

APPENDIX A
SUMMARY OF ENVIRONMENTAL BILLS OF
INTEREST
2015 VIRGINIA GENERAL ASSEMBLY

Each year, the Virginia General Assembly considers scores of bills that could impact the environment and conservation efforts in the commonwealth. This appendix identifies and summarizes several such bills that were considered by the General Assembly in 2015. Note that the General Assembly sometimes incorporates provisions from several bills in one substitute bill. Thus a bill may have failed, but all or some of its provisions have been “incorporated” in another bill. The summary for the bill will so note when this occurs.

The major substantive provisions of each measure are listed as summaries prepared by Virginia legislative staff. The appropriate bill number and main patron are noted so that one can obtain further information, if needed. A researcher should refer to the enrolled bill, the appropriate chapter of the 2015 Acts of Assembly, or the Legislative Information System on the Internet (<http://lis.virginia.gov>) for detailed information on legislation.

These summaries reflect actions of the regular session of the 2015 General Assembly through adjournment sine die on February 27, 2015. Many of the measures were subject to gubernatorial review and veto. Therefore, some measures may have been amended and some may not have become law.

Agriculture, Animal Care and Food

Bills Passed

HB 1488: Conservation easements; tax benefits; disputes over terms

Allows a landowner or other party to a conservation easement to request that the Virginia Land Conservation Foundation use the Administrative Dispute Resolution Act to resolve a dispute relating to the interpretation of the easement.

Patron - Pogge

HB 1507: Scenic river.

Designates a 38.6-mile segment of the Dan River as part of the Virginia Scenic Rivers System.

Patron - Edmunds

HB 1542: State Trails Advisory Committee established.

Establishes an advisory committee of the Department of Conservation and Recreation to assist in developing and implementing a statewide system of attractive, sustainable, connected, and enduring trails for the perpetual use and enjoyment of citizens. The bill has a sunset date of January 1, 2021.

Patron - Lingamfelter

HB 1817/SB 1079: Flood protection plan.

Directs the Department of Conservation and Recreation to regularly update the flood protection plan for the Commonwealth and to make the plan accessible online. This is a recommendation of the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding.

Patron - Stolle

HB 1859/SB 858: Conservation officers; Breaks Interstate Park.

Establishes qualifications and procedures for the commissioning as conservation officers of employees of Breaks Interstate Park, a park located in both Kentucky and Virginia and administered by the Breaks Interstate Park Commission. The bill gives all conservation officers jurisdiction over Virginia portions of the park, with the agreement of the Commission, and obligates conservation officers to uphold the rules and regulations of the Commission.

Patron - Pillion

HB 2193: Use of grant funds for battlefield preservation.

Expands the types of battlefields eligible to receive grants from the Virginia Battlefield Preservation Fund (the Fund), previously known as the Civil War Site Preservation Fund. Currently, moneys in the Fund can only be used for making grants to private nonprofit organizations for the fee simple purchase of, or purchase of protective interests in, Civil War historic sites. The bill allows the awarding of grants to protect Revolutionary War and War of 1812 historic battlefields.

Patron - Edmunds

HB 2226/SB 1376: State park master plans; update schedule.

Changes the requirement that the Department and Board of Conservation and Recreation review and update the master plan for each state park from once every five years to once every 10 years.

Patron - Edmunds

HB 2246: Regulation of wood heaters.

Prohibits the Air Pollution Control Board from adopting regulations that limit emissions from certain smaller wood heaters. The bill also prohibits the Board from enforcing any federal regulation limiting emissions from wood heaters that was adopted after May 1, 2014.

Patron - Poindexter

HB 2247: Conveyance of easement.

Authorizes the Department of Conservation and Recreation to convey a 15- foot-wide, permanent, nonexclusive right-of-way easement across its property in the Horsepasture District of Henry County. The bill contains an emergency clause.

Patron - Poindexter

SB 869: Carbon monoxide emissions; diesel-powered incinerator; exemption.

Exempts carbon monoxide emissions of certain diesel-powered incinerators from certain permitting regulations of the State Air Pollution Control Board. An incinerator whose emissions are exempted must be installed prior to July 1, 2015, owned by a locality, and used exclusively for the incineration of animal carcasses collected from public rights-of-way. The provisions of the bill expire on July 1, 2019.

Patron - Cosgrove

SB 1030: Marine Resources Commission; conveyance of easement and rights-of-way; Rappahannock River.

Authorizes the Virginia Marine Resources Commission to convey to Virginia Electric and Power Company (Dominion Virginia Power) an easement and rights-of-way needed for constructing and maintaining an overhead electric transmission line across the Rappahannock River in Middlesex and Lancaster Counties. The bill provides that none of the right-of-way property that lies within the Baylor Survey shall be considered part of the natural oyster beds, rocks, and shoals of the Commonwealth. The bill contains an emergency clause.

Patron - McDougle

SB 1126: Resource management plans; consideration of certain records in closed meetings.

Creates an open meeting exemption for those meetings or portions of meetings of a Resource Management Plan Technical Review Committee, a Soil and Water Conservation District Board, a review committee of the Department of Conservation and Recreation, or the Virginia Soil and Water Conservation Board when such body discusses or considers records currently excluded from FOIA. The bill provides that this exemption shall not apply, however, to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

Patron - Hanger

SB 1306: Battlefield property; authority to acquire.

Authorizes the Director of the Department of Historic Resources and the Board of Historic Resources to acquire and administer Virginia battlefield properties, including properties listed in certain official reports on the battlefields of the Revolutionary War, the War of 1812, and the Civil War. Under current law, the Director and the Board are authorized to acquire only designated historic landmarks.

Patron - Watkins

Bills Failed

HB 1572: Acquisition of open-space land.

Provides that a locality shall not acquire an interest in property for the purpose of preservation or provision of open-space land that exceeds five years' duration. Any extension shall only be approved in conjunction with a comprehensive plan review. Patron - Pogge HB1697 Synthetic plastic microbeads; prohibition against manufacture or sale of certain products; penalty. Defines the term "synthetic plastic microbead" and prohibits the manufacture of certain personal care products containing microbeads beginning in 2018. The bill also bars the sale of such products, and the manufacture of over-the-counter drugs containing microbeads, beginning in 2019, and it prohibits the sale of such drugs beginning in 2020. Violators are subject to a civil penalty of between \$250 and \$10,000 per day, the proceeds of which are to be deposited into the Virginia Environmental Emergency Response Fund. Naturally occurring biopolymers or other compounds that biodegrade in marine and freshwater environments are excluded from the definition of "synthetic plastic microbead."

Patron - Bulova

HB 1846: Monitoring and testing of coal combustion residuals.

Requires owners or operators of electric generating facilities and landfills that manage coal combustion residuals (CCRs) to test private wells and springs located within a radius specified by the Department of Environmental Quality (DEQ) to determine the levels of heavy metals. If the facility or landfill has a liner, leachate controls, and groundwater monitoring, it is exempt from the testing requirement. The tests are to occur in the fourth quarter of each year, unless the owner of the well or spring waives the testing or DEQ determines no further testing is necessary. If the test indicates the presence of heavy metal at a level that exceeds drinking water or water quality standards, the owner or operator of an electric generating facility or landfill is required to report the exceedance within 24 hours of receiving the test results to (i) DEQ; (ii) the Virginia Department of Health (VDH); and (iii) the chief administrative officer of every locality, every private well and spring owner, and every water well systems provider, as well as local media, within the affected area. The owners or operators are also required to develop a response plan to remediate the exceedance and protect human health and the environment, and the plan is to be submitted to DEQ and VDH. With respect to the reporting of the release of CCRs, the owners or operators are required to report the release to DEQ, VDH, and the local coordinators of emergency services within one hour of learning of the release. Within four hours of the release, the owner or operator also is required to contact the local media in the affected area. Within five days of the release, the owner or operator is required to submit (a) a report describing details of the release and (b) a plan for remediation of the release. The State Water Control Board may require that certain strategies be included in the remediation plan.

Patron - Marshall, D.W.

HB 1866: Dam Safety, Flood Prevention, and Protection Assistance Fund.

Allows the Director of the Department of Conservation and Recreation to make loans from the Dam Safety, Flood Prevention, and Protection Assistance Fund of up to \$300,000 to be used to elevate or flood-proof primary and secondary single-family homes, owner-occupied rental housing of not more than four units, and businesses. To be eligible, homeowners' and business owners' structures must be subject to coastal flooding and located in either Zone VE or Coastal Zone AE, as defined by the Federal Emergency Management Agency and the National Flood Insurance Program.

Patron - Stolle

HB 1903: State Air Pollution Control Board; membership.

