

Water in the 2015 Virginia General Assembly

The 2015 Virginia General Assembly session convened January 14, and all bills had to be filed by January 23. The session adjourned on February 27 (one day before the scheduled adjournment date). The reconvened (“veto”) session was held April 15.

In the tables below, the Virginia Water Resources Research Center (the Water Center; online at <http://www.vwrrc.vt.edu/>) lists 158 measures in the 2015 Assembly dealing with water resources directly or indirectly, including two budget bills and three bills related to the Commonwealth’s budget process. The list also includes seven proposed amendments to the Virginia Constitution, dealing with the budget process, food production, and transportation financing.

The list comes from the Legislative Information System (LIS) Web site, at <http://leg1.state.va.us>, in the categories indicated by sub-headings below; in the Energy Conservation and Resources category, however, the list also includes other bills that were assigned to a special energy subcommittee of the House Commerce and Labor Committee. Bills are listed under only one category, even if LIS listed them more than once. The categories searched and the bills listed include all those with *direct* water relevance (such as bills in the “Water and Sewer Systems” category) as well as those with a *potential or indirect* relevance to water (such as bills dealing with land conservation, energy, or transportation projects). The list below *does not necessarily include all bills* that potentially affect Virginia’s water resources.

Within each category, bills are listed in order of their **bill number**, using the following abbreviations: **HB** = bill started in House of Delegates; **HJ** = joint resolution started in the House; **SB** = bill started in the Senate; and **SJ** = joint resolution started in the Senate. Numbers in the left-hand column have been added by the Water Center for cross-referencing among the bills.

The **bill titles and descriptions** (third column from left) are taken from the LIS site, edited in some cases for clarity, space, or both. The right hand-column lists the **status of bills**—that is, whether the bill passed or, if it failed, at what point that occurred. **Click on the underlined bill numbers** (for example, HB 1400) to access more detailed bill information at the LIS site.

Frequently used abbreviations: House ACNR = House Agriculture, Chesapeake, and Natural Resources committee; Senate ACNR = Senate Agriculture, Conservation, and Natural Resources committee; DCR = Virginia Department of Conservation and Recreation; DEQ = Virginia Department of Environmental Quality; DGIF = Virginia Department of Game and Inland Fisheries; DMME = Virginia Department of Mines, Minerals and Energy; EPA = U.S. Environmental Protection Agency; JLARC (Joint Legislative Audit and Review Commission); SCC = Virginia State Corporation Commission; SWCB = Virginia State Water Control Board; VDOT = Virginia Department of Transportation; VIMS = Virginia Institute of Marine Science; VMRC = Virginia Marine Resources Commission.

APPROPRIATIONS/BUDGET

Please note that the budget bills (HB 1400 and SB 800) include many separate proposed changes to the biennial budget. The bills’ provisions for different state secretariats’ operating and capital expenses and for miscellaneous items—as passed by the General Assembly but prior to action on any proposed amendments or vetoes by the governor—are available at <http://lis.virginia.gov/151/bud/TOC2.HTM>.

1.	<u>HB 1400</u>	House budget bill: Amendments to Chapter 3 of the 2014 Acts of Assembly, Special Session I, which appropriated funds for the 2014-16 Biennium, and to provide a portion of revenues for the two years ending, respectively, on the thirtieth day of June, 2015, and the thirtieth day of June, 2016.	Passed
2.	<u>SB 800</u>	Senate budget bill: Amendments to Chapter 3 of the 2014 Acts of Assembly, Special Session I, which appropriated funds for the 2014-16 Biennium, and to provide a portion of revenues for the two years ending, respectively, on the thirtieth day of June, 2015, and the thirtieth day of June, 2016.	Passed Senate; failed in House Appropriations; replaced by HB 1400.
3.	<u>HB 2202</u>	General Assembly; general appropriation bills. Would have required the chair of the House Appropriations Committee	Failed in House Rules

		and the chair of the Senate Finance Committee to issue reports concurrently with the budget conference report that specifically identify (i) any non-state agency appropriation, (ii) any item in the conference report that was not included in a general appropriation bill as passed by either the House or the Senate, and (iii) any item that represents legislation that failed in either house during the regular or a special session. Companion bill is SB 1425 (#5).	
4.	SB 826	State appropriations; limitations. Would have limited the growth in appropriations from state sources to the growth of Virginia's population plus the rate of inflation.	Failed in Senate Finance
5.	SB 1425	General Assembly; reports accompanying general appropriation bills. Companion bill is HB 2202 (#3); please see that bill for summary.	Failed in Senate Rules

CONSERVATION

Land Conservation Policy and Tax-credit Bills

6.	HB 1326	Income tax credit; donations to nonprofits preserving historical battlefields. Would have established an individual and corporate income tax credit for monetary or marketable securities donations made by a person to a nonprofit organization organized to acquire and preserve a historical battlefield in the Commonwealth and related artifacts.	Failed in House Finance
7.	HB 1483	Real property assessment; valuation for land preservation. Permits localities to set acreage requirements less than the current five-acre requirement for agricultural property to qualify for land use valuation.	Passed
8.	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 Virginia's Administrative Dispute Resolution Act to resolve any given dispute relating to the interpretation of the easement.	Passed
9.	HB 1572	Open-space land; acquisition. Would have put a five-year limit of five-years, extendable only as part of a comprehensive plan review, on the period for which a locality may acquire an interest in property for the purpose of preservation or provision of open-space land.	Failed in House ANCR
10.	HB 1828	Land preservation tax credit; credit that may be claimed. 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	Passed

		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. Companion bill is SB 1019 (#14).	
11.	HB 2193	Virginia Battlefield Preservation Fund; use of grant funds for battlefield preservation. Expands the types of battlefields eligible to receive grants from the Virginia Battlefield Preservation Fund, previously known as the Civil War Site Preservation Fund, to allow awarding of grants to protect Revolutionary War and War of 1812 historic battlefields. See related SB 1306 (#16).	Passed
12.	HB 2382	Land preservation; tax credits for individuals and corporations. Would have reduced the maximum amount of the land preservation tax credit that may be claimed. See related, but broader, HB 1828 (#10).	Failed in House Finance
13.	SB 1012	Income tax subtraction; sale of land for open-space use. Eliminates the income tax subtraction available for the gain derived from the sale of land for open-space use for taxable years beginning on or after January 1, 2015.	Passed
14.	SB 1019	Land preservation tax credit; credit that may be claimed. Companion bill is HB 1828 (#10); please see that bill for summary.	Passed
15.	SB 1266	Conservation easements; private bottomland conveyed by special grant. Would have clarified that riverbed property that a court has conclusively determined to be in private ownership may be the subject of a conservation easement. The bill would have defined “private bottomland” as “real property in the beds of a bay, river, or creek that, having been conveyed by special grant, has been conclusively determined to lie in private ownership by a court of competent jurisdiction.”	Failed in Senate ACNR (stricken at request of patron)
16.	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 listed in certain official reports on the battlefields of the Revolutionary War, the War of 1812, and the Civil War, compared to current law that allows acquisition only of designated historic landmarks. See related HB 2193 (#11).	Passed

