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SENATE BILL NO. 341

Offered January 21, 1998

A BILL to amend and reenact §§ 2.1-1.5, 2.1-179, 9-6.14:4.1, 15.2-5002, 23-9.2:3, and 23-38.72 of the Code of Virginia, and to repeal Chapter 4.3 (§§ 23-38.30 through 23-38.44:4) of Title 23 of the Code of Virginia, abolishing the State Education Assistance Authority, the Virginia Student Assistance Authorities, and the Virginia Education Loan Authority.

Patrons—Martin, Barry, Chichester, Newman and Quayle; Delegates: Cantor, Councill, Cox, Dillard and Reid

Referred to the Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.5, 2.1-179, 9-6.14:4.1, 15.2-5002, 23-9.2:3, and 23-38.72 of the Code of Virginia are amended and reenacted 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.

Medical College of Virginia Hospitals 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 Information Providers Network 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, Medical College of Virginia Hospitals 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.

Board of Visitors, Christopher Newport University.

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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 Commonwealth Health Research Board.
- 76 Governing Board, Virginia College Building Authority.
- 77 Governing Board, Virginia Public School Authority.
- 78 Library Board, The Library of Virginia.
- 79 Motor Vehicle Dealer Board.
- 80 State Board for Community Colleges, Virginia Community College System.
- 81 Virginia-Israel Advisory Board.
- 82 Commissions
- 83 Advisory Commission on the Virginia Schools for the Deaf and the Blind.
- 84 Alexandria Historical Restoration and Preservation Commission.
- 85 Charitable Gaming Commission.
- 86 Chesapeake Bay Bridge and Tunnel Commission.
- 87 Hampton Roads Sanitation District Commission.
- 88 Districts
- 89 Chesapeake Bay Bridge and Tunnel District.
- 90 Hampton Roads Sanitation District.
- 91 Educational Institutions
- 92 Christopher Newport University.
- 93 College of William and Mary in Virginia.
- 94 Frontier Culture Museum of Virginia.
- 95 George Mason University.
- 96 James Madison University.
- 97 Jamestown-Yorktown Foundation.
- 98 Longwood College.
- 99 Mary Washington College.
- 100 Miller School of Albemarle.
- 101 Norfolk State University.
- 102 Old Dominion University.
- 103 Radford University.
- 104 The Science Museum of Virginia.
- 105 University of Virginia.
- 106 Virginia Commonwealth University.
- 107 Virginia Community College System.
- 108 Virginia Military Institute.
- 109 Virginia Museum of Fine Arts.
- 110 Virginia Polytechnic Institute and State University.
- 111 The Library of Virginia.
- 112 Virginia State University.
- 113 Foundations
- 114 Chippokes Plantation Farm Foundation.
- 115 Rural Virginia Development Foundation.
- 116 Virginia Arts Foundation.
- 117 Virginia Conservation and Recreation Foundation.
- 118 Virginia Historic Preservation Foundation.
- 119 Virginia Outdoor Foundation.
- 120 Museum
- 121 Virginia Museum of Natural History.

Partnership

A. L. Philpott Manufacturing Extension Partnership.

Plantation

Gunston Hall Plantation.

§ 2.1-179. Powers and duties of Treasury Board.

The powers and duties of the Treasury Board shall be as follows:

1. To exercise general supervision over all investments of state funds;

2. To give advice and supervision in the financing of state buildings and to make recommendations, as requested, to the Governor on methods by which capital outlay requirements of the Commonwealth, including its agencies and institutions, may be financed;

3. To control and manage all sinking funds and other funds in possession of the Commonwealth in a fiduciary capacity;

4. To administer the Virginia Security for Public Deposits Act (§ 2.1-359 et seq.);

5. Notwithstanding any provisions to the contrary, to make recommendations to the Governor on proposed bond issues or other financing arrangements, to approve the terms and structure of bonds or other financing arrangements executed by or for the benefit of educational institutions and state agencies other than independent state authorities, including bonds or other financing arrangements secured by leases, lease purchase agreements, financing leases, capital leases or other similar agreements, and agreements relating to the sale of bonds;

