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HOUSE BILL NO. 66

Offered January 8, 2014

Prefiled December 6, 2013

A BILL to amend and reenact §§ 9.1-110 and 58.1-4022 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-279.10, relating to public elementary and secondary schools; school resource officers.

Patrons—Ramadan and Cole

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-110 and 58.1-4022 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-279.10 as follows:

§ 9.1-110. School Resource Officer Grants Program and Fund.

A. From the funds appropriated for such purpose and from the gifts, donations, grants, bequests, and other funds received on its behalf, there is established (i) the School Resource Officer Grants Program, to be administered by the Board, in consultation with the Board of Education, and (ii) a special nonreverting fund within the state treasury known as the School Resource Officer Incentive Grants Fund, hereinafter known as the "Fund." The Fund shall be established on the books of the Comptroller, and any moneys remaining in the Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

Subject to the authority of the Board to provide for its disbursement, the Fund shall be disbursed to award matching grants to local law-enforcement agencies and local school boards that have established a collaborative agreement to employ uniformed school resource officers, as defined in § 9.1-101, in addition to the school resource officer or officers provided pursuant to § 22.1-279.10, in middle and high schools within the relevant school division. The Board may disburse annually up to five percent of the Fund for the training of the school resource officers. School resource officers shall be certified law-enforcement officers and shall be employed to help ensure safety, to prevent truancy and violence in schools, and to enforce school board rules and codes of student conduct.

B. The Board shall establish criteria for making grants from the Fund, including procedures for determining the amount of a grant and the required local match. Any grant of general funds shall be matched by the locality on the basis of the composite index of local ability to pay. The Board may adopt guidelines governing the Program and the employment and duties of the school resource officers as it deems necessary and appropriate.

§ 22.1-279.10. Every school to have at least one school resource officer.

A. Each school board, in coordination with the local law-enforcement agency, shall place at least one full-time school resource officer as defined in § 9.1-101 in each public elementary and secondary school in the school division.

B. All costs associated with the provisions of this section shall be paid solely from the Lottery Proceeds Fund under § 58.1-4022.1, as required by § 58.1-4022.

§ 58.1-4022. State Lottery Fund.

A. All moneys received from the sale of lottery tickets or shares, less payment for prizes and compensation of agents as authorized by regulation and any other revenues received under this chapter, shall be placed in a special fund known as the "State Lottery Fund." Notwithstanding any other provisions of law, interest earned from moneys in the State Lottery Fund shall accrue to the benefit of such Fund.

B. The total costs for the operation and administration of the lottery shall be funded from the State Lottery Fund and shall be in such amount as provided in the general appropriation act. Appropriations to the Department during any fiscal year beginning on and after July 1, 1989, exclusive of agent compensation, shall at no time exceed ten percent of the total annual estimated gross revenues to be generated from lottery sales. However, should it be anticipated at any time by the Director that such operational and administrative costs for a fiscal year will exceed the limitation provided herein, the Director shall immediately report such information to the Board, the Governor and the Chairmen of Senate Finance and House Appropriations Committees. From the moneys in the Fund, the Comptroller shall establish a special reserve fund in such amount as shall be provided by regulation of the Department for (i) operation of the lottery, (ii) use if the game's pay-out liabilities exceed its cash on hand, or (iii) enhancement of the prize pool with income derived from lending securities held for payment of prize installments, which lending of securities shall be conducted in accordance with lending

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59 programs approved by the Department of the Treasury.

60 C. The Comptroller shall transfer to the Lottery Proceeds Fund established pursuant to § 58.1-4022.1,
61 less the special reserve fund, the audited balances of the State Lottery Fund at the close of each fiscal
62 year. The transfer for each year shall be made in two parts: (i) on or before June 30, the Comptroller
63 shall transfer balances of the State Lottery Fund for the fiscal year, based on an estimate determined by
64 the State Lottery Department, and (ii) no later than ten days after receipt of the annual audit report
65 required by § 58.1-4023, the Comptroller shall transfer to the Lottery Proceeds Fund the remaining
66 audited balances of the State Lottery Fund for the fiscal year. If such annual audit discloses that the
67 actual revenue is less than the estimate on which the transfer was based, the State Comptroller shall
68 transfer the difference between the actual revenue and the estimate from the Lottery Proceeds Fund to
69 the State Lottery Fund.

70 D. In addition to such other funds as may be appropriated, 100 percent of the lottery revenues
71 transferred to the Lottery Proceeds Fund shall be appropriated entirely and solely for the purpose of
72 public education in the Commonwealth unless otherwise redirected pursuant to Article X, Section 7-A of
73 the Constitution of Virginia. The additional appropriation of lottery revenues to local school divisions
74 for public education purposes consistent with this provision shall be used *first to fund school resource*
75 *officers pursuant to § 22.1-279.10, and the remainder shall be used* for other operating, capital outlay,
76 or debt service expenses, as determined by the appropriation act. The additional appropriation of lottery
77 revenues shall not be used by any local school division to reduce its total local expenditures for public
78 education in accordance with the provisions of the general appropriation act.

79 E. As a function of the administration of this chapter, funds may be expended for the purposes of
80 reasonably informing the public concerning (i) the facts embraced in the subjects contained in
81 subdivisions 1 through 7 of subsection A of § 58.1-4007 and (ii) the fact that the net proceeds are paid
82 into the Lottery Proceeds Fund of the Commonwealth; but no funds shall be expended for the primary
83 purpose of inducing persons to participate in the lottery.