

092378617

HOUSE BILL NO. 1966

Offered January 14, 2009

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A BILL to amend and reenact §§ 2.2-204, 2.2-205.1, 2.2-2238.1, 2.2-2282, 2.2-2284, 2.2-2413, 2.2-2414, 2.2-3705.6, 2.2-3711, 3.2-201, 10.1-1425.7, 15.2-4904, 23-135.7:7, 33.1-221, 36-139.6, 46.2-749.69:1, 58.1-439.6, 58.1-439.8, 59.1-284.22, 63.2-601, and 63.2-610 of the Code of Virginia, to amend the Code of Virginia by adding in Article 4 of Chapter 22 of Title 2.2 sections numbered 2.2-2246.1 through 2.2-2246.4, and to repeal Chapter 9 (§§ 2.2-900 through 2.2-904.1) of Title 2.2 of the Code of Virginia, relating to the repeal of the Department of Business Assistance; Virginia Economic Development Partnership Authority.

 Patron—Massie

 Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-204, 2.2-205.1, 2.2-2238.1, 2.2-2282, 2.2-2284, 2.2-2413, 2.2-2414, 2.2-3705.6, 2.2-3711, 3.2-201, 10.1-1425.7, 15.2-4904, 23-135.7:7, 33.1-221, 36-139.6, 46.2-749.69:1, 58.1-439.6, 58.1-439.8, 59.1-284.22, 63.2-601, and 63.2-610 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 4 of Chapter 22 of Title 2.2 sections numbered 2.2-2246.1 through 2.2-2246.4 as follows:

§ 2.2-204. Position established; agencies for which responsible; additional duties.

The position of Secretary of Commerce and Trade (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: ~~Department of Business Assistance~~, Virginia Economic Development Partnership Authority, Virginia Tourism Authority, Department of Labor and Industry, Department of Mines, Minerals and Energy, Virginia Employment Commission, Department of Professional and Occupational Regulation, Department of Housing and Community Development, Department of Minority Business Enterprise, Virginia Housing Development Authority, Virginia Resources Authority, Virginia Racing Commission, Tobacco Indemnification and Community Revitalization Commission, and Board of Accountancy. The Governor, by executive order, may assign any state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

The Secretary shall implement the provisions of the Virginia Biotechnology Research Act (§ 2.2-5500 et seq.).

§ 2.2-205.1. Economic Crisis Strike Force.

A. There is hereby established the Economic Crisis Strike Force (Strike Force) for the purpose of serving as a working group to respond as needed to economic disasters in Virginia communities by (i) immediately providing a single point of contact for citizens in affected communities to assist with accessing available government and private sector services and resources, (ii) assisting localities in developing short-term and long-term strategies for addressing the economic crisis, and (iii) identifying opportunities for workforce retraining, job creation, and new investment.

B. The Strike Force shall be chaired by the Secretary of Commerce and Trade and be deployed at the direction of the Governor. Membership shall include high level representatives designated by the Secretaries of Education and Health and Human Resources and by the respective heads of the following agencies: the Department of Agriculture and Consumer Services, ~~the Department of Business Assistance~~, the Department of Education, the Department of Housing and Community Development, the Department of Labor and Industry, the Department of Medical Assistance Services, the Department of Minority Business Enterprise, the Department of Social Services, the Virginia Community College System, the Virginia Employment Commission, the Virginia Economic Development Partnership, and the Virginia Tourism Authority. The Strike Force shall also include representatives from such other agencies as may be designated by the Governor to meet the needs of a particular affected community. In addition, the Governor may designate such citizens as he deems appropriate to advise the Strike Force.

C. Staff support for the Strike Force shall be provided by the Office of the Governor and the Secretary of Commerce and Trade. All agencies of the Commonwealth shall assist the Strike Force upon request.

D. On or before December 1 of each year, the Strike Force shall report to the Governor and the General Assembly on its activities.

E. For the purposes of this section, "economic disaster" means an employment loss of at least 5% during the immediately preceding six-month period, the closure or downsizing of a major regional

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59 employer in an economically distressed area, a natural disaster or act of terrorism for which the
60 Governor has declared a state of emergency, or other economic crisis situations, which in the opinion of
61 the Governor adversely affect the welfare of the citizens of the Commonwealth.

62 § 2.2-2238.1. Special economic development services in rural communities; strategic plan.

63 A. In order to assist the rural communities of the Commonwealth, the Authority shall develop a
64 program for reviewing existing economic development programs of rural communities, upon request.
65 The program shall include (i) a review and evaluation of existing industrial sites and infrastructure,
66 including existing streets, water and sewer systems, electricity, natural gas and communications facilities
67 that will provide high-speed or broadband Internet access to rural and underserved areas of the
68 Commonwealth; (ii) an assessment of the existing workforce and the provision of information on state
69 and federal programs such as tax incentives that may be available to local or prospective employers to
70 assist in hiring and training in areas of high unemployment; (iii) assistance in identifying community
71 resources and the type of industries that may benefit from locating in a community with such resources;
72 and (iv) marketing assistance to help rural communities improve their visibility to expanding industries
73 looking for new facilities.

74 B. The Authority, the Center for Rural Virginia, the Virginia Department of Housing and Community
75 Development, the Virginia Resources Authority, ~~the Virginia Department of Business Assistance~~, the
76 Virginia Tobacco Indemnification and Community Revitalization Commission, the Virginia Employment
77 Commission, the Virginia Tourism Corporation, the Virginia Community College System, institutions of
78 higher education within rural regions of the Commonwealth, and the Department of Agriculture and
79 Consumer Services shall jointly develop and implement a rural economic development strategic plan that
80 at a minimum addresses: (i) education, including pre-kindergarten, primary, secondary and post-graduate
81 resources, and comprehensive workforce development programs, as they may pertain to the Workforce
82 Investment Act; (ii) infrastructure, including capital for water and sewer upgrading, waste management,
83 law enforcement, housing, primary and secondary roads, and telecommunications; (iii) traditional
84 industrial development and industry retention programs, including assistance in financing and in
85 workforce training; (iv) recreational and cultural enhancement and related quality of life measures,
86 including parks, civic centers, and theaters; (v) agribusiness incentives to promote the use of new
87 technologies, and the exploration of new market opportunities; and (vi) a revolving loan fund or loan
88 guarantee program to help start or expand entrepreneurial activities, especially small business activities
89 in rural communities.

90 § 2.2-2246.1. *Additional duties of the Authority; state agencies to furnish information.*

91 A. *The Authority shall serve as the liaison between the Commonwealth's existing business community*
92 *and state government in order to promote the development of Virginia's economy. To that end, the*
93 *Authority shall:*

94 1. *Provide for training or retraining of individuals for specific employment opportunities at new or*
95 *expanding business facilities in the Commonwealth;*

96 2. *Develop and implement programs to assist small businesses in the Commonwealth in order to*
97 *promote their growth and the creation and retention of jobs for Virginians;*

98 3. *Establish an industry program that is the principal point of communication between basic*
99 *employers in the Commonwealth and the state government that will address issues of significance to*
100 *business;*

101 4. *Make available to existing businesses, in conjunction and cooperation with localities, chambers of*
102 *commerce, and other public and private groups, basic information and pertinent factors of interest and*
103 *concern to such businesses;*

104 5. *Develop statistical reports on job creation and the general economic conditions in the*
105 *Commonwealth; and*

106 6. *Adopt regulations and issue guidelines necessary or incidental to the performance of the duties or*
107 *execution of the powers conferred pursuant to this section and §§ 2.2-2246.2, 2.2-2246.3, and*
108 *2.2-2246.4, which regulations shall be adopted by the Authority in accordance with the provisions of*
109 *Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act.*

110 B. *All agencies of the Commonwealth shall assist the Authority upon request and furnish such*
111 *information and assistance as the Authority may require in the discharge of its duties.*

112 § 2.2-2246.2. *Nonstock corporation to assist small businesses.*

113 *The Authority may establish a nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title*
114 *13.1 as an instrumentality to assist the Authority in providing support to the small business segment of*
115 *the economy of the Commonwealth. The Authority may do all things necessary to qualify such*
116 *corporation as a certified development company under Subchapter V of the Small Business Investment*
117 *Act of 1958 (15 U.S.C. § 695 et seq.), or any amendment or successor statute thereto, as well as*
118 *regulations adopted thereunder by the United States Small Business Administration. Any action by the*
119 *Department to establish such a corporation prior to July 1, 1986, is ratified and approved.*

120 § 2.2-2246.3. *Workforce Retraining Program and Fund.*

A. The Authority shall develop a program to provide consulting services and funding to assist companies and businesses with retraining their existing workforces to increase productivity.