6. As to any tax exempt bonds for which it has issuing authority, either by statute or by act of the General Assembly, to take or cause to be taken and omit to take all actions, the taking or omission of which is necessary on behalf of the Commonwealth to prevent such bonds from being or becoming subject to federal income taxation or being considered to be "arbitrage bonds" within the meaning of federal tax laws, including compliance with the arbitrage rebate provisions thereof;

7. Notwithstanding any provisions to the contrary, to approve the terms and structure of bonds or other financing arrangements executed by or for the benefit of state agencies, boards and authorities where debt service payments on such bonds or other financing arrangements are expected by such agency, board or authority to be made, in whole or in part, directly or indirectly, from appropriations of the Commonwealth, including bonds or other financing arrangements secured by leases, lease purchase agreements, financing leases, capital leases or other similar agreements, and agreements relating to the sale of bonds;

8. To establish debt structuring guidelines for bonds or other financing arrangements executed by or for the benefit of all state agencies, institutions, boards, and authorities where the debt service payments on such bonds or other financing arrangements are expected to be made, in whole or in part, directly or indirectly, from appropriations of the Commonwealth, in which guidelines the Treasury Board may, in its sole discretion, include such items as it deems necessary and appropriate, including, but not limited to, defining terms such as "terms and structure" and "bonds and other financing arrangements" and exempting from its review and approval pursuant to subdivision 5 or 7 of this section (a) specific bond issues and other financing arrangements, (b) certain types or classes of bond issues and other financing arrangements, and (c) bond issues and other financing arrangements that are below a stated dollar amount;

9. To do all acts and things necessary or convenient to efficiently carry out and enforce the powers granted to and duties imposed on it by law, including delegating to the State Treasurer or to a committee composed of not less than three members of the Treasury Board such powers and duties, as it may deem proper, to the extent designated and permitted by the Treasury Board; ~~and~~

10. To exercise such other powers and perform such other duties as may be conferred or imposed upon it by law; *and*

11. To do all acts and things necessary or convenient to wind down the affairs of, and protect the Commonwealth's interests in such matters that may survive the termination of the State Education Assistance Authority, the Virginia Student Assistance Authorities, and the Virginia Education Loan Authority. Nothing herein shall be construed to amend, enhance or otherwise alter such commitments, security interests, guarantees or other pledges beyond those entered into by the State Education Assistance Authority, the Virginia Student Assistance Authorities, and the Virginia Education Loan Authority, acting in their official capacity and effective on or before March 31, 1997.

§ 9-6.14:4.1. (Effective January 1, 1998) 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.

183 3. The Department of Game and Inland Fisheries in promulgating regulations regarding the
184 management of wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2
185 (§ 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
186 (§ 29.1-700 et seq.) of Title 29.1.

187 4. The Virginia Housing Development Authority.

188 5. Municipal corporations, counties, and all local, regional or multijurisdictional authorities created
189 under this Code, including those with federal authorities.

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

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

198 8. The Virginia Resources Authority.

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

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

202 11. The Council on Information Management.

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

205 13, 14. [Repealed.]

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

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

210 17. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and
211 Consumer Services in promulgating regulations pursuant to subsections B and C of § 3.1-106.4,
212 subsection B of § 3.1-126.12:1, § 3.1-271.1, § 3.1-398, subsections B and C of § 3.1-828.4, and
213 subsection A of § 3.1-884.21:1.

214 18. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines,
215 and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of
216 optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.

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

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

221 21. The Virginia War Memorial Foundation.

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

225 23. The State Board of Education, in developing, issuing, and revising guidelines pursuant to
226 § 22.1-280.3.

227 ~~24. The Virginia Student Assistance Authorities.~~

228 ~~25~~24. The Virginia Racing Commission, when acting by and through its duly appointed stewards or
229 in matters related to any specific race meeting.