Exempts the receipt of income from a state-supported institution of higher education that is subject to permits or enforcement orders of the State Air Pollution Control Board (the Board) from the reasons to disqualify a person from appointment to the Board. Under current law, the only income a member may receive from an entity subject to permits or enforcement orders of the Board is income from a vested retirement benefit.

Patron - Lopez

HB 2028: Scenic river designation.

Clarifies that the role of the Scenic River Advisory Committees is to make observations to the Director of the Department of Conservation and Recreation and the local governing bodies affected by the designation. The bill prohibits the Department, the Director, and the advisory committees from taking any action that prohibits, impedes, or restricts a project that may potentially alter the scenic river assets. In making their observations and recommendations to the local governing bodies, the Director and advisory committees are to consider the inherent rights of property owners.

Patron - Wilt

HB 2205: Regional Greenhouse Gas Initiative; Commonwealth Resilience Fund established.

Requires the Governor to join the Regional Greenhouse Gas Initiative that established a regional CO₂ electric power sector cap and trade program and establishes the Commonwealth Resilience Fund, a revolving fund to serve as a consistent revenue stream to assist counties, cities, and towns in the Hampton Roads region with the implementation of adaptation efforts to combat sea level rise and recurrent flooding. The bill also provides economic development assistance for families, businesses, and localities in Southwest Virginia to offset negative economic impacts associated with reduced fossil fuel production.

Patron - Villanueva

HB 2291: Clean Power Plan; state implementation plan; General Assembly approval.

Requires the Department of Environmental Quality to receive approval from the General Assembly for a state implementation plan to regulate carbon dioxide emissions from existing power plants prior to submitting the plan to the U.S. Environmental Protection Agency for approval. The bill contains an emergency clause.

Patron - O'Quinn

SB 740: Regulation of carbon dioxide emissions from existing stationary sources; General Assembly approval of state plan.

Requires the Department of Environmental Quality to receive approval from the General Assembly for Virginia's state plan to regulate carbon dioxide emissions for existing stationary sources prior to submitting the plan to the U.S. Environmental Protection Agency for approval.

Patron - Carrico

SB 771: Department of Environmental Quality; toxic waste site inventory.

Directs the Department of Environmental Quality to inventory by July 1, 2016, nonfederally managed toxic waste sites in Virginia and publish the inventory at that time and annually thereafter. The bill also makes technical amendments. The bill does not become effective unless an appropriation effectuating the purposes of the bill is included in a general appropriation act passed in 2015 by the General Assembly that becomes law.

Patron - McEachin

SB 1071: Department of Environmental Quality; penalties.

Raises the civil penalty that may be included with a special order from \$10,000 to \$25,000. The bill also makes technical amendments.

Patron - McEachin

SB 1107: Release of balloons.

Prohibits any person, with certain exceptions, from intentionally releasing or causing to be released any balloon into the atmosphere that (i) is inflated with a substance lighter than air and (ii) requires more than five minutes' contact with air or water to degrade. Currently, a person is prohibited from releasing 50 or more nonbiodegradable or nonphotodegradable balloons within a one-hour period. The bill retains the current civil penalty of \$5 per prohibited balloon released; however, the proceeds generated from the civil penalty are set to be deposited into the Litter Control and Recycling Fund administered by the Department of Environmental Quality; currently, the proceeds are deposited into the Lifetime Hunting and Fishing Endowment Fund.

Patron - McWaters

SB 1146: Virginia Vegetation Program.

Directs the Department of Environmental Quality (the Department) to establish the Virginia Vegetation Program, organizing volunteer labor to plant native vegetation on unimproved lands that is managed by the Department of Transportation or in stormwater management basins that are located on public lands. The bill requires the Department to establish planting criteria, develop an information packet, arrange planting in coordination with volunteers and local officials, and create a list of appropriate planting sites. The bill also addresses potential liability for any injury or damages caused or sustained by program volunteers.

Patron - Stuart

SB 1202: Clean Power Plan; preparation of state implementation plan.

Prohibits any state agency or employee from preparing or submitting to the Environmental Protection Agency (EPA) a state implementation plan, or other document with respect to the EPA's Clean Power Plan, unless and until the State Corporation Commission finds that the final version of the Clean Power Plan incorporates amendments or revisions that address 18 criticisms of the proposed version to an extent that makes it unlikely that compliance with the final version will increase electricity rates or reduce the reliability of electric service.

Patron - Wagner

SB 1266: Conservation easements; private bottomland conveyed by special grant.

Clarifies that riverbed property that a court has conclusively determined to be in private ownership may be the subject of a conservation easement. The bill defines "private bottomland," establishes the necessary provisions of a conservation easement in private bottomland, and provides that the owner of the bottomland may receive tax benefits for donating an easement for 10 years or more, rather than in perpetuity as current law requires.

Patron - Deeds

SB 1442: Implementation of Clean Power Plan rule.

Prohibits the Department of Environmental Quality (DEQ) from expending funds to develop or implement a Clean Power State Implementation Plan (Plan) required under Clean Air Act § 111(d) for existing power plants until federal judicial review as to the legality of a final U.S. Environmental Protection Agency rule has been fully resolved. The DEQ is also prohibited from expending funds to implement a Plan until that Plan is approved by the Air Pollution Control Board (Board). The Board is prohibited from expending funds to develop or approve a Plan until federal judicial review as to the legality of a final EPA rule has been fully resolved. The Board is also prohibited from regulating or

spending funds to implement a Plan until (i) both Senate and House of Delegates committees with jurisdiction over the federal Clean Air Act have, or an advisory committee appointed by these committees has, affirmatively approved the Plan and approved a report submitted by the State Corporation Commission (SCC) on the impact of the affordability and reliability of the Plan on commercial and residential consumers, and (ii) the SCC finds that the Plan will guarantee full compliance with Federal Energy Regulatory Commission (FERC) reliability standards. The SCC is required to cap non-fuel rate increases associated with greenhouse gas regulations at 1.5 percent. The SCC is directed not to allow electric generating units to be retired prior to the end of their engineering lifetime, as proposed in order to comply with a Plan, unless the owners have fully recouped the cost of construction and financing, the replacement generation results in lower costs to consumers, and there is sufficient replacement capacity to meet dispatchable capacity of the unit to be retired. Further, the SCC is directed not to allow an electric generating unit to be retired prior to the end of its engineering lifetime if the unit is necessary to maintain the grid reliability specified by the FERC in its reliability standards. Finally, the SCC is directed to require that existing electric generating units be operated in accordance with their design parameters and in such a manner as to ensure operation consonant with the design life of the unit.

Patron – Wagner

Counties, Cities and Towns

Bills Passed

HB 1424/SB 969: Water or sewer systems; delinquent payment of rates and charges.

Repeals a provision of the Virginia Water and Waste Authorities Act that limits a landlord's liability for a tenant's separately metered sewer or water charges to three delinquent billing periods of no more than 90 days in total. The provision being repealed also prohibits a water or sewer authority from refusing service to the affected premises, or other premises of the landlord, on account of the delinquency as long as the landlord has paid the charges for which he is liable.

Patron - Marshall, D.W.

HB 1446: Financing of clean energy programs; development of underwriting guidelines.

Expands the requirements of a local ordinance authorizing contracts to provide loans for clean energy improvements. The bill adds water efficiency improvements to the list of improvements for which loans may be offered; allows a locality to contract with a third party to administer the loan program; and requires a locality to identify any administrative fee it intends to impose on participants and sets parameters for the imposition of that fee. The bill also details the priority, enforceability, and other characteristics of the lien, now called a voluntary special assessment lien, that a locality is permitted to place against the property where the clean energy systems are installed. Finally, the bill directs the Department of Mines, Minerals and Energy (DMME) to develop underwriting guidelines for local loans made to finance clean energy improvements. The bill requires DMME to finalize the guidelines by

December 1, 2015, incorporating input from certain groups representing real estate, energy efficiency, banking, and other interests or industries and evaluating certain specific criteria. This bill is a recommendation of the Virginia Housing Commission.

Patron - Marshall, D.W

SB 1047: Stormwater utility fee; waiver.

Provides that where two adjoining localities each hold a permit to discharge stormwater from a municipal separate storm sewer system (MS4), a waiver of charges to a public entity for property that is covered by an MS4 permit shall also apply to covered property of a school board of one locality that is located in the other locality.

Patron – Hanger

SB 1443: Comprehensive plan; sea-level rise.

