

SENATE BILL NO. 496

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology

on _____)

(Patron Prior to Substitute--Senator Carroll Foy)

A BILL to amend and reenact §§ 2.2-2485, 2.2-2489, 2.2-5100, 2.2-5101, and 2.2-5102.1 of the Code of Virginia, relating to Virginia Growth and Opportunity Act; Virginia investment performance grants; Virginia economic development incentive grants.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2485, 2.2-2489, 2.2-5100, 2.2-5101, and 2.2-5102.1 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2485. Virginia Growth and Opportunity Board; membership; terms; compensation.

A. The Virginia Growth and Opportunity Board is established as a policy board in the executive branch of state government. The purpose of the Board is to promote collaborative regional economic and workforce development opportunities and activities.

B. The Board shall have a total membership of ~~24~~ 25 members that shall consist of seven legislative members, 14 nonlegislative citizen members, and ~~three~~ four ex officio members. Members shall be appointed as follows: four members of the House of Delegates, consisting of the Chairman of the House Committee on Appropriations and three members appointed by the Speaker of the House of Delegates; three members of the Senate, consisting of the Chairman of the Senate Committee on Finance and Appropriations and two members appointed by the Senate Committee on Rules; two nonlegislative citizen members to be appointed by the Speaker of the House of Delegates, who shall be from different regions of the Commonwealth and have significant private-sector business experience; two nonlegislative citizen members to be appointed by the Senate Committee on Rules, who shall be from different regions of the Commonwealth and have significant private-sector business experience; two nonlegislative citizen members to be appointed by the Governor, who shall be from different regions of the Commonwealth and

27 have significant private-sector business experience; and eight nonlegislative citizen members to be
28 appointed by the Governor, subject to the confirmation of the General Assembly, who shall have
29 significant private-sector business experience. Of the Governor's nonlegislative citizen appointments
30 subject to General Assembly confirmation, no more than two appointees may be from any one region of
31 the Commonwealth. The Speaker of the House of Delegates and the Senate Committee on Rules shall
32 submit a list of recommended nonlegislative citizens with significant private-sector business experience
33 for the Governor to consider in making his nonlegislative citizen appointments. The Governor shall also
34 appoint ~~three~~ four Secretaries from the following, who shall serve ex officio with voting privileges: the
35 Secretary of Agriculture and Forestry, the Secretary of Commerce and Trade, the Secretary of Education,
36 the Secretary of Labor, and the Secretary of Finance. Nonlegislative citizen members shall be citizens of
37 the Commonwealth.

38 C. Legislative members and ex officio members of the Board shall serve terms coincident with
39 their terms of office. After the initial staggering of terms, nonlegislative citizen members shall be
40 appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall
41 be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. No
42 House member appointed by the Speaker of the House shall serve more than four consecutive two-year
43 terms, no Senate member appointed by the Senate Committee on Rules shall serve more than two
44 consecutive four-year terms, and no nonlegislative citizen member shall serve more than two consecutive
45 four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not
46 constitute a term in determining the member's eligibility for reappointment.

47 D. The Board shall elect a chairman and vice-chairman from among its membership. The chairman
48 shall be a nonlegislative citizen member. A majority of the members shall constitute a quorum.

49 E. Any decision by the Board shall require an affirmative vote of a majority of the members of the
50 Board.

51 F. Legislative members of the Board shall receive such compensation as provided in § 30-19.12,
52 and nonlegislative citizen members shall receive compensation as provided in § 2.2-2813 for the

53 performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses
54 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

55 G. Staff support and technical assistance to the Board and the Governor in carrying out the
56 provisions of this article shall be provided by the agencies of the Secretariats of Commerce and Trade,
57 Education, and Finance.

58 **§ 2.2-2489. Award of grants to regional councils.**

59 A. The Board shall establish guidelines, procedures, and objective criteria for the award and
60 distribution of grants from the Fund to regional councils.

