

**REPORT OF THE JOINT SUBCOMMITTEE TO STUDY THE  
OPERATIONS, PRACTICES, DUTIES AND FUNDING OF THE  
COMMONWEALTH'S AGENCIES, BOARDS, COMMISSIONS,  
COUNCILS AND OTHER GOVERNMENTAL ENTITIES**

# **Final Report**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



## **HOUSE DOCUMENT NO. 3**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2004**

**MEMBERS OF THE JOINT SUBCOMMITTEE TO STUDY  
THE OPERATIONS, PRACTICES, DUTIES AND FUNDING OF THE COMMONWEALTH'S  
AGENCIES, BOARDS, COMMISSIONS,  
COUNCILS AND OTHER GOVERNMENTAL ENTITIES**

Senator Stephen H. Martin, Chairman

Delegate M. Kirkland Cox, Vice-Chairman

Delegate Kristen J. Amundson

Delegate Allen W. Dudley

Delegate Floyd H. Miles, Sr.

Senator Frank M. Ruff, Jr.

Delegate Terrie L. Suit

Senator Malfourd W. Trumbo

Delegate Leo C. Wardrup, Jr.

Senator Mary Margaret Whipple

**STAFF**

**Joint Legislative Audit and Review Commission**

R. Kirk Jonas

Walter L. Smiley

Eric H. Messick

Ellen M. Jackson

**Division of Legislative Services**

Virginia A. Edwards, Senior Attorney

Michele Howell, Research Associate

Lisa Gilmer, Senior Staff Assistant

**House of Delegates**

Scott Maddrea, Committee Operations

## PREFACE

The 2002 General Assembly, in House Joint Resolution 159, created the Joint Subcommittee to Study the Operations, Practices, Duties and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils and Other Governmental Entities. In response to this resolution, this report contains the Subcommittee's findings and recommendations regarding collegial bodies and related issues, agency reporting requirements, and dormant and inactive special fund accounts.

As a result of collegial body reviews in 2002 and 2003, the Subcommittee recommended the elimination of 59 collegial bodies, including the consolidation of six bodies into three. The Subcommittee also made recommendations for other issues regarding collegial bodies such as codifying a definition of "collegial body" and requiring that certain information pertaining to collegial bodies be maintained and then transferred to incoming administrations.

As a result of the Subcommittee's 2002 recommendations, 43 collegial bodies were eliminated, including the consolidation of two collegial bodies into one. In addition, the Secretary of the Commonwealth was required to maintain and transfer records on collegial bodies and members to the Governor-Elect. As a result of collegial body reviews in 2003, the Subcommittee recommended that 12 additional collegial bodies be eliminated, including the consolidation of two bodies into one, and that the statutes of three collegial bodies be amended regarding their duties, membership, or procedures.

The Subcommittee also reviewed agency reporting requirements in 2003 and recommended the elimination or revision of 43 reports. During this review, the Subcommittee identified several issues beyond the streamlining of specific reports, including compliance with legislative intent. The Subcommittee observed that statutory requirements relating to reports were often ignored. In addition, the Subcommittee identified several reports that had not been prepared because the purpose of the report had lapsed. As a result, the Subcommittee recommended a web-based system to monitor legislatively mandated studies and other reports. This system can be administered with existing resources at no additional cost. It is our hope that such a system will correct many of the reporting deficiencies this Subcommittee has observed.



Stephen H. Martin  
Chairman

## EXECUTIVE SUMMARY

House Joint Resolution 159 (HJR 159), passed by the 2002 General Assembly, created the Joint Subcommittee to Study the Operations, Practices, Duties and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils and Other Governmental Entities (the Subcommittee). HJR 159 directed the Subcommittee to carry out a two-year study. In 2002, the Subcommittee focused on collegial bodies within the Executive Branch. In 2003, the Subcommittee continued to focus on Executive Branch collegial bodies and expanded its focus to agency reporting requirements and special fund accounts administered by Executive Branch agencies.

The Subcommittee met four times during 2003. The Subcommittee continued to collect information about collegial bodies and receive input from the Executive Branch. Also in 2003, the Subcommittee surveyed Executive Branch agencies to collect information about agency reporting requirements and special fund accounts.

The Subcommittee focused its attention on a continued review of: collegial bodies and related issues; reporting requirements identified by agencies as being obsolete, duplicative, and unnecessary; and special fund accounts identified by agencies as being dormant or inactive. Based on its review and deliberations, the Subcommittee recommended:

- The elimination of 12 collegial bodies, including the consolidation of two bodies into one, the amendment of the statutes of three collegial bodies and the elimination of a program;
- The codification of a definition for "collegial body";
- The elimination or revision of 43 reporting requirements, including the elimination of 18 from the *Code of Virginia*, the elimination or revision of 13 in the Appropriation Act, and 12 that could be eliminated or revised administratively;
- The creation of a comprehensive and searchable list of reports due to the General Assembly to be maintained on the General Assembly web site;
- The repeal of the responsibilities of the Department of General Services regarding agency publications;
- The reduction of the maximum number of copies (from 100 to 20) of reports and publications that agencies are to submit to the Library of Virginia;
- A study to update the Virginia Public Records Act regarding the archiving of electronic documents; and
- The elimination of 13 dormant or inactive special fund accounts and the sunset of nine programs and one foundation affiliated with nine of these accounts.

Legislation was drafted and introduced by Subcommittee members to initiate General Assembly consideration of the Subcommittee's recommendations. The Subcommittee sent letters to the Chairmen of the Senate Finance and House

Appropriations Committees and the Department of Planning and Budget recommending that the identified reporting requirements in the Appropriation Act be removed or revised during the drafting of the upcoming biennial budget.

HJR 159 directed the Subcommittee to submit a final report of its findings and recommendations to the Governor and the 2004 Session of the General Assembly. The Subcommittee approved the report on November 14, 2003. The report is set out in five chapters. Chapter I describes the scope of the first- and second-year efforts of the Subcommittee. Chapter II summarizes the activities and outcomes of the four Subcommittee meetings in 2003. Chapter III describes the study methodology and presents the recommendations of the Subcommittee regarding collegial bodies. Chapter IV describes the study methodology and presents the recommendations of the Subcommittee regarding agency reporting requirements. Chapter V describes the study methodology and presents the recommendations of the Subcommittee regarding dormant and inactive special fund accounts.

**TABLE OF CONTENTS**

	<u>PAGE</u>
<b>I. INTRODUCTION</b>	<b>7</b>
<b>II. SUBCOMMITTEE MEETINGS AND ACTIVITIES</b>	<b>12</b>
<b>III. SUBCOMMITTEE REVIEW OF EXECUTIVE BRANCH COLLEGIAL BODIES</b>	<b>20</b>
<b>IV. SUBCOMMITTEE REVIEW OF AGENCY REPORTING REQUIREMENTS</b>	<b>64</b>
<b>V. SUBCOMMITTEE REVIEW OF DORMANT SPECIAL FUND ACCOUNTS</b>	<b>72</b>
<b>VI. APPENDICES</b>	
A. House Joint Resolution 159 of the 2002 General Assembly	A-1
B. List of Bills Introduced by the Subcommittee for the 2003 Session	B-1
C. List of Bills Introduced by the Subcommittee for the 2004 Session	C-1
D. Attorney General's Opinion on the Compensation and Reimbursement of Expenses of Collegial Body Members	D-1
E. Lists of Reporting Requirements Recommended for Elimination or Revision	E-1
F. The Library of Virginia Request for a Review of the Virginia Public Records Act	F-1
G. Speakers Addressing the Subcommittee in 2003	G-1

## I. INTRODUCTION

House Joint Resolution 159 (HJR 159), passed by the 2002 General Assembly, created the Joint Subcommittee to Study the Operations, Practices, Duties and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils and Other Governmental Entities (the Subcommittee). A copy of the resolution is contained as Appendix A. The Subcommittee consisted of ten legislators (six Delegates and four Senators) and was staffed by the Joint Legislative Audit and Review Commission and the Division of Legislative Services. HJR 159 also directed that technical assistance be provided by the Secretary of the Commonwealth.

The resolution assigned the following responsibilities to the Subcommittee:

- Examine the history, budget, and current activities of each governmental entity,
- Determine whether critical functions are being performed as efficiently and cost-effectively as possible,
- Identify duplicative functions and activities,
- Determine whether the entity is funded at appropriate levels,
- Compare and evaluate the entity's work and results with its stated statutory mission, and
- Make recommendations for consolidation, elimination, reduction, or increase of activities and funding of each entity based upon the review.

HJR 159 directed the Subcommittee to submit an interim report of its findings and recommendations to the Governor and the 2003 Session of the General Assembly. The Subcommittee was directed to complete its work by November 30, 2003 and submit its final written findings and recommendations to the Governor and the 2004 Session of the General Assembly, as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Information on the HJR 159 Joint Subcommittee, including meeting materials and the interim report (House Document 13 of the 2003 session), can be found on the Subcommittee web site at <http://dls.state.va.us/hjr159.htm>.

### **STUDY SCOPE AND ACCOMPLISHMENTS FOR 2002**

The Subcommittee focused its attention in 2002 on collegial bodies within the Executive Branch. There were two primary reasons for this scope:

- Additional delineation beyond that provided in the broad study resolution was necessary to establish a work plan that was focused, practical, and feasible.
- The Subcommittee wished to avoid duplicative or redundant efforts between its activities and another ongoing assessment of State government – The Governor's Commission on Efficiency and Effectiveness (the Wilder Commission). The

Wilder Commission was directed to streamline and consolidate State agencies and programs. The Subcommittee determined that a complementary effort focused on collegial bodies would yield significant benefits to the Commonwealth without redundant efforts.

For the purposes of this study, collegial bodies were defined as: *State government entities, usually designated as boards, commissions, or councils, that:*

- *Have power vested equally among colleagues/members,*
- *Are established by law or executive order, and*
- *Are typically charged with providing advice to an agency, promulgating public policies or regulations, or overseeing the operations of an agency.*

Collegial bodies excluded from the Subcommittee's review in 2002 (and 2003) included: those in the Legislative and Judicial Branches; collegial bodies associated with independent agencies, political subdivisions, or authorities; interstate compacts; and collegial bodies created in (or after) 2002.

The Subcommittee met five times during 2002. It surveyed Executive Branch collegial bodies, collected numerous types of information and data about the bodies, and received significant input from the Executive Branch during its deliberations.

The Subcommittee focused its attention on 36 issues involving 66 boards, commissions and other types of collegial bodies. Based on its review and deliberations, the Subcommittee recommended:

- The elimination of 47 collegial bodies, including the merger of four collegial bodies into two,
- The merger of two agencies,
- The elimination of one foundation, and
- That no action be taken regarding 15 bodies.

Subcommittee members introduced 25 pieces of legislation during the 2003 General Assembly session to initiate General Assembly consideration of the recommendations. Twenty-two of the Subcommittee's recommendations were approved by the General Assembly and signed by the Governor. As a result, 43 collegial bodies were eliminated, including the merger of two collegial bodies, and one foundation was eliminated.

### **STUDY SCOPE FOR 2003**

The Subcommittee focused its attention in 2003 on Executive Branch collegial bodies and related issues, agency reporting requirements, and dormant and inactive special fund accounts. There were four primary reasons for this scope:



- As in 2002, additional delineation beyond that provided in the broad study resolution was necessary to establish a work plan that was focused, practical and feasible.
- The existence of collegial bodies that met the review criteria but were not reviewed in 2002. During collegial body reviews in 2002, the Subcommittee identified other related issues for its consideration.
- Subcommittee members expressed concern about the amount of agency reports and information that they receive.
- Subcommittee members also expressed concern about the number of dormant financial accounts.

