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HOUSE BILL NO. 595

Offered January 13, 2010

Prefiled January 12, 2010

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, 2.2-2667, 3.2-201, 10.1-1425.7, 11-7.1, 15.2-4904, 23-135.7:7, 33.1-221, 36-139.6, 46.2-749.69:1, 58.1-439.6, 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, 2.2-2667, 3.2-201, 10.1-1425.7, 11-7.1, 15.2-4904, 23-135.7:7, 33.1-221, 36-139.6, 46.2-749.69:1, 58.1-439.6, 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 Authority, 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 *Authority or the former Department of Business Assistance to establish such a corporation prior to July*
120 *1, 1986, is ratified and approved.*

§ 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:

"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.

"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 small business or professional activities associated with establishing a small business.

"Regulatory agency" means any state agency, board, commission, or division that regulates one or

182 more professions, occupations, industries, businesses, or activities.

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

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

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

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

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

203 b. Allow the business owner to preview and answer questions related to the operation of the
204 business;

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

208 d. Allow the business owner to submit permit applications by electronic means as authorized by
209 § 59.1-496 and to affix thereto his electronic signature as defined in § 59.1-480;

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

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

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

219 3. Issue and renew comprehensive permits in an efficient manner.

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

223 5. Incorporate permits into the Program.

224 6. Do all acts necessary or convenient to carry out the purposes of this article.

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

231 D. Each state agency shall cooperate and provide reasonable assistance to the Authority in the
232 implementation of this section.

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

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

240 G. The authority for approving the issuance and renewal of any requested permit that requires an
241 investigation, inspection, testing, or other judgmental review by the regulatory agency otherwise legally
242 authorized to issue the permit shall remain with that agency. The Center may issue those permits for
243 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 Authority, 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 of the chairman in the absence of the chairman. The Board shall elect a secretary and a treasurer, or a

secretary-treasurer, who need not be members of the Board and who shall continue to hold such office until their respective successors are elected. The ~~Department of Business Assistance of the Commonwealth~~ *Virginia Economic Development Partnership Authority* shall serve as staff to the Authority.

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

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

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

A. The Small Business Advisory Board (the "Board") is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of the following members: ~~fourteen~~ 14 members appointed by the Governor and subject to confirmation by the General Assembly; the Chairman of the Small Business Financing Authority, and the ~~Executive Director of the Department of Business Assistance~~ *Virginia Economic Development Partnership Authority* and the District Director for Virginia of the U.S. Small Business Administration or their designees as nonvoting ex officio members. The appointed members of the Board shall represent small businesses as defined by the Small Business Financing Act (§ 2.2-2279 et seq.). There shall be at least one member appointed from each congressional district who does business in that district and three members appointed at large from within the Commonwealth.

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

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

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

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

§ 2.2-2414. Duties of the Board.

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

§ 2.2-2667. The Virginia Recycling Markets Development Council; membership; meetings; staff.

A. The Virginia Recycling Markets Development Council (the Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The Council shall be composed of 20 members as follows: the Directors, or a policy-making designee, of the Departments of ~~Business Assistance~~, Environmental Quality, General Services and Transportation, and the ~~Executive Director~~, or a policy-making designee, of the *Virginia Economic Development Partnership*

Authority, who shall serve ex officio with voting privileges; and 16 nonlegislative citizen members appointed by the Governor. The nonlegislative citizen members shall be appointed from among residents of the Commonwealth who are knowledgeable about recycling and the development of markets for recyclable materials and shall be comprised of: one member representing county governments appointed following the consideration of nominations, if any, submitted by the Virginia Association of Counties; one member representing municipal governments appointed following the consideration of nominations, if any, submitted by the Virginia Municipal League; one member representing urban Planning District Commissions and one member representing rural Planning District Commissions appointed following the consideration of nominations, if any, submitted by the Association of Planning Districts; one member from the general public; and one representative each, appointed following the consideration of nominations, if any, submitted by recognized industry associations representing solid waste collection and disposal, recycling, glass, paper, aluminum, plastic, tire, oil, scrap metal, electronics, and organic waste.

B. Citizen members of the Council shall serve four-year terms. Directors and their policy designees shall serve terms coincident with the terms of office of the director. Appointments to fill vacancies shall be for the unexpired terms. All members may be reappointed. However, no citizen member of the Council shall be eligible to serve more than two consecutive four-year terms. The remainder of any term to which a citizen member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

Notwithstanding any provision to the contrary, citizen members of the Council shall not receive expenses as defined in § 2.2-2813 and shall serve without compensation.

C. The Council shall elect a chairman and vice-chairman annually from among its members. The Council shall meet at least quarterly on such dates and at such times as they determine. A majority of the appointed members of the Council shall constitute a quorum.

