

VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 467

An Act to amend and reenact §§ 2.1-394, 2.1-394.1, 2.1-397.1, and 2.1-399.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.1-399.2, relating to the planning and budgeting process.

[S 391]

Approved April 14, 1998

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-394, 2.1-394.1, 2.1-397.1, and 2.1-399.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.1-399.2 as follows:

§ 2.1-394. Estimates by state agencies of amounts needed.

A. Biennially in the odd-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 showing the amount needed for each year of the ensuing biennial period beginning with the first day of July thereafter. The Governor may prescribe targets which 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 of this section shall simultaneously submit an estimate of the amount which will be needed for the two succeeding biennial periods beginning July 1 of the third year following the year in which the report is submitted. *The Department of Planning and Budget shall provide, within thirty days following receipt, copies of all agency estimates provided under this subsection to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.*

C. The format which must be used in making these reports shall be prescribed by the Governor, shall be uniform for all agencies and shall clearly designate the kind of information to be given thereon. The Governor may prescribe a different format for reports from institutions of higher education, which format shall be uniform for all such institutions and shall clearly designate the kind of information to be provided thereon.

§ 2.1-394.1. Estimates by nonstate agencies of amounts needed.

A. Except as provided in §§ ~~10.1-812 through 10.1-814~~ 10.1-2211, 10.1-2212 and 10.1-2213, no state funds shall be appropriated or expended for, or to, nonstate agencies unless:

1. A request for state aid is filed by the organization with the Department of Planning and Budget, as required by § 2.1-394.

2. Such nonstate agency shall certify to the satisfaction of the Department that matching funds are available in cash from local or private sources in an amount at least equal to the amount of the request. These matching funds must be concurrent with the purpose for which state funds are requested. Contributions received and spent prior to the state grant shall not be considered in satisfying the requirements of this subdivision.

3. Such nonstate agency shall provide documentation of its tax exempt status under applicable provisions of the United States Internal Revenue Code.

B. Except as provided in §§ 23-38.11 through 23-38.18, no state funds shall be appropriated to, or expended for, a private institution of higher education or religious organization.

C. Requests for the appropriation of funds for nonstate agencies shall be considered by the Governor and the General Assembly only in even-numbered years.

D. For the purposes of this section, a "nonstate agency" shall mean any public or private foundation, authority, institute, museum, corporation or similar organization which is not a unit of state government or a political subdivision of the Commonwealth as established by general law or special act. It shall not mean any such entity which receives state funds as a subgrantee of a state agency or through a state grant-in-aid program authorized by law.

§ 2.1-397.1. Participation of certain agencies in budget development process of other agencies.

Agencies having responsibilities granted under §§ 2.1-373, 2.1-563.17, 2.1-563.18, ~~40.1-1204~~, and 37.1-207 shall participate in the budget development process of relevant agencies and receive from these agencies, prior to submission to the Department of Planning and Budget, their proposed programs and budgets. Recommendations to the appropriate agencies and the secretaries of the Governor on related matters shall be made prior to budget submissions.

§ 2.1-399.1. Capital projects.

A. On or before December 20 of the year immediately prior to the beginning of each regular session held in an even-numbered year of the General Assembly, the Governor shall submit to the presiding officer of each house of the General Assembly copies of any tentative bill or bills involving proposed capital appropriations for each year in the ensuing biennial appropriation period. Such bill or bills shall include each capital project to be financed through revenue bonds or other debt issuance, the amount of each such project, and ~~identify the identity of~~ the entity which will issue such debt. Notwithstanding any other provision of law, the Governor may recommend, and the General Assembly may make, an appropriation of special fund revenues derived from the operations of the medical centers of Virginia Commonwealth University and the University of Virginia that may be used, as directed by such universities, in connection with the ownership and operation of their medical centers and related health care and educational activities, including operating expenses and debt service.

B. On or before December 20 of the year immediately prior to the beginning of each regular session held in an odd-numbered year of the General Assembly, the Governor shall submit to the presiding officer of each house printed copies of all gubernatorial amendments proposed to capital appropriations acts adopted in the immediately preceding even-numbered year session.

C. The Governor shall ensure that a summary of budget highlights be sent to a newspaper of general circulation in the following geographical areas of the Commonwealth: Northern Virginia, Hampton Roads, Richmond/Petersburg, Central Virginia, Shenandoah Valley, Roanoke Valley, Southside, and Southwest Virginia prior to the convening of such session of the General Assembly.

D. The standing committees of the House of Delegates and of the Senate in charge of appropriation measures shall hold four regional public hearings on the budget bill submitted by the Governor. The four public hearings shall be held prior to the convening of such session of the General Assembly, at hearing sites and times as selected by the chairmen of the two committees.

§ 2.1-399.2. Publication of budget highlights; public hearings.

A. *The Governor shall ensure that a summary of the highlights of each budget submitted pursuant to § 2.1-398 and set of amendments submitted pursuant to subsection B of § 2.1-399 be sent to a newspaper of general circulation in the following geographical areas of the Commonwealth: Northern Virginia, Hampton Roads, Richmond/Petersburg, Central Virginia, Shenandoah Valley, Roanoke Valley, Southside, and Southwest Virginia prior to the convening of each session of the General Assembly.*

B. *The House Committee on Appropriations and the Senate Committee on Finance shall hold four regional public hearings on the budget bill submitted by the Governor. The four public hearings shall be held prior to the convening of such session of the General Assembly, at hearing sites and times as selected by the Chairmen of the two committees.*

2. That the Department of Planning and Budget, by December 1, 1998, shall provide to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance copies of the format prescribed for use by state agencies in making reports pursuant to § 2.1-394 of the Code of Virginia. Within thirty days following amendment to the format for such reports, copies of the amended format shall be provided to such Chairmen.