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ALEC “Act Requiring Approval of State Plan to Implement EPA’s Carbon Guidelines”

In developing any State plan for regulating carbon dioxide emissions from covered electric generating units, the {state agency} shall prepare a report that assesses the effects of the State plan on:

- 1) The electric power sector, including
 - a) The ability of the State to provide affordable electricity through diversified sources of electricity generation;
 - b) The type and amount of electric generating capacity within the State that is likely to retire or switch to another fuel;
 - c) Stranded investment in electric generating capacity and other infrastructure;
 - d) The amount of investment necessary to offset retirements of electric generating capacity and maintain generation reserve margins;
 - e) Potential risks to electric reliability within the State, including resource adequacy risks and transmission constraints; and
 - f) The amount by which retail electricity prices within the State are forecast to increase.
- 2) Electricity consumers within the State, including any disproportionate impacts of electricity and other energy price increases on middle-income and lower-income households.
- 3) Employment within the State, including direct and indirect employment effects and jobs lost within affected sectors of the State’s economy;
- 4) Economic development within the State, including effects of manufacturing, commercial, and other sectors of the State’s economy;

Virginia HB 2, SB 21, and SB 482

§ 2. In its development of any state plan for regulating carbon dioxide emissions from covered electric generating units, DEQ, in conjunction with the State Corporation Commission, shall: a. Prepare a report that assesses the effects of the state plan on:

- (1) The electric power sector, including:
 - (a) The ability of the Commonwealth to provide affordable electricity through diversified sources of electricity generation;
 - (b) The type and amount of electric generating capacity within the Commonwealth that is likely to retire or switch to another fuel;
 - (c) Stranded investment in electric generating capacity and other infrastructure;
 - (d) The amount of investment necessary to offset retirements of electric generating capacity and maintain generation reserve margins;
 - (e) Potential risks to electric reliability, including resource adequacy risks and transmission constraints; and
 - (f) The amount by which retail electricity prices within the Commonwealth are forecast to increase;
- (2) Electricity customers within the Commonwealth, including any disproportionate effects of electricity and other energy price increases on middle-income and lower-income households;
- (3) Employment within the Commonwealth, including direct and indirect employment effects and jobs lost within affected sectors of the Commonwealth’s economy;
- (4) Economic development within the Commonwealth, including effects on manufacturing, commercial, and other sectors of the Commonwealth’s economy;

5) The competitive position of the State relative to neighboring States and other economic competitors; and

6) State and local governments, including potential impacts resulting from changes in tax revenues; and

7) State law, including any new laws necessary to implement the State plan.

Section 4. Submission of State Plan to EPA. The {state agency} shall not submit to EPA any State plan until {both chambers of the state legislature} have adopted resolutions that approve the State plan in accordance with Section 5.

Section 5. Approval of State Plan by Legislature.

1) Transmittal to State Legislature. Not later than 15 days from the date of adoption of any State plan, the {state agency} shall transmit to {each chamber of the state legislature} a copy of the State plan and the accompanying report developed in accordance with Section 3.

2) Vote on State Plan. Upon receiving the State plan and accompanying report transmitted under subsection 1, {each chamber of the state legislature} shall vote on a resolution to approve the State plan after sufficient time has been provided to assess the State plan and accompanying report. The resolution shall be deemed approved by the {state legislature} if each {chamber of the state legislature} casts a majority of votes in favor of the resolution.

3) Submission of Revised State Plan. If {either chamber of the state legislature} fails to approve a State plan under subsection 2, the {state agency} may submit a revised version of the State plan, with an accompanying revised report, to the {state legislature} for approval in accordance with the procedures specified under this section.

(5) The competitive position of the Commonwealth relative to neighboring states and other economic competitors;

(6) State and local governments, including potential effects resulting from changes in tax revenues; and

(7) State law, including any new laws necessary to implement the state plan;

§ 5. DEQ shall not submit to the EPA any state plan until both the Senate and the House of Delegates have adopted resolutions that approve the state plan in accordance with this act.

§ 3. Not later than 15 days following the completion of DEQ's development of a state plan, DEQ shall transmit to the Senate and the House of Delegates a copy of the state plan and the accompanying report developed in accordance with subdivision a of § 2.

Upon receiving the state plan and accompanying report, the Senate and the House of Delegates shall vote on a resolution to approve the state plan after sufficient time has been provided to assess the state plan and accompanying report. The resolution shall be deemed approved by the Senate and the House of Delegates if each chamber casts a majority of votes in favor of the resolution.

§ 4. If either the Senate or the House of Delegates fails to approve a state plan under § 3, DEQ may submit a revised version of the state plan, with an accompanying revised report, to the Senate and the House of Delegates for approval in accordance with the procedures specified under § 3.