B. There is hereby established in the state treasury a special nonreverting fund to be known as the Workforce Retraining Fund. The Fund shall consist of any moneys appropriated thereto by the General Assembly from time to time and designated for the Fund. Any moneys deposited to or remaining in the Fund during or at the end of each fiscal year or biennium, including interest thereon, shall not revert to the general fund but shall remain in the Fund and be available for allocation under this article in ensuing fiscal years.

C. To be eligible for moneys from the Fund, a company shall:

1. Demonstrate that it is undergoing integration of new technology into its production process, a change of product line in keeping with marketplace demands, or substantial change to its service delivery process that would require assimilation of new skills and technological capabilities by the firm's existing labor force;

2. Demonstrate that, for each such integration of new technology into its production process, change of product line in keeping with marketplace demands, or substantial change to its service delivery process:

a. No less than 10 and no more than 200 full-time employees are involved; and

b. A minimum capital investment of \$500,000 is committed within a 12-month period;

3. Certify that:

a. The company has not received moneys from the Fund in the previous 24 months;

b. The company counted only full-time employees to qualify for the program; and

c. Such full-time employees carry a minimum pay rate of \$8 per hour; and

4. Meet such additional criteria as may be promulgated by the Authority.

D. As used in this section:

"Capital investment" means an investment in real property, personal property, or both, at a manufacturing or basic nonmanufacturing facility within the Commonwealth that is capitalized by the company and that increases the productivity of the manufacturing facility, results in the utilization of a more advanced technology than is in use immediately prior to such investment, or both. In order to qualify as a capital investment, an investment in technology shall result in a measurable increase in capacity or productivity, a measurable decrease in the production of flawed product, or both.

"Full-time employee" means a natural person employed for indefinite duration, requiring a minimum of either (i) 35 hours of the employee's time per week for the entire normal year, which "normal year" must consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary employees shall not qualify as new full-time employees under this section.

E. Moneys in the Fund shall be used solely for grants to eligible businesses as provided in this section. The total amount of funds provided to eligible businesses under this section for any year shall not exceed the amount appropriated by the General Assembly to the Fund for such year. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director or his designee. The Fund shall be administered by the Executive Director.

§ 2.2-2246.4. One-stop small business permitting program.

A. As used in this section:

"Authority" means the Virginia Economic Development Partnership Authority.

"Business Permitting Center" or "Center" means the business registration and permitting center established by this section and located in and under the administrative control of the Authority.

"Comprehensive application" means a document incorporating pertinent data from existing applications for permits covered under this section.

"Comprehensive permit" means the single document designed for public display issued by the Business Permitting Center that certifies state agency permit approval and that incorporates the endorsements for individual permits included in the comprehensive permitting program.

"Comprehensive permitting program" or "Program" means the mechanism by which comprehensive permits are issued and renewed, permit and regulatory information is disseminated, and account data are exchanged by state agencies.

"Executive Director" means the Executive Director of the Virginia Economic Development Partnership Authority.

"Permit" means the whole or part of any state agency permit, license, certificate, approval, registration, charter, or any form or permission required by law, to engage in activity associated with or involving the establishment of a small business in the Commonwealth.

"Permit information packet" means a collection of information about permitting requirements and application procedures custom assembled for each request.

"Regulatory" means all permitting and other governmental or statutory requirements establishing a

182 *small business or professional activities associated with establishing a small business.*

183 *"Regulatory agency" means any state agency, board, commission, or division that regulates one or*
184 *more professions, occupations, industries, businesses, or activities.*

185 *"Renewal application" means a document used to collect pertinent data for renewal of permits*
186 *covered under this section.*

187 *"Small business" means an independently owned and operated business that, together with affiliates,*
188 *has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the*
189 *previous three years.*

190 *B. There is created within the Authority the comprehensive permitting program (the Program). The*
191 *Program is established to serve as a single access point to aid entrepreneurs in filling out the various*
192 *permit applications associated with establishing a small business in Virginia. The Program in no way*
193 *supersedes or supplants any regulatory authority granted to any state agency with permits covered by*
194 *this section. As part of the Program, the Authority shall coordinate with the regulatory agency, and the*
195 *regulatory agency shall determine, consistent with applicable law, what types of permits are appropriate*
196 *for inclusion in the Program as well as the rules governing the submission of and payment for those*
197 *permits. The website of the Authority shall provide access to information regarding the Program. The*
198 *Authority shall have the power and duty to:*

199 *1. Create a comprehensive application that will allow an entrepreneur, or an agent thereof, seeking*
200 *to establish a small business to create accounts that will allow him to acquire the appropriate permits*
201 *required in the Commonwealth. The comprehensive application shall:*

202 *a. Allow the business owner to choose a business type and to provide common information, such as*
203 *name, address, and telephone number, on the front page, eliminating the need to repeatedly provide*
204 *common information on each permit application;*

205 *b. Allow the business owner to preview and answer questions related to the operation of the*
206 *business;*

207 *c. Provide business owners with a customized to-do agency checklist, which checklist shall provide*
208 *the permit applications pertinent to each business type and provide the rules, regulations, and general*
209 *laws applicable to each business type as well as local licensing information;*

210 *d. Allow the business owner to submit permit applications by electronic means as authorized by*
211 *§ 59.1-496 and to affix thereto his electronic signature as defined in § 59.1-480;*

212 *e. Allow the business owner to check on the status of applications online and to receive information*
213 *from the permitting agencies electronically; and*

214 *f. Allow a business owner to submit electronic payment for application or permitting fees for*
215 *applications that have been accepted by the permitting agency.*

216 *2. Develop and administer a computerized system program capable of storing, retrieving, and*
217 *exchanging permit information, while protecting the confidentiality of information submitted to the*
218 *Authority to the extent allowable by law. Information submitted to the Authority shall be subject to the*
219 *provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) as the same would apply*
220 *were the information submitted directly to the Authority or to any permitting agency.*

221 *3. Issue and renew comprehensive permits in an efficient manner.*

222 *4. Identify the types of permits appropriate for inclusion in the Program. The Authority shall*
223 *coordinate with the regulatory agency, and the regulatory agency shall determine, consistent with*
224 *applicable law, what types of permits are appropriate for inclusion in the Program.*

225 *5. Incorporate permits into the Program.*

226 *6. Do all acts necessary or convenient to carry out the purposes of this chapter.*

227 *C. The Business Permitting Center shall compile information regarding the regulatory programs*
228 *associated with each of the permits obtainable under the Program. This information shall include, at a*
229 *minimum, a listing of the statutes and administrative rules requiring the permits and pertaining to the*
230 *regulatory programs that are directly related to the permit. The Center shall provide information*
231 *governed by this section to any person requesting it. Materials used by the Center to describe the*
232 *services provided by the Center shall indicate that this information is available upon request.*

233 *D. Each state agency shall cooperate and provide reasonable assistance to the Authority in the*
234 *implementation of this section.*

235 *E. Any person requiring permits that have been incorporated into the Program may submit a*
236 *comprehensive application to the Authority requesting the issuance of the permits. The comprehensive*
237 *application form shall contain in consolidated form information necessary for the issuance of the*
238 *permits.*

239 *F. The applicant shall include with the application the handling fee established by the Authority. The*
240 *amount of the handling fee assessed against the applicant shall be set by the Authority at a level*
241 *necessary to cover the costs of administering the comprehensive permitting program.*

242 *G. The authority for approving the issuance and renewal of any requested permit that requires an*
243 *investigation, inspection, testing, or other judgmental review by the regulatory agency otherwise legally*

authorized to issue the permit shall remain with that agency. The Center may issue those permits for which proper fee payment and a completed application form have been received and for which no approval action is required by the regulatory agency.