61 B. In order to qualify to receive grants from the Fund, a regional council shall develop an economic
62 growth and diversification plan to (i) promote private-sector growth and opportunity in the region; (ii)
63 identify issues of economic competitiveness for the region, including gaps in education and skills required
64 to meet existing and prospective employer needs within the region; and (iii) outline steps that the
65 collaborating business, education, and government entities in the region will pursue to expand economic
66 opportunity, diversify the economy, and align workforce development activities with the education and
67 skills needed by employers in the region. A regional council shall review such plan not less than biennially
68 while the regional council is receiving grants from the Fund.

69 C. The Board shall only consider those regional activities endorsed by a regional council in its
70 application for grants from the Fund. For any regional activity included in a regional council's application,
71 the regional council shall identify (i) the amount of grants requested and the number of years for which
72 grants are sought; (ii) the participating business, education, and government entities and their respective
73 roles and contributions; (iii) the private, local, and other sources of nonstate funding that the grant from
74 the Fund will assist in generating, including specific amounts pledged by such sources as of the application
75 date; (iv) how the regional activity addresses the skills gaps identified in the council's economic growth
76 and diversification plan; and (v) the economic impact or other outcomes that are reasonably expected to
77 result from the proposed regional activity, including timetables and means of measurement.

78 D. Regional activities eligible for grants from the Fund shall be focused on high-impact,
79 collaborative projects in a region that promote new job creation, entrepreneurship, and new capital

80 investment; leverage nonstate resources to enhance collaboration; foster research, development, and
81 commercialization activities; encourage cooperation among public bodies to reduce costs and duplication
82 of government services; and promote other economic or workforce development activities consistent with
83 this article that are authorized by the Board. The Board shall give initial priority to grant proposals that
84 promote workforce development and other activities focused on eliminating skills gaps identified in a
85 region's economic growth and diversification plan.

86 E. In determining a regional council's eligibility to receive grants from the Fund, and the amount
87 of such grants, the Board shall review and score the proposed regional activities. Scores shall be assigned
88 on the basis of predetermined criteria established by the Board in its guidelines and procedures based on
89 the following factors:

90 1. The expected economic impact or outcome of the activity, with particular emphasis on goals
91 identified in the regional council's plan for economic growth and diversification;

92 2. The fiscal resources from non-Fund sources that will be committed to the activity, including
93 local or federal funds, private contributions, and cost savings expected to be achieved through regional
94 collaboration;

95 3. The number and percentage of localities, including political subdivisions and bodies corporate
96 and politic, within the region that are participating in the activity, the portion of the region's population
97 represented by the participating localities, and the participation of localities that are outside of the
98 applicant region;

99 4. The compatibility with other projects, programs, or existing infrastructure in a region to
100 maximize the leverage of grants from the Fund to encourage new collaborative activities;

101 5. The expected economic impact and outcomes of the project and the complexity of the project
102 relative to the size of the economy of the region or to the population of the participating localities;

103 6. The projected cost savings and other efficiencies generated by the proposed activity, and the
104 local resources generated by collaboration that have been or will be repurposed to support the activity;

105 7. The character of the regional collaboration, including the nature and extent of the regional effort
106 involved in developing and implementing the proposed activity, the complexity of the activity, the

107 prospective impact on relations between and among the affected localities, and the prospective impact on
108 collaboration between and among business, education, and government entities in the region;

109 8. Interstate, inter-regional, and other beneficial forms of collaboration, if any, that will
110 accompany, result from, or be encouraged by the activity;

111 9. Efficiency in the administration and oversight of regional activities; and

112 10. Other factors deemed to be appropriate by the Board.

113 F. Each regional council awarded a grant from the Fund shall issue an annual report that shall
114 include, at a minimum, an assessment of the impact and outcomes from regional activities supported by
115 grants from the Fund and the region's overall progress in addressing the goals and strategies identified in
116 the region's plan for economic growth and diversification. Such assessment shall address performance
117 criteria prescribed in the program guidelines and procedures.

