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HOUSE BILL NO. 687

Offered January 21, 2000

A BILL to amend and reenact §§ 16.1-322.1, 16.1-322.2 and 16.1-322.3 of the Code of Virginia, relating to funding of local juvenile facilities and programs.

Patrons—Hamilton, Bloxom, Bryant, Dillard and Jackson

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-322.1, 16.1-322.2 and 16.1-322.3 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-322.1. Apportionment of funds to localities or commissions operating juvenile secure detention facilities or programs; standards for apportionment.

The Department Compensation Board shall apportion among the localities or commissions operating a juvenile secure detention facility the moneys appropriated to the Department Compensation Board in the general appropriation act for the support of such facilities, excluding amounts approved for the state share of construction and rental of facilities, state ward per diem allowances, and payments for the United States Department of Agriculture lunch program. Such apportionment shall be made as follows:

The allocation shall be apportioned to provide each locality or commission operating a juvenile secure detention facility an allowance for salaries and expenses. Such allowance shall be at least equal to the amount of the allowance provided to each locality or commission for such salaries and expenses in the immediately preceding fiscal year for similar services. The Department Compensation Board may adjust such allowance, where applicable, for new programs and facilities or for discontinued programs and services.

The Department Compensation Board may reduce the apportionments made in accordance with this section from time to time if any facility fails to comply with the Department of Juvenile Justice policy or standards approved by the State Board of Juvenile Justice. In effecting such a reduction of funds, the Department Compensation Board shall not be required to comply with the provisions of Chapter 1-1-1 the Administrative Process Act (§ 9-6.14:1 et seq.) of Title 9. Each locality or commission eligible to receive state funds apportioned under this section shall maintain operational and financial records which shall be open for evaluation by the Department Compensation Board and audit by the Auditor of Public Accounts.

The Governor may withhold approval for state expenditures, by reimbursement or otherwise, for the purposes set out in this section as provided in the current general appropriations act.

§ 16.1-322.2. Payment of funds quarterly; distribution and reallocation of reserve.

State moneys appropriated to the Department Compensation Board for the support of local juvenile secure detention facilities and apportioned in accordance with § 16.1-322.1 shall be paid to localities or commissions quarterly. If a local juvenile secure detention facility fails to comply with Department of Juvenile Justice policy or standards adopted by the State Board of Juvenile Justice, the next quarterly payment may be reduced and the difference paid into the general fund of the state treasury. In effecting such a reduction of funds, the Department Compensation Board shall not be required to comply with the provisions of Chapter 1-1-1 the Administrative Process Act (§ 9-6.14:1 et seq.) of Title 9.

Any moneys distributed by the Commonwealth under this section which are unexpended at the end of each fiscal year within a biennium shall be retained by the locality or commission and subsequently expended for operating expenses of juvenile secure detention facilities. Any surplus funds remaining at the end of the biennium shall be returned to the state treasury.

The Governor may withhold approval for state expenditures, by reimbursement or otherwise, for the purpose set out in this section as provided in the current general appropriations act.

§ 16.1-322.3. Localities and commissions to make reports to Compensation Board; penalty for willfully falsifying information; procedure when locality or commission fails to make report.

Each locality or commission eligible to receive state funds in accordance with the terms of this article shall report each month to the Director on blank forms furnished by the Department Compensation Board by a method established by the Compensation Board the number of child care juvenile detention days registered during the preceding month by each juvenile correctional program or facility operated by such locality or commission. Such report shall be signed by both the chief administrative officer of the facility or program and the fiscal officer of the locality or commission who shall certify the accuracy of the report. Either signer found guilty of willfully falsifying the information contained in such report shall be guilty of a Class 1 misdemeanor.

59 If any locality or commission fails to send such report within five days after the date when the report
60 should be forwarded, the ~~Director~~ *Compensation Board* shall notify the chief administrative officer of
61 such locality or commission of such failure. If the locality or commission fails to make the report within
62 ten days from the date of such notice, then the ~~Director~~ *Compensation Board* shall cause the report to
63 be prepared from the books of the locality or commission and shall certify the cost thereof to the
64 Comptroller. The Comptroller shall issue his warrant on the Treasurer for that amount, deducting the
65 same from any that may be due the locality or commission pursuant to § 16.1-322.2 by the
66 Commonwealth. #