H. Upon receipt of the application and proper fee payment for any permit for which issuance is subject to regulatory agency action under subsection G, the Authority shall immediately notify the regulatory agency with authority to approve the permit issuance or renewal requested by the applicant. Each regulatory agency shall advise the Authority within a reasonable time after receiving the notice of one of the following:

1. That the regulatory agency approves the issuance of the requested permit and will advise the applicant of any specific conditions required for issuing the permit;

2. That the regulatory agency denies the issuance of the permit and gives the applicant reasons for the denial;

3. That the application is pending; or

4. That the application is incomplete and further information from or action by the applicant is necessary.

I. The Authority shall issue a comprehensive permit endorsed for all the approved permits to the applicant and advise the applicant of the status of other requested permits. The applicant shall be responsible for contesting any decision regarding conditions imposed or permits denied through the normal process established by statute or by the regulatory agency with the authority for approving the issuance of the permit.

J. Regulatory agencies shall be provided information from the comprehensive application for their permitting and regulatory functions.

K. The Authority shall be responsible for directing the applicant to make all payments for applicable fees established by the regulatory agency directly to the proper agency.

L. There is hereby created in the state treasury a special nonreverting fund to be known as the Comprehensive Permitting Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of all moneys collected from the handling fee established by the Authority pursuant to subsection F and such other funds as may be appropriated by the General Assembly. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely to administer the Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director of the Authority.

M. Unless otherwise directed by the regulatory agency, the Authority shall not issue or renew a comprehensive permit to any person under any of the following circumstances:

1. The person does not have a valid tax registration, if required.

2. The person is a corporation, limited liability company, business trust, limited partnership, or registered limited liability partnership that (i) is delinquent in the payment of fees or penalties collected by the State Corporation Commission pursuant to the business entity statutes it administers; (ii) does not exist; or (iii) is not authorized to transact business in the Commonwealth pursuant to one of the business entity statutes administered by the State Corporation Commission.

3. The person has not submitted the sum of all fees and deposits required for the requested individual permit endorsements, any outstanding comprehensive permit delinquency fee, or other fees and penalties to be collected through the comprehensive permitting program.

§ 2.2-2282. Board of directors; membership; terms, compensation and expenses; chairman, vice-chairman, secretary and treasurer; quorum; staff.

A. The Board shall consist of the State Treasurer or his designee, ~~the Director of the Department of Business Assistance~~, the Executive Director of the Virginia Economic Development Partnership, and nine members who are not employees of the Commonwealth or of any political subdivision thereof who shall be appointed by the Governor and who shall have such small business experience as he deems necessary or desirable. The appointment of members of the Board by the Governor shall be subject to confirmation by the General Assembly. All members of the Board shall be residents of the Commonwealth and shall have full voting privileges. Appointments shall be for terms of four years, except that appointments to fill vacancies shall be made for the unexpired terms. No member appointed by the Governor shall serve more than two complete terms in succession. The members of the Board shall receive no salaries but shall be paid travel and other expenses incurred to attend meetings or while otherwise engaged in the discharge of their duties, all as may be deemed appropriate by the Board.

B. The Governor shall appoint one member as chairman. Five members of the Board shall constitute a quorum for the transaction of all business of the Authority. The Board shall elect one member from the group of nine members appointed by the Governor as vice-chairman who shall exercise the powers

305 of the chairman in the absence of the chairman. The Board shall elect a secretary and a treasurer, or a
306 secretary-treasurer, who need not be members of the Board and who shall continue to hold such office
307 until their respective successors are elected. The ~~Department of Business Assistance of the~~
308 ~~Commonwealth~~ *Virginia Economic Development Partnership Authority* shall serve as staff to the
309 Authority.

310 § 2.2-2284. Executive Director; appointment; duties.

311 The ~~Executive Director of the Department of Business Assistance~~ *Virginia Economic Development*
312 *Partnership Authority* shall appoint the Executive Director of the Authority. The Executive Director shall
313 administer, manage, and direct the affairs and activities of the Authority in accordance with the policies
314 and under the control and the direction of the Board and the ~~Executive Director of the Department of~~
315 ~~Business Assistance~~ *Virginia Economic Development Partnership Authority*. Except as otherwise stated in
316 this article, the Executive Director shall approve all accounts for allowable expenses for the Authority or
317 of any employee or consultant or other person providing services to the Board, and for expenses
318 incidental to the operation of the Authority subject to approval of the ~~Executive Director of the~~
319 ~~Department of Business Assistance~~ *Virginia Economic Development Partnership Authority*. The Executive
320 Director shall maintain and be custodian of all books, documents and papers of or filed with the
321 Authority, including but not limited to the minute book or journal of the Authority, and of its official
322 seal. The Executive Director may cause copies to be made of all minutes and other records and
323 documents of the Authority and may in the place and stead of the Secretary of the Authority give
324 certificates under seal of the Authority to the effect that such copies are true copies, and all persons
325 dealing with the Authority may rely on such certificates. The Executive Director also shall perform such
326 other duties as prescribed by the Board in carrying out the purposes of this article.

327 § 2.2-2413. Small Business Advisory Board; membership; terms; quorum; compensation.

328 A. The Small Business Advisory Board (the "Board") is established as an advisory board, within the
329 meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of the
330 following members: fourteen members appointed by the Governor and subject to confirmation by the
331 General Assembly; the Chairman of the Small Business Financing Authority and the ~~Executive Director~~
332 ~~of the Department of Business Assistance~~ *Virginia Economic Development Partnership Authority* and the
333 District Director for Virginia of the U.S. Small Business Administration or their designees as nonvoting
334 ex officio members. The appointed members of the Board shall represent small businesses as defined by
335 the Small Business Financing Act (§ 2.2-2279 et seq.). There shall be at least one member appointed
336 from each congressional district who does business in that district and three members appointed at large
337 from within the Commonwealth.

338 B. Terms of the appointed members shall be for four years except that appointments to fill vacancies
339 shall be for the unexpired terms. No member appointed by the Governor shall serve more than two
340 complete terms in succession.

341 C. The Governor shall appoint one member of the Board to be chairman. The Board shall annually
342 elect one of its members as vice-chairman, and shall also elect annually a secretary, who need not be a
343 member of the Board. The chairman, or in his absence, the vice-chairman, shall preside at all meetings
344 of the Board. In the absence of both the chairman and the vice-chairman at any meeting, the Board shall
345 elect a chairman pro tempore, who shall preside at such meeting.

346 D. The Board shall meet at least semiannually, at the call of the chairman, ~~Executive Director of the~~
347 ~~Department of Business Assistance~~ *Virginia Economic Development Partnership Authority*, or Governor
348 or at the request of a majority of the Board members. A majority of the members of the Board shall
349 constitute a quorum.

350 E. Members of the Board shall serve without compensation but shall be reimbursed for all reasonable
351 and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825.

352 § 2.2-2414. Duties of the Board.

