

052884720

SENATE BILL NO. 871

Offered January 12, 2005

Prefiled January 10, 2005

A BILL to amend and reenact §§ 2.2-1503.1, 2.2-1503.2, 2.2-1504, 2.2-1506, 2.2-1508, 2.2-1509, as it is currently effective and as it shall become effective, 2.2-2400, 2.2-2407, 2.2-2629, 9.1-167, 9.1-172, 10.1-1322, 10.1-1402.1, 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 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 §§ 2.2-1503.1, 2.2-1503.2, 2.2-1504, 2.2-1506, 2.2-1508, 2.2-1509, as it is currently effective and as it shall become effective, 2.2-2400, 2.2-2407, 2.2-2629, 9.1-167, 9.1-172, 10.1-1322, 10.1-1402.1, 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 of the Code of Virginia are amended and reenacted as follows:

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

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

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

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59 § 2.2-1504. Estimates by state agencies of amounts needed.

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

69 B. Each agency or undertaking required to submit a biennial estimate pursuant to subsection A shall
70 simultaneously submit an estimate of the amount that will be needed for the two succeeding biennial
71 periods beginning July 1 of the third year following the year in which the estimate is submitted. The
72 Department shall provide, within ~~thirty~~ 30 days following receipt, copies of all agency estimates
73 provided under this subsection to the chairmen of the House Committee on Appropriations and the
74 Senate Committee on Finance.

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

79 § 2.2-1506. Estimates of financial needs of General Assembly and judiciary.

80 On or before the first day of September biennially in the ~~odd-numbered~~ *years each even-numbered*
81 *year*, the Committees on Rules of the House of Delegates and the Senate shall furnish the Governor an
82 estimate of the financial needs of the General Assembly for each year of the ensuing biennial period
83 beginning with the first day of July thereafter; and the Supreme Court of Virginia shall furnish to the
84 Governor an estimate of the financial needs of the judiciary for each year of the ensuing biennial period
85 beginning with the first day of July thereafter. The Committees on Rules of the House of Delegates and
86 the Senate and the Supreme Court shall transmit to the Governor the estimates of all increases or
87 decreases.

88 § 2.2-1508. Submission of executive budget to General Assembly.

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

94 1. For each agency, the amount and number of positions appropriated for the current appropriation
95 year and the amount and number of positions recommended for each year of the ensuing biennial period
96 beginning with the first day of July thereafter, accompanied by an explanation of the recommended
97 amount and number of positions.

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

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

102 a. Administration of justice;

103 b. Education, including intellectual and cultural development;

104 c. Individual and family services;

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

107 e. Transportation; and

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

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

112 a. Identification of common programs and services;

113 b. Service attainments or lack of attainments and service terminations or reductions for the biennium;

114 c. Major goals, objectives, and specific outcomes related to expenditures for programs;

115 d. Program measures and performance standards to be used in monitoring and evaluating services;
116 and the development of appropriate evaluation cycles, within available resources;

117 e. The amount of each primary agency's budget that is direct aid to localities.

118 5. A statement of proposed capital appropriations organized by the primary agency that sets forth the
119 program need for the project and the proposed source of funding.

120 6. A listing of all activity, program-related, agency or departmental evaluations performed in the

previous two years with guidance indicating the manner in which the public can gain access to the full text of such studies.

7. A schedule and description of all data processing or other projects in which the Commonwealth has entered into or plans to enter into a contract, agreement or other financing agreement or such other arrangement that requires that the Commonwealth either pay for the contract by foregoing revenue collections, or allows or assigns to another party the collection on behalf of or for the Commonwealth any fees, charges, or other assessment or revenues to pay for the project. Such schedule shall include by agency and project (i) a summary of the terms, (ii) the anticipated duration, and (iii) cost or charges to any user, whether a state agency or institutions or other party not directly a party to the project arrangements. The description shall also include any terms or conditions that bind the Commonwealth or restrict the Commonwealth operations and the methods of procurement employed to reach such terms.

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

C. The Department of Planning and Budget shall prepare "The Executive Budget" and the "Executive Amendments to the Appropriation Act" in a manner and with language that can be easily understood by the citizens of the Commonwealth and that provides, to the extent practical, a cross-reference to the Governor's recommended budget bill or amendments to the Appropriation Act. Such documents shall also be placed on the Internet to provide easy access by the public.

§ 2.2-1509. Budget bill.

