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CHAPTER 3.

OPERATION AND ADMINISTRATION OF THE GENERAL ASSEMBLY.

Drafting note: Proposed Chapter 3, Operation and Administration of the General Assembly, retains and reorganizes provisions in existing Chapters 1 (General Assembly and Officers Thereof), 1.1 (General Assembly Salaries and Expenses), 13.1 (Sexual Harassment Training Act), and 19 (Virginia Commission on Intergovernmental Cooperation). Proposed Chapter 3 contains the following three articles: Article 1 (The Clerks of the General Assembly), Article 2 (Officers and Employees of the General Assembly), and Article 3 (Virginia Commission on Intergovernmental Cooperation).

Article 1.

The Clerks of the General Assembly.

Drafting note: Existing provisions relating to the Clerks of the General Assembly are reorganized and consolidated in proposed Article 1.

~~§ 30-12.30.1-xxx.~~ Duties of ~~officers~~ the Clerks of each house; operation of the General Assembly.

A. The ~~several officers~~ Clerks of each house of the General Assembly shall perform such duties as shall be required of them by their respective houses and shall each receive such salaries as shall be fixed from time to time by the general appropriation act.

~~§ 30-19.19. Salaries of Clerks of House of Delegates and Senate.~~

~~The Clerk of the House of Delegates and the Senate shall each receive such salaries as shall be fixed from time to time by the general appropriation act.~~

~~§ 30-19.20. Employment and compensation of personnel.~~

~~The House of Delegates and the Senate and the clerks thereof are~~

B. The Clerks of each house are authorized to employ such personnel as may be deemed necessary for the efficient operation of the General Assembly, including each of its standing committees approved by the Committee on Rules of the appropriate house, as prescribed by the rules or resolutions of the respective houses. The compensation of such personnel shall be set by resolution and such personnel shall be paid from the contingent fund of each house.

~~The House of Delegates and the Senate shall by resolution or resolutions set the compensation of the personnel employed by each house, and the personnel shall be paid from the contingent fund of each house, respectively.~~

Drafting note: Several existing provisions of Title 30 that relate to the employment and compensation of clerks, deputy and assistant clerks, and other staff personnel in support of the operation and administration of the General Assembly are consolidated into a single section. Proposed subsection A incorporates language from existing §§ 30-12 and 30-19.19. The language of existing § 30-19.20, authorizing the Clerks of each house to employ the personnel necessary for the efficient operation of the General Assembly, is relocated to proposed subsection B and revised to include the standing committees of each house as part of the "efficient operation" of the General Assembly for which the Clerks are responsible.

~~§ 30-13. Other duties of Clerk of House of Delegates; publication of proposed amendments to Constitution.~~

~~In addition to such duties as may be prescribed by the rules of the House of Delegates, the Clerk of the House of Delegates shall at the end of the session of the General Assembly prepare a well-arranged index to the journal of the House and the documents printed during the session by order of the House. He shall have published, with the acts and joint resolutions proposing amendments to the Constitution; joint resolutions providing for studies for legislation of each session of the General Assembly; the unadjusted United States decennial census counts for the Commonwealth's counties, cities, and towns; and a carefully prepared and well-arranged index of the acts and joint resolutions.~~

~~The Clerk of the House of Delegates shall have published all proposed amendments to the Constitution for distribution from his office and to the clerk of the circuit court of each county and city two copies of the proposed amendments, one of which shall be posted at the front door of the courthouse and the other shall be made available for public inspection. Every clerk of the circuit court shall complete the posting required not later than three months prior to the next ensuing general election of members of the House of Delegates and shall certify such~~

~~posting to the Clerk of the House of Delegates. The Clerk of the House of Delegates shall report to the General Assembly at its next regular session the action taken by him under this section, including the costs incurred in the printing and distribution of the amendments. The report shall be published in the Journal of the House of Delegates.~~

Drafting note: This section is recommended for repeal. The first paragraph of existing § 30-13 is proposed for deletion as unnecessary. Article IV, Section 10 of the Constitution of Virginia requires each house to keep a journal of its proceedings which shall be published from time to time. Moreover, Article IV, Section 7 of the Constitution of Virginia grants each house the broad discretion to settle its own rules of procedure, meaning the House of Delegates has the authority to determine for itself how its journal should be organized and which documents should be published.

The second paragraph of existing § 30-13 is also proposed for deletion as unnecessary. The language of this paragraph predates the Code of 1919 and is not reflective of the modern constitutional amendment process.

~~§ 30-14. 30.1-xxx. Clerk of the House of Delegates to be Keeper of the Rolls; other duties certification of acts and other records.~~

A. The Clerk of the House of Delegates shall be the Keeper of Rolls of the Commonwealth. He shall, ~~by such permanent and substantial method as he may deem proper,~~ enroll all of the acts of the General Assembly and joint resolutions proposing amendments to the Constitution ~~and shall reenroll all bills that have been amended in accordance with the recommendation of the Governor by such other permanent and substantial method or methods as he may deem proper; and. He~~ shall have the enrolled acts bound for publication after they have been signed by the Speaker of the House of Delegates and the President of the Senate.

B. The Clerk of the House of Delegates shall have the custody of the acts and joint resolutions of the General Assembly; and the records of the House of Delegates; ~~and, when required, shall furnish a copy of any or any part of any of them, or of any section or sections of the Code in the form published pursuant to § 30-148; which copy, being certified by him shall be evidence for any purpose for which the original would be received, and with as much effect.~~

85 He shall, upon request, provide a copy of an act of assembly or a record made in the
86 performance of his official duties, and such copy shall be as admissible into evidence as the
87 original, provided such copy is certified by him as a true copy of such act or record. The Clerk
88 shall charge a reasonable fee for certifying a copy of an act of assembly. If an act or part of an
89 act of the General Assembly has been codified and assigned a section number ~~as a part of~~ within
90 the Code of Virginia, by the Virginia Code Commission pursuant to § ~~30-148~~ 30.1-xxx, ~~he the~~
91 Clerk may also certify that fact.

92 He C. The Clerk of the House of Delegates shall, as soon as practicable after every act
93 is ~~passed~~ enacted, prepare the acts for publication with a notation of the day upon which every
94 act was approved by the Governor or became law without his approval. He shall furnish to the
95 Director of the Division of Legislative Automated Systems ~~the manuscript~~ an electronic copy
96 of all acts of the General Assembly and joint resolutions proposing amendments to the
97 Constitution and joint resolutions providing for studies for legislation, ~~or a copy thereof,~~
98 properly arranged for publication. As soon as practicable after the adjournment of the General
99 Assembly, he shall furnish the index and the tables required by law and the date of adjournment
100 of the session, and shall ~~superintend~~ oversee the publication of such acts, joint resolutions,
101 resolutions, date of adjournment, tables, and index, in connection with the Director of the
102 Division of Legislative Automated Systems.

103 § 30-14.4. Deputy clerks of the House of Delegates; certification of acts and resolutions
104 of the General Assembly and other records.

105 D. The Clerk of the House of Delegates, as Keeper of the Rolls of the Commonwealth,
106 may, ~~during the term of his office,~~ appoint deputy clerks, ~~with the approval of the Speaker of~~
107 ~~the House of Delegates, for furnishing copies of acts and resolutions of the General Assembly~~
108 ~~and records and papers of the House of Delegates~~ who shall, during the absence of ~~the said such~~
109 Clerk or after his death, resignation, or retirement, furnish copies of acts and resolutions of the
110 General Assembly and records and papers of the House of Delegates, which ~~copies, being~~
111 certified by such deputy clerks, when certified by any such deputy clerk shall be evidence for
112 any purpose for which the original would be received, and with as much effect. The Clerk ~~of~~

~~the House of Delegates making such appointments~~ shall certify ~~the same~~ the appointment of
any such deputy clerk to the Secretary of the Commonwealth. Any ~~such deputies~~ deputy clerk
so appointed shall, before entering upon the duties of such office, ~~shall~~ take and subscribe the
oath of office and file the same with the Secretary of the Commonwealth. Any ~~such deputies~~
deputy clerk may be removed from office by the Clerk ~~of the House of Delegates by who shall~~
provide written notice of such removal to the Secretary of the Commonwealth.

**Drafting note: Provisions from four existing sections that address the powers and
duties of the Clerk of the House of Delegates as Keeper of the Rolls of the Commonwealth
and the custodian of the acts and certain other records of the General Assembly are
consolidated into a single proposed section.**

The first paragraph of existing § 30-14 is retained as proposed subsection A.
Language from existing § 30-14.2, relating to the Clerk's responsibility to reenroll bills
amended in accordance with recommendations of Governor, is incorporated into this
subsection. An unnecessary restatement of a constitutional requirement in existing § 30-
14.2 is stricken.

The second paragraph of existing § 30-14 is retained as proposed subsection B and
substantially revised for clarity and readability. The language of existing § 30-14.01 is
incorporated into proposed subsection B and revised to require only that a "reasonable
fee" be charged for certification of a copy.

The third paragraph of existing § 30-14 is retained as proposed subsection C.

Proposed subsection D contains existing § 30-14.4, revised for clarity and
readability.

~~§ 30-14.01. Certifying copy of act; fee.~~

~~The Clerk of the House of Delegates shall charge for certifying a copy of an Act of
Assembly the sum of five dollars.~~

**Drafting note: This section is relocated to proposed subsection B of § 30.1-xxx [§
30-14] and further revised.**

~~§ 30-14.2. Reenrollment of bills amended in accordance with recommendations of Governor.~~

~~The Clerk of the House of Delegates in his capacity as Keeper of the Rolls of the Commonwealth shall reenroll all bills which have been amended in accordance with the recommendation of the Governor, and such reenrolled bills shall be treated in the same manner as provided in Article IV, Section 11 of the Constitution of Virginia for every bill that has passed both houses, before being presented to the Governor for his final action.~~

Drafting note: This section is relocated to proposed subsection A of § 30.1-xxx [§ 30-14] and further revised.

~~§ 30-14.1. Enrollment of act to codify the laws; printing and distribution.~~

~~The provisions of § 30-14, concerning the manner and method of enrollment of the acts of the General Assembly shall not apply to an act to codify the laws of the Commonwealth. In the case of such legislation the bill itself or a copy thereof, with all amendments to such bill, if any there be, incorporated therein, or with such amendments or copies thereof attached to or accompanying such bill or copy of such bill, shall be taken and preserved as the enrolled bill. If any such amendments are actually incorporated in the bill, or copy of the bill, they may be so incorporated in such manner and by such method as the Clerk of the House of Delegates deems most practicable, except that the Clerk shall not, in order to accomplish such incorporation, require the entire bill to be reprinted, or require any portion of the bill to be reprinted which is not affected by any amendment. Such bill or copy, with the amendments or copies of the amendments as a part of the bill or copy thereof, as made up by the Clerk in accordance with this section, shall be signed by the presiding officers of the Senate and House of Delegates and sent in such form to the Governor for his approval.~~

~~The Clerk of the House of Delegates, as Keeper of the Rolls of the Commonwealth, shall not be required to furnish to anyone a copy of an act to codify the laws of the Commonwealth, nor to prepare such an act for publication, nor to furnish to the Comptroller the manuscript of such an act, or any copy thereof. Nor shall the Clerk of the House of Delegates or the Comptroller be required to print, publish or distribute an act to codify the laws of the~~

~~Commonwealth, as other acts and the joint resolutions of the General Assembly are printed, published or distributed; unless it should be provided in the act to codify the laws, as adopted, that some titles, chapters, articles or sections thereof shall take effect in advance of the remainder of the act, in which event such titles, chapters, articles, and sections of the act, with all amendments which affect them actually incorporated therein, shall be printed and distributed as are other acts of Assembly, but may be separately printed and bound. The Comptroller shall, however, cause to be done any printing that the Clerk of the House of Delegates requires to be done as a part of the process of incorporation of amendments to any bill to codify the laws of the Commonwealth.~~

Drafting note: This section is proposed for repeal due to obsolescence. Existing § 30-14.1 was added to the Code of Virginia in 1948, after the codification of an Act of Assembly that carved out an exemption to the usual rules regarding enrollment of acts of the General Assembly for "an act to codify the laws of the Commonwealth." Such act refers to the codification of the Acts of Assembly of 1948 and other statutes enacted prior to 1948 in order to create the 1950 Code of Virginia.

~~§ 30-15. Index to Senate journal.~~

~~The Clerk of the Senate shall, at the end of each session, prepare an index to the journal of the Senate and the documents printed by its order and deliver the same to the Comptroller.~~

Drafting note: This section is proposed for repeal as unnecessary. Article IV, Section 10 of the Constitution of Virginia requires each house to keep a journal of its proceedings which shall be published from time to time. Moreover, Article IV, Section 7 of the Constitution of Virginia grants each house the broad discretion to settle its own rules of procedure, meaning the Senate of Virginia has the authority to determine for itself how its journal should be organized and which documents should be printed.

~~§ 30-15.1 30.1-xxx. Deputy clerks~~ Clerk of the Senate of Virginia; certification of records.

The Clerk of the Senate may appoint deputy clerks, ~~for performing who shall, during the absence of such Clerk or after his death, resignation, or retirement, perform~~ the duties of

such Clerk ~~and for, including~~ signing originals, ~~or furnishing copies,~~ of records and papers of the Senate, ~~during the absence of such Clerk or after his death, resignation or retirement or furnishing copies of such records and papers,~~ which ~~copies, being when~~ certified by any such deputy clerk, shall be evidence for any purpose for which the original would be received, and with as much effect. The Clerk of the Senate ~~making such appointments,~~ shall certify the ~~same appointment of any such deputy clerk~~ to the Secretary of the Commonwealth. Any such deputy so appointed, before entering upon the duties of such office, shall take and subscribe the oath of office and file the same with the Secretary of the Commonwealth. Any such deputy may be removed from office by the Clerk of the Senate ~~by, who shall provide~~ written notice ~~of such removal~~ to the Secretary of the Commonwealth.

Drafting note: Technical changes are made for clarity and readability.

§ ~~30-16~~ 30.1-xxx. ~~Books and maps of committees; original bills~~ Clerks as custodians of original bills and committee reference materials.

It shall be the duty of the ~~Clerk of the Senate and of the Clerk of the House of Delegates, respectively,~~ Clerks of each house to take charge of and keep, during the recess of the General Assembly, all the books and maps belonging to the several standing committees of their respective houses, and to deliver the same at the commencement of each session to the clerks or ~~chairmen~~ chairs of such committees, who shall return them to the ~~Clerks of the two houses~~ respective Clerk at the end of the session. ~~They shall keep all~~ All original bills and resolutions ~~that are~~ offered in ~~their respective houses~~ either house shall be maintained by the respective Clerk until the close of the session of the General Assembly next succeeding the session at which they were offered, at which time they shall be transferred to The Library of Virginia for archival deposit.

Drafting note: Technical changes are made for clarity and readability.

§ ~~30-15.1-1~~ 30.1-xxx. Use of Senate armorial bearings; penalty.

~~The armorial bearings adopted by the Senate of Virginia as their official armorial bearings shall carry the following protections on their use:~~

~~1. A.~~ Only current and former members of the Senate of Virginia and the Clerk of the Senate shall have the authority to utilize ~~such~~ the official armorial bearings adopted by the Senate of Virginia or any facsimile or representations of the armorial bearings. Use by any other persons is punishable as a Class 3 misdemeanor.

~~2. B.~~ Representations of such armorial bearings used by former members of the Senate shall be colored blue. A violation of this subsection is punishable as a Class 4 misdemeanor.

~~3. Such use shall not be~~ C. No person shall use the Senate armorial bearings, or any facsimile or representation of such, for any commercial purpose. A violation of this subsection is punishable as a Class 4 misdemeanor.

~~4. Any person violating the provisions of subdivision 1 shall be guilty of a Class 3 misdemeanor. Any person violating the provisions of subdivisions 2 and 3 shall be guilty of a Class 4 misdemeanor.~~

Drafting note: This section's provisions are reorganized and technical changes are made for clarity and readability.

~~§ 30-129.4 30.1-xxx.~~ Sexual harassment training ~~required course~~; ~~legislative branch recordkeeping.~~

A. As used in this ~~chapter~~ section, unless the context requires a different meaning:
"Legislative branch employee" means (i) a General Assembly member; (ii) a General Assembly member's legislative assistant or other legislative staff compensated in whole, or in part, with state appropriations, working full time for the member; and (iii) all other full-time employees of each legislative branch agency of the Commonwealth.

