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SENATE BILL NO. 1320

Offered January 17, 2003

A *BILL to amend and reenact §§ 2.2-206, 2.2-1503.1, 2.2-1503.2, 2.2-1504, 2.2-1506, 2.2-1508, 2.2-1509, 2.2-2400, 2.2-2407, 2.2-2422, 2.2-2506, 2.2-2629, 9.1-167, 9.1-172, 10.1-1322, 10.1-1402.1 as it shall become effective, 10.1-2212, 10.1-2213, 16.1-309.4, 22.1-18.01, 22.1-253.13:6, 22.1-289.1, 23-19, 33.1-23.02, 46.2-1503.5, 51.1-145, 53.1-82.3, 54.1-114, 54.1-1118, 54.1-2113, and 62.1-44.15:6 as it shall become effective, of the Code of Virginia, relating to changing the Commonwealth's biennial appropriations to begin in an odd-numbered year.*

Patron—Cuccinelli

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-206, 2.2-1503.1, 2.2-1503.2, 2.2-1504, 2.2-1506, 2.2-1508, 2.2-1509, 2.2-2400, 2.2-2407, 2.2-2422, 2.2-2506, 2.2-2629, 9.1-167, 9.1-172, 10.1-1322, 10.1-1402.1 as it shall become effective, 10.1-2212, 10.1-2213, 16.1-309.4, 22.1-18.01, 22.1-253.13:6, 22.1-289.1, 23-19, 33.1-23.02, 46.2-1503.5, 51.1-145, 53.1-82.3, 54.1-114, 54.1-1118, 54.1-2113, and 62.1-44.15:6 as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 2.2-206. Urban issues; report; identifying nonstate resources; impact of state policies; responsibilities of the Secretary.

A. In order to evaluate and promote the economic potential and development of the urban areas in the Commonwealth, the Secretary shall present biennially in ~~even-numbered~~ *odd-numbered* years to the General Assembly a report summarizing the major state programs and policies affecting economic growth and stability in these urban areas. The report shall include results related to the Regional Competitiveness Act (§ 15.2-1306 et seq.). All agencies and institutions of the Commonwealth that have responsibility for urban affairs shall assist in the preparation of this report upon request by the Secretary.

B. The Secretary, with the support of the Virginia Liaison Office, shall identify and provide information in the biennial report on federal and private sector sources of funding for projects and programs directed to conditions and opportunities in fiscally stressed urban areas.

§ 2.2-1503.1. Filing of six-year financial outline by Governor.

On or before the first day of each regular session of the General Assembly held in an ~~even-numbered~~ *odd-numbered* year, the Governor shall prepare and submit to the members of the General Assembly a financial plan for a prospective period of six years. The plan shall consist of (i) the Governor's biennial budget submitted pursuant to subsection A of § 2.2-1508, (ii) estimates of anticipated general fund and nongeneral fund revenue prepared for an additional period of four years pursuant to § 2.2-1503, and (iii) estimates of the general and nongeneral fund appropriations required for each major program for an additional period of four years. In preparing such financial plan, the Governor may utilize the estimate prepared by each agency pursuant to § 2.2-1504, or such other information as he may deem necessary.

§ 2.2-1503.2. Filing of six-year capital improvement plan by Governor.

A. For purposes of this section:

"Capital outlay project" means acquisition of real property (including buildings or plant) or machinery or equipment, new construction, and improvements related to state-owned real property, buildings, plant, machinery or equipment (including plans therefor). It shall include any improvements to real property leased for use by a state agency, and not owned by the Commonwealth, when such improvements are financed by public funds and become state property upon the expiration of the lease. Capital outlay projects do not include projects that have been included in the Commonwealth Transportation Board's Six-Year Improvement Program.

B. On or before November 1 of the year immediately prior to the beginning of each regular session of the General Assembly held in an ~~even-numbered~~ *odd-numbered* year, the Governor shall submit to the members of the General Assembly a six-year capital improvement plan. The plan shall include all capital outlay projects that the Governor deems necessary for the six fiscal years immediately following the current fiscal year. The plan shall:

1. Identify each capital outlay project;
2. Describe the scope and nature of the project;
3. Provide an estimate of the total cost of each project upon payment in full;
4. Detail, by fiscal year, the source or sources of funds recommended for each capital outlay project;
5. Explain the specific criteria or justification that was used in determining the fiscal year in which funds were allocated to projects; and

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59 6. Include any other information as may be requested by the General Assembly.

60 Any capital outlay project that requires additional funds in excess of the latest estimate submitted to
61 the General Assembly, shall be included in the six-year plan with an updated estimate of the total cost
62 as provided herein.

63 C. The capital improvement plan shall include a list of capital outlay projects that would be funded
64 in whole or in part from general funds for each of the succeeding fiscal years in an amount equal to at
65 least two percent of the anticipated general fund revenues for the respective fiscal year, as such revenues
66 are estimated pursuant to § 2.2-1503. The amount of general funds included in the capital improvement
67 plan shall be in addition to any allocation to capital outlay projects from the Central Maintenance
68 Reserve of the general appropriation act.

69 § 2.2-1504. Estimates by state agencies of amounts needed.

70 A. Biennially in the ~~odd-numbered~~ *even-numbered* years, on a date established by the Governor, each
71 of the several state agencies and other agencies and undertakings receiving or asking financial aid from
72 the Commonwealth shall report to the Governor, through the responsible secretary designated by statute
73 or executive order, in a format prescribed for such purpose, an estimate in itemized form in accordance
74 with the expenditure classification adopted by the Governor, showing the amount needed for each year
75 of the ensuing biennial period beginning with the first day of July. The Governor may prescribe targets
76 that shall not be exceeded in the official estimate of each agency; however, an agency may submit to
77 the Governor a request for an amount exceeding the target as an addendum to its official budget
78 estimate.

79 B. Each agency or undertaking required to submit a biennial estimate pursuant to subsection A shall
80 simultaneously submit an estimate of the amount that will be needed for the two succeeding biennial
81 periods beginning July 1 of the third year following the year in which the estimate is submitted. The
82 Department shall provide, within thirty days following receipt, copies of all agency estimates provided
83 under this subsection to the chairmen of the House Committee on Appropriations and the Senate
84 Committee on Finance.

85 C. The format used in making these estimates shall (i) be prescribed by the Governor, shall (ii) be
86 uniform for all agencies, and (iii) clearly designate the kind of information to be given. The Governor
87 may prescribe a different format for estimates from institutions of higher education, which format shall
88 be uniform for all such institutions and shall clearly designate the kind of information to be provided.

89 § 2.2-1506. Estimates of financial needs of General Assembly and judiciary.

90 On or before the first day of September biennially in the ~~odd-numbered~~ *even-numbered* years, the
91 Committees on Rules of the House of Delegates and the Senate shall furnish the Governor an estimate
92 of the financial needs of the General Assembly for each year of the ensuing biennial period beginning
93 with the first day of July thereafter; and the Supreme Court of Virginia shall furnish to the Governor an
94 estimate of the financial needs of the judiciary for each year of the ensuing biennial period beginning
95 with the first day of July thereafter. The Committees on Rules of the House of Delegates and the Senate
96 and the Supreme Court shall transmit to the Governor the estimates of all increases or decreases.

97 § 2.2-1508. Submission of executive budget to General Assembly.

98 A. On or before December 20 in the year immediately prior to the beginning of each regular session
99 of the General Assembly held in an ~~even-numbered~~ *odd-numbered* year, the Governor shall submit to
100 the presiding officer of each house of the General Assembly printed copies of a budget document, which
101 shall be known as "The Executive Budget," based on his own conclusions and judgment, containing the
102 following:

103 1. For each agency, the amount and number of positions appropriated for the current appropriation
104 year and the amount and number of positions recommended for each year of the ensuing biennial period
105 beginning with the first day of July thereafter, accompanied by an explanation of the recommended
106 amount and number of positions.