230 ~~26~~25. The Virginia Small Business Financing Authority.

231 ~~27~~26. The Virginia Economic Development Partnership Authority.

232 ~~28~~27. The Board of Agriculture and Consumer Services in adopting, amending or repealing
233 regulations pursuant to subdivision A (ii) of § 59.1-156.

234 ~~29~~28. The Insurance Continuing Education Board pursuant to § 38.2-1867.

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

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

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

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

239 4. Grants of state or federal funds or property.

240 5. The chartering of corporations.

241 6. Customary military, naval or police functions.

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

244 8. The conduct of elections or eligibility to vote.

- 245 9. Inmates of prisons or other such facilities or parolees therefrom.
- 246 10. The custody of persons in, or sought to be placed in, mental, penal or other state institutions as
- 247 well as the treatment, supervision, or discharge of such persons.
- 248 11. Traffic signs, markers or control devices.
- 249 12. Instructions for application or renewal of a license, certificate, or registration required by law.
- 250 13. Content of, or rules for the conduct of, any examination required by law.
- 251 14. The administration of a pool or pools authorized by Article 7.1 (§ 2.1-234.9:1 et seq.) of Chapter
- 252 14 of Title 2.1.
- 253 15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent
- 254 with duly adopted regulations of the State Lottery Board, and provided that such regulations are
- 255 published and posted.
- 256 16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish,
- 257 finfish or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.
- 258 17. Any operating procedures for review of child deaths developed by the State Child Fatality
- 259 Review Team pursuant to § 32.1-283.1.
- 260 18. The regulations for the implementation of the Health Practitioners' Intervention Program and the
- 261 activities of the Intervention Program Committee pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title
- 262 54.1.
- 263 19. The process of reviewing and ranking grant applications submitted to the Commonwealth
- 264 Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 32.1-73.1 et seq.) of Chapter 2 of Title
- 265 32.1.
- 266 20. Loans from the Small Business Environmental Compliance Assistance Fund pursuant to Article 4
- 267 (§ 10.1-1197.1 et seq.) of Chapter 11.1 of Title 10.1.
- 268 C. The following agency actions otherwise subject to this chapter and § 9-6.18 of the Virginia
- 269 Register Act are excluded from the operation of Article 2 (§ 9-6.14:7.1 et seq.) of this chapter:
- 270 1. Agency orders or regulations fixing rates or prices.
- 271 2. Regulations which establish or prescribe agency organization, internal practice or procedures,
- 272 including delegations of authority.
- 273 3. Regulations which consist only of changes in style or form or corrections of technical errors. Each
- 274 promulgating agency shall review all references to sections of the Code of Virginia within their
- 275 regulations each time a new supplement or replacement volume to the Code of Virginia is published to
- 276 ensure the accuracy of each section or section subdivision identification listed.
- 277 4. Regulations which:
- 278 (a) Are necessary to conform to changes in Virginia statutory law or the appropriation act where no
- 279 agency discretion is involved;
- 280 (b) Are required by order of any state or federal court of competent jurisdiction where no agency
- 281 discretion is involved; or
- 282 (c) Are necessary to meet the requirements of federal law or regulations, provided such regulations
- 283 do not differ materially from those required by federal law or regulation, and the Registrar has so
- 284 determined in writing; notice of the proposed adoption of these regulations and the Registrar's above
- 285 determination shall be published in the Virginia Register not less than thirty days prior to the effective
- 286 date thereof.
- 287 5. Regulations which an agency finds are necessitated by an emergency situation. For the purposes of
- 288 this subdivision, "emergency situation" means (i) a situation involving an imminent threat to public
- 289 health or safety or (ii) a situation in which Virginia statutory law or the appropriation act or federal law
- 290 or federal regulation requires that a regulation shall be effective in 280 days or less from enactment of
- 291 the law or the appropriation act or the effective date of the federal regulation, and the regulation is not
- 292 exempt under the provisions of subdivision C 4 of this section. In such cases, the agency shall state in
- 293 writing the nature of the emergency and of the necessity for such action and may adopt such
- 294 regulations. Pursuant to § 9-6.14:9, such regulations shall become effective upon approval by the
- 295 Governor and filing with the Registrar of Regulations. Such regulations shall be limited to no more than
- 296 twelve months in duration. During the twelve-month period, an agency may issue additional emergency
- 297 regulations as needed addressing the subject matter of the initial emergency regulation, but any such
- 298 additional emergency regulations shall not be effective beyond the twelve-month period from the
- 299 effective date of the initial emergency regulation. If the agency wishes to continue regulating the subject
- 300 matter governed by the emergency regulation beyond the twelve-month limitation, a regulation to replace
- 301 the emergency regulation shall be promulgated in accordance with Article 2 (§ 9-6.14:7.1 et seq.) of this
- 302 chapter. The Notice of Intended Regulatory Action to promulgate a replacement regulation shall be filed
- 303 with the Registrar within sixty days of the effective date of the emergency regulation and published as
- 304 soon as practicable, and the proposed replacement regulation shall be filed with the Registrar within 180
- 305 days after the effective date of the emergency regulation and published as soon as practicable.

