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HOUSE BILL NO. 1805

Offered January 14, 2015

Prefiled January 13, 2015

A BILL to amend and reenact §§ 2.2-2001.2 and 2.2-3705.7 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-2001.2:1, relating to the Veteran Entrepreneurship Grant Fund and Program.

Patrons—Lindsey, Futrell and Rasoul

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2001.2 and 2.2-3705.7 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-2001.2:1 as follows:

§ 2.2-2001.2. Programs to create employment opportunities for veterans.

The Department shall develop a comprehensive program to ~~reduce unemployment among~~ *create employment opportunities* for veterans by assisting businesses to attract, hire, train, and retain veterans. Such program shall promote strategies for connecting employers to qualified veterans and include (i) a workforce assessment and training program for participating employers and (ii) a certification process for participating employers with the objective of setting measurable goals for hiring and retaining veterans.

§ 2.2-2001.2:1. Veteran Entrepreneurship Grant Fund.

A. As used in this section, "business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust, or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Veteran Entrepreneurship Grant Fund (the Fund), to be administered by the Department of Veterans Services (the Department). The Fund shall be established on the books of the Comptroller. All funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources 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 providing grants to veterans to assist them in starting their own business or purchasing a franchise. 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 Commissioner of the Department. Grants from the Fund shall only be made to applicants for the Veteran Entrepreneurship Grant Program in accordance with this section.

C. There is hereby created the Veteran Entrepreneurship Grant Program (the Program) to support transitioning veterans and private sector job creation by assisting veterans in the start-up of new veteran-owned business operations in the Commonwealth.

D. Beginning July 1, 2016, veterans may apply to the Department for a grant of up to \$5,000 or 10 percent of anticipated business start-up costs, whichever is less. No veteran shall be eligible for more than one grant. When an applying veteran's business is a partnership between two or more qualifying veterans under this subsection, only one award shall be made per business.

E. To be eligible for assistance under the Program, a veteran shall (i) be a resident of the Commonwealth at the time he submits the application for grant funding and (ii) have been honorably discharged from the armed services of the United States.

F. The applicant shall submit a grant application package to the Department within one year of his discharge from the armed services of the United States. The grant application package shall be submitted in a manner determined by the Department and shall include:

1. A business plan, including details of anticipated start-up costs;

2. Certification that the veteran has already secured, or demonstrated proof that the veteran is making every reasonable attempt to secure, the personal assets, loans, or other financing necessary to cover the balance, less any grant from the Department, of the anticipated start-up costs;

3. Certification that the business will be at least 51 percent owned by the applicant or, in the case of an application submitted jointly by more than one qualifying veteran, that the business will be at least 51 percent owned by the applicants who are qualified veterans under this section; and

4. Such other documents as may be required by the Department.

G. The Department shall review the business plan, certification documents, and other materials and shall within 60 days of receipt of the grant application package and necessary documents:

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- 59 1. Award the veteran a grant up to the amount specified in subsection D;
60 2. If the veteran has not yet secured the personal assets, loans, or other financing necessary to cover
61 the balance, less any potential grant from the Department, of the anticipated start-up costs, issue the
62 veteran a letter of commitment stating that such funds will be awarded to the veteran upon submission
63 of necessary documents that meet all requirements for the award of a grant. The veteran may use the
64 letter of commitment from the Department in order to show commitment to potential lenders. The
65 issuance of such letter shall not create a binding financial obligation on the Department, but rather
66 shall constitute a commitment of funding if all of the requirements for the award of a grant are met,
67 subject to the availability of funds; or
68 3. Notify the applicant that he does not qualify for a grant award and state the reasons for such
69 determination.
- 70 H. The Department may seek the assistance of other state agencies, boards, councils, or foundations,
71 or of private citizens, in evaluating grant application packages submitted pursuant to this section.
- 72 I. Grants shall be issued in the order that each completed grant application package is approved by
73 the Department. In the event that the amount of eligible grants requested in a fiscal year exceeds the
74 funds available in the Fund, such grants shall be paid in the next fiscal year in which funds are
75 available so long as the applicant remains eligible.
- 76 J. Veterans awarded a grant shall report annually on the results achieved by the grant to the
77 Department for a period of up to five years and in a manner as determined by the Department. The
78 report shall include, at a minimum, the number of employees, the gross receipts, and the annual payroll
79 of the new business that was started with assistance from the grant.
- 80 K. The Department shall develop guidelines setting forth the general requirements for applying for,
81 approving, or disapproving applications, receiving grants pursuant to this section, and reporting the
82 results achieved by those grants.
- 83 L. The Department, by approving an application for the award of grant funds to a veteran, shall not
84 be considered part owner or investor of the approved business for which a veteran receives a grant
85 pursuant to this section or have any voting power in the operations, administration, or expenditures of
86 such business.
- 87 **§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain**
88 **other limited exemptions.**
- 89 The following records are excluded from the provisions of this chapter but may be disclosed by the
90 custodian in his discretion, except where such disclosure is prohibited by law:
- 91 1. State income, business, and estate tax returns, personal property tax returns, scholastic and
92 confidential records held pursuant to § 58.1-3.
- 93 2. Working papers and correspondence of the Office of the Governor; Lieutenant Governor; the
94 Attorney General; the members of the General Assembly, the Division of Legislative Services, or the
95 Clerks of the House of Delegates and the Senate of Virginia; the mayor or chief executive officer of any
96 political subdivision of the Commonwealth; or the president or other chief executive officer of any
97 public institution of higher education in Virginia. However, no record, which is otherwise open to
98 inspection under this chapter, shall be deemed exempt by virtue of the fact that it has been attached to
99 or incorporated within any working paper or correspondence.
- 100 As used in this subdivision:
- 101 "Members of the General Assembly" means each member of the Senate of Virginia and the House of
102 Delegates and their legislative aides when working on behalf of such member.
- 103 "Office of the Governor" means the Governor; his chief of staff, counsel, director of policy, Cabinet
104 Secretaries, and the Assistant to the Governor for Intergovernmental Affairs; and those individuals to
105 whom the Governor has delegated his authority pursuant to § 2.2-104.
- 106 "Working papers" means those records prepared by or for an above-named public official for his
107 personal or deliberative use.
- 108 3. Library records that can be used to identify both (i) any library patron who has borrowed material
109 from a library and (ii) the material such patron borrowed.
- 110 4. Contract cost estimates prepared for the confidential use of the Department of Transportation in
111 awarding contracts for construction or the purchase of goods or services, and records and automated
112 systems prepared for the Department's Bid Analysis and Monitoring Program.
- 113 5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth,
114 whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by
115 the political subdivision.
- 116 6. Records and writings furnished by a member of the General Assembly to a meeting of a standing
117 committee, special committee or subcommittee of his house established solely for the purpose of
118 reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of
119 formulating advisory opinions to members on standards of conduct, or both.
- 120 7. Customer account information of a public utility affiliated with a political subdivision of the

Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Records regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of them would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions and provisions of the siting agreement.

10. Records containing information on the site specific location of rare, threatened, endangered or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exemption shall not apply to requests from the owner of the land upon which the resource is located.

11. Records, memoranda, working papers, graphics, video or audio tapes, production models, data and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such official records have not been publicly released, published, copyrighted or patented. Whether released, published or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Records of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of a 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, or of the Virginia College Savings Plan, acting pursuant to § 23-38.77, relating to 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: (i) such records contain confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or the Virginia College Savings Plan, or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity; and (ii) disclosure of such confidential analyses would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of records relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the Department not release such information.

14. Financial, medical, rehabilitative and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

15. Records of the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; data, records or information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be

harmful to the competitive position of the Authority; and data, records or information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such data, records or information have not been publicly released, published, copyrighted or patented.

16. Records of the Department of Environmental Quality, the State Water Control Board, State Air Pollution Control Board or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such records shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prohibit the disclosure of records related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

17. As it pertains to any person, records related to the operation of toll facilities that identify an individual, vehicle, or travel itinerary including, but not limited to, vehicle identification data, vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

18. Records of the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations; and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed.

19. Records of the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

20. Records, investigative notes, correspondence, and information pertaining to the planning, scheduling and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer, his agents, employees or persons employed to perform an audit or examination of holder records.

21. Records of the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body, to the extent that such records reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

22. Records of state or local park and recreation departments and local and regional park authorities to the extent such records contain information identifying a person under the age of 18 years. However, nothing in this subdivision shall operate to prohibit the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For records of such persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the record may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such records for inspection and copying.

23. Records submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management, to the extent that they reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

24. Records of the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

25. Records of the Virginia Retirement System acting pursuant to § 51.1-124.30, of a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or of the Virginia College Savings Plan, acting pursuant to § 23-38.77 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, to the extent that disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the retirement system or the Virginia College Savings Plan, to the extent disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or 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 retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to authorize the withholding of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

26. Records of the Department of Corrections made confidential by § 53.1-233.

27. Records maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.), to the extent such records relate to information required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

28. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the record.

29. Records maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 to the extent that such records reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the record. Nothing in this subdivision, however, shall be construed to authorize the withholding of records relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

30. Names, physical addresses, telephone numbers, and email addresses contained in correspondence between an individual and a member of the governing body, school board, or other public body of the locality in which the individual is a resident, unless the correspondence relates to the transaction of public business. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any such correspondence.

31. Records of the Commonwealth's Attorneys' Services Council, to the extent such records are prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such records are not otherwise available to the public and the release of such records would reveal confidential strategies, methods or procedures to be employed in law-enforcement activities, or materials created for the investigation and prosecution of a criminal case.

32. Records provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft, where the records would not be subject to disclosure by the entity providing the records. The entity providing the records to the Department of Aviation shall identify the specific portion of the records to be protected and the applicable provision of this chapter that exempts the record or portions thereof from mandatory disclosure.

33. Records created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

34. Records submitted to or maintained by the Department of Veterans Services in connection with the Veteran Entrepreneurship Grant Fund and Program created pursuant to § 2.2-2001.2:1.

2. That the provisions of this act shall expire on July 1, 2018.