107 2. A statement of historical and projected trends that influence the general economic conditions in
108 the Commonwealth and a statement of the economic assumptions upon which revenue projections are
109 based.

110 3. A statement of the Governor's proposed goals, objectives, and policies in the areas of:

111 a. Administration of justice;

112 b. Education, including intellectual and cultural development;

113 c. Individual and family services;

114 d. Resources and economic development, including specific references to economic development and
115 management of natural resources;

116 e. Transportation; and

117 f. General government, including therein or as separate categories areas of multiple impact, such as
118 telecommunications, energy, and urban development.

119 4. A statement organized by function, primary agency, and proposed appropriation item that sets
120 forth:

121 a. Identification of common programs and services;
 122 b. Service attainments or lack of attainments and service terminations or reductions for the biennium;
 123 c. Major goals and objectives for programs;
 124 d. Program measures to be used in monitoring and evaluating services; and
 125 e. The amount of each primary agency's budget that is direct aid to localities.
 126 5. A statement of proposed capital appropriations organized by the primary agency that sets forth the
 127 program need for the project and the proposed source of funding.

128 B. On or before December 20 of the year immediately prior to the beginning of the regular session
 129 of the General Assembly held in an ~~odd-numbered~~ *even-numbered* years, the Governor shall submit to the
 130 presiding officer of each house of the General Assembly printed copies of a budget document, which
 131 shall be known as "Executive Amendments to the Appropriation Act," describing all gubernatorial
 132 amendments proposed to the general appropriation act enacted in the immediately preceding
 133 ~~even-numbered~~ *odd-numbered* session.

134 § 2.2-1509. Budget bill.

135 A. On or before December 20 of the year immediately prior to the beginning of each regular session
 136 of the General Assembly held in an ~~even-numbered~~ *odd-numbered* year, the Governor also shall submit
 137 to the presiding officer of each house of the General Assembly, at the same time he submits "The
 138 Executive Budget," copies of a tentative bill for all proposed appropriations of the budget, for each year
 139 in the ensuing biennial appropriation period, which shall be known as "The Budget Bill." "The Budget
 140 Bill" shall be organized by function, primary agency, and proposed appropriation item and shall include
 141 an identification of, and authorization for, common programs and the appropriation of funds according to
 142 programs. Except as expressly provided in an appropriation act, whenever the amounts in a schedule for
 143 a single appropriation item are shown in two or more lines, the portions of the total amount shown on
 144 separate lines are for information purposes only and are not limiting. No such bill shall contain any
 145 appropriation the expenditure of which is contingent upon the receipt of revenues in excess of funds
 146 unconditionally appropriated.

147 B. The salary proposed for payment for the position of each cabinet secretary and administrative
 148 head of each agency and institution of the executive branch of state government shall be specified in
 149 "The Budget Bill," showing the salary ranges and levels proposed for such positions.

150 C. "The Budget Bill" shall include all proposed capital appropriations, including each capital project
 151 to be financed through revenue bonds or other debt issuance, the amount of each project, and the
 152 identity of the entity that will issue the debt.

153 D. Concurrently with the submission of "The Budget Bill," the Governor shall submit a tentative bill
 154 involving a request for authorization of additional bonded indebtedness if its issuance is authorized by,
 155 or its repayment is proposed to be made in whole or in part, from revenues or appropriations contained
 156 in "The Budget Bill."

157 E. On or before December 20 of the year immediately prior to the beginning of each regular session
 158 held in an ~~odd-numbered~~ *even-numbered* year of the General Assembly, the Governor shall submit to
 159 the presiding officer of each house printed copies of all gubernatorial amendments proposed to the
 160 general appropriation act adopted in the immediately preceding ~~even-numbered~~ *odd-numbered* year
 161 session. In preparing the amendments, the Governor may obtain estimates in the manner prescribed in
 162 §§ 2.2-1504, 2.2-1505, and 2.2-1506. On the same date he shall also submit a tentative bill during the
 163 second year of the appropriation period, a request for authorization of additional bonded indebtedness if
 164 its issuance is authorized by, or its repayment is proposed to be made in whole or in part, from revenues
 165 or appropriations contained in the proposed gubernatorial amendments.

166 F. The proposed capital appropriations or capital projects described in, or for which proposed
 167 appropriations are made pursuant to, this section shall include the capital outlay projects required to be
 168 included in "The Budget Bill" pursuant to § 2.2-1509.1. The Governor shall propose appropriations for
 169 such capital outlay projects in "The Budget Bill" in accordance with the minimum amount of funding
 170 and the designated sources of funding for such projects as required under § 2.2-1509.1.

171 § 2.2-2400. Art and Architectural Review Board; members and officers; travel expenses; quorum;
 172 compensation; staff; report.

173 A. The Art and Architectural Review Board (the "Board") is established as an advisory board, within
 174 the meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of six
 175 members as follows: the Director of the Department of Historic Resources, or his designee, serving as
 176 an ex officio member and five citizen members, appointed by the Governor. Of the citizen members,
 177 one shall be appointed from a list of architects nominated by the governing board of the Virginia
 178 Society of the American Institute of Architects; one shall be appointed from a list of persons nominated
 179 by the governing board of the University of Virginia; one shall be appointed from a list of persons
 180 nominated by the board of trustees of the Virginia Museum of Fine Arts; and two shall be appointed
 181 from the Commonwealth at large, one of whom shall be a painter or sculptor.

182 B. The members of the Board shall be appointed for terms of four years each, except appointments
183 to fill vacancies, which shall be for the unexpired terms. No member shall serve for more than two
184 consecutive four-year terms, except that any member appointed to the unexpired term of another shall be
185 eligible to serve two consecutive four-year terms. Vacancies shall be filled in the manner of the original
186 appointments. The Director of the Department of Historic Resources shall serve a term coincident with
187 his term of office.

188 C. Annually, the Board shall elect a chairman and vice-chairman and may elect such other officers as
189 the Board deems proper from among its membership. A majority of the members of the Board shall
190 constitute a quorum.

191 D. The members of the Board shall serve without compensation, but shall be reimbursed for all
192 reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825.

193 E. The Division of Engineering and Buildings of the Department of General Services shall provide
194 assistance to the Board in the undertaking of its responsibilities.

195 F. The Board shall submit a biennial report to the Governor and General Assembly on or before
196 October 1 of each ~~even-numbered~~ *odd-numbered* year. The biennial report shall be distributed in
197 accordance with the provisions of § 2.2-1127.

198 § 2.2-2407. Migrant and Seasonal Farmworkers Board; purpose; membership; terms; quorum;
199 compensation; staff; annual report.

200 A. The Migrant and Seasonal Farmworkers Board (the "Board") is established as an advisory board,
201 within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the
202 Board shall be to:

203 1. Provide for the coordination and evaluation of state and federal services and, to the degree
204 feasible, other governmental, public and private agency services to migrant and seasonal farmworkers
205 within the Commonwealth;

206 2. Identify and evaluate the needs of migrant and seasonal farmworkers and needs of employers of
207 such workers;

208 3. Study problems of the target population, provide background information, and recommend options
209 for solutions along with impact projections of such recommendations to the General Assembly,
210 governmental, public and private agencies; and

211 4. Encourage and foster the development of area migrant and seasonal farmworkers councils for the
212 purpose of seeking problem resolution and communication at the local level.

213 B. The Board shall consist of fifteen members who shall be appointed by the Governor to serve at
214 his pleasure. The Board shall include representatives of grower communities, migrant and seasonal
215 farmworkers and crew leaders, if practical, and government, public and private agencies and interest
216 groups or citizens concerned with migrant and seasonal farmworkers.

217 C. A majority of the members of the Board shall constitute a quorum.

218 D. Members of the Board shall receive no compensation for their services but shall be reimbursed
219 for all reasonable and necessary expenses incurred in the discharge of their duties as provided in
220 § 2.2-2825.