A. (Effective until July 1, 2008) On or before December 20 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 also shall submit to the presiding officer of each house of the General Assembly, at the same time he submits "The Executive Budget," copies of a tentative bill for all proposed appropriations of the budget, for each year in the ensuing biennial appropriation period, which shall be known as "The Budget Bill." "The Budget Bill" shall be organized by function, primary agency, and proposed appropriation item and shall include (i) an identification of, and authorization for, common programs and (ii) the appropriation of funds according to programs. Strategic plan information and performance measurement results developed by each agency shall be made available to the General Assembly as it considers "The Budget Bill." Except as expressly provided in an appropriation act, whenever the amounts in a schedule for a single appropriation item are shown in two or more lines, the portions of the total amount shown on separate lines are for information purposes only and are not limiting. No such bill shall contain any appropriation the expenditure of which is contingent upon the receipt of revenues in excess of funds unconditionally appropriated.

A. (Effective July 1, 2008) On or before December 20 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 also shall submit to the presiding officer of each house of the General Assembly, at the same time he submits "The Executive Budget," copies of a tentative bill for all proposed appropriations of the budget, for each year in the ensuing biennial appropriation period, which shall be known as "The Budget Bill." "The Budget Bill" shall be organized by function, primary agency, and proposed appropriation item and shall include an identification of, and authorization for, common programs and the appropriation of funds according to programs. Except as expressly provided in an appropriation act, whenever the amounts in a schedule for a single appropriation item are shown in two or more lines, the portions of the total amount shown on separate lines are for information purposes only and are not limiting. No such bill shall contain any appropriation the expenditure of which is contingent upon the receipt of revenues in excess of funds unconditionally appropriated.

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

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

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

E. On or before December 20 of the year immediately prior to the beginning of each regular session held in an ~~odd-numbered~~ *even-numbered* year of the General Assembly, the Governor shall submit to

the presiding officer of each house printed copies of all gubernatorial amendments proposed to the general appropriation act adopted in the immediately preceding ~~even-numbered~~ *odd-numbered* year session. In preparing the amendments, the Governor may obtain estimates in the manner prescribed in §§ 2.2-1504, 2.2-1505, and 2.2-1506. On the same date he shall also submit a tentative bill during the second year of the appropriation period, a request for authorization of additional bonded indebtedness if its issuance is authorized by, or its repayment is proposed to be made in whole or in part, from revenues or appropriations contained in the proposed gubernatorial amendments.

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

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

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

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

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

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

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

F. The Board shall submit a biennial report to the Governor and General Assembly on or before October 1 of each ~~even-numbered~~ *odd-numbered* year.

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

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

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

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

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

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

B. The Board shall consist of 15 members who shall be appointed by the Governor to serve at his pleasure. The Board shall include representatives of grower communities, migrant and seasonal farmworkers and crew leaders, if practical, and government, public and private agencies and interest groups or citizens concerned with migrant and seasonal farmworkers.

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

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

E. The Virginia Employment Commission shall provide staff support to the Board and serve as fiscal

agent for any funds received.

F. The Virginia Employment Commission shall submit a biennial report to the Governor and General Assembly on or before October 1 of each ~~even-numbered~~ *odd-numbered* year on the activities of the Board.

§ 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~~ 60 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 Clean Air Act, in tons per year, not to exceed 4,000 tons per year of each pollutant for each source. The annual permit program fees shall not exceed a base year amount of \$25 per ton using 1990 as the base year, and shall be adjusted annually by the Consumer Price Index as described in § 502 of the federal Clean Air Act. Permit program fees for air pollution sources who receive state operating permits in lieu of Title V operating permits shall be paid in the first year and thereafter shall be paid biennially. The fees shall approximate the direct and indirect costs of administering and enforcing the permit program, and of administering the small business stationary source technical and environmental compliance assistance program as required by the federal Clean Air Act. The Board shall also collect permit application fee amounts not to exceed \$30,000 from applicants for a permit for a new major stationary source. The permit application fee amount paid shall be credited towards the amount of annual fees owed pursuant to this section during the first two years of the source's operation. The fees shall be exempt from statewide indirect costs charged and collected by the Department of Accounts.

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

D. On January 1, 1993, and December 1 of every ~~even-numbered~~ *odd-numbered* year thereafter, the Department shall make an evaluation of the implementation of the permit fee program and provide this evaluation in writing to the Senate Committee on Agriculture, Conservation and Natural Resources, the Senate Committee on Finance, the House Committee on Appropriations, the House Committee on Agriculture, Chesapeake and Natural Resources and the House Committee on Finance. This evaluation shall include a report on the total fees collected, the amount of general funds allocated to the

Department, the Department's use of the fees and the general funds, the number of permit applications received, the number of permits issued, the progress in eliminating permit backlogs, and the timeliness of permit processing.

