

1 SUBTITLE V.

2 OTHER SOURCES OF ENERGY; ENERGY POLICY.

3 **Drafting note: Proposed Subtitle V is created to logically organize provisions**  
4 **relating to wind energy, solar energy, geothermal energy, nuclear energy, and other**  
5 **sources of energy not related to coal, minerals, or gas and oil. Proposed Subtitle V**  
6 **contains six chapters: Chapter 17, Other Sources of Energy Generally; Chapter 18,**  
7 **Wind Energy; Chapter 19, Solar Energy; Chapter 20, Geothermal Energy; Chapter 21,**  
8 **Nuclear Energy; and Chapter 22, Uranium Mining.**

9 CHAPTER 17.

10 OTHER SOURCES OF ENERGY GENERALLY.

11 **Drafting note: Proposed Chapter 17 is composed of a new Article 1 with chapter-**  
12 **wide definitions and a portion of existing Chapter 26 (§ 45.1-390 et seq.) of Title 45.1,**  
13 **and Chapters 1 (§ 67-100 et seq.), 2 (§ 67-200 et seq.), 6 (§ 67-600 et seq.), and 16 (§ 67-**  
14 **1600 et seq.) of Title 67 as Articles 2 through 6, respectively. The proposed articles are as**  
15 **follows: Article 1, General Provisions; Article 2, Energy and Operational Efficiency**  
16 **Performance-Based Contracting Act; Article 3, Energy Policy of the Commonwealth;**  
17 **Article 4, Virginia Energy Plan; Article 5, Virginia Coastal Energy Research**  
18 **Consortium; and Article 6, Southwest Virginia Energy Research and Development**  
19 **Authority.**

20 Article 1.

21 General Provisions.

22 **Drafting note: Proposed Article 1 is created to logically organize general**  
23 **provisions applicable to proposed Chapter 17.**

24 ~~§ 67-200~~ 45.2-xxx. Definitions.

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

26 "Consortium" means the Virginia Coastal Energy Research Consortium established  
27 pursuant to Article 5 (§ 45.2-xxx [existing § 67-600] et seq.).

28 ~~"Department" means the Department of Mines, Minerals and Energy.~~

29 "Division" means the Division of Energy of the Department of Mines, Minerals and  
30 Energy.

31 "Plan" means the Virginia Energy Plan prepared pursuant to ~~this chapter, including~~  
32 ~~any updates thereto~~ [Article 4 \(§ 45.2-xxx \[existing § 67-200\] et seq.\)](#).

33 **Drafting note: Existing § 67-200 is relocated from Title 67 to consolidate**  
34 **definitions in proposed Chapter 17. The definition of "Consortium" is added and the**  
35 **definition of "Department" is stricken as unnecessary because it is defined for the title**  
36 **in proposed § 45.2-xxx [first section in proposed Chapter 1]. In the definition of "Plan,"**  
37 **a citation is added and the unnecessary phrase "including any updates thereto" is**  
38 **stricken.**

39 ~~CHAPTER 26.~~

40 ~~ENERGY DIVISION, ETC.~~

41 **Drafting note: The first section of existing Chapter 26 is relocated to this**  
42 **proposed article, while the remaining two sections of existing Chapter 26 are relocated**  
43 **to proposed Chapter 19.**

44 § ~~45.1-390~~ [45.2-xxx](#). Division of Energy established; findings and policy; powers and  
45 duties.

46 A. The General Assembly finds that because energy-related issues continually  
47 confront the Commonwealth, and many separate agencies are involved in providing energy  
48 programs and services, ~~there exists~~ a need exists for a state organization responsible for (i)  
49 coordinating ~~Virginia's~~ the Commonwealth's energy programs and (ii) ensuring ~~Virginia's~~ the  
50 Commonwealth's commitment to the development of renewable and indigenous energy  
51 sources, ~~as well as~~ and the efficient use of traditional energy resources. In accordance with  
52 this need, the Division of Energy is ~~created~~ established in the Department ~~of Mines, Minerals~~  
53 ~~and Energy~~. The Director ~~shall have~~ has the immediate authority to coordinate the  
54 development and implementation of energy policy in ~~Virginia~~ the Commonwealth.

55 B. The Division shall coordinate the energy-related activities of the various state  
56 agencies and advise the Governor on energy issues that arise at the local, state, and national

57 levels. All state agencies and institutions shall cooperate fully with the Division to assist in  
58 the proper execution of the duties assigned by this section.

59 C. In addition, the Division is authorized to make and enter into all contracts and  
60 agreements necessary or incidental to the performance of its duties or the execution of its  
61 powers, including the implementation of energy information and conservation plans and  
62 programs.

63 D. The Division shall:

64 1. Consult with ~~any or all~~ state agencies and institutions concerning energy-related  
65 activities or policies as needed for the proper execution of the duties assigned to the Division  
66 by this section;

67 2. ~~Maintain~~ Serve as the Commonwealth's liaison with appropriate agencies of the  
68 federal government ~~on~~ concerning the activities of the federal government related to energy  
69 production, consumption, and transportation and energy resource management in general;

70 3. Provide services to encourage efforts by and among Virginia businesses, industries,  
71 utilities, academic institutions, state and local governments, and private institutions to develop  
72 energy resources and energy conservation programs ~~and energy resources~~;

73 4. In consultation with the State Corporation Commission, the Department of  
74 Environmental Quality, and the Virginia Center for Coal and Energy Research, prepare the  
75 Virginia Energy Plan pursuant to § ~~67-201~~ 45.2-xxx;

76 5. Observe the energy-related activities of state agencies and advise ~~these~~ such  
77 agencies in order to encourage conformity with established energy policy; and

78 6. Serve, pursuant to § 58.1-3660, as the state certifying authority for solar energy  
79 projects and for the production of coal, oil, and gas, including gas, natural gas, and coalbed  
80 methane gas.

81 **Drafting note: Technical changes are made, including the addition of subsection**  
82 **and clause designations, and language is updated for modern usage.**

83 ~~§ 45.1-390.1. Repealed.~~

84 **Drafting note: Repealed by Acts 1993, c. 274.**

85 ~~§ 45.1-392. Repealed.~~

86 **Drafting note: Repealed by Acts 2011, cc. 815 and 864, cl. 2, effective July 1,**  
87 **2013.**

88 ~~§ 45.1-393. Repealed.~~

89 **Drafting note: Repealed by Acts 2011, cc. 815 and 864, cl. 3, effective July 1,**  
90 **2017.**

91 ~~§ 45.1-394. Repealed.~~

92 **Drafting note: Repealed by Acts 2011, cc. 815 and 864, cl. 3, effective July 1,**  
93 **2017.**

94 ~~CHAPTER 6.1.~~

95 ~~ENERGY AND OPERATIONAL EFFICIENCY PERFORMANCE-BASED~~

96 ~~CONTRACTING ACT.~~

97 Article 2.

98 Energy and Operational Efficiency Performance-Based Contracting Act.

99 **Drafting note: Existing Chapter 6.1 of Title 11, comprising the Energy and**  
100 **Operational Efficiency Performance-Based Contracting Act, is relocated as proposed**  
101 **Article 2 of Chapter 17.**

102 ~~§ 11-34.1. Legislative intent.~~

103 ~~The General Assembly finds that investment in energy conservation measures and~~  
104 ~~facility technology infrastructure upgrades and modernization in facilities owned by state and~~  
105 ~~local government can reduce the amount of energy consumed, reduce long term operational~~  
106 ~~costs and produce immediate and long term savings. It is the policy of the Commonwealth to~~  
107 ~~encourage public bodies to invest in energy conservation measures and facility technology~~  
108 ~~infrastructure upgrades that reduce energy consumption, produce a cost savings, and improve~~  
109 ~~the quality of indoor air in facilities, and when economically feasible, operate, maintain, or~~  
110 ~~renovate facilities in such a manner so as to minimize energy consumption and reduce~~  
111 ~~operational costs associated with facility technology infrastructure. Furthermore, state aid and~~  
112 ~~other amounts appropriated for distribution to public bodies shall not be reduced as a result of~~

113 ~~energy and operational savings realized from a guaranteed savings contract or a lease~~  
114 ~~purchase agreement for the purchase and installation of energy conservation and facility~~  
115 ~~technology infrastructure upgrades and modernization.~~

116 **Drafting note: The statement of legislative intent for existing Chapter 6.1 of Title**  
117 **11 is stricken in accordance with the Code Commission's policy that purpose statements**  
118 **do not have general and permanent application and thus are not to be included in the**  
119 **Code.**

120 § ~~11-34.2~~ 45.2-xxx. Definitions.

121 As used in this ~~chapter~~ article:

122 "Contracting entity" means any public body as defined in § 2.2-4301.

123 "Energy conservation measures ~~and facility technology infrastructure~~" means the use  
124 of methods, and techniques, the application of knowledge, or the installation of devices,  
125 including an alteration or betterment ~~to~~ of an existing facility, that ~~reduce~~ reduces energy  
126 consumption or operating costs, and includes, ~~but is not limited to~~:

127 1. Insulation of the facility structure and systems within the facility.

128 2. ~~Storm~~ Installation of storm windows and doors, caulking or weatherstripping,  
129 multiglazed windows and doors, heat-absorbing, or heat-reflective, glazed and coated window  
130 and door systems, or additional glazing, or reductions in glass area, ~~and or~~ other window and  
131 door system modifications that reduce energy consumption.

132 3. ~~Automatic~~ Installation of automatic energy control systems, including related  
133 software. ~~Required;~~ required network communication wiring, computer devices, wiring, and  
134 support services. ~~Additionally, designing;~~ or the design and ~~implementing~~ implementation of  
135 major building technology infrastructure with operational improvements.

136 4. ~~Heating~~ Modification or replacement of heating, ventilating, or air-conditioning  
137 ~~system modifications or replacements~~ systems.

138 5. Replacement or ~~modifications~~ modification of lighting fixtures to increase the  
139 energy efficiency of the lighting system ~~which~~. Such replacement or modification shall, at a

140 minimum, ~~shall~~ conform to the applicable provisions of the Uniform Statewide Building Code  
141 (§ 36-97 et seq.).

142 6. ~~Energy~~ Installation of energy recovery systems.

143 7. ~~Cogeneration~~ Installation of cogeneration systems that produce, in addition to  
144 electricity, steam or ~~forms another form~~ of energy, such as heat, ~~as well as electricity~~, for use  
145 primarily within a facility or complex of facilities.

146 8. ~~Energy~~ Installation of energy conservation measures that provide long-term  
147 operating cost reductions and significantly reduce the BTUs consumed.

148 9. ~~Building~~ Installation of building technology infrastructure measures that provide  
149 long-term operating cost reductions and reduce related operational costs.

150 10. ~~Renewable~~ Installation of an energy ~~systems~~ system, such as solar, biomass, ~~and or~~  
151 wind.

152 11. ~~Devices~~ Installation of devices that reduce water consumption or sewer charges.

153 "Energy cost savings" means a measured reduction in fuel, energy, or operation and  
154 maintenance costs created from the implementation of one or more energy conservation  
155 measures when compared with an established baseline for previous fuel, energy, or operation  
156 and maintenance costs. When calculating "energy cost savings" attributable to the services  
157 performed or equipment installed pursuant to a performance-based efficiency contract,  
158 maintenance savings shall be included.

159 "Energy performance-based contract" means a contract for the evaluation,  
160 recommendation, and implementation of energy conservation measures ~~and facility~~  
161 ~~technology infrastructure upgrades and modernization~~ that includes, at a minimum:

162 1. The design and installation of equipment to implement one or more ~~of~~ such  
163 measures, and, if applicable, the operation and maintenance of such measures.

164 2. The amount of any actual annual savings. ~~This~~ Such amount ~~must~~ shall meet or  
165 exceed the total annual contract payments made by the contracting entity for such contract.

166 3. ~~Financing~~ The financing charges to be incurred by the contracting entity for such  
167 contract.

168 "Maintenance savings" means the operating expenses eliminated and future capital  
169 replacement expenditures avoided as a result of new equipment installed or services  
170 performed by the performance contractor.

171 "Performance guarantee bond" means ~~for each year of the energy program, the energy~~  
172 ~~performance contractor shall provide a~~ the performance bond provided by the energy  
173 performance contractor for each year of the energy program in an amount equal to, but no  
174 greater than, the guaranteed measured and verifiable annual savings set forth in the program.

175 **Drafting note: The defined term "energy conservation measures and facility**  
176 **technology infrastructure," also rendered inconsistently within existing Chapter 6.1 of**  
177 **Title 11 as "energy conservation measures and facility technology infrastructure**  
178 **measures," is shortened to "energy conservation measures" for clarity and consistency.**  
179 **In the second definition, "but is not limited to" is removed following the term**  
180 **"includes" on the basis of § 1-218, which states that throughout the Code "'Includes'**  
181 **means includes, but not limited to." Changes are made pursuant to § 1-227, which states**  
182 **that throughout the Code any word used in the singular includes the plural and vice**  
183 **versa. Technical changes are made and language is updated for modern usage.**

184 § ~~11-34.3~~ 45.2-xxx. Energy Performance-Based Contract Procedures; required  
185 contract provisions.

186 A. Any contracting entity may enter into an energy performance-based contract with  
187 an energy performance contractor to significantly reduce (i) energy costs to a level established  
188 by the public body or (ii) operating costs of a facility through one or more energy  
189 conservation or operational efficiency measures. For the purposes of this ~~chapter~~ article,  
190 energy conservation or operational efficiency measures shall not include roof replacement  
191 projects.

192 B. The energy performance contractor shall be selected through competitive sealed  
193 bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2. The evaluation  
194 of the request for proposal shall analyze the estimates of all costs of installation, maintenance,  
195 repairs, debt service, ~~post installation~~ post-installation project monitoring, and reporting.

196 Notwithstanding any other provision of law, any contracting entity may purchase energy  
197 conservation or operational efficiency measures under an energy performance-based contract  
198 entered into by another contracting entity pursuant to this ~~chapter~~ article even if it did not  
199 participate in the request for proposals if the request for proposals specified that the  
200 procurement was being conducted on behalf of other contracting entities.

201 C. Before entering into a contract for energy conservation measures ~~and facility~~  
202 ~~technology infrastructure upgrades and modernization measures~~, the contracting entity shall  
203 require the performance contractor to provide a payment and performance bond relating to the  
204 installation of energy conservation measures ~~and facility technology infrastructure upgrades~~  
205 ~~and modernization measures~~ in ~~the~~ an amount the contracting entity finds reasonable and  
206 necessary to protect its interests.