Other Conservation Bills

17.	HB 1542	State Trails Advisory Committee. Establishes this committee under 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.	Passed
18.	HB 1618	Resource management plans; consideration of certain records [allowed] in closed meetings [by public bodies]. Creates an open-meeting exemption for the discussion or consideration of certain records, currently excluded from Freedom of Information Act (FOIA), that relate to resource-management plans. The bill provides that this exemption shall not apply, however, to the discussion or consideration of records that contain information 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. Companion bill is SB 1126 (#29).	Passed
19.	HB 1697	Synthetic plastic microbeads; definition and prohibition against manufacture or sale of certain products. Would have defined the term “synthetic plastic microbead,” prohibited the manufacture and sale of certain personal care products and over-the-counter drugs containing microbeads. The definition would have been “any intentionally added solid plastic particle measured to be less than five millimeters in size and intended to exfoliate or cleanse in a rinse-off product [excluding any] naturally occurring biopolymer or other compound that is proven to biodegrade in marine and freshwater aquatic environments in accordance with relevant standards set by ASTM or the State Water Control Board.”	Failed in House ACNR
20.	HB 1859	Breaks Interstate Park; [qualifications and procedures for] employees being commissioned as conservation officers. 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. Companion bill is SB 858 (#27).	Passed
21.	HB 2101	Tree replacement; VDOT to follow policy of localities. Would have requires VDOT, in highway construction projects, to adhere to any tree-replacement policy adopted by the locality in which the construction project is located.	Failed in House Transportation
22.	HB 2226	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. Companion bill is SB 1376 (#33).	Passed
23.	HB 2246	Wood heaters; Air Pollution Control Board prohibited from adopting regulations that limit emissions. Prohibits the Air Pollution Control Board from adopting regulations that	Passed

		limit emissions from certain smaller wood heaters and from enforcing any federal regulation limiting emissions from wood heaters that was adopted after May 1, 2014.	
24.	HB 2351	Land subdivision and development; approval not to be conditioned on consent of easement holder. Would have provided that no locality condition the approval of a subdivision plan, site plan, plat, or construction plan, or condition the issuance of any required occupancy permit for occupancy of such property or the structures thereon, upon the consent or permission of any person or entity holding an easement over, under, or through the property that is the subject of such plan or plat.	Failed in House Counties, Cities and Towns
25.	SB 692	Virginia Law Officers' Retirement System; conservation officers. Would have added conservation officers of the DCR as members of this retirement system.	Passed Senate; failed in House Appropriations
26.	SB 771	Toxic waste site inventory [by] Department of Environmental Quality. Would have directs the DEQ to prepare by July 2016 an inventory of non-federally-managed toxic waste sites in Virginia and publish the inventory at that time and annually thereafter.	Passed Senate; failed in House Appropriations
27.	SB 858	Breaks Interstate Park; [qualifications and procedures for] employees being commissioned as conservation officers. Companion bill is HB 1859 (#20); please see that bill for summary.	Passed
28.	SB 869	Carbon monoxide emissions [regulation]; [exemption for] certain diesel-powered incinerators. Exempts from certain permitting regulations of the State Air Pollution Control Board (until July 2019) carbon monoxide emissions of diesel-powered incinerators 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.	Passed
29.	SB 1126	Resource management plans; consideration of certain records [allowed] in closed meetings [by public bodies]. Companion bill is HB 1618 (#18); please see that bill for summary.	Passed
30.	SB 1146	Virginia Vegetation Program; established by DEQ. Would have directed the DEQ to establish this program for organizing volunteer labor to plant native vegetation on unimproved lands managed by the VDOT or in stormwater-management basins located on public lands.	Failed in Senate ACNR (stricken at request of patron)
31.	SB 1317	Virginia Shoreline Resiliency Fund. Would have establishes the Fund for the purpose of providing low-interest loans to help residents and businesses subject to recurrent flooding, particularly to mitigate future flood damage.	Passed Senate; passed House ACNR; failed in House Appropriations
32.	SB 1367	Trails; allocation of federal [transportation] funds for establishment and maintenance. Would have allowed the Commonwealth Transportation Board to allocate eligible federal funds for use in the establishment and maintenance of trails by the DCR.	Failed in Senate Transportation (stricken at request of patron)
33.	SB 1376	State park master plans; update schedule. Companion bill is HB 2226 (#22); please see that bill for summary.	Passed

CONSTITUTIONAL AMENDMENTS

34.	HJ 500	Constitutional amendment (first resolution); failure to pass an appropriation act. Would have provided that, if an appropriation act has not been adopted 30 days prior to the expiration of the current appropriation act, a joint session of the General Assembly shall be convened to pass an appropriation act that shall become the state budget without the signature of the Governor; required that the votes of the members of the Senate be weighted in accordance with the ratio of the average population of a Senate district to the average population of a House district; and provided that, if the joint session fails to pass an appropriation act by the expiration of the current appropriation act, each member of the General Assembly shall forfeit his office.	Failed in House Privileges and Elections
35.	HJ 502	Constitutional amendment; Transportation Funds. Would have required the General Assembly to maintain permanent and separate Transportation Funds, to include the current Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds established by general law for transportation; limited the use of Funds money to transportation and related purposes; allowed the General Assembly to borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within three years; and prohibited money designated for deposit into funds other than Transportation Funds to be used for any transportation-related purpose except for making certain debt service payments on transportation-related bonds and notes. Very similar bills included HJ 576 (#37), SJ 217 (#38), SJ 219 (#39), and SJ 255 (#40).	Failed in House Privileges and Elections
36.	HJ 519	Constitutional amendment; right to acquire farm-produced food. Would have provided that people have the right to acquire, for their own consumption, farm-produced food directly at the farm with agreement from the farmer who produced it.	Failed in House Privileges and Elections
37.	HJ 576	Constitutional amendment; Transportation Funds. Very similar to HJ 502 (#35); please see that bill for summary.	Failed in House Privileges and Elections
38.	SJ 217	Constitutional amendment; Transportation Funds. Very similar to HJ 502 (#35); please see that bill for summary.	Passed by Senate Privileges and Elections; failed on Senate floor
39.	SJ 219	Constitutional amendment; Transportation Funds. Very similar to HJ 502 (#35); please see that bill for summary.	Incorporated into SJ 217
40.	SJ 255	Constitutional amendment; Transportation Funds. Very similar to HJ 502 (#35); please see that bill for summary.	Incorporated into SJ 217

DRAINAGE, SOIL CONSERVATION, SANITATION AND PUBLIC SERVICE FACILITIES

41.	SB 1292	Sanitary districts in Westmoreland County; boat ramps, shoreline management, and dredging. Authorizes the Westmoreland County governing board to construct and operate boat ramps and facilities systems, beach and shoreline management and restoration systems, and creek and river dredging systems within a county sanitary district. The bill also authorizes the governing board to charge the owner of each parcel of real property a flat fee for a shoreline management or dredging system.	Passed
42.	SB 841	Ordinances; adoption by counties, notice by publication. Would have established more explicit instructions for localities to publish notice of various proposed ordinances—including sanitary district actions and stormwater-regulation actions—in a newspaper of general circulation for a certain amount of time.	Failed in Senate Local Government (stricken at request of patron)

EMINENT DOMAIN

43.	HB 1696	Public service corporations; public access to records in cases of eminent domain. Would have made public service corporations subject to the public records provisions of the Virginia Freedom of Information Act, with respect to any project or activity for which it may exercise the power of eminent domain, and for which it has filed or pre-filed for a certificate or other permitting document. Companion bill is SB 1166 (#45).	Failed in House Commerce and Labor
44.	HB 2097	Condemnation proceedings; mandatory dispute resolution orientation session. Would have provided that, when a court refers parties in a condemnation proceeding to a dispute-resolution orientation session, the court shall also provide the name of a single independent appraiser to determine the fair market value of the property in question, and the independent appraiser's determination of fair market value shall be presented at the orientation session.	Failed in House Courts of Justice
45.	SB 1166	Public service corporations; public access to records in cases of eminent domain. Companion bill is HB 1696 (#43); please see that bill for summary.	Failed in Senate Commerce and Labor
46.	SB 1169	Natural gas companies; right to enter upon property [conditions placed upon that right]. Would have conditioned natural gas utilities' exercise of their authority to enter the property of a landowner without permission upon the adoption by the local governing body of a resolution in support of the proposed gas line or works; and would have allowed a governing body to adopt such a resolution only if it found the line or works to be consistent with the local comprehensive plan and that there exists a demonstrated public need for the line or works.	Failed in Senate Commerce and Labor (stricken at request of patron)
47.	SB 1338	Natural gas companies; right of entry upon property. Would have repealed Section 56-49.01 of the <i>Code of Virginia</i> , enacted in 2004, that allows interstate natural gas companies to enter upon property without property-owner permission under	Failed in Senate Commerce and Labor

		certain circumstances to make examinations, tests, land auger borings, appraisals, and surveys.	
48.	SB 1435	Eminent domain; lost profits and just compensation. Requires that liability for lost profits claimed in an action for compensation—pursuant to a taking under eminent domain—be set forth specifically in the award for just compensation and that in a partial acquisition, in the event that the owner of the property being condemned and the owner of the business or farm operation claiming lost profits are the same, then any enhancement shall be offset against both damage to the residue and lost profits. The bill also defines lost profits as a loss of business profits for a period not to exceed three years from the date of valuation, if there is a partial taking; and for a period not to exceed one year from the date of valuation, if the entire parcel of property is taken.	Passed

