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HOUSE BILL NO. 894

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Commerce and Labor
on February 28, 2022)

(Patron Prior to Substitute—Delegate Kilgore)

A BILL to direct the Department of Energy to study the development of advanced small modular reactors in the Commonwealth and consider minimizing impacts on prime farmland a key priority in completing its Virginia Energy Plan, to direct the Virginia Cooperative Extension to create a map or repository of prime farmland in the Commonwealth, and to direct the State Corporation Commission to develop a program to encourage and expedite infrastructure investments by investor-owned electric utilities in certain industrial sites.

Be it enacted by the General Assembly of Virginia:

1. § 1. The Department of Energy, in cooperation with the Virginia Nuclear Energy Consortium Authority, shall convene a stakeholder work group to identify strategies and any needed public policies, including statutory or regulatory changes, for promoting the development of advanced small modular reactors in the Commonwealth.

§ 2. The Department of Energy shall consider the economic development of rural Virginia while minimizing the impact on prime farmland, as defined in § 3.2-205 of the Code of Virginia, a key priority in completing its update to the Virginia Energy Plan scheduled for 2022.

§ 3. The Virginia Cooperative Extension shall work to develop a map or repository of prime farmland and in doing so shall consult with relevant and necessary state agencies, including the Department of Agriculture and Consumer Services, the Department of Forestry, the Department of Conservation and Recreation, and the Department of Energy. Such agencies shall provide assistance, including access to relevant data or information for purposes of developing a map or repository of prime farmland, as defined in § 3.2-205 of the Code of Virginia, to the Virginia Cooperative Extension upon request. The Virginia Cooperative Extension may enter into agreements with private nonprofit groups for the purpose of gathering additional data to identify land with conservation easements or agricultural potential and land that would be more suitable for development with solar energy collection devices or energy storage devices. The Virginia Cooperative Extension may work with Phase I and Phase II Utilities to identify relevant distribution and transmission grid information to further assist localities in siting determinations regarding solar energy collection devices or energy storage devices. Such electric distribution and transmission grid information shall not be subject to the disclosure requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia). The Virginia Cooperative Extension shall submit to the Governor and the General Assembly an initial report on the development of a map or repository for prime farmland, as required by the provisions of this enactment, no later than December 1, 2022. Such report shall include recommendations for the appropriate permanent location for such map or repository, methods by which such map or repository can be made available for public use, and the estimated initial and ongoing costs to be incurred in maintaining such map or repository. The development of the report and recommendations by the Virginia Cooperative Extension shall be funded either privately or through appropriations designated for specified activities required by this enactment.

§ 4. That, in furtherance of economic development in the Commonwealth, the State Corporation Commission (the Commission) shall develop a program to encourage and expedite infrastructure investments by a Phase I Utility or Phase II Utility, as those terms are defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, in industrial sites determined to be relevant and in high demand by the Virginia Economic Development Partnership (VEDP). In developing such program, the Commission may consider best practices in key competitor states, as identified by VEDP. The Commission shall also consider, but is not limited by, the provisions of the existing pilot program established in § 56-585.1:10 of the Code of Virginia. The Commission shall consult with VEDP, local economic development officials, affected utilities, and other stakeholders as it deems appropriate. The Commission shall implement such program no later than December 1, 2022, and shall submit a report by December 15, 2022, to the Governor and the General Assembly of any recommendations identified for legislative changes in furtherance of encouraging and expediting investments in industrial site utility infrastructure. Additionally and separately, VEDP shall review and determine whether barriers currently exist for development of infrastructure and supply chain investments in Southside and Southwest Virginia. VEDP shall also review incentives that the Commonwealth and its localities should utilize or develop to retain economic development and promote new infrastructure and supply chain investments in Southside and Southwest Virginia and in other areas of the Commonwealth. VEDP shall submit a report of its review no later than December 1, 2022, to the Governor and the General Assembly of any findings and

60 *recommendations related to promoting infrastructure and supply chain investments within the*
61 *Commonwealth and supporting economic development generally.*