353 The Board shall advise the ~~Department of Business Assistance~~ *Virginia Economic Development*
354 *Partnership Authority* on the small business programs, including, but not limited to, locally based
355 centers to assist and develop small businesses. It shall make recommendations to the Director, the
356 Secretary of Commerce and Trade, and the Governor concerning the actions that the ~~Department of~~
357 ~~Business Assistance~~ *Virginia Economic Development Partnership Authority* and the state government
358 might take to enhance the growth of small businesses. Additionally, the Board shall be a resource to the
359 ~~Department of Business Assistance~~, the Secretary of Commerce and Trade, the ~~Executive Director of the~~
360 ~~Virginia Economic Development Partnership~~, and the Governor as they conduct the economic
361 development efforts of the Commonwealth.

362 § 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

363 The following records are excluded from the provisions of this chapter but may be disclosed by the
364 custodian in his discretion, except where such disclosure is prohibited by law:

365 1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4
366 or 62.1-134.1.

2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.

3. Confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from the Department of Business Assistance, the Virginia Economic Development Partnership, the Virginia Tourism Authority, the Tobacco Indemnification and Community Revitalization Commission, a nonprofit, nonstock corporation created pursuant to § 2.2-2240.1, or local or regional industrial or economic development authorities or organizations, used by the Department, the Partnership, the Authority, or such entities for business, trade and tourism development; and memoranda, working papers or other records related to businesses that are considering locating or expanding in Virginia, prepared by such entities, where competition or bargaining is involved and where, if such records are made public, the financial interest of the governmental unit would be adversely affected.

4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.

6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.

7. Confidential proprietary records related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.

8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exemption provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.

10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

11. a. Memoranda, staff evaluations, or other records prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) or the Public Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.), where (i) if such records were made public prior to or after the execution of an interim or a comprehensive agreement, § 56-573.1:1 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected, and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. Records provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 or the Public-Private Education Facilities and Infrastructure Act of 2002, to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity, where, if the records were made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the records specified in clauses (i), (ii) and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data or other materials for which protection is sought; and
3. Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. To protect other records submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the records afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 56-573.1:1 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 or in the Public-Private Education Facilities and Infrastructure Act of 2002.

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected, and, after June 30, 1997, where such information was provided pursuant to a promise of confidentiality.

13. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), or confidential proprietary records that are not generally available to the public through regulatory disclosure or otherwise, provided by a (a) bidder or applicant for a franchise or (b) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the records relate to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such records were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Documents and other information of a proprietary nature furnished by a supplier of charitable gaming supplies to the Department of Agriculture and Consumer Services pursuant to subsection E of § 18.2-340.34.

15. Records and reports related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to §§ 3.1-622 and 3.1-624.

16. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) of Title 59.1, submitted by CMRS providers as defined in § 56-484.12 to the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, relating to the provision of wireless E-911 service.

17. Records submitted as a grant application, or accompanying a grant application, to the Innovative Technology Authority pursuant to Article 3 (§ 2.2-2233.1 et seq.) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to Chapter 22 (§ 23-277 et seq.) of Title 23 to the extent such records contain proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released,

published, copyrighted, or patented, if the disclosure of such information would be harmful to the competitive position of the applicant.

18. Confidential proprietary records and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2, to the extent that disclosure of such records would be harmful to the competitive position of the locality. In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (i) invoke the protections of this subdivision, (ii) identify with specificity the records or portions thereof for which protection is sought, and (iii) state the reasons why protection is necessary.

19. Confidential proprietary records and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that records required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or financial records of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Minority Business Enterprise as part of an application for (i) certification as a small, women- or minority-owned business in accordance with Chapter 14 (§ 2.2-1400 et seq.) of this title or (ii) a claim made by a disadvantaged business or an economically disadvantaged individual against the Capital Access Fund for Disadvantaged Businesses created pursuant to § 2.2-2311. In order for such trade secrets or financial records to be excluded from the provisions of this chapter, the business shall (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state the reasons why protection is necessary.

21. Documents and other information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to § 32.1-276.5:1.

22. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including, but not limited to, financial records, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Inspector General of the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Inspector General's Office in accordance with law.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the Department:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data or other materials for which protection is sought; and

3. Stating the reasons why protection is necessary.

The Inspector General of the Virginia Department of Transportation shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. The Virginia Department of Transportation shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer

551 of the appropriate board.

552 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the
553 disposition of publicly held real property, where discussion in an open meeting would adversely affect
554 the bargaining position or negotiating strategy of the public body.

555 4. The protection of the privacy of individuals in personal matters not related to public business.

556 5. Discussion concerning a prospective business or industry or the expansion of an existing business
557 or industry where no previous announcement has been made of the business' or industry's interest in
558 locating or expanding its facilities in the community.

559 6. Discussion or consideration of the investment of public funds where competition or bargaining is
560 involved, where, if made public initially, the financial interest of the governmental unit would be
561 adversely affected.

562 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual
563 or probable litigation, where such consultation or briefing in open meeting would adversely affect the
564 negotiating or litigating posture of the public body; and consultation with legal counsel employed or
565 retained by a public body regarding specific legal matters requiring the provision of legal advice by such
566 counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been
567 specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe
568 will be commenced by or against a known party. Nothing in this subdivision shall be construed to
569 permit the closure of a meeting merely because an attorney representing the public body is in attendance
570 or is consulted on a matter.

571 8. In the case of boards of visitors of public institutions of higher education, discussion or
572 consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts
573 for services or work to be performed by such institution. However, the terms and conditions of any such
574 gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign
575 person and accepted by a public institution of higher education in Virginia shall be subject to public
576 disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision,
577 (i) "foreign government" means any government other than the United States government or the
578 government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity
579 created under the laws of the United States or of any state thereof if a majority of the ownership of the
580 stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the
581 membership of any such entity is composed of foreign persons or foreign legal entities, or any legal
582 entity created under the laws of a foreign government; and (iii) "foreign person" means any individual
583 who is not a citizen or national of the United States or a trust territory or protectorate thereof.

584 9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum
585 of Natural History, and The Science Museum of Virginia, discussion or consideration of matters relating
586 to specific gifts, bequests, and grants.

587 10. Discussion or consideration of honorary degrees or special awards.

588 11. Discussion or consideration of tests, examinations, or other records excluded from this chapter
589 pursuant to subdivision 4 of § 2.2-3705.1.

590 12. Discussion, consideration, or review by the appropriate House or Senate committees of possible
591 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement
592 filed by the member, provided the member may request in writing that the committee meeting not be
593 conducted in a closed meeting.

594 13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to
595 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing
596 body in open meeting finds that an open meeting will have an adverse effect upon the negotiating
597 position of the governing body or the establishment of the terms, conditions and provisions of the siting
598 agreement, or both. All discussions with the applicant or its representatives may be conducted in a
599 closed meeting.

600 14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic
601 activity and estimating general and nongeneral fund revenues.

602 15. Discussion or consideration of medical and mental records excluded from this chapter pursuant to
603 subdivision 1 of § 2.2-3705.5.

604 16. Deliberations of the State Lottery Board in a licensing appeal action conducted pursuant to
605 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and
606 discussion, consideration or review of State Lottery Department matters related to proprietary lottery
607 game information and studies or investigations exempted from disclosure under subdivision 6 of
608 § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

609 17. Those portions of meetings by local government crime commissions where the identity of, or
610 information tending to identify, individuals providing information about crimes or criminal activities
611 under a promise of anonymity is discussed or disclosed.

612 18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity

of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or provided to the retirement system under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system or the Rector and Visitors of the University of Virginia. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, and those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, and those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3.

22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees.

24. Those portions of the meetings of the Intervention Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach

674 a decision or meetings of health regulatory boards or conference committees of such boards to consider
675 settlement proposals in pending disciplinary actions or modifications to previously issued board orders as
676 requested by either of the parties.

