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HOUSE BILL NO. 199

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 26, 2010)

(Patron Prior to Substitute—Delegate Cox, M.K.)

A BILL to amend and reenact §§ 30-309, 30-310, and 30-312 of the Code of Virginia, relating to the work of the MEI Project Approval Commission.

Be it enacted by the General Assembly of Virginia:

1. That §§ 30-309, 30-310, and 30-312 of the Code of Virginia are amended and reenacted as follows:

§ 30-309. MEI Project Approval Commission; membership; terms; compensation and expenses; definition.

A. The MEI Project Approval Commission (the Commission) is established as an advisory commission in the legislative branch of state government. The purpose of the Commission shall be to review financing for individual incentive packages for MEI projects to be financed by the Virginia Public Building Authority, including but not limited to packages offering tax incentives for economic development projects (including but not limited to MEI projects) submitted to the Commission by the Governor for which (i) one or more of the incentives in the incentive package is not authorized under current law or (ii) an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package.

B. The Commission shall consist of 10 members as follows: the chair of the House Committee on Appropriations and four members of the House Committee on Appropriations appointed by the chair and the chair of the Senate Finance Committee and two members of the Senate Finance Committee appointed by the chair. In addition, the Secretaries of Finance and Commerce and Trade shall serve as ex officio, nonvoting members of the Commission.

C. Members shall serve terms coincident with their terms of office. Vacancies for unexpired terms shall be filled in the same manner as the original appointments. Members may be reappointed for successive terms.

D. The members of the Commission shall elect a chairman and vice chairman annually. A majority of the voting members of the Commission shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

E. Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative members shall receive such compensation as provided in § 2.2-2813.

F. As used in this chapter, "MEI project" means the same as that term is defined in § 2.2-2260.

§ 30-310. Review of incentive packages.

A. The Commission shall review individual incentive packages for prospective MEI projects that are proposed to be funded by bonds issued by the Virginia Public Building Authority and recommend approval or denial of such packages to the Authority, including but not limited to packages offering tax incentives for economic development projects (including but not limited to MEI projects) submitted to the Commission by the Governor for which (i) one or more of the incentives in the incentive package is not authorized under current law or (ii) an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package. The Commission shall recommend approval or denial of such packages to the General Assembly. Factors that shall be considered by the Commission in its review shall include, but not be limited to (i) return on investment, (ii) the time frame for repayment of incentives to the Commonwealth, (iii) average wages of the jobs created by the prospective MEI project or other economic development project, (iv) the amount of capital investment that is required, and (v) the need for enhanced employment opportunities in the prospective location of the prospective MEI project or other economic development project.

B. An affirmative vote by three of the five members of the Commission from the House of Delegates and two of the three members of the Commission from the Senate shall be required to endorse any incentive package for an MEI project involving the issuance of bonds by the Virginia Public Building Authority. No endorsement shall be effective without the approval of the package by the Governor, including but not limited to packages offering tax incentives for economic development projects (including but not limited to MEI projects) submitted to the Commission by the Governor for which (i) one or more of the incentives in the incentive package is not authorized under current law or (ii) an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package.

§ 30-312. Commission report to General Assembly.

The Commission shall report annually by the first day of each General Assembly Regular Session on

60 all endorsed incentive packages. Staff identified in § 30-311 shall assist the commission in preparing
61 such report, which shall contain the following information: (i) the industrial sector of the MEI project *or*
62 *other economic development project*, (ii) known competitor states, (iii) employment creation and capital
63 investment expectations, (iv) anticipated average annual wage of the new jobs, (v) local and state returns
64 on investment as prepared by the Virginia Economic Development Partnership Authority, (vi) expected
65 time frame for repayment of the incentives to the Commonwealth in the form of direct and indirect
66 general tax revenues, (vii) details of the proposed incentive package, including the breakdown of the
67 components into various uses and an expected timeline for payments, and (viii) draft legislation or
68 amendments to the Appropriation Act that propose financing for the endorsed incentive package through
69 the Virginia Public Building Authority ~~and~~ *or* any other proposed funding or financing mechanisms.