code Commission.

01/14/14 Senate: Read second time and engrossed

01/15/14 Senate: Read third time and passed Senate (38-Y 0-N)

01/20/14 House: Placed on Calendar

01/20/14 House: Read first time

01/20/14 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

### **SB 320 Paper and plastic bags, disposable; localities in Planning District 8 authorized to impose.**

*Chief patron:* Ebbin

*Summary as introduced:*

**Local paper and plastic bag tax.** Authorizes localities in Planning District 8 by ordinance to impose a tax on disposable paper bags and disposable plastic bags. Revenues from the local tax would be collected by the Tax Commissioner and distributed monthly to the county or city imposing the tax. The bill requires each county or city adopting an ordinance to impose the tax to provide a certified copy of the ordinance to the Tax Commissioner at least six months prior to the date the tax is to become effective.

01/06/14 Senate: Prefiled and ordered printed; offered 01/08/14 14103114D

01/06/14 Senate: Referred to Committee on Finance

01/14/14 Senate: Impact statement from TAX (SB320)

### **SB 351 Securities Act; Invest in Virginia Exemption.**

*Chief patron:* Edwards

*Summary as introduced:*

**Securities Act; Invest in Virginia Exemption.** Creates an exemption from the securities, broker-dealer, and agent registration requirements of the Securities Act for an offer or sale of a security by an issuer, or an individual who represents an issuer in an offer or sale, if (i) the issuer of the security is a for-profit business entity formed under the laws of the Commonwealth; (ii) the transaction meets the requirements of the federal exemption for intrastate offerings in section 3(a)(11) of the Securities Act of 1933, 15 U.S.C. § 77c(a)(11), and 17 C.F.R. § 230.147; (iii) the sum of all cash and other consideration to be received for all sales of the security in reliance upon this exemption does not exceed \$1 million, less the aggregate amount received for all sales of securities by the issuer within the 12 months preceding the first offer or sale made in reliance upon this exemption; (iv) the issuer does not accept more than \$10,000 from any single purchaser unless the purchaser is an accredited investor as defined by 17 C.F.R. § 230.501; (v) all funds received from investors are required to be deposited into a bank or depository institution authorized to do business in the Commonwealth and used in accordance with representations made to investors; (vi) the issuer files a notice with the State Corporation Commission specifying that the issuer is conducting an offering in reliance upon this exemption and containing the names and addresses of the issuer, all persons who will be involved in the offer or sale of securities on behalf of the issuer, and the bank or other depository institution in which investor funds will be deposited; (vii) the issuer shall not be an investment company or subject to certain reporting requirements of the Securities Exchange Act of 1934; and (viii) the issuer informs all purchasers that the securities have not been registered and are subject to limitations on resales.

01/07/14 Senate: Prefiled and ordered printed; offered 01/08/14 14101890D  
01/07/14 Senate: Referred to Committee on Commerce and Labor

**SJ 34 Study; recurrent flooding; report.**

*Chief patron:* McWaters

*Summary as introduced:*

**Study; recurrent flooding; report.** Establishes a 15-member joint subcommittee to formulate recommendations for the development of a comprehensive and coordinated planning effort to address recurrent flooding. The joint subcommittee is charged with recommending short- and long-term strategies for minimizing the impact of recurrent flooding. Its report is to be submitted by November 1, 2015.

01/03/14 Senate: Prefiled and ordered printed; offered 01/08/14 14101018D  
01/03/14 Senate: Referred to Committee on Rules  
01/17/14 Senate: Incorporated by Rules (SJ3-Locke)

**SJ 75 Study; Manufacturing Development Commission; report.**

*Chief patron:* Wagner

*Summary as introduced:*

**Study; Manufacturing Development Commission; report.** Directs the Manufacturing Development Commission to examine the economic and environmental benefits of the use of recycled material in the manufacturing process in Virginia.

01/08/14 Senate: Prefiled and ordered printed; offered 01/08/14 14102013D  
01/08/14 Senate: Referred to Committee on Rules

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**Transportation - Energy Impact**

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**HB 237 Telework Grant Program; Program to be administered by Department of Rail and Public Transportation.**

*Chief patron:* Ramadan

*Summary as introduced:*

**Telework Grant Program.** Establishes the Telework Grant Program, to be administered by the Department of Rail and Public Transportation, to administer grants in the amount of \$250 for individuals who telework at least 20 hours per week for at least 45 weeks of a calendar year.

