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HOUSE BILL NO. 777

Offered January 22, 1996

A BILL to amend and reenact §§ 2.1-1.5, 2.1-20.4, 2.1-563.31, 2.1-563.32, 2.1-563.33, 2.1-563.34, and 9-6.14:4.1 of the Code of Virginia and to amend the Code of Virginia by adding in Title 2.1 a chapter numbered 5.4:1, consisting of sections numbered 2.1-51.21:5 through 2.1-51.21:21, relating to the Educational Resources Authority Act of 1996.

Patrons—Councill, Bennett, Clement, Cunningham, Diamonstein, Dickinson, Jackson, Phillips and Plum

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.5, 2.1-20.4, 2.1-563.31, 2.1-563.32, 2.1-563.33, 2.1-563.34, and 9-6.14:4.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a chapter in Title 2.1 numbered 5.4:1, consisting of sections numbered 2.1-51.21:5 through 2.1-51.21:21, as follows:

§ 2.1-1.5. Entities not subject to standard nomenclature.

The following entities are not subject to the provisions of § 2.1-1.2 due to the unique characteristics or the enabling legislation of the entities:

Authorities

Assistive Technology Loan Fund Authority.

Educational Resources Authority.

Richmond Eye and Ear Hospital Authority.

Small Business Financing Authority.

State Education Assistance Authority.

Virginia Agriculture Development Authority.

Virginia College Building Authority.

Virginia Economic Development Partnership.

Virginia Education Loan Authority.

Virginia Housing Development Authority.

Virginia Innovative Technology Authority.

Virginia Port Authority.

Virginia Public Building Authority.

Virginia Public School Authority.

Virginia Resources Authority.

Virginia Student Assistance Authorities.

Boards

Board of Commissioners, Virginia Agriculture Development Authority.

Board of Commissioners, Virginia Port Authority.

Board of Directors, Assistive Technology Loan Fund Authority.

Board of Directors, Richmond Eye and Ear Hospital Authority.

Board of Directors, Small Business Financing Authority.

Board of Directors, Virginia Economic Development Partnership.

Board of Directors, Virginia Student Assistance Authorities.

Board of Directors, Virginia Innovative Technology Authority.

Board of Directors, Virginia Resources Authority.

Board of Regents, Gunston Hall Plantation.

Board of Regents, James Monroe Memorial Law Office and Library.

Board of Trustees, Family and Children's Trust Fund.

Board of Trustees, Frontier Culture Museum of Virginia.

Board of Trustees, Jamestown-Yorktown Foundation.

Board of Trustees, Miller School of Albemarle.

Board of Trustees, Rural Virginia Development Foundation.

Board of Trustees, The Science Museum of Virginia.

Board of Trustees, Virginia Museum of Fine Arts.

Board of Trustees, Virginia Museum of Natural History.

Board of Trustees, Virginia Outdoor Foundation.

(Effective July 1, 1996) Board of the Virginia Higher Education Tuition Trust Fund.

Board of Visitors, Christopher Newport University.

INTRODUCED

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60	Board of Visitors, The College of William and Mary in Virginia.	
61	Board of Visitors, George Mason University.	
62	Board of Visitors, Gunston Hall Plantation.	
63	Board of Visitors, James Madison University.	
64	Board of Visitors, Longwood College.	
65	Board of Visitors, Mary Washington College.	
66	Board of Visitors to Mount Vernon.	
67	Board of Visitors, Norfolk State University.	
68	Board of Visitors, Old Dominion University.	
69	Board of Visitors, Radford University.	
70	Board of Visitors, University of Virginia.	
71	Board of Visitors, Virginia Commonwealth University.	
72	Board of Visitors, Virginia Military Institute.	
73	Board of Visitors, Virginia Polytechnic Institute and State University.	
74	Board of Visitors, Virginia State University.	
75	Governing Board, Virginia College Building Authority.	
76	Governing Board, Virginia Public School Authority.	
77	Library Board, The Library of Virginia.	
78	Motor Vehicle Dealer Board.	
79	State Board for Community Colleges, Virginia Community College System.	
80	Commissions	
81	Alexandria Historical Restoration and Preservation Commission.	
82	(Effective July 1, 1996) Charitable Gaming Commission	
83	Chesapeake Bay Bridge and Tunnel Commission.	
84	Hampton Roads Sanitation District Commission.	
85	Districts	
86	Chesapeake Bay Bridge and Tunnel District.	
87	Hampton Roads Sanitation District.	
88	Educational Institutions	
89	Christopher Newport University.	
90	College of William and Mary in Virginia.	
91	Frontier Culture Museum of Virginia.	
92	George Mason University.	
93	James Madison University.	
94	Jamestown-Yorktown Foundation.	
95	Longwood College.	
96	Mary Washington College.	
97	Miller School of Albemarle.	
98	Norfolk State University.	
99	Old Dominion University.	
100	Radford University.	
101	The Science Museum of Virginia.	
102	University of Virginia.	
103	Virginia Commonwealth University.	
104	Virginia Community College System.	
105	Virginia Military Institute.	
106	Virginia Museum of Fine Arts.	
107	Virginia Polytechnic Institute and State University.	
108	The Library of Virginia.	
109	Virginia State University.	
110	Foundations	
111	Chippokes Plantation Farm Foundation.	
112	Rural Virginia Development Foundation.	
113	Virginia Conservation and Recreation Foundation.	
114	Virginia Historic Preservation Foundation.	
115	Virginia Outdoor Foundation.	
116	Museum	
117	Virginia Museum of Natural History.	
118	Plantation	
119	Gunston Hall Plantation.	
120	System	
121	Virginia Retirement System.	