ENERGY CONSERVATION AND RESOURCES

Bills Related to the U.S. EPA's Proposed "Clean Power Plan" Regulation

49.	HB 2291	Clean Power Plan; state implementation plan to require General Assembly approval. Would have required the DEQ 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 (EPA) for approval, as part of the EPA's proposed Clean Power Plan for regulation of carbon dioxide emissions from existing power plants. [Note: EPA proposed the Clean Power Plan regulation in June 2014, and announced the final rule August 3, 2015. More information on the rule is available online at http://www2.epa.gov/cleanpowerplan .]	Passed House Commerce and Labor; failed on House floor
50.	SB 740	Carbon dioxide emissions; regulation, General Assembly approval of state plan. Would have required the DEQ to receive approval from the General Assembly for Virginia's state plan to regulate carbon dioxide emissions from existing power plants, prior to submitting the plan to the U.S. EPA under the EPA's proposed Clean Power Plan.	Failed in Senate ACNR
51.	SB 1202	Clean Power Plan; [requirements for] preparation of state implementation plan. Would have prohibited any state agency or employee from preparing or submitting to the U.S. 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.	Failed in Senate ACNR (stricken at request of patron)
52.	SB 1365	Clean Power Plan; state implementation plan; General Assembly approval. As introduced, similar to HB 2291 (#49) and SB 740 (#50) in requiring General Assembly approval of any state plan for implementing requirements under EPA's proposed	Passed Senate; substitute passed House; substitute failed in Senate.

		Clean Power Plan. As <i>passed by the Senate</i> on Feb. 10, would have required the DEQ to consider certain factors, seek input from the State Corporation Commission, and meet with interested members of the General Assembly as the DEQ develops a state implementation plan to regulate carbon dioxide emissions from existing power plants prior to submitting the plan to the U.S. EPA. The Senate bill also would have required the DEQ 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. A House substitute passed on February 20 would have reinstated the requirement for General Assembly approval of any state implementation plan. The Senate rejected that House substitute.	
53.	SB 1442	Clean Power State Implementation Plan; DEQ prohibited from expending funds, etc. Would have set several conditions to be met before the DEQ could spend any funds on implementing a state plan under EPA’s proposed Clean Power Rule. Also would have placed restrictions on the State Corporation Commission’s authority to approve rate increases connected to reduction of carbon emissions, and on the SCC’s authority to allow power plants to be retired before the end of their engineering lifetime.	Failed in Senate ACNR (stricken at request of patron)
54.	SJ 308	Employment of counsel to challenge federal rules establishing carbon emission guidelines for existing electric utility generating units. Would have requested the Joint Rules Committee to employ legal counsel to represent the Commonwealth in litigation challenging federal rules establishing carbon emission guidelines for existing electric utility generating units, if by July 1, 2015, Virginia’s Attorney General was not pursuing legal action to challenge the validity of EPA’s proposed Clean Power Plan.	Failed in Senate Rules

Bills Related to Net Energy Metering of Energy Generated by Electric Utility Customers

55.	HB 1622	Electric utility net energy metering; generating capacity eligibility. Would have increased the maximum generating capacity—from 20 kilowatts to 40 kilowatts—for a <i>residential</i> customer-owned electrical generating facility to be eligible for participation in and electric utility's net energy metering program; and would have increased the maximum generating capacity from 500 kilowatts to one megawatt for facilities owned or operated by a <i>non-residential</i> customer.	Failed in House Commerce and Labor
56.	HB 1636	Electric utility net energy metering; program for community subscriber organizations, and generating capacity eligibility. Would have directed the SCC to establish by regulation a program that affords community subscribers and community subscriber organizations the opportunity to participate in net energy metering. A community generation facility would have been defined as 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 would have increased—from 500 kilowatts to two megawatts—the maximum generating capacity of an electrical generating facility owned or operated by a <i>non-residential</i>	Failed in House Commerce and Labor

		customer, or a customer that operates a <i>generation facility as part of an agricultural operation</i> , that may be eligible for participation in the utility's net energy metering program.	
57.	HB 1729	Distributed electric generation; establishment of community solar gardens. Would have directed the SCC to establish regulations for community solar gardens owned by a subscriber organization that has at least 10 subscribers who would receive credits on their utility bills from energy generated at the solar facility in proportion to the size of their subscription.	Failed in House Commerce and Labor
58.	HB 1911	Electric utilities; net energy metering, standby charges for solar generators. Would have required the SCC, before approving an electricity 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.	Failed in House Commerce and Labor
59.	HB 1912	Electric utility net energy metering; generating capacity eligibility. Would have increased the maximum generating capacity—from 500 kilowatts to two megawatts—for a <i>non-residential</i> customer-owned electrical generating facilities to be eligible for participation in an electric utility's net energy metering program.	Failed in House Commerce and Labor
60.	HB 1950	Electric utility net energy metering; generating capacity eligibility, etc. Increases the maximum generating capacity—from 500 kilowatts to one megawatt—for a <i>non-residential</i> customer-owned electrical generating facilities to be eligible for participation in an electric utility's net energy metering program. The bill also limits the capacity of any generating facility installed under this section after July 1, 2015, to no more than 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; 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 clarifies requirements regarding the customer-generator's obligation to bear all reasonable costs of equipment required for the interconnection to the supplier's electric distribution system. Companion bill is SB 1395 (#62).	Passed
61.	HB 2073	Electric utilities; net energy metering [to include customers with] energy-balancing devices. Would have directed the SCC to establish a program for allowing eligible energy-balancing customers to participate in net metering. The bill specified would have applied to energy-balancing devices that provide 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. Such devices could have been either a grid-integrated electric vehicle or an electric battery that absorbs and returns energy to the electric grid.	Failed in House Commerce and Labor
62.	SB 1395	Electric utility net energy metering; generating capacity eligibility, etc. Companion bill is HB 1950 (#60); please see that bill for summary.	Passed