12/28/13 House: Prefiled and ordered printed; offered 01/08/14 14100910D  
12/28/13 House: Referred to Committee on Transportation  
01/10/14 House: Assigned Transportation sub: Subcommittee #1

**HB 340 Alternative Fuel Vehicle Conversion Fund; moneys in Fund to be used by local governments, etc.**

*Chief patron:* Taylor

*Summary as introduced:*

**Alternative Fuel Vehicle Conversion Fund.** Allows moneys in the Fund to be used by local governments, local governmental agencies, and local school divisions.

01/02/14 House: Prefiled and ordered printed; offered 01/08/14 14102555D

01/02/14 House: Referred to Committee on General Laws

01/10/14 House: Assigned GL sub: Subcommittee #2

01/16/14 House: Subcommittee recommends reporting with amendment(s) (6-Y 0-N)

### **HB 341 Natural gas vehicles; weight limit exception.**

*Chief patron:* Taylor

*Summary as introduced:*

**Natural gas vehicles; weight limit exception.** Allows vehicles fueled, wholly or partially, by natural gas to weigh up to 2,000 pounds more than the applicable weight limit. The bill requires the operator of the vehicle to be able to demonstrate that the vehicle uses natural gas.

01/02/14 House: Prefiled and ordered printed; offered 01/08/14 14102558D

01/02/14 House: Referred to Committee on Transportation

01/10/14 House: Assigned Transportation sub: Subcommittee #2

### **HB 345 Motor fuels tax; alternative fuels.**

*Chief patron:* Taylor

*Summary as introduced:*

**Motor fuels tax; alternative fuels.** Provides that the motor fuels tax on non-liquid alternative fuels shall be the percentage tax on a gallon of gasoline multiplied by the average wholesale cost of the amount of the alternative fuel required to produce the energy content of a gallon of unleaded gasoline, for each such amount of alternative fuel.

01/02/14 House: Prefiled and ordered printed; offered 01/08/14 14102580D

01/02/14 House: Referred to Committee on Finance

### **HB 488 Golf carts and utility vehicles; Town of Clifton allows on their highways.**

*Chief patron:* Hugo

*Summary as introduced:*

**Golf carts and utility vehicles.** Adds the Town of Clifton to the list of towns without their own police departments that may permit operation of golf carts and utility vehicles on their highways.

01/17/14 House: Read third time and passed House BLOCK VOTE (93-Y 0-N)

01/17/14 House: VOTE: BLOCK VOTE PASSAGE (93-Y 0-N)

01/17/14 House: Reconsideration of passage agreed to by House

01/17/14 House: Passed House BLOCK VOTE (96-Y 0-N)  
01/17/14 House: VOTE: BLOCK VOTE PASSAGE #2 (96-Y 0-N)

**HB 508 Natural gas fueling stations; tax credit to owners for public access.**

*Chief patron:* Taylor

*Summary as introduced:*

**Tax credit for public access to natural gas fueling stations.** Provides for a tax credit for owners of natural gas fueling stations that are open to the public on or after January 1, 2015. The amount of the credit is equal to 30 percent of the fuels tax on gallons purchased for resale or 40 percent of the fuels tax on gallons purchased for resale if the fueling station is within three miles of I-95.

01/06/14 House: Prefiled and ordered printed; offered 01/08/14 14103367D  
01/06/14 House: Referred to Committee on Finance

**HB 516 Natural gas automobile mechanics & technicians; regulatory program for certification by DPOR.**

*Chief patron:* Taylor

*Summary as introduced:*

**Department of Professional and Occupational Regulation; certification of natural gas automobile mechanics and technicians.** Establishes a regulatory program for certification of natural gas automobile mechanics and technicians by the Director of the Department of Professional and Occupational Regulation and sets out the requirements for certification.

01/06/14 House: Prefiled and ordered printed; offered 01/08/14 14102556D  
01/06/14 House: Referred to Committee on General Laws  
01/10/14 House: Assigned GL sub: Subcommittee #4

**HB 819 Electric vehicles; reduces minimum height of lettering required on vehicles.**

*Chief patron:* Lopez

*Summary as introduced:*

**Converted electric vehicles.** Reduces from three inches to one inch the minimum height of lettering required on converted electric vehicles.

01/07/14 House: Prefiled and ordered printed; offered 01/08/14 14102124D  
01/07/14 House: Referred to Committee on Transportation  
01/10/14 House: Assigned Transportation sub: Subcommittee #2

**HB 1163 Allocation of federal funds for establishment and maintenance of trails.**

*Chief patron:* Chafin

*Summary as introduced:*

**Allocation of federal funds for establishment and maintenance of trails.** Allows the Commonwealth

Transportation Board to allocate eligible federal funds for use in the establishment and maintenance of trails.