The Subcommittee considered conducting reviews of agency performance and the disability services area. However, the Subcommittee decided against conducting these reviews as it wished to avoid duplicative or redundant efforts between its activities and those of the Council on Virginia's Future and Virginia's Olmstead Task Force. The Council on Virginia's Future was charged with recommending to the Governor and the General Assembly legislation defining the vision, long-term objectives, and appropriate performance measures for State government. As a result of the U.S. Supreme Court's decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999), the Olmstead Task Force was directed to develop a plan for serving persons with disabilities in the most integrated setting possible. The Task Force conducted a comprehensive review of disability services and service needs to fulfill this mandate.

**Collegial Bodies.** The Subcommittee found that boards and commissions would sometimes lapse into inactivity as a result of the Governor not making appointments, meetings failing to achieve quorums, and other factors. For example, appointments to the State scenic river advisory boards had not been made since the administration of Governor Allen. As a result, most of the scenic river advisory boards had become inactive. Furthermore, many members were unsure about their status, as members were to serve at the pleasure of the Governor.

In other cases, statutory intent was ignored. The Interagency Coordinating Council on Housing for the Disabled is one example. The Council, which was created in statute in 1986, has never been activated. In recent years, the Disability Commission and the Department of Housing and Community Development have been addressing the issue of housing for the disabled, but it is uncertain whether this is an adequate approach to the problem.

**Agency Reporting Requirements.** For the purposes of this study, agency reporting requirements were defined as: *any information and/or data that must be compiled in a systematic manner and provided to a State entity or the public on an ongoing basis.* Agency reports to federal entities, unless subsequently required by a State authority, were excluded from the Subcommittee's review.

During its review of reporting requirements, the Subcommittee identified several issues beyond efforts to eliminate or streamline specific reports. Compliance with

legislative intent and the format of reports were two such issues. In the case of legislative intent, the Subcommittee found that some reports were no longer being produced because the purpose of the report had lapsed. For example, the Department of Housing and Community Development Report on the Urban Public-Private Partnership Redevelopment Fund has never been submitted to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees. The fund has never received an appropriation, thus there are no fund recipients on which the Department could report information.

In other instances, the statutory intent for the submission of a formal report was ignored. For example, the Annual Report of the Council on Human Rights has not been submitted to the Governor and General Assembly since 1992. Instead, the Council staff prepares statistical reports through which information can be provided to legislators, State agencies, and the public upon request. However, the current statutory requirement is not being followed because there is no guarantee that this information is provided to the Governor or to legislators.

To address the issue of statutory intent, the Subcommittee staff worked with the staffs of the House and Senate Clerks and with the Division of Legislative Automated Systems (DLAS) to design a system of tracking reporting requirements submitted to the legislature. Using existing staff, the Clerks and DLAS are developing a web-based system for listing reporting requirements that would also demonstrate whether compliance is being achieved. The Subcommittee endorsed this concept at its September meeting, and staffs are developing the necessary modifications to the General Assembly web site. Beginning in 2004, legislators and the public potentially will be able to see all reporting requirements to the legislature and whether these requirements are being met. More detail on this proposed system is included in Chapter IV.

The Subcommittee determined that the issue regarding the format of reports was beyond the scope of the Subcommittee. Historically, legislatively mandated reports have been made in paper form. The Subcommittee raised the issue of whether an electronic report fulfills the reporting requirement as State government is evolving toward electronic documents. While the Subcommittee was interested in the most efficient reporting mechanisms possible, it also recognized that no system of archiving electronic reports is in place to substitute for paper records. Because many reports to the General Assembly have historic significance and should be archived, it was recognized that a mechanism for incorporating electronic reports into the Virginia Public Records Act was needed. As a result, the Subcommittee recommended a study and revision of the Virginia Public Records Act, focusing on the role of electronic records. More detail on this proposal is included in Chapter IV.

***Dormant and Inactive Special Fund Accounts.*** The Subcommittee found that some fund accounts are established and later lapse into inactivity due to the lack of appropriations or other sources of funding. For the purposes of this study, dormant and inactive special fund accounts were defined as: *a special fund detail account established by specific legislation with no financial activity or a static balance for at least two years.*

Special fund accounts are used to control specific revenue sources earmarked for particular functions and activities. The Subcommittee reviewed 329 accounts and found 13 accounts and nine affiliated programs that were totally dormant. Chapter V discusses this issue in detail.

## II. SUBCOMMITTEE MEETINGS AND ACTIVITIES

The Subcommittee met four times in 2003. An organizational meeting was held on March 18, 2003. Additional Subcommittee meetings were held on May 20, 2003; September 16, 2003; and November 14, 2003. Subcommittee meetings and activities during 2002 are described in detail in House Document 13 of the 2003 session.

### MARCH 18, 2003 ORGANIZATIONAL MEETING OF THE SUBCOMMITTEE

The Subcommittee met on March 18, 2003 to organize and establish a work plan for the year. During the meeting, the Subcommittee elected a Chairman and Vice Chairman; received a general overview of the 2002 interim work and review process; received session highlights of the Subcommittee's recommended legislation and other related collegial body legislation; discussed the possibility of reviewing the disability services area, other collegial body issues, agency reporting requirements, agency performance, and dormant and inactive fund accounts; agreed upon a work plan; and established a meeting schedule for the year.

***Election of Chairman and Vice Chairman.*** In November 2002, the Subcommittee Chairman, Delegate Jay O'Brien, was elected to the Senate of Virginia. His resignation from the House of Delegates vacated his appointment to the Subcommittee and his chairmanship. Consequently, the Subcommittee opened its March 2003 organizational session by electing a Chairman (Senator Stephen H. Martin) and a Vice Chairman (Delegate M. Kirkland Cox).

***General Overview of 2002 Interim Work and Review Process.*** Staff of the Joint Legislative Audit and Review Commission presented the 2002 activities and accomplishments of the Subcommittee. Staff explained that the principal aspects of the HJR 159 mandate were addressed through an overview of State government organization and structure, an overview of the analysis of 20-year spending trends in Virginia, a review of all State collegial bodies, and a comprehensive review of select collegial bodies.

***Session Highlights of the Subcommittee's Legislation.*** Staff of the Division of Legislative Services presented the highlights of the 2003 General Assembly session. Subcommittee members introduced 25 bills in the 2003 session. In addition, other patrons introduced 14 bills that were related to the work of the Subcommittee. Twenty-two bills introduced by Subcommittee patrons would have eliminated 47 collegial bodies. Two identical pieces of legislation were introduced which would require the Secretary of the Commonwealth to maintain and transfer records on collegial bodies to the Governor-Elect. One joint resolution was introduced to add a Senate and House member to the Subcommittee. Twenty-two of the 25 pieces of legislation introduced by Subcommittee patrons were approved by the General Assembly and signed by the Governor. A list of the bills that were introduced by Subcommittee patrons appears in Appendix B. As a result of Subcommittee legislation, 43 collegial bodies were eliminated, including the

consolidation of two bodies into one, one foundation was eliminated, and the Secretary of the Commonwealth must maintain and transfer records on collegial bodies and their members to the Governor-Elect.

**Disability Services Area.** Staff of the Joint Legislative Audit and Review Commission presented an overview of the number of boards within the disability area. During reviews of remaining collegial body issues, staff discovered that seven agencies and 31 collegial bodies existed pertaining to disability services. Staff suggested that an in-depth review of the disability-related agencies and collegial bodies could result in the identification of opportunities for improved structural efficiency and effectiveness. The Subcommittee requested staff to develop a more detailed proposal for a review of the disability services area for presentation at the May meeting.

**Other Collegial Body Issues.** Staff of the Division of Legislative Services presented options for addressing other collegial body issues that were identified by Subcommittee members in 2002. Staff stated that the Subcommittee could address the issues of timeliness of gubernatorial appointments, codifying a definition of "collegial body," and the compensation and reimbursement of expenses of collegial body members. The Subcommittee approved these issues and agreed that the Chairman should request the Attorney General's opinion regarding member compensation and reimbursement of expenses.

**Agency Reporting Requirements.** Staff of the Division of Legislative Services explained that the *Code of Virginia* and the Appropriation Act are estimated to contain several hundred agency reporting requirements. Currently, no comprehensive list exists of how many reports are required. As a result, some ongoing reporting requirements may be obsolete or may duplicate other reporting requirements. Staff suggested that the Subcommittee could review agency reporting requirements to determine whether obsolete or duplicative reports existed and whether they should be eliminated. The Subcommittee approved agency reporting requirements as an area of study.

**Agency Performance.** Staff of the Joint Legislative Audit and Review Commission presented an overview of the procedures for measuring agency performance. Staff stated that two elements of HJR 159 directly point to a review of agency performance. Subcommittee members could identify agencies where they have an interest in whether critical functions are being performed as efficiently and cost effectively as possible. The Subcommittee determined that agency performance would be more appropriately reviewed by the newly-established Council on Virginia's Future (House Bill 2097 of the 2003 session).

**Dormant and Inactive Special Fund Accounts.** Staff of the Joint Legislative Audit and Review Commission presented an overview of dormant and inactive special fund accounts. Some legislatively created special fund accounts only occasionally receive cash, often run only a small balance, or are inactive. Staff suggested that the Subcommittee could inventory zero- and low-balance accounts, consider whether such funds should be continued, and consider criteria for how long a zero- or low-balance

special fund should remain in the *Code of Virginia*. The Subcommittee approved this issue as an area of review.

#### **MAY 20, 2003 MEETING OF THE SUBCOMMITTEE**

At its second meeting, on May 20, 2003, the Subcommittee received comments from the Secretary of the Commonwealth on the timeliness of gubernatorial appointments; received a staff presentation on a definition of “collegial body”; received a status update on the request for an Attorney General’s opinion on the compensation and reimbursement of expenses of collegial body members; held a review of selected collegial bodies; and received staff presentations on dormant and inactive special fund accounts, agency reporting requirements, and the disability services area work plan.

***Timeliness of Gubernatorial Appointments.*** Staff of the Division of Legislative Services presented an overview of issues regarding the timeliness of gubernatorial appointments that the Subcommittee members had raised in previous meetings. The issues included:

- Are there sufficient resources for the Governor to make timely appointments?
- Should reappointments be automatic if the Governor has not made them within a certain time period?
- Should other appointing authorities be designated in cases where the Governor has failed to make the appointments?
- Are there constitutional problems with designating alternative appointing authorities, particularly to policy and supervisory boards in the executive branch?

The Secretary of the Commonwealth, The Honorable Anita Rimler, responded to the Subcommittee’s concerns. She stated that the Secretary’s office has sufficient resources for the Governor to make timely appointments. The Governor likely would oppose a policy of automatic appointments if appointments were not made within a certain amount of time, and the Secretary’s office would oppose the designation of another appointing authority when the Governor failed to make appointments. Secretary Rimler stated that the goal of the administration is to complete every appointment on time.

***Definition of “Collegial Body.”*** Staff of the Division of Legislative Services presented a definition of “collegial body” for the Subcommittee to consider for recommending legislation. Staff suggested the following definition of collegial body: “a governmental entity whose power or authority is vested equally among its voting members.” The Subcommittee approved the definition (SB 7) but noted that it might need to be reexamined once the Attorney General’s opinion regarding the compensation and reimbursement of expenses of collegial body members is received.

***Compensation and Reimbursement of Expenses of Collegial Body Members.*** Staff of the Division of Legislative Services reviewed the Subcommittee’s request for an Attorney General’s opinion, which asked that the statutes governing the compensation

and reimbursement of expenses of collegial body members be clarified. The letter specifically requested clarification of whether a collegial body's enabling statute or the general compensation statute governed under different scenarios. The letter also requested clarification on whether members serving on informal collegial bodies, in which the membership of the entity is not established by statute, are entitled to compensation and expenses. Staff reported that an attorney had been assigned to review the issues addressed in the letter and that an opinion was expected prior to the September meeting. (Note: The Attorney General's response was received, by facsimile, on September 11, 2003 and is at Appendix D.)

