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SENATE BILL NO. 518

Offered January 8, 2020

Prefiled January 7, 2020

A *BILL to amend and reenact §§ 2.2-1202, 2.2-1503.1, 2.2-1504, 2.2-1506, 2.2-1508, 2.2-1509, 2.2-2400, 9.1-167, 9.1-172, 10.1-1018.1, 10.1-1020, 10.1-1322, 10.1-1402.1, 10.1-2202.3, 10.1-2212, 10.1-2213, 16.1-309.4, 22.1-18.01, 22.1-253.13:6, 22.1-289.1, 23.1-303, 23.1-306, 23.1-1106, 33.2-232, 33.2-352, 46.2-1503.5, 51.1-145, 53.1-82.3, 54.1-114, 54.1-1118, 54.1-2113, 54.1-4421, 58.1-1011, 58.1-1021.04:1, and 62.1-44.15:6 of the Code of Virginia, relating to changing the Commonwealth's biennial appropriations to begin in odd-numbered years.*

 Patron—McDougle

Referred to Committee on Finance and Appropriations

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1202, 2.2-1503.1, 2.2-1504, 2.2-1506, 2.2-1508, 2.2-1509, 2.2-2400, 9.1-167, 9.1-172, 10.1-1018.1, 10.1-1020, 10.1-1322, 10.1-1402.1, 10.1-2202.3, 10.1-2212, 10.1-2213, 16.1-309.4, 22.1-18.01, 22.1-253.13:6, 22.1-289.1, 23.1-303, 23.1-306, 23.1-1106, 33.2-232, 33.2-352, 46.2-1503.5, 51.1-145, 53.1-82.3, 54.1-114, 54.1-1118, 54.1-2113, 54.1-4421, 58.1-1011, 58.1-1021.04:1, and 62.1-44.15:6 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-1202. **Review of employee compensation; biennial report on employee recruitment and retention.**

A. It is a goal of the Commonwealth to compensate its employees at a rate comparable to the rate of compensation for employees in the private sector of the Commonwealth in similar occupations, and consistently recruit and retain the most suitably qualified employees. To achieve this goal, the Director of the Department shall annually review (i) recruitment and retention trends, (ii) the functions performed by each classified job role, (iii) the number of employees and distribution of classified job roles across state agencies, and (iv) how the salaries for each classified job role compare to salaries paid by other employers in the Commonwealth and, as appropriate, to comparable salaries at a regional or national level.

B. The Director of the Department shall, on or before September 1 of each ~~odd-numbered~~ *even-numbered* year, submit a report on (i) the classified job roles that should receive higher salary increases based on identified recruitment and retention challenges, (ii) the appropriate amount by which the salary of such classified job roles should be increased, and (iii) cost estimates for funding any salary increases to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

§ 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.

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

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

B. Each agency or undertaking required to submit a biennial estimate pursuant to subsection A shall simultaneously submit an estimate of the amount that will be needed for the two succeeding biennial periods beginning July 1 of the third year following the year in which the estimate is submitted. The Department shall provide, within ~~thirty~~ 30 days following receipt, copies of all agency estimates

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59 provided under this subsection to the chairmen of the House Committee on Appropriations and the
60 Senate Committee on Finance.

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

65 **§ 2.2-1506. Estimates of financial needs of General Assembly and judiciary.**

66 On or before the first day of September biennially in the ~~odd-numbered~~ *even-numbered* years the
67 Committees on Rules of the House of Delegates and the Senate shall furnish the Governor an estimate
68 of the financial needs of the General Assembly for each year of the ensuing biennial period beginning
69 with the first day of July thereafter; and the Supreme Court of Virginia shall furnish to the Governor an
70 estimate of the financial needs of the judiciary for each year of the ensuing biennial period beginning
71 with the first day of July thereafter. The Committees on Rules of the House of Delegates and the Senate
72 and the Supreme Court shall transmit to the Governor the estimates of all increases or decreases.

73 **§ 2.2-1508. Submission of executive budget to General Assembly.**

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

79 1. For each agency, the amount and number of positions appropriated for the current appropriation
80 year and the amount and number of positions recommended for each year of the ensuing biennial period
81 beginning with the first day of July thereafter, accompanied by an explanation of the recommended
82 amount and number of positions. Such information shall also include the total estimated amount
83 appropriated for personnel costs for each agency.

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

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

- 88 a. Administration of justice;
- 89 b. Education, including intellectual and cultural development;
- 90 c. Individual and family services;
- 91 d. Resources and economic development, including specific references to economic development and
92 management of natural resources;
- 93 e. Transportation; and
- 94 f. General government, including therein or as separate categories areas of multiple impact, such as
95 telecommunications, energy, and urban development.

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

- 98 a. Identification of common programs and services;
- 99 b. Service attainments or lack of attainments and service terminations or reductions for the biennium;
- 100 c. Major goals, objectives, and specific outcomes related to expenditures for programs;
- 101 d. Program measures and performance standards to be used in monitoring and evaluating services;
102 and the development of appropriate evaluation cycles, within available resources;
- 103 e. The amount of each primary agency's budget that is direct aid to localities.

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

106 6. A listing of all activity, program-related, agency or departmental evaluations performed in the
107 previous two years with guidance indicating the manner in which the public can gain access to the full
108 text of such studies.

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

118 B. On or before December 20 of the year immediately prior to the beginning of the regular session
119 of the General Assembly held in ~~odd-numbered~~ *even-numbered* years, the Governor shall submit to the
120 presiding officer of each house of the General Assembly printed copies of a budget document, which

121 shall be known as "Executive Amendments to the Appropriation Act," describing all gubernatorial
 122 amendments proposed to the general appropriation act enacted in the immediately preceding
 123 ~~even-numbered~~ *odd-numbered* session.

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

129 **§ 2.2-1509. Budget Bill.**

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

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

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

148 D. The Governor shall also ensure a prefiled bill is submitted to the Chairman of the House
 149 Committee on Appropriations and the Chairman of the Senate Committee on Finance in accordance with
 150 the deadlines for prefiling under subdivision A 3 of § 30-19.3 for any request for authorization of
 151 additional bonded indebtedness if its issuance is authorized by, or its repayment is proposed to be made
 152 in whole or in part, from revenues or appropriations contained in "The Budget Bill."

153 E. On or before December 20 of the year immediately prior to the beginning of each regular session
 154 held in an ~~odd-numbered~~ *even-numbered* year of the General Assembly, the Governor shall submit to
 155 the presiding officer of each house printed copies of all gubernatorial amendments proposed to the
 156 general appropriation act adopted in the immediately preceding ~~even-numbered~~ *odd-numbered* year
 157 session. In preparing the amendments, the Governor may obtain estimates in the manner prescribed in
 158 §§ 2.2-1504, 2.2-1505, and 2.2-1506. The Governor shall also ensure a prefiled bill is submitted to the
 159 Chairman of the House Committee on Appropriations and the Chairman of the Senate Committee on
 160 Finance in accordance with the deadlines for prefiling under subdivision A 3 of § 30-19.3 for any
 161 request for authorization of additional bonded indebtedness if its issuance is authorized by, or its
 162 repayment is proposed to be made in whole or in part, from revenues or appropriations contained in the
 163 proposed gubernatorial amendments.

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

169 **§ 2.2-2400. Art and Architectural Review Board; members and officers; travel expenses;
 170 quorum; compensation; staff; report.**

171 A. The Art and Architectural Review Board (the Board) is established as an advisory board, within
 172 the meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of six
 173 members as follows: the Director of the Department of Historic Resources, or his designee, serving as
 174 an ex officio member and five citizen members, appointed by the Governor. Of the citizen members,
 175 one shall be an architect who may be appointed from a list of two or more architects nominated by the
 176 governing board of the Virginia Society of the American Institute of Architects; one may be appointed
 177 from a list of two or more persons nominated by the governing board of the University of Virginia; one
 178 shall be a member of the board of trustees of the Virginia Museum of Fine Arts; and two shall be
 179 appointed from the Commonwealth at large, one of whom shall be a painter or sculptor. Lists of
 180 nominees shall be submitted at least 60 days before the expiration of the member's term for which the
 181 nominations are being made in order to be considered by the Governor in making appointments pursuant

182 to this section.

183 B. Beginning July 1, 2011, the Governor's appointments of the five citizen members shall be
 184 staggered as follows: two members for a term of one year, two members for a term of two years, and
 185 one member for a term of three years. Thereafter, members of the Board shall be appointed for terms of
 186 four years each, except appointments to fill vacancies, which shall be for the unexpired terms. No
 187 member shall serve for more than two consecutive four-year terms, except that any member appointed to
 188 the unexpired term of another shall be eligible to serve two consecutive four-year terms. Vacancies shall
 189 be filled in the manner of the original appointments. The Director of the Department of Historic
 190 Resources shall serve a term coincident with his term of office.

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

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

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

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

200 **§ 9.1-167. Calculation of adjusted crime index; use.**

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

205 **§ 9.1-172. Periodic determination of weights and constants.**

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

212 **§ 10.1-1018.1. Reporting.**

213 The chairman of the Board shall submit to the Governor and the General Assembly, including the
 214 Chairmen of the House Committee on Appropriations, the House Committee on Agriculture, Chesapeake
 215 and Natural Resources, the Senate Committee on Finance, and the Senate Committee on Agriculture,
 216 Conservation and Natural Resources, and to the Director of the Department of Planning and Budget an
 217 executive summary and report of the interim activity and work of the Board on or before December 15
 218 of each ~~even-numbered~~ *odd-numbered* year. The document shall report on the status of the Foundation
 219 and its Fund including, but not limited to, (i) implementation of its strategic plan; (ii) land conservation
 220 targeting tools developed for the Foundation; (iii) descriptions of projects that received funding; (iv) a
 221 description of the geographic distribution of land protected as provided in § 10.1-1021.1; (v)
 222 expenditures from, interest earned by, and financial obligations of the Fund; and (vi) progress made
 223 toward recognized state and regional land conservation goals. The executive summary and report shall
 224 be submitted as provided in the procedures of the Division of Legislative Automated Systems for the
 225 processing of legislative documents and reports and shall be posted on the General Assembly's website.

226 **§ 10.1-1020. Virginia Land Conservation Fund; purposes of Foundation.**

227 A. The Foundation shall establish, administer, manage, including the creation of reserves, and make
 228 expenditures and allocations from a special, nonreverting fund in the state treasury to be known as the
 229 Virginia Land Conservation Fund, hereinafter referred to as the Fund. The Foundation shall establish and
 230 administer the Fund solely for the purposes of:

231 1. Acquiring fee simple title or other rights, including the purchase of development rights, to interests
 232 or privileges in property for the protection or preservation of ecological, cultural or historical resources,
 233 lands for recreational purposes, state forest lands, and lands for threatened or endangered species, fish
 234 and wildlife habitat, natural areas, agricultural and forestal lands and open space; and

235 2. Providing grants to state agencies, including the Virginia Outdoors Foundation, and matching
 236 grants to other public bodies and holders for acquiring fee simple title or other rights, including the
 237 purchase of development rights, to interests or privileges in real property for the protection or
 238 preservation of ecological, cultural or historical resources, lands for recreational purposes, and lands for
 239 threatened or endangered species, fish and wildlife habitat, natural areas, agricultural and forestal lands
 240 and open space. The Board shall establish criteria for making grants from the Fund, including
 241 procedures for determining the amount of each grant and the required match. The criteria shall include
 242 provisions for grants to localities for purchase of development rights programs.