221 E. The Department of Labor and Industry shall provide staff support to the Board and serve as fiscal
222 agent for any funds received.

223 F. The Department of Labor and Industry shall submit a biennial report to the Governor and General
224 Assembly on or before October 1 of each ~~even-numbered~~ *odd-numbered* year on the activities of the
225 Board. The biennial report shall be distributed in accordance with § 2.2-1127.

226 § 2.2-2422. Powers and duties of Board.

227 A. The Board shall have the power and duty to:

228 1. Advise the Director and, when requested, to confer with and advise him upon such matters as may
229 arise in the performance of his duties;

230 2. Investigate questions and consider problems when requested by the Director or the Governor and
231 report its findings and conclusions;

232 3. Initiate investigations and consider problems and make recommendations to the Director or to the
233 Governor of its own motion;

234 4. Study all matters affecting the welfare of Virginia citizens who are veterans or dependents or
235 survivors of such veterans, and to consider and recommend legislation for their benefit;

236 5. Keep advised on the administration of all laws concerning veterans and their dependents; and

237 6. Submit a report to the Governor and General Assembly ninety days prior to the convening of each
238 ~~even-numbered~~ *odd-numbered* year Session of the General Assembly, setting forth its findings and
239 recommendations.

240 B. The Board may make recommendations to acquire land, buildings, furnishings, and equipment for
241 the establishment of a state veterans' cemetery or cemeteries. In connection with the establishment of a
242 cemetery, the Board may make recommendations to accept gifts, apply for and receive grants, and
243 expend funds made available by the federal government, private individuals, veterans' organizations, and

all other sources. The Board shall recommend to the Governor candidates for the position of director of a veterans' cemetery.

§ 2.2-2506. Virginia Advisory Commission on Intergovernmental Relations; membership; terms; compensation; reports to Governor and General Assembly.

A. The Virginia Advisory Commission on Intergovernmental Relations (the "Commission") is established as an advisory commission within the meaning of § 2.2-2100, in the executive branch of state government.

B. The Commission shall consist of twenty members to be appointed as follows: three members shall be appointed from the House of Delegates by the Speaker of the House of Delegates; three members shall be appointed by the Senate Privileges and Elections Committee; and three members from the executive branch of state government; four elected local government officials upon the recommendation of the Virginia Association of Counties and four elected municipal officers upon the recommendation of the Virginia Municipal League; one representative of a planning district commission upon the recommendation of the Virginia Association of Planning Commissions; and two citizen members who have no current government affiliation, all of whom shall be appointed by the Governor.

C. Members from the executive branch shall serve at the pleasure of the Governor. All other members shall serve for a four-year term. No member shall serve more than eight consecutive years. Vacancies shall be filled by the appointing authority to fill the unexpired term.

D. A chairman shall be elected annually from the membership. The Commission shall meet at least four times a year.

E. The members of the Commission shall be paid their necessary expenses incident to their work on the Commission as provided in § 2.2-2823.

F. The Commission shall report its findings as it deems proper and shall submit a biennial report to the Governor and the General Assembly on or before October 1 of each ~~even-numbered~~ *odd-numbered* year. The biennial report shall be distributed in accordance with the provisions of § 2.2-1127.

§ 2.2-2629. Powers and duties of Council; acceptance of gifts and grants; reporting requirement.

A. The Council shall gather information on and make studies and conduct research into the Indian tribes in the Commonwealth and suggest ways in which Indians may reach their potential and make their full contribution, as wage earners and citizens, to society and the Commonwealth.

B. The Council may apply for, accept and expend gifts, grants or donations from public or private sources to enable it to better carry out its objectives.

C. The Council shall establish criteria for tribal recognition and shall recommend to the General Assembly and the Governor in its biennial report those tribes meeting the criteria that should be given official state recognition.

D. The Council shall report its findings and recommendations to the Governor and the General Assembly not less than sixty days prior to the convening of the session of the General Assembly held in each ~~even-numbered~~ *odd-numbered* year.

§ 9.1-167. Calculation of adjusted crime index; use.

By January 1 of each ~~even-numbered~~ *odd-numbered* year, the Department, using the relevant base year data, shall calculate the adjusted crime index for each city and each eligible county. Such calculation shall be used for the succeeding fiscal biennium adjusted for annexation as determined by the Department.

§ 9.1-172. Periodic determination of weights and constants.

Prior to the convening of the General Assembly in each ~~even-numbered~~ *odd-numbered* year, the Department shall determine whether the variables incorporated in the equation used in the distribution formula are statistically acceptable for such computation, and to determine whether any other variables would be better predictors of crime. If, as a result of this research, the Department determines that the variables used in the equation should be changed, it shall recommend to the General Assembly appropriate legislation to accomplish this change.

§ 10.1-1322. Permits.

A. Pursuant to regulations adopted by the Board, permits may be issued, amended, revoked or terminated and reissued by the Department and may be enforced under the provisions of this chapter in the same manner as regulations and orders. Failure to comply with any condition of a permit shall be considered a violation of this chapter and investigations and enforcement actions may be pursued in the same manner as is done with regulations and orders of the Board under the provisions of this chapter.

B. The Board by regulation may prescribe and provide for the payment and collection of annual permit program fees for air pollution sources. Annual permit program fees shall not be collected until (i) the federal Environmental Protection Agency approves the Board's operating permit program established pursuant to Title V of the federal Clean Air Act or (ii) the Governor determines that such fees are needed earlier to maintain primacy over the program. The annual fees shall be based on the actual emissions (as calculated or estimated) of each regulated pollutant, as defined in § 502 of the federal

305 Clean Air Act, in tons per year, not to exceed 4,000 tons per year of each pollutant for each source. The
306 annual permit program fees shall not exceed a base year amount of twenty-five dollars per ton using
307 1990 as the base year, and shall be adjusted annually by the Consumer Price Index as described in
308 § 502 of the federal Clean Air Act. Permit program fees for air pollution sources who receive state
309 operating permits in lieu of Title V operating permits shall be paid in the first year and thereafter shall
310 be paid biennially. The fees shall approximate the direct and indirect costs of administering and
311 enforcing the permit program, and of administering the small business stationary source technical and
312 environmental compliance assistance program as required by the federal Clean Air Act. The fees shall be
313 exempt from statewide indirect costs charged and collected by the Department of Accounts.

314 C. When adopting regulations for permit program fees for air pollution sources, the Board shall take
315 into account the permit fees charged in neighboring states and the importance of not placing existing or
316 prospective industry in the Commonwealth at a competitive disadvantage.

317 D. On January 1, 1993, and December 1 of every ~~even-numbered~~ *odd-numbered* year thereafter, the
318 Department shall make an evaluation of the implementation of the permit fee program and provide this
319 evaluation in writing to the Senate Committee on Agriculture, Conservation and Natural Resources, the
320 Senate Committee on Finance, the House Committee on Appropriations, the House Committee on
321 Conservation and Natural Resources and the House Committee on Finance. This evaluation shall include
322 a report on the total fees collected, the amount of general funds allocated to the Department, the
323 Department's use of the fees and the general funds, the number of permit applications received, the
324 number of permits issued, the progress in eliminating permit backlogs, and the timeliness of permit
325 processing.

326 E. To the extent allowed by federal law and regulations, priority for utilization of permit fees shall
327 be given to cover the costs of processing permit applications in order to more efficiently issue permits.

328 F. Fees collected pursuant to this section shall not supplant or reduce in any way the general fund
329 appropriation to the Department.

330 G. The permit fees shall apply to permit programs in existence on July 1, 1992, any additional
331 permit programs which may be required by the federal government and administered by the Board, or
332 any new permit program required by the Code of Virginia.

333 H. The permit program fee regulations promulgated pursuant to this section shall not become
334 effective until July 1, 1993.

335 I. [Expired.]

336 § 10.1-1402.1. (Effective July 1, 2004) Permit fee regulations.