**Review of Selected Collegial Bodies.** The Subcommittee reviewed and discussed ten issues involving 12 collegial bodies identified through the study processes explained in Chapter III of this report:

- Advisory Board on Rehabilitation Providers,
- Advisory Committee on Certified Practices,
- Psychological Practices Audit Committees,
- Sweet Potato Board,
- Advisory Council on the Virginia Business-Education Partnership Program,
- Virginia Charity Food Assistance Advisory Board,
- Design-Build/Construction Management Review Board,
- Virginia Recycling Markets Development Council,
- Child Protective Services Out-of-Family Investigations Advisory Committee and Advisory Board on Child Abuse and Neglect, and
- Child Day-Care Council and Board of Social Services.

Chapter III of this report contains information on all collegial bodies reviewed during 2003, including the Subcommittee's recommendations.

**Dormant and Inactive Special Fund Accounts.** Staff of the Joint Legislative Audit and Review Commission presented the status report of the review of dormant and inactive special fund accounts. Through a keyword search of the *Code of Virginia*, staff identified more than 150 legislatively mandated special fund accounts and was preparing to survey the budget officers of Executive Branch agencies requesting them to identify which, if any, of their accounts are dormant or inactive. A comprehensive discussion of dormant and inactive special fund accounts is provided in Chapter V of this report.

**Agency Reporting Requirements.** Staff of the Joint Legislative Audit and Review Commission presented the status report of the review of agency reporting requirements. Staff was preparing to survey Executive Branch agency staff requesting them to identify obsolete, duplicative, or unnecessary reports required of their agencies. In addition, staff suggested that the Subcommittee could review the roles of the Library of Virginia, Department of General Services, and the Division of Legislative Automated Systems pertaining to the archiving, submission, or printing of agency reports, as some of these roles are no longer performed or should be revised. A comprehensive discussion

and review of reporting requirements and other related issues is provided in Chapter IV of this report.

***Disability Services Area Work Plan.*** Staff of the Joint Legislative Audit and Review Commission reported that a review of the disability services area by the Subcommittee would overlap with the comprehensive review being conducted by the Olmstead Task Force. The Olmstead Task Force was initiated in response to the U.S. Supreme Court's ruling in *Olmstead v. L.C.*, 527 U.S. 581 (1999) that states must provide services to individuals with disabilities in the most integrated setting possible. The Olmstead Task Force was directed to submit its final report to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Chairman of the Joint Commission on Health Care by August 31, 2003. As a result of the Task Force's comprehensive review of disability services and service needs, the Subcommittee agreed to a more limited review of disability boards. Collegial bodies selected for review include the Interagency Coordinating Council on Housing for the Disabled, the Charlottesville and Richmond Advisory Boards for the Virginia Industries for the Blind, and the Early Intervention Agencies Committee.

#### **SEPTEMBER 16, 2003 MEETING OF THE SUBCOMMITTEE**

At its third meeting, on September 16, 2003, the Subcommittee received the Attorney General's opinion on the compensation and reimbursement of expenses of collegial body members, reviewed 13 dormant or inactive special fund accounts, received staff presentations on reporting requirements and other issues concerning agency publications, discussed and voted on the collegial bodies reviewed at the prior meeting, and reviewed six new collegial body issues.

***Attorney General's Opinion on the Compensation and Reimbursement of Expenses of Collegial Body Members.*** Staff of the Division of Legislative Services presented the Attorney General's opinion clarifying when collegial body members are entitled to compensation and reimbursement of expenses. Staff stated that collegial bodies that are established or authorized to be established by the General Assembly and that operate on the State level are entitled to compensation and reimbursement of expenses. The enabling statute of a collegial body governs member compensation and reimbursement of expenses. If the enabling statute is silent, the general compensation statute governs. A full copy of the Attorney General's opinion is at Appendix D.

***Dormant and Inactive Special Fund Accounts.*** The Subcommittee reviewed and discussed 13 dormant or inactive fund accounts identified through the study processes discussed in Chapter V of this report:

- Blue Ridge Economic Development Revolving Fund,
- Alternative Water Supply Assistance Fund,
- Workforce Development Training Fund,
- Advantage Virginia Incentive Fund,
- Reading Incentive Grant Fund,



- Virginia Educational Excellence Incentive Reward Fund,
- Families in Education Incentive Grant Fund,
- Community-Based Intervention Program for Suspended and Expelled Students Fund,
- Artists in the Classroom Grants Fund,
- Virginia Undergraduate Career and Technical Incentive Scholarship Fund,
- Virginia Higher Education Incentive Fund,
- Information Technology Employment Performance Grant Fund, and
- Virginia Landfill Cleanup and Closure Fund.

The Subcommittee endorsed the elimination of these dormant and inactive accounts and directed staff to draft an omnibus bill effecting their elimination. A comprehensive discussion of dormant and inactive accounts and the 13 funds recommended for elimination is provided in Chapter V.

**Agency Reporting Requirements.** Staff of the Joint Legislative Audit and Review Commission reported that agencies preliminarily identified 135 reporting requirements that could be eliminated or reported in a different way. Further review revealed that many of these reporting requirements were necessary or useful. Forty-three reporting requirements were identified as being candidates for elimination or revision as summarized in Chapter IV of this report. The Subcommittee discussed the feasibility of the Division of Legislative Automated Systems and the House Clerk's Office developing and maintaining a comprehensive list of reports due to the General Assembly on the General Assembly web site and discussed amending the obsolete role of the Department of General Services regarding agency publications. Nolan Yelich, the Librarian of Virginia, proposed that the Subcommittee recommend a study to update the Virginia Public Records Act to include consideration of the appropriate method for archiving electronic documents. A copy of the study request is at Appendix F.

**Further Discussion and Vote on Collegial Bodies Reviewed at the May Meeting.** The Subcommittee summarized the collegial bodies reviewed in May, received additional public comment, and voted on each. The votes and other related actions on each collegial body are summarized in Chapter III.

**Discussion of Selected Collegial Bodies.** The Subcommittee reviewed and discussed six new issues involving eight collegial bodies identified through the study processes explained in Chapter III of this report:

- Reforestation Board and Board of Forestry,
- Medical Practices Audit Committees,
- Medical Complaint Investigations Committees,
- Interagency Coordinating Council on Housing for the Disabled,
- Advisory Boards for the Virginia Industries for the Blind – Richmond and Charlottesville Boards, and
- Early Intervention Agencies Committee.

Chapter III also contains information on all collegial bodies reviewed during 2003, including the Subcommittee's recommendations.

#### **NOVEMBER 14, 2003 MEETING OF THE SUBCOMMITTEE**

At its last meeting, on November 14, 2003, the Subcommittee held a final review of dormant and inactive special fund accounts, held a final review of agency reporting requirements, held a final discussion and voted on collegial bodies discussed at previous meetings, discussed the elimination of the Virginia Advisory Commission on Intergovernmental Relations, discussed other 2004 legislation that the Subcommittee had approved in earlier meetings, and approved a working draft of the final report.

***Final Review of Dormant and Inactive Special Fund Accounts.*** The Subcommittee conducted a final review of the dormant and inactive special fund accounts that staff had identified for elimination at the September meeting. The Subcommittee also considered the elimination of programs that were affiliated with nine of the dormant accounts. The Subcommittee approved for introduction the omnibus legislation to eliminate the thirteen dormant fund accounts and to sunset the nine programs if no specific appropriation is made for FY 2004 or FY 2005. A comprehensive discussion of dormant and inactive accounts and the 13 funds recommended for elimination is provided in Chapter V.

***Final Review of Agency Reporting Requirements.*** The Subcommittee conducted a final review of the reporting requirements staff identified for elimination or revision at the September meeting. The Subcommittee approved for introduction the omnibus legislation to eliminate 12 reporting requirements from the *Code of Virginia*. The Subcommittee also approved for introduction separate legislation to eliminate two reporting requirements and one obsolete section from the *Code*. The Subcommittee approved for introduction another omnibus bill that would eliminate three reports produced by the Department of Housing and Community Development (DHCD). This legislation would also repeal the associated programs and funds on which DHCD was to report if the funds do not receive specific appropriations by the 2007-2008 biennium. Joint Legislative Audit and Review Commission staff reported that the Chairmen of the House Appropriations and Senate Finance Committees and the Director of the Department of Planning and Budget had been requested to remove or revise 13 reporting requirements in the Appropriation Act. In addition, appropriate agencies had been notified of the Subcommittee's recommendations for 12 reporting requirements that could be eliminated or revised administratively. A comprehensive discussion of agency reporting requirements and the 43 reports recommended for elimination or revision is provided in Chapter IV.

***Final Discussion and Vote on Collegial Bodies Reviewed at Prior Meetings.*** The Subcommittee summarized the collegial bodies reviewed in September, as well as bodies carried over from the May meeting, and voted on each. The votes and other related actions on each collegial body are summarized in Chapter III.

***Review of the Virginia Advisory Commission on Intergovernmental Relations.***

At the request of some legislative members of the Virginia Advisory Commission on Intergovernmental Relations (ACIR), staff reviewed and reported on the feasibility of eliminating the ACIR. Detailed information on the Subcommittee's review and recommendation can be found in Chapter III.

***Discussion of Other 2004 Legislation.*** The Subcommittee reviewed the legislation staff had prepared for the recommendations approved for introduction in prior meetings and determined who would be the chief patrons and co-patrons for each bill. The chief patron and co-patrons were also determined for legislation to eliminate the Board of Military Affairs (HB 11). The Subcommittee recommended its elimination in 2002, however legislation was not introduced during the 2003 session. A list of the bills introduced by the Subcommittee for the 2004 session appears in Appendix C.

***Approval of the Final Report.*** Staff presented an overview of the final report. The Subcommittee approved the draft copy of the final report provided to them at the meeting, with the understanding that the report would be updated to include the actions taken by the Subcommittee at the November meeting. The Chairman asked that members review the report and provide comments to staff, who would then include the changes or comments in the final report. The Chairman directed staff to follow the procedure used for the 2002 interim report and send members an "Advance Copy" of the final report as soon as possible. The Subcommittee authorized staff to consult with the Chairman prior to revising the report if any "changes of consequence" were proposed. In addition, the Chairman suggested, and the Subcommittee approved, that any changes be forwarded to staff on or before December 19, prior to the report being submitted to the Division of Legislative Automated Systems for printing and distribution.

### III. SUBCOMMITTEE REVIEW OF EXECUTIVE BRANCH COLLEGIAL BODIES

The Subcommittee reviewed 17 issues regarding 21 boards, commissions, and other types of collegial bodies during its second year of study. The Subcommittee's recommendations for action based on its first year of study can be found in House Document 13 of the 2003 General Assembly session. The Subcommittee made 15 recommendations for action based on collegial body reviews in 2003. These recommendations would eliminate 12 collegial bodies, including the consolidation of two bodies into one, amend the statutes of three collegial bodies, and eliminate one program. Brief summaries of each review are contained in this chapter.

#### STUDY METHODOLOGY FOR COLLEGIAL BODIES

The Subcommittee and its staff employed a variety of data collection and research methods to analyze collegial bodies and determine if the bodies met assessment criteria established for the study. In addition, the Subcommittee established procedures to systematically review and discuss collegial bodies identified as failing to meet assessment criteria. These methods, criteria, and procedures are described below.