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

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

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

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

I. [Expired.]

§ 10.1-1402.1. Permit fee regulations.

Regulations promulgated by the Board which establish a permit fee assessment and collection system pursuant to subdivisions 15a, 15b and 16 of § 10.1-1402 shall be governed by the following:

1. 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. No fees shall be charged for minor modifications or minor amendments to such permits. For purposes of this subdivision, "minor permit modifications" or "minor amendments" means specific types of changes, defined by the Board, that are made to keep the permit current with routine changes to the facility or its operation and that do not require extensive review. A minor permit modification or amendment does not substantially alter permit conditions, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

2. 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.

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

4. Fees collected pursuant to subdivisions 15a, 15b or 16 of § 10.1-1402 shall not supplant or reduce in any way the general fund appropriation to the Board.

5. These permit fees shall be collected in order to recover a portion of the agency's costs associated with (i) the processing of an application to issue, reissue, amend or modify permits, which the Board has authority to issue for the purpose of more efficiently and expeditiously processing and maintaining permits and (ii) the inspections necessary to assure the compliance of large quantity generators of hazardous waste. The fees shall be exempt from statewide indirect costs charged and collected by the Department of Accounts.

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

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

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

2. Confederate Museum at Richmond. For the care of Confederate collections and maintenance of the 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 Board of Education shall revise, extend and adopt biennially a statewide six-year plan that shall be developed with statewide participation. The Board shall post such plan on the Department of Education's website if practicable, and, in any case, shall make a hard copy of such plan 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 plan have been met. The Board shall also develop, consistent with its six-year 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.

B. Each local school board shall revise, extend and adopt biennially a divisionwide six-year plan that shall be developed with staff and community involvement. Prior to the adoption of any divisionwide

six-year plan, each local school board shall post such plan on the division's Internet website if practicable, and, in any case, shall make a hard copy of the plan available for public inspection and copying and shall conduct at least one public hearing to solicit public comment on the divisionwide plan.

The divisionwide six-year plan shall include, but shall not be limited to, (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 projecting and 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 establishing regional programs and services in cooperation with neighboring school divisions; (vi) a plan for implementing such regional programs and 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; (viii) an assessment of the needs of the school division and evidence of community participation in the development of the plan; and (ix) any corrective action plan required pursuant to § 22.1-253.13:3.

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 plan have been met during the previous two school years.

C. Each public school shall prepare a biennial plan, which the relevant school board shall consider in the development of its divisionwide six-year plan.

D. The Board of Education shall, in a timely manner, make available to local school boards information about where current Virginia school laws, Board regulations and revisions, and copies of relevant Opinions of the Attorney General of Virginia may be located online.

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

551 (c) Such bonds may be issued to finance all or a portion of the cost of any project plus amounts to
552 fund issuance costs, reserve funds, capitalized interest for a period not to exceed one year following
553 completion of the project and for the corporate purpose or purposes of the institution specified by
554 § 23-17 hereof or to carry out the powers conferred on the institution by § 23-18 hereof.

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

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

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

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

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

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

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

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

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

582 (9) Limiting the issuance of additional bonds;

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

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

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

605 (f) Neither the Governor nor the members of the board nor any person executing such bonds shall be
606 liable personally on the bonds or be subject to any personal liability or accountability by reason of the
607 issuance thereof.

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

612 (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.

§ 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 employer at the same percentage of total annual compensation over a period of ~~forty~~ 40 years will be sufficient to amortize the unfunded accrued liability with respect to the employer.

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

674 members, plus the then present value of the normal contributions expected to be made in the future by
675 the employer.

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

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

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

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

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

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

717 § 53.1-82.3. Budgeting schedule for jail projects.

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

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

735 § 54.1-114. Biennial report.

The Board of Bar Examiners, the Department of Professional and Occupational Regulation and the Department of Health Professions shall submit biennial reports 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 for the Board of Bar Examiners and for each board within the two Departments: (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, (iv) a general summary of all complaints received against licensees and the procedures used to resolve the complaints, and (v) a description of any action taken by the board designed to increase public awareness of board operations and to facilitate public participation. The Department of Health Professions shall include, in those portions of its report relating to the Board of Medicine, a compilation of the data required by § 54.1-2910.1.

§ 54.1-1118. Definitions.

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

"Act" means the Virginia Contractor Transaction Recovery Act.

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

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

"Fund" means the Contractor Transaction Recovery Fund.