337 Regulations promulgated by the Board which establish a permit fee assessment and collection system
338 pursuant to subdivision 16 of § 10.1-1402 shall be governed by the following:

339 1. Permit fees charged an applicant shall reflect the average time and complexity of processing a
340 permit in each of the various categories of permits and permit actions.

341 2. When promulgating regulations establishing permit fees, the Board shall take into account the
342 permit fees charged in neighboring states and the importance of not placing existing or prospective
343 industries in the Commonwealth at a competitive disadvantage.

344 3. On January 1, 1993, and January 1 of every ~~even-numbered~~ *odd-numbered* year thereafter, the
345 Board shall evaluate the implementation of the permit fee program and provide this evaluation in writing
346 to the Senate Committees on Agriculture, Conservation and Natural Resources, and Finance; and the
347 House Committees on Appropriations, Agriculture, Chesapeake and Natural Resources, and Finance.
348 This evaluation shall include a report on the total fees collected, the amount of general funds allocated
349 to the Department, the Department's use of the fees and the general funds, the number of permit
350 applications received, the number of permits issued, the progress in eliminating permit backlogs, and the
351 timeliness of permit processing.

352 4. Fees collected pursuant to subdivision 16 of § 10.1-1402 shall not supplant or reduce in any way
353 the general fund appropriation to the Board.

354 5. These permit fees shall be collected in order to recover a portion of the agency's costs associated
355 with the processing of an application to issue, reissue, amend or modify permits which the Board has
356 authority to issue for the purpose of more efficiently and expeditiously processing permits. The fees
357 shall be exempt from statewide indirect costs charged and collected by the Department of Accounts.

358 § 10.1-2212. Listing of certain historical societies receiving appropriations.

359 A. At the direction of the Director, the Comptroller of the Commonwealth is instructed and
360 empowered to draw annual warrants upon the State Treasurer, as provided in the general appropriations
361 act, in favor of the treasurers of certain historical societies, museums, foundations, and associations for
362 use in caring for and maintaining collections, exhibits, sites, and facilities owned by such historical
363 organizations, specified as follows:

364 1. Virginia Historical Society. For aid in maintaining Battle Abbey at Richmond.

365 2. Confederate Museum at Richmond. For the care of Confederate collections and maintenance of the
366 Virginia Room.

3. Valentine Museum at Richmond. For providing exhibits to the public schools of Virginia.
 4. Woodrow Wilson Birthplace Foundation, Incorporated. To aid in restoring and maintaining the Woodrow Wilson home at Staunton.
 5. Robert E. Lee Memorial Association, Incorporated. To aid in further development of "Stratford" in Westmoreland County.
 6. Poe Foundation, Incorporated. To aid in maintaining the Poe Shrine at Richmond.
 7. Patrick Henry Memorial Foundation at Brookneal. To aid in maintaining home.
 8. Hanover County Branch, Association for the Preservation of Virginia Antiquities. To aid in maintaining the Patrick Henry home at "Scotchtown" in Hanover County.
 9. Historic Lexington Foundation. To aid in restoration and maintenance of the Stonewall Jackson home at Lexington.
 10. "Oatlands," Incorporated. To aid in maintaining "Oatlands" in Loudoun County.
 11. Montgomery County Branch, Association for the Preservation of Virginia Antiquities. To aid in maintaining Smithfield Plantation House.
 12. The Last Capitol of the Confederacy. For the preservation of the Last Capitol of the Confederacy in Danville.
 13. Association for the Preservation of Virginia Antiquities. For assistance in maintaining certain historic landmarks throughout the Commonwealth.
 14. The Corporation for Jefferson's "Poplar Forest." To aid in restoring, maintaining, and operating "Poplar Forest," Thomas Jefferson's Bedford County home.
 15. Belle Grove, Incorporated. To aid in providing educational programs for Virginia students.
 16. George Washington's Fredericksburg Foundation. To aid in the restoration and perpetuation of "Ferry Farm," George Washington's boyhood home.
 17. Montpelier National Trust for Historic Preservation. To aid in restoring, maintaining, and operating Montpelier, the lifelong home of President James Madison, in Orange County.
 18. Eastern Shore of Virginia Historical Society. To aid in restoring, maintaining and operating Kerr Place in Accomack County.
 19. New Town Improvement and Civic Club, Inc. To aid in restoring, maintaining and operating Little England Chapel, a landmark to Hampton's first generation of freedmen, in the City of Hampton.
 20. Woodlawn Plantation. To aid in the preservation and maintenance of Woodlawn Plantation.
 21. Friends of Historic Huntley. To support the research and preservation of Historic Huntley Mansion.
 22. Menokin Foundation, Incorporated. To aid in further development of Menokin, home of Francis Lightfoot Lee.
 23. Historic Gordonsville, Inc., the owner of the Gordonsville Exchange Hotel. To aid in maintaining the Gordonsville Exchange Hotel and in providing educational programs for Virginia's students.
- B. Organizations receiving state funds as provided for in this section shall certify to the satisfaction of the Department that matching funds from local or private sources are available in an amount at least equal to the amount of the request in cash or in kind contributions which are deemed acceptable to the Department.
- C. Requests for funding of historical societies or like organizations as set forth in subsection A shall be considered by the Governor and the General Assembly only in ~~even-numbered~~ *odd-numbered* years.
- § 10.1-2213. Procedure for appropriation of state funds for historic preservation.
- A. No state funds, other than for the maintenance and operation of those facilities specified in § 10.1-2211 or § 10.1-2212 and for the purchase of property for preservation of historical resources by the Virginia Land Conservation Foundation as provided in Chapter 10.2 (§ 10.1-1017 et seq.) of this title, shall be appropriated or expended for or to historical societies, museums, foundations, associations or local governments as set forth in the general appropriations act for the maintenance of collections and exhibits or for the maintenance and operation of sites and facilities owned by historical organizations unless:
1. A request for state aid is filed by the organization with the Department, on forms prescribed by the Department, on or before the opening day of each regular session of the General Assembly in an ~~even-numbered~~ *odd-numbered* year. Requests shall be considered by the Governor and the General Assembly only in ~~even-numbered~~ *odd-numbered* years. The Department shall review each application made by an organization for state aid prior to consideration by the General Assembly. The Department shall provide a timely review of any amendments proposed by members of the General Assembly to the chairmen of the House Appropriations and Senate Finance Committees. The review shall examine the merits of each request, including data showing the percentage of nonstate funds raised by the organization for the proposed project. The review and analysis provided by the Department shall be strictly advisory. The Department shall forward to the Department of Planning and Budget any application which is not for the maintenance of collections and exhibits or for the maintenance and

operation of sites and facilities owned by historical organizations. Such applications shall be governed by the procedures identified in § 2.2-1505.

2. Such organization shall certify to the satisfaction of the Department that matching funds from local or private sources are available in an amount at least equal to the amount of the request in cash or in kind contributions which are deemed acceptable to the Department. These matching funds must be concurrent with the project for which the state grant is requested. Contributions received and spent prior to the state grant shall not be considered in satisfying the requirements of this subdivision.

3. Such organization shall provide documentation of its tax exempt status under § 501 (c) (3) of the United States Internal Revenue Code.

For the purposes of this section, no grant shall be approved for private institutions of higher education or religious organizations.

B. In addition to the requirements of subsection A of this section, no state funds other than for those facilities specified in § 10.1-2211 or § 10.1-2212 shall be appropriated or expended for the renovation or reconstruction of any historic site as set forth in § 2.2-1505 unless:

1. The property is designated as a historic landmark by the Board and is located on the register prepared by the Department pursuant to § 10.1-2202 or has been declared eligible by the Board for such designation but has not actually been placed on the register of buildings and sites provided for in § 10.1-2202;

2. The society, museum, foundation or association owning such property enters into an agreement with the Department that the property will be open to the public for at least 100 days per year for no less than five years following completion, renovation, or reconstruction;

3. The organization submits the plans and specifications of the project to the Department for review and approval to ensure that the project meets generally accepted standards for historic preservation; and

4. The organization owning the property grants to the Commonwealth a perpetual easement placing restrictions on the use or development of the property satisfactory to the Board, if the organization has received \$50,000 or more within a four-year period pursuant to this section. The easement shall be for the purpose of preserving those features of the property which led to its designation as a historic landmark.

