

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 803

An Act to amend and reenact § 45.1-396 of the Code of Virginia and to repeal § 45.1-400 of the Code of Virginia, relating to the Clean Energy Advisory Board.

[H 1707]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 45.1-396 of the Code of Virginia is amended and reenacted as follows:

§ 45.1-396. Membership; terms; quorum; meetings.

The Board shall have a total membership of ~~45~~ 17 members that shall consist of ~~44~~ 16 nonlegislative citizen members and one ex officio member. *Members may reside within or without the Commonwealth.* Nonlegislative citizen members shall be appointed as follows:

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

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

3. Seven nonlegislative citizen members to be appointed by the Governor upon consideration of the recommendations of the MDV-SEIA Board and the Council and subject to confirmation by the General Assembly, one of whom shall be an attorney who is licensed to practice in the Commonwealth and maintains a legal practice in renewable energy law and transactions, one of whom shall be an attorney who is licensed to practice in the Commonwealth and specializes in tax law and energy transactions, one of whom shall be an attorney with the Division of Consumer Counsel created pursuant to the provisions of § 2.2-517, one of whom shall be an employee of a community development financial institution who specializes in impact investing, one of whom shall be a member of a Virginia environmental organization, and two of whom shall be designees of the Department of Housing and Community Development, created pursuant to the provisions of Chapter 8 (§ 36-131 et seq.) of Title 36.

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

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

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

2. That § 45.1-400 of the Code of Virginia is repealed.

3. That the Department of Mines, Minerals and Energy, in consultation with the Clean Energy Advisory Board created pursuant to Chapter 27 (§ 45.1-395 et seq.) of Title 45.1 of the Code of Virginia, as amended by this act, shall develop guidelines to administer any public power renewable grant program established by the general appropriation act for the 2020-2022 biennium.