~~"Sexual"~~ "sexual" harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

~~B. 1. Every legislative branch employee shall once every two calendar years complete a sexual harassment training course provided by the Office of the Clerk of the House of Delegates or the Office of the Clerk of the Senate. The Clerks of each house shall develop and~~

provide a sexual harassment training course for members of their respective body and other employees of the legislative branch. The sexual harassment training course shall be (i) provided online; (ii) available 24 hours per day, seven days per week; and (iii) substantially similar to any sexual harassment training course offered through the Commonwealth of Virginia Learning Center administered by the Department of Human Resource Management.

~~2. Legislative branch employees who are (i) members elected to the House of Delegates or legislative assistants or staff for such members or (ii) officers or employees of the Office of the Clerk of the House of Delegates shall complete the sexual harassment training course provided by the Clerk of the House of Delegates. Legislative branch employees who are (a) members elected to the Senate or legislative assistants or staff for such members or (b) officers or employees of the Office of the Clerk of the Senate shall complete the sexual harassment training course provided by the Clerk of the Senate. All other legislative branch employees shall complete the sexual harassment training course provided by either the Clerk of the House of Delegates or the Clerk of the Senate.~~ The content of the sexual harassment training course provided by the Clerk of the House of Delegates and the Clerk of the Senate shall be substantially similar.

~~C. 1. The Clerk of the House of Delegates and the Clerk of the Senate shall maintain records for members elected to the House of Delegates and the Senate, respectively, completing the sexual harassment training course. Each record at a minimum shall include the name of the General Assembly member completing the training, the date on which the training was successfully completed, and the name of the training course. The Clerk of the House of Delegates and the Clerk of the Senate shall keep such records for at least five years for public inspection.~~

~~2. By no later than July 1, 2019, the~~ The Clerk of the House of Delegates and the Clerk of the Senate shall each ensure that the sexual harassment training course ~~is~~ developed and provided ~~by their office in a manner such that~~ has the means by which a person successfully completing the training course ~~will have a means to~~ may print a certificate of course completion that includes the person's name, the name of the state agency employing the person, the date on

which the training was successfully completed, the name of the training course, and a unique serial number or other unique identifying information for each certificate.

D. The Clerks of each house shall maintain records of course completion for the members and members-elect elected to their respective body. Each record at a minimum shall include the name of the General Assembly member or member-elect completing the training, the date on which the training was successfully completed, and the name of the training course. Such records shall be maintained by the Clerks for at least five years for public inspection.

Drafting note: Provisions of existing § 30-129.4 addressing the duties and responsibilities of the Clerks of each house related to sexual harassment training are retained as proposed § 30.1-XXX and revised for clarity and readability.

Article 2.

Officers and Employees of the Legislative Branch.

Drafting note: Existing provisions relating to officers and employees of the legislative branch are reorganized and consolidated in proposed Article 1.

§ 30.1-xxx. Privileges of officers and employees of the General Assembly.

The officers and employees of the General Assembly, including the Clerks of each house and their deputy clerks and full-time assistant clerks, the sergeant-at-arms of each house, and the Lieutenant Governor, shall be entitled to those rights and privileges granted to members and members-elect of the General Assembly pursuant to §§ 30.1-xxx [§ 30-4], 30.1-xxx [§ 30-5], and 30.1-xxx [§ 30-6].

Drafting note: Existing §§ 30-4, 30-5, 30-6, and 30-7 set out certain privileges enjoyed by members of the General Assembly that relate to criminal and civil court proceedings and extend such privileges to other officers and employees of the legislative branch. These sections are retained in proposed Article 1 of Chapter 1 as proposed §§ 30.1-xxx [§ 30-4], 30.1-xxx [§ 30-5], and 30.1-xxx [§ 30-6] and revised substantially for readability and clarity. Language in these sections extending such privileges to other officers and employees of the General Assembly is relocated to this proposed section and revised to be an affirmative statement of law.

§ 30.1-xxx. Sexual harassment training required biennially.

A. As used in this section, unless the context requires a different meaning:

"Legislative branch employee" means any full-time employee of the General Assembly or other legislative branch agency of the Commonwealth and includes persons working full-time for a member of the General Assembly who are compensated in whole or in part with state appropriations.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

"Sexual harassment training course" means the sexual harassment training courses developed and provided by either the Clerk of the House of Delegates or the Clerk of the Senate pursuant to § 30.1-XXX.

B. All legislative branch employees shall complete a sexual harassment training course once every two calendar years. Legislative branch employees who are officers or employees of the Office of the Clerk of the House of Delegates or who work for a member of the House of Delegates shall complete the sexual harassment training course provided by the Clerk of the House of Delegates. Legislative branch employees who are officers or employees of the Office of the Clerk of the Senate or who work for a member of the Senate shall complete the sexual harassment training course provided by the Clerk of the Senate. All other legislative branch employees shall complete the sexual harassment training course provided by either the Clerk of the House of Delegates or the Clerk of the Senate.

§ 30-129.5. Sexual harassment training for new employees and new General Assembly members.

A. C. A-(i) legislative branch employee ~~commencing or recommencing employment or~~ (ii) ~~new member of the General Assembly elected after January 1, 2019,~~ shall complete the sexual harassment training ~~required under this chapter~~ course within 90 days of commencing ~~or recommencing employment or such election, unless the person previously completed~~ except

that no employee shall be required to complete such training course in the calendar year in
which the person commenced or recommenced employment as a legislative branch employee
or was elected to the General Assembly more than once in 12-month period. Thereafter, the
legislative branch employee or new member of the General Assembly A legislative branch
employee who commences employment having successfully complete the sexual harassment
training course in the immediately preceding twelve months shall complete ~~sexual harassment~~
such training course within one calendar year and thereafter once every two calendar years.

~~§ 30-129.6. Responsibility of agency heads for sexual harassment training.~~

D. The director or head of each agency in the legislative branch shall be responsible for
ensuring that ~~the agency's legislative branch employees~~ each employee of such agency ~~comply~~
complies with the ~~training~~ requirements ~~established under this chapter of this section.~~

Drafting note: Provisions of existing Chapter 13.1 (§§ 30-129.4, 30-129.5, and 30-129.6) related to sexual harassment training for legislative branch employees are retained and consolidated into a single section in proposed Chapter 3, Article 2.

Existing § 30-129.5 is retained as proposed subsection C of § 30.1-XXX and revised to address only legislative branch employees. Language of existing § 30-129.5 applicable to members and members-elect of the General Assembly is relocated to proposed § 30.1-XXX in Chapter 1, Article 1.

Existing § 30-129.6 is retained as proposed subsection D of § 30.1-XXX.

~~CHAPTER 19.~~

~~VIRGINIA COMMISSION ON INTERGOVERNMENTAL COOPERATION.~~

Article 3.

Virginia Commission on Intergovernmental Cooperation.

Drafting note: Existing Chapter 19 (§ 30-171 et seq.) is retained as proposed Article 3 of Chapter 3.

~~§ 30-171~~ 30.1-xxx. Virginia Commission on Intergovernmental Cooperation; membership; staff; compensation and expenses; quorum.

A. The Virginia Commission on Intergovernmental Cooperation (the Commission) is established in the legislative branch of state government. The Commission shall consist of the following 14 members: (i) the six members of the Commission on Interstate Cooperation of the Senate, (ii) the six members of the Commission on Interstate Cooperation of the House of Delegates, and (iii) the Clerk of the Senate and the Clerk of the House of Delegates who shall serve as ex officio, nonvoting members of the Commission.

B. The ~~chairman~~ chair and ~~vice-chairman~~ vice-chair of the Commission shall serve for a period of two years, and the ~~chairmanship~~ role of chair and ~~vice-chairmanship~~ vice-chair shall alternate between the ~~chairman~~ chair of the Senate Commission on Interstate Cooperation and the ~~chairman~~ chair of the House Commission on Interstate Cooperation.

C. The Commission ~~on Intergovernmental Cooperation~~ shall select such officials of state government as it deems proper to serve as ex officio, nonvoting members of the Commission for terms of four years each.

D. The Division of Legislative Services shall furnish upon request such staff assistance and services to the Commission and its committees as may be required to carry forth the charge of the Commission.

E. Members of the Commission shall receive such compensation as provided in § ~~30-19.12~~ 30.1-xxx and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided from existing appropriations to the Commission.

F. A majority of the members of the Commission shall constitute a quorum. ~~The Commission shall elect a chairman and vice-chairman from among its membership.~~ Meetings of the Commission shall be held at the call of the ~~chairman~~ chair or whenever the majority of the members so request.

Drafting note: Technical changes are made.

§ ~~30-172~~ 30.1-xxx. Powers and duties of Commission.

The Commission shall have the power and duty to:

- 390 1. Encourage and arrange conferences with officials of other states and other units of
391 government;
- 392 2. Carry forward the participation of Virginia as a member of the Council of State
393 Governments, both regionally and nationally;
- 394 3. Formulate proposals for cooperation between Virginia and other states;
- 395 4. Establish such committees as it deems advisable to conduct conferences and
396 formulate proposals concerning subjects of interstate cooperation;
- 397 5. Monitor and evaluate the Commonwealth's participation in interstate compacts;
- 398 6. Review, evaluate, and recommend suggested uniform state legislation;
- 399 7. Require, at its discretion, from any appointee representing Virginia on any interstate
400 compact, commission, committee, or board, a report on that organization's work and
401 accomplishments;
- 402 8. Review, evaluate, and make recommendations concerning federal policies that are of
403 concern to the Commonwealth;
- 404 9. Establish such committees as deemed advisable and designate the members of every
405 such committee. State officials who are not members of the Commission may be appointed as
406 members of any such committee, but at least one member of the Commission shall be a member
407 of every such committee; and
- 408 10. Appoint persons drawn from the membership of the Senate, the membership of the
409 House of Delegates, and officials of state and local government to serve on those
410 intergovernmental boards, committees, and commissions~~as~~ to which the Commonwealth is
411 entitled to such appointment, or is invited to make such appointment, provided that members
412 of the General Assembly shall be appointed as follows:
- 413 a. If an appointment be made from the membership of the Senate, such an appointment
414 shall be made by the Commission on Interstate Cooperation of the Senate and shall be approved
415 by the Chair of the Committee on Rules; and

b. If an appointment be made from the membership of the House of Delegates, such appointment shall be made by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates.

The Commission may provide such rules as it considers appropriate concerning the membership and the functioning of any committee established.

Drafting note: Technical change.

§ ~~30-173~~ 30.1-xxx. ~~Commission of~~ Senate and ~~Commission of~~ House of Delegates Commissions on Interstate Cooperation; membership; compensation and expenses; quorum.

A. There is established a Commission on Interstate Cooperation of the Senate (the Senate Commission) in the legislative branch of state government, to consist of six senators as follows: the Chair of the Committee on Rules of the Senate, who shall serve as ~~Chairman~~ chair of the Senate Commission, and five members appointed by the Senate Committee on Rules.

B. There is established a Commission on Interstate Cooperation of the House of Delegates (the House Commission) in the legislative branch of state government, ~~also~~ to consist of six members; ~~and the~~ The members shall be appointed and the ~~chairman~~ chair of the House Commission shall be designated from among the membership of the House Commission by the Speaker of the House of Delegates in accordance with the principles of proportional representation as contained in the Rules of the House of Delegates.

C. ~~Such bodies of the~~ The Senate and ~~of the~~ House of Delegates Commissions shall function during the regular sessions of the General Assembly and also during the interim periods between such sessions. Members appointed and designated shall serve terms coincident with their terms of office.

D. Members of the ~~commissions~~ Senate and House Commissions shall receive such compensation as provided in § ~~30-19.12~~ 30.1-xxx and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties pursuant to § ~~30-171~~ 30.1-xxx and this section as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided from existing appropriations to the Virginia Commission on Intergovernmental Cooperation.

E. A majority of the members shall constitute a quorum on each commission. Meetings of each commission shall be held at the call of the ~~chairman~~ chair or whenever a majority of the members so request.

Drafting note: Technical changes are made.

~~CHAPTER 28.~~

~~CAPITOL SQUARE PRESERVATION COUNCIL.~~

Drafting note: Existing Chapter 28 of Title 30 (§ 30-193 et seq.), consisting of three sections, is recommended for repeal as obsolete. Cite to budget provision.

~~§ 30-193. Capitol Square Preservation Council; membership; terms; compensation and expenses; quorum; "Capitol Square" defined.~~

~~A. The Capitol Square Preservation Council (the Council) is established in the legislative branch of state government. The Council shall consist of 13 members as follows: three members appointed by the Speaker of the House of Delegates, after consideration of the lists of nominations provided by the governing bodies of The Garden Club of Virginia, the Historic Richmond Foundation, and Preservation Virginia, if any; two members appointed by the Senate Committee on Rules, after consideration of the lists of nominations provided by the governing bodies of the Virginia Society of the American Institute of Architects and the Virginia Museum of Fine Arts, if any; five nonlegislative citizen members appointed by the Governor, two after consideration of the lists of nominations provided by the governing bodies of the Virginia Chapter of the American Society of Landscape Architects and the Virginia Historical Society, if any, one from the membership of the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion, and two citizens at large; the Secretary of Administration or his designee; and the Clerks of the House of Delegates and the Senate, who shall serve ex officio with voting privileges. Nonlegislative citizen members shall be citizens of the Commonwealth.~~

~~B. A personnel committee of the Council is established, consisting of the Clerk of the House of Delegates, the Clerk of the Senate, the Secretary of Administration, and the chairman of the Council or their designees. The personnel committee shall establish the personnel policies~~

~~for the Chief Administrative Officer of the Council employed pursuant to § 30-194. The Chief Administrative Officer shall report to the personnel committee regarding proposed projects and activities and shall seek the prior approval of the personnel committee for personnel expenditures related to such projects and activities.~~

~~C. Following the initial staggering of terms, all appointments to the Council shall be for terms of three years, except any legislative member appointed shall serve a term coincident with his terms of office. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment. No member shall be eligible to serve more than two successive three-year terms, except any legislative member appointed may be reappointed for successive terms without limitation. However, after expiration of a term of three years or less, or after the expiration of the remainder of a term to which he was appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto.~~

~~D. The members of the Council shall elect from among its membership a chairman and a vice chairman for two-year terms. The chairman and vice chairman may not succeed themselves to the same position. The Council shall hold meetings quarterly, or upon the call of the chairman. A majority of the members of the Council shall constitute a quorum.~~

~~E. Members of the Council shall not receive compensation, but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be provided from existing appropriations to the Council.~~

~~F. For the purposes of this article, "Capitol Square" means the grounds and the interior and exterior of all buildings in that area in the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets. The term also includes the exterior of all state buildings that are at least 50 years old and bordering the boundary streets. The term does not include the interiors of the General Assembly Building, the Washington Building, the Jefferson Building, or the Governor's Mansion.~~

Drafting note: This section is recommended for repeal as obsolete.

~~§ 30-194. Powers and duties of the Council; Chief Administrative Officer; annual report.~~

~~A. With regard to the architectural, historical, archeological, and landscape features of Capitol Square and antiquities contained therein, the Council shall:~~

~~1. Inventory and assess their condition;~~

~~2. Develop plans and recommendations for their maintenance and preservation and for the enhancement of their historical and architectural integrity;~~

~~3. Develop recommendations for the promotion of activities and efforts that will enhance interpretive and educational opportunities;~~

~~4. Review all plans or proposals for alterations, improvements, additions, renovations, or other disposition that is structural or architectural in nature. No implementation of such plans or proposals shall take place prior to review by the Council. The Council shall report its findings on each plan or proposal to the Governor and the agency responsible for the plan or proposal. However, the Council's Chief Administrative Officer and the Director of the Department of General Services shall enter into a memorandum of agreement describing the type of plans and proposals that are of such a routine or operational nature to not require review by the Council; and~~

~~5. Review and approve all plans or proposals for alterations, improvements, additions, or renovations to, or other disposition of, any monuments, statuary, artwork, or other historical artifacts contained within the Capitol Building, including within the Rotunda, the old Senate chamber, and the old hall of the House of Delegates, and excluding the new Senate chamber and the new hall of the House of Delegates, office space, and any other area designated as legislative space that is not open to the public. Nothing in this subdivision shall apply to the personal belongings of any employee or elected or appointed official working within the Capitol Building.~~

~~B. The Council may employ a Chief Administrative Officer and determine his duties and compensation within the amounts appropriated therefor. The Chief Administrative Officer shall be qualified to carry out the duties to which he is assigned and shall work at the pleasure of the Council. The Council may also obtain such assistance as it may deem necessary, and may~~

employ, within the amounts appropriated therefor, experts who have special knowledge of the issues before the Council.