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

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

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

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

A. Each initial regulant at the time of licensure shall be assessed ~~twenty dollars~~ \$20, which shall be specifically assigned to the fund. Initial payments may be incorporated in any application fee payment and transferred to the fund by the Director within ~~thirty~~ 30 days.

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

C. The minimum balance of the fund shall be \$400,000. Whenever the Director determines that the balance of the fund is or will be less than such minimum balance, the Director shall immediately inform the Board. At the same time, the Director may recommend that the Board transfer a fixed amount of interest earnings to the fund to bring the balance of the fund to the amount required by this subsection. Such transfer of interest shall be considered by the Board within ~~thirty~~ 30 days of the notification of the Director.

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~~ 30 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~~ \$20 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.

807 E. At the close of each fiscal year, whenever the balance of the fund exceeds ~~\$2,000,000~~ \$2 million, the amount in excess of ~~\$2,000,000~~ \$2 million 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.

808 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~~ 45 days after the mailing to regulants of such notice.

809 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.

810 G. If any regulant fails to remit the required payment mailed in accordance with subsection F within ~~forty-five~~ 45 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~~ 30 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.

811 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.

812 § 62.1-44.15:6. Permit fee regulations.

813 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 that imposes permit fees.

814 B1. Permit fees charged an applicant for a Virginia Pollutant Discharge Elimination System permit or a Virginia Pollution Abatement permit 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 or for the regularly scheduled renewal of an individual permit for an existing facility. Fees shall be charged for a major modification or reissuance of a permit initiated by the permittee that occurs between permit issuance and the stated expiration date. No fees shall be charged for a modification or amendment made at the Board's initiative. In no instance shall the Board exceed the following amounts for the processing of each type of permit/certificate category:

815	Type of Permit/Certificate Category	Maximum
816	Amount	
817	1. Virginia Pollutant Discharge Elimination System	
818	Major Industrial	\$24,000
819	Major Municipal	\$21,300
820	Minor Industrial with nonstandard	
821	limits	\$10,300
822	Minor Industrial with standard limits	\$ 6,600
823	Minor Municipal greater than 100,000	
824	gallons per day	\$7,500
825	Minor Municipal 10,001-100,000 gallons	
826	per day	\$6,000
827	Minor Municipal 1,000-10,000 gallons	
828	per day	\$5,400
829	Minor Municipal less than 1,000	
830	gallons per day	\$2,000
831	General-industrial stormwater	
832	management	\$ 500
833	General-stormwater management-phase I	

857	land clearing	\$ 500
858	General-stormwater management-phase II	
859	land clearing	\$ 300
860	General-other	\$ 600
861	2. Virginia Pollution Abatement	
862	Industrial/Wastewater 10 or more	
863	inches per year	\$15,000
864	Industrial/Wastewater less than 10	
865	inches per year	\$10,500
866	Industrial/Sludge	\$ 7,500
867	Municipal/Wastewater	\$13,500
868	Municipal/Sludge	\$ 7,500
869	General Permit	\$ 600
870	Other	\$ 750

871 The fee for the major modification of a permit or certificate that occurs between the permit issuance
 872 and expiration dates shall be 50 percent of the maximum amount established by this subsection. No fees
 873 shall be charged for minor modifications or minor amendments to such permits. For the purpose of this
 874 subdivision, "minor modifications" or "minor amendments" means specific types of changes defined by
 875 the Board that are made to keep the permit current with routine changes to the facility or its operation
 876 that do not require extensive review. A minor permit modification or amendment does not substantially
 877 alter permit conditions, increase the size of the operation, or reduce the capacity of the facility to protect
 878 human health or the environment.

879 B2. Each permitted facility shall pay a permit maintenance fee to the Board by October 1 of each
 880 year, not to exceed the following amounts:

881	Type of Permit/Certificate Category	Maximum
882	Amount	
883	1. Virginia Pollutant Discharge Elimination System	
884	Major Industrial	\$4,800
885	Major Municipal greater than 10	
886	million gallons per day	\$4,750
887	Major Municipal 2-10 million gallons	
888	per day	\$4,350
889	Major Municipal less than 2 million	
890	gallons per day	\$3,850
891	Minor Industrial with nonstandard	
892	limits	\$2,040
893	Minor Industrial with standard limits	\$1,320
894	Minor Industrial water treatment system	\$1,200
895	Minor Municipal greater than 100,000	
896	gallons per day	\$1,500
897	Minor Municipal 10,001-100,000 gallons	
898	per day	\$1,200
899	Minor Municipal 1,000-10,000 gallons	
900	per day	\$1,080
901	Minor Municipal less than 1,000	
902	gallons per day	\$ 400
903	2. Virginia Pollution Abatement	
904	Industrial/Wastewater 10 or more	
905	inches per year	\$3,000
906	Industrial/Wastewater less than 10	
907	inches per year	\$2,100
908	Industrial/Sludge	\$3,000
909	Municipal/Wastewater	\$2,700
910	Municipal/Sludge	\$1,500

