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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

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

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

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

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

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

152 12. Records of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of a local
153 retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of
154 Virginia, acting pursuant to § 23-76.1, or of the Virginia College Savings Plan, acting pursuant to
155 § 23-38.77, relating to the acquisition, holding or disposition of a security or other ownership interest in
156 an entity, where such security or ownership interest is not traded on a governmentally regulated
157 securities exchange, to the extent that: (i) such records contain confidential analyses prepared for the
158 Rector and Visitors of the University of Virginia, prepared by the retirement system or the Virginia
159 College Savings Plan, or provided to the retirement system or the Virginia College Savings Plan under a
160 promise of confidentiality, of the future value of such ownership interest or the future financial
161 performance of the entity; and (ii) disclosure of such confidential analyses would have an adverse effect
162 on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector
163 and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this
164 subdivision shall be construed to prevent the disclosure of records relating to the identity of any
165 investment held, the amount invested, or the present value of such investment.

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

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

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

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

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

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

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

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

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

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

217 22. Records of state or local park and recreation departments and local and regional park authorities
218 to the extent such records contain information identifying a person under the age of 18 years. However,
219 nothing in this subdivision shall operate to prohibit the disclosure of information defined as directory
220 information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C.
221 § 1232g, unless the public body has undertaken the parental notification and opt-out requirements
222 provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent,
223 or guardian of such person, unless the parent's parental rights have been terminated or a court of
224 competent jurisdiction has restricted or denied such access. For records of such persons who are
225 emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated
226 person who is the subject of the record may waive, in writing, the protections afforded by this
227 subdivision. If the protections are so waived, the public body shall open such records for inspection and
228 copying.

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

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

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

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

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

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

250 (1) Invoking such exclusion prior to or upon submission of the data or other materials for which
251 protection from disclosure is sought;

252 (2) Identifying with specificity the data or other materials for which protection is sought; and

253 (3) Stating the reasons why protection is necessary.

254 The retirement system or the Virginia College Savings Plan shall determine whether the requested
255 exclusion from disclosure meets the requirements set forth in subdivision b.

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

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

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

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

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

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

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

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

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

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

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