C. The Council may enter into partnerships, joint ventures, and other collaborative relationships with organizations in furtherance of the Council's duties.

D. The Council may, unless otherwise restricted by the Governor or the General Assembly, under terms approved by the Attorney General, accept gifts and grants in furtherance of its duties. This provision shall be deemed to be in addition to and not in conflict with any other powers or authorities related to the acceptance of gifts and grants under other provisions of this Code.

E. The Council may enter into contracts in the furtherance of its duties in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

F. Neither the Council nor its staff in fulfilling their responsibilities shall act in a manner inconsistent with subsection A of § 2.2-1144.

G. The Council shall make a report on its activities and recommendations, if any, annually by December 1 to the Governor and the General Assembly. The Council shall make such further interim reports to the Governor and the General Assembly as it deems advisable or as required by the General Assembly.

Drafting note: This section is recommended for repeal as obsolete.

~~§ 30-195. Duties of the chief administrative officer.~~

A. The Chief Administrative Officer shall work under the direction and control of the Council and shall exercise the powers and duties conferred upon him by law or requested by the Council pursuant to authorities conferred by this chapter.

B. The Chief Administrative Officer shall be vested with the authority of the Council when it is not in session, subject to guidelines or delegations prescribed by the Council.

C. The Chief Administrative Officer shall, upon request, act as an advisor to the Governor, the Art and Architectural Review Board, the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion, and other state agencies dealing with architectural, historical, archeological, and landscape features of Capitol Square.

556 ~~D. The Chief Administrative Officer may employ an Architectural Historian who shall~~
557 ~~serve as curator for the architectural, historical, archeological, and landscape features of Capitol~~
558 ~~Square.~~

559 **Drafting note: This section is recommended for repeal as obsolete.**

560 #

DRAFT

1 CHAPTER 4.

2 COMMITTEE TO INVESTIGATE RACIAL ACTIVITIES.

3 §§ 30-35 through 30-41. Repealed.

4 **Drafting note: Repealed by Acts 1958, c. 373.**

5 CHAPTER 4.

6 LEGISLATIVE PROCESSES AND PROCEDURES.

7 **Drafting note: Proposed Chapter 4 consolidates §§ 30-10, 30-11, 30-14.3, 30-17, 30-**
8 **19, 30-19.03, 30-19.03:1.2, 30-19.03:2, 30-19.03:1.3, 30-19.1:7, 30-19.1:11, 30-19.1:4, 30-**
9 **19.3, 30-19.9, and 30-19.10 of existing Chapter 1. These sections are related to legislative**
10 **processes and procedures, such as witnesses before the General Assembly or one of its**
11 **bodies, bill and resolution prefilling, constitutional amendments, and required estimates**
12 **and statements. The proposed articles are as follows: Article 1 (Procedures of the**
13 **legislative session) and Article 2 (Impact statements and other legislative requirements).**

14 Article 1.

15 Procedures of the legislative session.

16 **Drafting note: §§ 30-10, 30-11, 30-19.3, 30-19.03:2, 30-14.3, 30-16.1, 30-17, and 30-**
17 **19 of existing Chapter 1 are retained as proposed Article 1 of Chapter 4.**

18 § ~~30-10~~ 30.1-xxx. Attendance of witnesses; production of evidence.

19 When the ~~Senate or~~ House of Delegates or the Senate, a joint committee or commission
20 thereof, or any committee of either house authorized to send for persons and papers, ~~shall order~~
21 orders the attendance of any witness, or the production of any paper as evidence, a summons
22 shall be issued accordingly by the clerk of such house, ~~directed~~ to the sheriff or other officer of
23 any county or city, or the chief officer of the Virginia Division of Capitol Police, or his designee,
24 ~~and, when served, obedience thereto. Such summons~~ may be enforced by attachment, fine, and
25 imprisonment in jail, at the discretion of the house ~~which~~, or ~~the~~ committee ~~of which~~, ~~caused~~
26 that issued the summons ~~to issue~~, or in the case of a joint committee or commission, at the

discretion of such joint committee or commission or as the two houses may determine by joint resolution.

Drafting note: Language is updated for clarity and consistency and other technical changes are made to modernize language.

§ ~~30-11~~ 30.1-xxx. ~~Who to administer~~ Administration of oaths to witnesses.

The oaths to be taken by any witness examined before such house or committee may be administered by the speaker of the house, ~~chairman~~ the chair of the committee, or the clerk of the house or of the committee.

Drafting note: The catchline is revised and the term "chairman" is updated to "chair" to modernize language.

§ ~~30-19.3~~ 30.1-xxx. Prefiling of bills and resolutions.

A. 1. Any member or member-elect of the next regular session of the General Assembly may prefile bills and resolutions for even-numbered-year regular sessions beginning the third Monday in November of the preceding year with the Clerk of the House of Delegates or the Clerk of the Senate as appropriate.

2. Any member or member-elect of the General Assembly may prefile bills and resolutions for odd-numbered-year regular sessions beginning the third Monday in July of the preceding year with the Clerk of the House of Delegates or the Clerk of the Senate as appropriate.

3. Any bill or resolution prefiled shall be endorsed by the handwritten signature of at least one member or member-elect as a patron. An electronic signature may be substituted for a handwritten signature on prefiled legislation as may be approved by each house in accordance with its rules and procedures. In no event shall a bill or resolution be prefiled by a member of the General Assembly who was not re-elected to the next regular session of the General Assembly. The deadline for submitting drafting requests for legislation to be prefiled to the Division of Legislative Services and the deadline for prefiling legislation with the appropriate

Clerk shall be established by the procedural resolution adopted by the General Assembly, or in default thereof, adopted by the Joint Rules Committee.

B. In the event of the convening of a special session of the General Assembly, only bills relating to the stated purpose of such special session and resolutions affecting the rules of procedure or schedule of business of the General Assembly may be prefiled as provided in subsection A of this section beginning on the day on which either (i) the Governor announces the date on which such special session is to convene, or (ii) two-thirds of the members elected to each house of the General Assembly make application to the Governor for the convening of such special session.

C. The ~~Clerks~~ Clerk of the House of Delegates and the Clerk of the Senate shall assign numbers to prefiled bills and resolutions in the order of their receipt, refer them to the appropriate committee with the advice of the Speaker of the House of Delegates, in the case of House bills, and ~~in the case of Senate bills,~~ in accordance with the Rules of the Senate, in the case of Senate bills, and have a sufficient number of ~~them~~ such bills and resolutions printed for circulation as provided in this section.

D. Printed prefiled bills and resolutions shall be periodically mailed to each member and member-elect of the General Assembly and shall be made available to the press and public in the same manner as bills and resolutions introduced after the General Assembly convenes.

Drafting note: Language is updated for clarity and consistency and other technical changes are made to modernize language.

§ ~~30-19.03:2~~ 30.1-xxx. Legislative summaries.

Any legislative summary associated with a bill, joint resolution, or resolution, including any summary appearing on the face of such legislation, shall not constitute a part of the legislation considered, agreed to, or enacted and shall not be used to indicate or infer legislative intent.

Drafting note: Technical change.

§ ~~30-14.3~~ 30.1-xxx. Keeper of the Rolls ~~authorized to~~ may correct typographical errors, etc., in legislation.

The Keeper of the Rolls of the Commonwealth ~~is authorized to~~ may correct typographical errors in legislation in the form that they are offered, printed, engrossed, enrolled, or printed after passage; and for the sake of uniformity ~~to~~ may change from upper to lower case or vice versa, ~~take out~~ remove or ~~put in~~ insert hyphens, change from one word form to two word form or vice versa, to the end that it will not be necessary to encumber the journal with amendments for such purposes.

Drafting note: The catchline is updated for consistency and to more accurately reflect the content of the section as amended. Language is updated for clarity and consistency.

§ ~~30-16.1~~ 30.1-xxx. Correction of misspellings in bills and resolutions already introduced.

The Clerk of the ~~Senate and the Clerk of the~~ House of Delegates and the Clerk of the Senate are hereby empowered to correct misspellings contained in bills and resolutions introduced in their respective houses; provided that the corrections do not in any way alter the ~~bill's or resolution's~~ meaning or effect of the bill or resolution.

Drafting note: Language is updated for clarity and consistency.

§ ~~30-17~~ 30.1-xxx. Alteration, secretion, or destruction of pending bills or resolutions.

If any person ~~shall~~ fraudulently ~~erase~~ erases, ~~alter~~ alters, ~~secrete~~ secretes, or ~~destroy~~ destroys any bill, resolution, or amendment to any bill pending before the General Assembly, or either ~~branch house~~ thereof, or before any committee of either or of both ~~branches~~ houses, or any enrolled bill of the General Assembly, or either ~~branch house~~ thereof, or ~~shall~~ fraudulently, or with improper intent, ~~endeavor~~ endeavors to influence any officer or employee of the General Assembly, or of either ~~branch house~~ thereof, to erase, alter, secrete, or destroy any such bill, amendment, or enrolled bill, he shall be confined in the penitentiary not less than one nor more than five years.

Drafting note: Language is updated for clarity and consistency.

§ ~~30-19~~ 30.1-xxx. How Amendments to Constitution ~~amended~~.

Any amendment ~~or amendments~~ to the Constitution may be proposed in the ~~Senate or~~ House of Delegates or the Senate by resolution, which shall contain such proposed amendment ~~or amendments~~ prepared in such form as is ~~in accordance with that~~ prescribed by the rules of the House of Delegates and the Senate for deletions and additions of language and be spread at length on the journal of the house in which it is offered, ~~and if~~ If it is agreed to by a majority of the members elected ~~thereto~~ to such house with ayes and noes taken ~~thereon~~, it shall be communicated to the other house where it shall be dealt with in like manner, ~~and when~~ When so agreed to by both houses, it shall be enrolled as provided by law and signed by the ~~President of the Senate and~~ Speaker of the House of Delegates and the President of the Senate. Such amendment ~~or amendments~~ shall ~~thereupon~~ then stand referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates. If at such regular session the proposed amendment ~~or amendments shall be~~ is agreed to by a majority vote of all the members elected to each house, the same shall be submitted to the people, not sooner than ~~ninety~~ 90 days after final passage, by a bill or resolution introduced for such purpose, ~~and if~~ If the people ~~shall~~ approve and ratify such amendment ~~or amendments~~ by the majority of the electors qualified to vote for the members of the General Assembly voting thereon, such amendment ~~or amendments~~ shall become a part of the Constitution.

Drafting note: The catchline is updated for consistency. Language is updated for clarity and consistency and technical changes are made to modernize language. Language is stricken pursuant to § 1-227, which states that throughout the Code any word used in the singular includes the plural and vice versa.

Article 2.

Impact statements and other legislative requirements.

Drafting note: §§ 30-19.03, 30-19.03:1.2, 30-19.03:1.3, 30-19.1:4, 30-19.1:7, 30-19.1:11, 30-19.9, and 30-19.10 of existing Chapter 1 are retained as proposed Article 2 of Chapter 4.

§ ~~30-19.03~~ 30.1-xxx. Estimates ~~to be prepared~~ for legislation affecting local government expenditures and revenues.

A. For purposes of this section:

"Net additional expenditure" means the cost anticipated to be incurred annually, less any revenues receivable on account of the program or service from fees charged to recipients of the program or service, state or federal aid paid specifically and categorically in connection with the program or service, new or increased local sources of revenue authorized and designated specifically to offset the cost of the program or service, and any offsetting savings resulting from the reduction or elimination of any program or service directly attributable to the performance of the required program or service.

"Net reduction of revenues" means the reduction anticipated in local revenues, including general levies, special levies, revenues received pursuant to §§ 58.1-605 and 58.1-606, and administrative and user fees, to be incurred annually, less any new local revenues receivable and any offsetting savings resulting from the reduction of local revenues, caused by the classification or exclusion being proposed.

B. Whenever any legislative bill requiring a net additional expenditure by any county, city, or town, or whenever any legislative bill requiring a net reduction of revenues by any county, city, or town, is filed during any session of the General Assembly, the Commission on Local Government shall investigate and prepare an estimate setting forth, to the extent practicable, the additional expenditures or reduction of revenues, if any, to be required of the affected localities in event of enactment of such legislation.

1. A bill shall be deemed to require an expenditure if it has the effect of requiring any county, city, or town to (i) perform or administer a new or expanded program or service, (ii) maintain an existing program or service at a specified level of spending or delivery, (iii) assume

or incur administrative costs in support of a state or state-related program, or (iv) furnish capital facilities for state or state-related activities.

~~For purposes of this section, "net additional expenditure" means the cost anticipated to be incurred annually, less any revenues receivable on account of the program or service from fees charged recipients of the program or service, state or federal aid paid specifically and categorically in connection with the program or service, new or increased local sources of revenue authorized and designated specifically to offset the cost of the program or service, and any offsetting savings resulting from the reduction or elimination of any program or service directly attributable to the performance of the required program or service.~~

2. A bill shall be deemed to require a net reduction of revenues if it has the effect of requiring any county, city, or town to (i) relinquish an existing or potential source of local revenue by classification or exclusion or (ii) diminish an existing or potential source of revenue by classification or exclusion.

~~For the purposes of this section, "net reduction of revenues" means the reduction anticipated in local revenues, including, but not limited to, general levies, special levies, revenues received pursuant to §§ 58.1-605 and 58.1-606 and administrative and user fees, to be incurred annually, less any new local revenues receivable and any offsetting savings resulting from the reduction of local revenues, caused by the classification or exclusion being proposed.~~

~~The provisions of this C.~~ This section shall not apply to a reduction in local revenues that is required or arises from a court order or judgment, nor to a revenue reduction that is adopted at the option of any county, city, or town under a law that is permissive rather than mandatory, nor to a revenue reduction that is the result of a measure providing tax relief on a statewide basis.

D. The Division of Legislative Services shall examine all bills and joint resolutions filed during any legislative session for the purpose of identifying and forwarding to the Commission on Local Government those bills requiring the preparation of fiscal estimates pursuant to this

section and those joint resolutions calling for a study of local government revenues or expenditures.

E. The Department of Planning and Budget and the Department of Taxation are authorized to submit legislative bills to the Commission on Local Government to prepare local fiscal estimates.

As soon thereafter as may be practicable, the Commission on Local Government shall forward copies of such estimates to the Clerk of the House of Delegates for transmittal to each patron of the legislation and to the ~~chairman~~ chair of each committee of the General Assembly to consider the same.

F. All departments, all agencies of government, the Division of Legislative Services, and all local governmental units of the Commonwealth are directed to make available such information and assistance as the Commission on Local Government may request in preparing the estimates required by this section.

Drafting note: The catchline is updated for consistency. The term "chairman" is updated to "chair" to modernize language. Language is updated for clarity and other technical changes are made, including the insertion of subsections and subdivisions for clarity. Definitions applicable to the section are relocated to a new first subsection.

~~§ 30-19.03:1.2 30.1-xxx. Unemployment compensation bills~~ Impact statements for legislation related to unemployment compensation and affecting net revenues of the Commonwealth.

A. For purposes of this section, legislation that "enhances the benefits payable to an individual" includes any legislation that would facilitate the receipt, or increase the amount, of unemployment compensation benefits that an otherwise qualified claimant is eligible to receive on an annual basis.

B. The Virginia Employment Commission, in consultation with the Department of Planning and Budget, shall prepare a statement reflecting the projected impact on the solvency level of the unemployment trust fund and the average increase in state unemployment tax

liability of employers on a per-employee basis over the ensuing eight years that would result from the enactment of any bill that enhances the benefits payable to an individual pursuant to Title 60.2.

~~B.~~ C. No bill enhancing the benefits payable to an individual pursuant to Title 60.2 shall be considered by the General Assembly at a regular session unless the bill contains a statement prepared in accordance with subsection A as a second or final enactment clause in the bill.