Provides that any locality included in the Hampton Roads Planning District Commission shall incorporate into the next scheduled and all subsequent reviews of its comprehensive plan strategies to combat projected relative sea-level rise and recurrent flooding. The bill requires such review to be coordinated with the other localities in the Hampton Roads Planning District Commission. The bill requires the Department of Conservation and Recreation, the Department of Emergency Management, the Marine Resources Commission, Old Dominion University, and the Virginia Institute of Marine Science to provide technical assistance to any such locality upon request.

Patron – Miller

Bills Failed

HB 1293: Stormwater fees; exemptions for religious groups.

Requires the State Water Control Board, in establishing a statewide fee schedule for stormwater management programs, to waive permit fees for land-disturbing activities undertaken on property owned by certain churches, religious associations, or denominations. The bill also requires localities to waive stormwater management program service charges for properties owned by such organizations.

Patron – Morris

HB 1665: Financing of clean energy programs; development of optional underwriting guidelines.

Expands the requirements of a local ordinance authorizing contracts to provide loans for clean energy improvements. The bill adds water efficiency improvements to the list of improvements for which loans may be offered; allows a locality to contract with a third party to administer the loan program; and requires a locality to identify any administrative fee it intends to impose on participants and sets parameters for the imposition of that fee. The bill also details the priority, enforceability, and other characteristics of the lien, now called a voluntary special assessment lien, that a locality is permitted to place against the property where the clean energy systems are installed. Finally, the bill directs the Department of Mines, Minerals and Energy (DMME) to develop optional underwriting guidelines for local loans made to finance clean energy improvements. The bill requires DMME to finalize the guidelines by December 1, 2015, incorporating input from certain groups representing real estate; banking, including community banking; energy efficiency; and other interests or industries and evaluating certain specific criteria.

Patron – Minchew

SB 1103: Distribution of disposable plastic shopping bags prohibited; local option.

Allows any locality by ordinance to prohibit the distribution, sale, or offer of disposable plastic shopping bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness; bags that are used to carry certain products, such as ice cream or newspapers; and garbage bags that are sold in multiples.

Patron – McWaters

SB 1200: Noxious weeds.

Designates golden bamboo as a noxious weed. The bill authorizes a locality to adopt an ordinance to prevent, control, and abate the growth, importation, or spread of golden bamboo.

Patron – Wagner

Fisheries and Habitats of the Tidal Waters

Bills Passed

HB 1811: Harvesting clams.

Authorizes the Marine Resources Commission to issue permits for the use of a handheld hydraulically operated device for harvesting cultured clams from leased grounds.

Patron - Bloxom

HB 2195: Revocation of fishing privileges.

Authorizes the Marine Resources Commission to revoke the privilege to fish in tidal waters of any person who has been convicted of unlawfully taking oysters or other shellfish from oyster grounds. Currently, such a conviction only results in the revocation of a person's tidal fishing license. The bill also increases from two years to five years the maximum duration of the revocation of a fishing license or the privilege to fish in tidal waters. The bill also authorizes the Commission to assess a civil penalty not to exceed \$10,000 against a person if it finds the person has engaged in fishing other than for recreational purposes during the revocation period. The bill requires the Commission to consider the person's history of violating the conservation, health, and safety laws or regulations in setting the amount of the civil penalty.

Patron - Lingamfelter

SB 1464: Management of the menhaden fishery.

Authorizes the Governor to implement by proclamation a revised quota for menhaden landings if the Atlantic States Marine Fisheries Commission acts to increase the total allowable landings during a specific time period and removes a general set of proclamation requirements. The bill also removes the July 1, 2016, sunset date for management of the menhaden fishery and includes an emergency clause.

Patron - Lewis

Bills Failed

HB 2032: Notice to localities and property owners of application for use of bottomland.

Requires the Marine Resources Commission to provide written notification of the receipt of an application for an oyster lease or a permit for the placement of temporary enclosure to adjacent property owners and localities where the lease or temporary enclosure is to be located. The applicant is responsible for paying the costs of notifying the property owners and localities.

Patron - Helsel

HB 2386: Nonresident commercial harvester's license.

Increases the fee range for the nonresident commercial harvester's license from the current range of not less than \$350 or more than \$1,150 to not less than \$600 or more than \$1,400. The Marine Resources Commission establishes the fee from this range.

Patron - Bloxom

HB 2392: Special nonresident harvester's license.

Prohibits the sale of special nonresident harvester's licenses for any species subject to a Virginia fishing management plan or a plan imposed on Virginia by a state or federal compact.

Patron - Ransone

SB 1006: Marine Resources Commission; sub-merged lands; permit fees.

Clarifies the requirement of a permit application to the Marine Resources Commission for the placement of certain piers and provides that certain applications for permits to use state-owned submerged lands shall be accompanied by a nonrefundable processing fee of \$100. The bill raises the existing fees for the issuance of such a permit from \$25 to \$100 for small projects and from \$100 to \$300 for projects costing more than \$10,000. The bill establishes a permit fee of \$600 for projects costing \$500,000 or more. The bill also increases the range of royalties for removal of each cubic yard of bottom material from \$0.20-\$0.60 to \$0.40-\$0.80.

Patron - Watkins

SB 1101: Marking oyster planting grounds.

Prohibits the use of stakes or buoys made of metal or polyvinyl chloride (PVC) to mark oyster planting grounds.

Patron – McWaters

Game, Inland Fisheries and Boating

Bills Passed

HB 1516: Visiting wildlife traps.

Requires the Board of Game and Inland Fisheries to adopt regulations allowing trappers to use remote trap-checking technology to check traps under specified conditions. Current law requires trappers to visit their traps either daily or, in the case of body-gripping traps that are completely submerged, once every 72 hours and remove all animals that have been caught in the traps.

Patron - Bulova

HB 1686: Stocking and sale of fish; permit.

Directs the Board of Game and Inland Fisheries to add largemouth bass and other members of the sunfish family to the types of fish that may be raised and sold from privately owned facilities. No license is required if the owner of the facility has paid the permit fee.

Patron - Fariss

HB 1961: Reciprocal law-enforcement agreements.

Authorizes the Director of the Department of Game and Inland Fisheries to enter into agreements with other states to enforce hunting, fishing, and trapping laws across state boundaries.

Patron - Lingamfelter

HB 2111: Hunting, trapping, or fishing licenses; electronic copies.

Allows a person who is required to carry certain hunting, trapping, or fishing licenses or a hunter education certificate to meet the requirement by carrying an electronic copy of the relevant license or certificate. The bill requires a license for bear, deer, or turkey to be carried in hard copy.

Patron - Futrell

HB 2240: Introduction, stocking, and release of blue catfish; penalty.

Makes it unlawful for any person to introduce into, stock in, or release into waters of the Commonwealth the blue catfish; however, a blue catfish may be released into the same water body in which it was caught. A violation of the provisions of the bill is a Class 2 misdemeanor.

Patron - Ransone

HB 2331: Definition of fur-bearing animal.

Defines the fisher as a fur-bearing animal in hunting and trapping provisions of the Code of Virginia. The fisher (*Martes pennanti*) is a small carnivorous mammal native to North America. It is a member of the weasel family.

Patron – Webert

SB 1461: Renewal of waterfowl blind licenses.

Exempts persons holding a waterfowl blind license for a blind located in Virginia Beach from the requirement to remove his blind when his license expires, if he notifies the Department of Game and Inland Fisheries that he intends to renew the license. Licenses for blinds in Virginia Beach that have expired in 2014 and thereafter may be renewed by the license holder up to one year after such license expired. The bill requires that the licensee pay a late fee of \$75 for each license renewed.

Patron – Wagner

Bills Failed

HB 2242: Hunting requirement for person under age 12.

Conforms the definition of "accompanied and directly supervised" as it applies to the hunting requirements for persons under the age of 12 to that of the same term as it currently applies to the hunting requirements for apprentice hunters; "accompanied and directly supervised" means that a person over 18 maintains close visual and verbal contact with, provides direction to, and can immediately assume control of the firearm, bow, or crossbow from the person who is under the age of 12.

Patron - Edmunds

HB 2343: Feeding of game, game animals, and furbearing animals.

Directs the Board of Game and Inland Fisheries to allow the feeding of certain wildlife on privately owned land regardless of whether it is an open or closed season for hunting or trapping of wildlife.

Patron – Ramadan

SB 1315: Nonhuman primates; penalties.

