

# VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

## CHAPTER 316

*An Act to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 60, consisting of a section numbered 2.2-6000, relating to the Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact.*

[S 1349]

Approved March 27, 2009

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 60, consisting of a section numbered 2.2-6000, as follows:**

### CHAPTER 60.

#### *MID-ATLANTIC OFFSHORE WIND ENERGY INFRASTRUCTURE DEVELOPMENT COMPACT.*

##### *§ 2.2-6000. Form of compact.*

*The General Assembly hereby enacts and the Commonwealth of Virginia hereby enters into, the Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact in the form substantially as follows:*

#### *Article I.*

##### *Policy and Purpose.*

*The party states recognize that in order to reduce energy dependency there is a need to fully explore the use of all energy sources. It is the policy of the party states to undertake such cooperation on a continuing basis; it is the purpose of this compact to provide the instruments and framework for such a cooperative effort to improve the development of offshore wind energy infrastructure and operations with the objective of contributing to greater energy independence and improving the individual and community well-being of the citizens of the party states.*

*Extensive regional coordination among decision-makers from different sectors including but not limited to regulators, utilities and project developers, is required for the most efficient use of investment capital and available energy resources. If states act independently in planning the development of their offshore wind resources, there are likely to be "boom and bust" effects on local economic development in the party states. In addition, coordinated planning is essential to develop an appropriate offshore electric power cable transmission network, to which offshore wind projects can interconnect without each project having its own power cable to shore, in order to minimize potential conflicts with other ocean users and to minimize the number of cable shore crossings and attendant environmental impacts in the environmentally sensitive coastal zones of each of the party states. Finally, collaborative research is needed to accurately model the Mid-Atlantic and southeastern offshore wind resource, which spans multiple states, and its interaction with the electric utility grid, which also spans multiple states.*

#### *Article II.*

##### *Agreement.*

*The Commonwealth of Virginia and the States of Delaware, Maryland, New Jersey, and New York agree, upon the adoption of this compact:*

*1. To study, develop, and promote coordinated research and planning of the design, construction, utility interconnection, financing, and operation of offshore wind energy infrastructure and operations directly adjacent to the shores of the party states;*

*2. To coordinate efforts to establish offshore wind energy infrastructure and operations at the federal, state, and local governmental levels;*

*3. To advocate for federal funding to support the establishment of offshore wind energy infrastructure and operations directly adjacent to the shores of the party states to receive federal funds made available for offshore wind energy infrastructure and operations;*

*4. To provide funding and resources to the Mid-Atlantic Offshore Wind Energy Infrastructure Development Board from funds that are or may become available and are appropriated for that purpose; and*

*5. To cooperate with the United States Department of Energy or any agency successor thereto, any other office or agency of the United States, and any other governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interests.*

#### *Article III.*

##### *The Board.*

*A. There is created an agency of the party states to be known as the "Mid-Atlantic Offshore Wind Energy Infrastructure Development Board" (hereinafter called the Board). The Board shall be composed of five members from each party state. In each state, one member shall be appointed by the Governor; one member shall be appointed by the Senate; one member shall be appointed by the Speaker of the*

*House of Delegates; one member shall be appointed by the Governor as a representative of the offshore wind academic research community; and one member shall be appointed by the Governor as a representative of the electric utility industry. Each member shall be designated or appointed in accordance with the law of the state that he represents and shall serve and be subject to removal in accordance with such law. Any member of the Board may provide for the discharge of his duties and the performance of his functions thereon (either for the duration of his membership or for any lesser period of time) by a deputy or assistant, if the laws of his state make specific provisions therefor.*

*B. Each party state shall be entitled to one vote on the Board, to be determined by majority vote of each member or member's representative from the party state present and voting on any question. No action of the Board shall be binding unless taken at a meeting at which a majority of all party states are represented and unless a majority of the total number of votes on the Board are cast in favor thereof.*

*C. The chairman of the Board shall be chosen by members of the Board from among its membership for a term of one year, and shall alternate between the member states.*

*D. The Board shall meet at least twice each year at a location agreed upon by the party states.*

*E. The Board may utilize, for its operations and expenses, funds appropriated to it therefor by the legislatures of the party states. The Board may accept for any of its purposes and functions under this compact any and all donations and grants of money, equipment, supplies, materials, and services from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize, and dispose of the same.*

*F. The Board annually shall make to the governor of each party state a report covering the activities of the Board for the preceding year and embodying such recommendations as may have been adopted by the Board, which report shall be transmitted to the legislature of each state. The Board may issue such additional reports as it may deem desirable.*

#### *Article IV.*

##### *Severability and Construction.*

*The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact shall be liberally construed to effectuate the purposes thereof.*

**2. That this act shall become effective upon its enactment by the Commonwealth of Virginia and three of the other four member states named in Article II of the first enactment of this act.**

**3. That the Clerk of the House of Delegates shall transmit copies of this act to the presiding officers and clerks of each house of the legislature in Delaware, Maryland, New Jersey, and New York attesting the enactment of this compact legislation by the Commonwealth of Virginia.**