Other Energy Bills

63.	HB 1297	<p>Machinery and tools tax; production of renewable energy. Classifies machinery and tools owned by a business and used directly in producing or generating renewable energy as a separate class of property for tax rate purposes, and authorizes localities to tax such machinery and tools at a rate less than that generally applicable in the locality to machinery and tools. Renewable energy is defined in this bill as “energy derived from sunlight, wind, falling water, biomass, sustainable or otherwise (the definitions of which shall be liberally construed), energy from waste, landfill gas, municipal solid waste, wave motion, tides, or geothermal power, and does not include energy derived from coal, oil, natural gas, or nuclear power.”</p>	Passed
64.	HB 1399	<p>Flood insurance; escrow account required. Would have required lenders, upon written request by a borrower, to establish and maintain an escrow account for flood insurance premiums, but only if the lender has established escrow accounts for taxes, hazard insurance, fees, or other charges.</p>	Failed in House Commerce and Labor
65.	HB 1446	<p>Clean energy financing programs and development of underwriting guidelines. Expands the requirements of any local ordinance authorizing contracts to provide loans for clean energy improvements, including adding water-efficiency improvements to the list of improvements for which loans may be offered. The bill directs the DMME to develop underwriting guidelines by December 1, 2015, for local loans made to finance clean energy improvements, with input from certain groups representing real estate, energy efficiency, banking, and other interests or industries and evaluating certain specific criteria. Companion bill is SB 801 (#84). HB 1665 (#69) is similar.</p>	Passed
66.	HB 1475	<p>Natural gas utility in-state expansion procedure, including recovery of costs. Establishes a procedure under which a natural gas utility may seek 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. 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 DEQ. Companion bill is SB 1163 (#89).</p>	Passed
67.	HB 1554	<p>Recyclable materials tax credit changes. Changes the recyclable materials tax credit by 1) extending the expiration date of the credit by five years to January 1, 2020; 2) increasing the credit allowed from 10 to 20 percent of the purchase price of qualifying machinery and equipment; 3) prohibiting denial of the credit based solely on another person's use of tangible personal property produced by the credit applicant from recyclable materials; 4) 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 5) establishing an annual cap of \$2</p>	Passed

		million in recyclable materials tax credits that may be issued by the Department of Taxation. Companion bill is SB 1205 (#90).	
68.	HB 1650	Renewable energy property; establishes grants for placing into service. Would have established, beginning with fiscal year 2016, grants for placing into service renewable energy property, equal to 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 defined 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 DMME would have administered the program and would have been authorized, subject to appropriation, to award up to \$10 million in renewable energy property grants each fiscal year.	Passed House ACNR; failed in House Appropriations
69.	HB 1665	Financing of clean energy programs; development of optional underwriting guidelines. Similar to HB 1446 (#65), except that this bill called for <i>optional</i> , rather than <i>required</i> , underwriting guidelines. Please see HB 1446 for summary of other provisions.	Failed in House Counties, Cities and Towns
70.	HB 1725	Virginia Solar Energy Development Authority; created, report. Companion bill is SB 1099 (#87); please see that bill for summary.	Failed in House Commerce and Labor
71.	HB 1730	Energy-efficiency goals required for investor-owned utilities. Would have required investor-owned electric utilities, cooperative electric utilities, and investor-owned natural gas distribution utilities to meet incremental, annual energy-efficiency goals. Electric utilities would have been 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 would have been 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 plans would have been submitted to the SCC, which would have had authority to impose penalties if goals were not met.	Failed in House Commerce and Labor
72.	HB 1913	Renewable energy investment requirements and energy-efficiency goals for utilities. Would have revised the existing <i>voluntary</i> renewable energy portfolio standard (RPS) program to <i>require</i> 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 with no sanctions on a utility that fails to meet this goal). The measure would have deleted 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; deleted 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 required participating utilities, through the implementation of energy efficiency and demand-side management programs, by calendar	Failed in House Commerce and Labor

		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 would have specified allowable ways for utilities to meet the RPS requirements.	
73.	HB 1925	Renewable energy; third party power-purchase agreements. Would have replaced the pilot program enacted in 2013 that authorized certain third party power-purchase agreements providing financing of certain renewable generation facilities (defined as “a power purchase agreement under which a seller sells electricity to a customer as a means of providing third-party financing of the costs of a renewable energy facility located on premises owned or leased by a customer”). The measure would have required the SCC to establish third party power-purchase agreement programs for eligible customer-generators in the service territories of Dominion Virginia Power and American Electric Power (AEP), whereas the existing pilot program applies only to Dominion. The bill also would have increased the maximum size of a renewable generation facility from one megawatt to two megawatts.	Failed in House Commerce and Labor
74.	HB 2013	State Corporation Commission; disclosure of records related to administrative activities. Would have added comments to federal or state agencies or other public bodies on proposed regulations, etc., to the list of SCC administrative activities that are subject to public disclosure.	Failed in House Commerce and Labor
75.	HB 2075	Renewable energy; solar renewable energy certificate registration system. Would have added to Virginia’s current voluntary renewable energy portfolio standard (RPS) program a requirement that the SCC establish and maintain a registry for solar renewable energy certificates (SRECs), in order to “facilitate the creation and transfer of SRECs.”	Failed in House Commerce and Labor
76.	HB 2155	Energy diversification requirement for investor-owned utilities. Would have establishes a schedule by which Virginia's two largest investor-owned electric utilities would be 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 would have started at 0.25 percent of a utility's retail sales in calendar year 2016 and increase in ensuing years to 35 percent of its retail sales in 2030 and thereafter. Failure by a utility to meet the required percentage of sales in a calendar year from the specified sources would have subjected the utility to a noncompliance payment of \$200 per megawatt hour short of the requirement.	Failed in House Commerce and Labor
77.	HB 2196	Virginia Energy Economic Development Advisory Board; Governor's Energy Fund. Would have established the Governor's Energy Fund to award incentive grants in the form of reduced electricity rates. The bill also would have created the Virginia Energy Economic Development Advisory Board to advise the Governor on the award of the energy-incentive grants.	Failed in House Commerce and Labor
78.	HB 2205	Regional Greenhouse Gas Initiative; Commonwealth Resilience Fund established. Would have required Virginia to join the Regional Greenhouse Gas Initiative (RGGI, which is an existing, regional carbon-emissions cap-and-trade program).	Failed in House Commerce and Labor

		Any proceeds from participation in the RGGI would have gone to a new Commonwealth Resilience Fund; part of the Resilience Fund would have been used to assist Hampton Roads localities implement actions to respond to sea-level rise and recurrent flooding, part would have been used for energy-efficiency and energy-conservation programs, and part would have been used to provide economic-development assistance for families and businesses in southwestern Virginia areas impacted by reduced fossil fuel production.	
79.	HB 2219	Utility-scale solar energy facilities; construction of facilities [declared] to be in the public interest. Would have declared that construction by Appalachian Power (subsidiary of American Electric 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, and that the utilities would be entitled to recover costs and earn rate of return on such facilities. See closely related HB 2237 (#80).	Failed in House Commerce and Labor
80.	HB 2237	Utility-scale solar energy facilities; construction of facilities [declared] to be in the public interest. Authorizes an investor-owned electric utility may recover costs and earn a rate of return for purchasing any generation facility consisting of at least one megawatt of generating capacity that uses solar energy, is located in the Commonwealth, and utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses. The measure also states the following are in the public interest: 1) 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 2) 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.	Passed
81.	HB 2244	Integrated resource plans by electric utilities; due annually instead of every two years. Would have required electric utilities serving two million or more customers in the Commonwealth to file an integrated resources plan (IRP) by September 1 of each year, rather than every two years as is currently required. The measure would also have added "Compliance options to minimize effects on customer rates of pending federal environmental rules" to the existing list of items that an IRP should systematically evaluate and possibly propose.	Passed House; failed in Senate Commerce and Labor
82.	HB 2267	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 charged with, among other tasks, 1) identifying existing state and regulatory or administrative barriers to the development of the solar energy industry; 2) 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	Passed

