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## SENATE BILL NO. 1423

Offered January 12, 2017

A *BILL to amend the Code of Virginia by adding a section numbered 56-591.1, relating to electric utilities; use of viewshed mitigation payments.*

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Patron—Wagner

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Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 56-591.1 as follows:****§ 56-591.1. Viewshed mitigation payments.***A. As used in this section:*

*"Mitigation compensation fund" means a fund established and funded by an electric utility for the purpose of implementing mitigation measures, including making viewshed mitigation payments to payees, which fund sets out specific projects and activities, along with certain guidelines and requirements, about the allocation of viewshed mitigation payments for those projects and activities.*

*"Payee" means any person, including a governmental entity, that is designated as the recipient of a viewshed mitigation payment either directly from an electric utility or indirectly from a mitigation compensation fund.*

*"Permitted purpose" means (i) the implementation of renewable energy projects, (ii) the conduct of energy-related research and development programs or projects, or (iii) both clauses (i) and (ii).*

*"Viewshed mitigation payment" means a payment by an electric utility to a payee or a mitigation compensation fund for the purpose of mitigating adverse visual effects associated with the electric utility's construction, modification, expansion, or location of one or more electric transmission lines within the Commonwealth, which payment is made pursuant to an agreement between the electric utility and an agency of state or federal government or pursuant to an order or permit issued by an agency of state or federal government.*

*B. An electric utility is not authorized to make any viewshed mitigation payment to a payee or a mitigation compensation fund unless:*

*1. The agreement, order, or permit pursuant to which the electric utility makes a viewshed mitigation payment specifically provides that all moneys received by a payee in connection with the viewshed mitigation payment shall be used only for a permitted purpose or purposes; and*

*2. Each payee, prior to receiving a viewshed mitigation payment and as a condition to receipt of future viewshed mitigation payments, pledges to use all viewshed mitigation payments for one or more permitted purposes that are identified and agreed upon by the payee and the electric utility.*

*C. An electric utility shall not be authorized to recover, in a proceeding under § 56-585.1 or under Chapter 10 (§ 56-232 et seq.), any viewshed mitigation payment as an expense properly incurred by the electric utility unless (i) the viewshed mitigation payment is conditioned upon compliance by the payee with the requirements of subsection B and (ii) the payee has applied the full amount of any viewshed mitigation payment to the identified and agreed-upon permitted purpose or purposes.*

INTRODUCED

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