122 § 2.1-20.4. Bodies receiving compensation.
 123 A. Notwithstanding any other provision of law, the following commissions, boards, etc., shall be
 124 those which receive compensation from state funds pursuant to § 2.1-20.3:
 125 Accountancy, Board for
 126 Agriculture and Consumer Services, Board of
 127 Air Pollution Control Board, State
 128 Airports Authority, Virginia
 129 Apprenticeship Council
 130 Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for
 131 Athletic Board, Virginia
 132 Auctioneers Board
 133 Audiology and Speech-Language Pathology, Board of
 134 Aviation Board, Virginia
 135 Barbers, Board for
 136 Branch Pilots, Board for
 137 Building Code Technical Review Board, State
 138 (Effective July 1, 1996) Charitable Gaming Commission
 139 Chesapeake Bay Local Assistance Board
 140 Child Day Care and Early Childhood Programs, Virginia Council on
 141 Coal Mining Examiners, Board of
 142 College Building Authority
 143 Commonwealth Competition Council
 144 *Educational Resources Authority, Board of Directors of the*
 145 Commonwealth Transportation Board
 146 Conservation and Development of Public Beaches, Board on
 147 Conservation and Recreation, Board of
 148 Contractors, Board for
 149 Correctional Education, Board of
 150 Corrections, Board of
 151 Cosmetology, Board for
 152 Criminal Justice Services Board
 153 Deaf and Hard-of-Hearing, Advisory Board for the
 154 Dentistry, Board of
 155 Education, State Board of
 156 Education Loan Authority, Virginia - Board of Directors
 157 Elections, State Board of
 158 Environment, Council on the
 159 Fire Services Board, Virginia
 160 Funeral Directors and Embalmers, Board of
 161 Game and Inland Fisheries, Board of
 162 Geology, Board for
 163 Health, State Board of
 164 Health Professions, Board of
 165 Hearing Aid Specialists, Board for
 166 Higher Education, State Council of
 167 Historic Resources, Board of
 168 Housing and Community Development, Board of
 169 Information Management, Council on
 170 Marine Resources Commission
 171 Medical Assistance Services, Board of
 172 Medical Complaint Investigation Committee
 173 Medicine, Board of
 174 Mental Health, Mental Retardation and Substance Abuse Services Board, State
 175 Milk Commission
 176 Mineral Mining Examiners, Board of
 177 Motor Vehicle Dealer Board
 178 Nursing, Board of
 179 Nursing Home Administrators, Board of
 180 Occupational Therapy, Advisory Board on
 181 Oil and Gas Conservation Board, Virginia
 182 Opticians, Board for

183 Optometry, Board of
 184 Pesticide Control Board
 185 Pharmacy, Board of
 186 Physical Therapy, Advisory Board on
 187 Port Authority, Board of Commissioners of the Virginia
 188 Professional and Occupational Regulation, Board for
 189 Professional Counselors, Board of
 190 Professional Soil Scientists, Board for
 191 Psychology, Board of
 192 Public Defender Commission
 193 Public School Authority, Virginia
 194 Purchases and Supply Appeals Board
 195 Real Estate Appraiser Board
 196 Real Estate Board
 197 Recreation Specialists, Board of
 198 Rehabilitative Services, Board of
 199 Respiratory Therapy, Advisory Board on
 200 Safety and Health Codes Board
 201 Seed Potato Board
 202 Social Services, Board of
 203 Social Work, Board of
 204 State Health Department Sewage Handling and Disposal Appeal Review Board
 205 Substance Abuse Certification Board
 206 Surface Mining Review, Board of
 207 Treasury Board
 208 Veterans' Affairs, Board on
 209 Veterinary Medicine, Board of
 210 Virginia Board for Asbestos Licensing
 211 Virginia Health Planning Board
 212 Virginia Manufactured Housing Board
 213 Virginia Veterans Care Center Board of Trustees
 214 Virginia Waste Management Board
 215 Visually Handicapped, Virginia Board for the
 216 (Contingent repeal - See Editor's note) Waste Management Facility Operators, Board for
 217 Water Control Board, State
 218 Waterworks and Wastewater Works Operators, Board for
 219 Well Review Board, Virginia
 220 Youth and Family Services, State Board of.

221 B. Individual members of boards, commissions, committees, councils, and other similar bodies
 222 appointed at the state level and receiving compensation for their services on January 1, 1980, but who
 223 will not receive compensation under the provisions of this article, shall continue to receive compensation
 224 at the January 1, 1980, rate until such member's current term expires.

225 CHAPTER 5.4:1.

226 EDUCATIONAL RESOURCES AUTHORITY ACT OF 1996.

227 § 2.1-51.21:5. Title of chapter.

228 This chapter may be cited as the "Educational Resources Authority Act of 1996."

229 § 2.1-51.21:6. Definitions.

230 As used in this chapter, unless the context clearly indicates otherwise:

231 "Authority" means the political subdivision of the Commonwealth created by this chapter or its
 232 successor in interest.

233 "Board" means the Board of Directors of the Authority.

234 "Bonds" means and includes the notes, bonds, certificates and other evidences of indebtedness or
 235 obligations of the Authority.

236 "Director" means a member of the Board of Directors of the Authority.

237 "Federal agency" means and includes the United States, the President of the United States, and any
 238 department, corporation, agency, or instrumentality thereof.

239 "Joint Rules Committee" means those members of the House of Delegates and the Senate designated
 240 by the Speaker of the House and the Chairman of the Senate Committee on Rules, respectively, to meet
 241 with each other and to act jointly on behalf of the Committee on Rules for each house.

242 "Person" means and includes natural persons, firms, foundations, associations, corporations, business
 243 trusts, partnerships, joint ventures and public bodies, including, but not limited to, the Commonwealth
 244 or any state and any agency, department, institution, political subdivision or instrumentality thereof.

"Project" means the acquisition or operation of any equipment, infrastructure, or facility or the provision for or funding of any activity that will further the purposes of this chapter.

§ 2.1-51.21:7. Declaration of public purpose; Authority created; cooperation of other agencies, instrumentalities, and entities.

A. It is hereby found and determined by the General Assembly that there exists in the Commonwealth a need to (i) foster the use of technological practices and equipment in educational settings; (ii) encourage cooperative educational ventures between and among local schools, school divisions, and institutions of higher education; (iii) provide additional, advanced technological equipment for teaching, research and related activities for educational agencies and institutions throughout the Commonwealth; and (iv) establish a mechanism by which needs assessments, priority setting, training, access and networking involving technological equipment and processes among and between educational agencies and institutions may be advanced.

