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SENATE BILL NO. 464**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee on Rules
on February 8, 2008)

(Patrons Prior to Substitute—Senators Whipple and Ticer [SB 627])

A *BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 45, consisting of sections numbered 30-293 through 30-299, relating to the Virginia Commission on Energy and Climate Change.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 45, consisting of sections numbered 30-293 through 30-299 as follows:

CHAPTER 45.**VIRGINIA COMMISSION ON ENERGY AND CLIMATE CHANGE.**

§ 30-293. *Virginia Commission on Energy and Climate Change; purpose.*

The Virginia Commission on Energy and Climate Change (the Commission) is established as a commission in the legislative branch of state government for the purposes of reviewing and recommending steps to implement the Virginia Energy Plan developed pursuant to Chapter 2 (§ 67-200 et seq.) of Title 67 and the Climate Change Action Plan developed pursuant to the Commission on Climate Change.

§ 30-294. *Membership; terms.*

The Commission shall have a total membership of 17 members that shall consist of eight legislative members, four nonlegislative citizen members, and five ex officio members. Members shall be appointed as follows: three members of the Senate, to be appointed by the Senate Committee on Rules; five members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two nonlegislative citizen members with expertise in energy issues, to be appointed by the Speaker of the House of Delegates; and two nonlegislative citizen members with expertise in energy issues, to be appointed by the Senate Committee on Rules. The Secretary of Agriculture and Forestry, the Secretary of Commerce and Trade, the Secretary of Education, the Secretary of Natural Resources, and the Secretary of Transportation, or their designees shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.

Legislative members and ex officio members of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members of the Committee shall serve for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms and shall be made in the same manner as the original appointment. Nonlegislative citizen members shall not be eligible to serve more than two consecutive four-year terms. 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.

The Commission shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

§ 30-295. *Quorum; meetings; voting on recommendations.*

A majority of the members shall constitute a quorum. The Commission shall meet no more than four times each year. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

§ 30-296. *Compensation; expenses.*

Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Commission from such funds as may be appropriated therefor.

§ 30-297. *Powers and duties.*

The Commission shall have the following powers and duties:

1. Undertake studies, gather information and data, and pursue such other activities as may be desirable to accomplish its purposes as set forth in this chapter, to include identifying reliable supplies of energy; promoting research and development in the field of alternative and renewable sources of

60 energy; adopting demand-side energy conservation by utilities and consumers; setting energy efficiency
61 goals; expanding renewable energy portfolios; and evaluating rate decoupling; time-of-use pricing;
62 building standards; and transportation demand management. Wherever possible, the Commission shall
63 examine opportunities to couple the achievement of its purposes with economic development;

64 2. Make such special studies of and reports on measures to secure Virginia's energy future as it
65 deems appropriate and as may be requested by the General Assembly;

66 3. Establish advisory committees composed of persons with special expertise not represented by
67 individuals serving on the Commission. Such persons shall serve without compensation, but shall be
68 reimbursed from funds appropriated or otherwise available to the Commission for reasonable and
69 necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825,
70 unless they waive reimbursement;

71 4. Apply for, accept, and expend gifts, grants or donations from any public or private sources to
72 enable the Commission to carry out its objectives. No person that provides a gift, grant, or donation
73 shall be eligible for a contract award resulting from a Commission recommendation; and

74 5. Report annually on its activities during the preceding year and include a discussion of studies
75 made and recommendations for administrative or legislative action. The chairman shall submit to the
76 General Assembly and the Governor an annual executive summary of the interim activity and work of
77 the Commission no later than the first day of each regular session of the General Assembly. The
78 executive summary shall be submitted as provided in the procedures of the Division of Legislative
79 Automated Systems for the processing of legislative documents and reports and shall be posted on the
80 General Assembly's website.

81 § 30-298. Staffing.

82 Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates or
83 the Office of the Clerk of the Senate as may be appropriate for the house in which the chairman of the
84 Commission serves. The Division of Legislative Services shall provide legal, research, policy analysis,
85 and other services as requested by the Commission. All agencies of the Commonwealth shall provide
86 assistance to the Commission as requested.

87 § 30-299. Virginia Commission on Energy and Climate Change Fund established.

88 There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia
89 Commission on Energy and Climate Change Fund, hereafter referred to as the "Fund." The Fund shall
90 be established on the books of the Comptroller and shall consist of gifts, grants and donations, bequests,
91 or other funds from any source as may be received by the Commission for its work. Moneys shall be
92 paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall
93 remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon,
94 at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys
95 in the Fund shall be used solely for the purpose of enabling the Commission to perform its duties.
96 Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued
97 by the Comptroller upon written request of the chairman of the Commission.

98 2. For its first year of existence, if the Commission is not funded by a separate appropriation in
99 the appropriation act, the Commission may be funded from the operating budgets of the Clerk of
100 the Senate and the Clerk of the House of Delegates upon the approval of the Joint Rules
101 Committee. If the Commission is not funded by a separate appropriation in the appropriation act
102 for any year thereafter, this chapter shall expire on July 1 of the fiscal year that the Commission
103 fails to receive such funding.