***Data Collection and Research Methods.*** In 2002, the Subcommittee and staff were involved in numerous data collection and research activities to identify collegial bodies and assess their functions and status. The activities primarily conducted in 2002 included:

- Developing Preliminary Inventories of State Agencies and Collegial Bodies – Lists of State agencies and collegial bodies were compiled based on information in the Secretary of the Commonwealth's Blue Book with consideration of Appropriation Act information. These preliminary inventories were refined as the study continued.
- Designing and Implementing a Web-Based Database to Develop Collegial Body Mailing Lists – Letters were mailed to all State agencies directing them to log onto an internet web site and provide names, addresses, and other information for each board, commission, or other collegial body with which the agency interacted. Information from the web site was used to identify additional collegial bodies not captured in the inventory list and to develop survey mailing lists.
- Surveying Executive Branch Collegial Body Chairs and Staff – A 12-page survey instrument was designed to collect information about the functions and status of collegial bodies in the Executive Branch. A total of 529 surveys were mailed out, including 266 surveys mailed to collegial body chairs and 263 surveys mailed to support staff members. Responses were received from 93% of the chairs and 98% of the support staffs.

The activities conducted in both years of the study included:

- Structured Telephone Interviews - Structured telephone interviews were conducted on an as-needed basis with collegial body chairs, collegial body support staff, agency staff, and other individuals to clarify and confirm information reported in surveys, collect additional information, and confer regarding the drafting of legislation relating to selected collegial bodies.
- Code Review and Compilation of Legislative History – Sections of the *Code of Virginia* and Acts of Assembly pertaining to collegial bodies were reviewed to determine the authority, duties, responsibilities, creation date, and other characteristics of collegial bodies. Information obtained during the review was entered into a database for use during study analyses.
- Functional Analysis – Statutory provisions concerning authority, duties, responsibilities, frequency of meetings, and other characteristics of selected collegial bodies were compared to actual practices as reported in surveys and annual reports to identify instances of noncompliance.
- Document Reviews – Numerous documents were reviewed to identify and assess collegial bodies including survey responses, collegial body meeting minutes, annual reports, the Secretary of the Commonwealth’s Blue Book, and prior study reports.
- Testimony and Other Input from Designated Executive Branch Representatives – In response to questions posed by the Subcommittee, information concerning the activities and status of collegial bodies, and the Executive Branch position regarding specified bodies, was received from the Offices of the Governor’s Secretaries, agency directors, agency staffs, board chairs, and other designated Executive Branch representatives.
- Receipt of Citizen Comments through Public Comment Periods and Other Mechanisms – Comments and perspectives regarding the collegial bodies being reviewed by the Subcommittee were received from interested citizens through letters, E-mail communications sent to the Subcommittee web site, and public comment periods during Subcommittee meetings.

**Assessment Criteria.** A board, commission, or other collegial body that is well conceived, functioning normally, and accomplishing its intended role in State government would typically have a clear mandate, have a full complement of members with up-to-date appointments, meet in accordance with statutory provisions, carry out statutorily-prescribed activities and responsibilities in an efficient manner, and avoid unnecessary duplication or overlap with other collegial bodies and agencies. The following criteria-related questions were formulated to help the Subcommittee and staff

“screen” the Executive Branch collegial bodies for these characteristics and to determine if certain collegial bodies should be modified:

- Does the collegial body have a clear mandate?
- Have members been appointed to the collegial body?
- Are all members’ terms current?
- Does the collegial body meet?
- Does the frequency of meetings comply with statutory requirements?
- Are activities in compliance with statutory requirements?
- Does unnecessary duplication, overlap or fragmentation exist between collegial bodies?
- Does evidence exist that the collegial body is or is not functioning efficiently and cost effectively?
- Does evidence exist that the collegial body is or is not funded at appropriate levels?

***Subcommittee Procedures.*** The Subcommittee continued its review of collegial bodies in 2003, building on the information base developed in 2002. The Subcommittee’s procedures for conducting its work in 2003 were as follows:

- (1) Subcommittee staff collected and analyzed collegial body information.
- (2) Collegial bodies that did not appear to meet the assessment criteria were placed on a Subcommittee meeting agenda for discussion.
- (3) The Governor’s Secretaries were notified of the scheduled discussions and asked to assemble the appropriate individuals to present the Executive Branch position regarding the issue and respond to a set of routine questions:
  - Is the collegial body active? If not, through what means is its mandate being carried out?
  - Do special circumstances or considerations exist regarding the collegial body?
  - Should the collegial body be consolidated with another entity? If so, what entity?
  - Is the collegial body’s mandate appropriate?
  - Should the collegial body be eliminated?
  - Should another action be taken regarding the collegial body?
- (4) In some instances, additional questions were asked regarding specific collegial bodies.
- (5) The agency executives were notified of the scheduled discussions and asked to attend, or designate someone to attend, the meeting to respond to collegial body support-related questions.

- (6) The chairs were notified of the scheduled discussions and asked to present their positions regarding the issue and respond to the same questions asked of the Secretaries.
- (7) Subcommittee meetings were publicized through press releases, the Subcommittee web site, and routine processes for notification of legislative meetings.
- (8) Designated collegial bodies were reviewed at Subcommittee meetings. During the meetings, staff presented preliminary findings regarding the function and status of the body. In addition, the Executive Branch provided its position on the issue. In most cases, the chair provided his position on the issue. For each collegial body review, public comment was received. The Subcommittee took an initial advisory vote to continue to review each collegial body. If the Subcommittee voted to continue its review, the collegial body was placed on the agenda for the next meeting. If the Subcommittee decided not to continue its review, no further action regarding that collegial body was taken at following meetings.
- (9) When collegial bodies were placed on the agenda for further review, members of the body, as well as the chair, were notified of the scheduled discussion and further opportunity for public comment at the upcoming meeting. Collegial body members were encouraged to notify relevant constituent groups of the scheduled discussion.
- (10) In the meeting following the initial review of a collegial body, the Subcommittee held additional public comment. An advisory vote was taken to determine the course of action to be followed by the Subcommittee. In many instances, the Subcommittee voted to introduce legislation to eliminate or consolidate specified collegial bodies. In a few instances, the Subcommittee also voted to amend the duties or membership of a collegial body. For several collegial bodies, the Subcommittee delayed its vote to a later meeting to receive additional information prior to taking its advisory vote.
- (11) Bills were drafted and introduced to initiate General Assembly consideration of the Subcommittee's recommendations.

#### **RECOMMENDATIONS REGARDING COLLEGIAL BODIES**

The Subcommittee recommended the elimination of 12 collegial bodies (including the consolidation of two bodies into one), the amendment of the statutes for three collegial bodies regarding the duties, membership, or procedures, and the elimination of one program. The Subcommittee's recommendations are described in Table 1. To arrive at its recommendations for action, the Subcommittee reviewed in detail 17 issues involving 21 boards, commissions, and other types of collegial bodies.

**Table 1**  
**2003 Subcommittee Recommendations for Action Regarding Collegial Bodies**

<b>Collegial Bodies</b>	<b>Recommendations for Action</b>
Advisory Boards for the Virginia Industries for the Blind – Charlottesville and Richmond	<ul style="list-style-type: none"> <li>• Introduce legislation to <b>merge</b> the Advisory Boards for the Virginia Industries for the Blind in Charlottesville and Richmond (HB 12)</li> </ul>
Advisory Board on Child Abuse and Neglect	<ul style="list-style-type: none"> <li>• Introduce legislation to <b>amend the duties</b> of the Advisory Board on Child Abuse and Neglect (SB 50)</li> </ul>
Advisory Board on Rehabilitation Providers	<ul style="list-style-type: none"> <li>• Introduce legislation to <b>eliminate</b> the Advisory Board on Rehabilitation Providers (HB 7)</li> </ul>
Advisory Committee on Certified Practices	<ul style="list-style-type: none"> <li>• Introduce legislation to <b>eliminate</b> the Advisory Committee on Certified Practices (HB 8)</li> </ul>
Advisory Council on the Virginia Business-Education Partnership Program	<ul style="list-style-type: none"> <li>• Introduce legislation to <b>eliminate</b> the Advisory Council and the Virginia Business-Education Partnership Program (HB 9)</li> </ul>
Board of Forestry	<ul style="list-style-type: none"> <li>• Discontinue further review of merging the Reforestation Board with the Board of Forestry</li> </ul>
Board of Social Services	<ul style="list-style-type: none"> <li>• Discontinue further review of merging the Child Day-Care Council with the Board of Social Services</li> </ul>
Child Day-Care Council	<ul style="list-style-type: none"> <li>• Discontinue further review of merging the Child Day-Care Council with the Board of Social Services</li> </ul>
Child Protective Services Out-of-Family Investigations Advisory Committee	<ul style="list-style-type: none"> <li>• Introduce legislation to <b>establish the membership and procedures</b> for the Out-of-Family Investigations Advisory Committee (SB 1)</li> </ul>
Design-Build/Construction Management Review Board	<ul style="list-style-type: none"> <li>• Discontinue the review of the elimination of the Design-Build/Construction Management Review Board</li> </ul>
Early Intervention Agencies Committee	<ul style="list-style-type: none"> <li>• Introduce legislation to <b>eliminate</b> the Early Intervention Agencies Committee (HB 15)</li> </ul>
Interagency Coordinating Council on Housing for the Disabled	<ul style="list-style-type: none"> <li>• Introduce legislation to <b>eliminate</b> the Interagency Coordinating Council on Housing for the Disabled (SB 8)</li> </ul>
Medical Complaint Investigations Committees	<ul style="list-style-type: none"> <li>• Introduce legislation to repeal the <i>Code of Virginia</i> section authorizing the Board of Medicine to appoint Medical Complaint Investigations Committees, thus <b>eliminating</b> the committees (SB 5)</li> </ul>



**Table 1 (continued)**  
**2003 Subcommittee Recommendations for Action Regarding Collegial Bodies**

<b>Collegial Bodies</b>	<b>Recommendations for Action</b>
Medical Practices Audit Committees	<ul style="list-style-type: none"> <li>• Introduce legislation to repeal the <i>Code of Virginia</i> section authorizing the Board of Medicine to appoint Medical Practices Audit Committees, thus <b>eliminating</b> the committees (SB 5)</li> </ul>
Psychological Practices Audit Committees	<ul style="list-style-type: none"> <li>• Introduce legislation to repeal the <i>Code of Virginia</i> section authorizing the Board of Psychology to appoint Psychological Practices Audit Committees, thus <b>eliminating</b> the committees (SB 5)</li> </ul>
Reforestation Board	<ul style="list-style-type: none"> <li>• Discontinue further review of merging the Reforestation Board with the Board of Forestry</li> </ul>
Sweet Potato Board	<ul style="list-style-type: none"> <li>• Introduce legislation to <b>eliminate</b> the Sweet Potato Board, the Sweet Potato Fund, and the excise tax (HB 13)</li> </ul>
Virginia Advisory Commission on Intergovernmental Relations	<ul style="list-style-type: none"> <li>• Introduce legislation to <b>eliminate</b> the Virginia Advisory Commission on Intergovernmental Relations (SB 10)</li> </ul>
Virginia Charity Food Assistance Advisory Board	<ul style="list-style-type: none"> <li>• Introduce legislation to <b>eliminate</b> the Virginia Charity Food Assistance Advisory Board (HB 10)</li> </ul>
Virginia Recycling Markets Development Council	<ul style="list-style-type: none"> <li>• Introduce legislation to <b>amend the duties and membership</b> of the Virginia Recycling Markets Development Council (SB 12)</li> </ul>

Note: The legislation eliminating the Medical Complaint Investigations Committees, Medical Practices Audit Committees, and Psychological Practices Audit Committees was prepared as a combined bill for introduction.

**ADVISORY BOARDS FOR THE VIRGINIA INDUSTRIES FOR THE BLIND –  
CHARLOTTESVILLE AND RICHMOND**

**Secretarial Area:** Health and Human Resources

**Purpose of the Boards**

- As described in the *Code of Virginia*, Section 51.5-72, the purposes of the Boards are to advise managers of the manufacturing plants on business trends, product development, contract opportunities, and other business matters and also to review and comment on fiscal and budgetary matters concerning the operations of the manufacturing and service industries.