Prohibits the acquisition of nonhuman primates and controls the ownership of such primates already in the Commonwealth. The bill prohibits the possession, sale, transfer, or breeding of a primate, defined as any species of the taxonomic order Primates except humans. The bill excepts from the prohibition certain institutions, such as zoos, qualified transporters passing through the Commonwealth, those in possession of a state or federal exhibitor's license, and those in lawful possession of a primate prior to July 1, 2015, as long as they meet certain conditions. The bill authorizes the Board of Game and Inland Fisheries to adopt regulations to carry out the law. Finally, the bill provides a procedure for the seizure of a primate in certain circumstances; the bill provides that a violation of any of its provisions is a Class 1 misdemeanor.

Patron – Lewis

Highways and Other Surface Transportation Systems

Bills Failed

HB 2101: 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. The bill also provides that no VDOT review of tree replacement policy is required for locally administered projects.

Patron – Keam

SB 1367: 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 by the Department of Conservation and Recreation.

Patron – Chafin

Mines and Mining

Bills Passed

HB 2058: Coalbed methane gas; release of funds held in escrow or suspense.

Requires an operator of a previously pooled coalbed methane gas well to request, by the beginning of 2016, 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, 2015, 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. The Virginia Oil and Gas Board, under certain conditions, is authorized to extend the time for the payment of funds held in escrow and is not required to order payment if the gas claimant fails to provide information needed by the Board in order to distribute the funds. The bill also provides that it shall not create a fiduciary duty or extinguish any cause of action, including an action for an accounting.

Patron - Kilgore

HB 2257/SB 1366: Coal mine safety.

Eliminates the requirement that every miner receive copies of the mine rules and the Coal Mine Safety Act and requires that the surface mine fore man ensure that miners are aware of hazardous conditions and that the health and safety requirements of the Act are followed. The bill also requires that mine-wide tracking systems, electric equipment, and fire sensor systems be maintained.

Patron - Pillion

Bills Failed

HB 1650: Renewable energy property grants.

Establishes, beginning with fiscal year 2016, grants for placing into service renewable energy property. The grant would equal 35 percent of the costs paid or incurred to place the renewable energy property into service, not to exceed \$2.5 million for any individual piece of renewable energy property. The bill provides that grants in excess of 2.5 percent of the total program appropriation for the relevant fiscal year would be paid in three equal calendar year installments. No grant would be awarded for renewable energy property that generated electricity within the 12 months preceding the date of the grant application or renewable energy property paid for by utility ratepayer funds. The 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 grant program. The Department would be authorized, subject to appropriation, to award up to \$10 million in renewable energy property grants each fiscal year.

Patron – Villanueva

Motor Vehicles

Bills Passed

HB 1341/SB 1218: Motor vehicle emissions inspection program; autocycles.

Exempts autocycles that have not been emissions certified with an on-board diagnostic system by the U.S. Environmental Protection Agency from the motor vehicle emissions inspection program.

Patron – Scott

HB 2072/SB 989: Overweight permits; forest products. Establishes an overweight permit for hauling forest products and provides for the weight limits and the fee of \$130 for the permit.

Patron – Knight

Public Service Companies

Bills Passed

HB 1475/SB 1163: Natural gas utilities; recovery of system expansion infrastructure costs.

Establishes a procedure under which a natural gas utility may seek State Corporation Commission (SCC) approval of a system expansion plan that includes, among other things, a schedule for recovery of eligible system expansion infrastructure costs through a system expansion rider and a methodology for deferral of unrecovered eligible system expansion costs. A system expansion plan and system expansion rider shall allocate and charge costs in accordance with cost causation principles in order to avoid any undue cross-subsidization between rate classes. The SCC is barred from examining other revenue requirement or ratemaking issues in its consideration of the natural gas utility's application. Costs recovered under this measure shall be in addition to all other costs that the natural gas utility is permitted to recover, shall not be considered an offset to other approved costs of service or revenue requirements, and shall not be included in any computation relative to a performance-based regulation plan revenue-sharing mechanism. The measure does not apply to interstate pipeline companies regulated by the Federal Energy Regulatory Commission. Construction projects undertaken pursuant to this measure are required to be completed in accordance with standards filed with the Department of Environmental Quality

Patron - Ware

HB 1950/SB 1395: Electric utilities; net energy metering.

Increases, from 500 kilowatts to one megawatt, the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer that may be eligible for participation in the utility's net energy metering program. In addition, the capacity of any generating facility installed under this section after July 1, 2015, shall not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available. The measure also (i) requires any eligible customer generator seeking to participate in net energy metering to notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility and (ii) clarifies requirements regarding the customer-generator's obligation to bear the costs of equipment required for the interconnection to the supplier's electric distribution system. The change to the definition of an eligible customer-generator affects the definition of a qualified energy project as used in the Virginia Small Business Financing Act.

Patron - McClellan

HB 2237: Electric utilities; costs of solar energy facilities.

Authorizes an investor-owned electric utility that purchases a generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, to recover the costs of acquiring the facility, with an enhanced rate of return on equity, through a rate

adjustment clause. A utility filing a petition for approval of such a project may propose a rate adjustment clause based on a market index in lieu of a cost of service model for such facility. The measure also states that (i) the construction or purchase by a utility of one or more generation facilities with at least one megawatt of generating capacity, and with an aggregate rated capacity that does not exceed 500 megawatts, that use energy derived from sunlight and are located in the Commonwealth, regardless of whether any of such facilities are located within or without the utility's service territory, and (ii) planning and development activities for a new utility-owned and utility operated generating facility or facilities utilizing energy derived from sunlight with an aggregate capacity of 500 megawatts, are in the public interest.

Patron – Yancey

SB 1331: Natural Gas Conservation and Ratemaking Efficiency Act; cost-effective programs.

Requires the State Corporation Commission, when determining whether a natural gas conservation or energy efficiency program is cost effective, to assign administrative costs associated with the conservation and ratemaking efficiency plan to the portfolio as a whole. The measure requires the assignment of education and outreach costs associated with each program in a portfolio of programs to such program, and not to individual measures within a program, when such administrative, education, or out-reach costs are not otherwise directly assignable. The measure also provides that a cost-effective conservation and energy efficiency program shall not include a program designed to convert propane customers to natural gas.

Patron - Petersen

SB 1334: Electric utilities; cost recovery.

Permits investor-owned electric utilities to recover from certain customers, through a rate adjustment clause, the projected and actual costs of designing, implementing, and operating State Corporation Commission-approved programs that accelerate the vegetation management of distribution rights-of-way. The measure provides that these costs shall not be allocated to or recovered from certain classes of large customers.

Patron - Chafin

SB 1349: Electric utility regulation; suspension of reviews of earnings.

Bars the State Corporation Commission (SCC) from conducting a biennial review of the rates, terms, and conditions for any service of (i) Dominion Virginia Power for the five test periods beginning January 1, 2015, and ending December 31, 2019, and (ii) Appalachian Power for the four test periods beginning January 1, 2014, and ending December 31, 2017 (the Transitional Rate Period). An investor-owned incumbent electric utility's existing tariff rates shall not be adjusted between the beginning of the

Transitional Rate Period and the conclusion of the first biennial review after the conclusion of the Transitional Rate Period, except as permitted for fuel factor and purchased power cost adjustments, rate adjustment clauses, and emergency temporary rate increases. During the Transitional Rate Period, the SCC shall have the right to inspect the books, papers, and documents of any such utility and to require it to provide special reports and statements concerning its business. The SCC is directed to conduct two biennial proceedings for each such utility during the Transitional Rate Period to determine what constitutes the utility's fair rate of return on common equity for use in connection with rate adjustment clauses. Dominion Virginia Power is prohibited from recovering from customers 50 percent of certain deferred fuel expenses, and the SCC is required to reduce the utility's fuel factor rate. Except for early retirement plans identified in an integrated resource plan filed by September 1, 2014, an electric utility shall not permanently retire an electric power generation facility from service during the Transitional Rate Period without first obtaining the SCC's approval, which may be granted if the SCC determines that the retirement is reasonable and prudent. During the Transitional Rate Period, an electric utility shall recover the costs associated with asset impairments related to early retirement determinations for utility generation facilities resulting from the implementation of carbon emission guidelines for existing electric power generation facilities issued pursuant to § 111(d) of the Clean Air Act, costs associated with severe weather events, and costs associated with natural disasters, only through its existing tariff rates for generation or distribution services. During the Transitional Rate Period, the SCC and Department of Environmental Quality shall provide reports that address issues related to the implementation of such carbon emission guidelines issued pursuant to the federal Clean Air Act. The measure also (i) authorizes a utility to recover, through a rate adjustment clause, the costs of constructing or purchasing solar energy facilities and (ii) requires Dominion Virginia Power and Appalachian Power to conduct and fund pilot programs for energy assistance and weatherization for low income, elderly, and disabled individuals in their respective service territories in the Commonwealth. The measure also requires each electric utility to file updated integrated resource plans by July 1, 2015, and thereafter each May 1; currently, such updates are required to be filed biennially. Such plans are required to consider options for maintaining and enhancing rate stability, energy independence, economic development including retention and expansion of energy-intensive industries, and service reliability. In preparing a plan, a utility is required to evaluate the effect of current and pending environmental regulations upon the continued operation of existing electric generation facilities or options for construction of new electric generation facilities and the most cost effective means of complying with current and pending environmental regulations.

