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SENATE BILL NO. 336**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Finance and Appropriations
on February 10, 2026)

(Patron Prior to Substitute—Senator Roem)

A BILL to direct the State Corporation Commission to evaluate the impact of requiring data centers to limit the use of Tier 2 generators and prioritize the use of Tier 4 equivalent or better generators.

Be it enacted by the General Assembly of Virginia:

1. § 1. That the State Corporation Commission (the Commission) shall evaluate the impact of requiring data centers to limit the use of Tier 2 generators and prioritize the use of Tier 4 equivalent or better generators. In conducting the evaluation, the Commission shall consider (i) the environmental and fiscal impact of limiting the use of Tier 2 generators at data centers to sudden and unforeseeable outage events that do not include planned outage events; (ii) the feasibility of requiring data centers to annually retrofit at least 20 percent of their Tier 2 generator fleet to be equal to or less than the emissions of a Tier 4 equivalent or better generator, for five years or until 100 percent of the fleet's emissions are equal to or less than the emissions of a Tier 4 equivalent or better generator; (iii) best practices employed in other states for the regulation of the use of generators at data centers; and (iv) a survey of the regulation of the use of generators across other industries and entities in the Commonwealth, including medical centers and public institutions of higher education owned or operated by the Commonwealth. The Commission shall submit a report on any findings to the Chairs of the Senate Committees on Finance and Appropriations and Agriculture, Conservation and Natural Resources and the House Committees on Appropriations and Agriculture, Chesapeake and Natural Resources no later than October 15, 2026.