

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding in Title 67 a chapter numbered 13, consisting of  
 3 sections numbered 67-1300 through 67-1305, relating to the establishment of a voluntary funding  
 4 program for solar energy projects; Voluntary Solar Resource Development Fund.

5 [H 2191]

6 Approved

7 Be it enacted by the General Assembly of Virginia:

8 1. That the Code of Virginia is amended by adding in Title 67 a chapter numbered 13, consisting  
 9 of sections numbered 67-1300 through 67-1305, as follows:

## 10 CHAPTER 13.

## 11 VOLUNTARY SOLAR RESOURCE DEVELOPMENT FUND.

12 § 67-1300. Definitions.

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

14 "Customer" means any person receiving transmission and distribution service from an electric utility.

15 "Department" means the Department of Mines, Minerals and Energy.

16 "Electric utility" means any investor-owned electric utility.

17 "Fund" means the Voluntary Solar Resource Development Fund established pursuant to § 67-1302.

18 "Passive solar heating system" means a system or device that collects or otherwise uses the sun's  
 19 heat for space heating without pumps, fans, or other machines or moving parts.

20 "Photovoltaic device" means a device made in the United States that uses a solar photovoltaic  
 21 process to generate electricity.

22 "Solar energy project" means a project that involves the acquisition, installation, or operation of a  
 23 photovoltaic device, solar water heating device, or solar space heating device at a residence, structure  
 24 occupied by a nonprofit organization, or commercial establishment.

25 "Solar space heating device" means a device made in the United States that, when installed in  
 26 connection with a structure, uses solar energy for the purpose of heating the interior of the structure,  
 27 which device moves the sun's heat from one or more collectors to interior areas through the use of a  
 28 pump and piping or fans and ductwork, and a heat exchanger. "Solar space heating device" does not  
 29 include a passive solar device.

30 "Solar water heating device" means a device made in the United States that, when installed in  
 31 connection with a structure, uses solar energy for the purpose of providing hot water for use within the  
 32 structure.

33 § 67-1301. Duties of electric utilities.

34 A. The Department shall provide the option to make voluntary contributions to the Fund in a manner  
 35 that allows customers to choose to contribute \$1, \$5, \$10, or "other amount." Electric utilities shall  
 36 provide a link in their internet site to relevant section of the Department's web site where donations to  
 37 the fund may be made.

38 B. Utilities shall periodically promote the existence of the Fund and ability to donate via their paper  
 39 newsletter, email correspondences, on the bill or via some other mechanism of choice.

40 § 67-1302. Voluntary Solar Resource Development Fund established; administration; permitted uses  
 41 of moneys in Fund.

42 A. There is hereby established in the state treasury a special nonreverting fund to be known as the  
 43 Voluntary Solar Resource Development Fund. The Fund shall consist of such moneys as may be  
 44 contributed by customers of electric utilities pursuant to § 67-1301, other gifts and grants that may be  
 45 received by the Department for the Fund, and moneys repaid to the Fund by borrowers of loans made  
 46 pursuant to this chapter.

47 B. Any moneys deposited to or remaining in the Fund during or at the end of each fiscal year or  
 48 biennium, including interest thereon, shall not revert to the general fund but shall remain in the Fund  
 49 and be available for lending or other permitted uses under this chapter in ensuing fiscal years. Interest  
 50 on all moneys in the Fund shall remain in the Fund and be credited to it.

51 C. The Department shall administer the Fund. The Fund shall be used solely to provide loans for  
 52 solar energy projects as provided under this chapter, and other types of renewable energy projects if the  
 53 Department opts to expand the scope of the programs as authorized under § 67-1304, and to reimburse  
 54 the Department for its reasonable costs incurred in administering this program.

55 § 67-1303. Use of moneys in Fund.

56 A. The Department shall establish the requirements for a revolving loan program under which

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57 moneys in the Fund may be loaned to persons to facilitate the construction and acquisition of eligible  
58 solar energy projects. The Department shall develop criteria, guidelines, and requirements for loan  
59 eligibility, loan amounts, loan terms, and interest to be charged thereon, the collateralization of loaned  
60 moneys, the payment of fees and costs incurred by the Department in the making of loans, and such  
61 other matters as the Department deems appropriate to ensure the sound conduct of a revolving loan  
62 program.

63 B. The Department shall lend moneys from the Fund to applicants for loans in the order in which  
64 their complete applications are received, until the portion of the moneys in the Fund that the  
65 Department determines is appropriate for lending in that fiscal year are loaned. The Department shall  
66 not lend an amount in excess of the moneys available in the Fund.

67 C. Beginning in calendar year 2012, by July 1 of each year, the Department shall (i) determine the  
68 amount of the loans to be made for eligible solar energy projects that year and (ii) certify to the  
69 Comptroller the amount of each loan to be made and the eligible applicants to whom the Department  
70 has agreed to loan money. Moneys to fund the approved loans shall be made available to the  
71 Department by the State Treasurer on warrant of the Comptroller within 60 days of such certification,  
72 and the disbursement of loan proceeds by the Department to the borrower shall be made in accordance  
73 with the Department's criteria, guidelines, and requirements established pursuant to subsection A and  
74 the terms of any loan funding agreement between the Department and the borrower.

75 D. In no case shall the Department make loans from the Fund for solar energy projects acquired,  
76 installed, or operating prior to July 1, 2012. The Department may delay making loans beyond July 1,  
77 2012, if, in the opinion of the Director, the monies available in the Fund are not sufficient to defray the  
78 administrative costs that would be incurred in managing the loan fund.

79 E. Actions of the Department relating to the making of loans shall be exempt from the provisions of  
80 the Administrative Process Act pursuant to subdivision B 4 of § 2.2-4002.

81 § 67-1304. Scope of program.

82 Nothing in this chapter shall be deemed to authorize electric utilities to provide customers with the  
83 option to make voluntary contributions in connection with billing for any purpose other than to make  
84 contributions to the Fund for purposes specifically authorized under subsection C of § 67-1302.

85 § 67-1305. Reports.

86 The Department shall provide annual reports to the Governor and Chairmen of the House and  
87 Senate Committees on Commerce and Labor, on or before June 1 of each year, beginning in 2013,  
88 describing the status of the revolving loan program, the number of loans provided, the amount of each  
89 loan, the recipient of the loan, the loan's repayment status, and the nature of the project for which the  
90 loan was provided. The Department shall make the reports available to any person upon request.

91 2. That the provisions of this act shall expire on July 1, 2016.