B. To achieve the purposes of this chapter, there is hereby created and constituted a political subdivision of the Commonwealth to be known as the "Educational Resources Authority." The exercise by the Authority of the powers conferred by this chapter shall be deemed and held to be the performance of an essential governmental function.

C. Inasmuch as Article VIII of the Constitution of Virginia (1971) establishes the General Assembly's broad, ongoing responsibility to operate, maintain, and fund the Commonwealth's educational system, all agencies, instrumentalities, and entities of the Commonwealth, in any branch of state government, and its political subdivisions shall cooperate with the Authority, upon its request, in achieving the purposes of this chapter.

D. The Authority shall be exempt from the Administrative Process Act (§ 9-6:14:1 et seq.) but shall comply with the Virginia Register Act (§ 9-6.15 et seq.).

§ 2.1-51.21:8. Board of Directors; technical advisory committee.

A. The Authority shall be administered by a Board of Directors, consisting of six appointed directors and the State Treasurer, Superintendent of Public Instruction, and Director of the State Council on Higher Education, who shall serve as directors for terms coincident with their terms of office. The Governor shall appoint two directors who shall be confirmed by the affirmative vote of a majority of those voting in each house of the General Assembly. The Joint Rules Committee shall appoint the other four directors, who shall be confirmed by the affirmative vote of a majority of those voting in each house of the General Assembly. The Governor and the Joint Rules Committee shall designate the terms of their appointees under subsection C for the term for which each appointee is a candidate.

B. Directors shall be appointed for five-year terms, with such directors leaving the Board on a staggered basis.

C. For the Board's initial term, the schedule below shall be followed:

(i) One legislative appointee, to serve as chairman upon confirmation by the affirmative vote of a majority of those voting in each house of the General Assembly, shall be appointed for a term of one year;

(ii) One legislative appointee shall be appointed for a term of two years;

(iii) One gubernatorial and one legislative appointee shall be appointed for terms of three years; and

(iv) One gubernatorial and one legislative appointee shall be appointed for terms of four years.

D. Appointments to fill vacancies shall be for the unexpired terms. A vacancy of a legislative appointment shall be filled by the Joint Rules Committee; a vacancy of a gubernatorial appointment shall be filled by the Governor. Any such appointee shall enter upon and continue in office, subject to confirmation at the next session of the General Assembly. If the General Assembly refuses or fails to confirm his appointment, such person shall not be eligible for reappointment. No director shall be eligible to serve for more than two successive five-year terms; however, after the expiration of a term of four years or less, or after the expiration of the remainder of a term to which a director was appointed to fill a vacancy, two additional terms may be served by such director if so appointed.

E. A chairman may be reappointed and reconfirmed by the General Assembly for additional two-year terms, not to exceed a total of two. However, the initial chairman's one-year term shall not be counted against the two-term limitation, and such person may serve as chairman for a total of five successive years if reappointed and reconfirmed pursuant to this subsection.

F. Immediately after confirmation, the directors shall enter upon the performance of their duties. The Board shall annually elect one of its members as vice-chairman. The Board may annually elect a secretary and such other subordinate officers, who may or may not be directors, as the Board deems necessary, proper, or convenient. A majority of the members of the Board shall constitute a quorum. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Board. In the absence of both the chairman and vice-chairman, the Board shall appoint a chairman pro tempore, who shall preside at such meetings. The Board shall employ an executive director of the Authority, who shall serve at the pleasure of the Board, to direct the day-to-day operations and activities of the Authority

306 and carry out such of the powers and duties as may be delegated to him by the Board. The executive
307 director and employees of the Authority shall be compensated in the manner provided by the Board and
308 shall not be subject to the provisions of Chapter 10 (§ 2.1-110 et seq.) of Title 2.1. Directors shall be
309 compensated pursuant to § 2.1-20.3.

310 G. Directors shall be subject to removal from office as set forth in Article 7 (§ 24.2-230 et seq.) of
311 Chapter 2 of Title 24.2. The Circuit Court of the City of Richmond shall have exclusive jurisdiction over
312 all proceedings for such removal.

313 H. The provisions of the State and Local Government Conflict of Interests Act (§ 2.1-639.1 et seq.)
314 shall apply to the Board and the employees of the Authority.

315 I. The Board may establish a technical advisory committee with representatives recommended by
316 technology councils, industry and business associations, college and university presidents, and school
317 boards.

318 § 2.1-51.21:9. Powers.

319 The Authority shall have the power to:

320 1. Sue and be sued, implead and be impleaded, complain and defend in all courts.

321 2. Adopt, use, and alter at will a corporate seal.

322 3. Acquire, purchase, hold, use, lease or otherwise dispose of any project or property, real, personal
323 or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the
324 purposes of the Authority, and, without limitation of the foregoing; lease as lessee any project or
325 property, real, personal or mixed, or any interest therein, at such annual rental and on such terms and
326 conditions as may be determined by the Board of the Authority; lease as lessor to any person, any
327 project and any property, real, personal or mixed, tangible or intangible, or any interest therein, at any
328 time acquired by the Authority, whether wholly or partially completed, at such annual rental and on
329 such terms and conditions as may be determined by the Board of the Authority; and sell, transfer or
330 convey any property, real, personal or mixed, tangible or intangible or any interest therein, at any time
331 acquired or held by the Authority on such terms and conditions as may be determined by the Board of
332 the Authority.

333 4. Plan, develop, undertake, carry out, improve, rehabilitate, repair, furnish, maintain, and operate
334 projects.

335 5. Make bylaws for the management and regulation of its affairs.

336 6. Establish and maintain satellite offices within the Commonwealth.

337 7. Fix, alter, charge, and collect rates, rentals, and other charges for the use of projects of, or for
338 the sale of products of or for the services rendered by, the Authority, at rates to be determined by it for
339 the purpose of providing for the payment of the expenses of the Authority; planning, developing,
340 constructing, improving, rehabilitating, repairing, furnishing, maintaining, and operating its projects and
341 properties; paying the costs of accomplishing the purposes of this chapter; and paying the principal of
342 and interest on its obligations, and fulfilling the terms and provisions of any agreements made with the
343 purchasers or holders of any such obligations.