677 28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of
678 § 2.2-3705.6 by a responsible public entity or an affected local jurisdiction, as those terms are defined in
679 § 56-557, or any independent review panel appointed to review information and advise the responsible
680 public entity concerning such records.

681 29. Discussion of the award of a public contract involving the expenditure of public funds, including
682 interviews of bidders or offerors, and discussion of the terms or scope of such contract, where
683 discussion in an open session would adversely affect the bargaining position or negotiating strategy of
684 the public body.

685 30. Discussion or consideration of grant application records excluded from this chapter pursuant to
686 subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovative
687 Technology Authority or a grant allocation committee appointed to advise the Innovative Technology
688 Authority on the grant applications.

689 31. Discussion or consideration by the Commitment Review Committee of records excluded from
690 this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to commitment as
691 sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

692 32. —Expired.]

693 33. Discussion or consideration of confidential proprietary records and trade secrets excluded from
694 this chapter pursuant to subdivision 18 of § 2.2-3705.6.

695 34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless
696 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets
697 excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

698 35. Discussion or consideration by the State Board of Elections or local electoral boards of voting
699 security matters made confidential pursuant to § 24.2-625.1.

700 36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee
701 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from
702 this chapter pursuant to subdivision F 1 of § 2.2-3706.

703 37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards
704 Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of
705 § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship
706 award, review and consider scholarship applications and requests for scholarship award renewal, and
707 cancel, rescind, or recover scholarship awards.

708 38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter
709 pursuant to subdivision 1 of § 2.2-3705.6.

710 39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
711 pursuant to § 51.1-124.30, or the Investment Advisory Committee appointed pursuant to § 51.1-124.26,
712 or by any local retirement system, acting pursuant to § 51.1-803 of records excluded from this chapter
713 pursuant to subdivision 25 of § 2.2-3705.7.

714 40. Discussion or consideration by the ~~Department of Business Assistance~~, the Virginia Economic
715 Development Partnership, the Virginia Tourism Authority, the Tobacco Indemnification and Community
716 Revitalization Commission, a nonprofit, nonstock corporation created pursuant to § 2.2-2240.1, or local
717 or regional industrial or economic development authorities or organizations of records excluded from
718 this chapter pursuant to subdivision 3 of § 2.2-3705.6.

719 41. Discussion or consideration by the Board of Education of records relating to the denial,
720 suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 13 of
721 § 2.2-3705.3.

722 42. Those portions of meetings of the Virginia Military Advisory Council, the Virginia National
723 Defense Industrial Authority, or a local or regional military affairs organization appointed by a local
724 governing body, during which there is discussion of records excluded from this chapter pursuant to
725 subdivision 12 of § 2.2-3705.2.

726 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a
727 closed meeting shall become effective unless the public body, following the meeting, reconvenes in open
728 meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or
729 motion that shall have its substance reasonably identified in the open meeting.

730 C. Public officers improperly selected due to the failure of the public body to comply with the other
731 provisions of this section shall be de facto officers and, as such, their official actions are valid until they
732 obtain notice of the legal defect in their election.

733 D. Nothing in this section shall be construed to prevent the holding of conferences between two or
734 more public bodies, or their representatives, but these conferences shall be subject to the same
735 procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Intervention Program Committee within the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 3.2-201. (Effective October 1, 2008) Powers and duties of Office of Farmland Preservation.

A. The Office of Farmland Preservation shall have the following powers and duties:

1. To develop, in cooperation with the ~~Department of Business Assistance~~ *Virginia Economic Development Partnership*, the Virginia Farm Bureau Federation, the American Farmland Trust, the Virginia Land Conservation Foundation, the Virginia Outdoors Foundation, the Virginia Association of Counties, and the Virginia Cooperative Extension: (i) model policies and practices that may be used as a guide to establish local purchase of development rights programs; (ii) criteria for the certification of local purchase of development rights programs as eligible to receive grants, loans or other funds from public sources; and (iii) methods and sources of revenue for allocating funds to localities to purchase agricultural conservation easements;

2. To create programs to educate the public about the importance of farmland preservation to the quality of life in the Commonwealth;

3. To provide technical, professional, and other assistance to farmers on matters related to farmland preservation; and

4. To administer the Virginia Farm Link program established pursuant to § 3.2-202.

B. State grants shall be distributed to local purchase of development rights programs under policies, procedures, and guidelines developed by the Office of Farmland Preservation. In general, for each \$1 in grant moneys awarded by the Office, the applicable local purchase of development rights program of the county or city shall be required to provide a \$1 match. However, as part of these policies, procedures, and guidelines developed by the Office, the Office shall include incentives that recognize and encourage counties and cities participating in use value taxation pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1.

§ 10.1-1425.7. Duty of the Virginia Economic Development Partnership Authority .

The ~~Department of Business Assistance~~ *Virginia Economic Development Partnership Authority* shall assist the Department by encouraging and promoting the establishment of appropriate recycling industries in the Commonwealth.

§ 15.2-4904. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance.

A. The authority shall be governed by a board of directors in which all powers of the authority shall be vested and which board shall be composed of seven directors, appointed by the governing body of the locality. The seven directors shall be appointed initially for terms of one, two, three and four years; two being appointed for one-year terms; two being appointed for two-year terms; two being appointed for three-year terms and one being appointed for a four-year term. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies which shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the authority, and thereafter, in accordance with the provisions of the immediately preceding sentence. If at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified.

Notwithstanding the provisions of this subsection, the board of supervisors of Wise County may appoint eight members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors, the board of supervisors of Henrico County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors, the town council of the Town of Saint Paul may appoint 10 members to serve on the board of the authority, with terms staggered as agreed upon by the town council, however, the town council may at its option return to a seven member board by removing the last three members appointed, the board of supervisors of Russell County may appoint nine members, two of whom shall come from a town that has used its borrowing capacity to borrow \$2 million or more for industrial development, with terms staggered as agreed upon by the board of supervisors and the town council of the Town of South Boston shall appoint two at-large members, Page County may appoint nine members, with one member from each incorporated town, one member from each magisterial district, and one at-large, with terms staggered as agreed upon by the board of supervisors, and Halifax County shall appoint five at-large members to serve on the board of the authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916, with terms staggered as agreed upon by the

797 governing bodies of the Town of South Boston and Halifax County in the concurrent resolutions
798 creating such authority.

799 A member of the board of directors of the authority may be removed from office by the local
800 governing body without limitation in the event that the board member is absent from any three
801 consecutive meetings of the authority, or is absent from any four meetings of the authority within any
802 12-month period. In either such event, a successor shall be appointed by the governing body for the
803 unexpired portion of the term of the member who has been removed.

804 B. Each director shall, upon appointment or reappointment, before entering upon his duties take and
805 subscribe the oath prescribed by § 49-1.

806 C. No director shall be an officer or employee of the locality except in towns under 3,500 people
807 where members of the town governing body may serve as directors provided they do not comprise a
808 majority of the board and except in Buchanan County where a constitutional officer who has previously
809 served on the board of directors may serve as a director provided the governing body of such county
810 approves. Every director shall, at the time of his appointment and thereafter, reside in a locality within
811 which the authority operates or in an adjoining locality. When a director ceases to be a resident of such
812 locality, the director's office shall be vacant and a new director may be appointed for the remainder of
813 the term.

814 D. The directors shall elect from their membership a chairman, a vice-chairman, and from their
815 membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall
816 continue to hold such office until their respective successors are elected. The directors shall receive no
817 salary but may be compensated such amount per regular, special, or committee meeting or per each
818 official representation as may be approved by the appointing authority, not to exceed \$200 per meeting
819 or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in
820 the performance of their duties.