243 Interests in land acquired as provided in subdivision 1 of this subsection may be held by the

244 Foundation or transferred to state agencies or other appropriate holders. Whenever a holder acquires any
245 interest in land other than a fee simple interest as a result of a grant or transfer from the Foundation,
246 such interest shall be held jointly by the holder and a public body. Whenever a holder acquires a fee
247 simple interest in land as a result of a grant or transfer from the Foundation, a public body shall hold an
248 open space easement in such land.

249 B. The Fund shall consist of general fund moneys and gifts, endowments or grants from the United
250 States government, its agencies and instrumentalities, and funds from any other available sources, public
251 or private. Such moneys, gifts, endowments, grants or funds from other sources may be either restricted
252 or unrestricted. For the purposes of this chapter, "restricted funds" shall mean those funds received by
253 the Board to which specific conditions apply; "restricted funds" shall include, but not be limited to,
254 general obligation bond moneys and conditional gifts. "Unrestricted funds" shall mean those received by
255 the Foundation to which no specific conditions apply; "unrestricted funds" shall include, but not be
256 limited to, moneys appropriated to the Fund by the General Assembly to which no specific conditions
257 are attached and unconditional gifts.

258 Beginning July 1, 2019, the Foundation shall conduct a grant round each year to identify and rank
259 projects for the subsequent fiscal year. Biennially in the ~~odd-numbered~~ *even-numbered* years, the
260 Foundation shall assume an amount of funding of the grant program as provided in the general
261 appropriation act. Biennially in the ~~even-numbered~~ *odd-numbered* years, the Foundation shall assume the
262 most recent amount of funding of the grant program as specified in the most recently enacted general
263 appropriation act. On or before December 15 of each year, the chairman of the Board of Trustees shall
264 provide copies of such project rankings to the Chairmen of the House Committee on Appropriations and
265 the Senate Committee on Finance. At the beginning of each fiscal year, the Foundation shall finalize
266 grant awards based on the funded level appropriated for that year, as provided in subsections C and D.
267 Any ranked project that does not receive a proposed grant as a result of an insufficiency in appropriated
268 funds shall be eligible to participate in a subsequent grant round.

269 C. In any fiscal year for which the Fund is appropriated less than \$10 million, and after an allocation
270 for administrative expenses has been made as provided in subsection G, the remaining unrestricted funds
271 in the Fund shall be allocated as follows:

272 1. Twenty-five percent shall be transferred to the Virginia Outdoors Foundation's Open-Space Lands
273 Preservation Trust Fund to be used as provided in § 10.1-1801.1; and

274 2. Seventy-five percent shall be divided equally among the following four grant uses: (i) natural area
275 protection; (ii) open spaces and parks, including but not limited to, land for public hunting, fishing or
276 wildlife watching; (iii) farmlands and forest preservation; and (iv) historic area preservation. Of the
277 amount allocated as provided in this subdivision, at least one third shall be used to secure easements to
278 be held or co-held by a public body.

279 D. In any fiscal year for which the Fund is appropriated \$10 million or more, and after an allocation
280 for administrative expenses has been made as provided in subsection G, the remaining unrestricted funds
281 in the Fund shall be allocated as follows:

282 1. Twenty-five percent shall be transferred to the Virginia Outdoors Foundation's Open-Space Lands
283 Preservation Trust Fund to be used as provided in § 10.1-1801.1; and

284 2. The remaining funds shall be divided equally among the following five grant uses: (i) natural area
285 protection; (ii) open spaces and parks, including but not limited to, land for public hunting, fishing, or
286 wildlife watching; (iii) farmland preservation; (iv) forestland conservation; and (v) historic area
287 preservation.

288 E. Any moneys remaining in the Fund at the end of a biennium shall remain in the Fund, and shall
289 not revert to the general fund. Interest earned on moneys received by the Fund other than bond proceeds
290 shall remain in the Fund and be credited to it. Any funds transferred to the Open-Space Lands
291 Preservation Trust Fund pursuant to this section and not disbursed or committed to a project by the end
292 of the fiscal year in which the funds were transferred shall be returned to the Virginia Land
293 Conservation Fund and shall be redistributed among the authorized grant uses during the next grant
294 cycle.

295 F. A portion of the Fund, not to exceed twenty percent of the annual balance of unrestricted funds,
296 may be used to develop properties purchased in fee simple, or through the purchase of development
297 rights, with the assets of the Fund for public use including, but not limited to, development of trails,
298 parking areas, infrastructure, and interpretive projects or to conduct environmental assessments or other
299 preliminary evaluations of properties prior to the acquisition of any property interest.

300 G. Up to \$250,000 per year of the interest generated by the Fund may be used for the Foundation's
301 administrative expenses, including, but not limited to, the expenses of the Board and its members,
302 development of the Foundation's strategic plan, development and maintenance of an inventory of
303 properties as provided in subdivision 1 b of § 10.1-1021, development of a needs assessment for future
304 expenditures as provided in subdivision 1 c of § 10.1-1021, and fulfillment of reporting requirements.

305 All such expenditures shall be subject to approval by the Board of Trustees.

306 H. The Comptroller shall maintain the restricted funds and the unrestricted funds in separate
307 accounts.

308 I. For the purposes of this section, "public body" shall have the meaning ascribed to it in
309 § 10.1-1700, and "holder" shall have the meaning ascribed to it in § 10.1-1009.

310 **§ 10.1-1322. Permits.**

311 A. Pursuant to regulations adopted by the Board and subject to § 10.1-1322.01, permits may be
312 issued, amended, revoked or terminated and reissued by the Department and may be enforced under the
313 provisions of this chapter in the same manner as regulations and orders. Failure to comply with any
314 condition of a permit shall be considered a violation of this chapter and investigations and enforcement
315 actions may be pursued in the same manner as is done with regulations and orders of the Board under
316 the provisions of this chapter. To the extent allowed by federal law, any person holding a permit who is
317 intending to upgrade the permitted facility by installing technology, control equipment, or other
318 apparatus that the permittee demonstrates to the satisfaction of the Director will result in improved
319 energy efficiency, will reduce the emissions of regulated air pollutants, and meets the requirements of
320 Best Available Control Technology shall not be required to obtain a new, modified, or amended permit.
321 The permit holder shall provide the demonstration anticipated by this subsection to the Department no
322 later than 30 days prior to commencing construction.

323 B. The Board by regulation may prescribe and provide for the payment and collection of annual
324 permit program fees for air pollution sources. Annual permit program fees shall not be collected until (i)
325 the federal Environmental Protection Agency approves the Board's operating permit program established
326 pursuant to Title V of the federal Clean Air Act or (ii) the Governor determines that such fees are
327 needed earlier to maintain primacy over the program. The annual fees shall be based on the actual
328 emissions (as calculated or estimated) of each regulated pollutant, as defined in § 502 of the federal
329 Clean Air Act, in tons per year, not to exceed 4,000 tons per year of each pollutant for each source. The
330 annual permit program fees shall not exceed a base year amount of \$25 per ton using 1990 as the base
331 year, and shall be adjusted annually by the Consumer Price Index as described in § 502 of the federal
332 Clean Air Act. Permit program fees for air pollution sources who receive state operating permits in lieu
333 of Title V operating permits shall be paid in the first year and thereafter shall be paid biennially. The
334 fees shall approximate the direct and indirect costs of administering and enforcing the permit program,
335 and of administering the small business stationary source technical and environmental compliance
336 assistance program as required by the federal Clean Air Act. The Board shall also collect permit
337 application fee amounts not to exceed \$30,000 from applicants for a permit for a new major stationary
338 source. The permit application fee amount paid shall be credited towards the amount of annual fees
339 owed pursuant to this section during the first two years of the source's operation. The fees shall be
340 exempt from statewide indirect costs charged and collected by the Department of Accounts.

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

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

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

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

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

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

361 I. [Expired.]

362 **§ 10.1-1402.1. Permit fee regulations.**

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

365 1. Permit fees charged an applicant shall reflect the average time and complexity of processing a
366 permit in each of the various categories of permits and permit actions. No fees shall be charged for

367 minor modifications or minor amendments to such permits. For purposes of this subdivision, "minor
 368 permit modifications" or "minor amendments" means specific types of changes, defined by the Board,
 369 that are made to keep the permit current with routine changes to the facility or its operation and that do
 370 not require extensive review. A minor permit modification or amendment does not substantially alter
 371 permit conditions, increase the size of the operation, or reduce the capacity of the facility to protect
 372 human health or the environment.

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

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

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

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

392 **§ 10.1-2202.3. Stewardship of state-owned historic properties.**

393 A. In order to consider the broad public interest and protect the financial investment in state-owned
 394 historic assets, the Department shall develop, on a biennial basis, a report on the stewardship of
 395 state-owned properties. The report shall include, but not be limited to, a priority list of the
 396 Commonwealth's most significant state-owned properties that are eligible for but not designated on the
 397 Virginia Landmarks Register pursuant to § 10.1-2206.1. The report shall also provide a priority list of
 398 significant state-owned properties, designated on or eligible for the Virginia Landmarks Register, which
 399 are threatened with the loss of historic integrity or functionality. In developing the report, the
 400 Department shall, in addition to significance and threat, take into account other public interest
 401 considerations associated with landmark designation and the provision of proper care and maintenance of
 402 property. These considerations shall include: (i) potential financial consequences to the Commonwealth
 403 associated with failure to care for and maintain property, (ii) significant public educational potential, (iii)
 404 significant tourism opportunities, and (iv) community values and comments. The report shall be
 405 forwarded to all affected state agencies, including institutions of higher education, the Governor, the
 406 Secretary of Administration, the Secretary of Natural Resources, the Secretary of Finance, and the
 407 General Assembly. All agencies of the Commonwealth shall assist and support the development of the
 408 report by providing information and access to property as may be requested.

409 B. Each agency that owns property included in the report required by subsection A shall initiate
 410 consultation with the Department within 60 days of receipt of the report and make a good faith effort to
 411 reach a consensus decision on designation of an unlisted property and on the feasibility, advisability, and
 412 general manner of addressing property needs in the case of a threatened historic property.

413 C. The Department shall prepare a biennial status report summarizing actions, decisions taken, and
 414 the condition of properties previously identified as priorities. The status report, which may be combined
 415 with the report required pursuant to subsection A, shall be forwarded to all affected state agencies,
 416 including institutions of higher education, as well as to the Governor, the Secretary of Administration,
 417 the Secretary of Natural Resources, the Secretary of Finance, and the General Assembly.

418 D. The reports required in subsections A and C shall be completed and distributed as required no
 419 later than May 1 of each ~~odd-numbered~~ *even-numbered* year, so that information contained therein is
 420 available to the agencies, the Secretary of Finance, the Secretary of Administration, and the Governor, as
 421 well as the General Assembly, during budget preparation.

