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SENATE BILL NO. 1258

Offered January 11, 2017

Prefiled January 10, 2017

A BILL to amend and reenact §§ 67-1500, 67-1501, 67-1502, 67-1505, and 67-1508 of the Code of Virginia, relating to conversion of the Virginia Solar Energy Development Authority to the Virginia Solar Energy Development and Energy Storage Authority.

Patron—Ebbin

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That §§ 67-1500, 67-1501, 67-1502, 67-1505, and 67-1508 of the Code of Virginia are amended and reenacted as follows:

CHAPTER 15.

VIRGINIA SOLAR ENERGY DEVELOPMENT AND ENERGY STORAGE AUTHORITY.

§ 67-1500. Definitions.

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

"Authority" means the Virginia Solar Energy Development and Energy Storage Authority created pursuant to this chapter.

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

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

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

§ 67-1501. Authority created; purpose.

The Virginia Solar Energy Development Authority is created as continued as the Virginia Solar Energy Development and Energy Storage Authority. The Authority constitutes a body corporate and a political subdivision of the Commonwealth and as such shall have, and is vested with, all of the politic and corporate powers as are set forth in this chapter. The Authority is established for the purposes of (i) facilitating, coordinating, and supporting the development, either by the Authority or by other qualified entities, of the solar energy industry and energy storage industries and solar energy and energy storage projects by developing programs that increase the availability of financing for solar energy projects, facilitate and energy storage projects; (ii) facilitating the increase of solar energy generation systems and energy storage projects on public and private sector facilities in the Commonwealth; promote; (iii) promoting the growth of the Virginia solar industry, and provide and energy storage industries; (iv) providing a hub for collaboration between entities, both public and private, to partner on solar energy projects and energy storage projects; and (v) positioning the Commonwealth as a leader in research, development, commercialization, manufacturing, and deployment of energy storage technology. The Authority may also consult with research institutions, businesses, nonprofit organizations, and stakeholders as the Authority deems appropriate. The Authority shall have only those powers enumerated in this chapter.

§ 67-1502. Membership; terms; vacancies; expenses.

A. The Authority shall be composed of ~~14~~ 15 nonlegislative citizen members appointed as follows: ~~Six~~ Eight members shall be appointed by the Governor; ~~three~~ four members shall be appointed by the Speaker of the House of Delegates; and ~~two~~ three members shall be appointed by the Senate Committee on Rules. All members of the Authority shall reside in the Commonwealth. Members may include representatives of solar businesses, solar customers, renewable energy financiers, state and local government solar customers, institutions of higher education who have expertise in energy technology, and solar research academics.

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

C. The initial appointments of members by the Governor made pursuant to Chapters 90 and 398 of

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59 *the Acts of Assembly of 2015* shall be as follows: two members shall be appointed for terms of four
60 years, two members shall be appointed for terms of three years, and two members shall be appointed for
61 terms of two years. The initial appointments of members by the Speaker of the House of Delegates
62 *made pursuant to Chapters 90 and 398 of the Acts of Assembly of 2015* shall be as follows: one
63 member shall be appointed for a term of four years, one member shall be appointed for a term of three
64 years, and one member shall be appointed for a term of two years. The initial appointments of members
65 by the Senate Committee on Rules *made pursuant to Chapters 90 and 398 of the Acts of Assembly of*
66 *2015* shall be as follows: one member shall be appointed for a term of four years, and one member shall
67 be appointed for a term of three years. Thereafter all appointments shall be for terms of four years.

68 D. The Authority shall appoint from its membership a chairman and a vice-chairman, both of whom
69 shall serve in such capacities at the pleasure of the Authority. The chairman, or in his absence the
70 vice-chairman, shall preside at all meetings of the Authority. The meetings of the Authority shall be
71 held on the call of the chairman or whenever a majority of the members so request. A majority of
72 members of the Authority serving at any one time shall constitute a quorum for the transaction of
73 business.

74 E. Members shall serve without compensation. However, all members may be reimbursed for all
75 reasonable and necessary expenses incurred in the performance of their duties as provided in
76 §§ 2.2-2813 and 2.2-2825. Such expenses shall be paid from such funds as may be appropriated to the
77 Authority by the General Assembly.

