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SENATE BILL NO. 403

Offered January 13, 2016

Prefiled January 12, 2016

A *BILL to amend the Code of Virginia by adding in Title 67 a chapter numbered 16, consisting of sections numbered 67-1600 through 67-1608, relating to the Virginia Energy Storage Consortium.*

Patron—Ebbin

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia

1. That the Code of Virginia is amended by adding in Title 67 a chapter numbered 16, consisting of sections numbered 67-1600 through 67-1608, as follows:

CHAPTER 16.**VIRGINIA ENERGY STORAGE CONSORTIUM.****§ 67-1600. Definitions.**

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

"Board" means the board of directors of the Consortium.

"Consortium" means the Virginia Energy Storage Consortium created pursuant to this chapter.

§ 67-1601. Consortium created.

There is hereby created and constituted a political subdivision of the Commonwealth to be known as the Virginia Energy Storage Consortium. The Consortium's exercise of powers conferred by this chapter shall be deemed to be the performance of an essential governmental function and matters of public necessity for which public moneys may be spent and private property acquired. The Consortium shall have, and is vested with, all of the politic and corporate powers as are set forth in this chapter.

§ 67-1602. Purpose; powers and duties of Consortium.

A. The Virginia Energy Storage Consortium is established for the purpose of positioning the Commonwealth as a leader in research, development, commercialization, manufacturing, and deployment of energy storage technology.

B. The Consortium is granted all powers necessary or convenient for the carrying out of its statutory purposes, including, but not limited to, the powers and duties to:

1. Adopt, use, and alter at will a corporate seal;

2. Acquire, purchase, hold, use, lease, or otherwise dispose of property, real, personal, or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Consortium;

3. Adopt bylaws for the management and regulation of its affairs;

4. Maintain an office at such place within the Commonwealth as it may designate;

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

6. Develop and adopt a strategic plan for carrying out the purposes set out in this chapter;

7. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this chapter, including agreements with any person or federal agency;

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

9. Monitor relevant developments nationally and globally;

10. Identify and work with the Commonwealth's industries and nonprofit partners;

11. Disseminate information and research results; and

12. Do all acts and things necessary or convenient to carry out the powers granted to it by law.

§ 67-1603. Board of the Consortium.

A. The Consortium shall be governed by a board of directors consisting of 15 nonlegislative citizen members appointed by the Governor, subject to confirmation by the General Assembly. At least five members of the Board shall be representatives of institutions of higher education with expertise in energy technology. Of the initial members of the Board, four shall be appointed for a term of four years, four shall be appointed for a term of three years, four shall be appointed for a term of two years,

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59 and three shall be appointed for a term of one year. After the initial staggering of terms, members of
60 the Board shall be appointed for a term of four years. Immediately after appointment, the members of
61 the Board shall enter upon the performance of their duties.

62 B. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired
63 terms. Vacancies in the membership of the Board shall be filled in the same manner as the original
64 appointments. Members may serve two consecutive terms on the Board. The remainder of any term to
65 which a member is appointed to fill a vacancy shall not constitute a term in determining the member's
66 eligibility for reappointment.

67 C. Meetings of the Board shall be held at the call of the chairman or of any eight members. Eight
68 members of the Board shall constitute a quorum for the transaction of the business of the Consortium.
69 An act of the majority of the members of the Board present at any regular or special meeting at which
70 a quorum is present shall be an act of the Board.

71 D. The Board shall annually elect from among its members a chairman, a vice-chairman, and a
72 treasurer. The Board shall also elect annually a secretary, who need not be a member of the Board, and
73 may also elect such other subordinate officers who need not be members of the Board, as it deems
74 proper. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Board.
75 In the absence of both the chairman and vice-chairman, the Board shall appoint a chairman pro
76 tempore, who shall preside at such meetings.

77 E. Notwithstanding the provisions of any other law, no officer or employee of the Commonwealth
78 shall be deemed to have forfeited or shall have forfeited his office or employment by reason of
79 acceptance of membership on the Board or by providing service to the Consortium.

80 **§ 67-1604. Moneys of Consortium.**

81 All moneys of the Consortium, from whatever source derived, shall be paid to the treasurer of the
82 Consortium. Such moneys shall be deposited in the first instance by the treasurer in one or more banks
83 or trust companies, in one or more special accounts. All banks and trust companies are authorized to
84 give such security for such deposits, if required by the Consortium. The moneys in such accounts shall
85 be paid out on the warrant or other orders of such persons as the Consortium may authorize to execute
86 such warrants or orders.

87 **§ 67-1605. Audits; external reviews.**

88 A. The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the
89 financial accounts of the Consortium. The audit report and any nonproprietary information provided to
90 the auditor in connection with the audit shall be made available to the public, upon request, in
91 accordance with the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.).

92 B. The Consortium, if it receives state funds, shall be subject to periodic external review either (i)
93 under the provisions of the Legislative Program Review and Evaluation Act (§ 30-64 et seq.) or (ii) by
94 an entity appointed for that purpose by the Governor.

95 **§ 67-1606. Staff; counsel to the Consortium.**

96 A. The Department of Mines, Minerals and Energy shall serve as staff to the Consortium.

97 B. The Office of the Attorney General shall provide counsel to the Consortium.

98 **§ 67-1607. Annual report.**

99 On or before October 15 of each year, beginning in 2017, the Consortium shall submit an annual
100 summary of its activities and recommendations to the Governor and the Chairmen of the House
101 Committee on Appropriations, the Senate Committee on Finance, and the House and Senate Committees
102 on Commerce and Labor.

103 **§ 67-1608. Expiration.**

104 This chapter shall expire on July 1, 2021.