Patron – Wagner

Bills Failed

HB 1622: Electric utilities; net energy metering.

Increases the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's residential customer that may be eligible for participation in the utility's net energy metering program from 20 kilowatts to 40 kilowatts. The measure also increases the maximum generating capacity of such a facility owned or operated by a nonresidential customer that may be eligible for participation in such a program from 500 kilowatts to one megawatt. This change to the definition of an "eligible customer-generator" also affects the definition of a "qualified energy project" as used in the Virginia Small Business Financing Act.

Patron - Sullivan

HB 1636: Electric utilities; net energy metering; community subscriber organizations.

Directs the State Corporation Commission to establish by regulation a program that affords community subscribers and community subscriber organizations the opportunity to participate in net energy metering. A community subscriber is a retail customer of an electric utility who owns a subscription in a community generation facility and receives on-bill credits for each kilowatt hour of energy produced by their portion of the community generation facility. The subscriber's premises is required to be located in the service territory of the utility in which the community generation facility is located and in the county in which the community generation facility is located or a neighboring county. A community generation facility is an electrical generating facility that uses as its total source of fuel renewable energy and has a capacity of not more than two megawatts. The measure also increases the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer, or a customer that operates a generation facility as part of an agricultural operation, that may be eligible for participation in the utility's net energy metering program from 500 kilowatts to two megawatts.

Patron – Minchew

HB 1729: 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.

Patron - Sullivan

HB 1730: Electric and natural gas utilities; energy efficiency goals.

Requires investor-owned electric utilities, cooperative electric utilities, and investor-owned natural gas distribution utilities to meet incremental annual energy efficiency goals. Electric utilities are required to implement cost effective energy efficiency measures to achieve the goal of two percent savings by 2030, with interim goals that start at 0.5 percent for 2016 and increase incrementally to 2030. Gas utilities are required to achieve the goal of one percent savings by 2030, with interim goals that start at 0.25 percent for 2016 and increase incrementally to 2030. The utilities are required to submit energy efficiency plans with the State Corporation Commission. The Commission shall (i) require utilities to report annually on their efforts and progress in meeting the incremental annual energy efficiency goals; (ii) establish requirements for programs implemented by utilities to comply with the incremental annual energy efficiency goals; and (iii) design performance incentives that shall reward utilities for meeting or exceeding efficiency goals. The Commission may consider a penalty for failing to meet efficiency goals.

Patron - Sullivan

HB 1911: Electric utilities; net energy metering; standby charges.

Requires the State Corporation Commission, before approving a supplier's proposed standby charge methodology, to find that a value of solar analysis demonstrates that the standby charges reflect the supplier's net costs or benefits properly associated with serving the customers that have installed a net metered generation facility. The bill specifies that a value of solar analysis determines such net costs or benefits by subtracting the value of all benefits provided to the supplier or the electric grid as a result of the installation and operation of the solar generation facility from the portion of the supplier's infrastructure costs that are properly associated with serving such customers.

Patron - Lopez

HB 1912: Electric utilities; net energy metering.

Increases, from 500 kilowatts to two megawatts, the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer that may be eligible for participation in the utility's net energy metering program. This change to the definition of an "eligible customer-generator" also affects the definition of a "qualified energy project" as used in the Virginia Small Business Financing Act.

Patron - Lopez

HB 1913: Electric utilities; renewable energy resources and energy efficiency goals.

Revises the existing voluntary renewable energy portfolio standard program to require participating utilities to make investments in solar energy generation, onshore wind generation, offshore wind generation, and cumulative energy efficiency savings by calendar year 2030, but does not provide sanctions on a utility that fails to meet this goal. The measure (i) deletes provisions of the existing renewable energy portfolio standard program that provide credits for qualified investments by a participating utility in research and development programs and activities; (ii) deletes the double and triple credits for certain types of renewable energy generation while retaining the double credit for energy from on-shore wind obtained under power purchase agreements entered into prior to January 1, 2013; and (iii) requires participating utilities, through the implementation of energy efficiency and demand-side management programs, by calendar year 2022 to reduce the consumption of electric energy by retail customers by an amount equal to 10 percent of the amount of electric energy consumed by retail customers in 2006. The measure also provides that for compliance with any RPS Goal for calendar years 2015 through 2025, a utility may only apply renewable energy generated from renewable energy generation facilities owned by the utility, renewable energy purchased or acquired by the utility from a non-utility generator, renewable energy certificates purchased or acquired by the utility from customer-generators participating in net energy metering, or renewable energy certificates purchased or acquired by the utility from generators in the interconnection region of the regional transmission entity, except that a utility may not apply such renewable energy certificates to meet more than 20 percent of the sales requirement for the RPS Goal in any year.

Patron - Lopez

HB 1925/SB 1160: Renewable energy; third party power purchase agreements.

Replaces the pilot program enacted in 2013 that authorized certain third party power purchase agreements providing financing of certain renewable generation facilities. The measure requires the State Corporation Commission to establish third party power purchase agreement programs for eligible customer-generators in the service territories of Dominion Virginia Power and AEP. This measure differs from the existing pilot program in that (i) the existing pilot program applies only to Dominion Virginia Power and (ii) the maximum size of a renewable generation facility is increased from one megawatt to two megawatts.

Patron - Lopez

HB 2073: Electric utilities; net energy metering; energy balancing devices.

Directs the State Corporation Commission to establish a program for eligible energy balancing customers, which are customers that own an energy balancing device that provides value to the electric utility or regional transmission entity in the form of spinning reserve, frequency regulation, distribution system support, reactive power, demand response, or other electric grid services. An energy balancing device means either a grid-integrated electric vehicle or an electric battery that absorbs and returns energy to the electric grid on either a second-to-second response basis that provides frequency regulation or on a longer-term daily response basis that returns that energy to the electric grid during peak periods of demand. An energy balancing device does not add net electricity to the grid over a net metering period. An eligible energy balancing customer will be credited for the electricity it adds to the grid at the rate charged for the customer's usage of electricity.

Patron - Toscano

HB 2075: Renewable energy portfolio standard program; solar renewable energy certificate registration system.

Requires the State Corporation Commission to establish and maintain a registry for solar renewable energy certificates (SRECs). The SREC registry shall include pertinent information regarding all available SRECs and SREC transactions among electric suppliers in the Commonwealth, including (i) the creation and application of SRECs, (ii) the number of SRECs sold or transferred, and (iii) the price paid for the sale or transfer of SRECs.

Patron - Toscano

HB 2155: Energy diversification requirement.

Establishes a schedule by which Virginia's two largest investor-owned electric utilities are required to achieve certain percentages of quantified energy diversification (QED). QED consists of energy generated

at new zero-emitting energy facilities and energy savings achieved through demand-side efficiency. The required amounts of QED start at 0.25 percent of a utility's retail sales in calendar year 2016 and ramp up in ensuing years to 35 percent of its retail sales in 2030 and thereafter. The measure requires that not less than 40 percent of the required amount of QED that a utility is required to achieve be from demand-side efficiency, which consists of distributed generation, demand response, and energy efficiency programs. If a utility fails to meet the required percentage of sales in a calendar year from these sources, it is required to make a noncompliance payment of \$200 per megawatt hour short of the requirement. The measure provides for the issuance of certain credits by the Department of Mines, Minerals and Energy or its appointee. A utility establishes that it has met a requirement by submitting credits that evidence compliance. Noncompliance payments will be deposited in the Deployment Investment Fund created by the bill. A utility is entitled to recover its costs of compliance with the requirements, including noncompliance payments if they are less than the cost of available credits, through a rate adjustment clause.

Patron - Sickles

HB 2219: Utility-scale solar energy facilities.

Declares that the construction by Appalachian Power or Dominion Virginia Power of utility-scale solar energy facilities with an aggregate rated capacity that does not exceed 500 megawatts is in the public interest. The bill authorizes these utilities to petition the State Corporation Commission for a certificate of public convenience and necessity to construct such a facility that has a rated capacity of not less than 20 megawatts, regardless of whether the facility will be located in the utility's service territory. The costs of the facility are recoverable through a rate adjustment clause, provided that the total rated capacity added by these facilities does not exceed 500 megawatts. The measure sunsets on January 1, 2019.