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

81 G. Except as otherwise provided in this chapter, members of the Authority shall be subject to the
82 provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

83 **§ 67-1505. Powers and duties of the Authority.**

84 In addition to such other powers and duties established under this chapter, the Authority shall have
85 the power and duty to:

- 86 1. Adopt, use, and alter at will an official seal;
- 87 2. Make bylaws for the management and regulation of its affairs;
- 88 3. Maintain an office at such place or places within the Commonwealth as it may designate;
- 89 4. Accept, hold, and administer moneys, grants, securities, or other property transferred, given, or
90 bequeathed to the Authority, absolutely or in trust, from any source, public or private, for the purposes
91 for which the Authority is created;
- 92 5. Make and execute contracts and all other instruments and agreements necessary or convenient for
93 the exercise of its powers and functions;
- 94 6. Employ, in its discretion, consultants, attorneys, architects, engineers, accountants, financial
95 experts, investment bankers, superintendents, managers, and such other employees and agents as may be
96 necessary and fix their compensation to be payable from funds made available to the Authority;
- 97 7. Invest its funds as permitted by applicable law;
- 98 8. Receive and accept from any federal or private agency, foundation, corporation, association, or
99 person grants, donations of money, or real or personal property for the benefit of the Authority, and
100 receive and accept from the Commonwealth or any state, and from any municipality, county, or other
101 political subdivision thereof and any other source, aid or contributions of either money, property, or
102 other things of value, to be held, used, and applied for the purposes for which such grants and
103 contributions may be made;
- 104 9. Enter into agreements with any department, agency, or instrumentality of the United States or of
105 the Commonwealth and with lenders and enter into loans with contracting parties for the purpose of
106 planning, regulating, and providing for the financing or assisting in the financing of any project;
- 107 10. Do any lawful act necessary or appropriate to carry out the powers herein granted or reasonably
108 implied;
- 109 11. Identify and take steps to mitigate existing state and regulatory or administrative barriers to the
110 development of the solar energy ~~industry~~ *and energy storage industries*, including facilitating any
111 permitting processes;
- 112 12. Enter into interstate partnerships to develop the solar energy industry ~~and~~, solar energy projects,
113 *and energy storage projects*;
- 114 13. Collaborate with entities, including institutions of higher education, to increase the training and
115 development of the workforce needed by the solar ~~industry~~ *and energy storage industries* in the
116 Commonwealth, including industry-recognized credentials and certifications; ~~and~~
- 117 14. Conduct any other activities as may seem appropriate to increase solar energy generation in the
118 Commonwealth and the associated jobs and economic development and competitiveness benefits,
119 including assisting investor-owned utilities in the planned deployment of at least 400 megawatts of solar
120 energy projects in the Commonwealth by 2020 through entering into agreements in its discretion in any

manner provided by law for the purpose of planning and providing for the financing or assisting in the financing of the construction or purchase of such solar energy projects authorized pursuant to § 56-585.1;

15. Promote collaborative efforts among Virginia's public and private institutions of higher education in research, development, and commercialization efforts related to energy storage;

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

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

§ 67-1508. Confidentiality of information.

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

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

C. Information supplied by or maintained on persons or entities applying for or receiving allocations of federal loan guarantees, as well as specific information relating to the amount and identity of recipients of such distributions, shall be subject to disclosure in accordance with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

2. That this act shall not be construed to affect existing appointments for which the terms have not expired. However, any new appointments made after the effective date of this act shall be made in accordance with the provisions of this act.

3. That the initial appointments of members to the Virginia Solar Energy Development and Energy Storage Authority by the Governor made pursuant to this act shall be as follows: one member shall be appointed for a term of four years, and one member shall be appointed for a term of three years. The initial appointment of a member to the Virginia Solar Energy Development and Energy Storage Authority by the Speaker of the House of Delegates made pursuant to this act shall be for a term of four years. The initial appointments of a member to the Virginia Solar Energy Development and Energy Storage Authority by the Senate Committee on Rules made pursuant to Chapters 90 and 398 of the Acts of Assembly of 2015 shall be for a term of three years. Following the expiration of their initial terms, all such appointments shall be for a term of four years as provided in § 67-1502 of the Code of Virginia, as amended by this act.