207 D. Prior to the design and installation of ~~the~~ any energy conservation ~~measure~~  
208 measures, the contracting entity shall obtain from the energy performance contractor a report  
209 disclosing all costs associated with ~~the~~ such energy conservation ~~measure~~ measures and  
210 providing an estimate of the amount of the energy cost savings. After reviewing the report, the  
211 contracting entity may enter into an energy performance-based contract if it finds (i) the  
212 amount the entity would spend on the energy conservation measures ~~and facility and~~  
213 ~~technology infrastructure upgrades and modernization measures~~ recommended in the report  
214 will not exceed the amount to be saved in energy and operation costs more than 20 years from  
215 the date of installation, based on life-cycle costing calculations, if the recommendations in the  
216 report were followed and (ii) the energy performance contractor provides a written guarantee  
217 that the energy and operating cost savings will meet or exceed the costs of the system. The  
218 contract may provide for payments over a period ~~of time~~ not to exceed 20 years.

219 E. The term of any energy performance-based contract shall expire at the end of each  
220 fiscal year but may be renewed annually up to 20 years, subject to the contracting entity  
221 making sufficient annual appropriations based upon continued realized cost savings. Such  
222 ~~contracts~~ contract shall stipulate that the agreement does not constitute a debt, liability, or  
223 obligation of the contracting entity, or a pledge of the faith and credit of the contracting entity.

224 Such contract may also provide capital contributions for the purchase and installation of  
225 energy conservation ~~and facility and technology infrastructure upgrades and modernization~~  
226 measures that cannot be totally funded by the energy and operational savings.

227 F. An energy performance-based contract shall include the following provisions:

228 1. A guarantee by the energy performance contractor that annual energy and  
229 operational cost savings will meet or exceed the amortized cost of energy conservation  
230 measures. The guaranteed energy savings contract shall include a written guarantee of the  
231 qualified provider that either the energy [savings](#) or operational cost savings, or both, will meet  
232 or exceed within 20 years the costs of the energy and operational savings measures. The  
233 qualified provider shall reimburse the contracting entity for any shortfall of guaranteed energy  
234 savings projected in the contract.

235 2. A requirement that the energy performance contractor to whom the contract is  
236 awarded provide a 100 percent performance guarantee bond to the contracting entity for the  
237 installation and faithful performance of the installed energy savings measures as outlined in  
238 the contract document.

239 3. A requirement that the energy performance contractor provide to the contracting  
240 entity an annual reconciliation of the guaranteed energy cost savings. The energy performance  
241 contractor shall be liable for any annual savings shortfall that may occur.

242 G. The Department ~~of Mines, Minerals and Energy (the Department)~~ shall make a  
243 reasonable effort, as long as workload permits, to:

244 1. Provide general advice, upon request, to local governments ~~that wish to consider~~  
245 [considering](#) pursuit of an energy performance-based contract pursuant to this section;

246 2. Annually compile a list of performance-based contracts entered into by local  
247 governments of which the Department may become aware.

248 **Drafting note: Technical changes are made, including a change pursuant to § 1-**  
249 **227, which states that throughout the Code any word used in the singular includes the**  
250 **plural and vice versa. Language is updated for modern usage and clarity.**

251 § ~~11-34.4~~ [45.2-xxx](#). Application of ~~chapter~~ [article](#).

252 The provisions of this ~~chapter~~ article shall not apply to any new construction ~~projects~~  
253 project undertaken by a public ~~bodies~~ body.

254 **Drafting note: Technical changes are made, including changes pursuant to § 1-**  
255 **227, which states that throughout the Code any word used in the singular includes the**  
256 **plural and vice versa.**

257 ~~CHAPTER 1.~~

258 ~~ENERGY POLICY OF THE COMMONWEALTH.~~

259 Article 3.

260 Energy Policy of the Commonwealth.

261 **Drafting note: Existing Chapter 1 of Title 67, relating to the energy policy of the**  
262 **Commonwealth, is relocated as proposed Article 3 of Chapter 17.**

263 § ~~67-100~~ 45.2-xxx. Legislative findings.

264 The General Assembly hereby finds that:

265 1. Energy is essential to the health, safety, and welfare of the people of ~~this~~ the  
266 Commonwealth and to the Commonwealth's economy;

267 2. The ~~state~~ government of the Commonwealth should facilitate the availability and  
268 delivery of reliable and adequate supplies of energy to industrial, commercial, and residential  
269 users at reasonable costs ~~such~~ so that ~~these~~ such users and the Commonwealth's economy are  
270 able to be productive;

271 3. The Commonwealth would benefit from articulating clear objectives pertaining to  
272 energy issues, adopting an energy policy that advances ~~these~~ such objectives, and establishing  
273 a procedure for measuring the implementation of ~~these policies~~ such policy;

274 4. Climate change is an urgent and pressing challenge for ~~Virginia~~ the  
275 Commonwealth. Swift decarbonization and a transition to clean energy are required to meet  
276 the urgency of the challenge; and

277 5. The Commonwealth will benefit from being a leader in deploying a low-carbon  
278 energy economy.

279 **Drafting note: Technical changes are made and language is updated for modern**  
280 **usage.**

281 § ~~67-101~~ 45.2-xxx. Energy objectives.

282 A. The Commonwealth recognizes that each of the following objectives pertaining to  
283 energy issues will advance the health, welfare, and safety of the residents of the  
284 Commonwealth:

285 1. Ensuring an adequate energy supply and a ~~Virginia-based~~ Commonwealth-based  
286 energy production capacity;

287 2. Minimizing the Commonwealth's long-term exposure to volatility and increases in  
288 world energy prices through greater energy independence;

289 3. Ensuring the availability of reliable energy at costs that are reasonable and in  
290 quantities that will support the Commonwealth's economy;

291 4. Managing the rate of consumption of existing energy resources in relation to  
292 economic growth;

293 5. Establishing sufficient supply and delivery infrastructure to enable widespread  
294 deployment of distributed energy resources and to maintain reliable energy availability in the  
295 event of a disruption occurring ~~to~~ in a portion of the Commonwealth's energy matrix;

296 6. Maximizing energy efficiency programs, ~~which~~ that are the lowest-cost energy  
297 option to reduce greenhouse gas emissions, in order to produce electricity cost savings and ~~to~~  
298 create jobs and economic opportunity from the energy efficiency service sector;

299 7. Facilitating conservation;

300 8. Optimizing intrastate and interstate use of energy supply and delivery to maximize  
301 energy availability, reliability, and price opportunities to the benefit of all user classes and the  
302 Commonwealth's economy ~~as stated in~~ pursuant to subdivision 2 of § ~~67-100~~ 45.2-xxx;

303 9. Increasing ~~Virginia's~~ the Commonwealth's reliance on sources of energy that,  
304 compared to traditional energy resources, are less polluting of the Commonwealth's air and  
305 waters;

306 10. Establishing greenhouse gas emissions reduction goals across ~~Virginia's~~ the  
307 Commonwealth's economy sufficient to reach net-zero emissions by 2045, including in the  
308 electric power, transportation, industrial, agricultural, building, and infrastructure sectors;

309 11. Requiring that pathways to net-zero greenhouse gas emissions be determined  
310 based on technical, policy, and economic analysis to maximize their effectiveness, optimize  
311 ~~Virginia's~~ the Commonwealth's economic development, and create quality jobs while  
312 minimizing adverse impacts on public health, affected communities, and the environment;

313 12. Developing energy resources necessary to produce 30 percent of ~~Virginia's~~ the  
314 Commonwealth's electricity from renewable energy sources by 2030 and 100 percent of  
315 ~~Virginia's~~ the Commonwealth's electricity from carbon-free sources by 2040;

316 13. Enabling widespread integration of distributed energy resources into the grid,  
317 including storage and carbon-free generation, such as rooftop solar installations as defined in  
318 § 56-576;

319 14. Removing impediments to the use of carbon-free energy resources located within  
320 and outside the Commonwealth, including distributed renewable energy generation resources,  
321 nuclear power plants, and generation resources that employ carbon capture and sequestration;

322 15. Mitigating the negative impacts of climate change and the energy transition on  
323 disadvantaged communities and prioritizing investment in ~~these~~ such communities;

324 16. Developing the carbon-free energy resources required to fully decarbonize the  
325 electric power supply of the Commonwealth, including deployment of 30 percent ~~renewables~~  
326 renewable energy sources by 2030 and realizing 100 percent carbon-free electric power by  
327 2040;

328 17. Increasing ~~Virginia's~~ the Commonwealth's reliance on and production of  
329 sustainably produced biofuels made from traditional agricultural crops and other feedstocks,  
330 such as winter cover crops, warm season grasses, fast-growing trees, algae, or other suitable  
331 feedstocks grown in the Commonwealth that will create jobs and income, produce clean-  
332 burning fuels that will help to improve air quality, and provide the new markets for ~~Virginia's~~  
333 the Commonwealth's silvicultural and agricultural products needed to preserve farm

334 employment, conserve farmland and forestland, and increase implementation of silvicultural  
335 and agricultural best management practices to protect water quality; and

336 18. Ensuring that decision making is transparent and includes opportunities for full  
337 participation by the public.

338 B. Except as provided in subsection D of § 56-585.1, nothing in this section shall be  
339 deemed to abrogate or modify in any way the provisions of the Virginia Electric Utility  
340 Regulation Act (§ 56-576 et seq.).

341 **Drafting note: The jargon term "renewables" in subdivision A 16 is replaced**  
342 **with "renewable energy sources," the term used in subdivision A 1 of the following**  
343 **section. Technical changes are made, including the addition of subsection designations**  
344 **and the replacement of "Virginia" with "the Commonwealth" when appropriate, and**  
345 **language is updated for modern usage.**

346 § ~~67-102~~ 45.2-xxx. Commonwealth Energy Policy.

347 A. To achieve the objectives enumerated in § ~~67-101~~ 45.2-xxx, it ~~shall be~~ is the policy  
348 of the Commonwealth to:

349 1. Support research and development of, and promote the use of, renewable energy  
350 sources;

351 2. Ensure that the combination of energy supplies and energy-saving systems ~~are~~ is  
352 sufficient to support the demands of economic growth;

353 3. Promote cost-effective conservation of energy and fuel supplies;

354 4. Ensure the adequate supply of natural gas necessary to ensure the reliability of the  
355 electricity supply and the needs of businesses during the transition to renewable energy;

356 5. Promote the generation of electricity through technologies that do not contribute to  
357 greenhouse gases and global warming;

358 6. Promote the use of motor vehicles that utilize alternate fuels and are highly energy  
359 efficient;

360 7. Support efforts to reduce the demand for imported petroleum by developing  
361 alternative technologies, including ~~but not limited to~~ the production of synthetic and

362 hydrogen-based fuels, and the infrastructure required for the widespread implementation of  
363 such technologies;

364 8. Ensure that development of new, or expansion of existing, energy resources or  
365 facilities does not have a disproportionate adverse impact on economically disadvantaged or  
366 minority communities;

367 9. Establish greenhouse gas emissions reduction standards across all sectors of  
368 ~~Virginia's~~ the Commonwealth's economy that target net-zero carbon emissions ~~carbon~~ by  
369 2045;

370 10. Enact mandatory clean energy standards and overall strategies for reaching net-  
371 zero carbon in the electric power sector by 2040;

372 11. Equitably incorporate requirements for technical, policy, and economic analyses  
373 and assessments that recognize the unique attributes of different energy resources and  
374 delivery systems to identify pathways to net-zero carbon that maximize ~~Virginia's~~ the  
375 Commonwealth's energy reliability and resilience, economic development, and jobs;

376 12. Minimize the negative impacts of climate change and the energy transition on  
377 economically disadvantaged or minority communities and prioritize investment in ~~these~~ such  
378 areas; and

379 13. Support the distributed generation of renewable electricity by:

380 a. Encouraging private sector investments in distributed renewable energy;

381 b. Increasing the security of the electricity grid by supporting distributed renewable  
382 energy projects with the potential to supply electric energy to critical facilities during a  
383 widespread power outage; and

384 c. Augmenting the exercise of private property rights by landowners desiring to  
385 generate their own energy from renewable energy sources on their lands.

386 B. The elements of the policy set forth in subsection A shall be referred to collectively  
387 in this title as the Commonwealth Energy Policy.

388 C. All agencies and political subdivisions of the Commonwealth, in taking  
389 discretionary action with regard to energy issues, shall recognize the elements of the

390 Commonwealth Energy Policy and where appropriate, shall act in a manner consistent  
391 therewith.

392 D. The Commonwealth Energy Policy is intended to provide guidance to the agencies  
393 and political subdivisions of the Commonwealth in taking discretionary action with regard to  
394 energy issues, and shall not be construed to amend, repeal, or override any contrary provision  
395 of applicable law. ~~The~~ No failure or refusal of any person to recognize the elements of the  
396 Commonwealth Energy Policy, to act in a manner consistent with the Commonwealth Energy  
397 Policy, or to take any other action whatsoever, shall ~~not~~ create any right, action, or cause of  
398 action or provide standing for any person to challenge the action of the Commonwealth or any  
399 of its agencies or political subdivisions.

400 **Drafting note: In subdivision A 7, the phrase "but not limited to" is removed**  
401 **pursuant to § 1-218, which states that throughout the Code "'Includes' means includes,**  
402 **but not limited to." In subdivision A 9, the unconventional phrase "net-zero emissions**  
403 **carbon" is changed to "net-zero carbon emissions" for clarity. Language is updated for**  
404 **modern usage. The prohibitory language at the end of subsection D is recast in**  
405 **affirmative form consistent with current drafting practice.**

406 § ~~67-103~~ 45.2-xxx. Role of local governments in achieving objectives of the  
407 Commonwealth Energy Policy.

408 A. In the development of any local ordinance addressing the siting of renewable  
409 energy facilities that generate electricity from wind or solar resources, ~~the~~ such ordinance  
410 shall:

411 1. Be consistent with the provisions of the Commonwealth Energy Policy pursuant to  
412 subsection C of § ~~67-102~~ 45.2-xxx;

413 2. Provide reasonable criteria to be addressed in the siting of any renewable energy  
414 facility that generates electricity from wind ~~and~~ or solar resources. ~~The~~ Such criteria shall  
415 provide for the protection of the locality in a manner consistent with the goals of the  
416 Commonwealth to promote the generation of energy from wind and solar resources; and

417 3. Include provisions establishing reasonable requirements upon the siting of any such  
418 renewable energy facility, including provisions limiting noise, requiring buffer areas and  
419 setbacks, and addressing generation facility decommissioning.