118 G. Subject to the provisions of § 2.2-2488 and this section, once a regional council becomes
119 eligible for grants from the Fund, the regional council may continue to apply for and receive grants from
120 the Fund to support economic activities consistent with the regional council's economic growth and
121 diversification plan in such amounts and for such duration as the Board may determine in accordance with
122 its guidelines and procedures. The Board may terminate any payments to regional councils that fail to
123 perform in accordance with this article, the Board's guidelines or procedures, or any conditions expressly
124 agreed upon as part of a grant award, or for malfeasance. The Board may require the refund of moneys
125 from the Fund upon such termination. Grants that are terminated shall revert to the Fund for distribution
126 on an unallocated competitive basis.

127 H. In making Fund recommendations and awards, the Board may consider regional activities that
128 commenced prior to the enactment of this article, provided that the grant-funded program or project will
129 expand the scope of, or increase the number of localities participating in, such preexisting activity.

130 I. No regional council may have outstanding grant commitments of more than 25 percent of the
131 total amount appropriated to the Fund.

132 J. The year for grant payments shall be the Commonwealth's fiscal year following the calendar
133 year in which the region qualifies, with payments made annually by the Comptroller upon certification by
134 the Board. Grant amounts shall be made at the sole discretion of the Board.

135 K. (Effective until July 1, 2025) Any grant awarded from the Fund to a regional council shall
136 require matching funds at least equal to half the amount of the grant, ~~provided, however, that the Board~~
137 ~~shall have the authority to reduce the match requirement to no less than half of the grant upon a finding~~
138 ~~by the Board of fiscal distress or an exceptional economic opportunity in a region.~~ Such matching funds
139 may be from local, regional, federal, or private funds. Matching funds may also be from grants awarded
140 to a locality by the Tobacco Region Revitalization Commission but shall not include any other state
141 general or nongeneral funds, from whatever source.

142 K. (Effective July 1, 2025) Any grant awarded from the Fund to a regional council shall require
143 matching funds at least equal to half the amount of the grant, ~~provided, however, that the Board shall have~~
144 ~~the authority to reduce the match requirement to no less than half of the grant upon a finding by the Board~~
145 ~~of fiscal distress or an exceptional economic opportunity in a region.~~ Such matching funds may be from
146 local, regional, federal, or private funds, but shall not include any state general or nongeneral funds, from
147 whatever source.

148 L. Decisions of the Board shall be final and not subject to review or appeal.

149 **§ 2.2-5100. Short title; definitions.**

150 A. This chapter shall be known and may be cited as the "Virginia Investment Partnership Act."

151 B. As used in this chapter, unless the context requires a different meaning:

152 "Average manufacturing wage" means that amount determined by the Virginia Employment
153 Commission to be the average wage paid manufacturing workers in a locality or region of the
154 Commonwealth.

155 "Average nonmanufacturing wage" means that amount determined by the Virginia Employment
156 Commission to be the average wage paid nonmanufacturing workers in basic employment in a locality or
157 region of the Commonwealth.

158 "Basic employment" means employment that brings new or additional income into Virginia and
159 adds to the gross state product.

160 "Capital investment" means an investment in real property, personal property, or both, at a
161 manufacturing or basic nonmanufacturing facility within the Commonwealth that is capitalized by the
162 company and that increases the productivity of the manufacturing facility, results in the creation,
163 development or utilization of a more advanced technology than is in use immediately prior to such
164 investment, or both. In order to qualify as a capital investment, an investment in technology shall result in
165 a measurable increase in capacity or productivity, a measurable decrease in the production of flawed
166 product, or both. Expenditures for maintenance, replacement or repair of existing machinery, tools and
167 real property shall not constitute a capital investment; however, expenditures for the replacement of
168 property shall not be ineligible for designation as a capital investment if such replacement results in a
169 measurable increase in productivity.