**Situation**

- Number of members: 9 per board
- Members of the Boards initially were to be appointed by the Board for the Blind and Vision Impaired. As members' terms expire, the advisory board would make subsequent appointments. At least two members are to be blind persons or parents of blind persons, at least two members shall represent human service agencies, and the remainder shall represent the local business and manufacturing entities and other employers.
- The Board for the Blind and Vision Impaired established an advisory boards for the manufacturing and service industries in Richmond and in Charlottesville.
- The Boards currently meet together twice a year, once at each location.
- Department for the Blind and Vision Impaired (DBVI) staff indicated that meetings were combined several years ago as an efficiency measure and this has been successful. The Boards essentially function as one.
- DBVI staff supported consolidating the Boards.
- Chairs of the Advisory Boards indicated that they supported consolidating these boards.
- Situation indicates that the Boards are candidates for consolidation.

**Executive Branch Position**

- Joseph Bowman, Commissioner, Department for the Blind and Vision Impaired, reported that the Executive Branch **supported consolidation** of these Boards.

**Subcommittee Action and Advisory Vote**

- The Boards were reviewed at the September and November meetings. The Subcommittee took an advisory vote at the November meeting.

**ADVISORY BOARDS FOR THE VIRGINIA INDUSTRIES FOR THE BLIND –  
CHARLOTTESVILLE AND RICHMOND (CONTINUED)**

- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend merging** the Charlottesville and Richmond Advisory Boards for the Virginia Industries for the Blind (HB 12).
- Staff note: The draft legislation would combine the regional advisory boards for the Virginia Industries for the Blind in Charlottesville and Richmond into one State Advisory Board for the Virginia Industries for the Blind comprised of 12 members. This legislation would also repeal the authority of the Board for the Blind and Vision Impaired to establish advisory boards for each manufacturing and service industry. The Subcommittee reasoned that the establishment of future boards, if desired, should be the result of legislative action. At the November meeting, the Subcommittee approved the draft legislation for introduction.

**ADVISORY BOARD ON CHILD ABUSE AND NEGLECT AND CHILD PROTECTIVE SERVICES OUT-OF-FAMILY INVESTIGATIONS ADVISORY COMMITTEE**

**Secretarial Area:** Health and Human Resources

**Purposes of the Boards**

- As described in the *Code of Virginia*, Section 63.2-1528, the purpose of the Advisory Board on Child Abuse and Neglect is to advise the Department of Social Services, Board of Social Services, and Governor on matters concerning programs for the prevention and treatment of abused and neglected children and their families.
- As described in the *Code of Virginia*, Section 63.2-1527, the purpose of the Child Protective Services Out-of-Family Investigations Advisory Committee is to advise the Board of Social Services on the effectiveness of the policies and standards governing out-of-family investigations.

**Situation**

- Number of members: 17 (Advisory Board on Child Abuse and Neglect) and at least 9 (Child Protective Services Out-of-Family Investigations Advisory Committee)
- The Advisory Board on Child Abuse and Neglect consists of nine members appointed by the Governor and also the Superintendent of Public Instruction, or designee; the Commissioner of the Department of Health, or designee; the Commissioner of the Department of Mental Health, Mental Retardation, and Substance Abuse Services, or designee; the Commissioner of the Department of Social Services, or designee; The Director of the Department of Corrections, or designee; the Director of the Department of Juvenile Justice, or designee; the Director of the Department of Criminal Justice Services, or designee; and the Attorney General, or designee.
- The Child Protective Services Out-of-Family Investigations Advisory Committee members are appointed by the Chair of the Board of Social Services and include, but are not limited to, representatives of the following organizations or groups: public school employees, a hospital for children, a licensed child care center, a juvenile detention home, a public or private residential facility for children, a family day care home, a local department of social services, a religious organization with a program for children, and Virginians for Child Abuse Prevention.
- Review of the boards' meeting minutes suggested overlap in the responsibilities and activities of these boards regarding child abuse and neglect issues, primarily because the duties of the Board are nonspecific and broad.
- At least three other boards also are responsible for child abuse and neglect issues.
  - Family and Children's Trust Fund Board of Trustees
  - State Child Fatality Review Team
  - Advisory Committee for Court Appointed Special Advocate Program

**ADVISORY BOARD ON CHILD ABUSE AND NEGLECT AND CHILD PROTECTIVE SERVICES  
OUT-OF-FAMILY INVESTIGATIONS ADVISORY COMMITTEE (CONTINUED)**

- With the exception of the Advisory Board on Child Abuse and Neglect, these boards have specific duties and specific target groups that they serve.
- The State Child Fatality Review Team, Advisory Committee for Court Appointed Special Advocate Program, and the Advisory Board on Child Abuse and Neglect are designated as citizen review panels under the federal Child Abuse Prevention and Treatment Act.
- Maria Timoney, Chair of the Child Protective Services Out-of-Family Investigations Advisory Committee indicated in a letter to the Chairman that the work of the Committee did not overlap with the Advisory Board on Child Abuse and Neglect. She added that this issue needs special expertise and that the membership of the Committee provides the expertise.
- Charles Bond, Chair of the Advisory Board on Child Abuse and Neglect, was opposed to the elimination of the Board and opposed to the consolidation of the Board and Committee. He supported amending the duties of the Board to include providing advice on child abuse and neglect issues identified by the Commissioner of the Department of Social Services.
- Jack Knapp, member of the Committee, supported continuing the current function of the Committee. He also supported establishing a set membership and standard organizational and operating procedures for the Committee.
- Ray Pardue, Member of the Committee, did not support consolidation of the two boards.
- Situation indicates that these boards are candidates for consolidation, elimination, or revision.

**Executive Branch Position**

- Rita Katzman, Department of Social Services, reported that the Executive Branch **supported amending** the duties of the Advisory Board on Child Abuse and Neglect to provide advice on child abuse and neglect issues identified by the Commissioner of the Department of Social Services. In addition, Ms. Katzman reported that the Executive Branch **supported establishing a limit on the number of members** of the Child Protective Services Out-of-Family Investigations Advisory Committee.

**Subcommittee Action and Advisory Vote**

- The boards were reviewed as candidates for elimination or consolidation at the May meeting. Maurice Jones, the Commissioner of the Department of Social Services, reported that the Executive Branch did not support the consolidation or elimination of these boards. The Subcommittee directed staff to present the responsibilities of all boards involved with child abuse and neglect issues at the September meeting.
- The boards were reviewed at the September meeting. The Subcommittee discussed amending the duties of the Advisory Board for Child Abuse and Neglect, as it was

**ADVISORY BOARD ON CHILD ABUSE AND NEGLECT AND CHILD PROTECTIVE SERVICES OUT-OF-FAMILY INVESTIGATIONS ADVISORY COMMITTEE (CONTINUED)**

the only board in this area with a broad focus and no specified target group. The Subcommittee took an advisory vote at the September meeting.

- Advisory vote for the Advisory Board on Child Abuse and Neglect: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend amending** the duties of the Advisory Board on Child Abuse and Neglect to include providing advice on child abuse and neglect issues identified by the Commissioner of the Department of Social Services (SB 50).
- Also at the September meeting, the Subcommittee discussed establishing a specific number of members for the Child Protective Services Out-of-Family Investigations Advisory Committee. The Subcommittee requested staff to develop the membership for the November meeting.
- The Child Protective Services Out-of-Family Investigations Advisory Committee was discussed at the November meeting. The Subcommittee took an advisory vote at the November meeting.
- Advisory vote for Child Protective Services Out-of-Family Investigations Advisory Committee: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend amending** the statute for the Out-of-Family Investigations Advisory Committee by establishing the membership at 15 and codifying its organizational and operational procedures (SB 1).

## ADVISORY BOARD ON REHABILITATION PROVIDERS

**Secretarial Area:** Health and Human Resources

### **Purpose of the Board**

- As described in the *Code of Virginia*, Section 54.1-3512, the purposes of the Board are to recommend to the Boards of Counseling, Medicine, Nursing, Psychology, and Social Work regulatory criteria for the voluntary certification and standards of conduct of their licensees who provide rehabilitation services and also to recommend to the Board of Counseling regulatory criteria for certification and for standards of professional conduct of persons who provide rehabilitative services but are exempt from licensure as professional counselors.

### **Situation**

- Number of members: 10
- The Boards of Counseling, Medicine, Nursing, Psychology, and Social Work shall appoint one member each from their respective boards. The Board of Health Professions shall appoint the remaining five members, two of whom shall be members of other boards within the Department of Health Professions and three of whom shall be certified as rehabilitation providers.
- The Board met in 1994 to assist the Board of Counseling with the development of initial regulations. The Board has not met since then.
- The Department of Health Professions staff indicated that the activities associated with this Board are subsumed within the Board of Counseling, which administers the certification of rehabilitation providers.
- The Board of Counseling has the authority to form *ad hoc* advisory groups should the need arise.
- Situation indicates that the Board is a candidate for elimination.

### **Executive Branch Position**

- Robert A. Nebiker, Director, Department of Health Professions, reported that the Executive Branch **supported elimination** of this Board.

### **Subcommittee Action and Advisory Vote**

- The Board was reviewed at the May meeting. Mr. Nebiker reported that the Executive Branch did not have an official position at that time, but he indicated that the Board probably could be eliminated. The Subcommittee requested that Mr. Nebiker, or another designee, present the Executive Branch position at the September meeting.
- At the September meeting, Mr. Nebiker presented the Executive Branch position. The Subcommittee took an advisory vote at the September meeting.

**ADVISORY BOARD ON REHABILITATION PROVIDERS (CONTINUED)**

- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Advisory Board on Rehabilitation Providers (HB 7).



## ADVISORY COMMITTEE ON CERTIFIED PRACTICES

**Secretarial Area:** Health and Human Resources

### **Purpose of the Committee**

- As described in the *Code of Virginia*, Section 54.1-3610, the purposes of the Committee are to recommend to the Boards of Counseling, Medicine, Nursing, Psychology, and Social Work standards for the voluntary certification of their licensees as sex offender treatment providers and to recommend to the Board of Psychology standards for the mandatory certification of sex offender treatment providers for those professionals that are otherwise exempt from licensure.

### **Situation**

- Number of members: 10
- The Boards of Counseling, Medicine, Nursing, Psychology, and Social Work shall appoint one member each from their respective boards. The Board of Health Professions shall appoint the remaining five members, two of whom shall be citizen members of the Board of Health Professions or members of boards within the Department of Health Professions, and three of whom shall be sex offender treatment providers.
- The Committee met in 1994 to assist the Board of Psychology with the development of initial regulations. The Committee has not met since then.
- The Department of Health Professions staff indicated that the Board of Psychology, which promulgates regulations for voluntary certification and administers mandatory certification, is carrying out the activities necessary to regulate sex offender treatment providers.
- The Board of Psychology has the authority to form *ad hoc* advisory groups should the need arise.
- Situation indicates that the Committee is a candidate for elimination.

### **Executive Branch Position**

- Robert A. Nebiker, Director, Department of Health Professions, reported that the Executive Branch **supported elimination** of this Committee.

### **Subcommittee Action and Advisory Vote**

- The Committee was reviewed at the May meeting. Mr. Nebiker reported that the Executive Branch did not have a formal position at that time, but he indicated that the Committee probably could be eliminated. The Subcommittee requested that Mr. Nebiker, or another designee, present the Executive Branch's position at the September meeting.

**ADVISORY COMMITTEE ON CERTIFIED PRACTICES (CONTINUED)**

- At the September meeting, Mr. Nebiker presented the Executive Branch position. The Subcommittee took an advisory vote at the September meeting.
- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Advisory Committee on Certified Practices (HB 8).