422 **§ 10.1-2212. Listing of certain historical societies receiving appropriations.**

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

- 428 1. Virginia Historical Society. For aid in maintaining Battle Abbey at Richmond.
 429 2. Confederate Museum at Richmond. For the care of Confederate collections and maintenance of the
 430 Virginia Room.
 431 3. Valentine Museum at Richmond. For providing exhibits to the public schools of Virginia.
 432 4. Woodrow Wilson Birthplace Foundation, Incorporated. To aid in restoring and maintaining the
 433 Woodrow Wilson home at Staunton.
 434 5. Robert E. Lee Memorial Association, Incorporated. To aid in further development of "Stratford" in
 435 Westmoreland County.
 436 6. Poe Foundation, Incorporated. To aid in maintaining the Poe Shrine at Richmond.
 437 7. Patrick Henry Memorial Foundation at Brookneal. To aid in maintaining home.
 438 8. Hanover County Branch, Association for the Preservation of Virginia Antiquities. To aid in
 439 maintaining the Patrick Henry home at "Scotchtown" in Hanover County.
 440 9. Historic Lexington Foundation. To aid in restoration and maintenance of the Stonewall Jackson
 441 home at Lexington.
 442 10. "Oatlands," Incorporated. To aid in maintaining "Oatlands" in Loudoun County.
 443 11. Montgomery County Branch, Association for the Preservation of Virginia Antiquities. To aid in
 444 maintaining Smithfield Plantation House.
 445 12. The Last Capitol of the Confederacy. For the preservation of the Last Capitol of the Confederacy
 446 in Danville.
 447 13. Association for the Preservation of Virginia Antiquities. For assistance in maintaining certain
 448 historic landmarks throughout the Commonwealth.
 449 14. The Corporation for Jefferson's "Poplar Forest." To aid in restoring, maintaining, and operating
 450 "Poplar Forest," Thomas Jefferson's Bedford County home.
 451 15. Belle Grove, Incorporated. To aid in providing educational programs for Virginia students.
 452 16. George Washington's Fredericksburg Foundation. To aid in the restoration and perpetuation of
 453 "Ferry Farm," George Washington's boyhood home.
 454 17. Montpelier National Trust for Historic Preservation. To aid in restoring, maintaining, and
 455 operating Montpelier, the lifelong home of President James Madison, in Orange County.
 456 18. Eastern Shore of Virginia Historical Society. To aid in restoring, maintaining and operating Kerr
 457 Place in Accomack County.
 458 19. New Town Improvement and Civic Club, Inc. To aid in restoring, maintaining and operating
 459 Little England Chapel, a landmark to Hampton's first generation of freedmen, in the City of Hampton.
 460 20. Woodlawn Plantation. To aid in the preservation and maintenance of Woodlawn Plantation.
 461 21. Friends of Historic Huntley. To support the research and preservation of Historic Huntley
 462 Mansion.
 463 22. Menokin Foundation, Incorporated. To aid in further development of Menokin, home of Francis
 464 Lightfoot Lee.
 465 23. Historic Gordonsville, Inc., the owner of the Gordonsville Exchange Hotel. To aid in maintaining
 466 the Gordonsville Exchange Hotel and in providing educational programs for Virginia's students.
 467 B. Organizations receiving state funds as provided for in this section shall certify to the satisfaction
 468 of the Department that matching funds from local or private sources are available in an amount at least
 469 equal to the amount of the request in cash or in kind contributions which are deemed acceptable to the
 470 Department.
 471 C. Requests for funding of historical societies or like organizations as set forth in subsection A shall
 472 be considered by the Governor and the General Assembly only in ~~even-numbered~~ *odd-numbered* years.
 473 **§ 10.1-2213. Procedure for appropriation of state funds for historic preservation.**
 474 A. No state funds, other than for the maintenance and operation of those facilities specified in
 475 § 10.1-2211 or 10.1-2212 and for the purchase of property for preservation of historical resources by the
 476 Virginia Land Conservation Foundation as provided in Chapter 10.2 (§ 10.1-1017 et seq.) of this title,
 477 shall be appropriated or expended for or to organizations, whether localities or private entities, as set
 478 forth in the general appropriations act for: (i) the maintenance of collections and exhibits; (ii) the
 479 maintenance, operation, and interpretation of historic sites and facilities owned or operated by such
 480 organizations; or (iii) operational and educational activities pursuant to subsection C unless:
 481 1. A request and completed application for state aid is filed by the organization with the Department,
 482 on forms prescribed by the Department, on or before October 1 prior to each regular session of the
 483 General Assembly in an ~~even-numbered~~ *odd-numbered* year. Requests shall be considered by the
 484 Governor and the General Assembly only in ~~even-numbered~~ *odd-numbered* years. The Department shall
 485 review each application made by an organization for state aid prior to consideration by the General
 486 Assembly. The Department shall provide a timely review of any amendments proposed by members of
 487 the General Assembly to the chairmen of the House Appropriations and Senate Finance Committees.
 488 The review shall examine the merits of each request, including data showing the percentage of federal,
 489 local, or private funds raised by the organization for the proposed project. The review and analysis

590 provided by the Department shall be strictly advisory. The Department shall forward to the Department
 591 of Planning and Budget any application that is not for the maintenance of collections and exhibits or for
 592 the maintenance, operation, and interpretation of historic sites and facilities. Such applications shall be
 593 governed by the procedures identified in § 2.2-1505.

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

590 3. Any such private organization shall provide documentation of its tax exempt status under
 591 § 501(c)(3) of the United States Internal Revenue Code.

592 4. Such organization shall certify that the applicant has read and acknowledged all information and
 593 requirements regarding how the grants will be administered and how funds will be disbursed.

594 5. Such organization shall state in its application the purpose of the grant. The grant recipient must
 595 justify and request in writing approval by the Department for changes in the scope of the project prior
 596 to implementing those changes. If grant funds are used for something other than the purpose for which
 597 they were requested without prior review and approval by the Department, then all state funds must be
 598 returned.

599 6. Such organization shall submit documentation on match funding and approved expenditures shall
 590 be submitted with all requests for disbursement.

591 7. Such organization shall provide progress reports as prescribed by the Department. At a minimum
 592 such reports shall be submitted with reimbursement requests and a final report at the conclusion of the
 593 project.

594 8. Such organization receiving the state grant shall comply with applicable state procurement
 595 requirements pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

596 9. In the case of new construction or ground disturbing activities funded by state grants, the
 597 organization shall afford the Department an opportunity to review the potential impact on any historic
 598 resources. Such review shall be provided by the Department within 15 days of receipt of completed
 599 information.

590 10. For all state grants for capital projects, whether for new construction, rehabilitation, restoration,
 591 or reconstruction, funds shall be disbursed only as reimbursement for approved activities.

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

594 B. In addition to the requirements of subsection A of this section, no state funds other than for those
 595 facilities specified in § 10.1-2211 or 10.1-2212 shall be appropriated or expended for the rehabilitation,
 596 restoration, or reconstruction of any historic site unless:

597 1. The property is designated as a historic landmark by the Board and is located on the register
 598 prepared by the Department pursuant to § 10.1-2202 or has been declared eligible by the Board for
 599 such designation but has not actually been placed on the register of buildings and sites provided for in
 590 § 10.1-2202;

591 2. The organization owning such property and any organization managing such property, if different
 592 from the owner, enter into an agreement with the Department that the property will be open to the
 593 public for at least 100 days per year for no less than five years following completion of the project for
 594 which state funds are received;

595 3. The organization owning the property and any organization managing the project, if different from
 596 the owner, submit the plans and specifications of the project to the Department for review and approval
 597 to ensure that the project meets generally accepted standards for historic preservation; and

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

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

596 C. The Department shall be responsible for the administration of this section and §§ 10.1-2211 and
 597 10.1-2212 and the disbursement of all funds appropriated thereto.

598 State funds appropriated for the operation of historical societies, museums, foundations, associations,
 599 or other such organizations shall be expended for historical facilities, reenactments, meetings,
 590 conferences, tours, seminars, or other general operating expenses as may be specified in the general

551 appropriations act. Funds appropriated for these purposes shall be distributed annually to the treasurers
552 of any such organizations. The appropriations act shall clearly designate that all such funds are to be
553 used for the operating expenses of such organization.

554 **§ 16.1-309.4. Statewide plan for juvenile services.**

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

563 **§ 22.1-18.01. Biennial review of the standards of quality required; budget estimates.**

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

568 B. If the Board proposes changes to the standards of quality, the budget estimates that are required to
569 be reported pursuant to § 2.2-1504 shall take into consideration the Board's proposed standards of
570 quality.

571 **§ 22.1-253.13:6. Standard 6. Planning and public involvement.**

572 A. The Board of Education shall adopt a statewide comprehensive, unified, long-range plan based on
573 data collection, analysis, and evaluation. Such plan shall be developed with statewide participation. The
574 Board shall review the plan biennially and adopt any necessary revisions. The Board shall post the plan
575 on the Department of Education's website if practicable, and, in any case, shall make a hard copy of
576 such plan available for public inspection and copying.

577 This plan shall include the objectives of public education in Virginia, including strategies for first
578 improving student achievement, particularly the achievement of educationally at-risk students, then
579 maintaining high levels of student achievement; an assessment of the extent to which these objectives
580 are being achieved; a forecast of enrollment changes; and an assessment of the needs of public
581 education in the Commonwealth. In the annual report required by § 22.1-18, the Board shall include an
582 analysis of the extent to which these Standards of Quality have been achieved and the objectives of the
583 statewide comprehensive plan have been met. The Board shall also develop, consistent with, or as a part
584 of, its comprehensive plan, a detailed comprehensive, long-range plan to integrate educational
585 technology into the Standards of Learning and the curricula of the public schools in Virginia, including
586 career and technical education programs. The Board shall review and approve the comprehensive plan
587 for educational technology and may require the revision of such plan as it deems necessary.

588 B. Each local school board shall adopt a divisionwide comprehensive, unified, long-range plan based
589 on data collection, an analysis of the data, and how the data will be utilized to improve classroom
590 instruction and student achievement. The plan shall be developed with staff and community involvement
591 and shall include, or be consistent with, all other divisionwide plans required by state and federal laws
592 and regulations. Each local school board shall review the plan biennially and adopt any necessary
593 revisions. Prior to the adoption of any divisionwide comprehensive plan or revisions thereto, each local
594 school board shall post such plan or revisions on the division's Internet website if practicable, and, in
595 any case, shall make a hard copy of the plan or revisions available for public inspection and copying
596 and shall conduct at least one public hearing to solicit public comment on the divisionwide plan or
597 revisions.

598 The divisionwide comprehensive plan shall include, but shall not be limited to, (i) the objectives of
599 the school division, including strategies for first improving student achievement, particularly the
600 achievement of educationally at-risk students, then maintaining high levels of student achievement; (ii)
601 an assessment of the extent to which these objectives are being achieved; (iii) a forecast of enrollment
602 changes; (iv) a plan for projecting and managing enrollment changes including consideration of the
603 consolidation of schools to provide for a more comprehensive and effective delivery of instructional
604 services to students and economies in school operations; (v) an evaluation of the appropriateness of
605 establishing regional programs and services in cooperation with neighboring school divisions; (vi) a plan
606 for implementing such regional programs and services when appropriate; (vii) a technology plan
607 designed to integrate educational technology into the instructional programs of the school division,
608 including the school division's career and technical education programs, consistent with, or as a part of,
609 the comprehensive technology plan for Virginia adopted by the Board of Education; (viii) an assessment
610 of the needs of the school division and evidence of community participation, including parental
611 participation, in the development of the plan; (ix) any corrective action plan required pursuant to §
612 22.1-253.13:3; and (x) a plan for parent and family involvement to include building successful school

613 and parent partnerships that shall be developed with staff and community involvement, including
614 participation by parents.

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

618 C. Each public school shall also prepare a comprehensive, unified, long-range plan, which the
619 relevant school board shall consider in the development of its divisionwide comprehensive plan.