821 E. Four members of the board of directors shall constitute a quorum of the board for the purposes of
822 conducting its business and exercising its powers and for all other purposes, except that no facilities
823 owned by the authority shall be leased or disposed of in any manner without a majority vote of the
824 members of the board of directors. No vacancy in the membership of the board shall impair the right of
825 a quorum to exercise all the powers and perform all the duties of the board.

826 F. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection
827 at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 30-140,
828 it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the
829 governing body of the locality and shall be open to public inspection.

830 Two copies of the report concerning issuance of bonds required to be filed with the United States
831 Internal Revenue Service shall be certified as true and correct copies by the secretary or assistant
832 secretary of the authority. One copy shall be furnished to the governing body of the locality and the
833 other copy mailed to the ~~Department of Business Assistance~~ *Virginia Economic Development Partnership*
834 *Authority*.

835 § 23-135.7:7. Advisory Committee continued as Advisory Board.

836 The Virginia Coal Research and Development Advisory Committee is continued and shall hereafter
837 be known as the Virginia Coal Research and Development Advisory Board. The Advisory Board shall
838 serve in an advisory capacity to the Executive Director of the Virginia Center for Coal and Energy
839 Research.

840 1. The Advisory Board shall be authorized to advise on those matters set forth in § 23-135.7:2.

841 2. Representatives to the Advisory Board shall be appointed by the Board of Visitors of Virginia
842 Polytechnic Institute and State University.

843 3. The Board of Visitors of Virginia Polytechnic Institute and State University shall also appoint
844 such other individuals as they deem necessary to the work of the Advisory Board.

845 4. Representatives from the Department of Conservation and Historic Resources, the ~~Department of~~
846 ~~Business Assistance~~ *Virginia Economic Development Partnership Authority*, the Department of Mines,
847 Minerals and Energy, the Department of Labor and Industry, the Virginia Port Authority, the institutions
848 of higher education, excluding Virginia Polytechnic Institute and State University, and the Community
849 College System shall serve as the Advisory Board.

850 § 33.1-221. Funds for access roads to economic development sites and airports; construction,
851 maintenance, etc., of such roads.

852 A. Notwithstanding any other provision of law, there shall be appropriated to the Commonwealth
853 Transportation Board funds derived from taxes on motor fuels, fees and charges on motor vehicle
854 registrations, road taxes or any other state revenue allocated for highway purposes, which shall be used
855 by the Board for the purposes hereinafter specified, after deducting the costs of administration before
856 any of such funds are distributed and allocated for any road or street purposes.

857 Such funds shall be expended by the Board for constructing, reconstructing, maintaining or
858 improving access roads within counties, cities and towns to economic development sites on which

manufacturing, processing, research and development facilities, distribution centers, regional service centers, corporate headquarters, or other establishments that also meet basic employer criteria as determined by the Virginia Economic Development Partnership ~~in consultation with the Virginia Department of Business Assistance Authority~~ will be built under firm contract or are already constructed and to licensed, public-use airports; in the event there is no such establishment or airport already constructed or for which the construction is under firm contract, a county, city, or town may guarantee to the Board by bond or other acceptable device that such will occur and, should no establishment or airport acceptable to the Board be constructed or under firm contract within the time limits of the bond, such bond shall be forfeited. The time limits of the bond shall be based on regular review and consideration by the Board. Towns which receive highway maintenance payments under § 33.1-41.1 shall be considered separately from the counties in which they are located when receiving allocations of funds for access roads.

B. In deciding whether or not to construct or improve any such access road, and in determining the nature of the road to be constructed, the Board shall base its considerations on the cost thereof in relation to the volume and nature of the traffic to be generated as a result of developing the airport or the economic development site. Within any economic development site or airport, the total volume of traffic to be generated shall be taken into consideration in regard to the overall cost thereof. No such access road shall be constructed or improved on a privately owned economic development site.

C. Any access road constructed or improved under this section shall constitute a part of the secondary system of state highways or the road system of the locality in which it is located and shall thereafter be constructed, reconstructed, maintained and improved as other roads in such system.

§ 36-139.6. Additional powers and duties of Director; oversight of planning district commissions.

The Director of the Department of Housing and Community Development shall have the following powers and duties relating to oversight of planning district commissions:

1. To recommend to the Governor the level of state general appropriation funding for each planning district commission, taking into consideration the minimum funding level necessary for operation, the population of each district, and other factors considered appropriate;

2. To distribute state general appropriation funding to planning district commissions consistent with the provisions of this chapter and Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2;

3. To administer the Regional Cooperation Incentive Fund in accordance with § 15.2-4217;

4. To provide technical assistance to planning district commissions regarding regional approaches to area-wide problems. Assistance may be initiated by the Department, individual local governments, or planning district commissions;

5. To require the submission of annual programmatic and financial information by each planning district commission in a format prescribed by the Director;

6. To prepare a biennial report to the Governor and the General Assembly which identifies the activities and other information deemed appropriate by the Director concerning planning district commissions, including findings as to planning district commissions which are not complying with Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2. Copies of the biennial report shall also be sent to the Commission on Local Government, ~~Department of Business Assistance~~, Department of Conservation and Recreation, Department of Environmental Quality, Department of Planning and Budget, Department of Transportation, Virginia Economic Development Partnership *Authority*, and others upon request; and

7. To establish the Virginia Planning District Commission Council made up of the chairman or designated representative from each planning district commission to advise Department staff on programs, rules and regulations for the planning district commissions. Technical committees of planning district commission staff, state and local agency staff, and private sector individuals as needed, may be created.

§ 46.2-749.69:1. Special license plates bearing the names, numbers, and color schemes used by professional stock car drivers; fees.

A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates to supporters of the Virginia Motor Sports Initiative.

B. The Commissioner may enter into agreements for the purchase of distinctive license plates bearing the name of a specific professional stock car driver and the race car number and color scheme used by that driver, or for distinctive general motor sports-themed license plates, for issuance as provided in this section. The design of such license plates shall be as mutually agreed by the Commissioner and the supplier of such license plates. The purchase price of such plates shall be as agreed between the Commissioner and the supplier or other entity, but shall in no case exceed a total, one-time cost of \$15 for each set of license plates. In the event that a race car number, color scheme, or both, change for a driver with a currently issued series, a new series for that driver may be issued subject to the requirements of this section.

The provisions of subdivision B 1 of § 46.2-725 shall not apply to license plates issued under this

920 section.

921 C. The annual fee for plates issued pursuant to this section shall be \$25 in addition to the prescribed
922 fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations pursuant to
923 this section, \$15 shall be paid into the state treasury and credited to the special nonreverting fund known
924 as the Virginia Motor Sports Initiative Fund established within the Department of Accounts and paid
925 annually in equal amounts to the Virginia Economic Development Partnership Authority and the
926 Virginia Department of Business Assistance and used to support ~~their~~ the Authority's programs related to
927 the Virginia Motor Sports Initiative.

928 In calculating the amount to be paid into such fund each year, however, there shall be deducted an
929 amount equal to the amount paid in that year by the Department for the purchase of license plates for
930 which the additional \$25 fees have been collected for that year.

931 § 58.1-439.6. Worker retraining tax credit.

932 A. As used in this section, unless the context clearly requires otherwise:

933 "Eligible worker retraining" means retraining of a qualified employee that promotes economic
934 development in the form of (i) noncredit courses at any of the Commonwealth's community colleges or
935 a private school or (ii) worker retraining programs undertaken through an apprenticeship agreement
936 approved by the Virginia Apprenticeship Council.

