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HOUSE BILL NO. 1355

Offered January 21, 2022

A *BILL to amend the Code of Virginia by adding in Chapter 17 of Title 45.2 an article numbered 9, consisting of sections numbered 45.2-1734, 45.2-1735, and 45.2-1736, relating to moratorium on fossil fuel projects.*

Patron—Kory

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 17 of Title 45.2 an article numbered 9, consisting of sections numbered 45.2-1734, 45.2-1735, and 45.2-1736, as follows:

*Article 9.**Moratorium on Fossil Fuel Projects.***§ 45.2-1734. Definitions.**

A. As used in this article, 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 or for biochemical or petrochemical refining or export.

"Biofuel energy" means electric energy generated, in whole or in part, by a biofuel 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 of Energy, 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 any 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 § 45.2-1735.

§ 45.2-1735. Moratorium on new major fossil fuel projects.

A. Beginning on January 1, 2023, 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 purpose of transporting such fuels; or

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, 2023, 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 any rate case brought as a result of these provisions to be reasonable and competent. However, nothing in this section shall be construed to mandate denial of an application submitted to a permitting agency for development, expansion, maintenance, or operation of small distribution pipelines that transport fossil fuel resources directly to

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59 *residential or commercial customers of a retail electric supplier.*

60 **§ 45.2-1736. Transitioning workers.**

61 *The Department shall develop a program of transition assistance for workers in the fossil fuel*
62 *industry and affected communities. The program shall include:*

63 *1. Employment guarantees;*

64 *2. Job training support;*

65 *3. Placement and relocation support;*

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

68 *5. Income and benefit support;*

69 *6. Early retirement benefits; and*

70 *7. Pension support.*

71 *Each individual worker enrolled in the program shall receive at least one form of assistance, and*
72 *employment, income, benefit, and early retirement support shall meet or exceed the worker's lost wages.*