420 B. Any measures required by ~~the~~ such ordinance pursuant to subsection A shall be  
421 consistent with the locality's existing ordinances.

422 **Drafting note: Technical changes are made, including the addition of subsection**  
423 **designations, and language is updated for clarity.**

424 § ~~67-104~~ 45.2-xxx. Nuclear energy; considered a clean energy source.

425 For the purposes of the Commonwealth Energy Policy as set out in § ~~67-102~~ 45.2-xxx,  
426 in any clean energy initiative or carbon-free energy initiative undertaken, overseen, regulated,  
427 or permitted by the Department, nuclear energy shall be considered to be a clean energy  
428 source.

429 **Drafting note: Technical change.**

430 ~~CHAPTER 2.~~

431 ~~VIRGINIA ENERGY PLAN.~~

432 Article 4.

433 Virginia Energy Plan.

434 **Drafting note: Existing Chapter 2 of Title 67, relating to the Virginia Energy**  
435 **Plan, is relocated as proposed Article 4 of Chapter 17. Existing § 67-200 is relocated as**  
436 **the definitions section at the beginning of the chapter.**

437 § ~~67-201~~ 45.2-xxx. Development of the Virginia Energy Plan.

438 A. The Division, in consultation with the State Corporation Commission, the  
439 Department of Environmental Quality, the Clean Energy Advisory Board, solar, wind, and  
440 energy efficiency sectors, and a stakeholder group that ~~shall include~~ includes representatives  
441 of consumer, environmental, manufacturing, forestry, and agricultural organizations and  
442 natural gas and electric utilities, shall prepare a comprehensive Virginia Energy Plan (the  
443 Plan) that identifies actions over a 10-year period consistent with the goal of the  
444 Commonwealth Energy Policy set forth in § ~~67-102~~ 45.2-xxx to achieve, no later than 2045, a

445 net-zero carbon energy economy for all sectors, including the electricity, transportation,  
446 building, agricultural, and industrial sectors. The Plan shall propose actions, consistent with  
447 the objectives enumerated in § ~~67-101~~ 45.2-xxx, that will implement the Commonwealth  
448 Energy Policy set forth in § ~~67-102~~ 45.2-xxx.

449 B. In addition, the Plan shall include:

450 1. Projections of energy consumption in the Commonwealth, including the use of fuel  
451 sources and costs of electricity, natural gas, gasoline, coal, renewable resources, and other  
452 forms of non-greenhouse-gas-generating energy resources, such as nuclear power, used in the  
453 Commonwealth;

454 2. An analysis of the adequacy of electricity generation, transmission, and distribution  
455 resources in the Commonwealth for the natural gas and electric industries, and how  
456 distributed energy resources and regional generation, transmission, and distribution resources  
457 affect the Commonwealth;

458 3. An analysis of siting requirements for electric generation resources and natural gas  
459 and electric transmission and distribution resources, including an assessment of state and local  
460 impediments to expanded use of distributed resources and recommendations to reduce or  
461 eliminate ~~these~~ such impediments;

462 4. An analysis of fuel diversity for electricity generation, recognizing the importance  
463 of flexibility in meeting future capacity needs;

464 5. An analysis of the efficient use of energy resources and conservation initiatives;

465 6. An analysis of how ~~these~~ such Virginia-specific issues relate to regional initiatives  
466 to ~~assure~~ ensure the adequacy of fuel production, generation, transmission, and distribution  
467 assets;

468 7. An analysis of the siting of energy resource development, refining ~~or,~~ and  
469 transmission facilities to identify any disproportionate adverse impact of such activities on  
470 economically disadvantaged or minority communities;

471 8. With regard to any regulations proposed or promulgated by the U.S. Environmental  
472 Protection Agency to reduce carbon dioxide emissions from fossil fuel-fired electric

473 generating units under § 111(d) of the federal Clean Air Act, 42 U.S.C. § 7411 (d), an  
474 analysis of (i) the costs to and benefits for energy producers and electric utility customers; (ii)  
475 the effect on energy markets and reliability; and (iii) the commercial availability of  
476 technology required to comply with such regulations;

477 9. An inventory of greenhouse gas emissions using a method determined by the  
478 Department of Environmental Quality for the four years prior to the issuance of the Plan; and

479 10. Recommendations, based on the analyses completed under subdivisions 1 through  
480 9, for legislative, regulatory, and other public and private actions to implement the elements  
481 of the Commonwealth Energy Policy.

482 C. In preparing the Plan, the Division and other agencies involved in the planning  
483 process shall utilize state geographic information systems, to the extent deemed practicable, to  
484 assess how recommendations in the Plan may affect pristine natural areas and other  
485 significant onshore natural resources. Effective October 1, 2024, interim updates on the Plan  
486 shall also contain projections for greenhouse gas emissions that would result from  
487 implementation of the Plan's recommendations.

488 D. In preparing the Plan, the Division and other agencies involved in the planning  
489 process shall develop a system for ~~ascribing~~ assigning numerical scores to ~~parcels~~ any parcel  
490 of real property based on the extent to which ~~the parcels are~~ such parcel is suitable for the  
491 siting of a wind energy facility or solar energy facility. For a wind energy ~~facilities~~ facility,  
492 the scoring system shall address the wind velocity, sustained velocity, and turbulence,  
493 ~~proximity to electric power transmission systems, potential impacts to natural and historic~~  
494 ~~resources and to economically disadvantaged or minority communities, and compatibility~~  
495 ~~with the local land use plan.~~ For either a wind energy facility or a solar energy ~~facilities~~  
496 facility, the scoring system shall address the parcel's proximity to electric power transmission  
497 lines or systems, potential impacts of such a facility to natural and historic resources and to  
498 economically disadvantaged or minority communities, and compatibility with the local land  
499 use plan. The system developed pursuant to this section shall allow the suitability of the  
500 parcel for the siting of a wind energy ~~facility~~ or solar energy facility to be compared to the

501 suitability of other parcels so scored, and shall be based on a scale that allows the suitability  
502 of the parcel for the siting of ~~a such an energy~~ a facility to be measured against the  
503 hypothetical score of an ideal location for such a facility.

504 E. ~~After July 1, 2007, upon~~ Upon receipt by the Division of a recommendation from  
505 the Department of General Services, a local governing body, or the parcel's owner that a  
506 parcel of real property is a potentially suitable location for a wind energy facility or solar  
507 energy facility, the Division shall analyze the suitability of the parcel for the location of such  
508 a facility. In conducting its analysis, the Division shall ascribe a numerical score to the parcel  
509 using the scoring system developed pursuant to subsection D.

510 **Drafting note: Technical changes are made, including changes pursuant to § 1-**  
511 **227, which states that throughout the Code any word used in the singular includes the**  
512 **plural and vice versa. Duplicative language is removed from subsection D. An apparent**  
513 **error is corrected by removing the surplus "a" from the last sentence in subsection D.**  
514 **The obsolete 2007 date is stricken from subsection E.**

515 § ~~67-202~~ 45.2-xxx. Schedule for the Plan.

516 A. The Division shall complete the Plan ~~by July 1, 2007~~.

517 B. Prior to the completion of the Plan and ~~updates~~ each update thereof, the Division  
518 shall present drafts to, and consult with, the Virginia Coal and Energy Commission  
519 established pursuant to Chapter 25 (§ 30-188 et seq.) of Title 30 and the Commission on  
520 Electric Utility Regulation established pursuant to Chapter 31 (§ 30-201 et seq.) of Title 30.

521 C. The Plan shall be updated by the Division and submitted as provided in § ~~67-203~~  
522 45.2-xxx by ~~July 1, 2010~~, October 1, 2014, and every fourth October 1 thereafter. In addition,  
523 the Division shall provide interim updates on the Plan by October 1 of the third year of each  
524 Governor's administration. Updated reports shall reassess goals for energy conservation based  
525 on progress to date in meeting the goals in the previous ~~plan~~ Plan and lessons learned from  
526 attempts to meet such goals.

527 D. Beginning with the Plan update in 2014, the Division shall include a section ~~to set~~  
528 setting forth energy policy positions relevant to any potential regulations proposed or

529 promulgated by the State Air Pollution Control Board to reduce carbon dioxide emissions  
530 from fossil fuel-fired electric generating units under § 111(d) of the [federal](#) Clean Air Act, 42  
531 U.S.C. § 7411(d). In ~~this~~ [such](#) section of the Plan, the Division shall address policy options  
532 for establishing separate standards of performance pursuant to § 111(d) of the [federal](#) Clean  
533 Air Act, 42 U.S.C. § 7411(d), for carbon dioxide emissions from existing fossil fuel-fired  
534 electric generating units to promote the Plan's overall goal of fuel diversity as follows:

535 1. The Plan shall address policy options for establishing the standards of performance  
536 for existing coal-fired electric generating units, including ~~but not limited to~~ the following  
537 factors:

538 a. The most suitable system of emission reduction that (i) takes into consideration (a)  
539 the cost and benefit of achieving such reduction, (b) any non-air quality health and  
540 environmental impacts, and (c) the energy requirements of the Commonwealth and (ii) has  
541 been adequately demonstrated for coal-fired electric generating units that are subject to the  
542 standard of performance;

543 b. Reductions in emissions of carbon dioxide that can be achieved through measures  
544 reasonably undertaken at each coal-fired electric generating unit; and

545 c. Increased efficiencies and other measures that can be implemented at each coal-  
546 fired electric generating unit to reduce carbon dioxide emissions from the unit without  
547 converting from coal to other fuels, co-firing other fuels with coal, or limiting the utilization  
548 of the unit.

549 2. The Plan shall also address policy options for establishing the standards of  
550 performance for existing gas-fired electric generating units, including ~~but not limited to~~ the  
551 following factors:

552 a. The application of the criteria specified in subdivisions 1 a and b to natural gas-fired  
553 electric generating units; instead of to coal-fired electric generating units; and

554 b. Increased efficiencies and other measures that can be reasonably implemented at the  
555 unit to reduce carbon dioxide emissions from the unit without switching from natural gas to  
556 other lower-carbon fuels or limiting the utilization of the unit.

557 3. The Plan shall examine policy options for state regulatory action to adopt less  
558 stringent standards or longer compliance schedules than those provided for in applicable  
559 federal rules or guidelines based on analysis of the following:

560 a. Consumer impacts, including any disproportionate impacts of energy price increases  
561 on lower-income populations;

562 b. Unreasonable cost of reducing emissions resulting from plant age, location, or basic  
563 process design;

564 c. Physical difficulties with or impossibility of implementing emission reduction  
565 measures;

566 d. The absolute cost of applying the performance standard to the unit;

567 e. The expected remaining useful life of the unit;

568 f. The economic impacts of closing the unit, including expected job losses, if the unit  
569 is unable to comply with the performance standard; and

570 g. Any other factors specific to the unit that make application of a less stringent  
571 standard or longer compliance schedule more reasonable.

572 4. The Plan shall identify options, to the maximum extent permissible, for any  
573 federally required regulation of carbon dioxide emissions from existing fossil fuel-fired  
574 electric generating units, and regulatory mechanisms that provide flexibility in complying  
575 with such standards, including the averaging of emissions, emissions trading, or other  
576 alternative implementation measures that are determined to further the interests of the  
577 Commonwealth and its citizens.

578 **Drafting note: References to Code sections establishing the Virginia Coal and**  
579 **Energy Commission and the Commission on Electric Utility Regulation are added.**  
580 **Obsolete date references are deleted in subsections A and B. In subdivision D 2, "but not**  
581 **limited to" is removed following the term "including" on the basis of § 1-218, which**  
582 **states that throughout the Code "'Includes' means includes, but not limited to." Other**  
583 **technical changes are made, including changes pursuant to § 1-227, which states that**

584 throughout the Code any word used in the singular includes the plural and vice versa.  
585 Language is updated for clarity.

586 § ~~67-202.1~~ [45.2-xxx](#). Annual reporting by investor-owned public utilities.

587 Each investor-owned public utility providing electric service in the Commonwealth  
588 shall prepare an annual report disclosing its efforts to conserve energy, including ~~but not~~  
589 ~~limited to~~ (i) its implementation of customer demand-side management programs and (ii)  
590 efforts by the utility to improve efficiency and conserve energy in its internal operations  
591 pursuant to § 56-235.1. The utility shall submit each annual report to the Division ~~of Energy~~  
592 ~~of the Department of Mines, Minerals and Energy~~ by November 1 of each year, and the  
593 Division shall compile the reports of the utilities and submit the compilation to the Governor  
594 and the General Assembly as provided in the procedures of the Division of Legislative  
595 Automated Systems for the processing of legislative documents.

596 **Drafting note: The phrase "but not limited to" is removed following the term**  
597 **"including" on the basis of § 1-218, which states that throughout the Code "'Includes'**  
598 **means includes, but not limited to." The reference to the Division of Energy is shortened**  
599 **pursuant to the definitions section for the chapter.**

600 § ~~67-203~~ [45.2-xxx](#). Submission of [the](#) Plan.

601 Upon completion, the Division shall submit the Plan, including periodic updates  
602 thereto, to the Governor, the Commissioners of the State Corporation Commission, and the  
603 General Assembly. The Plan shall be submitted as provided in the procedures of the Division  
604 of Legislative Automated Systems for the processing of legislative documents. The Plan's  
605 executive summary shall be posted on the General Assembly's website.

606 **Drafting note: Technical change.**

607 ~~CHAPTER 6.~~

608 ~~VIRGINIA COASTAL ENERGY RESEARCH CONSORTIUM.~~

609 [Article 5.](#)

610 [Virginia Coastal Energy Research Consortium.](#)

611 **Drafting note: Existing Chapter 6 of Title 67, relating to the Virginia Coastal**  
612 **Energy Research Consortium, is relocated as proposed Article 5 of Chapter 17.**

613 § ~~67-600~~ 45.2-xxx. Virginia Coastal Energy Research Consortium established; board  
614 of directors.

615 A. The Virginia Coastal Energy Research Consortium, ~~hereinafter referred to as the~~  
616 ~~Consortium~~, is hereby ~~created~~ established to include Old Dominion University, the Virginia  
617 Institute of Marine Science of The College of William and Mary in Virginia, the Advanced  
618 Research Institute of Virginia Polytechnic Institute and State University, James Madison  
619 University, Norfolk State University, Virginia Commonwealth University, Hampton  
620 University, George Mason University, and the University of Virginia and is to be located at  
621 Old Dominion University.