Nothing contained in this subsection shall prohibit any organization from charging a reasonable admission fee during the five-year period required in subdivision 2 herein if the fee is comparable to fees charged at similar facilities in the area.

C. The Department shall be responsible for the administration of this section and §§ 10.1-2211 and 10.1-2212 and the disbursement of all funds appropriated thereto.

State funds appropriated for the operation of historical societies, museums, foundations and associations shall be expended for historical facilities, reenactments, meetings, conferences, tours, seminars or other general operating expenses as may be specified in the general appropriations act. Funds appropriated for these purposes shall be distributed annually to the treasurers of any such organizations. The appropriations act shall clearly designate that all such funds are to be used for the operating expenses of such organization.

§ 16.1-309.4. Statewide plan for juvenile services.

It shall be the duty of the Department of Juvenile Justice to devise, develop and promulgate a statewide plan for the establishment and maintenance of a range of institutional and community-based, diversion, predispositional and postdispositional services to be reasonably accessible to each court. The Department shall be responsible for the collection and dissemination of the required court data necessary for the development of the plan. The plan shall utilize the information provided by local plans submitted under § 16.1-309.3. The plan shall be submitted to the Board on or before July 1 in ~~odd-numbered~~ *even-numbered* years. The plan shall include a biennial forecast with appropriate annual updates as may be required of future juvenile correctional center and detention home needs.

§ 22.1-18.01. Biennial review of the standards of quality required; budget estimates.

A. To ensure the integrity of the standards of quality, the Board of Education shall, in ~~odd-numbered~~ *even-numbered* years, exercise its constitutional authority to determine and prescribe the standards, subject to revision only by the General Assembly, by (i) reviewing the standards and (ii) either proposing amendments to the standards or (iii) making a determination that no changes are necessary.

B. In any ~~odd-numbered~~ *even-numbered* year in which the Board proposes changes to the standards of quality, the budget estimates that are required to be reported pursuant to § 2.2-1504 shall take into consideration the Board's proposed standards of quality.

§ 22.1-253.13:6. Standard 6. Planning and public involvement.

A. The General Assembly and the Board of Education believe that careful planning is essential for providing educational programs of high quality and that public involvement is a fundamental component of meaningful planning for public schools.

B. The Board of Education shall revise, extend and adopt biennially a statewide six-year improvement plan that shall be developed with statewide participation and shall be available for public

inspection and copying. This plan shall include the objectives of public education in Virginia, an assessment of the extent to which these objectives are being achieved, a forecast of enrollment changes and an assessment of the needs of public education in the Commonwealth. In the annual report required by § 22.1-18, the Board shall include an analysis of the extent to which these Standards of Quality have been achieved and the objectives of the statewide six-year improvement plan have been met. The Board shall also develop, as a part of its six-year improvement plan, a detailed six-year plan to integrate educational technology into the Standards of Learning and the curricula of the public schools in Virginia, including career and technical education programs. The Board shall review and approve the six-year plan for educational technology and may require the revision of such plan as it deems necessary.

C. Each local school board shall revise, extend and adopt biennially a divisionwide six-year improvement plan that shall be developed with staff and community involvement. Prior to the adoption of any divisionwide six-year improvement plan, each local school board shall make the plan available for public inspection and copying and shall conduct at least one public hearing to solicit public comment on the divisionwide plan. Each public school shall prepare a biennial plan, which shall be given consideration by its school board in the development of the divisionwide six-year improvement plan.

The divisionwide six-year improvement plan shall include (i) the objectives of the school division; (ii) an assessment of the extent to which these objectives are being achieved; (iii) a forecast of enrollment changes; (iv) a plan for managing enrollment changes including consideration of the consolidation of schools to provide for a more comprehensive and effective delivery of instructional services to students and economies in school operations; (v) an evaluation of the appropriateness of providing certain regional services in cooperation with neighboring school divisions; (vi) a plan for implementing such regional services when appropriate; (vii) a technology plan designed to integrate educational technology into the instructional programs of the school division, including the school division's career and technical education programs, consistent with the six-year technology plan for Virginia adopted by the Board of Education; and (viii) an assessment of the needs of the school division and evidence of community participation in the development of the plan.

A report shall be presented by each school board to the public by November 1 of each ~~odd-numbered~~ *even-numbered* year on the extent to which the objectives of the divisionwide six-year improvement plan have been met during the previous two school years.

§ 22.1-289.1. Teacher compensation; biennial review required.

It is a goal of the Commonwealth that its public school teachers be compensated at a rate that is competitive in order to attract and keep competent teachers. The Director of Human Resource Management shall conduct a biennial review of the compensation of teachers and other occupations requiring similar education and training. The results of these reviews shall be reported to the Governor, the General Assembly and the Board of Education by June 1 of each ~~odd-numbered~~ *even-numbered* year beginning with ~~1989~~ 2008. However, a preliminary report shall be submitted by the Director of Human Resource Management by December 15, 1987.

§ 23-19. Amount of bonds; purposes; resolutions; Treasury Board to be paying agent and to approve terms and structure; payment or purchase by institution; no personal liability.

(a) Every institution shall have power and is hereby authorized and empowered from time to time to execute its bonds in such aggregate principal amount as may be determined upon by its board and approved by the Governor. All such bonds shall be approved by the Treasury Board pursuant to § 2.2-2416, and the Treasury Board is hereby designated the paying agent of such institutions under this chapter. The Treasury Board's duties shall include the approval of the terms and structure of such bonds. Such aggregate principal amount may include without limitation any costs associated with the development and management of the project or legal or accounting expenses incurred by the institution in connection with the project for the erection of which such bonds are issued, and the cost of issuance of the bonds, including printing, engraving, advertising, legal and other similar expenses.

(b) Such bonds shall be authorized by resolution of the board, approved by the Governor, and may be issued in one or more series, shall bear such date or dates, mature at such time or times, bear interest at such rate not exceeding the rate specified in § 23-30.03 payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such terms of redemption, with or without premium, as such resolution or resolutions may provide. Such bonds may be sold at public or private sale for such price or prices as the board with the approval of the Governor shall determine, provided that the interest cost to maturity of the money received for any issue of such bonds shall not exceed the rate specified in § 23-30.03; however, prior to the issuance of bonds to finance any "project," the approval of the General Assembly must be obtained; and provided further, that biennially on or before the first day of September in the ~~odd-numbered~~ *even-numbered* years, each educational institution shall submit to the Governor any project or projects and the estimated

551 cost of each separate project such educational institution desires to have financed under the provisions of
552 this chapter, and the Governor shall consider such projects and make his recommendation to the General
553 Assembly in the budget submitted in accordance with the provisions of § 2.2-1508. Each educational
554 institution is authorized to finance only those projects approved by the General Assembly in the
555 appropriations act for the biennium covered by such appropriations act, which projects need not be
556 limited to the projects recommended by the Governor.

557 (c) Such bonds may be issued to finance all or a portion of the cost of any project plus amounts to
558 fund issuance costs, reserve funds, capitalized interest for a period not to exceed one year following
559 completion of the project and for the corporate purpose or purposes of the institution specified by
560 § 23-17 hereof or to carry out the powers conferred on the institution by § 23-18 hereof.