170 "Eligible company" means, for companies located in a Metropolitan Statistical Area with a
171 population of 300,000 or more in the most recently preceding decennial census, a Virginia employer that:

172 ~~a. 1. (i) creates~~ Creates or causes to be created at least 400 jobs with average salaries at least 50
173 percent greater than the ~~Prevailing Average Wage~~ prevailing average wage or (ii) creates or causes to be
174 created at least 300 jobs with average salaries at least 100 percent greater than the ~~Prevailing Average~~
175 ~~Wage~~, prevailing average wage; and

176 ~~b. makes~~ 2. Makes a capital investment of at least \$5 million or \$6,500 per job, whichever is
177 greater.

178 For all companies located elsewhere in Virginia, "eligible company" ~~shall mean~~ means a Virginia
179 employer that creates or causes to be created at least 200 jobs with average salaries at least 50 percent
180 greater than the ~~Prevailing Average Wage~~, prevailing average wage and ~~making~~ makes a capital
181 investment of at least \$6,500 per job.

182 For purposes of any grant award determination that includes job creation, an "eligible company"
183 shall pay an average salary at least equal to the prevailing average wage for each job it creates or causes
184 to be created.

185 "Eligible manufacturer or research and development service" means an existing Virginia
186 manufacturer or research and development service that makes a capital investment of at least \$25 million
187 that is announced on or after June 1, 1998, which investment does not result in any net reduction in
188 employment within one year after the capital investment has been completed and verified. Any entity
189 participating in any other production grant program in the Commonwealth shall not be an eligible
190 manufacturer or research and development service.

191 "Eligible research and development service" means an existing Virginia research and development
192 service that supports manufacturing and that makes a capital investment of at least \$25 million, which
193 investment does not result in any net reduction in employment within one year after the capital investment
194 has been completed and verified. Any entity participating in any other production grant program in the
195 Commonwealth shall not be eligible.

196 "Existing Virginia manufacturer" means a manufacturer that has a legal presence within the
197 Commonwealth for at least three years prior to making the announcement of the capital investment that
198 makes it an eligible manufacturer.

199 "Flawed product" means an irregular unit of goods that cannot be sold to an end user.

200 "Fund" means the Virginia Investment Partnership Grant Fund created pursuant to § 2.2-5104,
201 ~~comprised~~ composed of (i) the Major Eligible Employer Grant subfund, (ii) the Investment Performance
202 Grant subfund, and (iii) the Economic Development Incentive Grant subfund.

203 "Major eligible employer" means an existing Virginia manufacturer or any other
204 nonmanufacturing basic employer that makes a capital investment of at least \$100 million and creates at
205 least 1,000 jobs, or corporate headquarters and other basic employers that make a capital investment of at
206 least \$100 million and create at least 400 jobs paying at least twice the prevailing average wage for the
207 area.

208 "Manufacturer" means a business firm owning or operating a manufacturing establishment as
209 defined in the Standard Industrial Classification Manual issued by the U.S. Office of Management and
210 Budget or the North American Industry Classification System Manual issued by the United States Census
211 Bureau.

212 "Net present value of benefits to Virginia" means the present value of the amount by which (i) the
213 anticipated additional state tax revenue expected to accrue to the Commonwealth as a result of the capital
214 investment and jobs created, over a period following the completion of the capital investment not to exceed
215 20 years, exceeds (ii) the value of all incentives provided by the Commonwealth, including any grant
216 under this article, for such capital investment during that period.

217 "New job" means employment of an indefinite duration at the eligible facility, created as the direct
218 result of the capital investment, for which the standard fringe benefits are paid by the firm for the
219 employee, requiring a minimum of either (i) 35 hours of an employee's time a week for the entire normal
220 year of the firm's operations, which "normal year" must consist of at least 48 weeks or (ii) 1,680 hours per
221 year. Seasonal or temporary positions, positions created when a job function is shifted from an existing
222 location in the Commonwealth to the facility, and positions with contractors, suppliers, and similar
223 multiplier or spin-off jobs shall not qualify as new jobs under this article.