622 ~~§ 67-602. Control and supervision.~~

623 B. The Consortium shall be governed by a board of directors (the Board), which shall  
624 consist of 16 voting members as follows: ~~(i)~~ the Director ~~of the Department of Mines,~~  
625 ~~Minerals and Energy~~ or his designee; ~~(ii)~~ the Commissioner of ~~the Virginia~~ Marine  
626 Resources ~~Commission~~ or his designee; ~~(iii)~~ the President of the Virginia Manufacturers  
627 Association or his appointed member of the maritime manufacturing industry; ~~(iv)~~ the  
628 President of the Virginia Maritime Association or his appointed member of the maritime  
629 industry; ~~(v)~~ the Director of the Advanced Research Institute of Virginia Polytechnic Institute  
630 and State University or his designee; ~~(vi)~~ the President of Old Dominion University or his  
631 designee; ~~(vii)~~ the Director of the Virginia Institute of Marine Science of The College of  
632 William and Mary in Virginia or his designee; ~~(viii)~~ the President of Norfolk State University  
633 or his designee; ~~(ix)~~ the President of James Madison University or his designee; ~~(x)~~ the  
634 President of Virginia Commonwealth University or his designee; ~~(xi)~~ the President of the  
635 University of Virginia or his designee; ~~(xii)~~ the President of Hampton University or his  
636 designee; ~~(xiii)~~ the President of George Mason University or his designee; ~~(xiv)~~ the  
637 chairman of the Hampton Roads Technology Council or his appointed member of the  
638 technology community; ~~(xv)~~ the Director of the Hampton Roads Clean Cities Coalition or his

639 appointed member of the renewable energy industry; and ~~(xvi)~~ the Director of the  
640 Department of Environmental Quality or his designee as the lead agency for the Virginia  
641 Coastal Zone Management Program.

642 In addition, a representative of the National Aeronautics and Space Administration's  
643 Langley Research Center, to be selected by the ~~director~~ Director of the Research Center, shall  
644 serve as a nonvoting ex officio member of the ~~Consortium's board of directors~~ Board.

645 **Drafting note: Existing §§ 67-600 and 67-602 are combined and designated as**  
646 **subsections A and B. The definition of "Consortium" is added to the chapter-wide**  
647 **definitions section so the shortened version is used in this section. Other technical**  
648 **amendments are made.**

649 § ~~67-601~~ 45.2-xxx. Functions, powers, and duties of the Consortium.

650 The Consortium shall serve as an interdisciplinary study, research, and information  
651 resource for the Commonwealth on coastal energy issues. As used in this ~~chapter~~ article,  
652 "coastal energy" includes wave or tidal action, currents, offshore winds, thermal differences,  
653 and methane hydrates. The Consortium shall (i) consult with the General Assembly, federal,  
654 state, and local agencies, nonprofit organizations, private industry, and other potential users of  
655 coastal energy research; (ii) establish and administer agreements with other baccalaureate  
656 institutions of higher education in the Commonwealth to carry out research projects relating to  
657 the feasibility of increasing the Commonwealth's reliance on all domestic forms of coastal  
658 energy; (iii) disseminate new information and research results; (iv) apply for grants made  
659 available pursuant to federal legislation, including ~~but not limited to~~ the federal Methane  
660 Hydrate Research and Development Act of 2000, P.L. 106-193, and from other sources; and  
661 (v) facilitate the application and transfer of new coastal energy technologies.

662 **Drafting note: Technical changes are made and the phrase "but not limited to"**  
663 **following "including" is removed pursuant to § 1-218, which states that throughout the**  
664 **Code "'Includes' means includes, but not limited to."**

665 § ~~67-603~~ 45.2-xxx. Appointment of a director; powers and duties.

666 A. The ~~board of the Consortium~~ Board shall appoint an executive director to serve as  
667 the principal administrative officer of the Consortium. The executive director shall report to  
668 the ~~board of the Consortium~~ Board and be under its supervision.

669 ~~§ 67-604. Powers and duties of the director.~~

670 B. The executive director shall exercise all powers imposed upon him by law, carry  
671 out the specific duties imposed ~~on~~ upon him by the ~~board of the Consortium~~ Board, and  
672 develop appropriate policies and procedures for (i) identifying priority coastal energy research  
673 projects; (ii) cooperating with the General Assembly, federal, state, and local governmental  
674 agencies, nonprofit organizations, and private industry in formulating its research projects;  
675 (iii) selecting research projects to be funded; and (iv) disseminating information and  
676 transferring technology related to coastal energy within the Commonwealth. The executive  
677 director shall employ such personnel and secure such services as may be required to carry out  
678 the purposes of the Consortium, expend appropriated funds, and accept moneys from federal  
679 or private sources for cost-sharing on coastal energy projects.

680 **Drafting note: Existing §§ 67-603 and 67-604 are combined and designated as**  
681 **subsections A and B.**

682 ~~CHAPTER 16.~~

683 ~~SOUTHWEST VIRGINIA ENERGY RESEARCH AND DEVELOPMENT AUTHORITY.~~

684 Article 6.

685 Southwest Virginia Energy Research and Development Authority.

686 **Drafting note: Existing Chapter 16 of Title 67, relating to the Southwest Virginia**  
687 **Energy Research and Development Authority, is relocated as proposed Article 6 of**  
688 **Chapter 17.**

689 ~~§ 67-1600~~ 45.2-xxx. (Expires July 1, 2029) Definitions.

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

691 "Authority" means the Southwest Virginia Energy Research and Development  
692 Authority ~~created~~ established pursuant to this ~~chapter~~ article.

693 "Developer" means any private developer of an energy development project ~~in~~  
694 ~~Southwest Virginia.~~

695 "Energy development project" means an electric generation facility located within  
696 Southwest Virginia and includes interests in land, improvements, and ancillary facilities.

697 "Southwest Virginia" means the region of the Commonwealth designated as  
698 Southwest Virginia in § 22.1-350.

699 **Drafting note: Technical changes.**

700 § ~~67-1601~~ 45.2-xxx. (Expires July 1, 2029) Southwest Virginia Energy Research and  
701 Development Authority ~~created~~ established; purpose.

702 The Southwest Virginia Energy Research and Development Authority is ~~created~~  
703 established as a ~~body corporate and a~~ political subdivision of the Commonwealth ~~and as such~~  
704 ~~shall have, and is vested with, all of the politic and corporate powers as are set forth in this~~  
705 ~~chapter~~. The ~~Authority is established for the~~ purposes of promoting the Authority are to  
706 promote opportunities for energy development in Southwest Virginia, ~~to~~ create jobs and  
707 economic activity in Southwest Virginia consistent with the Virginia Energy Plan prepared  
708 pursuant to ~~Chapter 2 Article 4~~ (§ ~~67-200~~ 45.2-xxx et seq.), and ~~to~~ position Southwest  
709 Virginia and the Commonwealth as a leader in energy workforce and energy technology  
710 research and development. The Authority may also consult with research institutions,  
711 businesses, nonprofit organizations, and stakeholders as the Authority deems appropriate. The  
712 Authority shall have only those powers enumerated in this ~~chapter~~ article.

713 **Drafting note: The corporate language for the Southwest Virginia Energy**  
714 **Research and Development Authority is updated to reflect current language for political**  
715 **subdivisions in the Code. A redundant reference to the powers of the Authority in the**  
716 **first sentence is removed. Technical changes are made.**

717 § ~~67-1602~~ 45.2-xxx. (Expires July 1, 2029) Membership; terms; vacancies; expenses.

718 A. The Authority shall ~~be composed~~ have a total membership of 11 nonlegislative  
719 citizen members appointed as follows: ~~Four~~ four members ~~shall to~~ be appointed by the  
720 Governor, four members ~~shall to~~ be appointed by the Speaker of the House of Delegates, and

721 three members ~~shall~~ to be appointed by the Senate Committee on Rules. All members of the  
722 Authority shall ~~reside in~~ be citizens of the Commonwealth.

723 B. Except as otherwise provided ~~herein~~ in this article, all appointments shall be for  
724 terms of four years each. No member shall be eligible to serve more than two successive four-  
725 year terms. After expiration of an initial term of three years or less, two additional four-year  
726 terms may be served by such member if appointed thereto. Appointments to fill vacancies,  
727 other than by expiration of a term, shall be made for the unexpired terms. Any appointment to  
728 fill a vacancy shall be made in the same manner as the original appointment. The remainder of  
729 any term to which a member is appointed to fill a vacancy shall not constitute a term in  
730 determining the member's eligibility for reappointment.

731 C. The Authority shall appoint from its membership a chairman and a vice-chairman,  
732 ~~both~~ each of whom shall serve in such ~~capacities~~ capacity at the pleasure of the Authority.  
733 The chairman, or in his absence the vice-chairman, shall preside at ~~all meetings~~ each meeting  
734 of the Authority. The meetings of the Authority shall be held on the call of the chairman or  
735 whenever a majority of the members so request. A majority of members of the Authority  
736 serving at any one time shall constitute a quorum for the transaction of business.

737 D. Members shall serve without compensation. However, all members may be  
738 reimbursed for all reasonable and necessary expenses incurred in the performance of their  
739 duties as provided in §§ 2.2-2813 and 2.2-2825. Such expenses shall be paid from such funds  
740 as may be appropriated to the Authority by the General Assembly.

741 E. Members of the Authority shall be subject to the standards of conduct set forth in  
742 the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and may be  
743 removed from office for misfeasance, malfeasance, nonfeasance, neglect of duty, or  
744 misconduct in the manner set forth therein.

745 F. Except as otherwise provided in this ~~chapter~~ article, members of the Authority shall  
746 be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

747 **Drafting note: The corporate language for the Southwest Virginia Energy**  
748 **Research and Development Authority is updated to reflect current language for political**

749 subdivisions in the Code. Technical changes are made, including changes made pursuant  
750 to § 1-227, which states that throughout the Code any word used in the singular includes  
751 the plural and vice versa.

752 § ~~67-1603~~ 45.2-xxx. (Expires July 1, 2029) Powers and duties of the Authority.

753 In addition to ~~such~~ the other powers and duties established under this ~~chapter~~ article,  
754 the Authority ~~shall have~~ has the power and duty to:

755 1. Adopt, use, and alter at will an official seal;

756 2. Make bylaws for the management and regulation of its affairs;

757 3. Maintain an office at ~~such~~ any place ~~or places~~ within the Commonwealth ~~as it may~~  
758 ~~designate~~ designates;

759 4. Accept, hold, and administer moneys, grants, securities, or other property  
760 transferred, given, or bequeathed to the Authority, absolutely or in trust, from any source,  
761 public or private, for the purposes for which the Authority is ~~created~~ established;

762 5. Make and execute contracts and all other instruments and agreements necessary or  
763 convenient for the exercise of its powers and functions;

764 6. Employ, in its discretion, consultants, attorneys, architects, engineers, accountants,  
765 financial experts, investment bankers, superintendents, managers, and ~~such~~ any other  
766 employees and agents ~~as may be~~ necessary and fix their compensation to be payable from  
767 funds made available to the Authority;

768 7. Invest its funds as permitted by applicable law;

769 8. Receive and accept from any federal or private agency, foundation, corporation,  
770 association, or person grants, donations of money, or real or personal property for the benefit  
771 of the Authority, and receive and accept from the Commonwealth or any other state, ~~and~~ from  
772 any municipality, county, or other political subdivision thereof ~~and~~, or from any other source,  
773 aid or contributions of either money, property, or other things of value, to be held, used, and  
774 applied for the purposes for which such grants and contributions may be made;

775 9. Enter into agreements with any department, agency, or instrumentality of the United  
776 States or of the Commonwealth and with lenders and enter into loans with contracting parties

777 for the purpose of planning, regulating, and providing for the financing or assisting in the  
778 financing of any project;

779 10. Do any lawful act necessary or appropriate to carry out the powers ~~herein~~ granted  
780 or reasonably implied [in this article](#);

781 11. Leverage the strength in energy workforce and energy technology research and  
782 development of ~~Virginia's~~ [the Commonwealth's](#) public and private institutions of higher  
783 education;

784 12. Support the development of pump storage hydropower in Southwest Virginia and  
785 energy storage generally;

786 13. Promote the development of renewable energy generation facilities on brownfield  
787 sites, including abandoned mine sites;

788 14. Promote energy workforce development;

789 15. Assist energy technology research and development by, among other actions,  
790 promoting the development of a Southwest Virginia Energy Park; and

791 16. Identify and work with the Commonwealth's industries and nonprofit partners in  
792 advancing efforts related to energy development in Southwest Virginia.

793 **Drafting note: Technical changes are made and language is updated for modern**  
794 **usage.**

795 § ~~67-1604~~ [45.2-xxx](#). (Expires July 1, 2029) Annual report.

796 On or before October 15 of each year, beginning in 2020, the Authority shall submit  
797 an annual summary of its activities and recommendations to the Governor and the Chairmen  
798 of the House [Committee on Appropriations](#) ~~Committee~~, the Senate [Committee on Finance](#)  
799 ~~Committee~~, and [Appropriations](#), the House [Committee on Labor and Commerce](#), and [the](#)  
800 Senate [Committee on Commerce and Labor](#) ~~Committees~~.

801 **Drafting note: Technical changes are made, including updating House and**  
802 **Senate committee names changed in the 2020 Session.**

803 § ~~67-1605~~ [45.2-xxx](#). (Expires July 1, 2029) Confidentiality of information.

804 A. The Authority shall hold in confidence the personal and financial information  
805 supplied to it, or maintained by it, concerning the siting and development of energy projects.

806 B. Nothing in this section shall prohibit the Authority, in its discretion, from releasing  
807 any information that has been transformed into a statistical or aggregate form that does not  
808 allow the identification of the person who supplied particular information.

809 C. Information supplied by or maintained on ~~persons~~ any person or ~~entities~~ entity  
810 applying for or receiving ~~allocations~~ an allocation of any federal loan ~~guarantees~~ guarantee, as  
811 well as specific information relating to the amount ~~and of, or the~~ identity of ~~recipients~~ the  
812 recipient of, such ~~distributions~~ distribution, shall be subject to disclosure in accordance with  
813 the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

814 **Drafting note: Technical changes are made, including changes pursuant to § 1-**  
815 **227, which states that throughout the Code any word used in the singular includes the**  
816 **plural and vice versa.**

817 § ~~67-1606~~ 45.2-xxx. (Expires July 1, 2029) Declaration of public purpose; exemption  
818 from taxation.