561 (d) Any resolution or resolutions authorizing such bonds may contain a provision or provisions which
562 shall be part of the contract with the holders of such bonds as to:

563 (1) Fixing, revising, charging and collecting fees, rents and charges for or in connection with the use,
564 occupation or services of the project and pledging the same and any increases in revenues to be derived
565 from any existing facilities at such institution resulting from any increase in the fees, rents or charges
566 for or in connection with the use, occupation or services of any such existing facilities to the payment of
567 the principal of and the interest on such bonds;

568 (2) Fixing, revising, charging and collecting fees, rents and charges for or in connection with the use,
569 occupation or services of any existing facilities at such institution and pledging the same to the payment
570 of the principal of and the interest on such bonds;

571 (3) Fixing, revising, charging and collecting student building fees and other student fees from
572 students enrolled at such institution and pledging the same in whole or in part to the payment of the
573 principal of and the interest on such bonds;

574 (4) Pledging to the payment of the principal of and the interest on such bonds any moneys available
575 for the use of such institution, including, but not limited to, and subject to Treasury Board guidelines
576 and approval pursuant to § 2.2-2416, moneys appropriated to such institution from the general fund of
577 the Commonwealth or from nongeneral funds, without regard to the source of such moneys, and which
578 are not required by law or by previous binding contract to be devoted to some other purpose;

579 (5) Paying the cost of operating and maintaining any project and any such existing facilities from
580 any one or more of the revenue sources mentioned in subdivisions (1), (2), (3) and (4) of this subsection
581 creating reserves for such purposes and providing for the use and application thereof;

582 (6) Creating sinking funds for the payment of the principal of and the interest on such bonds,
583 creating reserves for such purposes and providing for the use and application thereof;

584 (7) Limiting the right of the institution to restrict and regulate the use, occupation and services of the
585 project and such other existing facilities or the services rendered therein;

586 (8) Limiting the purposes to which the proceeds of sale of any issue of bonds then or thereafter to be
587 issued may be applied;

588 (9) Limiting the issuance of additional bonds;

589 (10) Setting forth the procedure, if any, by which the terms of any contract with the holders of such
590 bonds may be amended or abrogated and the manner in which such consent of such holders to any such
591 amendment or abrogation may be given; and

592 (11) Setting forth such other condition or conditions as may be required by the United States of
593 America or any federal agency as a condition precedent to or a requirement in connection with the
594 obtaining of a direct grant or grants of money for or in aid of the erection of any project, or to defray
595 or to partially defray the cost of labor and material employed in the erection of any project, or to obtain
596 a loan or loans of money for or in aid of the erection of any project from the United States of America
597 or any federal agency, provided that such other condition or conditions are approved by the Governor.

598 (e) The power and obligation of an institution to pay any bonds issued under this chapter shall be
599 limited. Such bonds shall be payable only from any one or more of the revenue sources mentioned in
600 subdivisions (1), (2), (3) and (4) of subsection (d) of this section and pledged therefor pursuant to a
601 resolution adopted under said subsection (d). Such bonds shall in no event constitute an indebtedness of
602 the institution, except to the extent of the collection of such revenues and such institution shall not be
603 liable to pay such bonds or the interest thereon from any other funds; and no contract entered into by
604 the institution pursuant to subsection (b) of this section shall be construed to require the costs or
605 expenses of operation and maintenance of the project for the erection of which the bonds are issued and
606 any such other existing facilities to be paid out of any funds other than the revenues derived from the
607 sources mentioned in subdivisions (1), (2), (3) and (4) of subsection (d) of this section and pledged
608 therefor. Any provision of the general laws to the contrary notwithstanding, any bonds issued pursuant
609 to the authority of this chapter shall be fully negotiable within the meaning and for all the purposes of
610 Title 8.3A.

611 (f) Neither the Governor nor the members of the board nor any person executing such bonds shall be
612 liable personally on the bonds or be subject to any personal liability or accountability by reason of the

issuance thereof.

(g) The institution shall have power out of any funds available therefor to purchase any bonds issued by it at a price not more than the principal amount thereof and the accrued interest. All bonds so purchased shall be cancelled unless purchased as an endowment fund investment. This paragraph shall not apply to the redemption of bonds.

(h) In any case in which an institution shall have obtained a loan for or in aid of the erection of any project from the United States of America or any federal agency, which loan requires the establishment of a debt service reserve, the institution, with the consent of the Governor, may deposit securities in a separate collateral account in an amount equal to the required debt service reserve, which securities shall be pledged to meet the debt service requirements only if the revenues derived from any one or more of the sources mentioned in subdivisions (1), (2), (3) and (4) of subsection (d) of this section and pledged for the payment of such loan become insufficient for such purpose. The face value of United States government securities and the market value of all other securities shall be deemed to be the value of any securities so deposited. Nothing herein shall be construed as prohibiting repayment of any portion of such loan from income derived from the securities so deposited. No securities shall be deposited in any such collateral account unless the same shall have been purchased with funds, the use of which is in nowise limited or restricted or shall have been donated to such institution for the purpose of establishing such debt service reserve.

§ 33.1-23.02. Definition of the terms "maintenance" and "asset management."

A. For the purpose of this title, unless otherwise explicitly provided, the term "maintenance" shall include ordinary maintenance, maintenance replacement, and any other categories of maintenance which may be designated by the Commissioner.

B. 1. For the purposes of this title, unless otherwise explicitly provided, the term "asset management" shall mean a systematic process of operating and maintaining the state system of highways by combining engineering practices and analysis with sound business practices and economic theory to achieve cost-effective outcomes.

2. The Department shall develop asset management practices in the operation and maintenance of the state system of highways.

3. The Commissioner shall advise the Board, on or before June 30 of even-numbered years, of performance targets and outcomes that are expected to be achieved, based upon the funding identified for maintenance, over the biennium beginning July 1 of that year. In addition, not later than September 30 of ~~even-numbered~~ *odd-numbered* years, the Commissioner shall advise the Board on the Department's accomplishments relative to the expected outcomes and budget expenditures for the biennium ending June 30 of that year.

§ 46.2-1503.5. Biennial report.

The Board shall submit a biennial report to the Governor and General Assembly on or before November 1 of each ~~even-numbered~~ *odd-numbered* year. The biennial report shall contain, at a minimum, the following information: (i) a summary of the Board's fiscal affairs, (ii) a description of the Board's activities, (iii) statistical information regarding the administrative hearings and decisions of the Board, and (iv) a general summary of all complaints received against licensees and the procedures used to resolve the complaints. The biennial report shall be distributed in accordance with the provisions of § 2.2-1127.

§ 51.1-145. Employer contributions.

A. The total annual employer contribution for each employer, expressed as a percentage of the annual membership payroll, shall be determined in a manner so as to remain relatively level from year to year. Each employer shall contribute an amount equal to the sum of the normal contribution, any accrued liability contribution, and any supplementary contribution. The contribution rates for each employer shall be determined after each valuation and shall remain in effect until a new valuation is made. All contribution rates shall be computed in accordance with recognized actuarial principles on the basis of methods and assumptions approved by the Board.

B. The normal employer contribution for any period shall be determined as a percentage, equal to the normal contribution rate, of the total covered compensation of the members employed during the period.

C. The normal contribution rate for any employer shall be determined as the percentage represented by the ratio of (i) the annual normal cost to provide the benefits of the retirement system with respect to members employed by the employer in excess of the members' contributions to (ii) the total annual compensation of the members.

D. The accrued liability contribution for any employer for any period shall be determined as a percentage, equal to the accrued liability contribution rate, of the total compensation of the members during the period.

E. The accrued liability contribution rate for any employer shall be a percentage of the total annual compensation of the members, determined so that a continuation of annual contributions by the

674 employer at the same percentage of total annual compensation over a period of forty years will be
675 sufficient to amortize the unfunded accrued liability with respect to the employer.

676 F. The unfunded accrued liability with respect to any employer as of any valuation date shall be
677 determined as the excess of (i) the then present value of the benefits to be provided under the retirement
678 system in the future to members and former members over (ii) the sum of the assets of the retirement
679 system then currently in the members' contribution account and in the employer's retirement allowance
680 account, plus the then present value of the stipulated contributions to be made in the future by the
681 members, plus the then present value of the normal contributions expected to be made in the future by
682 the employer.