~~C. For the purposes of this section, legislation that "enhances the benefits payable to an individual" includes any legislation that would facilitate the receipt, or increase the amount, of unemployment compensation benefits that an otherwise qualified claimant is eligible to receive on an annual basis.~~

Drafting note: The catchline is updated for consistency and to more accurately reflect the content of the section as amended. Language is updated for clarity and consistency and other technical changes are made, including relocating a definition applicable to the section to the first subsection.

§ ~~30-19.03-1.3~~ 30.1-xxx. Evaluations ~~to be prepared~~ for legislation increasing or beginning regulation of an occupation.

A. For ~~the~~ purposes of this section, "regulation" means any statement of general application, having that has the force of law ~~and affecting~~, affects the rights or conduct of any person, and is adopted by an agency in accordance with the authority conferred on it by the Constitution and applicable statutes of the Commonwealth.

B. When any legislative bill requiring the Department of Professional and Occupational Regulation to increase or begin regulation of an occupation is filed during any session of the General Assembly, the ~~chairman~~ chair of the committee having jurisdiction over the proposal shall request that the Board for Professional and Occupational Regulation (the Board) prepare an evaluation of the legislation using the criteria outlined in § 54.1-311.

C. Upon receipt of such a request, the Board shall prepare the evaluation and shall forward copies of such evaluation to the Clerk of the House of Delegates for House bills and to

the Clerk of the Senate for Senate bills no later than November 1 of the same year for requests received during a regular session of the General Assembly or as soon as practicable for requests received during a special session of the General Assembly for transmittal to each patron of the legislation and to the ~~chairman~~ chair of each committee of the General Assembly to consider the same.

D. All departments, agencies of government, and the Division of Legislative Services are directed to make available such information and assistance as the Board may request in preparing the evaluations required by this section.

Drafting note: The catchline is updated for consistency. The term "chairman" is updated to "chair" to modernize language. Language is updated for clarity and consistency and other technical changes are made, including the insertion of a subsection.

~~§ 30-19.1:4 30.1-xxx. Increase in terms of~~ Fiscal impact statements for legislation increasing imprisonment or commitment; ~~fiscal impact statements~~; appropriations for operating costs.

A. The Virginia Criminal Sentencing Commission shall prepare a fiscal impact statement reflecting the operating costs attributable to and necessary appropriations for any bill which would result in a net increase in periods of imprisonment in state adult correctional facilities. The Department of Planning and Budget shall annually provide the Virginia Criminal Sentencing Commission with the operating cost per inmate.

B. The Department of Planning and Budget, in conjunction with the Department of Juvenile Justice, shall prepare a fiscal impact statement reflecting the operating costs attributable to and necessary appropriations for any bill that would result in a net increase in periods of commitment to the custody of the Department of Juvenile Justice.

C. The requirement for a fiscal impact statement includes, ~~but is not limited to,~~ those bills ~~which~~ that add new crimes for which imprisonment or commitment is authorized, increase the periods of imprisonment or commitment authorized for existing crimes, impose minimum or mandatory minimum terms of imprisonment or commitment, or modify the law governing

265 release of prisoners or juveniles in such a way that the time served in prison, or the time
266 committed to the custody of the Department of Juvenile Justice, will increase.

267 D. The fiscal impact statement of any bill introduced on or after July 1, 2002, that would
268 result in a net increase in periods of imprisonment in state correctional facilities or periods of
269 commitment to the custody of the Department of Juvenile Justice, shall include an analysis of
270 the fiscal impact on local and regional jails, state and local pretrial and community-based
271 probation services agencies, and juvenile detention facilities.

272 E. The amount of the estimated appropriation reflected in the fiscal impact statement
273 shall be printed on the face of each such bill, but shall not be codified. If the agency responsible
274 for preparing the fiscal impact statement does not have sufficient information to project the
275 impact, the fiscal impact statement shall state this, and the words "Cannot be determined" shall
276 be printed on the face of each such bill.

277 F. The fiscal impact statement shall include, ~~but not be limited to,~~ details as to any
278 increase or decrease in the offender population. Statements prepared by the Virginia Criminal
279 Sentencing Commission shall detail any necessary adjustments in guideline midpoints for the
280 crime ~~or crimes~~ affected by the bill as well as adjustments in guideline midpoints for other
281 crimes affected by the implementation of the bill that, in the opinion of the Commission, are
282 necessary and appropriate.

283 G. The agency preparing the fiscal impact statement shall forward copies of such impact
284 statements to the Clerk of the House of Delegates and the Clerk of the Senate for transmittal to
285 each patron of the legislation and to the ~~chairman~~ chair of each committee of the General
286 Assembly to consider the legislation.

287 H. For each law enacted ~~which~~ that results in a net increase in periods of imprisonment
288 in state correctional facilities or a net increase in periods of commitment or the time committed
289 to the custody of the Department of Juvenile Justice, a one-year appropriation shall be made
290 from the general fund equal to the estimated increase in operating costs of such law, in current

dollars, of the highest of the next six fiscal years following the effective date of the law.

"Operating costs" means all costs other than capital outlay costs.

I. The Corrections Special Reserve Fund (the Fund) is hereby established as a nonreverting special fund on the books of the Comptroller. The Fund shall consist of all moneys appropriated by the General Assembly under the provisions of this section and all interest thereon. Any moneys deposited in the Fund shall remain in the Fund at the end of the biennium. Moneys in the Fund shall be expended solely for capital expenses, including the cost of planning or preplanning studies that may be required to initiate capital outlay projects.

Drafting note: The catchline is updated for consistency and to more accurately reflect the content of the section as amended. Language is updated for clarity and consistency and other technical changes are made, including removing "but is not limited to" and "but not be limited to" when used in conjunction with "includes" and "include" on the basis of § 1-218, which states that throughout the Code "'Includes' means includes, but not limited to." In subsection F, language is stricken pursuant to § 1-227, which states that throughout the Code any word used in the singular includes the plural and vice versa.

~~§ 30-19.1:7 30.1-xxx. Bills~~ [Impact statements for legislation](#) related to the Virginia Retirement System; ~~impact statements~~.

In accordance with a joint resolution that establishes a schedule for the conduct of business coming before a regular session of the General Assembly, the Board of Trustees of the Virginia Retirement System shall investigate, prepare, and submit to the Clerk of the House of Delegates, the Clerk of the Senate, the Commission on Local Government, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations, a statement of (i) the financial impact of the proposed bill upon the general fund and the various local governments that have elected to become part of the Virginia Retirement System pursuant to § 51.1-800 and (ii) the policy implications that such bill will have on the various systems administered by the Board of Trustees. Such statement shall also note the potential impact any introduced bill will have on local government independent retirement systems.

Drafting note: The catchline is updated for consistency and to more accurately reflect the content of the section as amended.

§ ~~30-19.1-11~~ 30.1-xxx. Legislation that creates or renews tax credits.

No bill proposing to add a new state tax credit or renew an existing state tax credit shall be reported from any committee of the General Assembly unless such bill contains an expiration date of not longer than five years from the effective date of the new or renewed state tax credit.

Drafting note: No change.

§ ~~30-19.9~~ 30.1-xxx. Distribution of information on proposed constitutional amendments to voters.

A. For purposes of this section, "plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning is primarily limited to a particular field or profession.

B. When a proposed amendment is to be submitted to the people for their approval and ratification pursuant to Article XII, Section 1 of the Constitution of Virginia and § 30-19, the State Board of Elections shall ~~cause to be printed~~ print and ~~distributed~~ distribute to the general registrar of each county and city, not less than ~~ninety~~ 90 days prior to the election, copies of an explanation of such amendment to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election. The State Board shall post the explanation on its ~~site on the Internet~~ website. It also shall cause such explanation to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in ~~Virginia~~ the Commonwealth, and published in ~~Virginia~~ the Commonwealth or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the election at which the proposed amendment is to be presented to the people.

C. The explanation pursuant to subsection B shall contain the ballot question, the full text of the proposed constitutional amendment, and a statement of not more than 500 words on

~~the proposed such~~ amendment. ~~The Such~~ explanation shall be presented in plain English, shall be limited to a neutral explanation, which may include a brief statement on the effect of a "yes" and "no" vote on the question but shall not include arguments submitted by either proponents or opponents of the proposal.

D. The Division of Legislative Services, in consultation with such agencies of state government as may be appropriate, including the Office of Attorney General, shall prepare an explanation for any such proposal which is approved by the General Assembly on first reference and referred to the next regular session of the General Assembly following the general election of members of the House of Delegates. The explanation shall be approved for distribution as to form and content by the Committee on Privileges and Elections of the first house of introduction of the resolution proposing the amendment as soon as practicable after enactment of the ballot question.

E. Any failure to comply with the provisions of this section shall not affect the validity of the constitutional amendment.

Drafting note: Language is updated for clarity and consistency and other technical changes are made, including the insertion of subsections for clarity. A definition applicable to the section is relocated to a new first subsection.

~~§ 30-19.10 30.1-xxx.~~ Distribution of information on proposed questions to be submitted to voters.

A. For purposes of this section, "plain English" means the same as that term is defined in 30.1-xxx[30-19.9].

B. Whenever a statewide referendum on a matter other than a constitutional amendment is submitted to the voters by the General Assembly, the State Board of Elections shall ~~cause to be printed print~~ and ~~distributed distribute~~ to the general registrar of each county and city, not less than ~~ninety 90~~ days prior to the election, copies of information about the referendum to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election. The State

Board of Elections also shall cause the information to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in ~~Virginia the Commonwealth~~, and published in ~~Virginia the Commonwealth~~ or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the referendum.

C. The information pursuant to subsection B shall contain the proposed ballot question and either (i) a neutral explanation of not more than 500 words on ~~the proposed such~~ question, or (ii) for any bond referendum, a fiscal impact statement. The neutral explanation or the fiscal impact statement shall be presented in plain English, shall be limited to a neutral explanation, and shall not present arguments by either proponents or opponents of the proposal. The fiscal impact statement shall include descriptions of the need for and anticipated uses of the bond proceeds.

D. The Division of Legislative Services, in consultation with such agencies of state government as may be appropriate, including the Office of the Attorney General, shall prepare the neutral explanation pursuant to clause (i) of subsection C as part of the legislation authorizing the referendum. The staff of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations shall each prepare a fiscal impact statement for any bond referendum pursuant to clause (ii) of subsection C and assist the Division of Legislative Services in preparing the explanation as part of the legislation authorizing the referendum.

~~For purposes of this section and § 30-19.9, "plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession.~~

E. Any failure to comply with the provisions of this section shall not affect the validity of the statewide referendum.

CHAPTER ~~14~~ 5.

AUDITOR OF PUBLIC ACCOUNTS.

Drafting note: Existing Chapter 14, related to the Auditor of Public Accounts, is retained as proposed Chapter 5.

§ ~~30-130~~ 30.1-xxx. Election, term and compensation; vacancy.

~~The Auditor of Public Accounts shall be elected by the joint vote of the two houses of the General Assembly, for the~~ The two houses of the General Assembly shall, by joint vote, ~~elect the Auditor of Public Accounts for the~~ term of four years, as provided in Article IV, Section 18 of the Constitution of Virginia, and he shall ~~receive such compensation as may be appropriated by law for the purpose~~ be compensated as provided in the general appropriation act. In the event the office of Auditor of Public Accounts becomes vacant while the General Assembly is not in session, the Joint Legislative Audit and Review Commission shall appoint a successor to serve until thirty days after the commencement of the next session of the General Assembly.

Drafting note: Technical changes are made to modernize language.

§ ~~30-131~~ 30.1-xxx. Official bonds.

The Auditor of Public Accounts ~~and the~~ his employees ~~in the office of the Auditor of Public Accounts~~ shall be bonded in accordance with § 2.2-1840, conditioned upon the faithful discharge of their duties.

Drafting note: Language is updated for clarity and consistency.

§ ~~30-132~~ 30.1-xxx. Employment of ~~assistants~~ staff; location of offices.

A. The Auditor of Public Accounts may employ, with the approval of the Joint Legislative Audit and Review Commission, the necessary ~~assistants~~ staff to enable him to carry out the provisions of this chapter.

B. The office of the Auditor of Public Accounts shall be located in the City of Richmond, and he shall be provided with suitable offices for the conduct of the business of his department.

Drafting note: Technical changes are made to modernize language. The catchline is updated to more accurately reflect the content of the section as amended.

§ ~~30-133~~ 30.1-xxx. Duties and powers generally.

A. The Auditor of Public Accounts shall audit all the accounts of every state department, officer, board, commission, institution, or other agency handling any state funds as determined necessary by the Auditor of Public Accounts. In the performance of such duties and the exercise of such powers he may employ the services of certified public accountants, provided the cost ~~thereof of such employment~~ shall not exceed such sums as may be available out of the general appropriation ~~provided by law~~ for the conduct of his office.

~~B. § 30-139. To whom Auditor to report defaults or irregularities.~~

If, at any time, the Auditor of Public Accounts discovers any unauthorized, illegal, irregular, or unsafe handling or expenditure of state funds, or if comes to his attention that any ~~unauthorized, illegal, or unsafe~~ such handling or expenditure of state funds is contemplated but not consummated, he shall promptly report ~~the facts~~ such finding to the Governor, the Joint Legislative Audit and Review Commission and the Comptroller. ~~In case the event that~~ there is any irregularity in the accounts of the Comptroller, the Auditor shall report it to the Governor and the General Assembly.

C. The Auditor of Public Accounts shall review (i) the information required in § 2.2-1501 to determine that state agencies are providing and reporting appropriate information on financial and performance measures, and ~~the Auditor shall review~~ (ii) the accuracy of the management systems used to accumulate and report the results. The Auditor shall report to the General Assembly the results of such audits and make recommendations, if indicated, for new or revised accountability or performance measures to be implemented for the agencies audited.

~~C. The Auditor of Public Accounts shall prepare, by November 1, a summary of the results of all of the audits and other oversight responsibilities performed for the most recently ended fiscal year. The Auditor of Public Accounts shall present this summary to the Senate Committee on Finance and Appropriations, the House Committee on Appropriations, and the~~

~~House Committee on Finance on the day the Governor presents to the General Assembly the Executive Budget in accordance with §§ 2.2-1508 and 2.2-1509 or at the direction of the respective Chairman of the Senate Committee on Finance and Appropriations, the House Committee on Appropriations, or the House Committee on Finance at one of their committee meetings prior to the meeting above.~~

D. As part of his normal oversight responsibilities, the Auditor of Public Accounts shall incorporate into his audit procedures and processes a review process to ensure that the Commonwealth's payments to counties, cities, and towns under Chapter 35.1 (§ 58.1-3523 et seq.) ~~of Title 58.1~~ are consistent with the provisions of § 58.1-3524. The Auditor of Public Accounts shall report to the Governor and the ~~Chairman~~ Chairs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations annually any material failure by a locality or the Commonwealth to comply with the provisions of Chapter 35.1 of Title 58.1.

~~E. The Auditor of Public Accounts when called upon by the Governor shall examine the accounts of any institution maintained in whole or in part by the Commonwealth and, upon the direction of the Comptroller, shall examine the accounts of any officer required to settle his accounts with him; and upon the direction of any other state officer at the seat of government he shall examine the accounts of any person required to settle his accounts with such officer.~~

~~F.~~ Upon the written request of any member of the General Assembly, the Auditor of Public Accounts shall furnish the requested information and provide technical assistance upon any matter requested by such member.

~~G-F.~~ In compliance with the provisions of the federal Single Audit Act Amendments of 1996, Public Law 104-156, the Joint Legislative Audit and Review Commission may authorize the Auditor of Public Accounts to audit ~~biennially~~ annually the accounts pertaining to federal funds received by state departments, officers, boards, commissions, institutions, or other agencies.

§ 30.1-xxx. Searchable online database.

~~H. 1. A.~~ The Auditor of Public Accounts shall compile and maintain on its Internet website a searchable database providing certain state expenditure, revenue, and demographic information as described in this ~~subsection~~ section. In maintaining the database, the Auditor of Public Accounts shall work with and coordinate his efforts with the Joint Legislative Audit and Review Commission in obtaining, summarizing, and compiling the information to avoid duplication of efforts. ~~The database shall be updated each year by~~ By October 15 of each year, (i) the database shall be updated to provide the information required in this subsection for the 10 most recently ended fiscal years of the Commonwealth, and (ii) the Auditor shall distribute the website address of the searchable online database to newspapers of general circulation in the Commonwealth.