224 "Partnership" means the Virginia Economic Development Partnership.

225 "~~Prevailing Average Wage~~ average wage" means that amount determined by the Virginia
226 Employment Commission to be the average wage paid workers in the city or county of the Commonwealth
227 where the eligible company is located.

228 "Productivity" means the number of hours of labor required to produce a unit of goods.

229 "Research and development service" means a business firm owning or operating an establishment
230 engaged in conducting research and experimental development that supports manufacturing in the
231 physical, engineering and life sciences as defined in the North American Industry Classification System
232 Manual issued by the United States Census Bureau.

233 "Secretary" means the Secretary of Commerce and Trade.

234 **§ 2.2-5101. Virginia investment performance grants.**

235 A. For purposes of this section, "Grant" means a Virginia Investment Performance Grant awarded
236 pursuant to this section and paid from the Investment Performance Grant subfund of the Fund.

237 B. Subject to the appropriation by the General Assembly of sufficient moneys to the Investment
238 Performance Grant subfund, any eligible manufacturer or research and development service ~~that is not~~

239 eligible for a major eligible employer grant under § 2.2-5102 shall be eligible to apply for an investment
240 performance grant as provided in this section a Grant.

241 ~~B.~~C. The Partnership shall establish an application process by which eligible manufacturers and
242 research and development services may apply for a ~~grant under this section~~ Grant. An application for a
243 ~~grant under this section~~ Grant shall not be approved until the Partnership has verified that the required
244 capital investment has been completed.

245 ~~C.~~D. The amount of the ~~investment performance grant~~ Grant that an eligible manufacturer or
246 research and development service shall be eligible to receive ~~under this section~~ shall be determined by the
247 Secretary, based on the recommendation of the Partnership, and contingent upon approval by the
248 Governor. The determination of the appropriate amount of ~~an investment performance grant~~ a Grant shall
249 be based on ~~the application of~~ guidelines that establish criteria for correlating the amount of a ~~grant~~ Grant
250 to the relative value to the Commonwealth of the eligible investment.

251 ~~D.~~E. The Partnership shall assist the Secretary in developing objective guidelines ~~that shall to~~ to be
252 used in awarding ~~investment performance grants~~ Grants. No ~~grant~~ Grant shall be awarded until the
253 Secretary has provided copies of such guidelines for review to the Chairmen of the House Committee on
254 Appropriations and the Senate Committee on Finance and Appropriations. The preparation of the
255 guidelines shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative
256 Process Act. The guidelines shall require determinations regarding the amount of investment performance
257 grants to address:

- 258 1. The number of new jobs created by the capital investment;
- 259 2. The wages paid for the new jobs and the amount by which wages exceed the prevailing average
260 wage and the average manufacturing wage for the locality or region;
- 261 3. The extent to which the capital investment produces (i) measurable increases in capacity,
262 productivity, or both; (ii) measurable decreases in the production of flawed product; or (iii) measurable
263 advances in knowledge, research, or the application of research findings for the creation of new or
264 significantly improved products or processes that support manufacturing;
- 265 4. The amount of the capital investment;

- 266 5. The net present value of benefits to Virginia;
- 267 6. The amount of other incentives offered by the Commonwealth and the locality; and
- 268 7. The importance of the manufacturing or research and development facility to the economy of
- 269 the locality or region.

270 The guidelines shall also address the eligibility of manufacturers or research and development

271 services that make a capital investment in phases over a period of years, and limits on eligibility for

272 multiple ~~grants~~ Grants by the same manufacturer or research and development service within stated

273 periods of time.

