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SENATE BILL NO. 143

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance
on February 9, 2010)

(Patron Prior to Substitute—Senator Miller, J.C.)

A BILL to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 22.7, consisting of a section numbered 59.1-284.24, relating to the Green Jobs Grant Program; established.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 22.7, consisting of a section numbered 59.1-284.24, as follows:

CHAPTER 22.7.

GREEN JOBS GRANT PROGRAM.

§ 59.1-284.24. Green Jobs Grant Program.

A. As used in this section:

"Green job" means employment in industries relating to the field of renewable, alternative energies, including the manufacture and operation of products used to generate electricity and other forms of energy from alternative sources that include geothermal heating systems, solar heating systems, hydropower systems, wind systems, and biomass and biofuel systems. The Secretary of Commerce and Trade shall develop a detailed definition and list of jobs that qualify for grants under this section and shall post them on his website.

"Job" means employment of an indefinite duration of an individual whose primary work activity is related directly to the field of renewable, alternative energies and for which the standard fringe benefits are paid by the taxpayer, requiring a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of such taxpayer's operations, which "normal year" must consist of at least 48 weeks, or (ii) 1,680 hours per year. Positions created when a job function is shifted from an existing location in the Commonwealth shall not qualify as a job under this section.

B. Any person creating a green job within the Commonwealth beginning January 1, 2010, through December 31, 2014, shall be eligible for a grant to be paid from the Green Jobs Grant Program Fund (the Fund) established under subsection E, provided that the green job pays an annual salary that is \$50,000 or more. All grants under this section shall be subject to the appropriation of moneys by the General Assembly to the Fund for payment of the grants. Such person creating a green job shall be eligible for a grant for each new green job created during such time frame with an annual salary that is \$50,000 or more.

C. Any person creating a green job that pays an annual salary of \$50,000 or more shall be eligible for a \$500 grant beginning with the first year that the job is filled for at least one year and an additional \$500 in each of the four succeeding years provided the job is continuously filled during the respective year. In no case, however, shall any person be eligible for grants for more than an aggregate of 350 green jobs created.

D. The process for applying for grants and the awarding of grants under this section shall be in accordance with procedures, deadlines, and prescribed application forms established by the Secretary of Commerce and Trade. The Secretary's procedures shall allow eligible persons to apply for a grant on an annual basis.

Any person applying for a grant shall demonstrate to the Secretary that the green job was created by the person and that such job was continuously filled in the Commonwealth during the respective year for which the \$500 grant is requested.

E. There is hereby created in the state treasury a special nonreverting fund to be known as the Green Jobs Grant Program Fund (the Fund). The Fund shall be established on the books of the Comptroller. All moneys as may be appropriated by the General Assembly and all other revenues from any other source, public or private, designated for the Fund shall be paid into the state treasury and credited to the Fund. 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 for the purposes of making grant payments awarded under this section. 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 Secretary of Commerce and Trade.

The Secretary shall not award any grant under this section unless sufficient moneys have been appropriated to the Fund such that full payment of the grant can be made.

F. A green job for which a person is awarded a grant pursuant to this section shall not be the basis, or shall not have been the basis, for (i) claiming any tax credit provided under Virginia law or (ii) a

60 *grant award under any other grant program under Virginia law.*