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.

9. Regulations of the regulatory boards served by (i) the Department of Labor and Industry pursuant to Title 40.1 and (ii) the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 which are limited to reducing fees charged to regulants and applicants.

10. The development and issuance of procedural policy relating to risk-based mine inspections by the Department of Mines, Minerals and Energy authorized pursuant to §§ 45.1-161.82 and 45.1-161.292:55.

11. General permits issued by the State Air Pollution Control Board pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 if the Board: (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of subsection B of § 9-6.14:7.1, (ii) following the passage of thirty days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in subsection F of § 9-6.14:7.1, and (iv) conducts at least one public hearing on the proposed general permit.

12. General permits issued by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 if the Board: (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of subsection B of § 9-6.14:7.1, (ii) following the passage of thirty days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in subsection F of § 9-6.14:7.1, and (iv) conducts at least one public hearing on the proposed general permit.

13. The development and issuance by the Board of Education of guidelines on constitutional rights and restrictions relating to the recitation of the pledge of allegiance to the American flag in public schools pursuant to § 22.1-202.

14. Regulations of the Board of the Virginia Higher Education Tuition Trust Fund promulgated pursuant to § 23-38.77.

15. The development and issuance of general wetlands permits by the Marine Resources Commission pursuant to subsection B of § 28.2-1307 if the Commission: (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of subsection B of § 9-6.14:7.1, (ii) following the passage of thirty days from publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in subsection F of § 9-6.14:7.1, and (iv) conducts at least one public hearing on the proposed general permit.

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.

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

1. The assessment of taxes or penalties and other rulings in individual cases in connection with the administration of the tax laws.

2. The award or denial of claims for workers' compensation.

3. The grant or denial of public assistance.

4. Temporary injunctive or summary orders authorized by law.

5. The determination of claims for unemployment compensation or special unemployment.

6. The suspension of any license, certificate, registration or authority granted any person by the Department of Health Professions or the Department of Professional and Occupational Regulation for the dishonor, by a bank or financial institution named, of any check, money draft or similar instrument used in payment of a fee required by statute or regulation.

E. Appeals from decisions of the Governor's Employment and Training Department otherwise subject to this chapter are excluded from the operation of Article 4 (§ 9-6.14:15 et seq.) of this chapter.

F. The Marine Resources Commission, otherwise subject to this chapter and § 9-6.18 of the Virginia Register Act, is excluded from the operation of subdivision C 5 of this section and of Article 2

(§ 9-6.14:7.1 et seq.) of this chapter.

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

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

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

§ 15.2-5002. Allocation of state ceiling for 1990 and beyond.

