1	SENATE BILL NO. 135
2	AMENDMENT IN THE NATURE OF A SUBSTITUTE
3	(Proposed by the Senate Committee on Local Government
4	on)
5	(Patron Prior to SubstituteSenator Head)
6	A BILL to amend and reenact § 2.2-2240.2:1 of the Code of Virginia, relating to Virginia Economic
7	Development Partnership Authority; eligible site for site development grant.
8	Be it enacted by the General Assembly of Virginia:
9	1. That § 2.2-2240.2:1 of the Code of Virginia is amended and reenacted as follows:
10	§ 2.2-2240.2:1. Virginia Business Ready Sites Program Fund.
11	A. As used in this section:
12	"Eligible site" means a site suitable to be marketed for industrial or commercial economic
13	development purposes, as determined by the Authority. For a site development grant, an "eligible site"
14	shall meet, or be determined by the Authority to be expected to meet, each of the following criteria: (i)
15	the site is at least 100 contiguous acres, or it is a brownfield, as defined in § 10.1-1230; (ii) the site has
16	parcels zoned for industrial or commercial uses; and (iii) the site is publicly owned, or if the site is under
17	private ownership, there is an option agreement or other documentation of a commitment by the private
18	owner to a competitive sales price, to permit access to the site for site assessment, and to market the site
19	for industrial or commercial economic development purposes. If a site is located in Region 1 or 2, and it
20	meets the criteria in clauses (ii) and (iii), the Authority may determine it to be an "eligible site" if the site
21	is at least 50 contiguous acres. The Authority may determine a site of at least 50 contiguous acres to be an
22	eligible site if such site meets the criteria in clauses (ii) and (iii) and such site (a) is located in Region 1 or
23	2, (b) is located in a locality or region in which topographic or environmental factors constrain the
24	availability of viable sites for economic development, (c) presents a unique economic development
25	opportunity based on infrastructure, logistics, or other distinguishable features of the site, or (d) creates
26	an economic development opportunity not currently available in the regional inventory of economic

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27	development sites. For a site characterization grant, an "eligible site" means any site of at least 25 acres
28	that is suitable for potential industrial or commercial development.
29	"Fund" means the Virginia Business Ready Sites Program Fund established under subsection B.
30	"Industrial employment" means total Virginia employment for the most recent calendar year for
31	which data is available, in the manufacturing (NAICS 31-33) or warehousing and storage (NAICS
32	493110) industries, as published by the U.S. Bureau of Labor Statistics' Quarterly Census of Employment
33	and Wages.
34	"Region" means a region designated by the Virginia Growth and Opportunity Board under § 2.2-
35	2484.
36	"Site characterization grant" means a grant to ascertain and designate a site's level of development
37	as outlined in the Virginia Business Ready Sites Program Fund guidelines.
38	"Site development grant" means a grant to further develop a site for marketing to economic
39	development projects as outlined in the Virginia Business Ready Sites Program Fund guidelines.
40	B. There is hereby created in the state treasury a special nonreverting fund to be known as the
41	Virginia Business Ready Sites Program Fund. The Fund shall be established on the books of the
42	Comptroller. All moneys appropriated by the General Assembly for the Fund, and from any other sources,
43	public or private, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys
44	in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including
45	interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the
46	Fund.
47	C. Moneys in the Fund shall be used to provide site characterization grants and site development
48	grants for eligible sites for the purpose of creating and maintaining a portfolio of project-ready sites to
49	promote economic development in all regions of the Commonwealth. Such grants shall be awarded on a
50	competitive basis in accordance with the procedures of subsection D.
51	D. 1. The Governor shall award grants from the Fund only to political subdivisions of the

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 agreement shall be paid into the state treasury and credited to the Fund.
- 4. Any grant awarded from the Fund shall require matching funds as described in the guidelines established under subdivision 2.
- E. The Authority shall report annually by November 1 on grant awards and expenditures from the Fund. The report shall include total appropriations made or transferred to the Fund, total grants awarded, total expenditures from the Fund, cash balances, and balances available for future commitments. The Authority shall prepare the report required by this subsection in conjunction with the reports required under § 2.2-2237.1.
- F. The Auditor of Public Accounts or his authorized representative shall audit the accounts of the Fund in accordance with generally accepted auditing standards as determined necessary by the Auditor of Public Accounts. The cost of such audit services shall be borne by the Fund.

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