819 A. The exercise of the powers granted by this ~~chapter~~ article shall be in all respects for  
820 the benefit of the citizens of the Commonwealth and for the promotion of their welfare,  
821 convenience, and prosperity.

822 B. The Authority shall be deemed to be performing an essential governmental function  
823 in the exercise of the powers conferred upon it by this ~~chapter~~ article, and the property of the  
824 Authority and its income and operations shall be exempt from taxation or assessments upon  
825 any property acquired or used by the Authority under the provisions of this ~~chapter~~ article.

826 **Drafting note: Technical changes are made and language is updated for modern**  
827 **usage.**

828 § ~~67-1607~~ 45.2-xxx. (Expires July 1, 2029) Sunset.

829 The provisions of this ~~chapter~~ article shall expire on July 1, 2029.

830 **Drafting note: Technical changes.**

831 CHAPTER 18.

832

WIND ENERGY.

833

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**Drafting note: Existing Chapters 3 (§ 67-300 et seq.) and 12 (§ 67.1200) of Title 67, relating to wind energy, are relocated and combined with a related section in Title 45.1 to create proposed Chapter 18, Wind Energy. The proposed articles are as follows: Article 1, General Provisions, and Article 2, Virginia Offshore Wind Development Authority.**

838

Article 1.

839

General Provisions.

840

841

**Drafting note: Proposed Article 1 is created to logically organize general provisions applicable to proposed Chapter 18.**

842

§ 45.2-xxx. Definitions.

843

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

844

"Authority" means the Virginia Offshore Wind Development Authority established pursuant to Article 2 (§ 45.2-xxx [existing § 67-1200] et. seq.).

845

"Division" means the Division of Offshore Wind in the Department as established pursuant to § 45.2-xxx [existing § 45.1-161.5:1].

846

847

**Drafting note: This section is created to consolidate definitions for proposed Chapter 18, Wind Energy.**

848

~~CHAPTER 3.~~

849

~~OFFSHORE WIND ENERGY RESOURCES.~~

850

851

**Drafting note: Existing Chapter 3 of Title 67, relating to offshore wind energy resources, is relocated as part of proposed Article 1 of Chapter 18.**

852

~~§ 67-300~~ 45.2-xxx. Offshore wind energy resources; policy.

853

It is the policy of the Commonwealth to support federal efforts to examine the feasibility of offshore wind energy being utilized in an environmentally responsible fashion.

854

**Drafting note: No change.**

855

~~§ 67-301. Repealed.~~

856

**Drafting note: Repealed by Acts 2020, cc. 451 and 452, cl. 2.**

860 § ~~45.1-161.5:1~~ 45.2-xxx. Division of Offshore Wind; established.

861 A. The Director shall establish the Division of Offshore Wind ~~(Division)~~ in the  
862 Department and shall appoint persons to direct, support, and execute the powers and duties of  
863 the Division.

864 B. The powers and duties of the Division ~~shall~~ include:

865 1. Identifying specific measures that will facilitate the establishment of the Hampton  
866 Roads region as a wind industry hub for offshore wind generation projects in state and federal  
867 waters off the United States coast;

868 2. Coordinating state agencies' activities related to offshore wind, including  
869 development of programs that prepare ~~Virginia's~~ the Commonwealth's workforce to work in  
870 the offshore wind industry, create employment opportunities for Virginians within such  
871 industry, create opportunities for ~~Virginia-based~~ Commonwealth-based businesses to  
872 participate in the offshore wind industry supply chain, and attract out-of-state offshore wind-  
873 related businesses to locate within the Commonwealth;

874 3. Developing and implementing a stakeholder engagement strategy that identifies key  
875 groups, sets forth outreach objectives, and outlines a timeline for outreach and engagement;

876 4. Identifying regulatory and other barriers to the deployment of offshore wind and  
877 attraction of offshore wind supply chain businesses; and

878 5. Providing staff support for the ~~Virginia Offshore Wind Development~~ Authority and  
879 facilitating fulfillment of the Authority's purpose and duties set forth in ~~Chapter 12 (§ 67-1200~~  
880 ~~et seq.) of Title 67~~ Article 2 (§ 45.2-xxx et seq.).

881 C. On or before October 15 of each year, the Division shall submit an annual summary  
882 of its activities, the ways in which those ~~activates~~ activities have furthered the functions and  
883 programs of the Division, and the benefits of the efforts of the Division to the Commonwealth  
884 and its economy to the Governor and the ~~Chairs~~ Chairmen of the House Committee on  
885 Appropriations, the Senate Committee on Finance and Appropriations, the House Committee  
886 on Labor and Commerce, and the Senate Committee on Commerce and Labor. The Division

887 may include its submission with the report of the ~~Virginia Offshore Wind Development~~  
888 Authority required by § ~~67-1209~~ [45.2-xxx](#).

889 **Drafting note: Technical changes are made and an apparent spelling error is**  
890 **corrected in subsection C.**

891 ~~CHAPTER 12.~~

892 ~~VIRGINIA OFFSHORE WIND DEVELOPMENT AUTHORITY.~~

893 Article 2.

894 Virginia Offshore Wind Development Authority.

895 **Drafting note: Existing Chapter 12 of Title 67, relating to the Virginia Offshore**  
896 **Wind Development Authority, is relocated as proposed Article 2 of Chapter 18.**

897 § ~~67-1200~~ [45.2-xxx](#). Definitions.

898 As used in this ~~chapter~~ [article](#), unless the context requires ~~another~~ [a different](#) meaning:

899 ~~"Authority" means the Virginia Offshore Wind Development Authority created~~  
900 ~~pursuant to this chapter.~~

901 "Developer" means any private developer of offshore wind energy projects.

902 "Offshore wind energy project" means a wind-powered electric energy facility,  
903 including tower, turbine, and associated equipment, located off the coast of the  
904 Commonwealth beyond the Commonwealth's three-mile jurisdictional limit, and includes  
905 interests in land, improvements, and ancillary facilities.

906 "Transmission study" means a study to determine the potential interconnection options  
907 to accommodate multiple offshore wind energy projects in the Hampton Roads region [as](#)  
908 [defined in § 22.1-356](#).

909 **Drafting note: The definition of the Virginia Offshore Wind Development**  
910 **Authority is relocated to the chapter-wide definitions section. Technical changes are**  
911 **made, including adding a cross-reference to define the Hampton Roads region.**

912 § ~~67-1201.~~ [45.2-xxx](#). [Virginia Offshore Wind Development](#) Authority ~~created~~  
913 [established](#); purpose.

914 A. The Virginia Offshore Wind Development Authority is ~~created~~ established as a  
915 ~~body corporate and a~~ political subdivision of the Commonwealth ~~and as such shall have, and~~  
916 ~~is vested with, all of the politic and corporate powers as are set forth in this chapter.~~

917 B. The Authority is established for the purposes of facilitating, coordinating, and  
918 supporting the development, either by the Authority or by other qualified entities, of the  
919 offshore wind energy industry, offshore wind energy projects, and associated supply chain  
920 vendors by (i) collecting relevant metocean and environmental data, ~~by;~~ (ii) identifying  
921 existing state and regulatory or administrative barriers to the development of the offshore  
922 wind energy industry, ~~by;~~ (iii) working in cooperation with relevant local, state, and federal  
923 agencies to upgrade port and other logistical facilities and sites to accommodate the  
924 manufacturing and assembly of offshore wind energy project components and vessels; ~~and by~~  
925 (iv) ensuring that the development of such projects is compatible with other ocean uses and  
926 avian and marine resources, including both the possible interference with and positive effects  
927 on naval facilities and operations, NASA-Wallops Flight Facility operations, shipping lanes,  
928 recreational and commercial fisheries, and avian and marine species and habitats.

929 C. The Authority shall, in cooperation with the relevant state and federal agencies as  
930 necessary, recommend ways to encourage and expedite the development of the offshore wind  
931 energy industry. The Authority shall also consult with research institutions, businesses,  
932 nonprofit organizations, and stakeholders as the Authority deems appropriate.

933 D. The Authority shall have only those powers enumerated in this ~~chapter~~ article.

934 **Drafting note: The corporate language for the Virginia Offshore Wind**  
935 **Development Authority is updated to reflect current language for political subdivisions**  
936 **in the Code. Subsection designations are added and a redundant reference to the**  
937 **Authority's powers in the first sentence is removed. Technical changes are made.**

938 § ~~67-1202~~ 45.2-xxx. Membership; terms; vacancies; expenses.

939 A. The Authority shall be composed of nine nonlegislative citizen members appointed  
940 by the Governor, one of whom shall be a representative of the Virginia Commercial Space  
941 Flight Authority as established in § 2.2-2202. In addition, one ex officio member without

942 voting privileges shall be selected by the Governor after consideration of the persons  
943 nominated by the U.S. Secretary of the Navy. With the exception of the representative of the  
944 Virginia Commercial Space Flight Authority, all members of the Authority shall ~~reside in~~ be  
945 citizens of the Commonwealth.

946 B. Except as otherwise provided ~~herein in this article~~, all appointments shall be for  
947 terms of four years each. No member shall be eligible to serve more than two successive four-  
948 year terms. After expiration of an initial term of three years or less, two additional four-year  
949 terms may be served by such member if appointed thereto. Appointments to fill vacancies,  
950 other than by expiration of a term, shall be made for the unexpired terms. Any appointment to  
951 fill a vacancy shall be made in the same manner as the original appointment. The remainder of  
952 any term to which a member is appointed to fill a vacancy shall not constitute a term in  
953 determining the member's eligibility for reappointment.

954 ~~C. The initial appointments of members shall be as follows: three members shall be~~  
955 ~~appointed for terms of four years; three members shall be appointed for terms of three years;~~  
956 ~~and three members shall be appointed for terms of two years. Thereafter all appointments~~  
957 ~~shall be for terms of four years.~~

958 D. The Authority shall appoint from its membership a chairman and a vice-chairman,  
959 ~~both~~ each of whom shall serve in such ~~capacities~~ capacity at the pleasure of the Authority.  
960 The chairman, or in his absence the vice-chairman, shall preside at ~~all meetings~~ each meeting  
961 of the Authority. The meetings of the Authority shall be held on the call of the chairman or  
962 whenever a majority of the members so request. A majority of members of the Authority  
963 serving at any one time shall constitute a quorum for the transaction of business.

964 ~~E.~~ D. Members shall serve without compensation. However, all members may be  
965 reimbursed for all reasonable and necessary expenses incurred in the performance of their  
966 duties as provided in §§ 2.2-2813 and 2.2-2825. Such expenses shall be paid from such funds  
967 as may be appropriated to the Authority by the General Assembly.

968 ~~F.~~ E. Members of the Authority shall be subject to the standards of conduct set forth in  
969 the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and may be

970 removed from office for misfeasance, malfeasance, nonfeasance, neglect of duty, or  
971 misconduct in the manner set forth therein.

972 ~~G.F.~~ Except as otherwise provided in this ~~chapter~~ [article](#), members of the Authority  
973 shall be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et  
974 seq.).

975 **Drafting note: The corporate language for the Virginia Offshore Wind**  
976 **Development Authority is updated to reflect current language for political subdivisions**  
977 **in the Code. Language in existing subsection C related to the staggering of initial terms**  
978 **is stricken as obsolete and succeeding subsections are redesignated. Technical changes**  
979 **are made, including changes pursuant to § 1-227, which states that throughout the Code**  
980 **any word used in the singular includes the plural and vice versa.**

981 ~~§ 67-1203~~ [45.2-xxx](#). Data collection.

982 ~~A.~~ The Authority shall, through moneys derived from sources other than state funds,  
983 to the extent such moneys are available, operate in cooperation with the National Oceanic and  
984 Atmospheric Administration to upgrade wind resource and other metocean assessment  
985 equipment at Chesapeake Light Tower and other structures.

986 [§ 45.2-xxx. Public-private partnerships.](#)

987 ~~B.~~ ~~A.~~ The Authority may establish public-private partnerships with ~~a developer~~  
988 [developers](#) pursuant to the Public-Private ~~Educational~~ [Education](#) Facilities and Infrastructure  
989 Act of 2002 (§ 56-575.1 et seq.) for [purposes set forth in this section.](#)

990 [B. The Authority may establish such a partnership for](#) the installation and operation of  
991 wind resource and other metocean equipment, including light detection and ranging  
992 equipment, meteorological measurement towers, and data collection platforms. Any  
993 partnership established pursuant to this subsection shall stipulate that:

- 994 1. The Authority and the ~~developers~~ [developer](#) shall share the costs of the upgrade;
- 995 2. The developer, in coordination with the Authority and relevant state and federal  
996 agencies, shall operate any meteorological measurement towers and data collection platforms;
- 997 and

998 3. The developer shall make all collected data available to the Authority.

999 C. The Authority may establish ~~public-private partnerships with a developer pursuant~~  
1000 ~~to the Public-Private Educational Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.)~~  
1001 [such a partnership](#) for the collection of avian and marine environmental data. Any partnership  
1002 established pursuant to this subsection shall stipulate that:

1003 1. The Authority and the developer shall share the costs of data collection;

1004 2. The developer, in coordination with the Authority and relevant state and federal  
1005 agencies, shall manage the environmental data collection process; and

1006 3. The developer shall make all collected data available to the Authority.

1007 D. The Authority may make any data collected pursuant to ~~this section~~ [subsection B or](#)  
1008 [C](#) available to the public.

1009 ~~§ 67-1204. Port facilities upgrades.~~

1010 [E.](#) The Authority may establish ~~public-private partnerships with entities pursuant to~~  
1011 ~~the Public-Private Educational Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.)~~  
1012 [such a partnership](#) for the upgrade of port facilities and other logistical equipment and sites to  
1013 accommodate the manufacturing and assembly of offshore wind energy project components  
1014 and vessels that will support the construction and operations of offshore wind energy projects.  
1015 Any partnership established pursuant to this subsection shall stipulate that the Authority and  
1016 the entities shall share the costs of the upgrade.

1017 **Drafting note: Existing § 67-1203 is divided into two sections, the first of which is**  
1018 **composed only of existing subsection A, relating to data collection. The final three**  
1019 **subsections of existing § 67-1203 are combined with the succeeding section, § 67-1204,**  
1020 **and the subsections are redesignated. Redundant Code references are removed.**

1021 ~~§ 67-1205~~ [45.2-xxx](#). Federal loan guarantees.