This section shall apply to all private activity bonds issued by issuing authorities during 1990 and in years subsequent to 1990. The state ceiling for these calendar years shall be allocated as follows:

1. "Housing." For calendar years 1990 and beyond, an amount equal to forty-one percent of the Virginia state ceiling on private activity bonds shall be set aside for single family and multifamily housing bonds. The housing portion of the state ceiling shall be divided between local housing authorities and the Virginia Housing Development Authority. The bond authority allocated to these issuers shall be distributed as follows:

Issuer	Portion of State Ceiling
Local Housing Authorities	33%
Virginia Housing Development Authority	33%
Total Housing Allocation	66%

2. "Industrial Development." For calendar years 1990 and beyond, an amount equal to forty-one percent of the Virginia state ceiling on private activity bonds shall be set aside for the issuance of industrial development bonds for manufacturing and exempt facilities.

3. "Student loans". For calendar years 1990 and beyond, an amount equal to eight percent of the Virginia state ceiling on private activity bonds shall be set aside for the issuance of student loan bonds by the Virginia Education Loan Authority.

4.3. "State allocation." For calendar years 1990 and beyond, an amount equal to ten percent of the Virginia state ceiling on private activity bonds shall be set aside for state issuing authorities and for allocations to projects of state and regional interests as determined by the Governor.

§ 23-9.2:3. Power of governing body of educational institution to establish rules and regulations; offenses occurring on property of institution; state direct student financial assistance.

A. In addition to the powers now enjoyed by it, the board of visitors or other governing body of every educational institution shall have the power:

1. To establish rules and regulations for the acceptance of students except that individuals who have been convicted of violating the federal requirement to register for the selective service shall not be eligible to receive any state direct student assistance; to establish rules and regulations for the conduct of students while attending such institution; and to establish rules and regulations for the dismissal of students who fail or refuse to abide by such rules and regulations.

2. To establish rules and regulations for the employment of professors, teachers, instructors and all other employees and provide for their dismissal for failure to abide by such rules and regulations.

3. To provide parking and traffic rules and regulations on property owned by such institution.

4. To establish guidelines for the initiation or induction into any social fraternity or sorority in accordance with § 18.2-56.

B. Upon receipt of an appropriate resolution of the board of visitors or other governing body of an educational institution, the governing body of a political subdivision which is contiguous to the institution shall enforce state statutes and local ordinances with respect to offenses occurring on the property of the institution.

The governing bodies of the public institutions of higher education shall assist the State Council of Higher Education and the Virginia Student Assistance Authorities in enforcing the provisions related to eligibility for financial aid.

C. In order to improve the quality of the Commonwealth's work force and educational programs, the

governing bodies of the public institutions of higher education shall establish programs to seek to ensure that all graduates have the technology skills necessary to compete in the 21st Century and, particularly, that all students matriculating in teacher-training programs receive instruction in the effective use of educational technology.

§ 23-38.72. Purpose; program established; Council's authority; program to be advertised; estimate of family savings; report.

In order to encourage families to save for their children's higher education expenses and to provide a convenient method for such savings, there is hereby established the Virginia College Savings Program.

The State Council of Higher Education and the Department of the Treasury, ~~in cooperation with the Virginia Student Assistance Authorities,~~ shall adopt such regulations and procedures as may be necessary to implement this program. The Council shall develop strategies to inform the public of the availability and desirability of the program. In developing this information, the Council shall seek the assistance of the Treasury and such other agencies as may be designated by the Governor. This information shall be designed to inform parents of the need to accumulate financial resources and the available options for financing higher education.

The Council of Higher Education shall prepare, and the Department of Taxation shall distribute to each person receiving state income tax information, a financial analysis of future higher education expenses. Such analysis shall inform persons of the amount of expected savings, based on national data, needed to pay for higher education.

The Council shall annually report to the Governor and the General Assembly on this program prior to December 1. The first report shall be issued in 1988.

2. That Chapter 4.3 (§§ 23-38.30 through 23-38.44:4) of Title 23 of the Code of Virginia is repealed.