937 "Qualified employee" means an employee of an employer eligible for a credit under this section in a
938 full-time position requiring a minimum of 1,680 hours in the entire normal year of the employer's
939 operations if the standard fringe benefits are paid by the employer for the employee. Employees in
940 seasonal or temporary positions shall not qualify as qualified employees. A qualified employee (i) shall
941 not be a relative of any owner or the employer claiming the credit and (ii) shall not own, directly or
942 indirectly, more than five percent in value of the outstanding stock of a corporation claiming the credit.
943 As used herein, "relative" means a spouse, child, grandchild, parent or sibling of an owner or employer,
944 and "owner" means, in the case of a corporation, any person who owns five percent or more of the
945 corporation's stock.

946 B. For taxable years beginning on and after January 1, 1999, an employer shall be allowed a credit
947 against the taxes imposed by Articles 2 (§ 58.1-320 et seq.), 6 (§ 58.1-360 et seq.), and 10 (§ 58.1-400
948 et seq.) of Chapter 3; Chapter 12 (§ 58.1-1200 et seq.); Article 1 (§ 58.1-2500 et seq.) of Chapter 25; or
949 Article 2 (§ 58.1-2620 et seq.) of Chapter 26 of this title in an amount equal to thirty percent of all
950 expenditures paid or incurred by the employer during the taxable year for eligible worker retraining.
951 However, if the eligible worker retraining consists of courses conducted at a private school, the credit
952 shall be in an amount equal to the cost per qualified employee, but the amount of the credit shall not
953 exceed \$100 per qualified employee annually. The total amount of tax credits granted to employers
954 under this section for each fiscal year shall not exceed \$2,500,000.

955 C. For purposes of this section, the amount of any credit attributable to a partnership, electing small
956 business corporation (S corporation), or limited liability company shall be allocated to the individual
957 partners, shareholders, or members, respectively, in proportion to their ownership or interest in such
958 business entities.

959 D. An employer shall be entitled to the credit granted under this section only for those courses at a
960 community college or a private school which courses have been certified as eligible worker retraining to
961 the Department of Taxation by the ~~Department of Business Assistance~~ Virginia Economic Development
962 Partnership Authority. The Tax Commissioner shall promulgate regulations, in accordance with the
963 Administrative Process Act (§ 2.2-4000 et seq.), (i) establishing procedures for claiming the credit
964 provided by this section, (ii) defining eligible worker retraining, which shall include only those courses
965 and programs that are substantially related to the duties of a qualified employee or that enhance the
966 qualified employee's job-related skills, and that promote economic development, and (iii) providing for
967 the allocation of credits among employers requesting credits in the event that the amount of credits for
968 which requests are made exceeds the available amount of credits in any year. The ~~Department of~~
969 ~~Business Assistance~~ Virginia Economic Development Partnership Authority shall review requests for
970 certification submitted by employers and shall advise the Tax Commissioner whether a course or
971 program qualifies as eligible worker retraining.

972 E. Any credit not usable for the taxable year may be carried over for the next three taxable years.
973 The amount of credit allowed pursuant to this section shall not exceed the tax imposed for such taxable
974 year. No credit shall be carried back to a preceding taxable year. If an employer that is subject to the
975 tax limitation imposed pursuant to this subsection is allowed another credit pursuant to any other section
976 of this Code, or has a credit carryover from a preceding taxable year, such employer shall be considered
977 to have first utilized any credit allowed which does not have a carryover provision, and then any credit
978 which is carried forward from a preceding taxable year, prior to the utilization of any credit allowed
979 pursuant to this section.

980 F. No employer shall be eligible to claim a credit under this section for worker retraining undertaken
981 by any program operated, administered, or paid for by the Commonwealth.

G. The Executive Director of the ~~Department of Business Assistance~~ *Virginia Economic Development Partnership Authority* shall report annually to the chairmen of the House Finance and Senate Finance Committees on the status and implementation of the credit established by this section, including certifications for eligible worker retraining.

§ 58.1-439.8. Alternate tax credit for purchase of machinery and equipment for processing recyclable materials.

A. Beginning on and after January 1, 1998, a corporation making an investment of at least \$350 million within the Commonwealth before January 1, 2003, shall be allowed a credit against the tax imposed pursuant to § 58.1-400 in an amount equal to ten percent of the purchase price paid during the taxable year for machinery and equipment used exclusively in or on the premises of manufacturing facilities or plant units which manufacture, process, compound, or produce items of tangible personal property from recyclable materials, within the Commonwealth, for sale. For purposes of determining "purchase price paid" under this section, the taxpayer may use the original total capitalized cost of such machinery and equipment, less capitalized interest. The Department of Environmental Quality shall certify that such machinery and equipment are integral to the recycling process before the corporation shall be entitled to the tax credit under this section. The ~~Department of Business Assistance~~ *Virginia Economic Development Partnership Authority* shall certify that the corporation has made the required investment within the Commonwealth. The Department of Business Assistance shall develop guidelines which define investment for purposes of this credit. The corporation shall also submit purchase receipts, invoices, and such other documentation as may be necessary to confirm the taxpayer's statement of purchase price paid, with the income tax return to verify the amount of purchase price paid for the recycling machinery and equipment.

B. The total credit allowed under this section in any taxable year shall not exceed sixty percent of the Virginia income tax liability of such taxpayer.

C. Any tax credit not used for the taxable year in which the purchase price on recycling machinery and equipment was paid may be carried over for credit against the corporation's income taxes in the twenty succeeding taxable years until the total credit amount is used.

D. A taxpayer claiming the tax credit provided by § 58.1-439.7 shall not be eligible for the tax credit provided by this section.

§ 59.1-284.22. Aerospace Engine Manufacturer Workforce Training Grant Fund; eligible county.

A. As used in this section:

"Affiliate" means the same as that term is defined in § 59.1-284.20.

"Capital investment" means the same as that term is defined in § 59.1-284.20.

"Eligible county" means Prince George County.

"Full-time" means employment of an indefinite duration for which the standard fringe benefits are paid, requiring a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of the employer's operations, which "normal year" must consist of at least 48 weeks or (ii) 1,680 hours per year. The term "full-time" shall not include seasonal or temporary positions or positions created when a job function is shifted from an existing location in the Commonwealth.

"Grant" means the special training grant or supplemental training grant as described in this section.

"Qualified employee" means an individual hired in the Commonwealth on or after November 20, 2007, by an entity that is a qualified manufacturer or by an affiliate thereof, who (i) is employed by the qualified manufacturer or by an affiliate for at least 90 days, and (ii) works on a full-time basis for the qualified manufacturer or for an affiliate for at least such 90-day period.

"Qualified manufacturer" means the same as such term is defined in § 59.1-284.20.

"Secretary" means the Secretary of Commerce and Trade or his designee.

"Special training grant" means a \$9,000 allocation from the Aerospace Engine Manufacturer Workforce Training Grant Fund per new qualified employee, as described in this section. The aggregate amount of special training grants under this section shall not exceed \$5,778,000.

"Supplemental training grant" means a one-time \$3 million allocation from the Aerospace Engine Manufacturer Workforce Training Grant Fund, as described in this section.

B. Grants paid to the qualified manufacturer pursuant to this section are intended to be used for workforce development, instructional, or training purposes so as to enhance the skill sets of qualified employees.

C. Any qualified manufacturer that is eligible to receive a special training grant shall (i) report to the Secretary quarterly the number of new qualified employees hired and trained who have been employed for at least 90 days and for whom a special training grant has not been previously paid pursuant to this section, and (ii) provide evidence of the hiring and training of the new qualified employees described in clause (i). The application and evidence shall be filed with the Secretary in person or by mail. For filings by mail, the postmark cancellation shall govern the date of the filing determination. Within 30 days after such evidence has been provided by the qualified manufacturer, the Secretary shall certify to

1043 (a) the Comptroller and (b) each qualified manufacturer the amount of the special training grant to
1044 which such qualified manufacturer is entitled under this section for payment within 60 days after such
1045 certification. Payment of such grant shall be made by check issued by the Treasurer of Virginia on
1046 warrant of the Comptroller.