1022 A. The Authority, on behalf of the Commonwealth, may apply to the U.S. Department  
1023 of Energy for federal loan guarantees authorized or made available pursuant to Title XVII of  
1024 the [federal](#) Energy Policy Act of 2005, ~~42 U.S.C. § 16511 et seq.~~, [P.L. 109-58](#); the [federal](#)

1025 American Recovery and Reinvestment Act of 2009, P.L. 111-5;<sup>2</sup> or other similar federal  
1026 legislation, to facilitate the development of offshore wind energy projects.

1027 B. Upon obtaining a federal loan ~~guarantees~~ guarantee for an offshore wind energy  
1028 ~~projects~~ project pursuant to subsection A, the Authority, subject to any restrictions imposed  
1029 by federal law, may allocate or assign all or ~~portions~~ any portion thereof to a qualified third  
1030 ~~parties,~~ party on ~~such~~ terms and conditions ~~as~~ the Authority finds ~~are~~ appropriate. ~~Actions~~  
1031 Any action of the Authority relating to the allocation and assignment of such loan ~~guarantees~~  
1032 guarantee shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000  
1033 et seq.) pursuant to subdivision B 4 of § 2.2-4002. ~~Decisions~~ Any decision of the Authority  
1034 pursuant to this section shall be final and not subject to review or appeal.

1035 **Drafting note: An erroneous citation for the federal Energy Policy Act of 2005 is**  
1036 **replaced and technical changes are made, including changes pursuant to § 1-227, which**  
1037 **states that throughout the Code any word used in the singular includes the plural and**  
1038 **vice versa. Language is updated for modern usage.**

1039 ~~§ 67-1206. Transmission of power from offshore wind energy projects.~~

1040 ~~A. The incumbent, investor-owned utility for the onshore service territory adjacent to~~  
1041 ~~any offshore wind generation project shall, at the request of the Department of Mines,~~  
1042 ~~Minerals and Energy, initiate a transmission study. Such utility shall initiate the transmission~~  
1043 ~~study no more than 30 days following the request of the Department of Mines, Minerals and~~  
1044 ~~Energy, and shall report to the Department of Mines, Minerals and Energy within 180 days of~~  
1045 ~~the request. The Department of Mines, Minerals and Energy shall report the results of the~~  
1046 ~~study to the Authority. The Department of Mines, Minerals and Energy shall request the study~~  
1047 ~~no later than July 31, 2010.~~

1048 ~~B. Upon receipt of the study, but no later than May 31, 2011, the Authority shall~~  
1049 ~~recommend such actions as it deems appropriate to facilitate transmission of power from~~  
1050 ~~offshore wind energy projects.~~

1051 **Drafting note: This section is proposed for deletion as obsolete.**

1052 ~~§ 67-1207~~ 45.2-xxx. Powers and duties of the Authority.

1053 In addition to ~~such~~ the other powers and duties established under this ~~chapter~~ article,

1054 the Authority ~~shall have~~ has the power and duty to:

1055 1. Adopt, use, and alter at will an official seal;

1056 2. Make bylaws for the management and regulation of its affairs;

1057 3. Maintain an office at ~~such~~ any place ~~or places~~ within the Commonwealth ~~as it may~~

1058 ~~designate~~ designates;

1059 4. Accept, hold, and administer moneys, grants, securities, or other property

1060 transferred, given, or bequeathed to the Authority, absolutely or in trust, from any source,

1061 public or private, for the purposes for which the Authority is ~~created~~ established;

1062 5. Make and execute contracts and all other instruments and agreements necessary or

1063 convenient for the exercise of its powers and functions;

1064 6. Employ, in its discretion, consultants, attorneys, architects, engineers, accountants,

1065 financial experts, investment bankers, superintendents, managers, and ~~such~~ any other

1066 employees and agents ~~as may be~~ necessary, and fix their compensation to be payable from

1067 funds made available to the Authority;

1068 7. Invest its funds as permitted by applicable law;

1069 8. Receive and accept from any federal or private agency, foundation, corporation,

1070 association, or person grants, donations of money, or real or personal property for the benefit

1071 of the Authority, and receive and accept from the Commonwealth or any other state, ~~and~~ from

1072 any municipality, county, or other political subdivision thereof ~~and~~, or from any other source,

1073 aid or contributions of either money, property, or other things of value, to be held, used, and

1074 applied for the purposes for which such grants and contributions may be made;

1075 9. Enter into agreements with any department, agency, or instrumentality of the United

1076 States or of the Commonwealth and with lenders and enter into loans with contracting parties

1077 for the purpose of planning, regulating, and providing for the financing or assisting in the

1078 financing of any project;

1079 10. Do any lawful act necessary or appropriate to carry out the powers ~~herein~~ granted

1080 or reasonably implied in this article;

1081 11. Identify and take steps to mitigate existing state and regulatory or administrative  
1082 barriers to the development of the offshore wind energy industry, including facilitating any  
1083 permitting processes; and

1084 12. Enter into interstate partnerships to develop the offshore wind energy industry and  
1085 offshore wind energy projects.

1086 **Drafting note: Technical changes are made, including changes pursuant to § 1-**  
1087 **227, which states that throughout the Code any word used in the singular includes the**  
1088 **plural and vice versa. Language is updated for modern usage.**

1089 § ~~67-1208~~ [45.2-xxx](#). Director; staff; counsel to the Authority.

1090 A. The Director ~~of the Department of Mines, Minerals and Energy~~ shall serve as  
1091 Director of the Authority and shall administer the affairs and business of the Authority in  
1092 accordance with the provisions of this ~~chapter~~ [article](#) and subject to the policies, control, and  
1093 direction of the Authority. The Director shall maintain, and ~~be~~ [is](#) custodian of, all books,  
1094 documents, and papers of or filed with the Authority. The Director may cause copies to be  
1095 made of all minutes and other records and documents of the Authority and may give  
1096 certificates under seal of the Authority to the effect that such copies are true copies, and all  
1097 persons dealing with the Authority may rely on such certificates. The Director also shall  
1098 perform such other duties as prescribed by the Authority in carrying out the purposes of this  
1099 ~~chapter~~ [article](#).

1100 B. The Division ~~of Offshore Wind within the Department of Mines, Minerals and~~  
1101 ~~Energy~~ shall serve as staff to the Authority.

1102 C. The Office of the Attorney General shall provide counsel to the Authority.

1103 **Drafting note: Technical changes are made. A reference to the Division of**  
1104 **Offshore Wind is shortened pursuant to the chapter-wide definitions in proposed § 45.2-**  
1105 **xxx [first section in proposed Chapter 18] and two unnecessary uses of the full name of**  
1106 **the Department of Mines, Minerals and Energy are removed pursuant to the title-wide**  
1107 **definitions in proposed § 45.2-xxx [first section in proposed Chapter 1].**

1108 § ~~67-1209~~ [45.2-xxx](#). Annual report.

1109 On or before October 15 of each year, the Authority shall submit an annual summary  
1110 of its activities and recommendations to the Governor and the ~~Chairs~~ Chairmen of the House  
1111 Committee on Appropriations, the Senate Committee on Finance and Appropriations, the  
1112 House Committee on Labor and Commerce, and the Senate Committee on Commerce and  
1113 Labor. Such report may include the submission of the Division ~~of Offshore Wind within the~~  
1114 ~~Department of Mines, Minerals and Energy~~ required by § ~~45.1-161.5:1~~ 45.2-xxx.

1115 **Drafting note: A reference to the Division of Offshore Wind is shortened**  
1116 **pursuant to the chapter-wide definitions in § 45.2-xxx [first section in proposed Chapter**  
1117 **18] and an unnecessary use of the full name of the Department of Mines, Minerals and**  
1118 **Energy is removed.**

1119 § ~~67-1210~~ 45.2-xxx. Confidentiality of information.

1120 A. The Authority shall hold in confidence the personal and financial information  
1121 supplied to it, or maintained by it, concerning the siting and development of offshore wind  
1122 energy projects.

1123 B. Nothing in this section shall prohibit the Authority, in its discretion, from releasing  
1124 any information that has been transformed into a statistical or aggregate form that does not  
1125 allow the identification of the person who supplied particular information.

1126 C. Information supplied by or maintained on ~~persons~~ any person or ~~entities~~ entity  
1127 applying for or receiving ~~allocations~~ an allocation of any federal loan ~~guarantees~~ guarantee, as  
1128 well as specific information relating to the amount ~~and of, or the~~ identity of ~~recipients~~ the  
1129 recipient of, such ~~distributions~~ distribution, shall be subject to disclosure in accordance with  
1130 the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

1131 **Drafting note: Technical changes are made, including changes pursuant to § 1-**  
1132 **227, which states that throughout the Code any word used in the singular includes the**  
1133 **plural and vice versa.**

1134 § ~~67-1211~~ 45.2-xxx. Declaration of public purpose; exemption from taxation.

1135 A. The exercise of the powers granted by this ~~chapter~~ [article](#) shall be in all respects for  
1136 the benefit of the citizens of the Commonwealth and for the promotion of their welfare,  
1137 convenience, and prosperity.

1138 B. The Authority shall be [deemed to be](#) performing an essential governmental function  
1139 in the exercise of the powers conferred upon it by this ~~chapter~~ [article](#), and the property of the  
1140 Authority and its income and operations shall be exempt from taxation or assessments upon  
1141 any property acquired or used by the Authority under the provisions of this ~~chapter~~ [article](#).

1142 **Drafting note: Technical changes are made and language is updated for modern**  
1143 **usage.**

1144 [CHAPTER 19.](#)

1145 [SOLAR ENERGY.](#)

1146 **Drafting note: Proposed Chapter 19 is composed of general provisions as Article**  
1147 **1, existing § 45.1-391 as Article 2, existing Chapter 15 (§ 67-1500 et seq.) of Title 67 as**  
1148 **Article 3, and existing Chapter 27 (§ 45.1-395) of Title 45.1 as Article 4. The proposed**  
1149 **articles are as follows: Article 1, General Provisions; Article 2, Virginia Solar Energy**  
1150 **Center; Article 3, Virginia Solar Energy Development and Energy Storage Authority;**  
1151 **and Article 4, Clean Energy Advisory Board.**

1152 [Article 1.](#)

1153 [General Provisions.](#)

1154 **Drafting note: Proposed Article 1 is created to logically organize general**  
1155 **provisions applicable to proposed Chapter 19.**

1156 [§ 45.2-xxx. Definitions.](#)

1157 [As used in this chapter, unless the context requires a different meaning:](#)

1158 ["Center" means the Virginia Solar Energy Center established in § 45.2-xxx \[§ 45.1-](#)  
1159 [391\].](#)

1160 **Drafting note: Proposed § 45.2-xxx [first section in proposed Chapter 19] is**  
1161 **created to consolidate definitions in proposed Chapter 19. The definition of "Center" is**  
1162 **added.**

1163

Article 2.

1164

Virginia Solar Energy Center.

1165

**Drafting note: Proposed Article 2 is created to logically organize existing § 45.1-**

1166

**391, relating to the Virginia Solar Energy Center.**

1167

§ ~~45.1-391~~ 45.2-xxx, Virginia Solar Energy Center; purposes.

1168

A. The Virginia Solar Energy Center is ~~continued~~ established as ~~a~~ part of the

1169

Department. The purposes of the Center are to (i) ~~to~~ serve the people of the Commonwealth as

1170

a clearinghouse to gather, maintain, and disseminate general and technical information on

1171

solar energy and its utilization; (ii) ~~to~~ coordinate programs for solar energy data-gathering in

1172

~~Virginia~~ the Commonwealth; (iii) ~~to~~ coordinate efforts and programs on solar energy with

1173

other state agencies and institutions, other states, and federal agencies; (iv) ~~to~~ promote

1174

cooperation among and between Virginia business, industry, and agriculture and the public

1175

related to the use of solar energy; (v) ~~to~~ develop public education programs on solar energy

1176

for use in schools and by the public; and (vi) ~~to~~ provide assistance in formulating policies on

1177

the utilization of solar energy that would be in the best interest of the Commonwealth.

1178

B. The intent of the General Assembly is to provide an organization for the purposes

1179

set out in this section to receive nonstate funds for such purposes.

1180

**Drafting note: Technical changes are made, including the addition of subsection**

1181

**designations, and language is updated for modern usage.**

1182

~~CHAPTER 15.~~

1183

~~VIRGINIA SOLAR ENERGY DEVELOPMENT AND ENERGY STORAGE~~

1184

~~AUTHORITY.~~

1185

Article 3.

1186

Virginia Solar Energy Development and Energy Storage Authority.

1187

**Drafting note: Existing Chapter 15 (§ 67-1500 et seq.) of Title 67, relating to the**

1188

**Virginia Solar Energy Development and Energy Storage Authority, is relocated as**

1189

**proposed Article 3 of Chapter 19.**

1190

§ ~~67-1500~~ 45.2-xxx. (Expires July 1, 2025) Definitions.

1191 As used in this ~~chapter~~ [article](#), unless the context requires a different meaning:

1192 "Authority" means the Virginia Solar Energy Development and Energy Storage  
1193 Authority ~~created~~ [established](#) pursuant to this ~~chapter~~ [article](#).

1194 "Developer" means any private developer of a solar energy project or an energy  
1195 storage project.

1196 "Energy storage project" means an energy storage facility located within the  
1197 Commonwealth and includes interests in land, improvements, and ancillary facilities.

1198 "Solar energy project" means an electric generation facility located within the  
1199 Commonwealth and includes interests in land, improvements, and ancillary facilities.

1200 **Drafting note: Technical changes.**

1201 § ~~67-1501~~ [45.2-xxx](#). (Expires July 1, 2025) [Virginia Solar Energy Development and](#)  
1202 [Energy Storage](#) Authority ~~created~~ [established](#); purpose.