		industry-recognized credentials and certifications; 3) applying to the U.S. Department of Energy for loan guarantees for such projects; and 4) 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. The bill has a sunset date of July 1, 2025. Similar to SB 1099 (#87).	
83.	HB 2274	Electric utilities; cost recovery [for vegetation management on right-of-ways]. Companion bill is SB 1334 (#92), which passed; please see that bill for summary.	Passed House; failed in Senate Commerce and Labor
84.	SB 801	Clean energy financing programs and development of underwriting guidelines. Companion bill is HB 1446 (#65); please see that bill for summary.	Passed
85.	SB 880	Disposable plastic shopping bags. Would have allowed any locality by ordinance to prohibit retailers from providing disposable plastic bags to consumers, exempting reusable bags of a certain thickness and garbage bags that are sold in multiples. Other bills on disposable plastic bags are SB 886 (#86) and SB 1103 (#88).	Failed in Senate Local Government
86.	SB 886	Plastic bags; tax imposed in Chesapeake Bay Watershed. Would have 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 directed revenues to be used to support the Chesapeake Bay Watershed Implementation Plan (under the Chesapeake Bay Total Maximum Daily Load, or TMDL, published by the U.S. EPA in 2010). The bill would have allowed very retailer that collects the tax to retain one cent of the five-cent tax. Other bills on disposable plastic bags are SB 880 (#85) and SB 1103 (#88).	Failed in Senate Finance
87.	SB 1099	Virginia Solar Energy Development Authority; created, report. 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 charged with, among other tasks, 1) identifying existing state and regulatory or administrative barriers to the development of the solar energy industry; 2) 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; 3) applying to the U.S. Department of Energy for loan guarantees for such projects; and 4) 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. The bill has a sunset date of July 1, 2025. Similar HB 2267 (#82), except that bill includes a goal of 400 megawatts of solar energy projects in the Commonwealth by 2020. Companion bill is HB 1725 (#70), except that bill (which failed) did not include a sunset date, which the House added by amendment to SB 1099.	Passed
88.	SB 1103	Disposable plastic shopping bags; distribution prohibited, local option. Would have allowed any locality by ordinance to	Passed Senate; failed in House

		prohibit the distribution, sale, or offer of disposable plastic shopping bags to consumers, exempting reusable bags of a certain thickness, bags that are used to carry certain product (such as ice cream or newspapers), and garbage bags that are sold in multiples. Other bills on disposable plastic bags are SB 880 (#85) and SB 886 (#86).	Commerce and Labor
89.	SB 1163	Natural gas utility in-state expansion procedure, including recovery of costs. Companion bill is HB 1475 (#66); please see that bill for summary.	Passed
90.	SB 1205	Recyclable materials tax credit changes. Companion bill is HB 1554 (#67); please see that bill for summary.	Passed
91.	SB 1331	Natural Gas Conservation and Ratemaking Efficiency Act; cost-effective programs. Requires the SCC, when determining whether a natural gas conservation or energy-efficiency program is cost-effective, to assign administrative costs associated with the conservation and rate-making 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 outreach 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.	Passed
92.	SB 1334	Electric utilities; cost recovery [for vegetation management on right-of-ways]. 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 SCC-approved programs that accelerate the vegetation management of distribution rights-of-way. The measure provides that these costs shall <i>not</i> be allocated to or recovered from certain classes of large customers. Companion bill is HB 2274 (#83), which failed.	Passed
93.	SB 1349	Electric utility regulation; suspension of regulatory reviews of utility earnings. Suspends SCC review of base rates for Dominion Virginia Power and Appalachian Power over certain years, freezes base rates for certain years, and has certain other provisions, in connection with potential impacts on the utilities of U.S. EPA's proposed Clean Power Plan regulation of carbon emissions from existing power plants Also authorizes a utility to recover, through a rate-adjustment clause, the costs of constructing or purchasing solar energy facilities; 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; requires each electric utility to file updated integrated resource plans by July 1, 2015, and thereafter each May 1, rather than the current biennial filing requirement, and requires such plans; in preparing a plan, the utilities are required to evaluate (along with existing items) the effect of current and pending environmental regulations	Passed

		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.	
94.	SB 1462	Va. Offshore Wind Development Authority; converted to Va. Offshore Energy Development Authority. Would have converted the Offshore Wind Development Authority to the Offshore Energy Development Authority and broadened its focus to include facilitating, coordinating, and supporting the development of the offshore oil and gas industry and offshore oil and gas projects.	Failed in Senate Commerce and Labor (stricken at request of patron)

FISHERIES AND HABITAT OF TIDAL WATERS

95.	HB 1290	Home food operations; certain [regulatory] exemptions for products. Would have exempted food products and food made from milk processed or prepared in private homes or farms from Board of Agriculture and Consumer Services regulations, so long as (i) the sale is made directly to end consumers and (ii) the product is labeled with the producer's name and address, the product's ingredients, and a disclosure statement indicating the product is not for resale and is processed and prepared without state inspection; would also have exempted private homes or farms that meet the same conditions from the examinations that the State Health Commissioner conducts of fish- and shellfish-handling establishments.	Failed in House ACNR
96.	HB 2032	Notice to localities and property owner's application for use of bottomland [for oyster aquaculture]. Would have required the VMRC to provide written notification of the receipt of an application for an oyster lease or for a permit for the placement of temporary enclosure to owners of property located within 500 feet of the area proposed for the lease or temporary enclosure.	Failed in House ACNR
97.	HB 2195	Fishing privileges; Marine Resources Commission authorized to revoke license of people convicted of unlawfully taking oysters. Authorizes the VMRC to revoke the <i>privilege</i> 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 <i>license</i>); 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; authorizes the VMRC to assess a civil penalty not to exceed \$10,000 against a person if it finds that the person has engaged in fishing other than for recreational purposes during a revocation period; and requires the VMRC to consider the person's history of violating the conservation, health, and safety laws or regulations in setting the amount of the civil penalty.	Passed
98.	HB 2386	Non-resident commercial harvester's license; increases fee range. Would have increased the fee range for the non-resident commercial harvester's license to \$600—\$1400; the current range is \$350—\$1,150.	Failed in House ACNR

99.	SB 1419	Virginia crab meat; Class 3 misdemeanor for improper labeling. Would have made it a Class 3 misdemeanor to represent or label a container as containing Virginia crab meat unless 100 percent of the crab meat is from crabs taken from or caught in Virginia waters.	Failed in House ACNR
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GAME, INLAND FISHERIES, AND BOATING

100.	HB 1298	Non-commercial vessels; reasonable suspicion. Requires law-enforcement officers to have reasonable suspicion that a violation of law or regulation exists before stopping, boarding, or inspecting a non-commercial vessel on the navigable waters of the Commonwealth; but the provisions do not apply to lawful stops, boardings, or inspections conducted by conservation police officers or the Virginia Marine Police for the purposes of inspecting hunting, fishing, and trapping licenses, creel- and bag-limit inspections, or lawful boating-safety checkpoints conducted. Companion bill is SB 1439 (#111).	Passed
101.	HB 1324	Boating safety education [exemption for certain U.S. Navy, Coast Guard, and Merchant Marine personnel]. Adds to those exempted from Virginia's boating safety education those who are serving or have qualified as an Officer of the Deck Underway, boat coxswain, boat officer, boat operator, watercraft operator, or Marine Deck Officer in any branch of the Armed Forces of the United States, United States Coast Guard, or Merchant Marine.	Passed
102.	HB 1516	Wildlife traps; use of remote trap-checking technology. 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 completely submerged body-gripping traps, once every 72 hours.	Passed
103.	HB 1575	Concealed handgun permit; disqualification for boating under the influence. Would have disqualified a person from obtaining a concealed-handgun permit if the person has been convicted of boating under the influence within a three-year period immediately preceding the permit application.	Failed in House Militia, Police and Public Safety
104.	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 <i>electronic</i> copy of the relevant license or certificate; except bear, deer, and turkey licenses must still be carried in hard copy.	Passed
105.	HB 2221	DUI and BUI preliminary analysis of saliva. Would have provided that a person suspected of driving under the influence (DUI), or of boating under the influence (BUI), is entitled to have their saliva analyzed to determine the presence of any intoxicant or drug in their blood, in the same manner that a preliminary analysis of breath is currently conducted to determine a person's probable blood-alcohol level; and that a	Failed in House Courts of Justice