D. Staff support shall be provided by the members of the Council.

§ 3.2-201. 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 Authority*, 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;

4. To provide technical, professional, and other assistance to local governments interested in developing additional farmland preservation policies and programs. Such policies and programs shall include (i) use value assessment and taxation pursuant to §§ 58.1-3230 and 58.1-3231; (ii) transfer of development rights pursuant to Article 7.1 (§ 15.2-2316.1 et seq.) of Chapter 22 of Title 15.2; (iii) agricultural and forestal districts pursuant to Chapter 43 (§ 15.2-4300 et seq.) of Title 15.2; and (iv) establishment of local lease of development rights; and

5. 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.

§ 11-7.1. Certain entities' authority to extend performance agreements.

A. The ~~Department of Business Assistance~~, the Virginia Economic Development Partnership Authority, the Virginia Tourism Authority, the Tobacco Indemnification and Community Revitalization Commission, a nonprofit, nonstock corporation created pursuant to § 2.2-2240.1, any county, city, or town, or local or regional industrial or economic development authorities created in accordance with law have the authority, upon the agreement of the parties, to extend the performance period for any performance agreement.

428 B. For the purposes of this section, "performance agreement" means any agreement, contract, or
429 memorandum of understanding that imposes an obligation for minimum private investment or the
430 creation of new jobs in exchange for grants or other funds, or loans of money from an entity specified
431 in subsection A.

432 C. Nothing in this section shall be construed or interpreted to authorize or allow for any payment or
433 appropriation of funds except as provided in the general appropriation act.

434 § 10.1-1425.7. Duty of the Virginia Economic Development Partnership Authority.

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

438 § 15.2-4904. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records;
439 certification and distribution of report concerning bond issuance.

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

450 Notwithstanding the provisions of this subsection, the board of supervisors of Wise County may
451 appoint eight members to serve on the board of the authority, with terms staggered as agreed upon by
452 the board of supervisors, the board of supervisors of Henrico County may appoint 10 members to serve
453 on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by
454 the board of supervisors, the town council of the Town of Saint Paul may appoint 10 members to serve
455 on the board of the authority, with terms staggered as agreed upon by the town council, however, the
456 town council may at its option return to a seven member board by removing the last three members
457 appointed, the board of supervisors of Russell County may appoint nine members, two of whom shall
458 come from a town that has used its borrowing capacity to borrow \$2 million or more for industrial
459 development, with terms staggered as agreed upon by the board of supervisors and the town council of
460 the Town of South Boston shall appoint two at-large members, Page County may appoint nine members,
461 with one member from each incorporated town, one member from each magisterial district, and one
462 at-large, with terms staggered as agreed upon by the board of supervisors, Halifax County shall appoint
463 five at-large members to serve on the board of the authority jointly created by the Town of South
464 Boston and Halifax County pursuant to § 15.2-4916, with terms staggered as agreed upon by the
465 governing bodies of the Town of South Boston and Halifax County in the concurrent resolutions
466 creating such authority, the town council of the Town of Coeburn may appoint five members to serve
467 on the board of the authority, with terms staggered as agreed upon by the town council, the city council
468 of Suffolk may appoint eight members to serve on the board of the authority, with one member from
469 each of the boroughs, and one at-large member, with terms staggered as agreed upon by the city
470 council, and the City of Chesapeake may appoint nine members, with terms staggered as agreed upon by
471 the city council.

472 A member of the board of directors of the authority may be removed from office by the local
473 governing body without limitation in the event that the board member is absent from any three
474 consecutive meetings of the authority, or is absent from any four meetings of the authority within any
475 12-month period. In either such event, a successor shall be appointed by the governing body for the
476 unexpired portion of the term of the member who has been removed.

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

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

487 D. The directors shall elect from their membership a chairman, a vice-chairman, and from their
488 membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall
489 continue to hold such office until their respective successors are elected. The directors shall receive no

salary but may be compensated such amount per regular, special, or committee meeting or per each official representation as may be approved by the appointing authority, not to exceed \$200 per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

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

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

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

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

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

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

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

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

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

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

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

Such funds shall be expended by the Board for constructing, reconstructing, maintaining or 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 section.

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

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

§ 58.1-439.6. Worker retraining tax credit.

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

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

"Qualified employee" means an employee of an employer eligible for a credit under this section in a full-time position requiring a minimum of 1,680 hours in the entire normal year of the employer's operations if the standard fringe benefits are paid by the employer for the employee. Employees in

seasonal or temporary positions shall not qualify as qualified employees. A qualified employee (i) shall not be a relative of any owner or the employer claiming the credit and (ii) shall not own, directly or indirectly, more than five percent in value of the outstanding stock of a corporation claiming the credit. As used herein, "relative" means a spouse, child, grandchild, parent or sibling of an owner or employer, and "owner" means, in the case of a corporation, any person who owns five percent or more of the corporation's stock.