274 ~~E. The amount of an investment performance grant to any eligible manufacturer under this section~~

275 ~~shall not exceed \$3 million or 10 percent of the amount appropriated by the General Assembly to the~~

276 ~~Investment Performance Grant subfund in the year that the terms of a grant are determined. For all eligible~~

277 ~~projects awarded grants on or after July 1, 2005, and before July 1, 2009, the amount of an investment~~

278 ~~performance grant to any recipient under this section shall not exceed \$1.5 million. For eligible projects~~

279 ~~awarded grants on or after July 1, 2009, the amount of an investment performance grant to any recipient~~

280 ~~under this section shall not exceed \$3 million, except for eligible projects that demonstrate extraordinary~~

281 ~~characteristics described in guidelines implementing this chapter the amount of an investment~~

282 ~~performance grant to any such recipient under this section shall not exceed \$5 million.~~

283 ~~F. For all eligible projects awarded grants before July 1, 2005, the aggregate amount of investment~~

284 ~~performance grants approved under this section in any year shall not exceed \$6 million, and the aggregate~~

285 ~~amount of grants outstanding to all eligible manufacturers under this section for all years shall at no time~~

286 ~~exceed \$30 million. For all such grants awarded prior to that date, the annual obligations of the~~

287 ~~Commonwealth to make grant payments to individual eligible manufacturers under this section shall not~~

288 ~~exceed \$600,000. For all eligible projects awarded grants on or after July 1, 2005, and before July 1, 2009,~~

289 ~~the aggregate amount of investment performance grants approved under this section in any year shall not~~

290 ~~exceed \$3 million, and the aggregate amount of such grants awarded after that date and outstanding at any~~

291 ~~time shall not exceed \$15 million. For all such grants awarded on or after that date, the annual obligations~~

292 ~~of the Commonwealth to make grant payments to individual recipients under this section shall not exceed~~

293 \$300,000. For all eligible projects awarded grants on or after July 1, 2009, and before July 1, 2015, the
294 aggregate amount of investment performance grants approved under this section in any year shall not
295 exceed \$6 million, and the aggregate amount of such grants awarded on or after July 1, 2009, and before
296 July 1, 2015, and outstanding at any time shall not exceed \$30 million. For all such grants awarded on or
297 after July 1, 2009, and before July 1, 2015, the annual obligations of the Commonwealth to make grant
298 payments to individual recipients under this section shall not exceed \$1 million. For all eligible projects
299 awarded grants on or after July 1, 2015, but before July 1, 2019, the aggregate amount of investment
300 performance grants approved under this section in any year shall not exceed \$6 million, and the aggregate
301 amount of such grants awarded on or after July 1, 2015, but before July 1, 2019, and outstanding at any
302 time shall not exceed \$20 million. For all such grants awarded on or after July 1, 2015, but before July 1,
303 2019, the annual obligations of the Commonwealth to make grant payments to individual recipients under
304 this section shall not exceed \$1 million. For all eligible projects awarded grants on or after July 1, 2019,
305 the aggregate amount of investment performance grants approved under this section in any year shall not
306 exceed \$4 million, and the aggregate amount of such grants awarded on or after July 1, 2019, and
307 outstanding at any time shall not exceed \$20 million. For all such grants awarded on or after July 1, 2019,
308 the annual obligations of the Commonwealth to make grant payments to individual recipients under this
309 section shall not exceed \$1 million. At no time shall the aggregate amount of Grants payable in any fiscal
310 year exceed \$8 million.

311 G. Any eligible manufacturer or research and development service shall be eligible to receive a
312 grant from the Fund Grant in five equal, annual installments beginning in the third first year after
313 completion and verification of the capital investment is completed and the Partnership has verified that
314 the requirements applicable to such grant have been satisfied. Any eligible manufacturer or research and
315 development service located in a fiscally distressed area of the State, as defined in the guidelines
316 implementing this chapter, shall be eligible to begin receiving grants in the second year after the capital
317 investment is completed and verified and any pledged employment. No Grant awarded pursuant to this
318 section to an eligible manufacturer or research and development service shall exceed \$5 million in total.

319 and no annual payment to any eligible manufacturer or research and development service shall exceed \$1
320 million.