344 8. Borrow money; make and issue bonds including bonds as the Authority may, from time to time,
345 determine to issue to accomplish the purposes of this chapter, or of refunding bonds previously issued
346 by the Authority; secure the payment of all bonds, or any part thereof, by pledge or deed of trust of all
347 or any of its revenues, rentals, and receipts or of any project or property, real, personal or mixed,
348 tangible or intangible, or any interest therein; make such agreements with the purchasers or holders of
349 such bonds or with others in connection with any such bonds, whether issued or to be issued, as the
350 Authority shall deem advisable; and in general to provide for the security for said bonds and the rights
351 of holders thereof.

352 9. Make and enter into all contracts and agreements necessary or incidental to the performance of
353 its duties, the furtherance of its purposes and the execution of its powers under this chapter, including
354 agreements with any person or federal agency.

355 10. Employ, in its discretion, consultants, attorneys, architects, engineers, accountants, financial
356 experts, investment bankers, superintendents, managers and such other employees and agents as may be
357 necessary and to fix their compensation to be payable from funds made available to the Authority.

358 11. Receive and accept from any federal or private agency, foundation, corporation, association or
359 person, grants to be expended in accomplishing the objectives of the Authority, and receive and accept
360 from the Commonwealth or any state, municipality, county or political subdivision thereof and from any
361 other source, aid or contributions of either money, property, or other things of value, to be held, used
362 and applied only for the purposes for which such grants and contributions may be made.

363 12. Render advice and assistance and provide services to elementary and secondary schools, school
364 divisions, and institutions of higher education.

365 13. Develop, undertake and provide programs, alone or in conjunction with any person or federal
366 agency, for technological research, technology management, continuing education and training.

367 14. Pledge or otherwise encumber all or any of the revenues or receipts of the Authority as security

for all or any of the obligations of the Authority.

15. Promulgate regulations and procedures and make determinations necessary to carry out the provisions of this chapter.

16. Do all acts and things necessary or convenient to carry out the powers granted to it by this chapter or any other acts.

§ 2.1-51.21:10. Forms, terms, execution and sales of bonds; use of proceeds; interim receipts or temporary bonds; lost or destroyed bonds; faith and credit of state and political subdivisions not pledged; expenses.

The bonds of each issue shall be dated; shall bear interest at such rate or rates as shall be fixed by the Authority; shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Authority; and at the option of the Authority, may be made redeemable before maturity at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the forms of the bonds and the manner of execution of the bonds and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. The bonds shall be signed by the chairman or vice-chairman of the Authority, or if so authorized by the Authority, shall bear his facsimile signature, and the official seal of the Authority, or, if so authorized by the Authority, a facsimile signature thereof shall be impressed or imprinted thereon and attested by the secretary or any assistant secretary of the Authority, or, if so authorized by the Authority, with the facsimile signature of such secretary or assistant secretary. Any coupons attached to bonds issued by the Authority shall bear the signature of the chairman or vice-chairman of the Authority or a facsimile thereof. In case any officer whose signature or facsimile thereof appears on any bonds or coupons shall cease to be such officer before the delivery of the bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery and any bonds may bear the facsimile signature of, or may be signed by, such persons as at the actual time of the execution of such bonds shall be the proper officers to sign such bonds although at the date of such bonds such persons may not have been such officers. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of any bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. The Authority may sell such bonds in such manner, either at public or private sale, and for such price, as it may determine will best effect the purposes of this chapter.

The proceeds of the bonds of each issue shall be used solely for the purposes, and in furtherance of the powers, of the Authority as may be provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same.

In addition to the above powers, the Authority shall have the authority to issue interim receipts or temporary bonds as provided in § 15.1-227.18 and to execute and deliver new bonds in place of bonds mutilated, lost or destroyed, as provided in § 15.1-227.23.

No obligation of the Authority shall be deemed to constitute a debt, or pledge of the faith and credit, of the Commonwealth or of any political subdivision thereof, but shall be payable solely from the revenue and other funds of the Authority pledged thereto; all such obligations shall contain on the face thereof a statement to that effect that the Commonwealth, political subdivisions thereof and the Authority shall not be obligated to pay the same or the interest thereon except from revenues and other funds of the Authority pledged thereto, and that neither the faith and credit nor the taxing power of the Commonwealth or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such obligations.

All expenses incurred in carrying out the provisions of this chapter shall be payable solely from funds provided under the provisions of this chapter, and no liability shall be incurred by the Authority hereunder beyond the extent to which moneys shall have been provided under the provisions of this chapter.

§ 2.1-51.21:11. Trust agreement securing bonds.

In the discretion of the Authority, any bonds issued under the provisions of this chapter may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the Commonwealth. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the revenues to be received and provide for the mortgage of any project or property or any part thereof. Such trust agreement or resolution may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in acquiring property; planning, developing, acquiring, constructing, rehabilitating, establishing, improving, extending, enlarging, maintaining,

429 repairing, operating and insuring the project or projects in connection with which such bonds shall have
430 been authorized; setting the rates and fees to be charged; providing for the custody, safety, and
431 application of all moneys; and delineating the conditions or limitations for the issuance of additional
432 bonds. It shall be lawful for any bank or trust company incorporated under the laws of the
433 Commonwealth which may act as depository of the proceeds of bonds or of revenue to furnish such
434 indemnifying bonds or to pledge such securities as may be required by the Authority. Any such trust
435 agreement may set forth the rights of action by bondholders. In addition to the foregoing, the trust
436 agreement or resolution may contain such other provisions as the Authority may deem reasonable and
437 proper for the security of the bondholders. All expenses incurred in carrying out the provisions of the
438 trust agreement or resolution may be treated as a part of the cost of the operation of the project or
439 projects.

440 § 2.1-51.21:12. Moneys received deemed trust funds.

441 All moneys received pursuant to the authority of this chapter, whether as proceeds from the sale of
442 bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in
443 this chapter. The resolution authorizing the bonds of any issue or the trust agreement securing such
444 bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys
445 shall be deposited shall act as a trustee of such moneys and shall hold and apply the same for the
446 purposes hereof, subject to the conditions and restrictions of this chapter and those that the resolution
447 or trust agreement may provide.