911 An additional permit maintenance fee of \$1,000 shall be collected from facilities in a toxics
 912 management program and an additional permit maintenance fee shall be collected from facilities that
 913 have more than five process wastewater discharge outfalls. Permit maintenance fees shall be collected

914 annually and shall be remitted by October 1 of each year. For a local government or public service
 915 authority with permits for multiple facilities in a single jurisdiction, the permit maintenance fees for
 916 permits held as of April 1, 2004, shall not exceed \$20,000 per year. No permit maintenance fee shall be
 917 assessed for facilities operating under a general permit or for permits pertaining to a farming operation
 918 engaged in production for market.

919 B3. Permit application fees charged for Virginia Water Protection Permits, ground water withdrawal
 920 permits, and surface water withdrawal permits shall reflect the average time and complexity of
 921 processing a permit in each of the various categories of permits and permit actions and the size of the
 922 proposed impact. Only one permit fee shall be assessed for a water protection permit involving elements
 923 of more than one category of permit fees under this section. The fee shall be assessed based upon the
 924 primary purpose of the proposed activity. In no instance shall the Board charge a fee for a permit
 925 pertaining to maintenance dredging for federal navigation channels or other U.S. Army Corps of
 926 Engineers-sponsored dredging projects, and in no instance shall the Board exceed the following amounts
 927 for the processing of each type of permit/certificate category:

Type of Permit	Maximum
Amount	
1. Virginia Water Protection	
Individual-wetland impacts	\$2,400 plus \$220 per 1/10 acre of impact over two acres, not to exceed \$60,000
Individual-minimum	
instream flow	\$25,000
Individual-reservoir	\$35,000
Individual-nonmetallic mineral mining	\$ 7,500
General-less than 1/10 acre impact	\$ 0
General-1/10 to 1/2 acre impact	\$ 600
General-greater than 1/2 to one acre impact	\$1,200
General-greater than one acre to two acres of impact	\$120 per 1/10 acre of impact
2. Ground Water Withdrawal	\$6,000
3. Surface Water Withdrawal	\$12,000

951 No fees shall be charged for minor modifications or minor amendments to such permits. For the
 952 purpose of this subdivision, "minor modifications" or "minor amendments" means specific types of
 953 changes defined by the Board that are made to keep the permit current with routine changes to the
 954 facility or its operation that do not require extensive review. A minor permit modification or amendment
 955 does not substantially alter permit conditions, increase the size of the operation, or reduce the capacity
 956 of the facility to protect human health or the environment.

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

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

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

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

979 G. The Board is authorized to promulgate regulations establishing a schedule of reduced permit fees
980 for facilities that have established a record of compliance with the terms and requirements of their
981 permits and shall establish criteria by regulation to provide for reductions in the annual fee amount
982 assessed for facilities accepted into the Department's programs to recognize excellent environmental
983 performance.

984 2. That, except as provided in the third enactment of this act, the provisions of this act shall
985 become effective on May 1, 2008.

986 3. That, on or before December 20, 2007, the Governor shall submit to the presiding officer of
987 each house of the General Assembly a one-year executive budget and a tentative bill for all
988 proposed appropriations of such budget covering the period beginning July 1, 2008, and ending
989 June 30, 2009, inclusive. Such executive budget and such tentative bill for all proposed
990 appropriations of such budget submitted by the Governor in 2007, as required under subsection A
991 of § 2.2-1508 and subsection A of § 2.2-1509, respectively, shall not be for a biennial period;
992 rather, such executive budget and such tentative bill required under such subsections for the year
993 2007 shall cover only the period beginning July 1, 2008, and ending June 30, 2009.

994 4. That the provisions of this act, including the second and third enactments, shall not become
995 effective unless an amendment to the Constitution of Virginia (i) requiring regular sessions of the
996 General Assembly convened in even-numbered years to last no longer than 30 days except with the
997 concurrence of two-thirds of the members elected to each house and (ii) requiring regular sessions
998 of the General Assembly convened in odd-numbered years to last no longer than 60 days except
999 with the concurrence of two-thirds of the members elected to each house is affirmed by a majority
1000 of those voting at the election and upon such question in November 2006.