01/15/14 House: Presented and ordered printed 14103609D

01/15/14 House: Referred to Committee on Transportation

### **SB 505 Natural gas; incentives for expanded use as transportation fuel, report.**

*Chief patron:* Wagner

*Summary as introduced:*

**Natural gas; incentives for expanded use as transportation fuel.** Establishes financial and regulatory incentives for expanding the use of compressed natural gas (CNG) and liquefied natural gas (LNG) for transportation purposes in the Commonwealth. Vehicles fueled, wholly or partially, by natural gas are authorized to weigh up to 2,000 pounds more than the applicable weight limit, and the bill provides that limits on hauling hazardous materials over a bridge or through a tunnel do not apply to fuel required to propel the vehicle. The bill provides for the titling and registration of natural gas vehicles (NGVs) and converted natural gas vehicles, including a provision that the motor vehicle titling tax on NGVs apply to the value of such vehicle without a CNG or LNG system. The bill establishes a Natural Gas Vehicle Incentive Fund and grant programs through which moneys in the Fund may be expended for increasing public access to natural gas fueling stations, purchasing NGVs, or converting vehicles to natural gas. Revenues for the Fund come from moneys allocated by the Commonwealth Transportation Board; registration fees for NGVs; clean special fuel license plate fees; the Natural Gas Consumption Tax; severance taxes on natural gas; revenues from taxes on pipeline transmission and distribution companies, including the special regulatory revenue tax; and such other funds as may be appropriated. The bill also exempts natural gas home refueling appliances from the sales and use tax, allows taxicabs fueled by natural gas to move to the front of an airport queue, allows trucks bearing clean special fuel stickers to use high-occupancy vehicle lanes, and provides for the reimbursement of tolls for operators of NGVs. The bill further allows public access to state fueling areas and clarifies that refunds on motor fuel taxes apply to commercial equipment using natural gas. The measure requires the Department of General Services' plan for the replacement of state-owned or operated vehicles with alternative-fueled vehicles to include a provision requiring the purchase of NGVs rather than conventional vehicles or other vehicles that operate using alternative fuels whenever the life-cycle cost for such vehicles is not more than 10 percent greater than for conventional vehicles. The measure increases the membership of the Board of Directors of the Virginia Universities Clean Energy Development and Economic Stimulus Foundation to include a nonlegislative citizen member who shall represent an association advocating growth in North America of the use and acceptance of vehicles powered by natural gas. The purpose of the Foundation is expanded to include advancing the goal of increasing the number of NGVs operating within the Commonwealth. The powers of the Foundation's Board of Directors are augmented to include providing assistance to the Department of Motor Vehicles in its awarding of competitive grants and other incentives relating to NGV fueling facilities and related infrastructure, conversions of conventionally fueled vehicles to NGVs, and purchases of original equipment manufacturer (OEM) NGVs. The measure exempts certain materials provided to the Department of Motor Vehicles from the public records requirements of the Freedom of Information Act. Memoranda, staff evaluations, and other records prepared by the Department or its staff exclusively for the evaluation of grant applications are also exempted from the Act. The measure authorizes the Department to hold closed meetings to discuss or consider such records. The measure requires that CNG sold at retail for use as a motor fuel be dispensed in gasoline gallon equivalent (GGE) units or diesel gallon equivalent (DGE) units and that LNG sold at retail for use as a motor fuel be dispensed in DGE units. The measure provides that, notwithstanding weights and measures equivalents published by the National Institute of Standards and Technology, a GGE of CNG shall initially be set at

5.66 pounds, a DGE of CNG shall initially be set at 6.38 pounds, and a DGE of LNG shall initially be set at 6.06 pounds. These levels may be changed pursuant to regulation adopted by the Commissioner of Agriculture and Consumer Services if changes occur in the energy content of motor fuels, in which event the Commissioner shall take into consideration whether the National Conference on Weights and Measures has adopted similar standards for dispensing CNG and LNG. Commencing January 1, 2015, any dispenser used for the sale of CNG or LNG at retail for use as motor fuel shall display the GGE or the DGE unit as the primary display information provided. The dispenser shall indicate (i) the number of GGEs or DGEs sold, (ii) the total sales price of the CNG or LNG dispensed, and (iii) the sales price per GGE or DGE of the CNG or LNG sold. The measure excludes any person who is not a public service corporation and who provides CNG or LNG fueling service at retail from the meaning of the terms "public utility," "public service corporation," or "public service company." The ownership or operation of a facility at which such a fueling service is sold, and the selling of such service from that facility, does not render the person a public utility, public service corporation, or public service company solely because of that sale, ownership, or operation. The provision of CNG or LNG fueling service by a person who is not a public utility shall not constitute the retail sale of natural gas if the natural gas furnished in connection with the provision of such service is used solely for transportation purposes. Providing CNG or LNG fueling service is declared to be a permitted natural gas utility activity of a certificated natural gas utility. A natural gas utility may establish a CNG home fueling appliance loan program under which it may offer to its residential customers the option to lease a CNG home fueling appliance from the utility at amounts that are subsidized by the utility. Finally, the measure requires the Virginia Port Authority to conduct a study of the issues related to the siting of LNG storage and refueling facilities in the Hampton Roads region for transportation purposes.