448 § 2.1-51.21:13. Proceedings by bondholder or trustee to enforce rights.

449 Any holder of bonds issued under the provisions of this chapter or any of the coupons appertaining
450 thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be
451 restricted by such trust agreement or the resolution authorizing the issuance of such bonds, may either
452 at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all
453 rights under the laws of the Commonwealth or granted hereunder or under such trust agreement or
454 resolution, and may enforce and compel the performance of all duties required by this chapter or by
455 such trust agreement or resolution to be performed by the Authority or by any officer thereof, including
456 the fixing, charging, and collecting of rates, rentals, and other charges.

457 § 2.1-51.21:14. Bonds made securities for investment and deposit.

458 Bonds issued by the Authority under the provisions of this chapter are hereby made securities in
459 which all public officers and public bodies of the Commonwealth and its political subdivisions, all
460 insurance companies, trust companies, banking associations, investment companies, executors,
461 administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in
462 their control or belonging to them. Such bonds are hereby made securities which may properly and
463 legally be deposited with and received by any state or municipal officer or any agency or political
464 subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations of the
465 Commonwealth is now or may hereafter be authorized by law.

466 § 2.1-51.21:15. Revenue refunding bonds; purposes.

467 The Authority shall be authorized to provide for the issuance of revenue refunding bonds of the
468 Authority (i) to refund any outstanding bonds which have been issued under this chapter, including the
469 payment of any redemption premium thereon and any interest accrued or to accrue to the date of the
470 redemption of such bonds, and, (ii) if deemed advisable by the Authority, to construct improvements,
471 extensions, or enlargements of the project or projects for which the bonds to be refunded were issued.
472 The Authority shall be further authorized to provide by resolution for the issuance of its revenue bonds
473 for the combined purpose of (i) refunding any bonds then outstanding which have been issued under this
474 chapter, including the payment of any redemption premium thereon and any interest accrued or to
475 accrue to the date of redemption of such bonds, and (ii) paying all or any part of the cost of any
476 additional project or projects or any portion or portions thereof. The issuance of such bonds, the
477 maturities and other details thereof, the rights of the bondholders, and the rights, duties and obligations
478 of the Authority shall be governed by the provisions of this chapter insofar as the same may be
479 applicable.

480 § 2.1-51.21:16. Grants or loans of public or private funds.

481 The Authority is authorized to accept, receive, receipt for, disburse, and expend federal and state
482 moneys and other moneys, public or private, made available by grant or loan or both or otherwise, to
483 accomplish, in whole or in part, any of the purposes of this chapter. All federal moneys accepted under
484 this section shall be accepted and expended by the Authority upon such terms and conditions as are
485 prescribed by the United States and as are consistent with state law; all state moneys accepted under
486 this section shall be accepted and expended by the Authority upon such terms and conditions as are
487 prescribed by the Commonwealth.

488 § 2.1-51.21:17. Exemption from taxes or assessments.

489 The exercise of the powers granted by this chapter shall be in all respects for the benefit of the
490 people of the Commonwealth, for the increase of their commerce and prosperity, and for the

improvement of their education, health, and living conditions. Since the operation and maintenance of projects by the Authority and the undertaking of activities in furtherance of the purpose of the Authority will constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any project or any property acquired or used by the Authority under the provisions of this chapter, or upon the income therefrom, including sales and use taxes on tangible personal property used in the operations of the Authority. Any bonds issued under the provisions of this chapter, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from state and local taxation. The exemptions hereby granted shall not be construed to extend to persons conducting, on the premises of a facility, businesses for which local or state taxes would otherwise be required.

§ 2.1-51.21:18. Auxiliaries.

A. The Governor is hereby authorized to provide for the formation of a nonstock corporation to carry out the purpose of this chapter. The board of directors of the nonstock corporation shall consist of the members of the Board of Directors of the Authority. The articles of incorporation of the nonstock corporation shall provide that, upon dissolution, the net assets of the corporation shall be transferred to the Commonwealth of Virginia. The nonstock corporation shall ensure that the educational benefits attributable to the income and property rights arising from any transactions in which the nonstock corporation is involved are allocated on a basis which is equitable in the reasonable business judgment of the board of directors, with due account being given to the interest of the citizens of the Commonwealth and the needs of the nonstock corporation. The nonstock corporation shall not be deemed to be a state or governmental agency, advisory agency, public body or agency or instrumentality for purposes of Chapters 10 (§ 2.1-110 et seq.), 13 (§ 2.1-153 et seq.), 14 (§ 2.1-173 et seq.), 18 (§ 2.1-327 et seq.), 21 (§ 2.1-340 et seq.), 23 (§ 2.1-359 et seq.), 26 (§ 2.1-377 et seq.) and 40.1 (§ 2.1-639.1 et seq.) of Title 2.1, Chapter 7 (§ 11-35 et seq.) of Title 11 and Chapter 1 (§ 51.1-124.1 et seq.) of Title 51.1, nor shall any director, officer or employee of any such nonstock corporation or entity be deemed to be an officer or employee of the Commonwealth or its political subdivisions for purposes of Chapter 40.1 (§ 2.1-639.1 et seq.) of Title 2.1. Notwithstanding the foregoing, the Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the financial accounts of the Authority and any such nonstock corporation entity, provided that the working papers and files of the Auditor of Public Accounts relating to such audits shall not be subject to the provisions of Chapter 21 (§ 2.1-340 et seq.) of Title 2.1.

B. Notwithstanding the provisions of subsection A, as an entity receiving state funds, the nonstock corporation shall be subject to periodic external review either (i) under the provisions of the Legislative Program Review and Evaluation Act (§ 30-64 et seq.) or (ii) by an entity appointed for that purpose by the Governor.

§ 2.1-51.21:19 Exemption of Authority from personnel and procurement procedures.

The provisions of Chapter 10 (§ 2.1-110 et seq.) of Title 2.1 and Chapter 7 (§ 11-35 et seq.) of Title 11 shall not apply to the Authority in the exercise of any power conferred under this chapter.

§ 2.1-51.21:20. Moneys of Authority.

