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HOUSE BILL NO. 846

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Counties, Cities and Towns
on February 12, 2010)

(Patron Prior to Substitute—Delegate Morefield)

A *BILL to amend and reenact § 15.2-6023 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 15.2-6023.1 and 15.2-6023.2, relating to civil penalties and the creation of the Southwest Regional Recreation Authority Fund.*

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-6023 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 15.2-6023.1 and 15.2-6023.2 as follows:

§ 15.2-6023. Violation of rules; civil penalties.

A. Any person who violates any of the rules adopted by the board pursuant to this chapter relating to permits or failure to purchase a permit, safety violations, or other civil violations is subject to a civil penalty of up to \$100.

B. *Civil penalties assessed under this section shall be paid into the Southwest Regional Recreation Authority Fund established in § 15.2-6023.1.*

C. *If the matter proceeds to court, any action under this section shall be brought in the general district court of the locality in which the penalty was issued. Upon a finding by a court of competent jurisdiction that the individual charged with violating the rules adopted by the board as detailed in subsection A was in violation of this section, the court shall impose a civil penalty upon the individual. Penalties assessed as the result of the action shall be remanded by the clerk of the court that adjudicated the action to the Southwest Regional Recreation Authority Fund.*

§ 15.2-6023.1. Southwest Regional Recreation Authority Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Southwest Regional Recreation Authority Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys levied and collected under the provisions of this chapter shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of administration and enforcement of this chapter and the rules promulgated by the board. Expenditures and disbursements from the Fund shall be made by the Authority on warrants issued by the Comptroller upon written request signed by a duly authorized officer of the Authority. The Auditor of Public Accounts shall audit all the accounts of the Authority as provided for in § 30-133.

§ 15.2-6023.2. Additional civil penalties.

Any locality within the Southwest Regional Recreation Area may, by ordinance, allocate to the Southwest Regional Recreation Authority Fund a specified portion of civil penalties paid for violations of local ordinances.

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