## ADVISORY COUNCIL ON THE VIRGINIA BUSINESS-EDUCATION PARTNERSHIP PROGRAM

### Secretarial Area: Education

#### Purpose of the Council

- As described in the *Code of Virginia*, Section 2.2-2600, the purpose of the Council is to assist the Secretary of Education in implementing the Virginia Business-Education Partnership Program and in facilitating the development of strategic partnerships between the public and private sectors to enhance public education and workforce training.

#### Situation

- Number of members: 20
- Members of the Council include the Secretary of Education or designee, the Secretary of Commerce and Trade or designee, and 18 members appointed by the Governor to include one representative each from the Department of Education and the Office of Volunteerism; one member each from the House of Delegates and the Senate; one representative of the Virginia Chamber of Commerce; and 13 members, to include one community college president, one president of a four-year institution of higher education, one school superintendent, one public school teacher, one school board member, and at least five representatives of private business and industry. Members appointed by the Governor shall represent the various geographical areas of the Commonwealth.
- The Virginia Business-Education Partnership Program was created to assist local programs in obtaining federal funding to establish local business-education partnerships. The federal money was intended as “seed money.”
- The program is entirely federally funded since State funding for the program ended in 2001. Federal funding for the Program ends December 31, 2003.
- The Executive Director of the Program reported that the Program would end and the Council would no longer be needed.
- The Blue Book shows that the terms of nine Council members expired in July 2003. The Executive Director indicated that the Governor did not intend to fill the positions.
- The Deputy Secretary of Education indicated that the Program is authorized under a different *Code of Virginia* section and that the Subcommittee should consider eliminating the Program as well.
- Situation indicates that the Council is a candidate for elimination.

#### Executive Branch Position

- Sarah Hopkins Finley, Deputy Secretary of Education, reported that the Executive Branch **supported elimination** of the Council.

**ADVISORY COUNCIL ON THE VIRGINIA BUSINESS-EDUCATION PARTNERSHIP PROGRAM  
(CONTINUED)**

**Subcommittee Action and Advisory Vote**

- The Council was discussed at the May and September meetings. The Subcommittee took an advisory vote at the September meeting.
- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Advisory Council on the Virginia Business-Education Partnership Program (HB 9).
- At the November meeting, the Subcommittee considered eliminating the Virginia Business-Education Partnership Program and took an advisory vote.
- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Virginia Business-Education Partnership Program (HB 9).

## BOARD OF FORESTRY AND REFORESTATION BOARD

**Secretarial Area:** Commerce and Trade

### Purposes of the Boards

- As described in the *Code of Virginia*, Section 10.1-1103, the purposes of the Board of Forestry are to advise the Governor and Department of Forestry on the state and management of forest resources within Virginia, to encourage the implementation of development programs for forest resource management, and to recommend plans for improving the State system of forest protection, management, and replenishment.
- As described in the *Code of Virginia*, Section 10.1-1172, the purpose of the Reforestation Board is to make recommendations to the State Forester concerning administrative rules, regulations, and other matters pertaining to reforestation, including, but not limited to, the types of equipment to be purchased, rental rates for equipment, and reforestation practices.

### Situation

- Number of members: 11 (Board of Forestry) and 10 (Reforestation Board)
- The Board of Forestry shall be composed of one member from each congressional district appointed by the Governor.
- The Reforestation Board shall be appointed by the Governor and consist of three representatives of the pine pulpwood industry; three representatives of the pine lumber industry, one of whom shall be the owner of a sawmill annually producing not more than five million board feet; and three small forest landowners. The State Forester shall be a nonvoting member of the Reforestation Board.
- Both boards deal with reforestation issues.
- The Reforestation Board and fund were created to provide cost-share assistance to landowners for pine restoration and management practices; the forest industry pays into the fund, which receives matching State general funds.
- Department of Forestry staff and industry representatives indicated that if the Reforestation Board were merged into the Board of Forestry, membership of the Board of Forestry should include industry representatives since they pay into the fund.
- The State Forester indicated that the boards could be consolidated but there would be minimal cost savings, mostly in staff time.
- Members of the Board of Forestry voted to oppose the consolidation of the two boards at its June 3, 2003 meeting.
- Gary Youngblood, Chair of the Reforestation Board, did not support consolidation of the boards.

**BOARD OF FORESTRY AND REFORESTATION BOARD (CONTINUED)**

- C. Harrell Turner, Chair of the Board of Forestry, did not support consolidation of the two boards because there is no statutory requirement that any industry representatives would be appointed to the Board of Forestry. It is important to have industry representation on the board governing the fund because there are no matching State funds at this time. Currently, the industry provides the only source of income to the program.
- Paul Howe, Vice President of the Virginia Forestry Association (VFA), indicated that the VFA supported the Board of Forestry's position.
- Situation indicates that the boards were candidates for consolidation.

**Executive Branch Position**

- John Carroll, Deputy State Forester, reported that the Executive Branch **did not support consolidation** of the boards.

**Subcommittee Action and Advisory Vote**

- The boards were reviewed at the September meeting. The Subcommittee decided to discontinue the review and **take no action** on these boards.

## **BOARD OF SOCIAL SERVICES AND CHILD DAY-CARE COUNCIL**

**Secretarial Area:** Health and Human Resources

### **Purpose of the Boards**

- As described in the *Code of Virginia*, Section 63.2-1734, the purpose of the Board of Social Services, pertaining to child care, is to adopt regulations for the activities, services, and facilities of family day home providers and other welfare agencies.
- As described in the *Code of Virginia*, Section 63.2-1735, the purposes of the Child Day-Care Council are to promulgate regulations for the licensure and operation of child day care centers; to promulgate regulations in collaboration with the Virginia Recreation and Park Society and the Department of Mental Health, Mental Retardation, and Substance Abuse Services for therapeutic recreation programs; and to advise the Board of Social Services in its development of training programs for child day care center operations and staff.

### **Situation**

- Number of members: 9 (Board of Social Services) and 28 (Child Day-Care Council)
- Members of the Board of Social Services are appointed by the Governor and shall include a member from each of the social services regions of the State established by the Commissioner. One member shall be a licensed health care professional.
- Members of the Child Day-Care Council shall consist of two nonprofit child day center operators; three private for-profit child day center operators; one representative from each of the Departments of Social Services, Health, Education, Fire Programs, and Housing and Community Development; one pediatric health professional; one child development specialist; one parent consumer; one legal professional; one representative of the National Association for the Education of Young Children; one representative of the National Academy of Early Childhood Programs; one representative of the Association of Christian Schools International; one representative of the American Association of Christian Schools; one representative of the National Early Childhood Program Accreditation; one representative of the National Accreditation Council for Early Childhood Professional Personnel and Programs; one representative of the International Academy for Private Education; one representative of the American Montessori Society; one representative of the International Accreditation and Certification of Childhood Educators, Programs, and Trainers; one representative of the National Accreditation Commission; one representative of the Virginia Council for Private Education; and one representative each of a child day center offering a seasonal program emphasizing outdoor activities, a private child day center offering a half-day nursery school program, and a local governing body all of which operate programs required to be licensed under this chapter. The membership of the

**BOARD OF SOCIAL SERVICES AND CHILD DAY-CARE COUNCIL (CONTINUED)**

Council shall also include such representatives of State agencies as advisory members as the Governor deems necessary.

- Duties of the Board and Council appear to overlap regarding the regulation of child care settings.
- Board and Council meeting minutes have noted concerns by members regarding overlapping duties.
- A 1997 JLARC review of child day care (H.D. 5, 1998) recommended consolidating regulatory authority for child day care in a single regulatory entity.
- Legislation was introduced in the 1998 and 1999 General Assembly sessions that would have abolished the Child Day-Care Council and transferred its duties to the Board of Social Services, but these bills failed to pass.
- Survey response of the former chair of the Council indicated that the Council could take on the writing of family day home regulations, which are currently promulgated by the Board of Social Services, with little effort.
- Department of Social Services staff indicated that the Council's responsibilities should be assumed by the Board of Social Services.
- The Child Day-Care Council is active and is not in favor of elimination.
- Deborah Price Andrews, Chair, Board of Social Services, indicated that the Board would be able to take over the responsibility of the Council's regulations if the General Assembly directed it to do so. If this occurred, having the Council become an advisory body to the Board of Social Services would be helpful in the future promulgation of regulations.
- Gail Johnson, Chair, Child Day-Care Council, indicated that she would prefer that the Council be retained in its present form. If this was not possible, she asked that the Council be retained as an advisory board to the Board of Social Services and be allowed to review child day care regulations.
- Vernon Holloman, Proprietary Child Care Association of Virginia, supported the continued existence of the Council and emphasized that the members of the Council have expertise in child care.
- Bambi Davidson, Greater Richmond Chamber of Commerce, requested that the Subcommittee consider maintaining the current status of the Council or at least consider having the Council become an advisory body to the Board of Social Services.
- Situation indicated that these boards are candidates for consolidation.

**Executive Branch Position**

- Maurice Jones, Commissioner, Department of Social Services, reported that the Executive Branch had **no position** at that time. Mr. Jones presented advantages and disadvantages of eliminating the Council or making the Council advisory to the Board of Social Services.



**BOARD OF SOCIAL SERVICES AND CHILD DAY-CARE COUNCIL (CONTINUED)**

**Subcommittee Action and Advisory Vote**

- The boards were reviewed at the May meeting. The Subcommittee agreed to continue to review these boards at the September meeting.
- Prior to the September meeting, the Subcommittee Chairman sent letters to members asking them to reconsider advancing these boards for discussion in September, given the Subcommittee's workload and the controversial nature of this issue. The letter requested that the Subcommittee members respond if they disagreed with his decision to remove this issue from the September agenda. No members objected.
- At the September meeting, the Subcommittee took an official vote to **take no action** on these boards.

**CHILD DAY-CARE COUNCIL**

See Board of Social Services.

**CHILD PROTECTIVE SERVICES OUT-OF-FAMILY INVESTIGATIONS ADVISORY  
COMMITTEE**

See Advisory Board on Child Abuse and Neglect.

## **DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD**

**Secretarial Area:** Administration

### **Purpose of the Board**

- As described in the *Code of Virginia*, Section 2.2-2405, the purposes of the Board are to review public body submissions to determine if the processes for selecting, evaluating, and awarding design-build/construction management contracts complies with the *Code of Virginia* and to make post-project evaluations.

### **Situation**

- Number of member: 9
- Members of the Board are to be appointed by the Governor as follows: the Director of the Division of Engineering and Buildings of the Department of General Services, or his designee; two Class A general contractors; one architect; one engineer; and four representatives of public bodies other than the Commonwealth selected from a list recommended by the Virginia Municipal League and the Virginia Association of Counties.
- The Board was created in 1996 to replace the process in which local governments sought General Assembly approval for individual design-build/construction management contracts.
- The Public-Private Education Facilities and Infrastructure Act (PPEA) of 2002 appears to negate the need for this Board.
- No projects have been submitted to the Board for review since the PPEA was adopted.
- According to the 2002 report of the Board, whether the Board continues to serve a public purpose “is an open question even among members of the review board itself.” This is due to the fact that the PPEA exempts projects from the purview of the Board.
- Paul Proto, the Board chair, indicated in his survey response that in view of the PPEA and the limited number of projects brought before the Board, he is not sure that it is necessary to continue the Board. He also indicated that the Board had not taken a firm position on whether it should be eliminated.
- Reggie Jones, a lobbyist representing architects and engineers, indicated that the PPEA may prove to be a replacement for the Board, but it is too soon to tell.
- Situation indicates that the Board is a candidate for elimination.

### **Executive Branch Position**

- Richard Sliwoski, Director of the Division of Engineering and Buildings of the Department of General Services, stated that there is not enough evidence that the

**DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD (CONTINUED)**

Public-Private Education Facilities and Infrastructure Act would effectively replace the need for the Board.