B. The online database shall be made available to citizens of the Commonwealth to allow public access to historical revenue collections and appropriations with related demographic information, to the extent that the information is available and provided to the Auditor of Public Accounts. All state departments, courts officers, boards, commissions, institutions, or other agencies of the Commonwealth shall furnish all information requested by the Auditor of Public Accounts and shall cooperate with him to the fullest extent.

C. For purposes of reporting information and implementing the database pursuant to this ~~subsection~~ section, the Auditor of Public Accounts shall include all appropriated funds and other sources under the control of public institutions of higher education, except for the activity of private gifts, including endowment funds and unrestricted gifts referenced in § 23.1-101. The exclusion of this activity does not affect the public access to these records unless otherwise specifically exempted by law.

~~2. D.~~ The database shall contain the following for each of the 10 most recently ended fiscal years of the Commonwealth:

~~a. 1.~~ Major categories of spending by each secretariat and each agency and institution, including each independent agency, and including within each major category a register of all funds expended, showing vendor name, date of payment, amount, and a description of the type

of expense, including credit card purchases with the same information to the extent that the information exists. The database shall include the name, phone number, and email address for a contact at the agency or institution who may be contacted for additional information;

~~b-2.~~ The number of full-time state employees for whom the annual rate of pay is more than \$10,000, an identifier associated with each such employee, and the actual salary, bonuses, and total compensation paid during the fiscal year to the employee associated with each identifier, organized by agency;

~~e-3.~~ Total fiscal year revenues from all sources broken down by funding source and computed on a per capita basis and as a percentage of personal income in the Commonwealth;

~~d-4.~~ Total fiscal year spending from federal sources broken down by major category;

~~e-5.~~ Population estimates for the Commonwealth by locality;

~~f-6.~~ Student enrollment in grades K through 12 by locality;

~~g-7.~~ Enrollment in public institutions of higher education of the Commonwealth by institution;

~~h-8.~~ Enrollment in private institutions of higher education in the Commonwealth by institution;

~~i-9.~~ The annual prison population;

~~j-10.~~ Virginia adjusted gross income and Virginia taxable income by locality;

~~k-11.~~ The number of citizens in the Commonwealth receiving benefits from the Supplemental Nutrition Assistance Program;

~~l-12.~~ The number of driver's licenses issued;

~~m-13.~~ The number of registered motor vehicles;

~~n-14.~~ The number of full-time private sector employees;

~~o-15.~~ The number of prepaid tuition contracts outstanding pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 and the estimated total liability under such contracts;

~~p-16.~~ Any state audit or report relating to the programs or activities of an agency;

~~g. 17.~~ Information on capital outlay payments including project title, ~~funding date,~~
~~completion date,~~ appropriations, year-to-date expenditures, and unexpended appropriations;

~~f. 18.~~ Annual bonded indebtedness that shall include the amount of the total original
obligation stated in terms of principal and interest, the term of the obligation, the amounts of
principal and interest previously paid to reduce the obligation, the balance remaining of the
obligation, and any refinancing of the obligation; and

~~s. 19.~~ Other data as the Auditor deems appropriate relating to the Commonwealth of
Virginia.

~~3. E.~~ The Auditor of Public Accounts shall incorporate into the database the following
additional elements as they become available through improved enterprise applications or other
systems:

~~a. 1.~~ Commodities including line item expenditures;

~~b. Virginia Performs data as it directly relates to funding actions or expenditures;~~

~~e. 2.~~ Descriptive purpose for funding action or expenditure;

~~e. 3.~~ Statute or act of General Assembly authorizing the issuance of bonds; and

~~e. 4.~~ Copies of actual grants and contracts.

~~4. F.~~ The Auditor of Public Accounts shall incorporate in the database the following
enhancements:

~~a. 1.~~ Graphs, charts, or other visual displays of aggregated data showing (i) current state
spending by expense category, (ii) year-to-year state spending, and (iii) other data deemed
appropriate by the Auditor, including display of available line item expenditures; and

~~b. 2.~~ Frequently asked questions and their responses.

~~5. By October 15 of each year, the Auditor shall also produce a paper copy or a computer
file containing the information described in this subsection and shall distribute the copy or file
to newspapers of general circulation in the Commonwealth. The distribution shall include the
address of the Internet website for the searchable database.~~

~~I-G.~~ As a part of audits conducted pursuant to ~~subsection A § 30.1-xxx [subsection A of § 30-133]~~, the Auditor of Public Accounts shall review compliance with requirements established pursuant to the provisions of § 2.2-519 and the requirements of the Virginia Debt Collection Act (§ 2.2-4800 et seq.).

Drafting note: Existing § 30-133 is reorganized into two sections, the first 30.1-xxx containing existing subsections A through G, and the second 30.1-xxx containing subsection H, related to the online searchable database. Both sections are renumbered as needed. In both sections, the term "chairman" is updated to "chair" to modernize language and technical changes are made.

Existing § 30-139 is combined with 30.1-xxx [§ 30-133, Duties and powers generally] as the topics are related, in that § 30-139 details a duty or obligation of the Auditor of Public Accounts. Existing subsection C of 30-133 is proposed for deletion at the recommendation of the Auditor of Public Accounts due to redundancy. Section 30.1-xxx [30-141] currently requires the Auditor to make an annual report of the activities of his office to the Governor and the General Assembly. Existing subsection E is also proposed for deletion, as the Auditor takes direction from the Joint Legislative Audit and Review Commission and the General Assembly rather than the Governor.

Proposed 30.1-xxx [Searchable online database] contains existing § 30-133 subsections H and I, relating to a searchable online database maintained by the Auditor of Public Accounts. Existing subsection (H)(5) is relocated to proposed subsection A, and a substantive change is made to eliminate the requirement of a paper copy or computer file as obsolete. Instead, the Auditor must distribute the website address of the searchable online database to newspapers of general circulation.

§ ~~30-133.1~~ 30.1-xxx. Additional certifications for public institutions of higher education.

For purposes of this section "public institution of higher education" means the same as that term is defined in § 23.1-100.

In addition to all other responsibilities and duties required under law, the Auditor of Public Accounts shall, promptly upon completion of the annual audit for each public institution of higher education, certify in writing to the Chairman of the Board of Visitors or other governing body of the institution, the Secretaries of Education, Finance, and Administration, and the ~~Chairmen~~ Chairs of the House Committee on Appropriations, the House Committee on Finance, and the Senate Committee on Finance and Appropriations whether or not the institution meets all of the financial and administrative management standards currently in effect for public institutions of higher education pursuant to § 23.1-1001 and as may be included in the general appropriation act currently in effect. In addition, for any public institution of higher education required to develop and implement a plan of corrective action under § 23.1-1001, the Auditor shall at the time of making the certification provide a written evaluation of the institution's progress in implementation of the plan and in meeting all of the financial and administrative management standards currently in effect.

~~For purposes of this section "public institution of higher education" means the same as that term is defined in § 23.1-100.~~

Drafting note: The definition of "public institution of higher education" is moved to the beginning of the section to match current Code style. The term "chairman" is updated to "chair" to modernize language and technical changes are made.

§ ~~30-133.2~~ 30.1-xxx. Annual review of the collection and distribution of retail sales and use taxes.

As part of the annual audit of the Department of Taxation, the Auditor of Public Accounts shall perform a review of the collection and distribution of the Retail Sales and Use Tax (§ 58.1-600 et seq.), with an important focus being the collection and distribution of local retail sales and use taxes. In addition to all other responsibilities and duties required under law, the Auditor of Public Accounts shall, promptly upon completion of the annual review, issue a report to the ~~Chairmen~~ Chairs of the House Committee on Appropriations, the House Committee on Finance, the Senate Committee on Finance and Appropriations, and the

Commissioner of the Department of Taxation. All actions or requests for tax information by the office of the Auditor of Public Accounts for the purpose of conducting the review shall be deemed to be performed in the line of duty for purposes of § 58.1-3.

Drafting note: The term "chairman" is updated to "chair" to modernize language and technical changes are made.

§ ~~30-134~~ 30.1-xxx. Audit of accounts of city and county officers handling state funds; audit report; reimbursement of expenses.

A. At least once ~~in~~ every two years, ~~and at other times as the Governor directs,~~ the Auditor of Public Accounts, either in person or through his ~~assistants~~ staff, shall audit all accounts and records of every city and county official and agency in the Commonwealth handling state funds, making a detailed written report ~~thereof~~ of any such audit to the Governor, the Joint Legislative Audit and Review Commission, and appropriate local officials within thirty days after each audit. ~~Reports so made~~ Such reports shall be public records.

B. Every city and county, the accounts and records of whose officials or agencies are audited in accordance with subsection A, shall reimburse the Commonwealth to the extent of one-half of the expense connected with the audit, to be paid into the state treasury by the Auditor of Public Accounts. All such sums ~~so repaid~~ shall be placed by the Comptroller to the credit of the current appropriation made to the Auditor of Public Accounts and may be used by him for the purpose of carrying out the provisions of subsection A.

Drafting note: The phrase "and at other times as the Governor directs," is proposed for deletion, as the Auditor of Public Accounts takes direction from the Joint Legislative Audit and Review Commission and the General Assembly, rather than the Governor. The phrase "thereof" is proposed for deletion as unnecessary. Technical changes are made to modernize language.

§ ~~30-135~~ 30.1-xxx. Inspection of accounts and vouchers.

A. The Auditor of Public Accounts or his deputy shall, from time to time, inspect and scrutinize the accounts and vouchers of all state officers referred to in § 2.2-803.

B. The Auditor of Public Accounts shall have access to records of all state institutions, departments and agencies and they shall furnish all information requested by the Auditor and shall cooperate with him to the fullest extent.

C. Every inspection authorized by this section may be made without notice to the official whose accounts are to be inspected, ~~and it.~~ It shall be the duty of the official whose books and accounts and vouchers are being inspected to produce such ~~books, vouchers and accounts~~ records and give the Auditor of Public Accounts or his deputy all necessary ~~help and~~ aid in making the inspection. If any official fails to comply with the requirements of this subsection, he shall be guilty of a Class 1 misdemeanor.

Drafting note: Technical changes are made to modernize language.

~~§ 30-136~~ 30.1-xxx. Power as to witnesses; perjury.

The Auditor of Public Accounts, or his deputy, while conducting any examination authorized by this chapter, shall have power to (i) administer an oath to any person whose testimony may be required in any such examination, ~~and~~ (ii) compel the appearance and attendance of such person for the purpose of any such examination and investigation, and (iii) call for any books and papers necessary to such examination. If any person willfully swears falsely in such examination he shall be guilty of perjury.

Drafting note: Technical changes made.

~~§ 30-137. Devising system of bookkeeping and accounting for local offices; costs.~~

~~A. The Auditor of Public Accounts, under the direction of the Joint Legislative Audit and Review Commission shall devise a modern, effective and uniform system of bookkeeping and accounting for the use of all county, city and town officials and agencies handling the revenues of the Commonwealth or of any political subdivision thereof. The Auditor of Public Accounts may approve any existing system.~~

~~B. The Auditor of Public Accounts, when requested by the governing body of any unit of local government, may make and establish a system of bookkeeping and accounting for such unit which shall conform to generally accepted accounting principles. He shall make and~~

~~establish a uniform system of fiscal reporting for the treasurers or other chief financial officers, clerks of the courts and school divisions of all counties and cities, and all towns having a population of 3,500 or more and all towns constituting a separate school division regardless of population.~~

~~C. The cost of such service shall be borne by the county or city receiving the service of the Auditor of Public Accounts and shall not exceed an amount sufficient to reimburse the Commonwealth for the actual cost to the Commonwealth of the service. The fees so charged, upon an account rendered by the Auditor of Public Accounts, shall be remitted by the treasurer of the county or city out of any funds within his control, within thirty days to the State Treasurer, together with the account rendered by the Auditor of Public Accounts. The Auditor of Public Accounts shall pay into the state treasury the amount so received to the credit of the funds of the Auditor of Public Accounts so that it may be available for carrying out the provisions of subsection B.~~

Drafting note: Existing § 30-137 is proposed for repeal as unnecessary. This section predates modern accounting systems and the Governmental Accounting Standards Board, which currently sets accounting and financial reporting standards for state and local governments in the United States, otherwise known as known as Generally Accepted Accounting Principles. A requirement for the Auditor to create a separate system of bookkeeping is redundant.

~~§ 30-138. 30.1-xxx. State agencies, courts, and local constitutional officers to report certain fraudulent transactions; penalty.~~

~~A. For purposes of this section, "state government entity" means any state department, court, officer, board, commission, institution or other agency of the Commonwealth, including local constitutional officers and appointed officials exercising the powers of elected constitutional officers.~~

~~B. Upon the discovery of circumstances suggesting a reasonable possibility that a fraudulent transaction has occurred involving funds or property under the control of any state~~

~~department, court, officer, board, commission, institution or other agency of the Commonwealth, including local constitutional officers and appointed officials exercising the powers of elected constitutional officers~~ government entity, as to which one or more officers or employees of state or local government may be party ~~thereto~~, the state agency head, court clerk or local official in charge of such entity shall promptly report such information to the Auditor of Public Accounts (Auditor), the State Inspector General, and the Superintendent of State Police (Superintendent).

B.-C. The Auditor, the State Inspector General, or the Superintendent shall review the information reported pursuant to subsection A and individually determine the most appropriate method to investigate the information. In the event that the Auditor, the State Inspector General, or the Superintendent determines to conduct an investigation, he shall notify the others of the commencement of the investigation as soon as practicable, unless the information involves the Auditor, the State Inspector General, or the Superintendent.

C.-D. No state ~~department, court, officer, board, commission, institution or other agency of the Commonwealth, including local constitutional officers and appointed officials exercising the powers of elected constitutional officers~~ government entity shall employ or contract with any person, firm, corporation, or other legal entity to conduct an investigation or audit of information reported pursuant to subsection A without obtaining the prior written approval from the Auditor and the Superintendent. Pending acknowledgement of the report and receipt of ~~the~~ such written approval ~~from the Auditor and the Superintendent~~, the ~~state department, court, officer, board, commission, institution, or other agency of the Commonwealth, including local constitutional officers and appointed officials exercising the powers of elected constitutional officers~~ state government entity may use ~~their~~ its employees to audit the circumstances reported in subsection A to prevent the loss of assets.

D.-E. All ~~state departments, courts, officers, boards, commissions, institutions or other agencies of the Commonwealth, including local constitutional officers and appointed officials exercising the powers of elected constitutional officers and their employees~~ state government

entities shall cooperate to the fullest extent in any investigation or audit which may occur at the direction of the Auditor or the Superintendent or both as a result of information reported pursuant to subsection A.

~~E-F.~~ The willful failure to make the report as required by this section shall constitute a Class 3 misdemeanor.

~~F-G.~~ Nothing herein shall affect the requirements of § 52-8.2.

Drafting note: A definition for "state government entity" is created for clarity and technical changes are made.

~~§ 30-139. To whom Auditor to report defaults or irregularities.~~

~~If, at any time, the Auditor of Public Accounts discovers any unauthorized, illegal, irregular, or unsafe handling or expenditure of state funds, or if comes to his attention that any unauthorized, illegal, or unsafe handling or expenditure of state funds is contemplated but not consummated, he shall promptly report the facts to the Governor, the Joint Legislative Audit and Review Commission and the Comptroller.~~

~~In case there is any irregularity in the accounts of the Comptroller, the Auditor shall report it to the Governor and the General Assembly.~~

Drafting note: Existing § 30-139 is proposed for repeal, as it is combined with proposed section 30.1-xxx [§ 30-133].

~~§ 30-140 30.1-xxx. Certain political subdivisions to file report of audit; period in which report kept as public record; when audit not required; sworn statement of exempted entities; publication of summary of financial condition; repeal of conflicting provisions.~~

A. As used in this section, "financial transactions" shall not include financial transactions involving notes, bonds, or other evidences of indebtedness of such entity the proceeds of which are held or advanced by a corporate trustee or other financial institution and not received or disbursed directly by such entity.

