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HOUSE BILL NO. 2292

Offered January 15, 2021

A *BILL to amend the Code of Virginia by adding in Title 45.1 a chapter numbered 28, consisting of sections numbered 45.1-401 through 45.1-404, relating to the transition of the Commonwealth to a moratorium on new major fossil fuel projects; transitioning energy workers; environmental justice protections.*

Patrons—Cole, J.G., Guzman, Aird, Carter, Kory, Rasoul and Samirah

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 45.1 a chapter numbered 28, consisting of sections numbered 45.1-401 through 45.1-404, as follows:

CHAPTER 28.**MORATORIUM ON FOSSIL FUEL PROJECTS.****§ 45.1-401. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Biofuel" or "biofuel resource" means organic matter, decomposition of organic matter, or the processing of organic matter that is used for fuel, biochemical or petrochemical refining or export.

"Biofuel energy" means electric energy generated, in whole or in part, by a fossil fuel resource.

"Clean energy" means energy efficiency, energy conservation, demand response, energy storage, and energy derived from solar, onshore wind, offshore wind, geothermal, and ocean tidal sources.

"Environmental justice community" has the same meaning as provided in § 2.2-234.

"Fossil fuel" or "fossil fuel resource" means coal, petroleum, natural gas, or any derivative of coal, petroleum, or natural gas that is used for fuel. "Fossil fuel" or "fossil fuel resource" includes biofuel and biofuel resources.

"Fossil fuel energy" means electric energy generated, in whole or in part, by a fossil fuel resource.

"Gathering line" has the same meaning as provided in 49 C.F.R. § 195.2.

"Permitting agency" means the Department, the State Corporation Commission, the State Air Pollution Control Board, the State Water Control Board, the Virginia Waste Management Board, the Department of Environmental Quality, or other state agency or political subdivision of the Commonwealth that is the issuing agent for any permit, certificate, or other approval that is required to be obtained prior to the construction or operation of any facility described in subsection A of § 45.1-402.

§ 45.1-402. Moratorium on new major fossil fuel projects.

A. Beginning on January 1, 2022, unless preempted by applicable federal law, there shall be a moratorium on approval by any permitting agency of any permit, certificate, or other approval required for:

1. Any new electric generating facility that generates fossil fuel energy through the combustion or use of any fossil fuel resource;

2. Any new or expanding import or export terminal for fossil fuel resources;

3. Any modification of an existing import or export terminal for a fossil fuel resource that expands the import or export capacity for a fossil fuel resource;

4. Any new gathering line or pipeline for the transport of any fossil fuel resource that requires the use of public land or eminent domain on private property;

5. Any modification of an existing gathering line or pipeline for the transport of a fossil fuel resource that expands the carrying capacity of the gathering line or pipeline;

6. Any new refinery of a fossil fuel resource;

7. Any facilities that change the physical state of fossil fuels for the purposes of transporting such fuel; and

8. Any exploration for any type of fossil fuel.

B. Unless preempted by applicable federal law, the applicable permitting agency shall deny any application submitted to such permitting agency on or after January 1, 2022, for a permit, certificate, or approval for the construction, installation, expansion, or operation of any facility or activity described in subsection A. The State Corporation Commission shall not find that any rate case brought as a result of these provisions to be reasonable and competent.

§ 45.1-403. Transitioning workers.

A. The Department, in conjunction with the Virginia Board of Workforce Development, shall develop

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59 job training programs that include:

60 1. The development of trade programs in high schools and community colleges; and
61 2. Scholarships and forgivable education loans for people who work in the clean energy and energy
62 efficiency sectors.

63 B. The Department shall develop guidelines for clean energy worker protections. Such guidelines
64 shall:

65 1. Require the use of project labor agreements or otherwise provide for the payment of a prevailing
66 wage for clean energy and energy efficiency jobs; and

67 2. Protect the rights of individuals to freely join a union without interference from employers.

68 C. The Department shall develop a program of transition assistance for workers in the fossil fuel
69 industry and affected communities.

70 The program shall include:

71 1. Employment guarantees;

72 2. Job training support;

73 3. Placement and relocation support;

74 4. Bona fide labor union apprenticeships, including skills training, tuition support, job counseling,
75 and on-the-job training;

76 5. Income and benefit support;

77 6. Early retirement benefits; and

78 7. Pension support.

79 Each individual worker enrolled in the program shall receive at least one form of assistance, and
80 employment, income, benefit, and early retirement support shall meet or exceed the worker's lost wages
81 and benefits as well as the pay and benefits of the jobs lost in the fossil fuel sector.

82 **§ 45.1-404. Environmental justice protections.**

83 A. The Department shall establish performance benchmarks for environmental justice communities.
84 Such benchmarks shall:

85 1. Prioritize attaining the Commonwealth's energy efficiency goals in environmental justice
86 communities and mandate that 40 percent of funding for energy efficiency programs in the
87 Commonwealth be directed to energy efficiency measures in environmental justice communities until
88 such date that energy efficiency goals in environmental justice communities are attained;

89 2. Mandate that 40 percent of funding for programs directed at attaining annual clean energy goals
90 be directed to investments in clean energy facilities in environmental justice communities until such date
91 that 100 percent of the energy consumed in such communities is clean energy; and

92 3. Support the development of community and publicly owned clean energy in environmental justice
93 communities.

94 B. The Department shall establish programs for jobs for people in environmental justice
95 communities. Such programs shall:

96 1. Provide scholarships and low-interest loans for job training programs prioritized for individuals
97 living in environmental justice communities;

98 2. Ensure that job training programs exist in environmental justice communities and are adequate to
99 meet employment goals; and

100 3. Mandate that 50 percent of the workforce for energy efficiency and clean energy programs comes
101 from environmental justice communities.

102 C. The Department shall provide meaningful input and analysis in planning for energy transition and
103 energy efficiency from environmental justice communities throughout the Commonwealth. In
104 implementing this requirement, the Department shall:

105 1. In conjunction with the Office of Diversity, Equity and Inclusion, the Virginia Council on
106 Environmental Justice, and the Clean Energy Advisory Board, establish statewide and regional bodies
107 responsible for developing, evaluating, and providing feedback on meeting environmental justice
108 priorities; and

109 2. Hold multiple public hearings in environmental justice communities on transition plans.

110 D. The Department shall not allow offsets to meet clean energy or energy efficiency goals. The
111 Department shall ensure that benefits for low-income communities are specific and realized. The
112 Department shall prevent the use of compliance payment or other offsets to meet clean energy and
113 energy efficiency goals.

114 E. In order to provide accountability for meeting environmental justice benchmarks, the Department
115 shall:

116 1. Require annual reporting on progress, including specifics on goals for environmental justice
117 communities with input from the Office of Diversity, Equity, and Inclusion, the Virginia Council on
118 Environmental Justice, the Clean Energy Advisory Board, and representatives from environmental justice
119 communities and provide publicly available translations of this report; and

120 2. Conduct, if any goal or benchmark established by this chapter is not met, an analysis as to why

121 *the goal or benchmark was not met and develop a publicly available plan to make up from the missed*
122 *goal or benchmark in subsequent years.*

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