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SENATE BILL NO. 1050

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 23, 2009)

(Patron Prior to Substitute—Senator Whipple)

A *BILL to amend and reenact §§ 2.2-1514, as is currently effective and as may become effective, 10.1-546.1, and 10.1-2128.1 of the Code of Virginia, relating to the Virginia Natural Resources Commitment Fund.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1514, as is currently effective and as may become effective, 10.1-546.1, and 10.1-2128.1 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-1514. (Contingent expiration date - see Editor's notes) Designation of general fund for nonrecurring expenditures.

A. As used in this section:

"The Budget Bill" means the "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1518, the acquisition or construction of capital improvements, the acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act. Such term shall not include any expenditures relating to transportation, including but not limited to transportation maintenance.

B. At the end of each fiscal year, the Comptroller shall designate within his annual report pursuant to § 2.2-813 as follows: one-third of the remaining amount of the general fund balance that is not otherwise reserved or designated shall be designated by the Comptroller for nonrecurring expenditures, and two-thirds shall be designated for deposit into the Transportation Trust Fund. No such designation shall be made unless the full amounts required for other reserves or designations including, but not limited to, (i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund deposit pursuant to § 10.1-2128, ~~but excluding any deposits provided under the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1,~~ (iii) capital outlay reappropriations pursuant to the general appropriation act, (iv) (a) operating expense reappropriations pursuant to the general appropriation act, and (b) reappropriations of unexpended appropriations to certain public institutions of higher education pursuant to § 2.2-5005, (v) pro rata rebate payments to certain public institutions of higher education pursuant to § 2.2-5005, (vi) the unappropriated balance anticipated in the general appropriation act for the end of such fiscal year, and (vii) interest payments on deposits of certain public institutions of higher education pursuant to § 2.2-5005 are set aside. The Comptroller shall set aside amounts required for clauses (iv) (b), (v), and (vii) beginning with the initial fiscal year as determined under § 2.2-5005 and for all fiscal years thereafter. *Ten percent of the one-third of the remaining general fund balance designated by the Comptroller for non-recurring expenses shall be deposited into the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1, Code of Virginia.*

C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended appropriations from the general fund or recommended amendments to general fund appropriations in the general appropriation act in effect at that time an amount for nonrecurring expenditures and an amount for deposit into the Transportation Trust Fund equal to the amounts designated by the Comptroller for such purposes pursuant to the provisions of subsection B. Such deposit to the Transportation Trust Fund shall not preclude the appropriation of additional amounts from the general fund for transportation purposes.

§ 2.2-1514. (Contingent effective date - see Editor's notes) Designation of general fund for nonrecurring expenditures.

A. As used in this section:

"The Budget Bill" means the "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1518, the acquisition or construction of capital improvements, the acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act.

B. At the end of each fiscal year, the Comptroller shall designate within his annual report pursuant to § 2.2-813 an amount for nonrecurring expenditures, which shall equal the remaining amount of the general fund balance that is not otherwise reserved or designated. No such designation shall be made

60 unless the full amounts required for other reserves or designations including, but not limited to, (i) the
61 Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement
62 Fund deposit pursuant to § 10.1-2128, ~~but excluding any deposits provided under the Virginia Natural~~
63 ~~Resources Commitment Fund established under § 10.1-2128.1,~~ (iii) capital outlay reappropriations
64 pursuant to the general appropriation act, (iv) (a) operating expense reappropriations pursuant to the
65 general appropriation act, and (b) reappropriations of unexpended appropriations to certain public
66 institutions of higher education pursuant to § 2.2-5005, (v) pro rata rebate payments to certain public
67 institutions of higher education pursuant to § 2.2-5005, (vi) the unappropriated balance anticipated in the
68 general appropriation act for the end of such fiscal year, and (vii) interest payments on deposits of
69 certain public institutions of higher education pursuant to § 2.2-5005 are set aside. The Comptroller shall
70 set aside amounts required for clauses (iv) (b), (v), and (vii) beginning with the initial fiscal year as
71 determined under § 2.2-5005 and for all fiscal years thereafter. *Ten percent of the one-third of the*
72 *remaining general fund balance designated by the Comptroller for non-recurring expenses shall be*
73 *deposited into the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1, Code*
74 *of Virginia.*

75 C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended
76 appropriations from the general fund or recommended amendments to general fund appropriations in the
77 general appropriation act in effect at that time an amount for nonrecurring expenditures equal to the
78 amount designated by the Comptroller for such purpose pursuant to the provisions of subsection B of
79 this section.

80 § 10.1-546.1. Delivery of Agricultural Best Management Practices Cost-Share Program.

81 Districts shall locally deliver the ~~Commonwealth's~~ Virginia Agricultural Best Management Practices
82 Cost-Share ~~Assistance~~ Program *described under 10.1-2128.1*, under the direction of the Department, as a
83 means of promoting voluntary adoption of conservation management practices by farmers and land
84 managers in support of the Department's nonpoint source pollution management program.

85 § 10.1-2128.1. Virginia Natural Resources Commitment Fund established.

86 A. There is hereby created in the state treasury a special nonreverting fund to be known as the
87 Virginia Natural Resources Commitment Fund hereafter referred to as "the Subfund," which shall be a
88 subfund of the Virginia Water Quality Improvement Fund and administered by the Department of
89 Conservation and Recreation. The Subfund shall be established on the books of the Comptroller. All
90 amounts appropriated and such other funds as may be made available to the Subfund from any other
91 source, public or private, shall be paid into the state treasury and credited to the Subfund. Interest
92 earned on moneys in the Subfund shall remain in the Subfund and be credited to it. Any moneys
93 remaining in the Subfund, including interest thereon, at the end of each fiscal year shall not revert to the
94 general fund but shall remain in the Subfund. Moneys in the Subfund shall be used *as provided in*
95 *subsection B solely for the purposes as described in subsection B Virginia Agricultural Best*
96 *Management Practices Cost-Share Program administered by the Department of Conservation and*
97 *Recreation.*

98 B. Beginning on July 1, 2008, and continuing in each subsequent fiscal year ~~until July 1, 2018~~, out
99 of such amounts as may be appropriated and deposited to the Subfund, distributions shall be made in
100 each fiscal year for the following purposes:

101 1. ~~Five~~ *Eight* percent of the total amount distributed to the Virginia Agricultural Best Management
102 Practices Cost-Share Program shall be distributed to soil and water conservation districts to provide
103 technical assistance for the implementation of such agricultural best management practices. Each soil and
104 water conservation district in the Commonwealth shall receive a share according to a method employed
105 by the Director of the Department of Conservation and Recreation in consultation with the Virginia Soil
106 and Water Conservation Board, that accounts for the percentage of the available agricultural best
107 management practices funding that will be received by the district from the ~~Virginia Natural Resource~~
108 ~~Commitment Fund Subfund~~;

109 2. ~~Fifty-seven~~ *Fifty-five* percent of the total amount distributed to the Virginia Agricultural Best
110 Management Practices Cost-Share Program shall be used for matching grants for agricultural best
111 management practices on lands *in the Commonwealth* exclusively, or partly, within the Chesapeake Bay
112 watershed; and

113 3. ~~Thirty-eight~~ *Thirty-seven* percent of the total amount distributed to the Virginia Agricultural Best
114 Management Practices Cost-Share Program shall be used for matching grants for agricultural best
115 management practices on ~~all other~~ lands *in the Commonwealth* exclusively outside of the Chesapeake
116 Bay watershed ~~in the Commonwealth~~.