1047 The special training grants under this section (1) shall be paid, subject to appropriation by the
1048 General Assembly, from a fund entitled the Aerospace Engine Manufacturer Workforce Training Grant
1049 Fund, which Fund is hereby established on the books of the Comptroller, (2) shall not exceed
1050 \$5,778,000 in the aggregate, and (3) shall be paid to or for the benefit of the qualified manufacturer on
1051 a quarterly basis.

1052 D. A supplemental training grant shall be paid to any qualified manufacturer that has made an
1053 aggregate capital investment of at least \$153.9 million in the eligible county and has hired at least 176
1054 new qualified employees, excluding any qualified employee who has been rehired by the qualified
1055 manufacturer or an affiliate thereof or who is employed in a different position with the qualified
1056 manufacturer or an affiliate thereof. On or before June 30, 2010, and on or before each June 30
1057 thereafter until the supplemental training grant has been paid, the qualified manufacturer shall provide
1058 written notification to the Secretary whether it has met or expects to meet the aggregate capital
1059 investment and employee requirements by the end of the current calendar year. If it has met or expects
1060 to meet such requirements by the end of the calendar year, the qualified manufacturer shall provide
1061 evidence of the same, satisfactory to the Secretary, with the written notification. The written notification
1062 and evidence shall be filed with the Secretary in person or by mail. For filings by mail, the postmark
1063 cancellation shall govern the date of the filing determination. Within 10 days after such notification and
1064 evidence have been provided by the qualified manufacturer, the Secretary shall certify to (i) the
1065 Comptroller and (ii) each qualified manufacturer the amount of the supplemental training grant to which
1066 such qualified manufacturer is entitled under this section for payment in the current fiscal year. Payment
1067 of such grant shall be made by check issued by the Treasurer of Virginia on warrant of the Comptroller.

1068 The supplemental training grant shall not be paid prior to July 1, 2010. The supplemental training
1069 grant (a) shall be paid, subject to appropriation by the General Assembly, from the Aerospace Engine
1070 Manufacturer Workforce Training Grant Fund, (b) shall be equal to \$3 million, and (c) shall, subject to
1071 appropriation by the General Assembly, be paid to the qualified manufacturer by the end of the
1072 applicable fiscal year, as described herein. No more than \$3 million in supplemental training grants shall
1073 be paid pursuant to this section.

1074 E. If grants to be paid to qualified manufacturers under this section in a fiscal year exceed the
1075 aggregate amount available in the Aerospace Engine Manufacturer Workforce Training Grant Fund for
1076 that year, each qualified manufacturer's grants for the year shall equal the amount of grants to which the
1077 qualified manufacturer would otherwise be eligible multiplied by a fraction. The numerator of the
1078 fraction shall equal the aggregate amount available for payment from the Aerospace Engine
1079 Manufacturer Workforce Training Grant Fund for that fiscal year, and the denominator shall equal the
1080 aggregate dollar amount of grants to which all qualified manufacturers otherwise would be eligible for
1081 such fiscal year.

1082 F. Notwithstanding any other provision of this section, in lieu of payment of special training grants
1083 by check to qualified manufacturers, the Secretary may determine that such special training grants shall
1084 be administered in a manner similar to existing training grant programs such as those permitted by
1085 § 2.2-902 2.2-2246.1.

1086 G. As a condition of receipt of a grant, a qualified manufacturer shall make available to the
1087 Secretary or his designee for inspection upon his request all relevant and applicable documents to
1088 determine the aggregate number of new qualified employees hired and the aggregate amount of capital
1089 investment. The Comptroller shall not draw any warrants to issue checks for a special training grant or a
1090 supplemental training grant under this section without a specific appropriation for the same. All such
1091 documents appropriately identified by the qualified manufacturer shall be considered confidential and
1092 proprietary.

1093 § 63.2-601. Virginia Temporary Assistance for Needy Families Program; goals.

1094 The goals of the Temporary Assistance for Needy Families Program are to:

1095 1. Offer Virginians living in poverty the opportunity to achieve economic independence by removing
1096 barriers and disincentives to work and providing positive incentives to work;

1097 2. Provide families living in poverty with the opportunities and work skills necessary for
1098 self-sufficiency;

1099 3. Allow families living in poverty to contribute materially to their own self-sufficiency;

1100 4. Set out the responsibilities of and expectations for recipients of public assistance and the
1101 government; and

1102 5. Provide families living in poverty with the opportunity to obtain work experience through the
1103 Virginia Initiative for Employment Not Welfare (VIEW).

1104 None of the provisions of this chapter shall be construed or interpreted to create any rights, causes of

action, administrative claims or exemptions to the provisions of the Program, except as specifically provided in §§ 63.2-609, 63.2-613 and 63.2-618.

The ~~Department of Business Assistance~~ *Virginia Economic Development Partnership Authority* and the Virginia Employment Commission shall assist the Department in the administration of the Program.

§ 63.2-610. Participation in VIEW; coordinated services.

A. In administering VIEW, the Department shall ensure that local departments provide delivery and coordination of all services through intensive case management. VIEW participants shall be referred to a case manager. The case manager shall fully explain VIEW to the participant and shall provide the participant with written materials explaining VIEW.

B. The Department shall assist local departments in improving the delivery of services, including intensive case management, through the utilization of public, private and nonprofit organizations, to the extent permissible under federal law.

C. The Department shall be responsible for the coordination of the intensive case management. Job finding and job matching leading to independent employment shall be facilitated by the Virginia Employment Commission and the ~~Department of Business Assistance~~ *Virginia Economic Development Partnership Authority*.

D. The Secretary of Health and Human Resources, assisted by the Secretary of Commerce and Trade, shall prepare and maintain an annual plan for coordinating and integrating all appropriate services in order to promote successful outcomes. The plan shall encourage the use of local and regional service providers and permit a variety of methods of providing services. Emphasis shall be placed on coordinating and integrating career counseling, job development, job training and skills, job placement, and academic and technical education. Public and private institutions of higher education and other agencies which offer similar or related services shall be invited to participate as fully as possible in developing, implementing and updating the annual coordination plan.

E. The Secretary of Health and Human Resources shall:

1. Increase public awareness of the federal earned income credit and encourage families who may be eligible to apply for this tax credit;

2. Pursue aggressive child-support initiatives as established by the General Assembly;

3. Work with community providers to develop adoption, education, family planning, marriage, parenting, and training options for Program participants;

4. Increase public awareness of the tax advantages of relocating one's residence in order to secure employment;

5. Provide leadership for the development of community work experience opportunities in VIEW;

6. Develop strategies to educate, assist and stimulate employers to hire participants and to provide community work experience opportunities, in consultation with representatives of employers and relevant public and private agencies on the state and local level; and

7. Provide technical assistance to local departments to assist them in working with employers in the community to develop job and community work experience opportunities for participants.

2. That Chapter 9 (§§ 2.2-900 through 2.2-904.1) of Title 2.2 of the Code of Virginia is repealed.

3. That as of July 1, 2009, the Virginia Economic Development Partnership Authority shall be deemed successor in interest to the Department of Business Assistance to the extent that this act transfers powers and duties. All right, title, and interest in and to any real or tangible personal property vested in the Department of Business Assistance shall be transferred to and taken as standing in the name of the Virginia Economic Development Partnership Authority.

4. That the Governor may transfer an appropriation or any portion thereof within a state agency established, abolished, or otherwise affected by the provisions of this act, or from one such agency to another, to support the changes in organization or responsibility resulting from or required by the provisions of this act.

5. That all rules and regulations adopted by the Department of Business Assistance that are in effect as of July 1, 2009, and that pertain to the subject of this act, shall remain in full force and effect until altered, amended, or rescinded by the Virginia Economic Development Partnership Authority.