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## SENATE BILL NO. 135

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations  
on February 21, 2024)

(Patron Prior to Substitute—Senator Head)

A *BILL to amend and reenact § 2.2-2240.2:1 of the Code of Virginia, relating to Virginia Economic Development Partnership Authority; eligible site for site development grant.*

**Be it enacted by the General Assembly of Virginia:****1. That § 2.2-2240.2:1 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-2240.2:1. Virginia Business Ready Sites Program Fund.**

A. As used in this section:

"Eligible site" means a site suitable to be marketed for industrial or commercial economic development purposes, as determined by the Authority. For a site development grant, an "eligible site" shall meet, or be determined by the Authority to be expected to meet, each of the following criteria: (i) the site is at least 100 contiguous acres; or it is a brownfield, as defined in § 10.1-1230; (ii) the site has parcels zoned for industrial or commercial uses; and (iii) the site is publicly owned, or if the site is under private ownership, there is an option agreement or other documentation of a commitment by the private owner to a competitive sales price, to permit access to the site for site assessment, and to market the site for industrial or commercial economic development purposes. ~~If a site is located in Region 1 or 2, and it meets the criteria in clauses (ii) and (iii), the Authority may determine it to be an "eligible site" if the site is at least 50 contiguous acres. The Authority may determine a site of at least 50 contiguous acres to be an "eligible site" if such site meets the criteria in clauses (ii) and (iii) and (a) is located in Region 1 or 2, (b) is located in a locality or region in which topographic or environmental factors constrain the availability of viable sites for economic development, (c) presents a unique economic development opportunity based on infrastructure, logistics, or other distinguishable features of the site, or (d) creates an economic development opportunity not currently available in the regional inventory of economic development sites.~~ For a site characterization grant, an "eligible site" means any site of at least 25 acres that is suitable for potential industrial or commercial development.

"Fund" means the Virginia Business Ready Sites Program Fund established under subsection B.

"Industrial employment" means total Virginia employment for the most recent calendar year for which data is available, in the manufacturing (NAICS 31-33) or warehousing and storage (NAICS 493110) industries, as published by the U.S. Bureau of Labor Statistics' Quarterly Census of Employment and Wages.

"Region" means a region designated by the Virginia Growth and Opportunity Board under § 2.2-2484.

"Site characterization grant" means a grant to ascertain and designate a site's level of development as outlined in the Virginia Business Ready Sites Program Fund guidelines.

"Site development grant" means a grant to further develop a site for marketing to economic development projects as outlined in the Virginia Business Ready Sites Program Fund guidelines.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Business Ready Sites Program Fund. The Fund shall be established on the books of the Comptroller. All moneys appropriated by the General Assembly for the Fund, and from any other sources, public or private, 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.

C. Moneys in the Fund shall be used to provide site characterization grants and site development grants for eligible sites for the purpose of creating and maintaining a portfolio of project-ready sites to promote economic development in all regions of the Commonwealth. Such grants shall be awarded on a competitive basis in accordance with the procedures of subsection D.

D. 1. The Governor shall award grants from the Fund only to political subdivisions of the Commonwealth.

2. The Authority shall establish guidelines, procedures, and objective criteria for the award and distribution of grants from the Fund. The preparation of the guidelines shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act.

3. To qualify to receive a grant from the Fund, a grant recipient shall enter into a performance agreement with the Authority that contains, at a minimum, provisions for disbursement of the grant, use of the proceeds, reporting, and repayment obligations in the event that the recipient fails to meet the terms of the performance agreement. Any repayment of grant funds required by such performance

60 agreement shall be paid into the state treasury and credited to the Fund.

61 4. Any grant awarded from the Fund shall require matching funds as described in the guidelines  
62 established under subdivision 2.

63 E. The Authority shall report annually by November 1 on grant awards and expenditures from the  
64 Fund. The report shall include total appropriations made or transferred to the Fund, total grants awarded,  
65 total expenditures from the Fund, cash balances, and balances available for future commitments. The  
66 Authority shall prepare the report required by this subsection in conjunction with the reports required  
67 under § 2.2-2237.1.

68 F. The Auditor of Public Accounts or his authorized representative shall audit the accounts of the  
69 Fund in accordance with generally accepted auditing standards as determined necessary by the Auditor  
70 of Public Accounts. The cost of such audit services shall be borne by the Fund.

71 **2. That the Virginia Economic Development Partnership Authority shall develop guidelines for**  
72 **determining whether a site of at least 50 but less than 100 contiguous acres meets the**  
73 **requirements of clauses (a) through (d) of subsection A of § 2.2-2240.2:1 of the Code of Virginia,**  
74 **as amended by this act. Such guidelines shall be submitted to the Chairmen of the House**  
75 **Committee on Appropriations and the Senate Committee on Finance and Appropriations. No such**  
76 **site shall be determined to be an eligible site prior to the development and submission of such**  
77 **guidelines. Such guidelines shall be exempt from the provisions of the Administrative Process Act**  
78 **(§ 2.2-4000 et seq. of the Code of Virginia).**