1203 The Virginia Solar Energy Development Authority is continued as the Virginia Solar  
1204 Energy Development and Energy Storage Authority. The Authority constitutes a ~~body~~  
1205 ~~corporate and a~~ political subdivision of the Commonwealth ~~and as such shall have, and is~~  
1206 ~~vested with, all of the politic and corporate powers as are set forth in this chapter~~. The  
1207 Authority is established for the purposes of (i) facilitating, coordinating, and supporting the  
1208 development, either by the Authority or by other qualified entities, of the solar energy and  
1209 energy storage industries and solar energy and energy storage projects by developing  
1210 programs that increase the availability of financing for solar energy projects and energy  
1211 storage projects; (ii) facilitating the increase of solar energy generation systems and energy  
1212 storage projects on public and private sector facilities in the Commonwealth; (iii) promoting  
1213 the growth of the ~~Virginia~~ [Commonwealth's](#) solar and energy storage industries; (iv)  
1214 providing a hub for collaboration between entities, both public and private, to partner on solar  
1215 energy projects and energy storage projects; and (v) positioning the Commonwealth as a  
1216 leader in research, development, commercialization, manufacturing, and deployment of  
1217 energy storage technology. The Authority may also consult with research institutions,

1218 businesses, nonprofit organizations, and stakeholders as the Authority deems appropriate. The  
1219 Authority shall have only those powers enumerated in this ~~chapter~~ [article](#).

1220 **Drafting note: The corporate language for the Virginia Solar Energy**  
1221 **Development and Energy Storage Authority is updated to reflect current language for**  
1222 **political subdivisions in the Code. A redundant reference to the powers of the Authority**  
1223 **in the first sentence is removed. Technical changes are made.**

1224 § ~~67-1502~~ [45.2-xxx](#). (Expires July 1, 2025) Membership; terms; vacancies; expenses.

1225 A. The Authority shall ~~be composed~~ [have a total membership](#) of 15 nonlegislative  
1226 citizen members appointed as follows: ~~Eight~~ [eight](#) members ~~shall to~~ be appointed by the  
1227 Governor; four members ~~shall to~~ be appointed by the Speaker of the House of Delegates; and  
1228 three members ~~shall to~~ be appointed by the Senate Committee on Rules. All members of the  
1229 Authority shall ~~reside in~~ [be citizens of](#) the Commonwealth. Members may include  
1230 representatives of solar businesses, solar customers, renewable energy financiers, state and  
1231 local government solar customers, institutions of higher education who have expertise in  
1232 energy technology, and solar research academics.

1233 B. Except as otherwise provided ~~herein~~ [in this article](#), all appointments shall be for  
1234 terms of four years each. No member shall be eligible to serve more than two successive four-  
1235 year terms. After expiration of an initial term of three years or less, two additional four-year  
1236 terms may be served by such member if appointed thereto. Appointments to fill vacancies,  
1237 other than by expiration of a term, shall be made for the unexpired terms. Any appointment to  
1238 fill a vacancy shall be made in the same manner as the original appointment. The remainder of  
1239 any term to which a member is appointed to fill a vacancy shall not constitute a term in  
1240 determining the member's eligibility for reappointment.

1241 ~~C. The initial appointments of members by the Governor made pursuant to Chapters~~  
1242 ~~90 and 398 of the Acts of Assembly of 2015 shall be as follows: two members shall be~~  
1243 ~~appointed for terms of four years, two members shall be appointed for terms of three years,~~  
1244 ~~and two members shall be appointed for terms of two years. The initial appointments of~~  
1245 ~~members by the Speaker of the House of Delegates made pursuant to Chapters 90 and 398 of~~

1246 ~~the Acts of Assembly of 2015 shall be as follows: one member shall be appointed for a term~~  
1247 ~~of four years, one member shall be appointed for a term of three years, and one member shall~~  
1248 ~~be appointed for a term of two years. The initial appointments of members by the Senate~~  
1249 ~~Committee on Rules made pursuant to Chapters 90 and 398 of the Acts of Assembly of 2015~~  
1250 ~~shall be as follows: one member shall be appointed for a term of four years, and one member~~  
1251 ~~shall be appointed for a term of three years. Thereafter all appointments shall be for terms of~~  
1252 ~~four years.~~

1253 ~~D.~~ The Authority shall appoint from its membership a chairman and a vice-chairman,  
1254 ~~both~~ each of whom shall serve in such ~~capacities~~ capacity at the pleasure of the Authority.  
1255 The chairman, or in his absence the vice-chairman, shall preside at ~~all meetings~~ each meeting  
1256 of the Authority. The meetings of the Authority shall be held on the call of the chairman or  
1257 whenever a majority of the members so request. A majority of members of the Authority  
1258 serving at any one time shall constitute a quorum for the transaction of business.

1259 ~~E.~~ D. Members shall serve without compensation. However, all members may be  
1260 reimbursed for all reasonable and necessary expenses incurred in the performance of their  
1261 duties as provided in §§ 2.2-2813 and 2.2-2825. Such expenses shall be paid from such funds  
1262 as may be appropriated to the Authority by the General Assembly.

1263 ~~F.~~ E. Members of the Authority shall be subject to the standards of conduct set forth in  
1264 the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and may be  
1265 removed from office for misfeasance, malfeasance, nonfeasance, neglect of duty, or  
1266 misconduct in the manner set forth therein.

1267 ~~G.~~ F. Except as otherwise provided in this ~~chapter~~ article, members of the Authority  
1268 shall be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et  
1269 seq.).

1270 **Drafting note: The corporate language for the Virginia Solar Energy**  
1271 **Development and Energy Storage Authority is updated to reflect current language for**  
1272 **political subdivisions in the Code. Language in existing subsection C related to the**  
1273 **staggering of initial terms of members is stricken as obsolete and succeeding subsections**

1274 are redesignated. Technical changes are made, including changes pursuant to § 1-227,  
1275 which states that throughout the Code any word used in the singular includes the plural  
1276 and vice versa.

1277 § ~~67-1503~~ 45.2-xxx. (Expires July 1, 2025) Partnerships.

1278 A. The Authority may establish public-private partnerships with entities pursuant to  
1279 the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) to  
1280 increase the number of solar energy generation systems on or located adjacent to public and  
1281 private facilities in the Commonwealth. Any partnership established pursuant to this section  
1282 shall stipulate that the Authority and the developers shall share the costs of the installation and  
1283 operation of solar energy facilities and equipment.

1284 B. The Authority may provide a central hub for appropriate entities, both public and  
1285 private, to enter into partnerships that result in solar energy generation projects being  
1286 developed in the Commonwealth. The Authority may act as a good faith broker in these  
1287 matters to facilitate appropriate partnerships, including public-private partnerships.

1288 **Drafting note: No change.**

1289 § ~~67-1504~~ 45.2-xxx. (Expires July 1, 2025) Federal loan guarantees.

1290 A. The Authority, on behalf of the Commonwealth, may apply to the U.S. Department  
1291 of Energy for federal loan guarantees authorized or made available pursuant to Title XVII of  
1292 the federal Energy Policy Act of 2005, ~~42 U.S.C. § 16511 et seq.~~, P.L. 109-58; the federal  
1293 American Recovery and Reinvestment Act of 2009, P.L. 111-5~~;~~ or other similar federal  
1294 legislation~~;~~ to facilitate the development of solar energy projects.

1295 B. Upon obtaining a federal loan ~~guarantees~~ guarantee for a solar energy ~~projects~~  
1296 project pursuant to subsection A, the Authority, subject to any restrictions imposed by federal  
1297 law, may allocate or assign all or ~~portions~~ any portion thereof to a qualified third ~~parties,~~ party  
1298 on ~~such~~ terms and conditions ~~as~~ the Authority finds ~~are~~ appropriate. ~~Actions~~ Any action of the  
1299 Authority relating to the allocation and assignment of such loan ~~guarantees~~ guarantee shall be  
1300 exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) pursuant to

1301 subdivision B 4 of § 2.2-4002. ~~Decisions~~ Any decision of the Authority pursuant to this  
1302 section shall be final and not subject to review or appeal.

1303 **Drafting note: An erroneous citation for the federal Energy Policy Act of 2005 is**  
1304 **replaced and technical changes are made, including changes pursuant to § 1-227, which**  
1305 **states that throughout the Code any word used in the singular includes the plural and**  
1306 **vice versa. Language is updated for modern usage.**

1307 § ~~67-1505~~ 45.2-xxx. (Expires July 1, 2025) Powers and duties of the Authority.

1308 In addition to ~~such~~ other powers and duties established under this ~~chapter~~ article, the  
1309 Authority ~~shall have~~ has the power and duty to:

1310 1. Adopt, use, and alter at will an official seal;

1311 2. Make bylaws for the management and regulation of its affairs;

1312 3. Maintain an office at ~~such~~ any place ~~or places~~ within the Commonwealth ~~as it may~~  
1313 ~~designate~~ designates;

1314 4. Accept, hold, and administer moneys, grants, securities, or other property  
1315 transferred, given, or bequeathed to the Authority, absolutely or in trust, from any source,  
1316 public or private, for the purposes for which the Authority is ~~created~~ established;

1317 5. Make and execute contracts and all other instruments and agreements necessary or  
1318 convenient for the exercise of its powers and functions;

1319 6. Employ, in its discretion, consultants, attorneys, architects, engineers, accountants,  
1320 financial experts, investment bankers, superintendents, managers, and ~~such~~ any other  
1321 employees and agents ~~as may be~~ necessary and fix their compensation to be payable from  
1322 funds made available to the Authority;

1323 7. Invest its funds as permitted by applicable law;

1324 8. Receive and accept from any federal or private agency, foundation, corporation,  
1325 association, or person grants, donations of money, or real or personal property for the benefit  
1326 of the Authority, and receive and accept from the Commonwealth or any other state, ~~and~~ from  
1327 any municipality, county, or other political subdivision thereof ~~and~~, or from any other source,

1328 aid or contributions of either money, property, or other things of value, to be held, used, and  
1329 applied for the purposes for which such grants and contributions may be made;

1330 9. Enter into agreements with any department, agency, or instrumentality of the United  
1331 States or of the Commonwealth and with lenders and enter into loans with contracting parties  
1332 for the purpose of planning, regulating, and providing for the financing or assisting in the  
1333 financing of any project;

1334 10. Do any lawful act necessary or appropriate to carry out the powers ~~herein~~ granted  
1335 or reasonably implied [in this article](#);

1336 11. Identify and take steps to mitigate existing state and regulatory or administrative  
1337 barriers to the development of the solar energy and energy storage industries, including  
1338 facilitating any permitting processes;

1339 12. Enter into interstate partnerships to develop the solar energy industry, solar energy  
1340 projects, and energy storage projects;

1341 13. Collaborate with entities, including institutions of higher education, to increase the  
1342 training and development of the workforce needed by the solar and energy storage industries  
1343 in the Commonwealth, including industry-recognized credentials and certifications;

1344 14. Conduct any other activities as may seem appropriate to increase solar energy  
1345 generation in the Commonwealth and the associated jobs and economic development and  
1346 competitiveness benefits, including assisting investor-owned utilities in the planned  
1347 deployment of at least 400 megawatts of solar energy projects in the Commonwealth by 2020  
1348 through entering into agreements in its discretion in any manner provided by law for the  
1349 purpose of planning and providing for the financing or assisting in the financing of the  
1350 construction or purchase of such solar energy projects authorized pursuant to § 56-585.1;

1351 15. Promote collaborative efforts among ~~Virginia's~~ [the Commonwealth's](#) public and  
1352 private institutions of higher education in research, development, and commercialization  
1353 efforts related to energy storage;

1354 16. Monitor relevant developments in energy storage technology and deployment  
1355 nationally and globally and disseminate relevant information and research results; and

1356 17. Identify and work with the Commonwealth's industries and nonprofit partners in  
1357 advancing efforts related to the development and commercialization of energy storage.

1358 **Drafting note: Technical changes are made, including changes pursuant to § 1-**  
1359 **227, which states that throughout the Code any word used in the singular includes the**  
1360 **plural and vice versa. Language is updated for modern usage.**

1361 § ~~67-1506~~ [45.2-xxx](#). (Expires July 1, 2025) Director; staff; counsel to the Authority.

1362 A. The Director ~~of the Department of Mines, Minerals and Energy~~ shall serve as  
1363 Director of the Authority and shall administer the affairs and business of the Authority in  
1364 accordance with the provisions of this ~~chapter~~ [article](#) and subject to the policies, control, and  
1365 direction of the Authority. The Director may obtain non-state-funded support to carry out any  
1366 duties assigned to the Director. Funding for this support may be provided by any source,  
1367 public or private, for the purposes for which the Authority is ~~created~~ [established](#). The Director  
1368 shall maintain, and ~~be~~ [is](#) custodian of, all books, documents, and papers of or filed with the  
1369 Authority. The Director may cause copies to be made of all minutes and other records and  
1370 documents of the Authority and may give certificates under seal of the Authority to the effect  
1371 that such copies are true copies, and all persons dealing with the Authority may rely on such  
1372 certificates. The Director also shall perform such other duties as prescribed by the Authority  
1373 in carrying out the purposes of this ~~chapter~~ [article](#).

1374 B. The Department ~~of Mines, Minerals and Energy~~ shall serve as staff to the  
1375 Authority.

1376 C. The Office of the Attorney General shall provide counsel to the Authority.

1377 **Drafting note: Technical changes are made. Unnecessary uses of the full name of**  
1378 **the Department of Mines, Minerals and Energy are removed pursuant to the title-wide**  
1379 **definitions in proposed § 45.2-xxx [first section in proposed Chapter 1].**

1380 § ~~67-1507~~ [45.2-xxx](#). (Expires July 1, 2025) Annual report.

1381 On or before October 15 of each year, ~~beginning in 2016~~, the Authority shall submit  
1382 an annual summary of its activities and recommendations to the Governor and the Chairmen  
1383 of the House [Committee on Appropriations](#) ~~Committee~~, the Senate [Committee on Finance](#)

1384 ~~Committee~~, and Appropriations, the House Committee on Labor and Commerce, and the  
1385 Senate Committee on Commerce and Labor-~~Committees~~.

1386 **Drafting note: The obsolete 2016 date is stricken and language is updated for**  
1387 **modern usage, including updating House and Senate committee names changed in the**  
1388 **2020 Session.**

1389 § ~~67-1508~~ 45.2-xxx. (Expires July 1, 2025) Confidentiality of information.

1390 A. The Authority shall hold in confidence the personal and financial information  
1391 supplied to it, or maintained by it, concerning the siting and development of solar energy  
1392 projects and energy storage projects.

1393 B. Nothing in this section shall prohibit the Authority, in its discretion, from releasing  
1394 any information that has been transformed into a statistical or aggregate form that does not  
1395 allow the identification of the person who supplied particular information.