All moneys of the Authority, from whatever source derived, shall be paid to the treasurer of the Authority. Such moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies, in one or more special accounts. All banks and trust companies are authorized to give security for the deposits, if required by the Authority. The moneys in such accounts shall be paid out on the warrant or other order of the treasurer of the Authority or of any other person who the Authority may authorize to execute such warrants or orders.

§ 2.1-51.21:21. Title to property.

The Authority may acquire title to property in its own name or in the name of the Commonwealth for and on behalf of the Authority.

§ 2.1-563.31. General powers of Council; powers and duties of Council.

A. The Council shall have the following general powers:

1. To make and enter into all contracts and agreements necessary or incidental to the performance of duties and the execution of its powers, including but not limited to contracts with the United States, other state agencies and governmental subdivisions of the Commonwealth.

2. To accept grants from the United States government and agencies and instrumentalities thereof and any source, other than any person, firm, or corporation, or director, officer, or agent thereof which manufactures or sells information technology equipment, goods or services. To these ends, the Council shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable.

3. To prescribe regulations necessary or incidental to the performance of its duties or execution of its powers; however, the provisions of the Administrative Process Act (§ 9-6.14:1 et seq.) shall not apply to such regulations.

552 B. The Council shall have the following powers and duties concerning the planning, budgeting,
553 management and use of information technology resources. All agencies ~~and institutions of higher~~
554 ~~education~~, *except the Department of Education*, shall cooperate with the Council in the performance of
555 its powers and duties:

556 1. To monitor trends and advances in information technology, to develop a comprehensive, statewide,
557 four-year planning process, and plan for the acquisition, management, and use of information technology
558 resources. The statewide plan shall be updated annually and submitted to the Governor. In developing
559 and updating such plans, the Council shall consider the advice of the Department, ~~and of agencies and~~
560 ~~institutions of higher education~~, *except the Department of Education*, through the Advisory Committees
561 to the Council provided for herein.

562 2. To provide agencies ~~and institutions of higher education~~, *except the Department of Education*,
563 with information and guidelines in the development of information management plans and the
564 preparation of budget requests for information technology resources.

565 3. To require agencies ~~and institutions of higher education~~, *except the Department of Education*, to
566 submit information management plans to the Council and a copy to the Department. The Council shall
567 have the authority to approve such plans and amendments thereto, including the Department's. All
568 agencies ~~and institutions of higher education~~, *except the Department of Education*, shall maintain
569 current information management plans which have been approved by the Council.

570 4. To monitor implementation of information management plans.

571 5. To direct the development and promulgation of policies, standards, and guidelines for managing
572 information technology resources in the Commonwealth.

573 6. To review agency and institution budget requests for information technology resources and to
574 recommend budget request priorities to the Department of Planning and Budget.

575 7. To direct the compilation and maintenance of an inventory of all information technology
576 resources, including but not limited to personnel, facilities, equipment, goods and contracts for services.

577 8. To develop an approval process to ensure that all information technology procurements conform to
578 the statewide information management plan and the information management plans of agencies ~~and~~
579 ~~institutions of higher education~~, *except the Department of Education*. The Council shall be authorized to
580 disapprove the procurements that do not conform to the statewide information management plan and the
581 agency plans.

582 9. To establish statewide standards for the efficient exchange of electronic information and
583 technology, including infrastructure, between the public and private sectors in the Commonwealth. In
584 cooperation with the Division of Legislative Automated Systems, the Council shall also establish
585 standards for public access to the Legislative Information System which standards shall include
586 provisions for protecting the security and integrity of the system and the cost of public access.

587 § 2.1-563.32. Advisory Committees to the Council.

588 A. There are hereby established ~~four~~ *three* advisory committees to the Council:

589 1. The Agency Advisory Committee shall consist of ten members: eight representatives of agencies,
590 consisting of one representative from each Secretarial area, who shall be designated by the Governor,
591 one member of a judicial agency who shall be designated by the Chief Justice of the Supreme Court,
592 and the Director of the Division of Legislative Automated Systems. Of the members representing
593 agencies designated by the Governor on July 1, 1990, four shall be appointed for two-year terms and
594 four for one-year terms. Thereafter, the successors to the persons so designated shall be appointed to
595 terms of two years. No person designated by the Governor shall serve more than two full consecutive
596 terms, and any vacancy occurring other than by expiration of a term shall be filled by the Governor for
597 the unexpired term.

598 2. ~~The Education Advisory Committee shall consist of nine members who shall be designated by the~~
599 ~~Governor: six members representing institutions of higher education and three members representing~~
600 ~~elementary and/or secondary education. Of those members designated by the Governor on July 1, 1990,~~
601 ~~five shall be appointed for terms of two years and four for terms of one year. Thereafter, the successors~~
602 ~~to the persons so designated shall be appointed for terms of two years. No person designated by the~~
603 ~~Governor shall serve more than two full consecutive terms, and any vacancy occurring other than by~~
604 ~~expiration of a term shall be filled by the Governor for the unexpired term.~~

605 3. 2. The Advisory Committee on Mapping, Surveying and Land Information Systems shall, in
606 accordance with procedures prescribed by the Council, meet with, confer with and advise the Council on
607 matters relating to mapping, surveying and land information systems, with particular reference to the
608 following areas:

609 a. The development of model policies, standards, guidelines and procedures addressing the
610 implementation, management and improvement of land records and land information systems;

611 b. The provision of information concerning the availability from federal, state or other sources of
612 map products, aerial photographs, digital databases, surveying and natural resource information, and
613 other related resources;

c. The promotion of access to federal and other digital data banks through standards which are compatible with federal standards;

d. The recommendation of means for coordinating, consolidating and improving mapping services and programs being planned or carried out by the Commonwealth or regional bodies, planning district commissions or local governments; and

e. The promotion of coordinated efforts of federal, state, regional, and local agencies in densifying the state's survey monumentation network and providing advice and assistance in the implementation of the State Plane Coordinate Systems.

The Advisory Committee on Mapping shall prepare and maintain an information management plan that identifies strategic opportunities and recommended courses of action at the state, regional and local levels for the management and use of information technology resources to support mapping, surveying and land information systems.