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

623 **§ 22.1-289.1. Teacher compensation; biennial review required.**

624 It is a goal of the Commonwealth that its public school teachers be compensated at a rate that is
625 competitive in order to attract and keep highly qualified teachers. As used in this section, "competitive"
626 means, at a minimum, at or above the national average teacher salary. The Director of Human Resource
627 Management shall conduct a biennial review of the compensation of teachers and other occupations
628 requiring similar education and training and shall consider the Commonwealth's compensation for
629 teachers relative to member states in the Southern Regional Education Board. The results of these
630 reviews shall be reported to the Governor, the General Assembly, and the Board of Education by June 1
631 of each ~~odd-numbered~~ *even-numbered* year.

632 **§ 23.1-303. Calculation of state general fund share of an institution's basic operations and**
633 **instruction funding need; cost of education.**

634 A. Following consultation with each public institution of higher education and the Higher Education
635 Advisory Committee described in § 23.1-309, the Council shall calculate the basic operations and
636 instruction funding need of each public institution of higher education as provided in subsection B for
637 each year of the next biennium and make such calculation available to the Governor, the General
638 Assembly, and all public institutions of higher education. The Governor shall take into account each
639 institution's basic operations and instruction funding need and the Commonwealth's funding split policy
640 established in the general appropriation act by which 67 percent of an institution's cost of education for
641 Virginia students is funded from the state general fund and 33 percent from funds other than the state
642 general fund during the preparation of his proposed biennial budget bill for the next biennium, and the
643 General Assembly shall take such items into account in enacting the general appropriation act for the
644 next biennium. Between such biennial recalculations, the General Assembly may increase or decrease the
645 appropriation of basic operations and instruction funding to a public institution of higher education to
646 correspond with an increase or decrease in Virginia undergraduate student enrollment at the institution as
647 provided in § 23.1-304, or the institution's meeting or not meeting targeted financial incentives listed in
648 § 23.1-305, or for any other purpose deemed appropriate by the General Assembly.

649 B. The basic operations and instruction funding need of each public institution of higher education
650 for each fiscal year of the biennium shall consist of the sum of (i) the institution's cost of education for
651 the total enrollment in actual attendance during the fiscal year that ended on June 30 of each
652 ~~odd-numbered~~ *even-numbered* year, which shall be determined using a cost-based funding policy that
653 consists of (a) a set of formulas for calculating (1) educational cost based on faculty-student ratios by
654 discipline and level and (2) the educational and general programs of instruction, academic support,
655 student services, institutional support, and operation and maintenance of physical plant and (b)
656 adjustments based on particular state policies or specific institutional missions or conditions; (ii) the
657 amount required to reach the Commonwealth's faculty salary goal of the 60th percentile of the most
658 recently reported average faculty salaries paid by that institution's peer institutions as established in the
659 general appropriation act; and (iii) such other funding for educational and general services as the
660 General Assembly may appropriate.

661 C. State general funds shall be allocated and appropriated to public institutions of higher education in
662 a fair and equitable manner such that, to the extent practicable, the percentage of the cost of education
663 for Virginia students enrolled at an institution to be funded from state general funds is the same for each
664 institution. To the extent that the percentages differ among institutions, that fact shall be taken into
665 account as the Governor deems appropriate in his proposed biennial budget bill and by the General
666 Assembly as it deems appropriate in the general appropriation act.

667 **§ 23.1-306. Public institutions of higher education; six-year plans; institutional partnership**
668 **performance agreements.**

669 A. The governing board of each public institution of higher education shall (i) develop and adopt
670 biennially in ~~odd-numbered~~ *even-numbered* years and amend or affirm biennially in ~~even-numbered~~
671 *odd-numbered* years a six-year plan for the institution; (ii) submit a preliminary version of such plan to
672 the Council, the General Assembly, the Governor, and the Chairmen of the House Committee on
673 Appropriations, the House Committee on Education, the Senate Committee on Education and Health,

674 and the Senate Committee on Finance no later than July 1 of each ~~odd-numbered~~ *even-numbered* year;
 675 and (iii) submit preliminary amendments to or a preliminary affirmation of each such plan to the
 676 Council, the General Assembly, the Governor, and the Chairmen of the House Committee on
 677 Appropriations, the House Committee on Education, the Senate Committee on Education and Health,
 678 and the Senate Committee on Finance no later than July 1 of each ~~even-numbered~~ *odd-numbered* year.
 679 Each such preliminary plan and preliminary amendment to or preliminary affirmation of such plan shall
 680 include a report of the institution's active contributions to efforts to stimulate the economic development
 681 of the Commonwealth, the area in which the institution is located, and, for those institutions subject to a
 682 management agreement set forth in Article 4 (§ 23.1-1004 et seq.) of Chapter 10, the areas that lag
 683 behind the Commonwealth in terms of income, employment, and other factors. Each such preliminary
 684 plan and preliminary amendment to or preliminary affirmation of such plan shall be submitted as a
 685 report document as provided in the procedures of the Division of Legislative Automated Systems for the
 686 processing of legislative documents and reports. No such preliminary plan, amendments, or affirmation
 687 shall be posted on the General Assembly's website.

688 B. The Secretary of Finance, the Secretary of Education, the Director of the Department of Planning
 689 and Budget, the Director of the Council, the Staff Director of the House Committee on Appropriations,
 690 and the Staff Director of the Senate Committee on Finance, or their designees, shall review each
 691 institution's preliminary plan, amendments, or affirmation and provide comments to the institution on
 692 such plan, amendments, or affirmation by September 1 of the relevant year. Each institution shall
 693 respond to any such comments by October 1 of that year and submit a finalized version of such plan,
 694 amendments, or affirmation to the Council, the General Assembly, the Governor, and the Chairmen of
 695 the House Committee on Appropriations, the House Committee on Education, the Senate Committee on
 696 Education and Health, and the Senate Committee on Finance no later than December 1 of that year.
 697 Each such finalized version shall be submitted as a report document as provided in the procedures of the
 698 Division of Legislative Automated Systems for the processing of legislative documents and reports and
 699 shall be posted on the General Assembly's website.

700 C. Each plan shall be structured in accordance with, and be consistent with, the objective and
 701 purposes of this chapter set forth in § 23.1-301 and the criteria developed pursuant to § 23.1-309 and
 702 shall be in a form and manner prescribed by the Council, in consultation with the Secretary of Finance,
 703 the Secretary of Education, the Director of the Department of Planning and Budget, the Director of the
 704 Council, the Staff Director of the House Committee on Appropriations, and the Staff Director of the
 705 Senate Committee on Finance, or their designees.

706 D. Each six-year plan shall (i) address the institution's academic, financial, and enrollment plans,
 707 including the number of Virginia and non-Virginia students, for the six-year period; (ii) indicate the
 708 planned use of any projected increase in general fund, tuition, or other nongeneral fund revenues; (iii) be
 709 based upon any assumptions provided by the Council, following consultation with the Department of
 710 Planning and Budget and the staffs of the House Committee on Appropriations and the Senate
 711 Committee on Finance, for funding relating to state general fund support pursuant to §§ 23.1-303,
 712 23.1-304, and 23.1-305 and subdivision 9; (iv) be aligned with the institution's six-year enrollment
 713 projections; and (v) include:

714 1. Financial planning reflecting the institution's anticipated level of general fund, tuition, and other
 715 nongeneral fund support for each year of the next biennium;

716 2. The institution's anticipated annual tuition and educational and general fee charges required by (i)
 717 degree level and (ii) domiciliary status, as provided in § 23.1-307;

718 3. Plans for providing financial aid to help mitigate the impact of tuition and fee increases on
 719 low-income and middle-income students and their families as described in subdivision 9, including the
 720 projected mix of grants and loans;

721 4. Degree conferral targets for undergraduate Virginia students;

722 5. Plans for optimal year-round use of the institution's facilities and instructional resources;

723 6. Plans for the development of an instructional resource-sharing program with other public
 724 institutions of higher education and private institutions of higher education;

725 7. Plans with regard to any other incentives set forth in § 23.1-305 or any other matters the
 726 institution deems appropriate;

727 8. The identification of (i) new programs or initiatives including quality improvements and (ii)
 728 institution-specific funding based on particular state policies or institution-specific programs, or both, as
 729 provided in subsection C of § 23.1-307; and

730 9. An institutional student financial aid commitment that, in conjunction with general funds
 731 appropriated for that purpose, provides assistance to students from both low-income and middle-income
 732 families and takes into account the information and recommendations resulting from the review of
 733 federal and state financial aid programs and institutional practices conducted pursuant to subdivisions B
 734 2 and C 1 of § 23.1-309.

735 E. In developing such plans, each public institution of higher education shall consider potential future

736 impacts of tuition increases on the Virginia College Savings Plan and ABLE Savings Trust Accounts
 737 (§ 23.1-700 et seq.) and shall discuss such potential impacts with the Virginia College Savings Plan. The
 738 chief executive officer of the Virginia College Savings Plan shall provide to each institution the Plan's
 739 assumptions underlying the contract pricing of the program.

740 F. 1. In conjunction with the plans included in the six-year plan as set forth in subsection D, each
 741 public institution of higher education, Richard Bland College, and the Virginia Community College
 742 System may submit one innovative proposal with clearly defined performance measures, including any
 743 request for necessary authority or support from the Commonwealth, for a performance pilot. If the
 744 General Assembly approves the proposed performance pilot, it shall include approval language in the
 745 general appropriation act. A performance pilot shall advance the objectives of this chapter by addressing
 746 innovative requests related to college access, affordability, cost predictability, enrollment management
 747 subject to specified commitments regarding undergraduate in-state student enrollment, alternative tuition
 748 and fee structures and affordable pathways to degree attainment, internships and work study,
 749 employment pathways for undergraduate Virginia students, strategic talent development, state or regional
 750 economic development, pathways to increase timely degree completion, or other priorities set out in the
 751 general appropriation act.

752 2. A performance pilot may include or constitute an institutional partnership performance agreement,
 753 which shall be set forth in a memorandum of understanding that includes mutually dependent
 754 commitments by the institution, the Commonwealth, and identified partners, if any, related to one or
 755 more of the priorities set forth in subdivision 1 or set forth in a general appropriation act. No such
 756 institutional partnership performance agreement shall create a legally enforceable obligation of the
 757 Commonwealth.

758 3. No more than six performance pilots shall be approved in a single session of the General
 759 Assembly.

760 4. Development and approval of any performance pilot proposal shall proceed in tandem with
 761 consideration of the institution's six-year plan, as follows:

762 a. An institution that intends to propose a performance pilot shall communicate that intention as early
 763 as practicable, but not later than April 1 of the year in which the performance pilot will be proposed, to
 764 the reviewers listed in subsection B, the co-chairmen of the Joint Subcommittee on the Future
 765 Competitiveness of Virginia Higher Education, and the Governor. In developing a proposed performance
 766 pilot, the institution shall consider the Commonwealth's educational and economic policies and priorities,
 767 including those reflected in the Virginia Plan for Higher Education issued by the Council, the economic
 768 development policy developed pursuant to § 2.2-205, the strategic plan developed pursuant to
 769 § 2.2-2237.1, relevant regional economic growth and diversification plans prepared by regional councils
 770 pursuant to the Virginia Growth and Opportunity Act (§ 2.2-2484 et seq.), and any additional guidance
 771 provided by the Joint Subcommittee on the Future Competitiveness of Virginia Higher Education and
 772 the Governor.

773 b. An institution that submits a performance pilot shall include the one innovative proposal with
 774 clearly defined performance measures, and any corresponding authority and support requested from the
 775 Commonwealth, with its submission of the preliminary version of its six-year plan pursuant to clause (ii)
 776 of subsection A or with its preliminary amendment or affirmation submission pursuant to clause (iii) of
 777 subsection A.