		saliva test may be <i>required</i> of a person suspected of commercial DUI.	
106.	HB 2240	Blue Catfish; prohibition on introduction, stocking, and release. Makes it a Class 2 misdemeanor for any person to introduce into, stock in, or release into waters of the Commonwealth the Blue Catfish (<i>Ictalurus furcatus</i> , a non-native and invasive fish species); except that a Blue Catfish may be released into the same water body in which it was caught.	Passed
107.	HB 2331	Fisher included as fur-bearing animal in hunting and trapping provisions. Adds the Fisher (<i>Martes pennanti</i>) to the definition of "fur-bearing animals" for the purposes of hunting and trapping provisions of the <i>Code of Virginia</i> . The Fisher, a member of the weasel family, is a small carnivorous mammal native to North America.	Passed
108.	HB 2343	Feeding of certain wildlife. Would have directed the Board of Game and Inland Fisheries to allow the feeding of certain wildlife on privately owned land.	Failed in House ACNR
109.	SB 838	State resident hunting, fishing, and trapping licenses for families of armed forces service personnel. Extends the entitlement to obtain a state resident license to hunt, trap, or fish to non-resident members of the immediate family of a service person in the U.S. armed forces who resides in Virginia, is on active duty, and is stationed here; previously the entitlement applied only to the service persons.	Passed
110.	SB 1212	Watercraft; raises sales and use tax. Would have raised from 2% to 4.15% the rate of the watercraft sales and use tax; would have removed the current cap of \$2,000 on the amount of watercraft sales and use tax that can be levied; and would have maintained the same amount of revenue to the DGIF's Game Protection Fund, with any additional revenue going to the General Fund.	Failed in Senate Finance
111.	SB 1439	Non-commercial vessels; reasonable suspicion. Companion bill is HB 1298 (#100); please see that bill for summary.	Passed Senate; failed in House ACNR

HEALTH

112.	HB 1723	Radon; [requirements for] persons certified as proficient to offer screening, testing, and mitigation. Updates and clarifies provisions governing the credentialing of individuals who may conduct or offer to conduct radon screening, testing, or mitigation in the Commonwealth, and updates provisions governing the standards for radon testing in the Commonwealth.	Passed
113.	HB 2078	Community Wastewater Treatment Grant Program and Fund. Would have established this fund to provide grant funds for the construction of community wastewater treatment systems in localities that are experiencing widespread failures or potential failures of onsite sewage systems.	Reported from House Health, Welfare and Institutions; failed in House Appropriations

HIGHWAYS, BRIDGES, AND FERRIES

114.	HB 1398	Highways, bridges, and ferries; clarification of certain revisions to Title 33. Title 33 is the main part of the <i>Virginia Code</i> dealing with highways, bridges, and ferries. The bill includes a provision that continues all statutes previously enacted declaring that certain streams and rivers highways and providing for removing obstructions from them. The bill also repeals the Woodrow Wilson Bridge and Tunnel Compact, which is not in effect; the Wilson Bridge carries Interstate 95 over the Potomac River at Alexandria, and the compact was established in 1995 (HB 1962 in that year) with Maryland and the District of Columbia for the purpose of purchasing the existing Woodrow Wilson Bridge and financing and operating a bridge or tunnel or both to replace or coexist with the existing Woodrow Wilson Bridge.	Passed
115.	HB 1568	Emergency vehicles [allowance for exceeding] bridge [and culvert] weight limits. Would have allowed emergency vehicles responding to an emergency call to exceed bridge and culvert posted weight limits by up to 20 percent, without the issuance of any specific permit.	Failed in House Transportation
116.	HB 1886	Public-Private Transportation Act; finding of public interest. Establishes the requirements for a finding of public interest and requires such a finding prior to an initiation of procurement. The bill also establishes the Transportation Public-Private Partnership Advisory Committee to determine by a majority vote whether a VDOT or Department of Rail and Public Transportation project meets the finding of public interest and to report such determination to the General Assembly. The bill also requires certification of the finding prior to the execution of a comprehensive agreement and requires the public-private partnership guidelines to incorporate the finding. The bill also requires VDOT to establish a process for identifying high-risk projects and procurement processes and guidelines for such projects to ensure that the public interest is protected.	Passed
117.	HB 1887	Transportation funding; formula, reporting, and allocations. Comprehensive bill with several main provisions: 1) Removes the Executive Director of the Virginia Port Authority from the Commonwealth Transportation Board (CTB) and makes the members of the CTB subject to removal by the Governor for malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism, conflicts of interest, failure to carry out the policies of the Commonwealth, or refusal to carry out a lawful directive of the Governor. Both provisions become effective July 1, 2016. 2) Updates the required content for the annual report of the Commissioner of Highways made to the Governor and the General Assembly and adds that such report be submitted to the Joint Legislative Audit and Review Commission and the CTB. The report must include the condition of existing transportation assets; the methodology used to determine maintenance and state of good repair needs; performance targets and outcomes; a listing of prioritized pavement and bridge projects based on the priority ranking system; VDOT strategies for improving the safety, security, and operations of highways; and a review of	Passed

		<p>VDOT's collaboration with the private sector in delivering services.</p> <p>3) Requires the CTB to develop a priority ranking system for structurally deficient bridges and deteriorated pavements. The bill replaces the current \$500 million annual allocation made by the CTB and its corresponding formula and the old 40-30-30 allocation formula to the primary, secondary, and urban highways with a new formula that allocates 45% of funds to the newly established state of good repair purposes, 27.5% to the newly established high-priority projects program, and 27.5% to the highway construction district grant programs. The new formula will take effect beginning in fiscal year 2021 but some unallocated dollars will flow through the new formula during a transition period before 2020.</p> <p>4) Reallocates the interest, dividends, and appreciation that currently accrue to the Transportation Trust Fund and Highway Maintenance and Operating Fund: two-thirds of such current accruals to the Virginia Transportation Infrastructure Bank and one-third of such accruals to the Transportation Partnership Opportunity Fund.</p> <p>5) Excludes grants from other financing, thereby removing the ability of a governmental entity to apply for a grant.</p> <p>6) Allows the CTB to make transfers from the Toll Facilities Revolving Account to the Virginia Transportation Infrastructure Bank.</p> <p>7) Reallocates recordation tax revenues from the Highway Maintenance and Operating Fund to the Commonwealth Transit Capital Fund and reallocates 3.7% of fuels tax revenues from the Transportation Trust Fund and divides it between the Commonwealth Mass Transit Fund and the Commonwealth Transit Capital Fund. These provisions become effective July 1, 2016, and would revert if Virginia began collecting sales tax from remote retailers pursuant to Congress's passage of the Marketplace Fairness Act.</p> <p>68) Authorizes the Department of Rail and Public Transportation to enter into agreements not to exceed 20 years under the Public-Private Transportation Act to improve passenger rail service with private entities that finance improvements in return for annual payments.</p>	
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MINES AND MINING

118.	HB 1879	Coalfield employment enhancement; extends expiration date of tax credit to January 1, 2019. Would have extended for two more years the Virginia Coal Employment and Production Incentive Tax Credit, and would have limited the annual statewide total tax credits to \$7.5 million. Companion bill is SB 1161 (#122).	Passed, but vetoed by governor
119.	HB 2058	Coalbed methane gas; [provisions for] release of [certain] 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	Passed

		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.	
120.	HB 2181	Coal; tax credit allowed beginning January 1, 2015. Would have limited the amount of the Virginia Coal Employment and Production Incentive Tax Credit to \$500,000 per return; and would have reduced the tax credit from \$3 per ton of coal purchased and consumed by an electricity generator to \$2 per ton.	Failed in House Finance
121.	SB 741	Coalfield employment enhancement; extends expiration date of tax credit. As passed by the Senate on 2/5/15, would extend the expiration date of the Virginia Coal Employment and Production Incentive Tax Credit from January 1, 2017, to January 1, 2019. The House substitute passed on 2/18/15 retained a \$3 per ton credit but capped the annual statewide total tax credits at \$7.5 million.	Passed Senate; substitute passed House; measure failed in conference between the House and Senate
122.	SB 1161	Coalfield employment enhancement; extends expiration date of tax credit to January 1, 2019. Companion bill is HB 1879 (#118); please see that bill for summary.	Passed, but vetoed by governor

