

## Department of Planning and Budget 2009 Fiscal Impact Statement

**1. Bill Number:** HB2001

House of Origin    ☐    Introduced        ☐    Substitute        ☐    Engrossed  
Second House       ☐    In Committee    ☐    Substitute        ☒    Enrolled

**2. Patron:**        Cosgrove

**3. Committee:** Passed Both Houses

**4. Title:**        **Biofuels Production Incentive Grant Program.**

**5. Summary:** This bill amends the existing Biofuels Production Incentive Grant Program by distinguishing between advanced biofuels that are derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass, or algae; and non-advanced neat biofuels. The program will award a \$0.125 per gallon grant for advanced biofuels and a \$0.10 per gallon grant for non-advanced neat biofuels for each gallon sold in the calendar year beginning with calendar year 2008. To be eligible in any given calendar year, companies must produce one million gallons of neat biofuels, and companies producing neat biofuels prior to January 1, 2008 shall be eligible only if its production exceeds calendar year 2007 production level by at least one million gallons.

**6. Fiscal Impact Estimates:** Indeterminate, see Item 8.

**7. Budget Amendment Necessary:** No.

**8. Fiscal Implications:** This bill amends the existing program by lowering the threshold for eligibility from two million gallons, to one million gallons, and expands program eligibility to companies producing advanced neat biofuels; these companies are eligible for a grant award of \$0.125 for each gallon of advanced neat biofuels sold.

This program, administered by the Department of Mines, Minerals and Energy (DMME), is currently unfunded, and has no outstanding obligations. DMME reports that there are currently no companies that would be eligible for grant awards according to the provisions of this bill, and so no funding would be needed for the current biennium. However, this bill expands the eligibility for grant awards, therefore creating possible future funding obligations.

Several companies are presently producing biodiesel in the Commonwealth, but none currently meet the one million gallon production level that this bill mandates. These companies were producing biofuels prior to January 1, 2008, and so according to the provisions of this bill, would need to produce one million gallons above their calendar year 2007 level of production and maintain production at this level in future years in order to qualify for a grant.

DMME reports that demand for biofuels has not risen to a level to promote production at the levels required to be eligible for grants. However, with the lowered threshold that this bill creates, and with efforts being made at a state and local level to encourage the purchase of biofuels, this demand could increase. In this case, DMME predicts that four or five more companies may begin production in the Commonwealth and become eligible for grant awards within the next six years.

**9. Specific Agency or Political Subdivisions Affected:** Department of Mines, Minerals and Energy.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** This bill is identical to the Senate substitute version of SB1186.

**Date:** 2/16/2009 dpbaek

**Document:** G:\FIS\2009 Fiscal Impact Statements\DMME\HB2001ER.Doc aek

cc: Secretary of Commerce and Trade