1396 C. Information supplied by or maintained on ~~persons~~ any person or ~~entities~~ entity  
1397 applying for or receiving ~~allocations~~ an allocation of any federal loan ~~guarantees~~ guarantee, as  
1398 well as specific information relating to the amount ~~and of, or the~~ identity of ~~recipients~~ the  
1399 recipient of, such ~~distributions~~ distribution, shall be subject to disclosure in accordance with  
1400 the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

1401 **Drafting note: Technical changes are made, including changes pursuant to § 1-**  
1402 **227, which states that throughout the Code any word used in the singular includes the**  
1403 **plural and vice versa.**

1404 § ~~67-1509~~ 45.2-xxx. (Expires July 1, 2025) Declaration of public purpose; exemption  
1405 from taxation.

1406 A. The exercise of the powers granted by this ~~chapter~~ article shall be in all respects for  
1407 the benefit of the citizens of the Commonwealth and for the promotion of their welfare,  
1408 convenience, and prosperity.

1409 B. The Authority shall be deemed to be performing an essential governmental function  
1410 in the exercise of the powers conferred upon it by this chapter, and the property of the

1411 Authority and its income and operations shall be exempt from taxation or assessments upon  
1412 any property acquired or used by the Authority under the provisions of this ~~chapter~~ [article](#).

1413 **Drafting note: Language is updated for modern usage.**

1414 [§ 45.2-xxx. Sunset.](#)

1415 [The provisions of this article shall expire on July 1, 2025.](#)

1416 **Drafting note: The second enactment of Acts 2015, cc. 90 and 398, which provides**  
1417 **a sunset date for proposed Article 3, is proposed for codification.**

1418 ~~Chapter 27.~~ [Article 4.](#)

1419 Clean Energy Advisory Board.

1420 **Drafting note: Existing Chapter 27, concerning the Clean Energy Advisory**  
1421 **Board, is relocated to proposed Article 4.**

1422 [§ 45.2-xxx. Definitions.](#)

1423 [As used in this article, unless the context requires a different meaning:](#)

1424 ["Board" means the Clean Energy Advisory Board created pursuant to § 45.2-xxx](#)  
1425 [\[45.1-395\].](#)

1426 ["Fund" means the Low-to-Moderate Income Solar Loan and Rebate Fund created](#)  
1427 [pursuant to § 45.2-xxx \[45.1-398\].](#)

1428 ["Program" means the Low-to-Moderate Income Solar Loan and Rebate Pilot Program](#)  
1429 [created pursuant to § 45.2-xxx \[45.1-399\].](#)

1430 **Drafting note: Article-wide definitions section added.**

1431 ~~§ 45.1-395~~ [45.2-xxx](#). Clean Energy Advisory Board; purpose.

1432 The Clean Energy Advisory Board ~~(the Board)~~ is established as an advisory board in  
1433 the executive branch of state government. The purpose of the Board is to establish a pilot  
1434 program for disbursing loans or rebates for the installation of solar energy infrastructure in  
1435 low-income and moderate-income households.

1436 **Drafting note: Technical change.**

1437 ~~§ 45.1-396~~ [45.2-xxx](#). Membership; terms; quorum; meetings.

1438           A. The Board shall have a total membership of 17 members that shall consist of 16  
1439 nonlegislative citizen members and one ex officio member. Members may reside within or  
1440 without the Commonwealth. Nonlegislative citizen members shall be appointed as follows:

1441           1. Six nonlegislative citizen members to be appointed by the Speaker of the House of  
1442 Delegates upon consideration of the recommendations of the Board of Directors of the  
1443 Maryland-DC-Delaware-Virginia Solar Energy Industries Association (the MDV-SEIA  
1444 Board) and the Governor's Advisory Council on Environmental Justice (the Council), one of  
1445 whom shall be a designee of the Virginia Housing Development Authority, created pursuant  
1446 to the provisions of Chapter 1.2 (§ 36-55.24 et seq.) of Title 36; one of whom shall be a  
1447 rooftop solar energy professional or employer or representative of rooftop solar energy  
1448 professionals; one of whom shall be a current or former member of the Council; one of whom  
1449 shall be a member or representative of the Virginia, Maryland and Delaware Association of  
1450 Electric Cooperatives (VMDAEC); one of whom shall be an expert with experience  
1451 developing low-income or moderate-income incentive and loan programs for distributed  
1452 renewable energy resources; and one of whom shall be an attorney who is licensed to practice  
1453 in the Commonwealth and maintains a legal practice dedicated to rural development, rural  
1454 electrification, and energy policy;

1455           2. Three nonlegislative citizen members to be appointed by the Senate Committee on  
1456 Rules upon consideration of the recommendations of the MDV-SEIA Board, one of whom  
1457 shall be a solar energy professional or employer or representative of solar energy  
1458 professionals, one of whom shall work for or with a ~~Virginia-based~~ Commonwealth-based  
1459 investor-owned electric utility company, and one of whom shall be a member or  
1460 representative of VMDAEC; and

1461           3. Seven nonlegislative citizen members to be appointed by the Governor upon  
1462 consideration of the recommendations of the MDV-SEIA Board and the Council and subject  
1463 to confirmation by the General Assembly, one of whom shall be an attorney who is licensed  
1464 to practice in the Commonwealth and maintains a legal practice in renewable energy law and  
1465 transactions, one of whom shall be an attorney who is licensed to practice in the

1466 Commonwealth and specializes in tax law and energy transactions, one of whom shall be an  
1467 attorney with the Division of Consumer Counsel created pursuant to the provisions of § 2.2-  
1468 517, one of whom shall be an employee of a community development financial institution  
1469 who specializes in impact investing, one of whom shall be a member of a Virginia  
1470 environmental organization, and two of whom shall be designees of the Department of  
1471 Housing and Community Development, created pursuant to the provisions of Chapter 8 (§ 36-  
1472 131 et seq.) of Title 36.

1473 B. The Director or his designee shall serve ex officio with voting privileges and shall  
1474 assist in convening the meetings of the Board.

1475 C. Nonlegislative citizen members of the Board shall be citizens of the  
1476 Commonwealth. The ex officio member of the Board shall serve a term coincident with his  
1477 term of office. Nonlegislative citizen members shall be appointed for a term of three years.  
1478 Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired  
1479 terms. Vacancies shall be filled in the same manner as the original appointments. All  
1480 members may be reappointed.

1481 D. The Board shall elect a chairman and vice-chairman from among its membership.  
1482 A majority of the members shall constitute a quorum. The meetings of the Board shall be held  
1483 at the call of the chairman or whenever the majority of the members so request.

1484 **Drafting note: Technical changes.**

1485 § ~~45.1-397~~ 45.2-xxx. Powers and duties of the Board; report.

1486 The Board ~~shall have~~ has the ~~following~~ powers and duties to:

1487 1. ~~To advise~~ Advise the Director on the management of the ~~Low to Moderate Income~~  
1488 ~~Solar Loan and Rebate~~ Fund ~~(the Fund)~~ pursuant to the provisions of § ~~45.1-398~~ 45.2-xxx;

1489 2. ~~To develop~~ Develop, establish, and operate, with the approval of the Director, ~~a~~  
1490 ~~Low to Moderate Income Solar Loan and Rebate Pilot~~ the Program ~~(the Program)~~ pursuant to  
1491 the provisions of § ~~45.1-399~~ 45.2-xxx;

1492 3. ~~To advise~~ Advise the Director on the possibility of working with a community  
1493 development financial institution or other financial institutions to further the purposes of the  
1494 Program;

1495 4. ~~To advise~~ Advise the Director on the distribution of moneys in the Fund in the form  
1496 of loans or rebates pursuant to the provisions of § ~~45.1-399~~ 45.2-xxx; and

1497 5. ~~To submit~~ Submit to the Governor and the General Assembly an annual report for  
1498 publication as a report document as provided in the procedures of the Division of Legislative  
1499 Automated Systems for the processing of legislative documents and reports. The chairman  
1500 shall submit to the Governor and the General Assembly an annual executive summary of the  
1501 interim activity and work of the Board no later than the first day of each regular session of the  
1502 General Assembly. The executive summary shall be submitted for publication as a report  
1503 document as provided in the procedures of the Division of Legislative Automated Systems for  
1504 the processing of legislative documents and reports and shall be posted on the General  
1505 Assembly's website.

1506 **Drafting note: Language is updated for modern usage and technical changes are**  
1507 **made.**

1508 § ~~45.1-398~~ 45.2-xxx. Low-to-Moderate Income Solar Loan and Rebate Fund.

1509 There is hereby ~~created~~ established in the state treasury a special nonreverting fund to  
1510 be known as the Low-to-Moderate Income Solar Loan and Rebate Fund ~~(the Fund)~~. The Fund  
1511 shall be established on the books of the Comptroller. All funds appropriated for such purpose  
1512 and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid  
1513 into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall  
1514 remain in the Fund and be credited to it. Any moneys remaining in the Fund, including  
1515 interest thereon, at the end of each fiscal year shall not revert to the general fund but shall  
1516 remain in the Fund. Moneys in the Fund shall be used solely for the purposes of extending  
1517 loans or paying rebates to electric customers who complete solar installations or energy  
1518 efficiency improvements pursuant to the provisions of § ~~45.1-399~~ 45.2-xxx. Expenditures and

1519 disbursements from the Fund shall be made by the State Treasurer on warrants issued by the  
1520 Comptroller upon written request signed by the Director.

1521 **Drafting note: Language is updated for modern usage and technical changes are**  
1522 **made.**

1523 § ~~45.1-399~~ 45.2-xxx. Low-to-Moderate Income Solar Loan and Rebate Pilot Program.

1524 A. The Board, with the approval of the Director, shall develop and establish a Low-to-  
1525 Moderate Income Solar Loan and Rebate Pilot Program ~~(the Program)~~ and rules for the loan  
1526 or rebate application process. The Program shall be open to any Virginia resident whose  
1527 household income is at or below 80 percent of the state median income or regional median  
1528 income, whichever is greater. The Program shall allow only one loan per residence,  
1529 irrespective of the ownership of the solar energy system that is installed. Such loan shall be  
1530 available only for a solar installation or energy efficiency improvements pursuant to the  
1531 provisions of Chapter 1.2 (§ 36-55.24 et seq.) of Title 36.

1532 B. The Board shall accept an application only from the installer of the solar  
1533 installation or the agent of the customer.

1534 Each application shall include (i) 12 months of the customer's utility bills prior to  
1535 installation of the solar energy system and an agreement to provide 12 months of utility bills  
1536 to the Board following the installation; (ii) the customer's permission for the Director to (a)  
1537 create a customer profile for the customer if he becomes an eligible loan or rebate customer,  
1538 (b) aggregate the data provided by such eligible loan or rebate customers, and (c) use such  
1539 aggregate data for the purpose of lowering energy costs and implementing effective programs;  
1540 (iii) evidence of the completion of a home performance audit, conducted by a qualified local  
1541 weatherization service provider, before and after installation of energy efficiency services  
1542 such as lighting or insulation improvements, attic tents, weatherization, air sealing of  
1543 openings in the building envelope, sealing of ducts, or thermostat upgrades, to demonstrate  
1544 that such energy efficiency services were completed and resulted in a reduction in  
1545 consumption of at least 12 percent; and (iv) an affidavit attesting to the receipt of a public  
1546 benefit at the time the solar energy system is to be installed.

1547 C. The Board shall review each application submitted to it on a first-come, first-served  
1548 basis and shall recommend to the Director the approval or denial of each such application  
1549 within 30 days of receipt. If the Director approves an application, he shall hold a reservation  
1550 of funds for as long as 180 days for final loan or rebate claim and disbursement.

1551 D. A customer whose application is approved may install an energy system that is  
1552 interconnected pursuant to the provisions of § 56-594 or any section in Title 56 that addresses  
1553 net energy metering provisions for electric cooperative service territories.

1554 E. All of the work of installing the energy system shall be completed by a licensed  
1555 contractor that (i) possesses an Alternative Energy System (AES) Contracting specialty as  
1556 defined by the Board for Contractors pursuant to the provisions of Chapter 11 (§ 54.1-1100 et  
1557 seq.) of Title 54.1; (ii) possesses certification for solar installation from the North American  
1558 Board of Certified Energy Practitioners, Solar Energy International, Roof Integrated Solar  
1559 Energy, or a similar installer certification program; (iii) possesses a rating of "A" or higher  
1560 from the local Better Business Bureau; and (iv) has installed a minimum of 150 net-metered  
1561 residential solar systems in ~~Virginia~~ [the Commonwealth](#). If the work of installing the solar  
1562 energy system requires electrical work, it shall be completed by an electrical contractor  
1563 licensed by the Virginia Department of Professional and Occupational Regulation. All  
1564 photovoltaic panels, inverters, and other electrical apparatus used in the solar energy system  
1565 shall be tested and certified by a federal Occupational Safety and Health Administration  
1566 Nationally Recognized Testing Laboratory such as UL LLC and installed in compliance with  
1567 manufacturer specifications and all applicable building and electrical codes.

1568 F. The customer or the installer, acting on behalf of the customer, shall submit any  
1569 loan or rebate claim within 90 days of completion of the installation of the solar energy  
1570 system, with completion deemed to have occurred once the solar energy system's bi-  
1571 directional meter or net meter, or the respective utility's revenue grade meter, has been  
1572 installed and the system has been electrified. Each rebate claim shall include, at a minimum, a  
1573 date of system electrification and a time-stamped and date-stamped verification of (i) bi-

1574 directional net meter delivery or (ii) the operation of a compatible programmed smart meter  
1575 capable of tracking net metering activity.

1576 G. The Director shall review and approve or deny a loan or rebate claim within 60  
1577 days of receipt and shall provide a written explanation of each denial to the respective  
1578 claimant. The Director shall disburse from the ~~Low to Moderate Income Solar Loan and~~  
1579 ~~Rebate~~ Fund created pursuant to § ~~45.1-398~~ 45.2-xxx the loan or rebate for each approved  
1580 claim within 60 days of its receipt of the claim and according to the order in which its  
1581 respective application was approved. Any rebate or grant shall be in the amount of no more  
1582 than \$2 per DC watt for up to six kilowatts of solar capacity installed. The customer may use  
1583 a rebate in addition to any federal tax credits or state incentives or enhancements earned for  
1584 the same solar installation.

1585 **Drafting note: Technical changes.**

1586 ~~§ 45.1-400. Repealed.~~

1587 **Drafting note: Repealed by Acts 2020, c. 803, cl. 2.**

1588 #