01/08/14 Senate: Prefiled and ordered printed; offered 01/08/14 14100492D

01/08/14 Senate: Referred to Committee on Transportation

### **SB 614 Waste kitchen grease; persons transporting to affix a decal.**

*Chief patron:* Vogel

*Summary as introduced:*

**Transportation of waste kitchen grease; decal.** Requires certain persons transporting waste kitchen grease to affix a decal issued by the Commissioner to the outside of any vehicle used for such purpose. Current law requires the person to display his name and registration number on the vehicle in letters not less than three inches high.

01/15/14 Senate: Presented and ordered printed 14101180D

01/15/14 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

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## Energy - Non-classified

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### **HB 123 Petroleum transport vehicles; amber warning lights allowed when parked or delivering products.**

*Chief patron:* Scott

*Summary as introduced:*

**Amber warning lights; petroleum transport vehicles.** Allows amber warning lights on petroleum transport vehicles to be lit when the vehicle is parked or delivering petroleum products.

12/18/13 House: Prefiled and ordered printed; offered 01/08/14 14101546D

12/18/13 House: Referred to Committee on Transportation

01/10/14 House: Assigned Transportation sub: Subcommittee #2

### **HB 796 Virginia Energy Plan; schedule for updates.**

*Chief patron:* Lopez

*Summary as introduced:*

**Virginia Energy Plan; schedule for updates.** Postpones the due date for quadrennial updates to the Virginia Energy Plan from July 1 to October 1.

01/07/14 House: Prefiled and ordered printed; offered 01/08/14 14101266D

01/07/14 House: Referred to Committee on Commerce and Labor

01/10/14 House: Impact statement from DPB (HB796)

01/16/14 House: Assigned C & L sub: Special Subcommittee on Energy

### **HB 818 Energy and Environment, Virginia Commission on; established, report.**

*Chief patron:* Lopez

*Summary as introduced:*

**Virginia Commission on Energy and Environment.** Establishes the Virginia Commission on Energy and Environment as a legislative commission to review and recommend steps to implement the Virginia Energy Plan. The Commission is charged, among other things, with the power and duty to (i) undertake studies and gather information and data; (ii) make recommendations as may be necessary to accomplish its purposes as set forth in the legislation; (iii) make special studies of and reports on measures to secure Virginia's energy future; (iv) establish advisory committees composed of persons with special expertise not represented by individuals serving on the Commission; (v) seek, accept, and expend gifts, grants, or donations to enable the Commission to carry out its objectives; (vi) review and make recommendations on legislation affecting energy policy to the General Assembly; and (vii) report annually on its activities during the preceding year to the Governor and the General Assembly.

01/07/14 House: Prefiled and ordered printed; offered 01/08/14 14102072D

01/07/14 House: Referred to Committee on Rules



**HB 835 Virginia Residential Property Disclosure Act; disclosure of underground pipelines or storage tanks.**

*Chief patron:* Keam

*Summary as introduced:*

**Virginia Residential Property Disclosure Act; underground pipelines.** Requires the disclosure that the owner/seller of residential real property makes no representations with respect to the presence of any underground pipelines or storage tanks carrying hazardous material such as natural gas or oil and that purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any pipeline that may lie beneath the property, including using the National Pipeline Mapping System's (NPMS) public viewer, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to that contract.

01/08/14 House: Prefiled and ordered printed; offered 01/08/14 14102456D

01/08/14 House: Referred to Committee on General Laws

01/10/14 House: Assigned GL sub: Subcommittee #1

01/14/14 House: Subcommittee recommends laying on the table

**HB 864 Virginia Small Business Financing Authority; definition of eligible business & business enterprise.**

*Chief patron:* Yancey

*Summary as introduced:*

**Virginia Small Business Financing Authority; definition of eligible business and business enterprise.** Expands the definition of an eligible business under the Virginia Small Business Financing Authority to include any for-profit enterprise that exists for the primary purpose of developing or operating a qualified energy project or is required by state or federal law to develop or operate a qualified pollution control project. The definition of a business enterprise is expanded to include any entity acquiring, constructing, improving, maintaining, or operating a qualified energy project or a qualified pollution control project. A qualified energy project is a solar-powered or wind-powered electricity generation facility located in the Commonwealth on premises owned or leased by an eligible customer-generator if the electricity generated from it is sold exclusively to the eligible customer-generator under a power purchase agreement used to provide third party financing of the costs of such a renewable generation facility (third party power purchase agreement) pursuant to a pilot program established under Chapter 382 of the Acts of Assembly of 2013. A qualified pollution control project means environmental pollution control and prevention equipment certified by the nosiness enterprise or eligible business as being needed to comply with the federal Clean Air Act, Clean Water Act, or Resource Conservation and Recovery Act.