WATER AND SEWER SYSTEMS

123.	HB 1424	Virginia Water and Waste Authorities Act; delinquent payment. Repeals a provision of the Virginia Water and Waste Authorities Act that limited 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 prohibited 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. Companion bill is SB 868 (#128).	Passed
124.	HB 2067	Daylighted streams; not required to become Resource Protection Area under the Chesapeake Bay Protection Act. Defines "daylighted stream" as a stream that had been previously diverted into an underground drainage system, has been redirected into an aboveground channel using natural channel design concepts as defined in <i>Virginia Code</i> Section 62.1-44.15:51 , and consequently meets the criteria for being designated as a Resource Protection Area (RPA) under the Chesapeake Bay Preservation Act. The bill provides that the	Passed

		SWCB, when developing the criteria for a RPA, shall <i>not require</i> that a daylighted stream become an RPA, but any locality that does not designate an RPA adjacent to a daylighted stream must use a water-quality impact assessment to ensure that development adjacent to the stream does not result in the degradation of the stream. The bill does not limit a locality's authority to include daylighted streams within an RPA.	
125.	HJ 506	Short and long-term impact of [storage and land-application of] biosolids and industrial waste; study. Would have requested certain Virginia state entities to, 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, surface water, and groundwater. As introduced, HJ 506 called for the <i>DEQ</i> to do such a study. The bill was changed to require the study be done by the VIMS, DMME, and U.S. Geological Survey. A Senate substitute to HB 506 added the Virginia Tech Department of Crop and Soil Environmental Science to the study. The House and Senate failed to agree on a final version of this bill. See related HJ 516 (#126), HB 1363 (#130), HB 1364 (#131), and HB 1381 (#132).	Passed House; the Senate passed a substitute, but the House failed to agree to the Senate substitute, so the bill ultimately failed
126.	HJ 516	Study; long-term impact of biosolids and industrial waste; report [by DEQ]. Would have directed the DEQ to study the long-term effects of the storage and land application of industrial wastes and sewage sludge on public health, residential wells, surface water, and groundwater. See related HJ 506 (#125), HB 1363 (#130), HB 1364 (#131), and HB 1381 (#132).	Failed in House Rules
127.	SB 767	Water and sewer systems; Montgomery County. Would have added Montgomery County to the list of localities that may require connections to their water and sewer systems by owners of property that can be served by the systems.	Failed in Senate Local Government
128.	SB 868	Virginia Water and Waste Authorities Act; delinquent payment. Companion bill is HB 1424 (#123); please see that bill for summary.	Passed

WATERS OF THE STATE, PORTS AND HARBORS

129.	HB 1293	Stormwater fees; exemptions for [certain] religious groups. Would have required the SWCB, 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; also would have required localities to waive stormwater-related taxes for such properties.	Failed in House ACNR
130.	HB 1363	Industrial waste; land application unlawful in certain counties. Would have made it unlawful to apply industrial wastes to land located in the counties of Hanover, King William, or New Kent. See related HJ 506 (#125), HJ 516 (#126), HB 1364 (#131), and HB 1381 (#132).	Failed in House ACNR

131.	HB 1364	Industrial wastes; fees for testing and monitoring of land application. Allows localities to adopt ordinances that provide for the testing and monitoring of the land application of solid or semisolid industrial wastes. Also requires the SWCB to adopt emergency regulations requiring persons that land-apply industrial wastes to collect a fee (not to exceed the direct costs to localities of testing and monitoring the land application of industrial wastes) from the wastes generator, and remit the fee to the DEQ; the fees are to be deposited into a new Sludge Management Fund and disbursed to localities for testing and monitoring of industrial wastes. The DEQ 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, and the bill specifies the minimum instructional elements of the training program. Companion bill is SB 1413 (#154). See related HJ 506 (#125), HJ 516 (#126), HB 1363 (#130), and HB 1381 (#132).	Passed
132.	HB 1381	Industrial wastes; fees for testing and monitoring of land application. Would have allowed localities to adopt ordinances that provide for the testing and monitoring of the land application of industrial wastes, and would have required the SWCB to adopt emergency regulations requiring persons that land-apply industrial wastes to collect a fee from the wastes generator, and remit the fees to the DEQ; the fees would have been deposited into a new Sludge Management Fund and disbursed to localities for testing and monitoring of industrial wastes. See similar related HJ 506 (#125), HJ 516 (#126), HB 1363 (#130), and HB 1364 (#131).	Failed in House ACNR
133.	HB 1507	Dan River; designating certain segment as State Scenic River. Adds a 38.6-mile segment of the Dan River to Virginia Scenic Rivers System; about 15 miles of the Dan was already in the system.	Passed
134.	HB 1535	Tributary strategies; removes requirement for Secretary of Natural Resources to provide [an annual] report Repeals the requirement of <i>Va. Code</i> Sec. 2.2-220 that the Secretary of Natural Resources report annually to General Assembly committees and to the Virginia delegation to the Chesapeake Bay Commission on Bay tributary plans, because the tributary plans have been replaced by state Watershed Implementation Plans required under the Chesapeake Bay Total Maximum Daily Load, published by the U.S. EPA in 2010. See related HB 1536 (#135) and SB 1284 (#150).	Passed
135.	HB 1536	Water Quality Improvement Act; references to obsolete tributary strategy plans. Removes several obsolete references to the tributary strategy plans that appear in the Virginia Water Quality Improvement Act of 1997, because the tributary strategy plans have been replaced by state Watershed Implementation Plans required under the Chesapeake Bay Total Maximum Daily Load, published by the U.S. EPA in 2010. Similar to, but more comprehensive than, related HB 1535 (#134) and SB 1284 (#150).	Passed
136.	HB 1784	Virginia Port Authority; allowable capital expenditures. Provides that expenditures by the Authority for capital projects are restricted to projects located on real property that is owned,	Passed

		leased, or operated by the Virginia Port Authority, with the following exceptions: expenditures as provided for in Va. Code Section 62.1-132.13 or 62.1-132.14 ; on grants to local government for financial assistance for port facilities as approved by the Board in policies posted on the Authority's Web site; or (support for the types of projects eligible for funding under subsection A of Va. Code Section 33.2-1509 , subsection A of Section 33.2-1600 , or subsection A of Section 33.2-1601 .	
137.	HB 1924	[did separate Grouper item on 8/17.] Eastern Virginia Groundwater Management Advisory Committee established. Established this Advisory Committee to assist the State Water Commission and the DEQ in developing, revising, and implementing a management strategy for groundwater in the Eastern Virginia Groundwater Management Area. Companion bill is SB 1341 (#151).	Passed
138.	HB 2019	Virginia Port Authority; additional exemptions from the Public Procurement Act. Provides that exemptions the Port Authority is exempt from the Virginia's Public Procurement Act (starting at Sec. 2.2-4300 in the Virginia Code); from the Virginia Personnel Act (starting at Sec. 2.2-2900 of the Virginia Code), with certain qualifications; and from Code sections covering the Department of General Administration (2.2-1124 , 2.2-1131.1 , 2.2-1136 , 2.2-1149 , 2.2-1150 , and 2.2-1153 -through 2.2-1156), provided that the Authority adopts and the its Board approves policies or regulations governing the acquisition, lease, or sale of surplus and real property consistent with the provisions of the above-referenced sections; and (ii) any acquisition, lease, or sale of real property valued in excess of \$20 million shall be approved by the Governor. The bill requires the Authority to develop policies or adopt regulations for the implementation of the bill's provisions no later than January 1, 2017, prior to which date the Authority may exercise the authority granted by the bill subject to the approval of the Secretary of Transportation. Companion bill is SB 1359 (#153).	Passed
139.	HB 2028	Scenic rivers; role of Scenic River Advisory Committees. Would have stipulated that the role of the Scenic River Advisory Committees is to "submit observations" to the director of the DCR and the local governing bodies affected by Scenic River designations, but that the DCR, the DCR director, and the advisory committees are not authorized to take any action that prohibits, impedes, or restricts a project that may potentially alter the scenic river assets; and that, in making their observations and recommendations to the local governing bodies, the DCR and advisory committees are to consider the inherent rights of property owners.	Failed in House ACNR
140.	HB 2227	Stormwater-management exemption for small agricultural structures. Would have expanded the stormwater-management exemptions available currently for single-family, detached, residential structures to include agriculture structures occupying a footprint of less than 2,500 square feet. The bill also would have directed the SWCB to adopt a regulatory definition of "impervious cover" that exempts unpaved farm roads closed to public travel.	Failed in House ACNR

