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SENATE BILL NO. 184

Offered January 13, 2010

Prefiled January 11, 2010

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.

Patron—Colgan

Referred to Committee on Rules

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, including packages offering tax incentives, for MEI projects to be financed by the Virginia Public Building Authority 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, including packages offering tax incentives, 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 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, (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.

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, including packages offering tax incentives, 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 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 all endorsed incentive packages. Staff identified in § 30-311 shall assist the commission in preparing such report, which shall contain the following information: (i) the industrial sector of the MEI project,

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59 (ii) known competitor states, (iii) employment creation and capital investment expectations, (iv)
60 anticipated average annual wage of the new jobs, (v) local and state returns on investment as prepared
61 by the Virginia Economic Development Partnership Authority, (vi) expected time frame for repayment
62 of the incentives to the Commonwealth in the form of direct and indirect general tax revenues, (vii)
63 details of the proposed incentive package, including the breakdown of the components into various uses
64 and an expected timeline for payments, and (viii) draft legislation or amendments to the Appropriation
65 Act that propose financing for the endorsed incentive package through the Virginia Public Building
66 Authority and any other proposed funding or financing mechanisms.