321 **§ 2.2-5102.1. Virginia economic development incentive grants.**

322 A. Subject to the appropriation by the General Assembly of sufficient moneys to the Economic
323 Development Incentive Grant subfund, any eligible company that meets the requirements of this section
324 and is not awarded a grant under § 2.2-5101 or 2.2-5102 for the same project shall be eligible to apply for
325 an economic development incentive grant as provided in this section.

326 B. The Partnership shall establish an application process by which eligible companies may apply
327 for a grant under this section. An application for a grant under this section shall not be approved for
328 payment until the Partnership has verified that the applicable requirements of the memorandum of
329 agreement have been satisfied.

330 C. The amount of the economic development incentive grant that an eligible company may receive
331 under this section shall be determined at the sole discretion of the Governor based on the recommendation
332 of the Secretary. The determination of the appropriate amount for an economic development incentive
333 grant shall be based on the application of guidelines that establish criteria for correlating the amount of a
334 grant to the relative value to the Commonwealth of the new investment and employment.

335 D. The Partnership shall assist the Secretary in developing objective guidelines that shall be used
336 in awarding economic development incentive grants. No grant shall be awarded until the Secretary has
337 provided copies of such guidelines for review to the chairmen of the House Committee on Appropriations
338 and the Senate Committee on Finance and Appropriations. The preparation of the guidelines shall be
339 exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act (§ 2.2-
340 4000 et seq.). The guidelines shall require determinations regarding the amount of investment performance
341 grants to address:

- 342 1. The number of new jobs created by the capital investment;
- 343 2. The wages paid for the new jobs and the amount by which wages exceed the average wage for
344 the locality or region;
- 345 3. The amount of the capital investment;

- 346 4. The net present value of benefits to Virginia;
- 347 5. The amount of other incentives offered by the Commonwealth and the locality; and
- 348 6. The importance of the facility to the economy of the locality or region.

349 The guidelines shall also address the eligibility of companies that make a capital investment in
350 phases over a period of years, and limits on eligibility for multiple grants by the same company within
351 stated periods of time.

352 E. For eligible projects awarded grants prior to July 1, 2010, the aggregate amount of economic
353 development incentive grants payable under this section in any fiscal year shall not exceed \$6 million, and
354 the aggregate amount of such grants outstanding that were awarded prior to July 1, 2010, shall not exceed
355 \$30 million. For eligible projects awarded grants on or after July 1, 2010, but before July 1, 2019, the
356 aggregate amount of economic development incentive grants payable under this section in any fiscal year
357 shall not exceed \$6 million and the aggregate amount of such grants outstanding on or after July 1, 2010,
358 but before July 1, 2019, shall not exceed \$30 million. For eligible projects awarded grants on or after July
359 1, 2019, the aggregate amount of economic development incentive grants payable under this section in
360 any fiscal year shall not exceed \$6 million and the aggregate amount of such grants outstanding on or after
361 July 1, 2019, shall not exceed \$30 million.

362 F. Any eligible company shall be eligible to receive a grant from the Fund in no fewer than five
363 installments beginning in the ~~third~~ first year after the Partnership has verified that the requirements
364 applicable to such grant have been satisfied. All such terms shall be negotiated and set forth in a
365 memorandum of agreement.

366 G. The Comptroller shall not draw any warrants to issue checks for grants under this chapter
367 without a specific legislative appropriation as specified in conditions and restrictions on expenditures in
368 the appropriation act. The payment of any grant under this section shall be in accordance with the terms
369 and conditions set forth in a memorandum of agreement between a major eligible employer and the
370 Commonwealth. These terms and conditions shall supplement the provisions of this chapter and shall
371 include but not be limited to the terms of the payment of the grant. The payment of the grant shall be made

372 in full or in proportion to a major eligible employer's fulfillment of the terms of the memorandum of
373 agreement.

374 **2. That no provision of this act shall impact the obligations of the Commonwealth under any existing**
375 **agreements for the payments of grants issued pursuant to § 2.2-5101 of the Code of Virginia entered**
376 **into prior to the effective date of this act.**

377 #