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HOUSE BILL NO. 2233

Offered January 12, 2013

A BILL to amend and reenact § 59.1-542 of the Code of Virginia, relating to enterprise zones.

Patron—Poindexter

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 59.1-542 of the Code of Virginia is amended and reenacted as follows:****§ 59.1-542. Enterprise zone designation.**

A. Upon the Department's announcement of periodic zone designation competitions, the governing body of any county or city may make written application to the Department to have an area or areas declared an enterprise zone. Such application shall include a description of the area or areas to be included, the development potential of these areas, the need for special state incentives, the local incentives that shall be provided to support new economic activity, and other information that the Department deems necessary to assess requests for designation.

B. Two or more adjacent localities may file a joint application for an enterprise zone. Localities applying for a joint zone shall demonstrate a regional need for an enterprise zone and a regional impact that could not be achieved through a single jurisdiction zone. Applicants for a joint zone shall also specify what mechanisms will be used to ensure that the economic benefits of such a zone are shared among the applicant localities.

C. An enterprise zone may consist of no more than three noncontiguous areas. The aggregate size of these noncontiguous zone areas shall be specified by regulation. Localities shall be limited to three enterprise zone designations.

D. A joint enterprise zone shall consist of no more than three noncontiguous zone areas for each participating locality. The aggregate size of these noncontiguous areas shall be specified by regulation.

E. Upon recommendation of the Director of the Department, the Governor may designate up to 30 enterprise zones in accordance with the provisions of this chapter. Such designations are to be done in coordination with the expiration of existing zones designated under earlier Enterprise Zone Program provisions. The initial round of six zone designation applications and approval may be conducted prior to adoption of final program regulations provided that the process is consistent with the provisions of this chapter. Enterprise zones shall be designated for an initial 10-year period except as provided for in subsections A and B of § 59.1-546. Upon recommendation of the Director of the Department, the Governor may renew zones for up to two five-year renewal periods. Recommendations for five-year renewals shall be based on the locality's performance of its enterprise zone responsibilities, the continued need for such a zone, and its effectiveness in creating jobs and capital investment.

F. Localities that have zone designations are responsible for providing the local incentives specified in their applications, providing timely submission of enterprise zone reports and evaluations as required by regulation, verifying that businesses and properties seeking enterprise zone incentives are physically located within their zones, and implementing an active local enterprise zone program within the context of overall economic development efforts.

G. Notwithstanding the expiration dates and renewal periods for enterprise zones under subsection E or for enterprise zones in existence that have expiration dates and renewal periods not pursuant to subsection E, the expiration dates and renewal periods of any enterprise zone located in a county or city in which the monthly unemployment rate exceeded six percent in any of the 12 months immediately preceding January 1, 2013, shall be extended until the final day of the calendar year in which the Virginia Employment Commission determines the unemployment rate in such county or city is equal to or less than six percent for a period of 12 consecutive months, or until five years after the original date of expiration, whichever occurs later. This subsection shall expire December 31, 2018.

INTRODUCED

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