778 c. The reviewers listed in subsection B, or their designees, shall review and comment on any
 779 proposed performance pilot in accordance with the six-year plan review and comment process
 780 established in subsection B and may expedite such review and comment process to facilitate the
 781 executive and legislative budget process or for other reasons. No later than October 15 of the relevant
 782 year, the reviewers shall communicate to the Governor and the Chairmen of the House Committee on
 783 Appropriations and the Senate Committee on Finance their recommendations regarding each performance
 784 pilot proposal. Such recommendations shall include the reviewers' comments regarding how the proposed
 785 performance pilots, individually and collectively, support the strategic educational and economic policies
 786 of the Commonwealth.

787 d. Each performance pilot proposal shall include evidence of its approval by the institution's
 788 governing board and, if accepted, shall be referenced in the general appropriation act.

789 **§ 23.1-1106. Bonds generally.**

790 A. The Treasury Board is designated as the paying agent of institutions for the purposes of this
 791 chapter and shall approve the terms and structure of bonds executed pursuant to this chapter.

792 B. Any institution may execute its bonds in an aggregate principal amount determined by its board,
 793 approved by the Governor, and approved by the Treasury Board pursuant to § 2.2-2416. Such aggregate
 794 principal amount may include any cost associated with the development and management of the project,
 795 legal or accounting expenses incurred by the institution in connection with the project for which such
 796 bonds are issued, and the cost of issuing the bonds, including printing, engraving, advertising, legal, and

797 other similar expenses.

798 C. Bonds issued pursuant to this chapter shall:

799 1. Be subject to approval by the Governor and authorization by resolution of the board, and any such
800 resolution may contain provisions, which shall be part of the contract with the bondholders, relating to:

801 a. Fixing, revising, charging, and collecting fees, rents, and charges for or in connection with the use,
802 occupation, or services of the project or pledging such fees, rents, and charges and any increase in
803 revenues derived from any existing facilities at such institution resulting from any increase in such fees,
804 rents, or charges to the payment of the principal of and the interest on such bonds;

805 b. Fixing, revising, charging, and collecting fees, rents, and charges for or in connection with the use,
806 occupation, or services of any existing facility at such institution and pledging such fees, rents, and
807 charges to the payment of the principal of and the interest on such bonds;

808 c. Fixing, revising, charging, and collecting student building fees and other student fees from students
809 enrolled at such institution and pledging all or part of such fees to the payment of the principal of and
810 the interest on such bonds;

811 d. Pledging to the payment of the principal of and the interest on such bonds any moneys available
812 for the use of such institution, including moneys appropriated to such institution from the general fund
813 of the Commonwealth or from nongeneral funds that are not required by law or by previous binding
814 contract to be devoted to some other purpose, without regard to the source of such moneys but subject
815 to Treasury Board guidelines and approval pursuant to § 2.2-2416;

816 e. Paying the cost of operating and maintaining any project and any such existing facilities from any
817 revenue source mentioned in subdivision a, b, c, or d, creating reserves for such purposes, and providing
818 for the use and application of such reserves;

819 f. Creating sinking funds for the payment of the principal of and the interest on such bonds, creating
820 reserves for such purposes, and providing for the use and application of such reserves;

821 g. Limiting the right of the institution to restrict and regulate the use, occupation, and services of the
822 project and such other existing facilities or the services rendered in such project or other existing
823 facilities;

824 h. Limiting the purposes to which the proceeds of sale of any issue of bonds may be applied;

825 i. Limiting the issuance of additional bonds;

826 j. Setting forth the procedure by which the terms of any contract with the bondholders may be
827 amended or abrogated and the manner in which such bondholders may give consent to any such
828 amendment or abrogation; and

829 k. Setting forth such other conditions precedent as may be required by the United States or any
830 federal agency to obtain a direct grant or loan to erect or defray the cost of labor and material to erect
831 any project from the United States or any federal agency, subject to the approval of the Governor;

832 2. Bear such date, mature at such time, bear interest at such rate not exceeding the rate specified in
833 § 23.1-1112 payable at such times, be in such denomination, be in such form, either coupon or
834 registered, carry such registration privilege, be executed in such manner, be payable in such medium of
835 payment and at such place, and be subject to such terms of redemption, with or without premium, as the
836 resolution of the board provides;

837 3. Be issued to finance only those projects approved by the General Assembly in the general
838 appropriation act;

839 4. Be pledged pursuant to a resolution of the board and payable only from the revenue sources set
840 forth in subdivisions 1 a, b, c, and d;

841 5. Not constitute an indebtedness of the institution, except to the extent of the collection of such
842 revenues. Institutions are not liable to pay such bonds or the interest on such bonds from any other
843 funds. No contract entered into by an institution pursuant to this chapter shall be construed to require
844 the costs or expenses to operate and maintain a project for which bonds are issued and any other
845 existing facilities to be paid out of any funds other than the revenues derived and pledged from the
846 sources set forth in subdivisions 1 a, b, c, and d; and

847 6. Be fully negotiable within the meaning and for all the purposes set forth in Title 8.3A.

848 D. Bonds issued pursuant to this chapter may be:

849 1. Sold at public or private sale for such price or prices as the board determines and the Governor
850 approves, provided that (i) the interest cost to maturity of the money received for any issue of such
851 bonds shall not exceed the rate specified in § 23.1-1112; (ii) the General Assembly shall approve the
852 issuance of bonds to finance projects; and (iii) biennially, on or before September 1 of each
853 ~~odd-numbered~~ *even-numbered* year, each institution shall submit to the Governor each proposed project
854 and the estimated cost of each such project that the institution desires to have financed under the
855 provisions of this chapter, and the Governor shall consider such projects and make his recommendation
856 to the General Assembly in the budget submitted in accordance with the provisions of § 2.2-1508;

857 2. Issued to finance only those projects approved by the General Assembly in the general
858 appropriation act, which projects need not be limited to the projects recommended by the Governor;

859 3. Issued to finance all or a portion of the cost of any project plus amounts to fund issuance costs,
860 reserve funds, and capitalized interest for a period not to exceed one year following completion of the
861 project; and

862 4. Issued for the purpose set forth in § 23.1-1102 or to carry out the powers conferred on the
863 institution by § 23.1-1104.

864 E. Neither the Governor nor the members of the board nor any person executing bonds pursuant to
865 this chapter are liable personally on the bonds or subject to any personal liability or accountability by
866 reason of the issuance of such bonds.

867 F. Any institution may purchase with funds available for such purchase any bond that it has issued at
868 a price not more than the sum of the principal amount and accrued interest. All bonds so purchased
869 shall be cancelled unless purchased as an endowment fund investment. Nothing in this subsection shall
870 be construed to apply to the redemption of bonds.

871 G. In any case in which an institution obtains a loan from the United States or any federal agency to
872 erect any project that requires the establishment of a debt service reserve, the institution, with the
873 consent of the Governor, may deposit securities in a separate collateral account in an amount equal to
874 the required debt service reserve and pledge such securities to meet the debt service requirements if the
875 revenues derived from any source set forth in subdivision C 1 a, b, c, or d and pledged for the payment
876 of such loan become insufficient for such purpose. The face value of United States government
877 securities and the market value of all other securities is the value of any securities so deposited. Nothing
878 in this subsection shall be construed to prohibit repayment of any portion of such loan from income
879 derived from the securities so deposited. No securities shall be deposited in any such collateral account
880 unless such securities are purchased with funds whose use is in no way limited or restricted or are
881 donated to such institution for the purpose of establishing such debt service reserve.

882 **§ 33.2-232. Annual reports by Commissioner of Highways and the Office of Intermodal**
883 **Planning and Investment.**

884 A. The Secretary of Transportation shall ensure that the reports required under subsections B and C
885 are provided in writing to the Governor, the General Assembly, and the Commonwealth Transportation
886 Board by the dates specified.

887 B. The Commissioner of Highways shall provide to each recipient specified in subsection A, no later
888 than November 1 of each ~~even-numbered~~ *odd-numbered* year, a report, the content of which shall be
889 specified by the Board and shall contain, at a minimum:

890 1. The methodology used to determine maintenance needs, including an explanation of the
891 transparent methodology used for the allocation of funds from the Highway Maintenance and Operating
892 Fund pursuant to subsection A of § 33.2-352;

893 2. The methodology approved by the Board for the allocation of funds for state of good repair
894 purposes as defined in § 33.2-369 and, if necessary, an explanation and rationale for any waiver of the
895 cap provided for in subsection B of § 33.2-369;

896 3. The expenditures from the Highway Maintenance and Operating Program for the past fiscal year
897 by asset class or activity and by construction district as well as the planned expenditure for the current
898 fiscal year;

899 4. A description of transportation systems management and operations in the Commonwealth and the
900 operating condition of primary and secondary state highways, including location and average duration of
901 incidents;

902 5. A listing of prioritized pavement and bridge needs based on the priority ranking system developed
903 by the Board pursuant to § 33.2-369 and a description of the priority ranking system;

904 6. A description of actions taken to improve highway operations within the Commonwealth,
905 including the use of funds in the Innovation and Technology Transportation Fund established pursuant to
906 § 33.2-1531; and

907 7. A review of the Department's collaboration with the private sector in delivering services.

908 C. The Office of Intermodal Planning and Investment of the Secretary of Transportation shall provide
909 to each recipient specified in subsection A, no later than November 1 of each ~~odd-numbered~~
910 *even-numbered* year, a report, the content of which shall be specified by the Board and shall contain, at
911 a minimum:

912 1. A list of transportation projects approved or modified during the prior fiscal year, including
913 whether each such project was evaluated pursuant to § 33.2-214.1 and the program from which each
914 such project received funding;

915 2. The results of the most recent project evaluations pursuant to § 33.2-214.1, including a comparison
916 of (i) projects selected for funding with projects not selected for funding, (ii) funding allocated by
917 district and by mode of transportation, and (iii) the size of projects selected for funding;

918 3. The current performance of the Commonwealth's surface transportation system, the targets for
919 future performance, and the progress toward such targets based on the measures developed pursuant to

920 § 2.2-229;

921 4. The status of the Virginia Transportation Infrastructure Bank, including the balance in the Bank,
922 funding commitments made over the prior fiscal year, and performance of the current loan portfolio;

923 5. The status of the Toll Facilities Revolving Account, including the balance in the account, project
924 commitments from the account, repayment schedules, and the performance of the current loan portfolio;
925 and

926 6. Progress made toward achieving the performance targets established by the Commonwealth
927 Transportation Board.

928 D. The purpose of the reports required pursuant to this section is to ensure transparency and
929 accountability in the use of transportation funds. Reports required by this section shall be made available
930 to the public on the website of the Commonwealth Transportation Board.

931 **§ 33.2-352. Asset management practices; report.**

932 A. The Department shall develop asset management practices in the operation and maintenance of the
933 systems of state highways. Such practices shall include a transparent methodology for the allocation of
934 funds from the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530 to
935 highway systems maintenance and operations programs, including the allocations among the highway
936 construction districts and among the Interstate System and primary and secondary state highway systems.

937 B. The Commissioner of Highways shall advise the Board on or before June 30 of ~~even-numbered~~
938 *odd-numbered* years of performance targets and outcomes that are expected to be achieved, based on the
939 funding identified for maintenance, over the biennium beginning July 1 of that year. In addition, not
940 later than September 30 of ~~even-numbered~~ *odd-numbered* years, the Commissioner of Highways shall
941 advise the Board on the Department's accomplishments relative to the expected outcomes and budget
942 expenditures for the biennium ending June 30 of that year and also advise the Board as to the
943 methodology used to determine maintenance needs and the justification as to the maintenance funding
944 by source.

