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**HOUSE BILL NO. 2738**

Offered January 21, 1999

*A BILL to amend and reenact § 16.1-322.1 of the Code of Virginia, relating to apportionment of funds for secure detention; standards for apportionment.*

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Patrons—McDonnell, Drake, Jones, J.C. and Wagner

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Referred to Committee on Counties, Cities and Towns**Be it enacted by the General Assembly of Virginia:****1. That § 16.1-322.1 of the Code of Virginia is amended and reenacted as follows:**

§ 16.1-322.1. Apportionment of funds to localities or commissions operating juvenile secure detention facilities or programs; standards for apportionment.

The Department shall apportion among the localities or commissions operating a juvenile secure detention facility the moneys appropriated to the Department in the general appropriation act for the support of such facilities, excluding amounts approved for the state share of construction and rental of facilities, state ward per diem allowances, and payments for the United States Department of Agriculture lunch program. Such apportionment shall be made as follows:

The allocation shall be apportioned to provide each locality or commission operating a juvenile secure detention facility an allowance for salaries and expenses. Such allowance shall be at least equal to the amount of the allowance provided to each locality or commission for such salaries and expenses in the immediately preceding fiscal year for similar services. The Department may adjust such allowance, where applicable, for new programs and facilities or for discontinued programs and services; or for differences in the relative cost of living within the localities or region where such programs and facilities are located. Such allowance shall be based on the actual occupancy of the facility rather than the rated capacity of the facility.

The Department may reduce the apportionments made in accordance with this section from time to time if any facility fails to comply with Department policy or standards approved by the Board. In effecting such a reduction of funds, the Department shall not be required to comply with the provisions of Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9. Each locality or commission eligible to receive state funds apportioned under this section shall maintain operational and financial records which shall be open for evaluation by the Department and audit by the Auditor of Public Accounts.

The Governor may withhold approval for state expenditures, by reimbursement or otherwise, for the purposes set out in this section as provided in the current general appropriations act.

INTRODUCED

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