Patron - Yost

HB 2244: Electric utilities; integrated resource plans.

Requires electric utilities serving two million or more customers in the Commonwealth to file an integrated resources plan (IRP) by September 1 of each year. Currently, they are required to file an IRP at least every two years. The measure requires copies of the IRP to be provided to the Chairmen of the House and Senate Committees on Commerce and Labor and to the chairman of the Commission on Electric Utility Regulation. The measure also requires that IRPs evaluate compliance options to minimize effects on customer rates of pending federal environmental rules.

Patron - James

HB 2274: Electric utilities; cost recovery.

Permits investor-owned electric utilities to recover from certain customers, through a rate adjustment clause, the projected and actual costs of designing, implementing, and operating State Corporation Commission-approved programs that accelerate the vegetation management of distribution rights-of-way. The measure provides that these costs shall not be allocated to or recovered from certain classes of large customers.

Patron – Kilgore

SB 764/SB 833: Electric utilities; net energy metering.

Increases, from 500 kilowatts to two megawatts, the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer that may be eligible for participation in the utility's net energy metering program. This change to the definition of an "eligible customer-generator" also affects the definition of a "qualified energy project" as used in the Virginia Small Business Financing Act.

Patron - Edwards

SB 1365: Clean Power Plan; state implementation plan; General Assembly approval.

Requires the Department of Environmental Quality (the Department) to consider certain factors, seek input from the State Corporation Commission, and meet with interested members of the General Assembly as the Department develops a state implementation plan to regulate carbon dioxide emissions from existing power plants prior to submitting the plan to the U.S. Environmental Protection Agency for approval. The bill also requires the Department to report to the Governor and the General Assembly on the status of the plan by December 1, 2015, and each year thereafter until December 1, 2019.

Patron – Watkins

Taxation

Bills Passed

HB 1554/SB 1205: Recyclable materials tax credit.

Changes the recyclable materials tax credit by (i) extending the expiration date of the credit by five years to January 1, 2020; (ii) increasing the credit allowed from 10 to 20 percent of the purchase price of qualifying machinery and equipment; (iii) prohibiting denial of the credit based solely on another person's use of tangible personal property produced by the credit applicant from recyclable materials; (iv) clarifying that no credit will be allowed for machinery and equipment that does not manufacture, process, compound, or produce items of tangible personal property from recyclable materials; and (v) establishing

an annual cap of \$2 million in recyclable materials tax credits that may be issued by the Department of Taxation. The provisions of the bill are effective for taxable years beginning on or after January 1, 2015.

Patron - Marshall, D.W

HB 1705/SB 1308: Gas severance tax.

Extends the sunset date from December 31, 2015, to January 1, 2018, for the local gas severance tax that is dedicated to (i) the local Coal and Gas Road Improvement Fund, (ii) the Virginia Coalfield Economic Development Fund, and (iii) water, sewer, and natural gas systems and lines. This bill incorporates HB 2282.

Patron – Morefield

HB 1724: Forest products tax.

Makes several changes to the forest products tax, including (i) revising the definition of a taxable "forest product" as wood derived from trees severed for commercial purposes; (ii) revising the definition of "manufacturer" liable for the tax as any person that uses, consumes, processes, or stores forest products for commercial purposes at a fixed place of business; (iii) providing that the first manufacturer using, consuming, processing, or storing the forest product is liable for the tax and that severers of wood are liable for the tax on sales to unregistered manufacturers; (iv) changing the forest products tax on wood chips, currently assessed per 100 pounds of roundwood, and mulch to \$0.20 per ton for pine, \$0.04 per ton for other species, and \$0.10 per ton for loads consisting of both pine and other species; (v) changing the alternative forest products tax on wood chips, currently assessed per 100 pounds of roundwood, and mulch to \$0.026 per ton for pine, \$0.04 per ton for other species, and \$0.03 per ton for loads consisting of both pine and other species; and (vi) requiring severers of wood to file tax returns and retain records relating to the tax.

Patron – Fariss

HB 1828/SB 1019: Land preservation tax credit. Makes several changes to the land preservation tax credit by (i) reducing the maximum amount of tax credits that may be issued in each calendar year from \$100 million to \$75 million beginning in 2015; (ii) with the exception of credits issued for fee simple interest donations, reducing the maximum amount of the land preservation tax credit that may be claimed in any year from \$100,000 in taxable year 2014 to \$20,000 in taxable years 2015 and 2016 and \$50,000 for each taxable year thereafter; (iii) requiring that a complete application for the tax credit with regard to a conveyance be filed with the Department of Taxation by December 31 of the year following the calendar year of the conveyance; and (iv) prohibiting the Department of Taxation from issuing any tax credit for a donation from any allocation or pool of tax credits attributable to a calendar year prior to the year in which the complete tax credit application for the donation was filed.

Patron - Ware

HB 1843/SB 1037: Green job creation tax credit; sunset.

Extends the green job creation tax credit for three years, through taxable year 2017.

Patron – James

HB 1879/SB 1161: Coal tax credits.

Limits the aggregate amount of credits that may be allocated or claimed for the coal employment and production incentive tax credit to \$7.5 million. An electricity generator must file an application with the Department of Taxation each year to determine the amount of credits that it may claim or allocate, including credits earned in prior taxable years. If the total amount of credits earned in a taxable year exceeds \$7.5 million, the Department of Taxation shall apportion the credits on a pro rata basis. The bill also extends the sunset date of the coalfield employment enhancement tax credit through taxable year 2019.

Patron – Kilgore

Bills Failed

HB 1410: Motor fuels tax rate.

Reduces the motor fuels tax on gasoline and gasohol from 5.1% to 3.5% of the statewide average wholesale price of a gallon of unleaded regular gasoline. The rate increased from 3.5% to 5.1% on January 1, 2015, as required by Chapter 766 of the Acts of Assembly of 2013, because Congress did not pass a law permitting the Commonwealth to require out-of-state sellers to collect and remit sales and use tax.

Patron - Marshall, R.G.

HB 1651: Tax credit for public access to natural gas fueling stations.

Provides for a tax credit for owners of new natural gas fueling stations that are open to the public on or after January 1, 2016, but before January 1, 2021. The amount of the credit is equal to 50 percent of the fuels tax on gallons purchased for resale.

Patron – Taylor

HB 1728: Renewable energy property tax credit.

Establishes beginning in 2015 a tax credit for renewable energy property placed in service. The bill defines renewable energy property as certain biomass equipment that uses renewable biomass resources, combined heat and power systems using waste heat to produce electricity or thermal or mechanical energy, certain geothermal equipment, hydroelectric generators located at existing dams or in free-flowing waterways, solar energy equipment, and wind equipment that is required to capture and convert wind energy into electricity or mechanical power. The credit would equal 35 percent of the installed cost of the renewable energy property. However, the aggregate amount of credit allowed to each person for placing into service renewable energy property during the taxable year would not exceed the lesser of (i) 50 percent of the amount of the state corporate income tax, license tax on certain public utility companies, or license tax on insurance companies imposed upon the person for the year or (ii) \$15,000. Only the ultimate consumer or user of the renewable energy property would be allowed to claim the credit. The credit would be required to be claimed in five equal annual installments beginning with the taxable year in which the property was placed in service. The credit would expire and no further credit could be claimed if the renewable energy property was disposed of, taken out of service, or moved out of the Commonwealth during any of the installment years. The Department of Taxation would issue the tax credits. The Department would be authorized to issue \$5 million in tax credits each fiscal year. Any unused credit could be carried forward for five taxable years. The credit would sunset in 2020.

Patron – Sullivan

HB 1777: Recyclable Materials Processing Equipment Tax Credit; sunset.

Extends the Recyclable Materials Processing Equipment Tax Credit for five years, through taxable year 2019.

Patron - Kory

HB 1778: Clean-Fuel Vehicle and Advanced Cellulosic Biofuels Job Creation Tax Credit; sunset.

Extends the Clean-Fuel Vehicle and Advanced Cellulosic Biofuels Job Creation Tax Credit for five years, through taxable year 2019.

Patron – Kory

HB 1877: Expiration of certain coal tax credits; dedication of additional revenues.