The Advisory Committee on Mapping shall consist of eleven members appointed by the Governor as follows: one member from the Virginia State Bar; one member from the Virginia Association of Land Surveyors; three members who are employees of state agencies that employ automated land information systems or geographic information systems; four members from local governments, regional bodies, or planning district commissions that employ automated land information systems or geographic information systems; and two members at large. Of the members appointed by the Governor on July 1, 1992, six shall be appointed for terms of three years and five for terms of two years. Thereafter, members shall be appointed for three-year terms and may be appointed to no more than two consecutive terms. Any vacancy occurring other than by the expiration of a term shall be filled by the Governor for the unexpired term.

3. The Local Government Advisory Committee shall consist of nine members who shall be appointed by the Governor as follows: three members representing counties, cities or towns with populations greater than 75,000, three members representing counties, cities or towns with populations of 75,000 or less and three members at large. Of those members first appointed, five shall be appointed for terms of two years and four for terms of one year. Thereafter, the successors to the persons so designated shall be appointed for terms of two years. No person designated by the Governor shall serve more than two full consecutive terms, and any vacancy occurring other than by expiration of a term shall be filled by the Governor for the unexpired term.

B. The Advisory Committees shall, in accordance with procedures prescribed by the Council, meet with, confer with and advise the Council in the development of the Commonwealth's policies, standards, and guidelines for managing information technology resources.

§ 2.1-563.33. Submission of budget requests of the Council.

The Council shall develop policies and procedures which agencies and institutions of higher education, *except the Department of Education*, shall follow when making budget requests for information technology resources equipment, goods and services. Such policies and procedures shall require consideration of current and future operating expenses, and shall be utilized by all agencies and institutions of higher education, *except the Department of Education*, in preparing budget requests. The Council shall consult with the Department and the Department of Planning and Budget in the development of such policies and procedures.

§ 2.1-563.34. Department support to the Council.

The Department shall, at the request of the Council, provide administrative support to the Council and perform such other services as the Council may direct in the performance of its powers and duties. Support provided by the Department may include, but shall not be limited to, performing the following duties:

1. To advise the Council on trends and advances in information technology and the status of information technology resource development in the Commonwealth as a whole.

2. To review information management plans submitted by agencies and institutions of higher education, *except the Department of Education*, to the Council and to provide advice and recommendations to the Council.

3. To monitor the implementation of information management plans by agencies, *except the Department of Education*, and institutions of higher education, and provide findings and recommendations to the Council.

4. To advise the Council in the development, interpretation, and dissemination of its policies, standards, and guidelines, and to maintain records thereon for the Council.

5. To develop and maintain an inventory of the Commonwealth's information technology resources, including personnel, facilities, equipment, goods, and contracts for services.

§ 9-6.14:4.1. Exemptions and exclusions.

A. Although required to comply with § 9-6.18 of the Virginia Register Act (§ 9-6.15 et seq.), the following agencies are exempted from the provisions of this chapter, except to the extent that they are

specifically made subject to §§ 9-6.14:14.1, 9-6.14:21 and 9-6.14:22:

1. The General Assembly.

2. Courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

3. The Department of Game and Inland Fisheries in promulgating regulations regarding the management of wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2 (§ 29.1-200 et seq.), 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 7 (§ 29.1-700 et seq.) of Title 29.1.

4. The Virginia Housing Development Authority.

5. Municipal corporations, counties, and all local, regional or multijurisdictional authorities created under this Code, including those with federal authorities, except for those created under Chapter 27 (§ 15.1-1228 et seq.) of Title 15.1.

6. Educational institutions operated by the Commonwealth provided that, with respect to § 9-6.14:22, such educational institutions shall be exempt from the publication requirements only with respect to regulations which pertain to (i) their academic affairs; (ii) the selection, tenure, promotion and disciplining of faculty and employees; (iii) the selection of students; and (iv) rules of conduct and disciplining of students.

7. The Milk Commission in promulgating regulations regarding (i) producers' license and base, (ii) classification and allocation of milk, computation of sales and shrinkage, and (iii) class prices for producers' milk, time and method of payment, butterfat testing and differential.

8. The Virginia Resources Authority.

9. Agencies expressly exempted by any other provision of this Code.

10. The Virginia Voluntary Formulary Board in formulating recommendations regarding amendments to the Formulary pursuant to § 32.1-81.

11. The Council on Information Management.

12. The Department of General Services in promulgating standards for the inspection of buildings for asbestos pursuant to § 2.1-526.14.

13, 14. [Repealed.]

15. The State Council of Higher Education for Virginia, in developing, issuing, and revising guidelines pursuant to § 23-9.6:2.

16. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to subsection B of § 3.1-726.

17. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and Consumer Services in promulgating regulations pursuant to subsections B and C of § 3.1-106.4, subsection B of § 3.1-126.12:1, § 3.1-271.1, subsections B and C of § 3.1-828.4, and subsection A of § 3.1-884.21:1.

18. The Board of Medicine when specifying therapeutic pharmaceutical agents for the treatment of certain conditions of the human eye and its adnexa by certified optometrists pursuant to § 54.1-2957.2.

19. The Board of Medicine, in consultation with the Board of Pharmacy, when promulgating amendments to the Physician's Assistant Formulary established pursuant to § 54.1-2952.1.

20. The Boards of Medicine and Nursing in promulgating amendments to the Nurse Practitioner Formulary established pursuant to § 54.1-2957.01.

21. The Virginia War Memorial Foundation.

22. The Virginia Medicaid Prior Authorization Advisory Committee in making recommendations to the Board of Medical Assistance Services regarding prior authorization for prescription drug coverage pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

23. The State Board of Education, in developing, issuing, and revising guidelines pursuant to § 22.1-280.3.

24. *The Educational Resources Authority established pursuant to Chapter 5.4:1 (§ 2.1-51.21:5 et seq.) of Title 2.1.*

B. Agency action relating to the following subjects is exempted from the provisions of this chapter:

1. Money or damage claims against the Commonwealth or agencies thereof.

2. The award or denial of state contracts, as well as decisions regarding compliance therewith.

3. The location, design, specifications or construction of public buildings or other facilities.

4. Grants of state or federal funds or property.

5. The chartering of corporations.

6. Customary military, naval or police functions.

7. The selection, tenure, dismissal, direction or control of any officer or employee of an agency of the Commonwealth.

8. The conduct of elections or eligibility to vote.

9. Inmates of prisons or other such facilities or parolees therefrom.

10. The custody of persons in, or sought to be placed in, mental, penal or other state institutions as

well as the treatment, supervision, or discharge of such persons.