**Subcommittee Action and Advisory Vote**

- The Subcommittee reviewed the Board at the May meeting. The Subcommittee members agreed to **take no action** on this board.

## EARLY INTERVENTION AGENCIES COMMITTEE

**Secretarial Areas:** Health and Human Resources and Education

### **Purpose of the Committee**

- As described in the *Code of Virginia*, Section 2.2-5302, the purposes of the Committee are to ensure the implementation of a comprehensive system for early intervention services and to make annual recommendations to the Secretary of Health and Human Resources and the Secretary of Education on issues that require interagency planning, financing, and resolution.

### **Situation**

- Number of members: 9
- The Committee shall be composed of the Commissioner of the Department of Health, the Director of the Department for the Deaf and Hard-of-Hearing, the Superintendent of Public Instruction, the Director of the Department of Medical Assistance Services, the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Commissioner of the Department of Social Services, the Commissioner of the Department for the Blind and Vision Impaired, the Director of the Virginia Office for Protection and Advocacy, and the Commissioner of the Bureau of Insurance within the State Corporation Commission.
- The Department of Mental Health, Mental Retardation and Substance Abuse Services is designated as the lead agency for the early intervention system and provides staff support to the Committee.
- The Committee also approves the budget for the early intervention system.
- Two additional boards are involved with early intervention on the State level.
  - The Virginia Interagency Coordinating Council (VICC) is mandated by federal law and the *Code of Virginia* to promote and coordinate early intervention services. The VICC also makes recommendations to the Governor and the U.S. Secretary of Education.
  - The Early Intervention Interagency Management Team (EIIMT) is not mandated but was established to handle the day-to-day operations and management of the early intervention system.
- Duties of these entities overlap.
  - Both the Committee and the VICC are charged with ensuring the provision of early intervention services, facilitating interagency coordination, and formulating recommendations.
  - Lead agency staff indicated that much of the work of the Committee is performed by the EIIMT, including work toward approval of the budget for the early intervention system.
  - Most EIIMT members are also the agency representatives that serve on the VICC.

**EARLY INTERVENTION AGENCIES COMMITTEE (CONTINUED)**

- Several EIIMT members expressed concern regarding the provision of information to the Secretaries and the process for approving the agency budgets for the early intervention system if the Committee were eliminated.
- Ms. Mary Ann Discenza, staff with the lead agency, indicated that for states to receive federal funding, the federal government must approve the budgets for each state's program. The agency heads approve its agency's portion of the funding. However, a formal budget-approval committee is not required by federal law.
- Situation indicates that the Committee is a candidate for elimination.

**Executive Branch Position**

- Shirley Ricks, Manager of MR Children and Family Services in the Department of Mental Health, Mental Retardation and Substance Abuse Services, reported that the Executive Branch **did not support elimination** of the Committee.

**Subcommittee Action and Advisory Vote**

- The Committee was reviewed at the September and November meetings; the Subcommittee held an advisory vote at the November meeting.
- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee **recommended eliminating** the Early Intervention Agencies Committee (HB 15).

## **INTERAGENCY COORDINATING COUNCIL ON HOUSING FOR THE DISABLED**

**Secretarial Areas:** Commerce and Trade and Health and Human Resources

### **Purpose of the Council**

- As described in the *Code of Virginia*, Section 2.2-2641, the purposes of the Council are to provide and promote cross-secretariat interagency leadership for comprehensive planning and coordinated implementation of proposals to increase and maximize the use of existing low-income housing for the disabled and to develop a State policy on housing for the disabled for submission to the Governor.

### **Situation**

- Number of members: 12
- The Council shall consist of one representative, to be appointed by the agency executive, from each of the following: Department of Professional and Occupational Regulation, Department of Housing and Community Development, Virginia Housing Development Authority, Virginia Office for Protection and Advocacy, Department for the Aging, Department for the Deaf and Hard-of-Hearing, Department of Mental Health, Mental Retardation and Substance Abuse Services, Department of Rehabilitative Services, Department of Social Services and Department for the Blind and Vision Impaired. The Secretary of Commerce and Trade and the Secretary of Health and Human Resources shall serve *ex officio* on the Council. The appropriate agency executive may appoint additional members as required.
- The Council was created in 1986 and has been inactive since the late Wilder administration or early Allen administration.
- Senate Document 27 (1998) recommended elimination of the Council because of its inactivity.
- Senate Document 12 (2000) recommended the creation of an interagency council to develop and coordinate housing initiatives for people with physical and sensory disabilities even though a similar council existed. The recommendation included representatives of local disability agencies, housing authorities, and governments in the membership. None of these local groups are included in the Council's membership.
- Housing for the disabled is being addressed by other entities:
  - Since 2000, the Disability Commission has addressed housing for the disabled as one of its focus areas.
  - In 2002, the Disability Commission convened the Housing Work Group as a result of HJR 251 (2002); this work group is collaborating with other stakeholders on a State strategy for compliance with HB 813 (2002) and Olmstead planning.



**INTERAGENCY COORDINATING COUNCIL ON HOUSING FOR THE DISABLED  
(CONTINUED)**

- The Department of Housing and Community Development was required by HB 813 to develop a strategy concerning the expansion of affordable, accessible housing for older Virginians and Virginians with disabilities.
- Ms. Susan Dewey, who is the Executive Director of the Virginia Housing Development Authority and would appoint a member to the Council if it were to be activated, indicated that the Council has never been activated but that some type of formal interagency group is needed whether through activating the Council or the establishment of an alternative legislative or administrative vehicle.
- Situation indicates that the Council is a candidate for elimination.

**Executive Branch Position**

- Mr. Jim Rothrock, Commissioner of the Department of Rehabilitative Services, indicated that some type of formal structure was needed, but acknowledged that the Council had not played that role to date.

**Subcommittee Action and Advisory Vote**

- The Council was reviewed at the September meeting. Staff presented a letter from the Secretary of Commerce and Trade and the Secretary of Health and Human Resources that stated it was not necessary to eliminate the Council. The Subcommittee requested that the Secretaries clarify their position at the November meeting.
- The Council was reviewed at the November meeting. Mr. Rothrock stated that he agreed with staff's findings but also thought that some type of formal structure was needed.
- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee voted to **recommend eliminating** the Virginia Interagency Coordinating Council on Housing for the Disabled (SB 8).

## MEDICAL COMPLAINT INVESTIGATIONS COMMITTEES

**Secretarial Area:** Health and Human Resources

### **Purpose of the Committees**

- As described in the *Code of Virginia*, Section 54.1-2922, the purpose of the Committees is to conduct informal inquiries for the purpose of recommending to the Board of Medicine if sufficient grounds exist to warrant further proceedings by the Board regarding disciplinary action.

### **Situation**

- Number of members: three per committee
- A committee is to consist of licensed practitioners of the healing arts. No more than one such practitioner shall have his principal office in the city or county in which the complaint resulting in the investigation arose or the licensee being investigated practices or resides. Such appointments shall be made from a list of practitioners who have agreed to serve on such committees.
- Upon receipt of information that a medical practitioner may be subject to disciplinary action by the Board of Medicine, the Board may appoint and refer this matter to a Medical Complaint Investigations Committee.
- The Director of the Department of Health Professions (DHP) indicated these Committees are no longer used.
- A 1999 JLARC report (H.D. 5) acknowledged that the Board of Medicine had difficulties appointing practitioners to these Committees. DHP's response to the report confirmed problems with finding physicians to serve on these Committees, and indicated the Board of Medicine had been using an increasing number of experts who are paid by the hour.
- Recent discussions with the Director of the DHP confirmed that this is why these Committees currently are not used; the Director stated that the Board, expert witnesses, the DHP, and the Health Practitioners Intervention Program carry out the functions of these Committees.
- Situation indicates that these Committees are candidates for elimination.

### **Executive Branch Position**

- Robert Nebiker, Director, Department of Health Professions, reported that the Executive Branch **supported elimination** of the *Code of Virginia* section that authorized the Board of Medicine to appoint these Committees.

### **Subcommittee Action and Advisory Vote**

- The Committees were reviewed at the September and November meetings. The Subcommittee took an advisory vote at the November meeting.

**MEDICAL COMPLAINT INVESTIGATIONS COMMITTEES (CONTINUED)**

- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the *Code of Virginia* section authorizing the Board of Medicine to appoint Medical Complaint Investigations Committees (SB 5).

## MEDICAL PRACTICES AUDIT COMMITTEES

**Secretarial Area:** Health and Human Resources

### **Purpose of the Committees**

- As described in the *Code of Virginia*, Section 54.1-2923, the purpose of the Committees is to review the practices of disciplined licensees to ascertain whether their practices conform to the conditions placed on their licenses by the Board of Medicine.

### **Situation**

- Number of members: three per committee
- A committee shall consist of licensed practitioners of the healing arts. No more than one such practitioner shall have his principal office in the city or county in which the complaint resulting in the disciplinary action arose or the disciplined licensee practices or resides. Such appointments shall be made from a list of practitioners who have agreed to serve on such committees.
- The Board of Medicine has the authority to appoint a Medical Practices Audit Committee to review the medical practice of a licensee who has had restrictions placed on his license by the Board.
- The Director of the Department of Health Professions (DHP) indicated these Committees are no longer used.
- A 1999 JLARC report (H.D. 5) acknowledged that the Board of Medicine had difficulties appointing practitioners to these Committees. DHP's response to the report confirmed problems with finding physicians to serve on these Committees, and indicated the Board of Medicine had been using an increasing number of experts who are paid by the hour.
- Recent discussions with the Director of the DHP confirmed that this is why the Committees currently are not used; the Director stated that the Board of Medicine, expert witnesses, the DHP, and the Health Practitioners Intervention Program carry out the functions of these Committees.
- Situation indicates that these Committees are candidates for elimination.

### **Executive Branch Position**

- Robert Nebiker, Director, Department of Health Professions, reported that the Executive Branch **supported elimination** of the *Code of Virginia* section that authorized the Board of Medicine to appoint these Committees.

### **Subcommittee Action and Advisory Vote**

- The Committees were reviewed at the September and November meetings. The Subcommittee took an advisory vote at the November meeting.

**MEDICAL PRACTICES AUDIT COMMITTEES (CONTINUED)**

- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the *Code of Virginia* section authorizing the Board of Medicine to appoint Medical Practices Audit Committees (SB 5).

## PSYCHOLOGICAL PRACTICES AUDIT COMMITTEES

**Secretarial Area:** Health and Human Resources

### Purpose of the Committees

- As described in the *Code of Virginia*, Section 54.1-3613, the purpose of the Committees is to review the practices of disciplined licensees to ascertain whether their practices conform to the conditions placed on their licenses by the Board of Psychology.

### Situation

- Number of members: three per committee
- A committee shall consist of licensed psychologists. No more than one such practitioner shall have his principal office in the city or county in which the complaint resulting in the disciplinary action arose or the disciplined licensee practices or resides. Such appointment may be made from a list of practitioners who have agreed to serve on such committees.
- The Board of Psychology has the authority to appoint a Psychological Practices Audit Committee to review the practice of a psychologist who has had restrictions placed on his license by the Board.
- The Director of the Department of Health Professions (DHP) indicated that these committees have not been used.
- The regulation of all psychologists was placed solely under the Board of Psychology in 1996. Prior to that time, the Boards of Medicine and Psychology dually regulated clinical psychologists. The DHP Director indicated that the Medical Practices Audit Committees were not used to audit clinical psychologists when they were regulated under the Board of Medicine.
- Situation indicates that these Committees are candidates for elimination.

### Executive Branch Position

- Robert Nebiker, Director, Department of Health Professions, reported that the Executive Branch **supported elimination** of the *Code of Virginia* section that authorized the Board of Psychology to appoint these Committees.