Sunsetts the Virginia coal employment and production incentive tax credits and the coalfield employment enhancement tax credit on January 1, 2016. An amount equal to the additional annual revenue anticipated to be received in the state treasury from the expiration of the tax credits would be deposited into the Additional Guaranteed Assistance Fund (the Fund), a special fund created under the bill for providing

grants to eligible students enrolled in or accepted for enrollment in a public institution of higher education in Virginia. The Tax Commissioner would determine the amount to be deposited into the Fund, which would be the same amount in each fiscal year. The amount to be deposited would equal the average annual amount claimed or redeemed by all persons under the expiring tax credits for the three most recent taxable years for which the Department of Taxation has data. Deposits would be made into the Fund by July 31 of each year, beginning in 2016. One-half of the moneys deposited into the Fund each year by the Comptroller would be reserved and awarded to eligible students who have as a domicile the County of Lee, County of Wise, County of Scott, County of Buchanan, County of Russell, County of Tazewell, County of Dickenson, or the City of Norton. These counties and city comprise the Virginia Coalfield Economic Development Authority.

Patron – Krupicka

HB 2181: Coal tax credits.

Updates the Virginia coal employment and production incentive tax credit.

Patron – Toscano

SB 886: Plastic bag tax in the Chesapeake Bay Watershed.

Imposes a five-cent bag tax on plastic bags provided to customers by certain retailers in localities located wholly within the Chesapeake Bay Watershed and directs revenues to be used to support the Chesapeake Bay Watershed Implementation Plan. The bill also allows every retailer that collects the tax to retain one cent of the five-cent tax.

Patron – Petersen

SB 949: Tax credit for hybrid vehicle registration.

Creates a \$64 tax credit for the 2015 tax year for hybrid vehicle owners who paid the \$64 annual license tax between July 1, 2013, and July 1, 2014. The bill has a July 1, 2018, expiration date.

Patron – Stuart

Virginia Energy Plan

Bills Passed

HB 2267/SB 1099: Virginia Solar Energy Development Authority.

Creates the Virginia Solar Energy Development Authority to facilitate, coordinate, and support the development of the solar energy industry and solar-powered electric energy facilities in the Commonwealth. The Authority is directed to do so by developing programs to increase the availability of financing for solar energy projects, facilitate the increase of solar energy generation systems on public and private sector facilities in the Commonwealth, promote the growth of the Virginia solar industry, and provide a hub for collaboration between entities to partner on solar energy projects. The Authority will be composed of 11 members, of whom six will be appointed by the Governor, three will be appointed by the Speaker of the House, and two will be appointed by the Senate Committee on Rules. Members may be representatives of solar businesses, solar customers, renewable energy financiers, state and local government solar customers, and solar research academics. The Authority is charged with, among other tasks, (i) identifying existing state and regulatory or administrative barriers to the development of the solar energy industry, (ii) collaborating with entities such as higher education institutions to increase the training and development of the workforce needed by the solar industry in Virginia, including industry-recognized credentials and certifications, (iii) applying to the U.S. Department of Energy for loan guarantees for such projects, and (iv) performing any other activities as may seem appropriate to increase solar energy generation in Virginia and the associated jobs and economic development and competitiveness benefits, including assisting investor-owned utilities in the planned deployment of at least 400 megawatts of solar energy projects in the Commonwealth by 2020 through entering into agreements in its discretion in any manner provided by law for the purpose of planning and providing for the financing or assisting in the financing of the construction or purchase of solar energy projects that are authorized pursuant to a provision of Chapter 23 of Title 56. The Director of the Department of Mines, Minerals and Energy may utilize nonstate-funded support to carry out any duties assigned to the Director. Funding may be provided by any source, public or private, for the purposes for which the Authority is created. The bill has a sunset date of July 1, 2025.

Patron - Hugo

Bills Failed

HB 1709: Allocation of offshore natural gas and oil royalties.

Changes the manner in which the revenues and royalties from offshore natural gas and oil drilling and exploration that exceed \$50 million are distributed. Currently, an amount up to \$50 million is deposited into the Virginia Offshore Energy Emergency Response Fund, and any funds in excess of this amount are deposited into the general fund. The bill allocates 50 percent of the amount of the excess to the general fund, 25 percent to K-12 capital projects, and 25 percent to operational support for K-12.

Patron - Davis

HB 1725: Virginia Solar Energy Development Authority.

Creates the Virginia Solar Energy Development Authority to facilitate, coordinate, and support the development of the solar energy industry and solar-powered electric energy facilities in the Commonwealth. The Authority is directed to do so by developing programs to increase the availability of financing for solar energy projects, facilitate the increase of solar energy generation systems on public and private sector facilities in the Commonwealth, promote the growth of the Virginia solar industry, and provide a hub for collaboration between entities to partner on solar energy projects. The Authority will be composed of 11 members appointed by the Governor. Members may be representatives of solar businesses, solar customers, renewable energy financiers, state and local government solar customers, and solar research academics. The Authority is charged with, among other tasks, (i) identifying existing state and regulatory or administrative barriers to the development of the solar energy industry, (ii) collaborating with entities such as higher education institutions to increase the training and development of the workforce needed by the solar industry in Virginia, including industry-recognized credentials and certifications, (iii) applying to the U.S. Department of Energy for loan guarantees for such projects, and (iv) performing any other activities as may seem appropriate to increase solar energy generation in Virginia and the associated jobs and economic development and competitiveness benefits. At the recommendation of the Authority, the Director of the Department of Mines, Minerals and Energy may utilize non- state-funded support to carry out any duties assigned to the Director. Funding for nonstate support may be provided by any source, public or private, for the purposes for which the Authority is created.

Patron - Bulova

SB 1462: Virginia Offshore Energy Development Authority.

Converts the Virginia Offshore Wind Development Authority to the Virginia Offshore Energy Development Authority and broadens its focus to include facilitating, coordinating, and supporting the development of the offshore oil and gas industry and offshore oil and gas projects.

Patron – Wagner

Waters of the State, Ports and Harbors

Bills Passed

HB 1364/SB 1413: Fees for testing and monitoring of land application of industrial wastes.

Allows localities to adopt ordinances that provide for the testing and monitoring of the land application of solid or semisolid industrial wastes. The bill requires the State Water Control Board (the Board) to adopt regulations no later than January 1, 2016, requiring persons that land-apply industrial wastes to collect a fee from the generator of the industrial wastes and remit the fee to the Department of Environmental Quality (DEQ). The bill sets the fee at \$5 per ton until altered by the Board. The bill requires the Board's

regulations to include procedures for (i) collection of the fees by DEQ, (ii) deposit of the collected fees into the Sludge Management Fund (the Fund), and (iii) disbursements from the Fund to localities for the testing and monitoring of the industrial wastes. The Department of Environmental Quality is required to establish and implement a program to train the employees of the localities who will be responsible for testing and monitoring the land application of industrial wastes. The bill specifies the minimum instructional elements of the training program.

Patron - Peace

HB 1535: Secretary of Natural Resources; annual report on tributary plans.

Repeals the requirement that the Secretary of Natural Resources report annually to certain standing committees and the Virginia delegation to the Chesapeake Bay Commission on Chesapeake Bay tributary plans. The tributary plans have been replaced by the Watershed Implementation Plans.

Patron - Bulova

HB 1536: References to obsolete tributary strategy plans.

Removes out-of-date references to the tributary strategy plans that appear in the Virginia Water Quality Improvement Act of 1997. The tributary strategy plans have been replaced by the Chesapeake Bay TMDL Watershed Implementation Plan as the approach for cleaning up the Chesapeake Bay.

Patron - Bulova

HB 1734: Loans for creation of living shorelines.

Authorizes the State Water Control Board to provide loans from the Virginia Water Facilities Revolving Fund to (i) a local government for the purpose of establishing living shorelines that protect or improve water quality and prevent water pollution or (ii) a local government that has developed a funding program to provide low-interest loans or other incentives to individuals to assist in establishing living shorelines.

Patron - Hodges

HB 1812: Secretary of Natural Resources; Chesapeake Bay Watershed Agreement; annual report.

Updates the requirements for the annual report concerning the Chesapeake Bay prepared by the Secretary of Natural Resources by substituting the recently agreed-to 2014 Chesapeake Bay Watershed Agreement for the Chesapeake Bay 2000 Agreement, which is now obsolete. The recipients of the report are also updated.

Patron - Bloxom

HB 1827: Exemption for routine highway maintenance projects.

Exempts routine highway maintenance projects of the Virginia Department of Transportation from the requirements of the Erosion and Sediment Control Act, including the reduction of flow runoff rates. This exemption is consistent with the exemption for similar routine highway maintenance projects under the Stormwater Management Program.

Patron - Scott

HB 1829: Toxic substances report.

Changes from annually to every odd-numbered year the interval at which the Department of Environmental Quality is required to submit to the committees of oversight a report on the reduction of toxic substances in state waters.

Patron - Plum

HB 1871: Registration of wells.