01/08/14 House: Prefiled and ordered printed; offered 01/08/14 14101439D

01/08/14 House: Referred to Committee on General Laws

01/10/14 House: Assigned GL sub: Subcommittee #4

## **HB 880 Securities Act; Invest in Virginia Exemption.**

*Chief patron:* Yost

*Summary as introduced:*

**Securities Act; Invest in Virginia Exemption.** Creates an exemption from the securities, broker-dealer, and agent registration requirements of the Securities Act for an offer or sale of a security by an issuer, or an individual who represents an issuer in an offer or sale, if (i) the issuer of the security is a for-profit business entity formed under the laws of the Commonwealth; (ii) the transaction meets the requirements of the federal exemption for intrastate offerings in section 3(a)(11) of the Securities Act of 1933, 15 U.S.C. § 77c(a)(11), and 17 C.F.R. § 230.147; (iii) the sum of all cash and other consideration to be received for all sales of the security in reliance upon this exemption does not exceed \$1 million, less the aggregate amount received for all sales of securities by the issuer within the 12 months preceding the first offer or sale made in reliance upon this exemption; (iv) the issuer does not accept more than \$10,000 from any single purchaser unless the purchaser is an accredited investor as defined by 17 C.F.R. § 230.501; (v) all funds received from investors are required to be deposited into a bank or depository institution authorized to do business in the Commonwealth and used in accordance with representations made to investors; (vi) the issuer files a notice with the State Corporation Commission specifying that the issuer is conducting an offering in reliance upon this exemption and containing the names and addresses of the issuer, all persons who will be involved in the offer or sale of securities on behalf of the issuer, and the bank or other depository institution in which investor funds will be deposited; (vii) the issuer shall not be an investment company or subject to certain reporting requirements of the Securities Exchange Act of 1934; and (viii) the issuer informs all purchasers that the securities have not been registered and are subject to limitations on resales.

01/08/14 House: Prefiled and ordered printed; offered 01/08/14 14102428D

01/08/14 House: Referred to Committee on Commerce and Labor

01/15/14 House: Assigned C & L sub: Subcommittee #2

## **HB 1025 Biofuels Production Incentive Grant Program; repeals scheduled expiration of grant program.**

*Chief patron:* Ingram

*Summary as introduced:*

**Biofuels Production Incentive Grant Program.** Repeals the scheduled expiration of the grant program, which is currently 2017. The bill does not establish a new expiration date. Under the bill, producers of advanced biofuels would no longer be eligible to receive a biofuels production incentive grant.

01/08/14 House: Prefiled and ordered printed; offered 01/08/14 14102069D

01/08/14 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

## **HB 1261 Virginia Energy Plan; incorporate a Carbon Dioxide Emission Control Impact Study.**

*Chief patron:* Chafin

*Summary as introduced:*

**Virginia Energy Plan; incorporate a Carbon Dioxide Emission Control Impact Study and periodic interim updates to the Plan.**

01/17/14 House: Presented and ordered printed 14104183D  
01/17/14 House: Committee Referral Pending

**SB 47 Southern States Energy Board; authorizes legislative member of Board to designate an alternate.**

*Chief patron:* Watkins

*Summary as introduced:*

**Southern States Energy Board.** Authorizes each Virginia legislative member of the Board to designate an alternate. The bill also contains technical amendments.

12/16/13 Senate: Prefiled and ordered printed; offered 01/08/14 14101916D  
12/16/13 Senate: Referred to Committee on Rules  
01/16/14 Senate: Impact statement from DPB (SB47)  
01/17/14 Senate: Reported from Rules with amendment (15-Y 0-N)

**SB 380 Emergency Management, State Dept. of; state agency components to State Emergency Operations Plan.**

*Chief patron:* Reeves

*Summary as introduced:*

**State Department of Emergency Management; state agency components to the State Emergency Operations Plan.** Requires each state agency designated by the State Department of Emergency Management to submit the agency's supporting component of the State Emergency Operations Plan annually.

01/07/14 Senate: Prefiled and ordered printed; offered 01/08/14 14100483D  
01/07/14 Senate: Referred to Committee on General Laws and Technology

**SB 514 Virginia Energy Plan; schedule for updates.**

*Chief patron:* Wagner

*Summary as introduced:*

**Virginia Energy Plan; schedule for updates.** Postpones the due date for quadrennial updates to the Virginia Energy Plan from July 1 to October 1.