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

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

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

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

F. No employer shall be eligible to claim a credit under this section for worker retraining undertaken 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.

§ 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.

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

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

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

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

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

684 C. Any qualified manufacturer that is eligible to receive a special training grant shall (i) report to the
685 Secretary quarterly the number of new qualified employees hired and trained who have been employed
686 for at least 90 days and for whom a special training grant has not been previously paid pursuant to this
687 section, and (ii) provide evidence of the hiring and training of the new qualified employees described in
688 clause (i). The application and evidence shall be filed with the Secretary in person or by mail. For
689 filings by mail, the postmark cancellation shall govern the date of the filing determination. Within 30
690 days after such evidence has been provided by the qualified manufacturer, the Secretary shall certify to
691 (a) the Comptroller and (b) each qualified manufacturer the amount of the special training grant to
692 which such qualified manufacturer is entitled under this section for payment within 60 days after such
693 certification. Payment of such grant shall be made by check issued by the Treasurer of Virginia on
694 warrant of the Comptroller.

695 The special training grants under this section (1) shall be paid, subject to appropriation by the
696 General Assembly, from a fund entitled the Aerospace Engine Manufacturer Workforce Training Grant
697 Fund, which Fund is hereby established on the books of the Comptroller, (2) shall not exceed
698 \$5,778,000 in the aggregate, and (3) shall be paid to or for the benefit of the qualified manufacturer on
699 a quarterly basis.

700 D. A supplemental training grant shall be paid to any qualified manufacturer that has made an
701 aggregate capital investment of at least \$153.9 million in the eligible county and has hired at least 176
702 new qualified employees, excluding any qualified employee who has been rehired by the qualified
703 manufacturer or an affiliate thereof or who is employed in a different position with the qualified
704 manufacturer or an affiliate thereof. On or before June 30, 2010, and on or before each June 30
705 thereafter until the supplemental training grant has been paid, the qualified manufacturer shall provide
706 written notification to the Secretary whether it has met or expects to meet the aggregate capital
707 investment and employee requirements by the end of the current calendar year. If it has met or expects
708 to meet such requirements by the end of the calendar year, the qualified manufacturer shall provide
709 evidence of the same, satisfactory to the Secretary, with the written notification. The written notification
710 and evidence shall be filed with the Secretary in person or by mail. For filings by mail, the postmark
711 cancellation shall govern the date of the filing determination. Within 10 days after such notification and
712 evidence have been provided by the qualified manufacturer, the Secretary shall certify to (i) the
713 Comptroller and (ii) each qualified manufacturer the amount of the supplemental training grant to which
714 such qualified manufacturer is entitled under this section for payment in the current fiscal year. Payment
715 of such grant shall be made by check issued by the Treasurer of Virginia on warrant of the Comptroller.

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

722 E. If grants to be paid to qualified manufacturers under this section in a fiscal year exceed the
723 aggregate amount available in the Aerospace Engine Manufacturer Workforce Training Grant Fund for
724 that year, each qualified manufacturer's grants for the year shall equal the amount of grants to which the
725 qualified manufacturer would otherwise be eligible multiplied by a fraction. The numerator of the
726 fraction shall equal the aggregate amount available for payment from the Aerospace Engine
727 Manufacturer Workforce Training Grant Fund for that fiscal year, and the denominator shall equal the
728 aggregate dollar amount of grants to which all qualified manufacturers otherwise would be eligible for
729 such fiscal year.

730 F. Notwithstanding any other provision of this section, in lieu of payment of special training grants
731 by check to qualified manufacturers, the Secretary may determine that such special training grants shall
732 be administered in a manner similar to existing training grant programs such as those permitted by
733 § ~~2.2-902~~ 2.2-2246.1.

734 G. As a condition of receipt of a grant, a qualified manufacturer shall make available to the
735 Secretary or his designee for inspection upon his request all relevant and applicable documents to

determine the aggregate number of new qualified employees hired and the aggregate amount of capital investment. The Comptroller shall not draw any warrants to issue checks for a special training grant or a supplemental training grant under this section without a specific appropriation for the same. All such documents appropriately identified by the qualified manufacturer shall be considered confidential and proprietary.

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

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

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

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

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

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

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

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, 2010, 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 rights, 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.

797 4. That the Governor may transfer an appropriation or any portion thereof within a state agency
798 established, abolished, or otherwise affected by the provisions of this act, or from one such agency
799 to another, to support the changes in organization or responsibility resulting from or required by
800 the provisions of this act.
801 5. That all rules and regulations adopted by the Department of Business Assistance that are in
802 effect as of July 1, 2010, and that pertain to the subject of this act, shall remain in full force and
803 effect until altered, amended, or rescinded by the Virginia Economic Development Partnership
804 Authority.