945 **§ 46.2-1503.5. Biennial report.**

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

952 **§ 51.1-145. Employer contributions.**

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

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

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

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

969 E. The accrued liability contribution rate for any employer shall be a percentage of the total annual
970 compensation of the members, determined so that a continuation of annual contributions by the
971 employer at the same percentage of total annual compensation over a period of 40 years will be
972 sufficient to amortize the unfunded accrued liability with respect to the employer.

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

980 G. The supplementary contribution for any employer for any period shall be determined as a
981 percentage, equal to the supplementary contribution rate, of the total compensation of the members

982 employed during the period.

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

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

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

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

1000 K1. The General Assembly shall set contribution rates that are at least equal to the following
1001 percentage of the contribution rates certified by the Board pursuant to subsection I:

1002 1. For members who are state employees as defined in § 51.1-124.3 and who are participating in a
1003 retirement plan established pursuant to Chapter 1 (§ 51.1-124.1 et seq.), (i) 67.02 percent for fiscal years
1004 beginning July 1, 2012, and July 1, 2013, (ii) 78.02 percent for fiscal years beginning July 1, 2014, and
1005 July 1, 2015, (iii) 89.01 percent for fiscal years beginning July 1, 2016, and July 1, 2017, and (iv) 100
1006 percent for fiscal years beginning on or after July 1, 2018;

1007 2. For members who are teachers as defined in § 51.1-124.3 and who are participating in a retirement
1008 plan established pursuant to Chapter 1 (§ 51.1-124.1 et seq.), (i) 69.53 percent for fiscal years
1009 beginning July 1, 2012, and July 1, 2013, (ii) 79.69 percent for fiscal years beginning July 1, 2014, and
1010 July 1, 2015, (iii) 89.84 percent for fiscal years beginning July 1, 2016, and July 1, 2017, and (iv) 100
1011 percent for fiscal years beginning on or after July 1, 2018;

1012 3. For members participating in a retirement plan established pursuant to Chapter 2 (§ 51.1-200 et
1013 seq.), (i) 75.84 percent for fiscal years beginning July 1, 2012, and July 1, 2013, (ii) 83.90 percent for
1014 fiscal years beginning July 1, 2014, and July 1, 2015, (iii) 91.95 percent for fiscal years beginning July
1015 1, 2016, and July 1, 2017, and (iv) 100 percent for fiscal years beginning on or after July 1, 2018;

1016 4. For members participating in a retirement plan established pursuant to Chapter 2.1 (§ 51.1-211 et
1017 seq.), (i) 75.82 percent for fiscal years beginning July 1, 2012, and July 1, 2013, (ii) 83.88 percent for
1018 fiscal years beginning July 1, 2014, and July 1, 2015, (iii) 91.94 percent for fiscal years beginning July
1019 1, 2016, and July 1, 2017, and (iv) 100 percent for fiscal years beginning on or after July 1, 2018; and

1020 5. For members participating in a retirement plan established pursuant to Chapter 3 (§ 51.1-300 et
1021 seq.), (i) 83.98 percent for fiscal years beginning July 1, 2012, and July 1, 2013, (ii) 89.32 percent for
1022 fiscal years beginning July 1, 2014, and July 1, 2015, (iii) 94.66 percent for fiscal years beginning July
1023 1, 2016, and July 1, 2017, and (iv) 100 percent for fiscal years beginning on or after July 1, 2018.

1024 L. In the case of all teachers whose compensation is paid exclusively out of funds derived from local
1025 revenues and appropriations from the general fund of the state treasury, the Commonwealth shall
1026 contribute to the extent specified in the appropriations act. In the case of any teacher whose
1027 compensation is paid out of funds derived in whole or in part from any special fund or from a
1028 contributor other than the Commonwealth or a political subdivision thereof, contributions shall be paid
1029 out of the special fund or by the other contributor in proportion to that part of the compensation derived
1030 therefrom. In the case of all state employees whose compensation is paid exclusively by the
1031 Commonwealth out of the general fund of the state treasury, the Commonwealth shall be the sole
1032 contributor, and all contributions shall be paid out of the general fund. In the case of a state employee
1033 whose compensation is paid in whole or in part out of any special fund or by any contributor other than
1034 the Commonwealth, contributions on behalf of the employee shall be paid out of the special fund or by
1035 the other contributor in proportion to that part of the employee's compensation derived therefrom. The
1036 governing body of each political subdivision is hereby authorized to make appropriations from the funds
1037 of the political subdivision necessary to pay its proportionate share of contributions on behalf of every
1038 state employee whose compensation is paid in part by the political subdivision. In the case of each
1039 person who has elected to remain a member of a local retirement system, the Commonwealth shall
1040 reimburse the local employer an amount equal to the product of the compensation of the person and the
1041 employer contribution rate as used to determine the employer contribution for state employees under this
1042 section. Each employer shall keep such records and periodically furnish such information as the Board

1043 may require and shall inform new employees of their duties and obligations in connection with the
1044 retirement system.

1045 M. The employer contribution rate established for each employer may include the cost to administer
1046 any defined contribution plan administered by the Virginia Retirement System and available to the
1047 employer. The portion of such contribution designated to cover administrative costs of the defined
1048 contribution plans shall not be deposited into the trust fund established for the defined benefit plans but
1049 shall be separately accounted for and used solely to defray the administrative costs associated with the
1050 various defined contributions plans. This provision shall supplement the authority of the Board under
1051 §§ 51.1-124.22 and 51.1-602 to charge and collect administrative fees to employers whose employees
1052 have available the various defined contribution plans administered by the Virginia Retirement System.

1053 N. Notwithstanding the foregoing, the total employer contribution for each employer authorized to
1054 participate in the hybrid retirement program described in § 51.1-169 for any period, expressed as a
1055 percentage of the employer's payroll for such period, shall be established as the contribution rate payable
1056 by such employer with respect to its employees enrolled in the defined benefit plan established under
1057 this chapter. The employer's contribution shall be first applied to the defined contribution component of
1058 the hybrid retirement program described in § 51.1-169, and the remainder shall be deposited in the
1059 employer's retirement allowance account. Institutions of higher education shall also pay contributions to
1060 the employer's retirement allowance account in amounts representing the difference between the
1061 contribution rate payable with respect to employees enrolled in the defined benefit plan under this
1062 chapter and the employer contributions paid to any optional retirement plan it offers on behalf of any of
1063 its nonfaculty Covered Employees, as described in §§ 23.1-1020 through 23.1-1026. The employer
1064 contribution rate established for each employer may include the annual rate of contribution payable by
1065 such employer with respect to employees enrolled in the optional defined contribution retirement plans
1066 established under §§ 51.1-126, 51.1-126.1, 51.1-126.3, and 51.1-126.4.

1067 O. Employer contributions may be returned to the employer only as determined in accordance with
1068 § 401(a) of the Internal Revenue Code, as amended or renumbered, and the regulations thereunder
1069 applicable to governmental plans.

1070 **§ 53.1-82.3. Budgeting schedule for jail projects.**

1071 A. Any city or county or any combination of cities or counties requesting state financial assistance
1072 pursuant to §§ 53.1-80, 53.1-81 or § 53.1-82 shall, on or before March 1 biennially in the
1073 ~~odd-numbered~~ *even-numbered* years, submit to the Governor, in a format prescribed by the Department
1074 of Corrections for such purpose, a community-based corrections plan and specifications, including
1075 detailed cost estimates of any facility construction. On or before July 1 in the ~~odd-numbered~~
1076 *even-numbered* years, such localities shall also submit to the Governor, in a format prescribed for such
1077 purpose by the Department of the Treasury, the expected financing costs for any such facility
1078 construction in accordance with § 53.1-82.2. The Governor shall submit his recommendations for
1079 funding such projects as part of the budget bill on or before December 20 of the year immediately prior
1080 to the beginning of each regular session held in an ~~even-numbered~~ *odd-numbered* year of the General
1081 Assembly. Requests for appropriations of such funds shall be considered by the General Assembly only
1082 in ~~even-numbered~~ *odd-numbered* years.

1083 B. In the event that the state share of reimbursable costs of the jail facility is estimated to be less
1084 than or equal to \$1,000,000, such localities shall be exempt from submitting to the Governor, in a
1085 format prescribed for such purpose by the Department of the Treasury, the expected financing costs for
1086 any such facility construction in accordance with subsection A above, unless such localities seek
1087 reimbursement of financial costs associated with such facility construction.

1088 **§ 54.1-114. Biennial report.**

1089 The Board of Bar Examiners, the Department of Professional and Occupational Regulation and the
1090 Department of Health Professions shall submit biennial reports to the Governor and General Assembly
1091 on or before November 1 of each ~~even-numbered~~ *odd-numbered* year. The biennial report shall contain
1092 at a minimum the following information for the Board of Bar Examiners and for each board within the
1093 two Departments: (i) a summary of the board's fiscal affairs, (ii) a description of the board's activities,
1094 (iii) statistical information regarding the administrative hearings and decisions of the board, (iv) a
1095 general summary of all complaints received against licensees and the procedures used to resolve the
1096 complaints, and (v) a description of any action taken by the board designed to increase public awareness
1097 of board operations and to facilitate public participation. The Department of Health Professions shall
1098 include, in those portions of its report relating to the Board of Medicine, a compilation of the data
1099 required by § 54.1-2910.1.

1100 **§ 54.1-1118. Definitions.**

1101 As used in this article, unless the context requires a different meaning:

1102 "Act" means the Virginia Contractor Transaction Recovery Act.

1103 "Biennium" means a two-year period beginning on July 1 of an ~~even-numbered~~ *odd-numbered* year
1104 and continuing through June 30 of the next ~~even-numbered~~ *odd-numbered* year.

1105 "Claimant" means any person with an unsatisfied judgment involving residential construction against
1106 a regulant, who has filed a verified claim under this Act.

1107 "Fund" means the Virginia Contractor Transaction Recovery Fund.

1108 "Improper or dishonest conduct" includes only the wrongful taking or conversion of money, property
1109 or other things of value which involves fraud, material misrepresentation or conduct constituting gross
1110 negligence, continued incompetence, or intentional violation of the Uniform Statewide Building Code
1111 (§ 36-97 et seq.). The term "improper or dishonest conduct" does not include mere breach of contract.

1112 "Judgment" includes an order of a United States Bankruptcy Court (i) declaring a claim against a
1113 regulant who is in bankruptcy to be a "Debt Nondischargeable in Bankruptcy," (ii) extinguishing a claim
1114 against a regulant who is in bankruptcy and for which claim no distribution was made from the
1115 regulant's bankruptcy estate but excluding any such claim disallowed by order of the bankruptcy court,
1116 or (iii) extinguishing a claim against a regulant who is in bankruptcy and for which claim only partial
1117 distribution was made from the regulant's bankruptcy estate. An order of dismissal shall not be
1118 considered a judgment.

1119 "Regulant" means any individual, person, firm, corporation, association, partnership, joint venture or
1120 any other legal entity licensed by the Board for Contractors. "Regulant" shall not include contractors
1121 holding only the commercial building contractor classification or individuals licensed or certified in
1122 accordance with Article 3 (§ 54.1-1128 et seq.) or Article 4 (§ 54.1-1140 et seq.).