B. Each authority, commission, district, or other political subdivision the members of whose governing body are not elected by popular vote shall annually, within five months after

the end of its fiscal year, have an audit performed covering its financial transactions for such fiscal year according to the specifications of the Auditor of Public Accounts and file with the Auditor of Public Accounts a copy of the report, unless exempted in accordance with subsection B.D.

C. Each authority, commission, district, or other political subdivision the members of whose governing body are not elected by popular vote and which is reported in the Commonwealth's ~~Comprehensive Annual~~ Annual Comprehensive Financial Report as determined by the State Comptroller and the Auditor of Public Accounts shall annually, within three months after the end of its fiscal year, have an audit performed covering its financial transactions for such fiscal year according to the specifications of the Auditor of Public Accounts and file with the Auditor of Public Accounts a copy of the report, unless exempted in accordance with subsection B.D.

The Auditor of Public Accounts shall ~~receive such reports required by this subsection and~~ keep the same such records as public ~~records~~ for a period of 10 years from their receipt.

B.D. No audit, ~~however,~~ shall be required for an entity as described in subsections A and B during any fiscal year during which such entity's financial transactions did not exceed the sum of \$25,000.

~~As used in this section, "financial transactions" shall not include financial transactions involving notes, bonds, or other evidences of indebtedness of such entity the proceeds of which are held or advanced by a corporate trustee or other financial institution and not received or disbursed directly by such entity.~~

In the event an audit is not required, the entity shall file a statement under oath certifying that the transactions did not exceed such sum and, as to all transactions involving notes, bonds, or other evidences of indebtedness that are exempted, the statement shall be accompanied by an affidavit from the trustee or financial institution certifying that it has performed the duties required under the agreement governing such transactions. ~~Notwithstanding the foregoing, the~~

376 The Auditor of Public Accounts may require an audit if he deems it to be necessary to determine
377 the propriety of the entity's financial transactions.

378 F. In the case of a water and sewer authority required by a governing body to have an
379 audit conducted as specified in § 15.2-5145, the authority shall file the certified audit with the
380 Auditor of Public Accounts.

381 G. At the time the report required by this section is filed with the Auditor of Public
382 Accounts every such authority, commission, district, or other political subdivision, except those
383 exempted from the audit report requirement, shall publish, in a newspaper of general circulation
384 in the county, city, or town ~~wherein the authority, commission, district, or other political~~
385 ~~subdivision~~ where such entity is located, a reference to where a detailed statement reflecting
386 the financial condition of ~~the authority, commission, district, or other political subdivision~~ such
387 entity may be found.

388 H. Any provision of law, general or special, which by its terms requires an audit that is
389 not required by this section shall be repealed to the extent of any conflict.

390 **Drafting note: Language is updated for clarity and consistency and technical**
391 **changes are made, including the renumbering of subsections as needed. The phrase**
392 **"notwithstanding the foregoing" is proposed for deletion as unnecessary.**

393 ~~§ 30-141~~ 30.1-xxx. Annual report.

394 The Auditor of Public Accounts shall make an annual report of the activities of his office
395 to the Governor and the General Assembly.

396 **Drafting note: No changes made.**

397 ~~§ 30-142~~ 30.1-xxx. Assumption of duties by Joint Legislative Audit and Review
398 Commission upon failure of Auditor to perform; procedure.

399 A. Whenever the General Assembly is not in session, the Joint Legislative Audit and
400 Review Commission may perform any of the duties of the Auditor of Public Accounts upon its
401 determination that the Auditor is unable or unwilling to perform any of his duties by reason of
402 incapacity, malfeasance in office, neglect of duty, conflict of interest, or criminal activity

relating to the performance of his duties. Such action shall, after notice to the Auditor of Public Accounts and an opportunity to be heard, require a three-fifths vote of all Commission members. ~~and shall~~

B. Such assumption of duties shall be effective until the House of Delegates, acting at the next regular or special session of the General Assembly, determines whether to institute impeachment proceedings against the Auditor, as provided in Article IV, Section 17 of the Constitution of Virginia or until the Joint Legislative Audit and Review Commission, by a majority vote of its membership, determines that the Auditor of Public Accounts can resume the performance of his duties. Upon institution of impeachment proceedings by the House of Delegates, the Commission may continue to perform such duties until the conclusion of impeachment proceedings.

Drafting note: Proposed section 30.1-xxx is split into subsections A and B for clarity.

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CHAPTER 6.

DIVISION OF CAPITOL POLICE.

Drafting note: Existing §§ 30-34.2:1 and 30-34.2:2 relating to the Division of Capitol Police are retained as proposed Chapter 6 (Division of Capitol Police) of proposed Subtitle II (The Legislative Branch of Government) from existing Chapter 3.1 (Legislative Support Commission). The relocation highlights the historical significance of the Division of Capitol Police.

§ ~~30-34.2:1~~, 30.1-xxx. Powers, duties and functions of Capitol Police.

A. The Capitol Police may exercise within the limits of the Capitol Square, when assigned to any other property owned, leased, or controlled by the Commonwealth or any agency, department, institution, or commission thereof, and pursuant to the provisions of §§ 15.2-1724, 15.2-1726, and 15.2-1728 all the powers, duties, and functions that are exercised by the police of the city or the police or sheriff of the county within which such property is located.

B. The jurisdiction of the Capitol Police shall further extend 300 feet beyond the boundary of any property they are required to protect, such jurisdiction to be concurrent with that of other law-enforcement officers of the locality in which such property is located.

C. The Capitol Police shall also have concurrent jurisdiction with law-enforcement officers of the City of Richmond. In addition, a Capitol Police officer who is a detector canine handler shall have concurrent jurisdiction with the law-enforcement officers of any city or county that has requested the assistance of the Capitol Police in the detection of firearms, ammunition, explosives, propellants, or incendiaries.

D. In any case involving the theft or misappropriation of the personal property of any member or employee of the General Assembly, the Capitol Police shall have concurrent jurisdiction with law-enforcement officers of any county contiguous to the City of Richmond. Members of the Capitol Police when assigned to accompany the Governor or Governor-elect, members of the Governor's family, the Lieutenant Governor or Lieutenant Governor-elect, the Attorney General or Attorney General-elect, members of the General Assembly, or members

of the Supreme Court or Court of Appeals of Virginia, or when directed to serve a summons issued by the Clerk of the Senate or the Clerk of the House of Delegates, a joint committee or commission thereof, or any committee of either house, shall be vested with all the powers and authority of a law-enforcement officer of any city or county in which they are required to be. All members of the Capitol Police shall be subject to the provisions of § 2.2-1202.1 and Chapter 5 (§ 9.1-500 et seq.) of Title 9.1.

E. The assignment of jurisdiction to any property pursuant to this section shall be approved by the Legislative Support Commission.

F. The Division of Capitol Police shall have the authority to enter into contracts or agreements necessary or incidental to the performance of its duties.

Drafting note: No changes.

§ ~~30-34.2:2~~ 30.1-xxx. Disposal of unclaimed firearms, other weapons, or other unclaimed personal property in possession of the Division of Capitol Police.

A. As used in this section:

"Unclaimed firearms and other weapons" means any firearm or other weapon belonging to another that has been acquired by a law-enforcement officer pursuant to his duties, that is not needed in any criminal prosecution, that has not been claimed by its rightful owner, and that the State Treasurer has indicated will be declined if remitted under the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.).

"Unclaimed personal property" means any personal property belonging to another that has been acquired by a law-enforcement officer pursuant to his duties, that is not needed in any criminal prosecution, that has not been claimed by its rightful owner, and that the State Treasurer has indicated will be declined if remitted under the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.).

B. Subject to the provisions of § 19.2-386.29, the Division of Capitol Police may destroy unclaimed firearms and other weapons, and may lawfully dispose of other unclaimed personal property, that have been in the possession of the Division for a period of more than 120 days.

~~For the purposes of this section, "unclaimed firearms and other weapons" means any firearm or other weapon belonging to another that has been acquired by a law enforcement officer pursuant to his duties, that is not needed in any criminal prosecution, that has not been claimed by its rightful owner, and that the State Treasurer has indicated will be declined if remitted under the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.), and "unclaimed personal property" means any personal property belonging to another that has been acquired by a law enforcement officer pursuant to his duties, that is not needed in any criminal prosecution, that has not been claimed by its rightful owner, and that the State Treasurer has indicated will be declined if remitted under the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.).~~

B. At the discretion of the chief of police or his designee, the Division of Capitol Police may destroy unclaimed firearms or other weapons by any means that renders the firearms or other weapons permanently inoperable and may lawfully dispose of other unclaimed personal property.

C. Prior to the destruction of such unclaimed firearms or other weapons or disposal of such other unclaimed personal property, the chief of police or his designee shall (i) make reasonable attempts to notify by mail the rightful owner of the property and (ii) obtain from the attorney for the Commonwealth of the jurisdiction from which the unclaimed item came into the possession of the Division of Capitol Police in writing a statement advising that the item is not needed in any criminal prosecution.

D. The Division may dispose of an unclaimed bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped in accordance with the provisions of § 15.2-1720.

E. In lieu of destroying any such unclaimed firearm, the chief of police or his designee may donate the firearm to the Department of Forensic Science, upon agreement of the Department.

Drafting note: Language is updated for clarity and consistency and technical changes are made, including the insertion of subdivisions for clarity. The definitions of "unclaimed firearms and other weapons" and "unclaimed personal property" have been stricken and relocated to proposed subsection A to conform to code conventions of placing definitions at the beginning of a code section.

#

CHAPTER ~~7~~ 9.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION.

Drafting note: Existing Chapters 7 (§ 30-56 et seq.), 8 (§ 30-64 et seq.), 10 (§ 30-78 et seq.), and 51 (§ 30-330 et seq.) are retained as proposed Chapter 9, Joint Legislative Audit and Review Commission. Proposed Chapter 9 is composed of six new articles, the first four of which retain and relocate Chapters 7, 8, 10, and 51, respectively, and the remaining two of which codify language in the 2024-2026 budget giving the Joint Legislative Audit and Review Commission (JLARC) oversight of the Virginia Information Technologies Agency and economic development incentives in the Commonwealth. The proposed articles are as follows: Article 1, Joint Legislative Audit and Review Commission; Article 2, Legislative Program Review and Evaluation Act; Article 3, Virginia Retirement System Oversight Act; Article 4, Commonwealth Savers Plan Oversight Act; Article 5, Virginia Information Technologies Agency; and Article 6, Economic Development Incentives.

Article 1.Joint Legislative Audit and Review Commission.

Drafting note: Existing Chapter 7 is retained and relocated to proposed Article 1, Joint Legislative Audit and Review Commission.

§ ~~30-56~~ 30.1-xxx. Joint Legislative Audit and Review Commission; composition; terms; compensation and expenses; office space; quorum; voting on recommendations.

There is ~~hereby~~ created the Joint Legislative Audit and Review Commission (the Commission) in the legislative branch of state government. The Commission shall consist of 15 members, to be composed of the following:

~~nine~~ 1. Nine members of the House of Delegates appointed by the Speaker ~~thereof~~, of whom at least five shall be members of the House Committee on Appropriations, ~~and;~~

~~five~~ 2. Five members from the Senate appointed by the Senate Committee on Rules Committee of the Senate, of whom at least two shall be members of the Senate Committee on Finance and Appropriations; and

~~the~~ 3. The Auditor of Public Accounts, who shall serve as a nonvoting ex officio member.

Members shall serve terms coincident with their terms of office. Members may be reappointed for successive terms.

Members of the Commission shall receive such compensation as provided in § ~~30-19.12~~ 30.1-xxx and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties on the Commission. Funding for the costs of compensation and expenses of the members shall be provided from existing appropriations to the Commission. Adequate office space shall be provided by the Commonwealth.

The Commission shall elect a ~~chairman and vice-chairman~~ chair and vice-chair from among its membership. A majority of the members shall constitute a quorum. Meetings of the Commission shall be held upon the call of the ~~chairman~~ chair or whenever the majority of the members so request.

No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

Drafting note: Language is updated for clarity and consistency and technical changes are made, including the insertion of subdivisions for clarity.

§ ~~30-57~~ 30.1-xxx. Director, executive staff, and personnel.

The Commission shall appoint, subject to confirmation by a majority of the members of the General Assembly, a Director and fix his duties and compensation. The Director may with prior approval of the Commission employ and fix the duties and compensation of an adequate executive staff as may be ~~requisite required~~ to make perform the studies ~~and~~, research, and

budget analyses required by this chapter. The Director and the executive staff shall be appointed for a term of six years and shall consist of professional persons having experience and training in ~~legislative budgetary procedures,~~ program and policy evaluation and management and cost analyses ~~and cost accounting~~. The Director and any executive staff member may be removed from office for cause by a majority vote of the Commission. Such other professional personnel, consultants, and ~~secretarial and clerical~~ administrative employees ~~may be engaged upon~~ may be hired or contracted by the Commission on such terms and conditions as set forth by the Commission.

Drafting note: Language related to the Director and executive staff's required experience and training is clarified in order to better describe the knowledge necessary for appointment. Language is updated for modern usage and clarity, and technical changes are made.

~~§ 30-58. Repealed.~~

Drafting note: Repealed by Acts 1975, c. 324.

~~§ 30-58.1~~ 30.1-xxx. Powers and duties of Commission.

The Commission shall have the following powers and duties:

1. Make performance reviews of operations of state agencies and programs to ascertain that sums appropriated have been, or are being expended for the purposes for which such appropriations were made and to evaluate the effectiveness of programs in accomplishing legislative intent;

2. ~~Study on a continuing basis the operations, practices and duties of state agencies, as they relate to efficiency in the utilization of space, personnel, equipment and facilities~~ Conduct reviews and analyses of public policy topics as requested by the General Assembly;

3. Make such special studies and reports of the operations and functions of state agencies and programs as it deems appropriate and as may be requested by the General Assembly;

4. Assess, analyze, and evaluate the social ~~and economic costs and benefits~~ impact, medical effectiveness, and relevant issues of any proposed mandated health insurance benefit

or mandated provider that is not included in the essential health benefits required by federal law to be provided under a health care plan, ~~including the mandate's predicted effect on health care coverage premiums and related costs, net costs or savings to the health care system, and other relevant issues,~~ and report its findings with respect to the proposed mandate to the Health Insurance Reform Commission; ~~and~~

5. Make such reports on its findings and recommendations at such time and in such manner as the Commission deems proper ~~submitting same~~ and submit such reports to the concerned agencies ~~concerned,~~ ~~to~~ the Governor, ~~and to~~ the General Assembly. Such reports ~~as are submitted~~ shall relate to the following matters:

a. Ways in which ~~the~~ agencies and programs may operate more economically and efficiently;

b. Ways in which agencies and programs can provide better services to the Commonwealth and to the people; and

c. Areas in which the functions of state agencies and programs are duplicative, overlapping, or failing to accomplish legislative objectives or for any other reason should be redefined or redistributed; and

6. Review the fiscal impact statements associated with introduced bills after such statements are issued.

The work of the Commission staff shall be directed by statute, joint resolution approved by House of Delegates and Senate, or resolution or other directive approved by the Commission.

Drafting note: Language is updated to reflect the current powers and duties of JLARC and clarify how its work is directed. Technical changes are made.

~~§ 30-58.2~~ § 30.1-xxx. Supplementary ~~studies and~~ reports.

The Commission shall prepare supplementary ~~studies and~~ reports of the program reviews and evaluations called for in ~~§§ 30-58.1 and 30-67~~ § 30.1-xxx in the following manner:

1. At least once in each biennium and at such other times as the Commission deems necessary, a report shall be made to the General Assembly ~~which that~~ includes: (i) annotations

of reports previously issued; (ii) a summary of significant actions taken by executive agencies in response to reports and recommendations previously issued; and (iii) matters pertaining to the report topics that may require additional legislative attention and consideration.

2. From time to time, state agencies involved in matters ~~which~~ that have been studied under the provisions of § ~~30-58.1 or § 30-67~~ 30.1-xxx may be required to communicate to the Commission at a hearing called for such purpose or in writing, the status of actions completed or being taken in response to reports and recommendations previously issued.