01/13/14 Senate: Reported from Commerce and Labor (14-Y 0-N)  
01/14/14 Senate: Impact statement from DPB (SB514)  
01/15/14 Senate: Constitutional reading dispensed (38-Y 0-N)  
01/16/14 Senate: Read second time and engrossed  
01/17/14 Senate: Read third time and passed Senate (38-Y 0-N)

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## Energy Extraction Related

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### **HB 140 Multistate Coal Compact; established.**

*Chief patron:* Marshall, R.G.

*Summary as introduced:*

**Multistate Coal Compact.** Establishes a multistate coal compact that allows member states that mine, process, market, or sell coal or coal-related products to facilitate best industry practices and to more effectively coordinate the mining, processing, marketing, and sales of coal and coal-related products.

12/19/13 House: Prefiled and ordered printed; offered 01/08/14 14101019D

12/19/13 House: Referred to Committee on Privileges and Elections

01/10/14 House: Assigned P & E sub: Constitutional Amendments Subcommittee

01/13/14 House: Impact statement from DPB (HB140)

### **HB 155 Interstate Offshore Energy Compact; established.**

*Chief patron:* Marshall, R.G.

*Summary as introduced:*

**Interstate Offshore Energy Compact established.** Creates the Interstate Offshore Energy Compact to secure the right of the member states to execute leases for the production and development of oil and natural gas resources three miles or more off the Atlantic shorelines of their respective states and to suspend the operation of any conflicting federal laws, rules, regulations, and orders within their states. The bill also creates the Interstate Offshore Energy Advisory Commission to study issues related to offshore energy development that are of particular concern and make nonbinding recommendations related to offshore energy policies to the member states for consideration by the legislatures of the member states. The bill provides that the compact becomes effective within a member state upon adoption of the compact by at least two member states and consent of the United States Congress.

12/20/13 House: Prefiled and ordered printed; offered 01/08/14 14101005D

12/20/13 House: Referred to Committee on Privileges and Elections

01/10/14 House: Assigned P & E sub: Constitutional Amendments Subcommittee

01/13/14 House: Impact statement from DPB (HB155)

### **HB 461 Coalbed methane gas; release of funds held in escrow or suspense.**

*Chief patron:* Kilgore

*Summary as introduced:*

**Coalbed methane gas; release of funds held in escrow or suspense.** Requires the operator of certain previously pooled coalbed methane gas wells to request, by the beginning of 2015, the release of any funds held in escrow or suspense to the person who possesses a claim through a gas title. A coal claimant may halt such a release of funds by providing evidence that the coal and gas claimants have reached an agreement or that a proceeding against the gas claimant is pending. For a well that is pooled after July 1,

2014, the bill requires the operator to pay royalties directly to the gas claimant unless the coal claimant provides evidence of an agreement or a proceeding within a certain time.

01/06/14 House: Prefiled and ordered printed; offered 01/08/14 14100348D

01/06/14 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/13/14 House: Assigned ACNRsub: Natural Resources

01/16/14 House: Impact statement from DPB (HB461)

### **HB 915 State-owned uplands; hydraulic fracturing.**

*Chief patron:* Poindexter

*Summary as introduced:*

**Hydraulic fracturing on state-owned uplands.** Requires that any permit or lease for oil or gas exploration or extraction on state-owned uplands allow the use of hydraulic fracturing.

01/08/14 House: Prefiled and ordered printed; offered 01/08/14 14102956D

01/08/14 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/10/14 House: Impact statement from DPB (HB915)

### **HB 1014 Coal mine safety; reciprocal agreements with other states.**

*Chief patron:* Chafin

*Summary as introduced:*

**Coal mine safety; reciprocal agreements with other states.** Empowers the Department of Mines, Minerals and Energy to enter into reciprocal agreements with responsible officers of other states and assigns to the Chief of the Division of Mines the duty of supervising the execution and enforcement of such reciprocal agreements where they implicate any part of the Coal Mine Safety Act.

01/08/14 House: Prefiled and ordered printed; offered 01/08/14 14101043D

01/08/14 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/14/14 House: Impact statement from DPB (HB1014)

### **HB 1028 Gas severance tax; extends sunset provision to December 31, 2016.**

*Chief patron:* Morefield

*Summary as introduced:*

**Gas severance tax.** Extends the sunset date from December 31, 2014, to December 31, 2016, for the local gas severance tax that is dedicated to (i) the Gas Road Improvement Fund, (ii) the Virginia Coalfield Economic Development Fund, and (iii) water, sewer, and gas lines.