1123 "Verified claim" means a completed application, on a form designed by the Board, the truthfulness of
1124 which has been attested to by the claimant before a notary public, along with all required supporting
1125 documentation, that has been properly received by the Department in accordance with this chapter.

1126 **§ 54.1-2113. Establishment and maintenance of fund, duty of Director, assessments of regulants.**

1127 A. Each initial regulant at the time of licensure shall be assessed \$20, which shall be specifically
1128 assigned to the fund. Initial payments may be incorporated in any application fee payment and
1129 transferred to the fund by the Director within 30 days.

1130 B. All assessments, except initial assessments, for the fund shall be deposited, within three work days
1131 after their receipt by the Director, in one or more federally insured banks, savings and loan associations
1132 or savings banks located in the Commonwealth. Funds deposited in banks, savings and loan associations
1133 or savings banks, to the extent in excess of insurance afforded by the Federal Deposit Insurance
1134 Corporation or other federal insurance agency, shall be secured under the Security for Public Deposits
1135 Act (§ 2.2-4400 et seq.). The deposit of these funds in federally insured banks, savings institutions or
1136 savings banks located in the Commonwealth shall not be considered investment of such funds for
1137 purposes of this section. Funds maintained by the Director may be invested in securities that are legal
1138 investments for fiduciaries under the provisions of § 64.2-1502. The Director shall maintain in his office
1139 an accurate record of all transactions involving the fund, which records shall be open for inspection and
1140 copying by the public during the normal business hours of the Director.

1141 C. The minimum balance of the fund shall be \$400,000. Whenever the Director determines that the
1142 balance of the fund is or will be less than such minimum balance, the Director shall immediately inform
1143 the Board. At the same time, the Director may recommend that the Board transfer a fixed amount of
1144 interest earnings to the fund to bring the balance of the fund to the amount required by this subsection.
1145 Such transfer of interest shall be considered by the Board within 30 days of the notification of the
1146 Director.

1147 D. If available interest earnings are insufficient to bring the balance of the fund to the minimum
1148 amount required by this section, or if a transfer of available interest earnings to the fund has not
1149 occurred, the Board shall assess each regulant within 30 days of notification by the Director, a sum
1150 sufficient to bring the balance of the fund to the required minimum amount. The Board may order an
1151 assessment of regulants at any time in addition to any required assessment. No regulant shall be assessed
1152 a total amount of more than \$20 during any biennial license period or part thereof, the biennial period
1153 expiring on June 30 of each ~~even-numbered~~ *odd-numbered* year. Assessments of regulants made
1154 pursuant to this subsection may be issued by the Board (i) after a determination made by it or (ii) at the
1155 time of license renewal.

1156 E. At the close of each fiscal year, whenever the balance of the fund exceeds \$2 million, the amount
1157 in excess of \$2 million shall be transferred to the Virginia Housing Trust Fund established pursuant to
1158 Chapter 9 (§ 36-141 et seq.) of Title 36. Except for transfers pursuant to this subsection, there shall be
1159 no transfers out of the fund, including transfers to the general fund, regardless of the balance of the
1160 fund.

1161 F. If the Board determines that all regulants will be assessed concurrently, notice to the regulants of
1162 such assessments shall be by first-class mail, and payment of such assessments shall be made by
1163 first-class mail to the Director within 45 days after the mailing to regulants of such notice.

1164 If the Board determines that all regulants will be assessed in conjunction with license renewal, notice
1165 to the regulants may be included with the license renewal notice issued by the Board. The assessment

1166 shall be due with the payment of the license renewal fees. No license shall be renewed or reinstated
 1167 until any outstanding assessments are paid.

1168 G. If any regulant fails to remit the required payment mailed in accordance with subsection F within
 1169 45 days of the mailing, the Director shall notify the regulant by first-class mail at the latest address of
 1170 record filed with the Board. If no payment has been received by the Director within 30 days after
 1171 mailing the second notice, the license shall be automatically suspended. The license shall be restored
 1172 only upon the actual receipt by the Director of the delinquent assessment.

1173 H. The costs of administering the act shall be paid out of interest earned on deposits constituting the
 1174 fund. The remainder of the interest, at the discretion of the Board, may (i) be used for providing
 1175 research and education on subjects of benefit to real estate regulants or members of the public, (ii) be
 1176 transferred to the Virginia Housing Trust Fund, or (iii) accrue to the fund in accordance with subsection
 1177 C.

1178 **§ 54.1-4421. Biennial report.**

1179 The Board shall submit a biennial report to the Governor and General Assembly on or before
 1180 November 1 of each ~~even-numbered~~ *odd-numbered* year. The biennial report shall contain, at a
 1181 minimum, the following information: (i) a description of the Board's activities, (ii) a report on the audit
 1182 of the Board's financial statements for the biennium, (iii) statistical information regarding the
 1183 administrative hearings and decisions of the Board, and (iv) a general summary of all complaints
 1184 received against persons and firms and the procedures used to resolve the complaints.

1185 **§ 58.1-1011. Qualification for permit to affix Virginia revenue stamps; penalty.**

1186 A. Only manufacturers, wholesale dealers and retail dealers may be permitted as stamping agents. It
 1187 shall be unlawful for any person to purchase, possess or affix Virginia revenue stamps without first
 1188 obtaining a permit to do so from the Department. Every manufacturer, wholesale dealer or retail dealer
 1189 who desires to qualify as a stamping agent with the Department shall make application to the
 1190 Department on forms prescribed for this purpose, which shall be supplied upon request. The application
 1191 forms will require such information relative to the nature of business engaged in by the applicant as the
 1192 Department deems necessary to the qualifying of the applicant as a stamping agent. The Department
 1193 shall conduct a background investigation, to include a Virginia Criminal History Records search, and
 1194 fingerprints of the applicant, or its responsible principals, managers, and other persons engaged in
 1195 handling and stamping cigarettes at the licensable locations, that shall be submitted to the Federal
 1196 Bureau of Investigation if the Department determines a National Criminal Records search is necessary,
 1197 on applicants for licensure as cigarette tax stamping agents. The Department may refuse to issue a
 1198 stamping permit or may suspend, revoke or refuse to renew a stamping permit issued to any person,
 1199 partnership, corporation, limited liability company or business trust, if it determines that any principal,
 1200 manager, or other persons engaged in handling and stamping cigarettes at the licensable location of the
 1201 applicant has been (i) found guilty of any fraud or misrepresentation in any connection, (ii) convicted of
 1202 robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, gambling, perjury, bribery,
 1203 treason, or racketeering, or (iii) convicted of a felony. Anyone who knowingly and willfully falsifies,
 1204 conceals or misrepresents a material fact or knowingly and willfully makes a false, fictitious or
 1205 fraudulent statement or representation in any application for a stamping permit to the Department is
 1206 guilty of a Class 1 misdemeanor. The Department may establish an application or renewal fee not to
 1207 exceed \$750 to be retained by the Department to be applied to the administrative and other costs of
 1208 processing stamping agent applications, conducting background investigations and issuing stamping
 1209 permits. Any application or renewal fees collected pursuant to this section in excess of such costs as of
 1210 June 30 in ~~even-numbered~~ *odd-numbered* years shall be reported to the State Treasurer and deposited
 1211 into the state treasury. If the Department after review of his application believes the manufacturer,
 1212 wholesale dealer or retail dealer is qualified, the Department shall issue to the applicant a permit
 1213 qualifying him as a stamping agent, as defined in this chapter, and he shall be allowed the discount on
 1214 purchases of Virginia revenue stamps as set out herein for stamping agents purchasing stamps for their
 1215 individual use. Such stamping agent shall be authorized to affix Virginia revenue stamps, and in
 1216 addition, if the applicant qualifies as a wholesale dealer, that shall be so noted on the permit issued by
 1217 the Department. Permits issued pursuant to this section shall be valid for a period of three years from
 1218 the date of issue unless revoked by the Department in the manner provided herein. The Department shall
 1219 not sell Virginia revenue stamps to any person or entity unless and until the Department has issued that
 1220 person or entity a permit to affix Virginia revenue stamps. The Department may promulgate regulations
 1221 governing the issuance, suspension and revocation of stamping agent permits. The Department may at
 1222 any time revoke the permit issued to any stamping agent as herein provided who is not in compliance
 1223 with any of the provisions of this chapter or any of the rules of the Department adopted and
 1224 promulgated under authority of this chapter.

1225 B. The Department shall compile and maintain a list of licensed cigarette stamping agents. The list
 1226 shall be updated monthly and shall be available upon request to any federal, state, or local
 1227 law-enforcement agency.

1228 **§ 58.1-1021.04:1. Distributor's license; penalty.**

1229 A. No person shall engage in the business of selling or dealing in tobacco products as a distributor in
 1230 the Commonwealth without first having received a separate license from the Department for each
 1231 location or place of business. Each application for a distributor's license shall be accompanied by a fee
 1232 to be prescribed by the Department. Every application for such license shall be made on a form
 1233 prescribed by the Department and the following information shall be provided on the application:

1234 1. The name and address of the applicant. If the applicant is a firm, partnership or association, the
 1235 name and address of each of its members shall be provided. If the applicant is a corporation, the name
 1236 and address of each of its principal officers shall be provided;

1237 2. The address of the applicant's principal place of business;

1238 3. The place or places where the business to be licensed is to be conducted; and

1239 4. Such other information as the Department may require for the purpose of the administration of this
 1240 article.

1241 B. A person outside the Commonwealth who ships or transports tobacco products to retailers in the
 1242 Commonwealth, to be sold by those retailers, may make application for license as a distributor, be
 1243 granted such a license by the Department, and thereafter be subject to all the provisions of this article.
 1244 Once a license is granted pursuant to this section, such person shall be entitled to act as a licensed
 1245 distributor and, unless such person maintains a registered agent pursuant to Chapter 9, 10, 12 or 14 of
 1246 Title 13.1 or Chapter 2.1 or 2.2 of Title 50, shall be deemed to have appointed the Clerk of the State
 1247 Corporation Commission as the person's agent for the purpose of service of process relating to any
 1248 matter or issue involving the person and arising under the provisions of this article.

1249 The Department shall conduct a background investigation, to include a Virginia Criminal History
 1250 Records search, and fingerprints of the applicant, or the responsible principals, managers, and other
 1251 persons engaged in handling tobacco products at the licensable locations, that shall be submitted to the
 1252 Federal Bureau of Investigation if the Department deems a National Criminal Records search necessary,
 1253 on applicants for licensure as tobacco products distributors. The Department may refuse to issue a
 1254 distributor's license or may suspend, revoke or refuse to renew a distributor's license issued to any
 1255 person, partnership, corporation, limited liability company or business trust, if it determines that the
 1256 principals, managers, and other persons engaged in handling tobacco products at the licensable location
 1257 of the applicant have been (i) found guilty of any fraud or misrepresentation in any connection; (ii)
 1258 convicted of robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, gambling,
 1259 perjury, bribery, treason, or racketeering; or (iii) convicted of a felony. Anyone who knowingly and
 1260 willfully falsifies, conceals or misrepresents a material fact or knowingly and willfully makes a false,
 1261 fictitious or fraudulent statement or representation in any application for a distributor's license to the
 1262 Department, shall be guilty of a Class 1 misdemeanor. The Department may establish an application or
 1263 renewal fee not to exceed \$750 to be retained by the Department to be applied to the administrative and
 1264 other costs of processing distributor's license applications, conducting background investigations and
 1265 issuing distributor's licenses. Any amount collected pursuant to this section in excess of such costs as of
 1266 June 30 in ~~even numbered~~ *odd-numbered* years shall be reported to the State Treasurer and deposited
 1267 into the state treasury.