3. In the event a report of the Commission cites waste, extravagance, unauthorized activities, or other significant deficiencies ~~which~~ that result in the misuse of public funds, a supplementary report ~~shall~~ may be made at such time as the Commission deems appropriate, ~~which provides~~ providing the General Assembly: with (i) a review of the problem; (ii) recommendations made by the Commission or other legislative committee to correct the problem; (iii) actions taken or planned by the state agency to correct the problem; and (iv) such other matters as may require additional legislative attention to correct the problem.

Supplementary reports published by the Commission shall be issued to the Governor, the concerned state agencies ~~concerned~~, and members of the General Assembly.

Drafting note: Technical changes.

§ ~~30-58.3~~ 30.1-xxx. Annual report on state spending.

A. No later than November 15 of each year, the Commission shall provide to the Governor and the General Assembly an annual report on state spending to be published as a state document that ~~shall~~ may include, among other things, (i) an identification and analysis of spending functions and programs that could be consolidated with other programs without diminishing the quality of the services provided to the citizens of the Commonwealth; (ii) an identification and analysis of those spending functions or programs ~~which~~ that no longer have a distinct and discernible mission or are not performing their missions efficiently; (iii) an identification and analysis of the state programs that have had the largest impact on the growth of state spending over the prior five biennia; in dollar terms; (iv) an identification and analysis

of the state programs growing the fastest in percentage terms; (v) for the state programs identified as the largest or ~~fastest-growing~~ fastest growing, comparisons of the growth in spending on those programs to the rate of increase in inflation and the growth in populations served by those programs over a comparable time period; (vi) an analysis of the causes for the growth in spending on the largest and fastest-growing state programs and whether the growth in spending appears rationally related to the rates of increase in inflation, tax relief measures, mandated expenditures, populations served, or any other related matter; and (vii) such other related issues as it deems appropriate.

B. All agencies of the Commonwealth shall provide assistance to the Commission in the preparation of this report, upon request.

Drafting note: Technical changes.

~~§ 30-58.4. Pilot program for analysis of state agency budget submissions.~~

~~The Commission shall develop a pilot program to analyze and evaluate estimates submitted by state agencies and provided to the chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations pursuant to § 2.2-1504 to ascertain that sums requested are appropriated based on the missions, operations, practices, and duties of such agencies. Such pilot program shall include, but not be limited to, (i) an assessment of the procedures for executive budget submission oversight in other states, (ii) development of procedures that could be adopted in Virginia for state agency budget submission analysis, and (iii) preliminary analysis and evaluation of the budget submission of one state agency, to be selected jointly by the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations and the Joint Legislative Audit and Review Commission, in accordance with such procedures. Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Department of Planning and Budget. All agencies of the Commonwealth shall provide assistance to the Commission in conducting the pilot program, upon request.~~

~~The Commission shall submit to the Division of Legislative Automated Systems an executive summary and report of its progress in meeting the directives of this statute no later than the first day of the 2009 Regular Session of the General Assembly. The executive summary and report shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.~~

Drafting note: This section is removed because the pilot program it establishes is obsolete.

~~§ 30-59 30.1-xxx.~~ State agencies to furnish information and assistance.

A. All agencies of the Commonwealth, and their staff and employees shall provide the Commission with the necessary information for the performance of its duties, and to afford the Commission's staff ample opportunity to observe agency operations.

B. The clerk of each circuit court shall provide the Commission with all case data in an electronic format from such court's own case management system or the statewide Circuit Case Management System upon request of the Commission. If the statewide Circuit Case Management System is used by the clerk when requested by the Commission, the Executive Secretary of the Supreme Court shall provide for the transfer of such data to the Commission. The Commission may use such data for research, evaluation, or statistical purposes only and shall ensure the confidentiality and security of the data. The Commission shall only publish analyses based on such data as needed for its reports, fiscal impact reviews, or racial and ethnic impact statements as required by the General Assembly. The Commission shall not publish personal or case identifying information, including names, social security numbers, and dates of birth, that may be included in such data. Upon transfer to the Commission, such data shall not be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). Except for the publishing of personal or case identifying information, including names, social security numbers, and dates of birth, the restrictions in this section shall not prohibit the Commission

from sharing aggregate data in reports, fiscal impact reviews, or racial and ethnic impact statements.

Drafting note: This section combines existing provisions with provisions in subsection H of Budget Item 25 in the 2024-2026 budget mandating the clerk of each circuit court to provide JLARC with certain case data for research, evaluation, or statistical purposes. Technical changes are made.

§ ~~30-59.1~~ 30.1-xxx. State agency defined.

For the purposes of §§ ~~30-58.1~~ 30.1-xxx and ~~30-59~~ 30.1-xxx, the terms "state agency," "state agencies," "agency," and "agencies" ~~shall~~ mean all executive, judicial, and legislative entities of the Commonwealth as well as all constitutionally or statutorily created state entities.

Drafting note: Technical changes.

§ ~~30-60~~ 30.1-xxx. Auditor of Public Accounts to render assistance upon request; ~~his~~ relationship to Commission.

The Commission may request and receive the assistance of the staff of the Auditor of Public Accounts in making desired special studies and fiscal reviews within the manpower limitations of his office. The Commission may serve as an advisory and contact agency for the Auditor of Public Accounts to make such special reports as he may be required by law to submit to the General Assembly.

Drafting note: Technical change.

§ ~~30-61~~ 30.1-xxx. Advisory committees.

The Commission may associate with itself such advisory committees ~~of businessmen and others~~ as it may deem necessary to advise it with respect to what business practices can be adopted to achieve greater economies and more efficient service. The expenses of the members of such committees shall be paid from the funds of the Commission.

Drafting note: The phrase "of businessmen and others" is removed as unnecessary.

212 § ~~30-61.1~~ 30.1-xxx. Operational and programmatic efficiency and effectiveness
213 reviews.

214 A. In addition to the review and evaluation of state entities pursuant to the Legislative
215 Program Review and Evaluation Act (§ ~~30-65~~ 30.1-xxx et seq.), the Commission may establish
216 an operational and programmatic efficiency and effectiveness review and assessment of any
217 state departments, agencies, and programs. The Commission may contract with a United States-
218 based private management consulting firm to conduct the efficiency and effectiveness review
219 and assessment. Such contract shall be pursuant to a fixed price contract and shall not provide
220 for any payment resulting from the implementation of any recommendations of the review.

221 B. The purpose of the review and assessment shall be to provide an objective and
222 independent cost-savings assessment of the Commonwealth's organizational structure and its
223 programs in order to provide information to the Governor and the General Assembly to effect
224 savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in
225 the operation of state government. Any review and assessment conducted pursuant to this
226 section shall take into consideration the results of any prior studies, audits, or reviews conducted
227 by the Commission, the General Assembly, or the Auditor of Public Accounts, any Governor-
228 appointed commission or like entity, or any other independent entity that addressed the structure
229 and operation of state government and identified monetary savings or efficiencies leading to a
230 reduction in costs or reduced duplication of effort.

231 C. The Commission shall submit a report to the General Assembly on the results of any
232 review and assessment by December 1 of the year in which such review is conducted.

233 **Drafting note: Technical changes.**

234 ~~§ 30-62. Repealed.~~

235 **Drafting note: Repealed by Acts 1979, c. 731.**

236 § ~~30-63~~ 30.1-xxx. Payment of expenses of Commission.

237 The salaries, per diems, and other expenses necessary to the functions of the
238 Commission shall be payable from funds appropriated to the Commission.

Drafting note: Technical change.

~~CHAPTER 8.~~

~~LEGISLATIVE PROGRAM REVIEW AND EVALUATION ACT.~~

Article 2.

Legislative Program Review and Evaluation Act.

Drafting note: Existing Chapter 8 is retained and relocated to proposed Article 2, Legislative Program Review and Evaluation Act.

~~§ 30-64. Reserved.~~

Drafting note: This section is removed because it is carried as reserved in the existing title.

~~§ 30-65 30.1-xxx.~~ Definitions.

As used in this ~~chapter, the terms below shall be interpreted as follows~~ article, unless the context requires a different meaning:

~~1. The term "agency" "Agency"~~ means any agency, authority, board, department, division, commission, institution, bureau, or like governmental entity of the Commonwealth and includes any entity, public or private, with which any of the foregoing has entered into a contractual relationship to accomplish an agency program.

~~2. The term "functional area" "Functional area"~~ means that grouping of state governmental activities, programs, and agencies ~~which that~~ constitute a single budget function as identified and classified in the Virginia State Government Program Structure.

~~3. The term "discretionary selection" refers to the procedure set forth in § 30-67 whereby programs and agencies, contained wholly or in part within functional areas, are selected for legislative review and evaluation under the provisions of this chapter.~~

Drafting note: The definition for "discretionary selection" is removed as unnecessary since existing § 30-67 is being removed. Technical changes are made to conform to current Code style for sections that introduce definitions in an article.

~~§ 30-66 30.1-xxx.~~ Functional areas; scheduling of study areas.

A. The functional areas of state government shall be scheduled for legislative review and evaluation by the Joint Legislative Audit and Review Commission as specified in subsection B, on a ~~seven-year-cycle~~ regular basis, and beginning in the 1979-80 fiscal year.

B. From time to time as may be required, the Senate and House of Delegates shall by joint resolution ~~establish a schedule for~~ direct the review of ~~the specified~~ functional areas of state government. In the absence of a resolution, the Joint Legislative Audit and Review Commission shall select a functional area for review on an annual basis.

Drafting note: Language is updated to reflect current practices relating to JLARC's scheduling of study areas.

~~§ 30-67. Discretionary selection procedure; coordination with standing committees; expenses.~~

~~A. Prior to the year in which a functional area of government is designated to be scheduled for review, the Joint Legislative Audit and Review Commission may provide for the introduction of a joint resolution which shall identify to the extent feasible the agencies, programs or activities selected for review and evaluation from the functional area.~~

~~B. To ensure coordination of the review and evaluation activity with appropriate committees, the resolution specified in subsection A may identify each House and Senate standing committee to be invited to participate with the Commission in designing such studies as will be carried out from the scheduled functional areas.~~

~~C. The compensation and expenses of the members of cooperating committees or subcommittees necessary to accomplish the functions specified in subsection B shall be paid from funds appropriated to the Commission.~~

Drafting note: This section is removed as obsolete because JLARC's work is generally directed by the General Assembly.

~~§ 30-68~~ 30.1-xxx. Evaluation criteria; ~~self-studies~~.

~~A.~~ Each study carried out pursuant to this ~~chapter~~ article shall consider, as required, ~~(i)~~ that there is a valid public need for the program or agency; (ii) that legislative intent is being

carried out; [\(iii\)](#) that program and agency performance has been in the public interest; [\(iv\)](#) that program objectives have been defined; [\(v\)](#) that intended program outcomes are measurable and have been accomplished; [\(vi\)](#) that program and agency operations are managed efficiently, economically, and effectively; or [\(vii\)](#) such other specific criteria as the Commission ~~or standing committees~~ deem necessary and desirable.

~~B. Agency self studies may be required in such form and manner as may be directed under the resolution provided for in § 30-67.~~

Drafting note: Language related to existing § 30-67 is removed as unnecessary since that section is being removed. Technical changes are made for clarity.

~~§ 30-69~~ [30.1-xxx](#). Access to information.

For the purpose of carrying out its duties under this ~~chapter~~ [article](#) and notwithstanding any contrary provision of law, the Joint Legislative Audit and Review Commission shall have access to the records and facilities of every agency whose operations are financed in whole or in part by state funds to the extent that such records and facilities are related to the expenditure of such funds. All such agencies shall cooperate with the [Joint Legislative Audit and Review Commission](#) and, when requested, shall provide specific information in the form requested.

Drafting note: Technical changes.

~~§ 30-70~~ [30.1-xxx](#). Reporting; ~~hearings~~.

~~A. The Joint Legislative Audit and Review Commission shall publish and submit its reports with appropriate findings and recommendations to the Governor and members of the General Assembly, and shall transmit them to the House and Senate standing committees identified by resolution in § 30-67.~~

~~B. The standing committees may hold a public hearing on reports prepared pursuant to this chapter at their earliest convenience after the date of transmittal. Hearings may be held jointly or singly by the committees.~~

~~C. The standing committees shall hear testimony from the Commission, agency and program representatives, the public in general, and such others as may be deemed appropriate.~~

Drafting note: Language related to existing § 30-67 is removed as unnecessary since that section is being removed A technical change is made.

~~§ 30-71. Hearing criteria.~~

~~At each hearing which may be held pursuant to § 30-70, the standing committee conducting such hearing and the agencies testifying shall respond to, but not be limited to consideration of, the following questions:~~

~~1. What are the problems, needs, or missions that the program is intended to address and what has been accomplished?~~

~~2. What is the effect of the program on the economy including but not limited to: competition, unemployment, economic stability, attraction of new business, productivity, and price inflation to consumers?~~

~~3. Would the absence of any regulatory activity significantly harm or endanger the public health, safety, or welfare?~~

~~4. Has the program or agency carried out its mission in an efficient, economic, and effective manner?~~

~~5. What services could be provided and what level of performance could be achieved if the program were funded at a level less than the existing level?~~

~~6. What other state programs have similar, duplicate, or conflicting objectives?~~

~~7. What federal activities have similar, duplicate, or conflicting objectives?~~

~~8. How does the agency ensure that it responds promptly and effectively to complaints concerning persons affected by the agency?~~

~~9. To what extent have the agency's operations been impeded by existing statutes, procedures, or practices of the Commonwealth of Virginia, or of other state agencies?~~

~~10. What action plans have been or are being proposed to improve agency operations where the need for improvements has been identified in previous executive or legislative oversight studies and reports?~~

Drafting note: This section is removed as unnecessary since it refers to language in existing § 30-70 that is being removed. The removed language in this section and in existing § 30-70 refers to existing § 30-67, which also is being removed.

~~§ 30-72 30.1-xxx. Operation and construction of chapter; subcommittees article.~~

A. The operation of this ~~chapter article~~ shall not restrict the power of the General Assembly to study or act on any matter at any time.

B. The operation of this ~~chapter article~~ shall not imply or require the termination of any state agency or program.

C. Nothing in this ~~chapter article~~ shall be construed to restrict the Joint Legislative Audit and Review Commission ~~or the standing committees~~ from holding hearings on any subject as may be required nor shall operation of this ~~chapter article~~ limit the Joint Legislative Audit and Review Commission ~~or committees~~ from such other activities as may be authorized by law or custom.

~~D. The standing committees may carry out the functions assigned by this chapter through subcommittees.~~

Drafting note: Language related to JLARC's standing committees is removed as unnecessary since the provisions related to such committees in existing § 30-67 are also removed.

~~§ 30-73. Repealed.~~

Drafting note: Repealed by Acts 1986, c. 302.

~~CHAPTER 10.~~

~~VIRGINIA RETIREMENT SYSTEM OVERSIGHT ACT.~~

~~Article 3.~~

~~Virginia Retirement System Oversight Act.~~

Drafting note: ~~Provisions in existing Existing Chapter 10 (§ 30-78 et seq.) relating to the Legislative Program Review and Evaluation Act are~~ is retained and relocated into

~~to proposed Article 3 of Chapter 9, and technical changes are made, Virginia Retirement System Oversight Act.~~

~~§ 30-78. Title of chapter.~~

~~This chapter may be referred to as the "Virginia Retirement System Oversight Act."~~

Drafting note: This section is removed as unnecessary pursuant to § 1-244, which states that throughout the Code the caption of a subtitle, chapter, or article serves as a short title citation.

~~§ 30-79 30.1-xxx. Purpose Oversight of the Virginia Retirement System.~~

~~A. Section 11 of Article X of the Constitution of Virginia (1971) requires that the General Assembly maintain a state employees retirement system to be administered in the best interest of the beneficiaries thereof. In order to fulfill this duty, continuing legislative oversight of the Virginia Retirement System ("Retirement System" or "System") is essential.~~

~~B. The General Assembly hereby designates the Joint Legislative Audit and Review Commission ("the Commission") to oversee and evaluate the Virginia Retirement System (the Retirement System or the System) on a continuing basis and to make such special studies and reports as may be requested by the General Assembly, the House Committee on Appropriations, or the Senate Committee on Finance and Appropriations.~~

Drafting note: Existing subsection A of this section, containing a declaration of policy, has been removed in accordance with the Code Commission's policy that purpose statements do not have general and permanent application and thus are not to be included in the Code. Technical changes are made.