01/08/14 House: Prefiled and ordered printed; offered 01/08/14 14101438D

01/08/14 House: Referred to Committee on Finance

01/16/14 House: Impact statement from TAX (HB1028)

### **HB 1162 Weight limits of coal trucks.**

*Chief patron:* Morefield

*Summary as introduced:*

**Weight limits of coal trucks.** Provides that if the load of a coal truck does not rise above the top of the bed or the line painted to indicate the maximum permissible height of the load, there is an irrebuttable presumption, rather than prima facie evidence, that the weight of the vehicle is within applicable limits.

01/15/14 House: Presented and ordered printed 14103533D

01/15/14 House: Referred to Committee on Transportation

### **HB 1167 Virginia Coal and Energy Alliance; appointment of member for certain Authority and Board.**

*Chief patron:* Morefield

*Summary as introduced:*

**Virginia Coal and Energy Alliance.**

01/15/14 House: Presented and ordered printed 14104023D

01/15/14 House: Referred to Committee on Counties, Cities and Towns

### **HB 1202 Local property and license taxes on mineral lands.**

*Chief patron:* O'Quinn

*Summary as introduced:*

**Local property and license taxes on mineral lands.** Permits a commissioner of the revenue to enter into agreements with taxpayers regarding the fair market value of mineral lands and deems any such agreements entered into on or after January 1, 2013, but prior to July 1, 2014, valid and enforceable. The bill states that it is declaratory of existing law.

01/17/14 House: Presented and ordered printed 14103785D

01/17/14 House: Referred to Committee on Finance

### **SB 25 Offshore natural gas & oil royalties; establishment of Va. Offshore Energy Emergency Response Fund.**

*Chief patron:* Reeves

*Summary as introduced:*

**Offshore natural gas and oil royalties; establishment of Virginia Offshore Energy Emergency Response Fund and Community College Energy Exploration and Development Fund.** Sets out the recipients, proportions, and payment order for the distribution of royalties received by the Commonwealth as a result of offshore natural gas and oil drilling and exploration. The bill establishes the Virginia Offshore Energy Emergency Response Fund and directs to it the first \$50 million in royalties, requiring that additional royalties maintain the fund at \$50 million if moneys are withdrawn from it. Of the subsequent royalties, the bill directs 20 percent to the Transportation Trust Fund; 10 percent to the

Virginia Coastal Energy Research Consortium; 10 percent to the Community College Energy Exploration and Development Fund, a fund established by the bill; 20 percent to the Department of Environmental Quality; and 40 percent to the general fund, with an amount to be determined applied toward commerce and infrastructure in the Port of Virginia Economic and Infrastructure Development Zone.

12/11/13 Senate: Prefiled and ordered printed; offered 01/08/14 14100016D

12/11/13 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

01/16/14 Senate: Impact statement from DPB (SB25)

01/16/14 Senate: Reported from Agriculture, Conservation and Natural Resources (9-Y 3-N)

01/16/14 Senate: Rereferred to Finance

### **SB 48 Eastern Virginia Groundwater Management Area; prohibition on oil and gas drilling.**

*Chief patron:* Stuart

*Summary as introduced:*

**Prohibition on oil and gas drilling.** Prohibits the drilling for oil and gas in the Eastern Virginia Groundwater Management Area. When the General Assembly enacted the Groundwater Management Act in 1973, it declared that the continued, unrestricted usage of groundwater is contributing and will contribute to pollution and the shortage of groundwater, thereby jeopardizing the public welfare, safety, and health. The Act recognized that the state has the right to the reasonable control of all groundwater resources in order to conserve, protect, and beneficially utilize the groundwater of the Commonwealth. The bill would apply to groundwater and the associated aquifers in the coastal plain of Virginia. The bill would also require the Department of Environmental Quality to adopt regulations protecting surface and ground water resources before the Department of Mines, Minerals and Energy issues a drilling permit in those areas of Tidewater where such activity is allowed.

12/17/13 Senate: Prefiled and ordered printed; offered 01/08/14 14100454D

12/17/13 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

### **SB 217 Surface mining; pollutant discharge permit.**

*Chief patron:* Carrico

*Summary as introduced:*

**Pollutant discharge permit for surface mining.** Eliminates the requirements that the Director of the Department of Mines, Minerals and Energy submit a copy of the application for a discharge permit to the State Water Control Board for its review and provide the Board with a written notice of every action taken in consideration of the permit application. The bill also removes the authority of the State Water Control Board to object to the issuance of a discharge permit.