683 G. The supplementary contribution for any employer for any period shall be determined as a
684 percentage, equal to the supplementary contribution rate, of the total compensation of the members
685 employed during the period.

686 H. Until July 1, 1997, the supplementary contribution rate for any employer shall be determined as
687 the percentage represented by the ratio of (i) the average annual amount of post-retirement supplements,
688 as provided for in this chapter, which is anticipated to become payable during the period to which the
689 rate will be applicable with respect to former members to (ii) the total annual compensation of the
690 members.

691 I. The Board shall certify to each employer the applicable contribution rate and any changes in the
692 rate.

693 J. The employer contribution for the year shall be increased to the extent necessary to overcome any
694 insufficiency if the contributions for any employer, when combined with the amount of the retirement
695 allowance account of the employer, are insufficient to provide the benefits payable during the year.

696 K. The appropriation bill which is submitted to the General Assembly by the Governor prior to each
697 regular session that begins in an ~~even-numbered~~ *odd-numbered* year shall include the contributions
698 which will become due and payable to the retirement allowance account from the state treasury during
699 the following biennium. The amount of the contributions shall be based on the contribution rates
700 certified by the Board pursuant to subsection I of this section that are applicable to the Commonwealth
701 as an employer and the anticipated compensation during the biennium of the members of the retirement
702 system on behalf of whom the Commonwealth is the employer.

703 L. In the case of all teachers whose compensation is paid exclusively out of funds derived from local
704 revenues and appropriations from the general fund of the state treasury, the Commonwealth shall
705 contribute to the extent specified in the appropriations act. In the case of any teacher whose
706 compensation is paid out of funds derived in whole or in part from any special fund or from a
707 contributor other than the Commonwealth or a political subdivision thereof, contributions shall be paid
708 out of the special fund or by the other contributor in proportion to that part of the compensation derived
709 therefrom. In the case of all state employees whose compensation is paid exclusively by the
710 Commonwealth out of the general fund of the state treasury, the Commonwealth shall be the sole
711 contributor, and all contributions shall be paid out of the general fund. In the case of a state employee
712 whose compensation is paid in whole or in part out of any special fund or by any contributor other than
713 the Commonwealth, contributions on behalf of the employee shall be paid out of the special fund or by
714 the other contributor in proportion to that part of the employee's compensation derived therefrom. The
715 governing body of each political subdivision is hereby authorized to make appropriations from the funds
716 of the political subdivision necessary to pay its proportionate share of contributions on behalf of every
717 state employee whose compensation is paid in part by the political subdivision. In the case of each
718 person who has elected to remain a member of a local retirement system, the Commonwealth shall
719 reimburse the local employer an amount equal to the product of the compensation of the person and the
720 employer contribution rate as used to determine the employer contribution for state employees under this
721 section. Each employer shall keep such records and periodically furnish such information as the Board
722 may require and shall inform new employees of their duties and obligations in connection with the
723 retirement system.

724 § 53.1-82.3. Budgeting schedule for jail projects.

725 A. Any city or county or any combination of cities or counties requesting state financial assistance
726 pursuant to §§ 53.1-80, 53.1-81 or § 53.1-82 shall, on or before March 1 biennially in the ~~odd-numbered~~
727 *even-numbered* years, submit to the Governor, in a format prescribed by the Department of Corrections
728 for such purpose, a community-based corrections plan and specifications, including detailed cost
729 estimates of any facility construction. On or before July 1 in the ~~odd-numbered~~ *even-numbered* years,
730 such localities shall also submit to the Governor, in a format prescribed for such purpose by the
731 Department of the Treasury, the expected financing costs for any such facility construction in accordance
732 with § 53.1-82.2. The Governor shall submit his recommendations for funding such projects as part of
733 the budget bill on or before December 20 of the year immediately prior to the beginning of each regular
734 session held in an ~~even-numbered~~ *odd-numbered* year of the General Assembly. Requests for
735 appropriations of such funds shall be considered by the General Assembly only in ~~even-numbered~~

736 *odd-numbered* years.

737 B. In the event that the state share of reimbursable costs of the jail facility is estimated to be less
738 than or equal to \$1,000,000, such localities shall be exempt from submitting to the Governor, in a
739 format prescribed for such purpose by the Department of the Treasury, the expected financing costs for
740 any such facility construction in accordance with subsection A above, unless such localities seek
741 reimbursement of financial costs associated with such facility construction.

742 § 54.1-114. Biennial report.

743 The Board of Bar Examiners, the Department of Professional and Occupational Regulation and the
744 Department of Health Professions shall submit biennial reports to the Governor and General Assembly
745 on or before November 1 of each ~~even-numbered~~ *odd-numbered* year. The biennial report shall contain
746 at a minimum the following information for the Board of Bar Examiners and for each board within the
747 two Departments: (i) a summary of the board's fiscal affairs, (ii) a description of the board's activities,
748 (iii) statistical information regarding the administrative hearings and decisions of the board, (iv) a
749 general summary of all complaints received against licensees and the procedures used to resolve the
750 complaints, and (v) a description of any action taken by the board designed to increase public awareness
751 of board operations and to facilitate public participation. The Department of Health Professions shall
752 include, in those portions of its report relating to the Board of Medicine, a compilation of the data
753 required by § 54.1-2910.1. The biennial report shall be distributed in accordance with the provisions of
754 § 2.2-1127.

755 § 54.1-1118. Definitions.

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

757 "Act" means the Virginia Contractor Transaction Recovery Act.

758 "Biennium" means a two-year period beginning on July 1 of an ~~even-numbered~~ *odd-numbered* year
759 and continuing through June 30 of the next ~~even-numbered~~ *odd-numbered* year.

760 "Claimant" means any person with an unsatisfied judgment involving residential construction against
761 a regulant, who has filed a verified claim under this Act.

762 "Fund" means the Contractor Transaction Recovery Fund.

763 "Improper or dishonest conduct" includes only the wrongful taking or conversion of money, property
764 or other things of value which involves fraud, material misrepresentation or conduct constituting gross
765 negligence, continued incompetence, or intentional violation of the Uniform Statewide Building Code
766 (§ 36-97 et seq.). The term "improper or dishonest conduct" does not include mere breach of contract.

767 "Judgment" includes an order of a United States Bankruptcy Court (i) declaring a claim against a
768 regulant who is in bankruptcy to be a "Debt Nondischargeable in Bankruptcy" or (ii) extinguishing a
769 claim against a regulant who is in bankruptcy and for which claim no distribution was made from the
770 regulant's bankruptcy estate but excluding any such claim disallowed by order of the bankruptcy court.

771 "Regulant" means any individual, person, firm, corporation, association, partnership, joint venture or
772 any other legal entity licensed by the Board for Contractors. "Regulant" shall not include tradesmen or
773 backflow prevention device workers licensed or certified in accordance with Article 3 (§ 54.1-1128 et
774 seq.) of this chapter.

775 § 54.1-2113. Establishment and maintenance of fund, duty of Director, assessments of regulants.

776 A. Each initial regulant at the time of licensure shall be assessed twenty dollars, which shall be
777 specifically assigned to the fund. Initial payments may be incorporated in any application fee payment
778 and transferred to the fund by the Director within thirty days.

779 B. All assessments, except initial assessments, for the fund shall be deposited, within three work days
780 after their receipt by the Director, in one or more federally insured banks, savings and loan associations
781 or savings banks located in the Commonwealth. Funds deposited in banks, savings and loan associations
782 or savings banks, to the extent in excess of insurance afforded by the Federal Deposit Insurance
783 Corporation or other federal insurance agency, shall be secured under the Security for Public Deposits
784 Act (§ 2.2-4400 et seq.). The deposit of these funds in federally insured banks, savings institutions or
785 savings banks located in the Commonwealth shall not be considered investment of such funds for
786 purposes of this section. Funds maintained by the Director may be invested in securities that are legal
787 investments for fiduciaries under the provisions of § 26-40.01. The Director shall maintain in his office
788 an accurate record of all transactions involving the fund, which records shall be open for inspection and
789 copying by the public during the normal business hours of the Director.