11. Traffic signs, markers or control devices.

12. Instructions for application or renewal of a license, certificate, or registration required by law.

13. Content of, or rules for the conduct of, any examination required by law.

14. The administration of a pool or pools authorized by Article 7.1 (§ 2.1-234.9:1 et seq.) of Chapter 14 of Title 2.1.

15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent with duly adopted regulations of the State Lottery Board, and provided that such regulations are published and posted.

16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish, finfish or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8, Title 28.2.

17. Any operating procedures for review of child deaths developed by the State Child Fatality Review Team pursuant to § 32.1-283.1.

C. The following agency actions otherwise subject to this chapter and § 9-6.18 of the Virginia Register Act are excluded from the operation of Article 2 (§ 9-6.14:7.1 et seq.) of this chapter:

1. Agency orders or regulations fixing rates or prices.

2. Regulations which establish or prescribe agency organization, internal practice or procedures, including delegations of authority.

3. Regulations which consist only of changes in style or form or corrections of technical errors. Each promulgating agency shall review all references to sections of the Code of Virginia within their regulations each time a new supplement or replacement volume to the Code of Virginia is published to ensure the accuracy of each section or section subdivision identification listed.

4. Regulations which:

(a) Are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved;

(b) Are required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or

(c) Are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing; notice of the proposed adoption of these regulations and the Registrar's above determination shall be published in the Virginia Register not less than thirty days prior to the effective date thereof.

5. Regulations which an agency finds are necessitated by an emergency situation. For the purposes of this subdivision, "emergency situation" means (i) a situation involving an imminent threat to public health or safety or (ii) a situation in which Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation shall be effective in 280 days or less from enactment of the law or the appropriation act or the effective date of the federal regulation, and the regulation is not exempt under the provisions of subdivision C 4 of this section. In such cases, the agency shall state in writing the nature of the emergency and of the necessity for such action and may adopt such regulations with the prior approval of the Governor. Such regulations shall be limited to no more than twelve months in duration. During the twelve-month period, an agency may issue additional emergency regulations as needed addressing the subject matter of the initial emergency regulation, but any such additional emergency regulations shall not be effective beyond the twelve-month period from the effective date of the initial emergency regulation. If the agency wishes to continue regulating the subject matter governed by the emergency regulation beyond the twelve-month limitation, a regulation to replace the emergency regulation shall be promulgated in accordance with Article 2 (§ 9-6.14:7.1 et seq.) of this chapter. The Notice of Intended Regulatory Action to promulgate a replacement regulation shall be published within sixty days of the effective date of the emergency regulation, and the proposed replacement regulation shall be published within 180 days after the effective date of the emergency regulation.

6. [Repealed.]

7. Preliminary program permit fees of the Department of Environmental Quality assessed pursuant to subsection C of § 10.1-1322.2.

8. Regulations of the Pesticide Control Board adopted pursuant to subsection B of § 3.1-249.51 or clause (v) or (vi) of subsection C of § 3.1-249.53 after having been considered at two or more Board meetings and one public hearing.

Whenever regulations are adopted under this subsection C, the agency shall state as part thereof that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision. The effective date of regulations adopted under this subsection shall be in accordance with the provisions of § 9-6.14:9.3, except in the case of emergency regulations, which shall become effective as provided in subsection A of § 9-6.14:9.

798 D. The following agency actions otherwise subject to this chapter are excluded from the operation of
799 Article 3 (§ 9-6.14:11 et seq.) of this chapter:

- 800 1. The assessment of taxes or penalties under the tax laws.
- 801 2. The award or denial of claims for workers' compensation.
- 802 3. The grant or denial of public assistance.
- 803 4. Temporary injunctive or summary orders authorized by law.
- 804 5. The determination of claims for unemployment compensation or special unemployment.
- 805 6. The award or denial of individual student loans by the Virginia Education Loan Authority.
- 806 7. The determination of applications for guaranty of individual student loans or the determination of
807 default claims by the State Education Assistance Authority.

808 E. The Marine Resources Commission, otherwise subject to this chapter and § 9-6.18 of the Virginia
809 Register Act, is excluded from the operation of subsection C of this section and of Article 2
810 (§ 9-6.14:7.1 et seq.) of this chapter; however, the authorization for any general permit or guidelines for
811 activity undertaken pursuant to Title 62.1 by the Marine Resources Commission shall be in accordance
812 with the provisions of this chapter.

813 F. A regulation for which an exemption is claimed under this section and which is placed before a
814 board or commission for consideration shall be provided at least two days in advance of the board or
815 commission meeting to members of the public that request a copy of that regulation. A copy of that
816 regulation shall be made available to the public attending such meeting.

817 G. The Joint Legislative Audit and Review Commission shall conduct a review periodically of
818 exemptions and exclusions authorized by this section. The purpose of this review shall be to assess
819 whether there are any exemptions or exclusions which should be discontinued or modified.

820 H. Minor changes to regulations being published in the Virginia Administrative Code under the
821 Virginia Register Act, Chapter 1.2 (§ 9-6.15 et seq.) of this title, made by the Virginia Code
822 Commission pursuant to § 9-77.10:1 shall be exempt from the provisions of this chapter.

823 **2. That, beginning on July 1, 1999, the Joint Legislative Audit and Review Commission shall**
824 **conduct a performance evaluation on the Educational Resources Authority created pursuant to**
825 **this act. The Commission shall report the results of its evaluation on or before October 1, 2000, to**
826 **the Governor and the 2001 Session of the General Assembly as provided in the procedures of the**
827 **Division of Legislative Automated Systems for processing legislative documents.**