01/03/14 Senate: Prefiled and ordered printed; offered 01/08/14 14102471D

01/03/14 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

01/16/14 Senate: Stricken at request of Patron in Agriculture, Conservation and Natural Resources (9-Y 0-N)

### **SB 338 License tax, local; severance of gases.**

*Chief patron:* Puckett

*Summary as introduced:*

**Local license tax; severance of gases.** Defines gross receipts for purposes of the local license tax on the severance of gases as the average price received by the licensee per thousand cubic feet (MCF) of sales of gas, adjusted for production and transportation costs, multiplied by the volume of gas per MCF severed by the licensee in the locality. However, if more than 50 percent of the volume of gas sold by the licensee during the tax reporting period is sold in other than an arm's-length transaction, then the average price received would be the New York Mercantile Exchange average price of gas per MCF for the reporting period. The bill also provides two adjustments to the average price, a deduction of \$0.75 per MCF for production costs and a deduction for transportation costs equal to the lesser of \$0.25 per MCF or the actual transportation costs per MCF charged to the licensee for transporting gas through Federal Energy Regulatory Commission regulated pipelines.

Under current law, gross receipts are measured by the fair market value of the gas at the time of sale, use, or shipment.

01/07/14 Senate: Prefiled and ordered printed; offered 01/08/14 14101929D

01/07/14 Senate: Referred to Committee on Finance

01/17/14 Senate: Impact statement from TAX (SB338)

### **SB 547 Uranium exploration; sampling of well activity.**

*Chief patron:* Ruff

*Summary as introduced:*

**Sampling of well near uranium exploration activity.** Requires the holder of a permit to conduct uranium activities to contact those property owners who have wells located within 750 feet of the exploration activity and, with the owners' consent, to periodically sample their water supply. The bill requires sampling every six months during the time the exploration activity is being conducted and six months after the exploratory drill holes have been plugged. The permit holder is required to submit the results of the tests to the State Health Department, which is required to provide a nontechnical interpretation of the results to the well owner. The permit holder will be responsible for reimbursing the State Health Department for the costs of providing the nontechnical description of laboratory results to the well owner.

01/08/14 Senate: Presented and ordered printed 14101133D

01/08/14 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

01/16/14 Senate: Continued to 2015 in Agriculture, Conservation and Natural Resources (9-Y 0-N)

### **SB 548 Coalbed methane; arbitration of conflicting claims of ownership.**

*Chief patron:* Puckett

*Summary as introduced:*

**Coalbed methane; arbitration of conflicting claims of ownership.** Allows a party to appeal an arbitrator's decision to the circuit court and authorizes the court to award attorney fees. Under current law, the circuit court may confirm, vacate, or correct the arbitrator's decision. The bill also requires arbitrators



to be retired circuit court judges and provides that arbitration may be requested by any claimant and need not be requested by all claimants.

01/08/14 Senate: Presented and ordered printed 14101741D

01/08/14 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

01/16/14 Senate: Impact statement from DPB (SB548)

01/16/14 Senate: Stricken at request of Patron in Agriculture, Conservation and Natural Resources (9-Y 0-N)

### **SB 552 Gas severance tax; extends sunset provision to December 31, 2015.**

*Chief patron:* Carrico

*Summary as introduced:*

**Gas severance tax.** Extends the sunset date from December 31, 2014, to December 31, 2015, for the local gas severance tax that is dedicated to (i) the Gas Road Improvement Fund, (ii) the Virginia Coalfield Economic Development Fund, and (iii) water, sewer, and gas lines.

01/08/14 Senate: Presented and ordered printed 14103238D

01/08/14 Senate: Referred to Committee on Finance

01/16/14 Senate: Impact statement from TAX (SB552)

### **SB 560 Coal-mined areas; reclamation.**

*Chief patron:* Puckett

*Summary as introduced:*

**Reclamation of coal-mined areas.** Amends the Virginia Coal Surface Mining Control and Reclamation Act of 1979 by removing the ability of certain applicants to provide a bond without separate surety. The bill also raises the target balance of the Coal Surface Mining Reclamation Fund (the Fund) from \$1.75 million to \$20 million, alters the method of deducting certain expenditures from the Fund, and makes technical amendments.

01/08/14 Senate: Presented and ordered printed 14101264D

01/08/14 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

01/16/14 Senate: Impact statement from DPB (SB560)

### **SB 568 Land preservation tax credit; retention of qualified mineral interest.**

*Chief patron:* Stuart

*Summary as introduced:*

**Land preservation tax credit; retention of qualified mineral interest.** Disallows a tax credit for the donation of an interest in land, including the donation of a conservation easement, where the donor retains a qualified mineral interest as defined by IRS regulations.

01/09/14 Senate: Presented and ordered printed 14100455D

01/09/14 Senate: Referred to Committee on Finance