141.	HB 2273	Virginia Port Authority; expands police powers. Expands the police-power jurisdiction of any special police officers appointed by the Authority to any property owned, leased, or operated by the Authority or its subsidiaries; previous law allowed such officers to enforce the law on “Authority property.” Companion bill is SB 1358 (#152).	Passed
142.	HB 2278	Virginia Resources Authority; economic and community development projects. Would have clarified the types of projects the Authority is authorized to finance, by specifically including “tourism” and by removing language restricting authorization for economic and community development project financing “to site acquisition and site development work.”	Failed in House Appropriations
143.	HJ 595	Virginia's water resource planning and management; JLARC to study. Would have directed the Joint Legislative Audit and Review Commission to study Virginia's water resource planning and management.	Incorporated by House Rules into HJ 623 (#145)
144.	HJ 623	Groundwater; JLARC to study Virginia's resources. Directs the Joint Legislative Audit and Review Commission to study Virginia's water resource planning and management, particularly with regard to groundwater. This study is a recommendation of the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding. In conducting its study, the Joint Legislative Audit and Review Commission shall (i) assess the extent to which groundwater and surface water consumption is unsustainable, the potential effects of any unsustainable consumption, and the risk of overconsumption in the future; (ii) assess the effectiveness of the state's permitting process for groundwater and surface water withdrawals; (iii) assess the effectiveness of state and local water resource planning, particularly with regard to groundwater, including the role state and local plans play in water withdrawal permitting; (iv) examine the adequacy of current funding and staff levels for managing Virginia's water resources; (v) consider the need for strategies and practices to preserve or increase the amount of groundwater and surface water available for future consumption; and (vi) review any other issues and make recommendations as appropriate. JLARC is to submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations in January 2016 and January 2017.	Passed
145.	SB 811	Chemical storage in the Commonwealth; evaluation of safety for human health and the environment. Directs the DEQ director, 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 states, “This evaluation may include (i) an examination of Virginia's existing programs to protect drinking water resources from contamination from chemical storage; (ii) identification of any existing gaps or inadequacy in drinking water protections related to chemical storage; (iii) identification of any existing gaps or inadequacy in chemical storage standards; (iv) any recommendations on chemical storage in the Commonwealth to address protection of human health, public safety, drinking water resources, the	Passed

		environment, and the economy of the Commonwealth; and (v) other policies and procedures that the Director of the Department of Environmental Quality, the State Health Commissioner, and the State Coordinator of Emergency Management determine may enhance the protection of Virginia's drinking water resources and the safe storage of chemicals in Virginia.” The three agency executives are to report the findings of the evaluation to the State Water Commission, the Chairman of the Senate ACNR Committee, and the Chairman of the House ACNR Committee no later than December 1, 2016.	
146.	SB 1154	Discharge of deleterious substance into state waters; notice. Would have required any person who unlawfully discharges any deleterious substance into state waters to notify the DEQ or the coordinator of emergency services of the affected locality within <i>12 hours</i> , rather than <i>24 hours</i> as in current law. The bill also would have expanded the SWCB/DEQ public-notice requirement for discharges that threaten public health or the environment to include local television and radio stations along with local newspapers.	Passed Senate; failed in House ACNR
147.	SB 1201	Stormwater; procedure for approval of dredging operations in the Chesapeake Bay Watershed. Directs the SWCB 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 SWCB is required to establish that procedure, the Chesapeake Bay Program [Web site: http://www.chesapeakebay.net/] 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 dredging in cases where stormwater has contributed to the deposition of sediment in state waters.	Passed
148.	SB 1203	Chesapeake Bay Watershed Implementation Plan; Little Creek watershed removed from James River Basin. Directs state agencies to remove the Little Creek watershed from inclusion in the James River Basin for purposes the Watershed Implementation Plan under the Chesapeake Bay Total Maximum Daily Load (TMDL), published by the U.S. EPA in 2010. Little Creek is a Virginia Beach waterway on which is located the U.S. Army and Navy Joint Expeditionary Base Little Creek-Fort Story.	Passed
149.	SB 1271	Submerged beds of rivers or creeks; claims of private ownership, arbitration. Would have required that the Department of General Services order arbitration to resolve claims of ownership of a submerged bed of an inland river or creek upon the written request of a party claiming ownership and after a preliminary hearing. This relates to claims of private ownership of submerged stream beds under king's grants, an issue that has affected stream access and recreation on certain Virginia waterways.	Failed in Senate ACNR (stricken at request of patron)
150.	SB 1284	Water Implementation Plans (WIPs); replacement of tributary strategies. Removes the reference in <i>Va. Code</i>	Passed

		Section 2.2-281 to the tributary strategy plans, because the tributary strategy plans have been replaced by state Watershed Implementation Plans required under the Chesapeake Bay Total Maximum Daily Load (TMDL), published by the U.S. EPA in 2010. Similar to, but less comprehensive than, HB 1536 (#135); see also related HB 1535 (#134).	
151.	SB 1341	Eastern Virginia Groundwater Management Advisory Committee established. Companion bill is HB 1924 (#137); please see that bill for summary.	Passed
152.	SB 1358	Virginia Port Authority; expands police powers. Companion bill is HB 2273 (#141); please see that bill for summary.	Passed
153.	SB 1359	Virginia Port Authority; additional exemptions from the Public Procurement Act. Companion bill is HB 2019 (#138); please see that bill for summary.	Passed
154.	SB 1413	Industrial wastes; fees for testing and monitoring of land application. Companion bill is HB 1364 (#131); please see that bill for summary and related bills.	Passed

MISCELLANEOUS OTHER BILLS

155.	HB 1652	Local government; notice of commercial application of pesticides. Would have authorized localities to require that owners of residential property consisting of one-half acre or less provide 48-hour advance notice to adjoining property owners of the application of pesticides by a commercial applicator.	Failed in House ACNR
156.	SB 996	Exemptions from boating safety education requirements. Would have exempted motorboat operators born prior to July 1, 1972, and who are residents of Virginia, from having to demonstrate compliance with boating safety education requirements before operating a motorboat.	Passed Senate; substitute version failed on House floor.
157.	SB 1071	Department of Environmental Quality special-order penalties. Would have raised the civil penalty that may be included with a "special order" from \$10,000 to \$25,000	Passed Senate; failed in House ACNR.
158.	SB 1107	Release of balloons. Would have prohibited, with certain exceptions, intentional release of balloons into the atmosphere that are inflated with a substance lighter than air and required more than five minutes' contact with air or water to degrade. Current law prohibits release of 50 or more non-biodegradable or non-photodegradable balloons within a one-hour period.	Reported from Senate ACNR; failed on Senate floor.