790 C. The minimum balance of the fund shall be \$400,000. Whenever the Director determines that the
791 balance of the fund is or will be less than such minimum balance, the Director shall immediately inform
792 the Board. At the same time, the Director may recommend that the Board transfer a fixed amount of
793 interest earnings to the fund to bring the balance of the fund to the amount required by this subsection.
794 Such transfer of interest shall be considered by the Board within thirty days of the notification of the
795 Director.

796 D. If available interest earnings are insufficient to bring the balance of the fund to the minimum

amount required by this section, or if a transfer of available interest earnings to the fund has not occurred, the Board shall assess each regulant within thirty days of notification by the Director, a sum sufficient to bring the balance of the fund to the required minimum amount. The Board may order an assessment of regulants at any time in addition to any required assessment. No regulant shall be assessed a total amount of more than twenty dollars during any biennial license period or part thereof, the biennial period expiring on June 30 of each ~~even-numbered~~ *odd-numbered* year. Assessments of regulants made pursuant to this subsection may be issued by the Board (i) after a determination made by it or (ii) at the time of license renewal.

E. At the close of each fiscal year, whenever the balance of the fund exceeds \$2,000,000, the amount in excess of \$2,000,000 shall be transferred to the Virginia Housing Partnership Fund. Except for transfers pursuant to this subsection, there shall be no transfers out of the fund, including transfers to the general fund, regardless of the balance of the fund.

F. If the Board determines that all regulants will be assessed concurrently, notice to the regulants of such assessments shall be by first-class mail, and payment of such assessments shall be made by first-class mail to the Director within forty-five days after the mailing to regulants of such notice.

If the Board determines that all regulants will be assessed in conjunction with license renewal, notice to the regulants may be included with the license renewal notice issued by the Board. The assessment shall be due with the payment of the license renewal fees. No license shall be renewed or reinstated until any outstanding assessments are paid.

G. If any regulant fails to remit the required payment mailed in accordance with subsection F within forty-five days of the mailing, the Director shall notify the regulant by first-class mail at the latest address of record filed with the Board. If no payment has been received by the Director within thirty days after mailing the second notice, the license shall be automatically suspended. The license shall be restored only upon the actual receipt by the Director of the delinquent assessment.

H. The costs of administering the act shall be paid out of interest earned on deposits constituting the fund. The remainder of the interest, at the discretion of the Board, may be used for providing research and education on subjects of benefit to real estate regulants or may accrue to the fund in accordance with subsection C.

§ 62.1-44.15:6. (Effective July 1, 2004) Permit fee regulations.

A. The Board shall promulgate regulations establishing a fee assessment and collection system to recover a portion of the State Water Control Board's, the Department of Game and Inland Fisheries' and the Department of Conservation and Recreation's direct and indirect costs associated with the processing of an application to issue, reissue, amend or modify any permit or certificate, which the Board has authority to issue under this chapter and Chapters 24 (§ 62.1-242 et seq.) and 25 (§ 62.1-254 et seq.) of this title, from the applicant for such permit or certificate for the purpose of more efficiently and expeditiously processing permits. The fees shall be exempt from statewide indirect costs charged and collected by the Department of Accounts. The Board shall have no authority to charge such fees where the authority to issue such permits has been delegated to another agency which imposes permit fees.

B. Permit fees charged an applicant shall reflect the average time and complexity of processing a permit in each of the various categories of permits and permit actions. However, notwithstanding any other provision of law, in no instance shall the Board charge a fee for a permit pertaining to a farming operation engaged in production for market or for a permit pertaining to maintenance dredging for federal navigation channels or other Corps of Engineers sponsored dredging projects, and in no instance shall the Board exceed the following amounts for the processing of each type of permit/certificate category:

| Type of Permit/Certificate Category | Maximum Amount |
|--|----------------|
| 1. Virginia Pollutant Discharge Elimination System | |
| Major | \$ 8,000 |
| Minor | \$ 3,500 |
| General | \$ 400 |
| 2. Virginia Pollution Abatement | |
| Industrial/Wastewater | \$ 5,000 |
| Industrial/Sludge | \$ 2,500 |
| Municipal/Wastewater | \$ 5,000 |
| Municipal/Sludge | \$ 2,500 |
| Other | \$ 250 |
| 3. 401 Certification/Virginia Water Protection | |
| Individual | \$ 3,000 |
| General | \$ 400 |
| Waiver | \$ 400 |

4. Ground Water Withdrawal \$ 2,000
 5. Surface Water Withdrawal \$ 4,000

When modifications in these permits or certificates have been initiated by the Board, the fee for the modified permit or certificate shall not exceed seventy-five percent of the maximum amount established by this subsection. Payments for the costs of processing applications by the Department of Game and Inland Fisheries and the Department of Conservation and Recreation shall be limited to the lesser of twenty-five percent of the fees prescribed by regulation or \$100 per permit or certificate and shall further be limited to those permits or certificates these agencies are required to review by the Code of Virginia.

C. When promulgating regulations establishing permit fees, the Board shall take into account the permit fees charged in neighboring states and the importance of not placing existing or prospective industries in the Commonwealth at a competitive disadvantage.

D. Beginning January 1, 1998, and January 1 of every ~~even-numbered~~ *odd-numbered* year thereafter, the Board shall make a report on the implementation of the water permit program to the Senate Committee on Agriculture, Conservation and Natural Resources, the Senate Committee on Finance, the House Committee on Appropriations, the House Committee on Conservation and Natural Resources and the House Committee on Finance. The report shall include the following: (i) the total costs, both direct and indirect, including the costs of overhead, water quality planning, water quality assessment, operations coordination, and surface water and ground water investigations, (ii) the total fees collected by permit category, (iii) the amount of general funds allocated to the Board, (iv) the amount of federal funds received, (v) the Board's use of the fees, the general funds, and the federal funds, (vi) the number of permit applications received by category, (vii) the number of permits issued by category, (viii) the progress in eliminating permit backlogs, (ix) the timeliness of permit processing, and (x) the direct and indirect costs to neighboring states of administering their water permit programs, including what activities each state categorizes as direct and indirect costs, and the fees charged to the permit holders and applicants.

In addition, the 1998 report shall include an analysis and estimate of the annual costs to permit holders and permit applicants if the direct and indirect costs of administering the water permit program were to be apportioned in a manner that would require the permit holders and applicants to pay fifty, seventy-five, and one hundred percent of the program's total cost through annual permit fees. The Department shall propose how the following factors could be used to adjust individual permit fees: (i) the average time and complexity of processing a permit in each of the various categories of permits and permit actions, (ii) the permit holder's compliance history, (iii) whether the permit holder has implemented pollution prevention plans, (iv) whether the applicant or permit holder has used innovative technology and (v) the financial hardship of the applicant or permit holder.

E. Fees collected pursuant to this section shall not supplant or reduce in any way the general fund appropriation to the Board.

F. Permit fee schedules shall apply to permit programs in existence on July 1, 1992, any additional permits which may be required by the federal government and administered by the Board, or any new permit required pursuant to any law of the Commonwealth.

G. The Board is authorized to promulgate regulations establishing a schedule of reduced permit fees for facilities which have established a record of compliance with the terms and requirements of their permits.

2. That, subject to the third enactment of this act, the provisions of this act shall be effective May 1, 2006.

3. That the provisions of this act shall not become effective unless an amendment to the Constitution of Virginia (i) requiring regular sessions of the General Assembly convened in even-numbered years to last no longer than 30 days except with the concurrence of two-thirds of the members elected to each house, and (ii) requiring regular sessions of the General Assembly convened in odd-numbered years to last no longer than 60 days is affirmed by a majority of those voting at the election and upon such question in November 2004.