Requires certified water well systems providers to register wells being constructed in ground water management areas with the State Water Control Board (SWCB) within 30 days of the completion of the well's construction. The bill requires the Department of Health (VDH) to provide the SWCB annually with a list of the wells that were permitted during the previous year and the SWCB to provide VDH annually with a list of the wells that were registered during the previous year.

Patron - Bulova

HB 1924/SB 1341: Eastern Virginia Groundwater Management Advisory Committee established.

Establishes the Eastern Virginia Groundwater Management Advisory Committee (the Committee) to assist the Department of Environmental Quality (DEQ) in developing, revising, and implementing a management strategy for ground water in the Eastern Virginia Groundwater Management Area. The bill prohibits the State Water Control Board and the DEQ from issuing draft permits that would require reductions in the volume of permitted ground water withdrawals before December 31, 2015. The bill has a sunset date of January 1, 2018.

Patron – Hodges

HB 2067: Daylighted streams.

Provides that the State Water Control Board (SWCB), when developing the criteria for a Resource Protection Area (RPA) under the Chesapeake Bay Preservation Act, shall not require that a daylighted stream become an RPA. The bill requires any locality that does not designate an RPA adjacent to a daylighted stream to use a water quality impact assessment to ensure that development adjacent to the stream does not result in the degradation of the stream. The locality's assessment must (i) be consistent with the SWCB's criteria for water quality impact assessments in RPAs, (ii) identify the impacts of proposed development on water quality, and (iii) determine measures to mitigate adverse impacts. The bill defines a daylighted stream as a stream that has been previously diverted into a culvert, pipe, or other underground drainage system and is redirected into an aboveground channel using natural channel design concepts. The bill does not limit a locality's authority to include such a stream within an RPA.

Patron – Watts

SB 811: Evaluate the safe storage of chemicals.

Directs the Director of the Department of Environmental Quality, the State Health Commissioner, and the State Coordinator of Emergency Management to evaluate various existing laws and regulations to ensure that chemical storage is conducted in a manner that protects human health and the environment. The bill provides guidance regarding the areas that are to be evaluated by the three agency heads. The bill has an expiration date of January 1, 2017.

Patron – Watkins

SB 1201: Stormwater; municipal separate storm sewer system permittees; dredging.

Directs the State Water Control Board (the Board) to establish a procedure for the approval of dredging operations in the Chesapeake Bay watershed as a method by which to meet pollutant reduction and loading requirements. The bill provides that before the Board is required to establish the procedure, the Chesapeake Bay Program shall first approve the procedure as a creditable practice for pollutant removal. The bill requires that any dredging comply with all applicable laws. The bill also provides that any locality imposing certain stormwater fees may make funds available for stormwater maintenance dredging, including at the point of discharge, where stormwater has contributed to the deposition of sediment in state waters, and that such use of the fee is required for any locality in the Lynnhaven River water- shed.

Patron - Wagner

SB 1203: Chesapeake Bay Watershed Implementation Plan.

Directs state agencies to remove the Little Creek watershed from inclusion in the James River Basin for purposes of the Chesapeake Bay Watershed Implementation Plan.

Patron - Wagner

SB 1284: Replacement of tributary strategies.

Replaces the tributary strategies for cleaning up the Chesapeake Bay and its tributaries, which were last prepared in 2003-2004, with the Watershed Implementation Plans (WIPs) developed pursuant to the Chesapeake Bay total maximum daily load (TMDL). The bill authorizes the Secretary of Natural Resources to oversee the development and implementation of the WIPs.

Patron – Hanger

Bills Failed

HB 1363: Land application of industrial wastes.

Makes it unlawful to apply industrial wastes to land located in the County of Hanover, King William, or New Kent. The bill contains an emergency clause.

Patron - Peace

HB 1381: Fees for testing and monitoring of land application of industrial wastes.

Allows localities to adopt ordinances that provide for the testing and monitoring of the land application of industrial wastes. The bill requires the State Water Control Board (the Board) to adopt emergency regulations, requiring persons that land apply industrial wastes to collect a fee from the generator of the industrial wastes and remit the fee to the Department of Environmental Quality (DEQ). The fee cannot exceed the direct costs to localities of testing and monitoring the land application of industrial wastes. The bill requires the Board's regulations to include procedures for (i) collection of the fees by DEQ, (ii) deposit of the collected fees into the Sludge Management Fund (the Fund), and (iii) disbursements from the Fund to localities for the testing and monitoring of the industrial wastes.

Patron - Fowler

HB 1511: Disclosure of industrial waste and sewage sludge on land.

Requires the owner of land upon which industrial waste or sewage sludge has been stored or to which industrial waste or sewage sludge has been applied pursuant to a permit issued by the Department of Environmental Quality (DEQ) to disclose such storage or application to a prospective purchaser or lessee of the land. If the owner of the subject land fails to make the disclosure in writing, on a form developed by the Real Estate Board in consultation with DEQ, prior to acceptance of a contract for the sale or lease of the subject land, the prospective purchaser or lessee may institute an action to recover actual damages. The disclosure and remedy provisions of the bill are similar to those in the Virginia Residential Property Disclosure Act.

Patron – Ware

HB 1870: Ground water withdrawal permits; sub- divisions.

Requires the developer of any subdivision in a ground water management area to obtain a withdrawal permit if the total volume projected to be withdrawn by all of the individual wells in the subdivision equals or exceeds 300,000 gallons per month. The bill requires a withdrawal permit for any subdivision that receives plat approval on or after January 1, 2016, and requires that the permit be amended for the construction of any additional well. The bill also specifies the procedure by which a developer may transfer the subdivision's withdrawal permit.

Patron - Bulova

HB 2227: Stormwater management; small agricultural structures; impervious cover.

Expands the stormwater management exemptions available to single-family detached residential structures to also include agriculture structures occupying a footprint of less than 2,500 square feet. The bill also directs the State Water Control Board to adopt a regulatory definition of "impervious cover" that excludes unpaved farm roads that are closed to public travel.

Patron – Webert

Study Resolutions

Bills Passed

HJ 587: Study; DEQ; impact of stormwater regulations on high water table area; report.

Requests the Department of Environmental Quality to conduct a two-year study of the application of the post-development stormwater management technical criteria, as established in the Virginia Stormwater Management Regulations, in areas with a seasonal high groundwater table.

Patron – DeSteph

SJ 273: Study; Department of Environmental Quality; "double-counting" of benefits of EPA Clean Power Plan; report.

Directs the Department of Environmental Quality to study whether the projected health benefits of the proposed federal Clean Power Plan, cited by the Environmental Protection Agency (EPA) as a benefit of the Plan, are already expected to result from the ongoing enforcement and revision of existing air quality regulations. The provisions of the resolution are contingent on funding in a 2015 general appropriation act.

Patron – Wagner

Bills Failed

HJ 506: Study; short- and long-term impact of biosolids and industrial waste; report.

Requests the Virginia Institute of Marine Science and the Department of Mines, Minerals, and Energy's Division of Geology and Mineral Resources' Virginia geological survey, in consultation with the United States Geological Survey's Toxic Hydrology Regional Contamination Investigation Program, to study the short- and long-term effects of the storage and land application of industrial wastes and sewage sludge on public health, residential wells, and surface and ground water.

Patron – Ware

HJ 516: Study; DEQ; long-term impact of biosolids and industrial waste; report.

Directs the Department of Environmental Quality to study the long-term effects of the storage and land application of industrial wastes and sewage sludge on public health, residential wells, and surface and ground water.

Patron – Fowler

HJ 619: Study; Department of Rail and Public Transportation to study Metrorail extension; report.

Requests the Department of Rail and Public Transportation to study the efficacy and desirability of extending the Metrorail in Virginia and to report on its findings no later than the first day of the 2016 Regular Session of the General Assembly.

Patron – Lingamfelter

HJ 642: Study; VDOT; recurrent flooding from outfall ditches; report.

Requests VDOT to conduct a one-year study of recurrent flooding from outfall ditches.

Patron – Hodges

SB 1323: Study; Regional Greenhouse Gas Initiative; report.

Requests the Department of Environmental Quality to study the potential for the establishment of a funding source to localities in coastal Virginia for flood resilience that could result by including the Commonwealth as a full participant in the Regional Greenhouse Gas Initiative.

Patron – Lewis

SJ 271: Study; long-term impact of biosolids and industrial waste; report.

Requests the Secretary of Natural Resources, the Secretary of Health and Human Resources, and the Secretary of Agriculture and Forestry to convene a joint task force to review and evaluate existing scientific literature on the impact of biosolids and industrial residuals on human health and the environment.

Patron – Norment