~~§ 30-80 30.1-xxx. Duties and powers.~~

~~A. The areas of review and evaluation to be conducted by the Commission shall include, but are not limited to, the following: (i) structure and governance of the Retirement System; (ii) structure of the investment portfolio; (iii) investment practices, policies, and performance, including the effect of investment performance on employer contributions; (iv) actuarial policy~~

and the actuarial soundness of the Retirement System's trust funds; and (v) administration and management of the Retirement System.

B. For the purpose of carrying out its duties under this ~~chapter~~ article and notwithstanding any contrary provision of law, the Commission shall have the following powers, ~~including but not limited to~~:

1. Access to the information, records, and facilities of the Retirement System and any of its corporations or subsidiaries ~~thereof~~ or other entities owned, directly or indirectly, or otherwise created by or on behalf of the System.

2. Access to the public and executive session meetings and records of the board of trustees of the System, as well as those of ~~the System's investment advisory committee and real estate advisory committee~~ any System committee. Access shall include the right to attend such meetings.

3. Access to the System's employees, consultants, actuaries, investment managers, advisors, attorneys, accountants, or other contractors in the employ or hire of the ~~Virginia Retirement~~ System. Such persons shall cooperate with the Commission and upon its request shall provide specific information or opinions in the form requested.

4. The ~~chairman~~ chair of the Commission may appoint a permanent subcommittee to provide guidance and direction for oversight activities, subject to the full Commission's supervision and such guidelines as the Commission itself may provide.

C. Confidential or proprietary records of the ~~Virginia~~ Retirement System or its subsidiary corporations provided to the Commission shall be ~~exempted~~ exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

Drafting note: Language is updated to permit JLARC to have access to the public and executive session meetings and records of any committee of the Virginia Retirement System. Technical changes are made, including removing "but are not limited to" on the basis of § 1-218, which states that throughout the Code "'Includes' means includes, but not limited to."

§ ~~30-81~~ 30.1-xxx. Required reports.

A. The ~~Virginia~~ Retirement System shall submit to the General Assembly, through ~~its~~ the Commission, both ~~semi-annual~~ semiannual and annual reports on the investment programs of the Retirement System. The report shall be presented in a format approved by the Commission and shall include information concerning (i) planned or actual material changes in asset allocation, (ii) investment performance of all asset classes and subclasses, and (iii) investment policies and programs.

B. The System shall also submit a biennial report on the actuarial soundness of its trust funds, which shall include (i) funding policy and objectives, (ii) current and projected funding levels, (iii) current and projected contribution rates, and (iv) actuarial assumptions.

C. The System shall furnish such reports or information as may be requested by standing committees of the General Assembly having jurisdiction over the subject matter ~~which~~ that is the basis of such committee's inquiry.

D. The Commission shall publish the following reports concerning the Retirement System: (i) a biennial status report ~~which~~ that shall include, at a minimum and where appropriate, findings and recommendations and the status of actions, if any, taken in response to prior recommendations and (ii) with the assistance of an actuary, an actuarial report once every four years.

E. The Commission's staff shall prepare and maintain an informational guide to the ~~Virginia~~ Retirement System for the members of the General Assembly.

F. The Auditor of Public Accounts shall complete an annual financial audit of the ~~Virginia~~ Retirement System, the State Police Officers' Retirement System, and the Judicial Retirement System. The Auditor of Public Accounts shall report the findings of his audit to the Governor, the General Assembly, the ~~Joint Legislative Audit and Review~~ Commission, and the ~~Board~~ board of ~~Trustees~~ trustees of the ~~Virginia~~ Retirement System. Such audit shall be submitted on or before the first day of the General Assembly session.

Drafting note: Technical changes.

452 § ~~30-82~~ 30.1-xxx. Use of consultants.

453 The Commission may employ on a consulting basis such investment, actuarial, and
454 other professional or technical experts as may be reasonably necessary for the Commission to
455 fulfill its responsibilities under this ~~chapter~~ article. Such consultants shall provide, upon request,
456 assistance to the House Committee on Appropriations and the Senate Committee on Finance
457 and Appropriations on matters related to the Retirement System.

458 **Drafting note: Technical change.**

459 § ~~30-83~~ 30.1-xxx. Cooperation of other agencies.

460 All agencies of the Commonwealth shall cooperate as requested by the Commission in
461 the performance of its duties under this ~~chapter~~ article.

462 **Drafting note: Technical change.**

463 § ~~30-84~~ 30.1-xxx. Funding for Commission's oversight activities.

464 The Commission's reasonable and necessary expenses related to its duties under this
465 ~~chapter~~ article shall be paid by the Retirement System and shall be borne by each trust fund in
466 the System in the same ratio as the assets of each trust fund, as of the preceding June 30, bear
467 to the total trust funds of the System on that date. On or before September 30 of each year, the
468 Commission shall submit to the ~~Board~~ board of ~~Trustees~~ trustees of the ~~Virginia~~ Retirement
469 System an itemized estimate for the next fiscal year of the amounts necessary to pay the
470 Commission's expenses related to its duties under this ~~chapter~~ article and shall include the
471 estimate as part of ~~the agency's~~ its budget submission to the House Committee on
472 Appropriations and the Senate Committee on Finance and Appropriations.

473 **Drafting note: Technical changes.**

474 ~~CHAPTER 51.~~

475 ~~COMMONWEALTH SAVERS PLAN OVERSIGHT ACT.~~

476 Article 4.

477 Commonwealth Savers Plan Oversight Act.

Drafting note: Existing Chapter 51 is retained and relocated to proposed Article 4, Commonwealth Savers Plan Oversight Act.

§ ~~30-330~~ 30.1-xxx. ~~Title of chapter and purpose~~ Oversight of the Commonwealth Savers Plan.

The General Assembly ~~hereby~~ designates the Joint Legislative Audit and Review Commission (the Commission) to oversee and evaluate the Commonwealth Savers Plan on a continuing basis and to make such special studies and reports as may be requested by the General Assembly, the House Committee on Appropriations, or the Senate Committee on Finance and Appropriations.

Drafting note: Technical changes.

§ ~~30-331~~ 30.1-xxx. Duties and powers.

A. The areas of review and evaluation to be conducted by the Commission shall include, ~~but are not limited to~~, the following: (i) structure and governance of the Commonwealth Savers Plan; (ii) structure of the investment portfolio; (iii) investment practices, policies, and performance; (iv) actuarial policy; and (v) administration and management of the Commonwealth Savers Plan.

B. For ~~purposes~~ the purpose of carrying out its duties under this ~~chapter~~ article, the Commission shall have the following powers, ~~including but not limited to~~:

1. Access to the information, records, and facilities of the Commonwealth Savers Plan and any of its corporations or subsidiaries ~~thereof~~ or other entities owned, directly or indirectly, or otherwise created by or on behalf of the Commonwealth Savers Plan.

2. Access to the public and executive session meetings and records of the ~~Board~~ board of the Commonwealth Savers Plan, as well as those of any ~~advisory~~ committees. Access shall include the right to attend such meetings.

3. Access to the Commonwealth Savers Plan's employees, consultants, actuaries, investment managers, advisors, attorneys, accountants, or other contractors in the employ or

hire of the Commonwealth Savers Plan. Such persons shall cooperate with the Commission and upon its request shall provide specific information or opinions in the form requested.

C. The ~~chairman~~ chair of the Commission may appoint a permanent subcommittee to provide guidance and direction for oversight activities, subject to the full Commission's supervision and such guidelines as the Commission itself may provide.

D. Confidential or proprietary records of the Commonwealth Savers Plan or its subsidiary corporations provided to the Commission shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

Drafting note: Technical changes are made, including removing "but are not limited to" on the basis of § 1-218, which states that throughout the Code "'Includes' means includes, but not limited to."

§ ~~30-332~~ 30.1-xxx. Required reports.

A. The Commonwealth Savers Plan shall submit to the General Assembly, through the Commission, annual reports on the investment programs of the Commonwealth Savers Plan. The report shall be presented in a format approved by the Commission and shall include information concerning (i) planned or actual material changes in asset allocation, (ii) investment performance of all asset classes and subclasses, and (iii) investment policies and programs.

B. The Commonwealth Savers Plan shall submit an annual report on the actuarial soundness of the Commonwealth Savers Plan's prepaid programs, which shall include (i) contract pricing policies and objectives, (ii) current and projected assets and actuarially estimated value of tuition obligations, and (iii) actuarial assumptions.

C. The Commonwealth Savers Plan shall furnish such reports or information as may be requested by the Commission or standing committees of the General Assembly having jurisdiction over the subject matter that is the basis of such committees' inquiry.

D. The Commission shall publish the following reports concerning the Commonwealth Savers Plan: (i) a biennial status report that shall include, at a minimum and where appropriate,

findings and recommendations and (ii) with the assistance of an actuary, a review of the Commonwealth Savers Plan's annual actuarial valuation reports once every four years.

Drafting note: Technical change.

§ ~~30-333~~ 30.1-xxx. Use of consultants.

The Commission may employ on a consulting basis such investment, actuarial, and other professional or technical experts as may be reasonably necessary for the Commission to fulfill its responsibilities under this ~~chapter~~ article. Such consultants shall provide, upon request, assistance to the House Committee on Appropriations and Senate Committee on Finance and Appropriations on matters related to the Commonwealth Savers Plan.

Drafting note: Technical change.

§ ~~30-334~~ 30.1-xxx. Cooperation of other agencies.

All agencies of the Commonwealth shall cooperate as requested by the Commission in the performance of its duties under this ~~chapter~~ article.

Drafting note: Technical change.

§ ~~30-335~~ 30.1-xxx. Funding for the Commission's oversight activities.

The Commission's reasonable and necessary expenses related to its duties under this ~~chapter~~ article shall be paid by the Commonwealth Savers Plan. On or before September 30 of each year, the Commission shall submit to the ~~Board~~ board of the Commonwealth Savers Plan an itemized estimate for the next fiscal year of the amounts necessary to pay the Commission's expenses related to its duties under this ~~chapter~~ article and shall include the estimate as part of the agency's budget submission to the House Committee on Appropriations and the Senate Committee on Finance and Appropriations.

Drafting note: Technical changes.

Article 5.

Virginia Information Technologies Agency.

Drafting note: Proposed Article 5, Virginia Information Technologies Agency, codifies subsection D of Budget Item 25 in the 2024-2026 budget.

§ 30.1-xxx. Oversight of the Virginia Information Technologies Agency.

A. The General Assembly designates the Joint Legislative Audit and Review Commission (the Commission) to review and evaluate the Virginia Information Technologies Agency (VITA) on a continuing basis and to make such special studies and reports as may be requested by the General Assembly, the House Committee on Appropriations, or the Senate Committee on Finance and Appropriations.

B. The chair of the Commission may appoint a permanent subcommittee to provide guidance and direction for the review and evaluation of VITA, subject to the Commission's supervision and such guidelines as the Commission may provide.

§ 30.1-xxx. Areas of review and evaluation.

A. The areas of review and evaluation to be conducted by the Commission shall include the following: (i) VITA's infrastructure services, including its infrastructure outsourcing contracts and any amendments to such contracts; (ii) adequacy of VITA's planning and oversight responsibilities, including VITA's oversight of information technology projects and the security of governmental information and information technology systems; and (iii) cost-effectiveness and adequacy of VITA's procurement services and its oversight of the procurement activities of state agencies.

B. All agencies of the Commonwealth shall cooperate as requested by the Commission in the performance of its duties under this article.

§ 30.1-xxx. Access to information.

For the purpose of carrying out its duties under this authority and notwithstanding any contrary provision of law, the Commission shall have the legal authority to access the information, records, facilities, and employees of VITA.

§ 30.1-xxx. Confidentiality of private entity records; exceptions.

Records provided to VITA by a private entity pertaining to VITA's comprehensive infrastructure agreement or any successor contract, or any contractual amendments to such agreement or contract, for the operation of the Commonwealth's information technology

infrastructure shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise. In order for the records specified in clauses (i) and (ii) to be excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), the private entity shall make a written request to VITA (a) invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) Identifying with specificity the data or other materials for which protection is sought, and (c) stating the reasons why such protection is necessary.

VITA shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. VITA shall make a written determination of the nature and scope of the protection afforded under this section. Once a written determination is made by VITA, any protected records shall continue to be protected from disclosure when in the possession of VITA or the Commission.

Except as specifically provided, nothing in this section shall be construed to authorize the withholding of (1) procurement records as required by § 56-575.17; (2) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by VITA and the private entity; (3) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (4) information concerning the performance of the private entity under the comprehensive infrastructure agreement or any successor contract, or any amendments to such agreement or contract, for the operation of the Commonwealth's information technology infrastructure.

Drafting note: Proposed Article 5 codifies subsection D of Budget Item 25 in the 2024-2026 budget, and technical changes are made to conform the budget language to Code standard and style.

Article 6.

Economic Development Incentives.

Drafting note: Proposed Article 6, Economic Development Incentives, codifies subsection E of Budget Item 25 in the 2024-2026 budget.

§ 30.1-xxx. Oversight of economic development incentives and policies.

A. The General Assembly hereby designates the Joint Legislative Audit and Review Commission (the Commission) to conduct, on a continuing basis, a review and evaluation of economic development incentives and policies and to make such special studies and reports as may be requested by the General Assembly, the House Committee on Appropriations, or the Senate Committee on Finance and Appropriations.

B. The chair of the Commission may appoint a permanent subcommittee to provide guidance and direction for ongoing review and evaluation activities, subject to the Commission's supervision and such guidelines as the Commission may provide.

§ 30.1-xxx. Areas of review and evaluation.

The areas of review and evaluation to be conducted by the Commission shall include the following: (i) spending on and performance of individual economic development incentives, including grants, tax preferences, and other assistance; (ii) economic benefits to the Commonwealth of total spending on economic development incentives at least biennially; (iii) effectiveness, value to taxpayers, and economic benefits to the Commonwealth of individual economic development incentives on a cycle approved by the Commission; and (iv) design, oversight, and accountability of economic development entities, incentives, and policies as needed.

§ 30.1-xxx. Access to information.

A. For the purpose of carrying out its duties under this authority and notwithstanding any contrary provision of law, the Commission shall have the legal authority to access the information, records, facilities, and employees, including confidential information, and the public and executive session meetings and records of the board of the Virginia Economic

Development Partnership Authority (the Authority), that discuss economic development incentives and policies for the purpose of carrying out such duties in accordance with the established standards, processes, and practices exercised by the Commission. Such access shall include the right to attend such meetings for the purpose of carrying out such duties. Any nondisclosure agreement that the Authority enters into on or after July 1, 2016, for the provision of confidential and proprietary information to the Authority by a third party shall require that the Commission also be allowed access to such information for the purposes of carrying out its duties.

B. Notwithstanding the provisions of § 58.1-3 or any other provision of law, unless prohibited by federal law, an agreement with a federal entity, or a court decree, the Tax Commissioner is authorized to provide to the Commission such tax information as may be necessary to conduct oversight of economic development incentives and policies.

C. All agencies of the Commonwealth shall cooperate as requested by the Commission in the performance of its duties under this authority.

§ 30.1-xxx. Confidentiality of records.

The following records shall be excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) and shall not be disclosed by the Commission:

1. Records provided by a public body, as defined in § 2.2-3701, to the Commission in connection with its oversight of economic development initiatives and policies, where the records would not be subject to disclosure by the public body providing the records. The public body providing the records to the Commission shall identify the specific portion of the records to be protected and the applicable provision of the Virginia Freedom of Information Act (§ 2.2-3700) or other provision of law that excludes the record or portions thereof from mandatory disclosure.

2. Confidential proprietary records provided by private entities pursuant to a promise of confidentiality from the Commission that are used by the Commission in connection with its

664 oversight of economic development incentives and policies where, if such records are made
665 public, the financial interest of the private entity would be adversely affected.

666 30.1-xxx. Use of consultants.

667 The Commission may employ on a consulting basis such professional or technical
668 experts as may be reasonably necessary for the Commission to fulfill its responsibilities under
669 this authority.

670 **Drafting note: Proposed Article 6 codifies subsection E of Budget Item 25 in the**
671 **2024-2026 budget and technical changes are made to conform the budget language to**
672 **Code standard and style.**

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