1268 C. Upon receipt of an application in proper form and payment of the required license fee, the
 1269 Department shall, unless otherwise provided by this article, issue to the applicant a license, which shall
 1270 permit the licensee to engage in business as a distributor at the place of business shown on the license.
 1271 Each license, or a copy thereof, shall be prominently displayed on the premises covered by the license.
 1272 No license shall be transferable to any other person. Distributor's licenses issued pursuant to this section
 1273 shall be valid for a period of three years from the date of issue unless revoked by the Department in the
 1274 manner provided herein. The Department may at any time revoke the license issued to any distributor
 1275 who is found guilty of violating or noncompliance with any of the provisions of this chapter, or any of
 1276 the rules of the Department adopted and promulgated under authority of this chapter.

1277 D. The Department shall compile and maintain a current list of licensed distributors. The list shall be
 1278 updated on a monthly basis, and published on the Department's official Internet website, available to any
 1279 interested party.

1280 **§ 62.1-44.15:6. Permit fee regulations.**

1281 A. The Board shall promulgate regulations establishing a fee assessment and collection system to
 1282 recover a portion of the State Water Control Board's, the Department of Game and Inland Fisheries' and
 1283 the Department of Conservation and Recreation's direct and indirect costs associated with the processing
 1284 of an application to issue, reissue, amend or modify any permit or certificate, which the Board has
 1285 authority to issue under this chapter and Chapters 24 (§ 62.1-242 et seq.) and 25 (§ 62.1-254 et seq.) of
 1286 this title, from the applicant for such permit or certificate for the purpose of more efficiently and
 1287 expeditiously processing permits. The fees shall be exempt from statewide indirect costs charged and
 1288 collected by the Department of Accounts. The Board shall have no authority to charge such fees where

1289 the authority to issue such permits has been delegated to another agency that imposes permit fees.

1290 B1. Permit fees charged an applicant for a Virginia Pollutant Discharge Elimination System permit or
 1291 a Virginia Pollution Abatement permit shall reflect the average time and complexity of processing a
 1292 permit in each of the various categories of permits and permit actions. However, notwithstanding any
 1293 other provision of law, in no instance shall the Board charge a fee for a permit pertaining to a farming
 1294 operation engaged in production for market or for a permit pertaining to maintenance dredging for
 1295 federal navigation channels or other Corps of Engineers- or Department of the Navy-sponsored dredging
 1296 projects or for the regularly scheduled renewal of an individual permit for an existing facility. Fees shall
 1297 be charged for a major modification or reissuance of a permit initiated by the permittee that occurs
 1298 between permit issuance and the stated expiration date. No fees shall be charged for a modification or
 1299 amendment made at the Board's initiative. In no instance shall the Board exceed the following amounts
 1300 for the processing of each type of permit/certificate category:

1301	Type of Permit/Certificate Category	Maximum Amount
1302	1. Virginia Pollutant Discharge Elimination System	
1303	Major Industrial	\$24,000
1304	Major Municipal	\$21,300
1305	Minor Industrial with nonstandard limits	\$10,300
1306	Minor Industrial with standard limits	\$6,600
1307	Minor Municipal greater than 100,000 gallons per day	\$7,500
1308	Minor Municipal 10,001-100,000 gallons per day	\$6,000
1309	Minor Municipal 1,000-10,000 gallons per day	\$5,400
1310	Minor Municipal less than 1,000 gallons per day	\$2,000
1311	General-industrial stormwater management	\$500
1312	General-stormwater management-phase I land clearing	\$500
1313	General-stormwater management-phase II land clearing	\$300
1314	General-other	\$600
1315	2. Virginia Pollution Abatement	
1316	Industrial/Wastewater 10 or more inches per year	\$15,000
1317	Industrial/Wastewater less than 10 inches per year	\$10,500
1318	Industrial/Sludge	\$7,500
1319	Municipal/Wastewater	\$13,500
1320	Municipal/Sludge	\$7,500
1321	General Permit	\$600
1322	Other	\$750

1323 The fee for the major modification of a permit or certificate that occurs between the permit issuance
 1324 and expiration dates shall be 50 percent of the maximum amount established by this subsection. No fees
 1325 shall be charged for minor modifications or minor amendments to such permits. For the purpose of this
 1326 subdivision, "minor modifications" or "minor amendments" means specific types of changes defined by
 1327 the Board that are made to keep the permit current with routine changes to the facility or its operation
 1328 that do not require extensive review. A minor permit modification or amendment does not substantially
 1329 alter permit conditions, increase the size of the operation, or reduce the capacity of the facility to protect
 1330 human health or the environment.

1331 B2. Each permitted facility shall pay a permit maintenance fee to the Board by October 1 of each
 1332 year, not to exceed the following amounts:

1333	Type of Permit/Certificate Category	Maximum Amount
1334	1. Virginia Pollutant Discharge Elimination System	
1335	Major Industrial	\$4,800
1336	Major Municipal greater than 10 million gallons per day	\$4,750
1337	Major Municipal 2-10 million gallons per day	\$4,350
1338	Major Municipal less than 2 million gallons per day	\$3,850
1339	Minor Industrial with nonstandard limits	\$2,040
1340	Minor Industrial with standard limits	\$1,320
1341	Minor Industrial water treatment system	\$1,200
1342	Minor Municipal greater than 100,000 gallons per day	\$1,500
1343	Minor Municipal 10,001-100,000 gallons per day	\$1,200
1344	Minor Municipal 1,000-10,000 gallons per day	\$1,080
1345	Minor Municipal less than 1,000 gallons per day	\$400
1346	2. Virginia Pollution Abatement	
1347	Industrial/Wastewater 10 or more inches per year	\$3,000
1348	Industrial/Wastewater less than 10 inches per year	\$2,100
1349	Industrial/Sludge	\$3,000
1350	Municipal/Wastewater	\$2,700
1351	Municipal/Sludge	\$1,500

1352 An additional permit maintenance fee of \$1,000 shall be collected from facilities in a toxics
 1353 management program and an additional permit maintenance fee shall be collected from facilities that

1354 have more than five process wastewater discharge outfalls. Permit maintenance fees shall be collected
 1355 annually and shall be remitted by October 1 of each year. For a local government or public service
 1356 authority with permits for multiple facilities in a single jurisdiction, the permit maintenance fees for
 1357 permits held as of April 1, 2004, shall not exceed \$20,000 per year. No permit maintenance fee shall be
 1358 assessed for facilities operating under a general permit or for permits pertaining to a farming operation
 1359 engaged in production for market.

1360 B3. Permit application fees charged for Virginia Water Protection Permits, ground water withdrawal
 1361 permits, and surface water withdrawal permits shall reflect the average time and complexity of
 1362 processing a permit in each of the various categories of permits and permit actions and the size of the
 1363 proposed impact. Only one permit fee shall be assessed for a water protection permit involving elements
 1364 of more than one category of permit fees under this section. The fee shall be assessed based upon the
 1365 primary purpose of the proposed activity. In no instance shall the Board charge a fee for a permit
 1366 pertaining to maintenance dredging for federal navigation channels or other U.S. Army Corps of
 1367 Engineers- or Department of the Navy-sponsored dredging projects, and in no instance shall the Board
 1368 exceed the following amounts for the processing of each type of permit/certificate category:

1369	Type of Permit	Maximum Amount
1370	1. Virginia Water Protection	
1371	Individual-wetland impacts	\$2,400 plus \$220 per 1/10 acre of impact over two acres, not to exceed \$60,000
1372		
1373	Individual-minimum instream flow	\$25,000
1374	Individual-reservoir	\$35,000
1375	Individual-nonmetallic mineral mining	\$7,500
1376	General-less than 1/10 acre impact	\$0
1377	General-1/10 to 1/2 acre impact	\$600
1378	General-greater than 1/2 to one acre impact	\$1,200
1379	General-greater than one acre to two acres of impact	\$120 per 1/10 acre of impact
1380	2. Ground Water Withdrawal	\$9,000
1381	3. Surface Water Withdrawal	\$12,000

1382 No fees shall be charged for minor modifications or minor amendments to such permits. For the
 1383 purpose of this subdivision, "minor modifications" or "minor amendments" means specific types of
 1384 changes defined by the Board that are made to keep the permit current with routine changes to the
 1385 facility or its operation that do not require extensive review. A minor permit modification or amendment
 1386 does not substantially alter permit conditions, increase the size of the operation, or reduce the capacity
 1387 of the facility to protect human health or the environment.

1388 C. When promulgating regulations establishing permit fees, the Board shall take into account the
 1389 permit fees charged in neighboring states and the importance of not placing existing or prospective
 1390 industries in the Commonwealth at a competitive disadvantage.

1391 D. Beginning January 1, 1998, and January 1 of every ~~even-numbered~~ *odd-numbered* year thereafter,
 1392 the Board shall make a report on the implementation of the water permit program to the Senate
 1393 Committee on Agriculture, Conservation and Natural Resources, the Senate Committee on Finance, the
 1394 House Committee on Appropriations, the House Committee on Agriculture, Chesapeake and Natural
 1395 Resources and the House Committee on Finance. The report shall include the following: (i) the total
 1396 costs, both direct and indirect, including the costs of overhead, water quality planning, water quality
 1397 assessment, operations coordination, and surface water and ground water investigations, (ii) the total fees
 1398 collected by permit category, (iii) the amount of general funds allocated to the Board, (iv) the amount of
 1399 federal funds received, (v) the Board's use of the fees, the general funds, and the federal funds, (vi) the
 1400 number of permit applications received by category, (vii) the number of permits issued by category,
 1401 (viii) the progress in eliminating permit backlogs, (ix) the timeliness of permit processing, and (x) the
 1402 direct and indirect costs to neighboring states of administering their water permit programs, including
 1403 what activities each state categorizes as direct and indirect costs, and the fees charged to the permit
 1404 holders and applicants.

1405 E. Fees collected pursuant to this section shall not supplant or reduce in any way the general fund
 1406 appropriation to the Board.

1407 F. Permit fee schedules shall apply to permit programs in existence on July 1, 1992, any additional
 1408 permits that may be required by the federal government and administered by the Board, or any new
 1409 permit required pursuant to any law of the Commonwealth.

1410 G. The Board is authorized to promulgate regulations establishing a schedule of reduced permit fees
 1411 for facilities that have established a record of compliance with the terms and requirements of their
 1412 permits and shall establish criteria by regulation to provide for reductions in the annual fee amount
 1413 assessed for facilities accepted into the Department's programs to recognize excellent environmental
 1414 performance.

1415 2. That, except as provided in the third enactment of this act, the provisions of this act shall

1416 become effective on May 1, 2022.

1417 3. That, on or before December 20, 2021, the Governor shall submit to the presiding officer of
1418 each house of the General Assembly a one-year executive budget and a tentative bill for all
1419 proposed appropriations of such budget covering the period beginning July 1, 2022, and ending
1420 June 30, 2023, inclusive. Such executive budget and such tentative bill for all proposed
1421 appropriations of such budget submitted by the Governor in 2021, as required under subsection A
1422 of § 2.2-1508 of the Code of Virginia and subsection A of § 2.2-1509 of the Code of Virginia,
1423 respectively, shall not be for a biennial period; rather, such executive budget and such tentative
1424 bill required under such subsections for the year 2021 shall cover only the period beginning July
1425 1, 2022, and ending June 30, 2023, inclusive.