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HOUSE BILL NO. 234

Offered January 9, 2002

Prefiled January 4, 2002

A BILL to amend and reenact §§ 10.1-705 and 10.1-709 of the Code of Virginia and to add in Chapter 8 of Title 58.1 a section numbered 58.1-816.2, relating to funding for public beach development and maintenance.

 Patron—Gear

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-705 and 10.1-709 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 8 of Title 58.1 a section numbered 58.1-816.2 as follows:

§ 10.1-705. Definitions.

As used in this article, unless the context requires a different meaning:

"Agency of this Commonwealth" includes the government of this Commonwealth and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this Commonwealth.

"Board" means the Board on Conservation and Development of Public Beaches.

"Develop" or "development" means the replenishment and restoration of ~~existing~~ Board-recognized public beaches, *the construction or maintenance of other public beach-related support structures or facilities, and the creation or restoration of public beach landscape attributes and associated native species plantings.*

"Erosion" means the process of destruction by the action of wind, water, or ice of the land bordering the tidal waters of the Commonwealth.

"Government" or "governmental" includes the government of this Commonwealth, the government of the United States, and any subdivision, agency, or instrumentality, corporate or otherwise, of either of them.

"Locality" means a county, city or town.

"Program" means the provisions of the Public Beach Conservation and Development Act.

"Public beach" means a sandy beach located on a tidal shoreline suitable for bathing in a county, city or town and open to indefinite public use.

"Reach" means a shoreline segment wherein there is mutual interaction of the forces of erosion, sediment transport and accretion.

"United States" or "agencies of the United States" includes the United States of America, the United States Department of Agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

§ 10.1-709. Establishment of the Public Beach Maintenance Development Fund; unexpended money.

A. A *special nonreverting fund known as the Public Beach Maintenance Development Fund, hereafter referred to as the Fund*, shall be established to provide grants to local governments covering up to one-half of the costs ~~of~~ *for beach development projects including* erosion abatement measures designed to conserve, protect, improve, maintain and develop public beaches. ~~No~~ *Within any fiscal year* no grants to any locality shall exceed ~~thirty~~ *sixty* percent of the money ~~appropriated to such fund for the biennium~~ *deposited in the Fund* unless otherwise provided for in the current general appropriations act. Money appropriated from such fund shall be matched equally by local funds. *Interest earned on moneys received by the Fund shall remain in the Fund and be credited to it. Any money in the Fund at the close of the first fiscal year of the biennium shall not revert to the general fund and shall be reappropriated and allotted.* Federal funds shall not be used by localities to match money given from the fund. Localities may, however, combine state and local funds to match federal funds for purposes of securing federal grants.

B. *Up to \$200,000 per year deposited in the Fund, including interest accrued, may be used for the Board's administrative and operating expenses, including, but not limited to, expenses of the Board and its members in carrying-out the duties and responsibilities of this article. All such expenses shall be subject to approval by the Board.*

BC. Money which remains ~~unexpended~~ *uncommitted by the Board* from the fund at the end of ~~the~~ *a* biennium ~~for which it was appropriated~~ shall be retained and shall become a Special Emergency Assistance Fund *for Public Beaches* to be used at the discretion of the Governor for the emergency

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59 conservation and development of public beaches damaged or destroyed by an unusually severe storm,
60 hurricane or other natural disaster. *Any moneys generated as interest remaining in the Fund at the end*
61 *of the biennium shall remain in the Fund and shall not revert to the Special Emergency Assistance Fund*
62 *for Public Beaches or the general fund.*

63 *D. The Board shall submit a report annually on the status of the Fund to the Governor and the*
64 *General Assembly.*

65 *E. No property or element of such property developed with the assistance of this Fund shall be*
66 *converted to other than public use without the approval of the Director of the Department of*
67 *Conservation and Recreation and the Board. Such approval to convert to other than public use shall*
68 *require the substitution of other public beach properties and associated attributes of at least equivalent*
69 *fair market value and of reasonably equivalent usefulness and location.*

70 *§ 58.1-816.2. Dedication of recordation tax to Public Beach Maintenance and Development Fund.*

71 *Five millions dollars of the amount of state recordation taxes collected that exceed \$91.4 million*
72 *shall be deposited annually in the Public Beach Maintenance and Development Fund established*
73 *pursuant to § 10.1-709 and used by the Board on Conservation and Development of Public Beaches in*
74 *accordance with the provisions of Chapter 7 (§ 10.1-700 et seq.) of Title 10.1. Such dedication of state*
75 *recordation taxes shall not affect any local recordation taxes under § 58.1-802 or § 58.1-814.*