### Subcommittee Action and Advisory Vote

- The Committees were reviewed at the May meeting. Mr. Nebiker stated that the Board of Psychology has never used these Committees. He stated that the Executive Branch did not have a position at this time but indicated that the *Code* section authorizing the Committees probably could be eliminated. The Subcommittee requested that Mr. Nebiker, or another designee, appear at the September meeting to present the Executive Branch position.

**PSYCHOLOGICAL PRACTICES AUDIT COMMITTEES (CONTINUED)**

- At the September meeting, Mr. Nebiker reported the Executive Branch's position. The Subcommittee took an advisory vote at the September meeting.
- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the *Code of Virginia* section authorizing the Board of Psychology to appoint Psychological Practices Audit Committees (SB 5).

**REFORESTATION BOARD**

See Board of Forestry.



## SWEET POTATO BOARD

**Secretarial Area:** Commerce and Trade

### **Purpose of the Board**

- As described in the *Code of Virginia*, Section 3.1-678, the purpose of the Board is to support the sweet potato industry through grants for education, research, and marketing.

### **Situation**

- Number of members: 7
- Members of the Board are appointed by the Governor from nominations by the Sweet Potato Association.
- The number of sweet potato growers in Virginia has declined.
- According to Board staff, there are not enough funds to carry out any programs.
- Board staff reported that the Sweet Potato Association favors elimination of the Board.
- Situation indicates that the Board is a candidate for elimination.

### **Executive Branch Position**

- J. Carlton Courter, III, Commissioner, Department of Agriculture and Consumer Services, reported that the Executive Branch **supported elimination** of the Board.

### **Subcommittee Action and Advisory Vote**

- The Board was discussed at the May and September meetings. The Subcommittee took an advisory vote at the September meeting.
- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommended eliminating** the Sweet Potato Board (HB 13).
- Staff note: The draft legislation to eliminate the Sweet Potato Board would also result in the elimination of the Sweet Potato Fund and the excise tax. At the November meeting, the Subcommittee approved the draft legislation for introduction.

**VIRGINIA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS**

**Secretarial Area:** Commerce and Trade

**Purpose of the Commission**

- As described in the *Code of Virginia*, Section 2.2-2507, the purposes of the Commission are to act as a forum for identifying and discussing areas of mutual concern to local and State officials and to advise on State and federal programs and policies.

**Situation**

- Number of members: 22
- The Commission consists of eight legislative members, three members of the executive branch, and 11 nonlegislative citizen members.
- The *Code of Virginia* requires the Advisory Commission on Intergovernmental Relations (ACIR) to report its findings and submit a biennial report to the Governor and General Assembly during each odd-numbered year.
- There are no staff positions assigned to the ACIR and no direct appropriation. Staffing and funding needs were addressed by the Commission on Local Government (CLG) in the past. The position assigned by CLG to assist the ACIR in its work was eliminated on January 1, 2003.
- The CLG was consolidated into the Department of Housing and Community Development by the 2003 General Assembly.
- Financial records prepared by CLG indicate that fixed cost expenditures for the ACIR were approximately \$17,000 during fiscal year 2002 and \$7,500 during fiscal year 2003.
- According to CLG staff, the majority of the ACIR's functions could be delegated by the General Assembly to other State entities, such as JLARC, the Department of Planning and Budget, the Department of Housing and Community Development, and special legislative study commissions. However, the ACIR is currently the only State entity specifically mandated to provide a forum for State executive and legislative officials and officials from local government to address federal, State, and local issues. Nonetheless, other entities, including the Virginia Commission on Intergovernmental Cooperation, could address this responsibility as needed.
- The ACIR is statutorily required to meet at least four times a year; however, during calendar year 2003, it has met only once (October). CLG staff indicated that the loss of the position assigned to the ACIR was an important factor in this regard.
- Situation indicates that the ACIR is a candidate for consolidation or elimination.

**VIRGINIA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS  
(CONTINUED)**

**Executive Branch Position**

- Ted McCormack, Department of Housing and Community Development, reported that the Department could continue to support the Advisory Commission provided that there was a clear statutory mandate and purpose.

**Subcommittee Action and Advisory Vote**

- The Commission was discussed at the November meeting. The Subcommittee took an advisory vote at the November meeting.
- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Virginia Advisory Commission on Intergovernmental Relations (SB 10).

## VIRGINIA CHARITY FOOD ASSISTANCE ADVISORY BOARD

**Secretarial Area:** Commerce and Trade

### **Purpose of the Board**

- As described in the *Code of Virginia*, Section 3.1-1105, the purposes of the Board are to advise the Board and Department of Agriculture and Consumer Services on the implementation of a Virginia charity food purchase program, to develop recommendations regarding a charity food donation tax credit program, and to study programs or other ways the State might help to reduce the incidence of hunger, under-nutrition, and short-term food or nutritional shortages among the needy.

### **Situation**

- Number of member: 15
- The Board shall be appointed by the Governor, and shall include the Commissioner of Agriculture and Consumer Services or his designee, the Director of the Department of General Services or his designee, and one representative each of the following: a statewide agriculture organization; a cooperative program operated by state-supported institutions of higher education charged with providing the people of the Commonwealth with information relating to agriculture and home economics; the wholesale grocery industry; the retail grocery industry; the food processing industry; the meat industry; the poultry industry; the dairy industry; and the bottling industry. Four members shall represent food banks.
- Charity food programs for which the Board was established were never created or funded.
- The Board has experienced difficulties obtaining quorums at meetings; no meetings were held in FY 2002, one meeting was held in FY 2003, and as of November 2003, no meetings have been held in FY 2004.
- Based on the review of Board meeting minutes and discussions with Board staff, the Board is not addressing its mission.
- Situation indicates that the Board is a candidate for elimination.

### **Executive Branch Position**

- J. Carlton Courter, III, Commissioner, Department of Agriculture and Consumer Services, reported that the Executive Branch **supported elimination** of the Board.

### **Subcommittee Action and Advisory Vote**

- The Board was reviewed at the May and September meetings. At the September meeting, the Subcommittee took an advisory vote.

**VIRGINIA CHARITY FOOD ASSISTANCE ADVISORY BOARD (CONTINUED)**

- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Virginia Charity Food Assistance Advisory Board (HB 10).

## VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

**Secretarial Area:** Natural Resources

### **Purpose of the Council**

- As described in the *Code of Virginia*, Section 2.2-2668, the purpose of the Council is to develop and monitor the implementation of a plan to strengthen Virginia's recycling infrastructure and markets by improving the supply and quantity of recyclables available; expanding the capacity of collectors, processors, and manufacturers to handle and use secondary materials; and developing strategies to increase the use of specific materials.

### **Situation**

- Number of members: 19
- Members of the Council include the Directors, or a policy-making designee, of the Departments of Economic Development, Environmental Quality, General Services and Transportation, and 15 citizen members appointed by the Governor. The citizen members shall be appointed from among residents of the Commonwealth who are knowledgeable about recycling and the development of markets for recyclable materials. Of the 15 citizen members, one member shall be a representative of county governments; one member representing municipal government; one member representing urban Planning District Commissions and one member representing rural Planning District Commissions; one member from the general public; and one representative each, selected from nominations submitted by recognized industry associations representing solid waste collection and disposal, recycling, glass, paper, aluminum, plastic, tire, oil, scrap metal, and organic waste.
- In the past, the Council has experienced difficulties obtaining quorums at its meetings; Senate Bill 1162 in 2001 changed the quorum requirement so that a quorum would be the majority of the appointed members.
- Based on a review of the Council meeting minutes and annual reports, it appeared that the Council was not addressing its primary mission.
- Many of the Council's recommendations included in the annual reports were recommendations to study issues further or were recommendations carried over from previous years.
- At the August 20, 2003 meeting of the Council, Council members adopted a proposal prepared by the Council chair to amend the Council's statutes; the Council agreed that the chair should present the proposal to the Subcommittee.
- Michael Benedetto, chair of the Council, supported continuation of the Council and proposed draft legislation to amend the duties of the Council.
- Phil Abraham, Member of the Council, supported the chair's proposal to amend the Council's duties.

**VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL (CONTINUED)**

- Diane Jones, member of the Council, supported the chair's proposal to amend the Council's duties.
- Edward Duke, member of the Council, supported the chair's proposal to amend the Council's duties.
- Situation indicates that the Council is a candidate for elimination or revision.

**Executive Branch Position**

- Michael Murphy, Director of Environmental Enhancement, Department of Environmental Quality, reported that the Executive Branch **supported elimination** of the Council because it has not achieved its mission.

**Subcommittee Action and Advisory Vote**

- The Council was reviewed at the May and September meetings. At the September meeting, Michael Benedetto, chair of the Council, presented a proposal to amend the Council's duties. Mr. Murphy reported that the Executive Branch still supported elimination of the Council because it has not achieved its mission and that the Executive Branch did not have a position on the chair's proposal at this time.
- The Council was reviewed again at the November meeting. Mr. Phil Abraham, member of the Council, presented another proposal to the Subcommittee. This proposal would focus the duties of the Council on assisting local governments upon request and establish that the Council would report its findings and recommendations if directed by the Governor, General Assembly, the Secretary of Natural Resources, or the Department of Environmental Quality. In addition, the proposal would add a member representing the electronics industry. Mr. Murphy indicated that the proposal appeared to address the administration's concern that the Council was not addressing its mission. The Subcommittee took an advisory vote at the November meeting.
- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend amending the statute** of the Virginia Recycling Markets Development Council regarding its duties and membership (SB 12).

#### IV. SUBCOMMITTEE REVIEW OF AGENCY REPORTING REQUIREMENTS

The HJR 159 Joint Subcommittee has made recommendations regarding the elimination, consolidation, or streamlining of 43 reporting requirements based on its review of agency reporting requirements and related issues. These recommendations would eliminate 18 reporting requirements from the *Code of Virginia*. The Subcommittee also recommended the elimination or revision of 13 reporting requirements from, or in, the Appropriation Act and recommended that agencies eliminate or make administrative changes to 12 reporting requirements.

The Subcommittee recognized the need to provide a mechanism for ensuring that agencies and collegial bodies fulfill their reporting requirements in accordance with legislative intent. Consequently, the Subcommittee recommended that the Division of Legislative Automated Systems and indexing staff of the House Clerk's Office develop and maintain a comprehensive list of reports, including dates reports are due, to the Legislative Branch on the General Assembly's web site. The Subcommittee also recommended: amending the *Code* to repeal the Department of General Services' responsibilities regarding agency publications; a study to update the Virginia Public Records Act, particularly concerning the archiving of electronic documents; and changes to the current State records depository system maintained by the Library of Virginia.

##### AGENCY REPORTING REQUIREMENTS

At the March 18, 2003 meeting of the Subcommittee, members directed staff to look at ways of reducing or streamlining reports sent to members of the General Assembly. At the May 20, 2003 meeting, approval was given to look more generally at agency reporting requirements and how they could be reduced or streamlined. Specifically, members requested that the following issues be examined:

- Are there obsolete, duplicative, or unnecessary agency reporting requirements that can be eliminated?
- Is the submission of a printed report the best, most cost effective means to communicate the information required or should the information be available through another format, such as the agency's web site?

**Study Methodology.** In conducting the review, staff surveyed all Executive Branch agencies, including colleges and universities, and asked them to identify agency reporting requirements for which they were responsible as well as agency reporting requirements that they thought could be eliminated or reported in a different way (e.g., revised). Ninety-one agencies responded (92 percent of those surveyed), identifying 135 reporting requirements that they thought could be eliminated or revised.

Staff reviewed the reports recommended for elimination or revision and then reviewed the suggested eliminations or revisions with proponent agencies, including the Governor's office, staffs of the Senate Finance and House Appropriations Committees,



the Department of Planning and Budget, the Department of Accounts, and the State Council of Higher Education for Virginia.

Staff used the following assessment criteria to further screen the reporting requirements:

- When was the reporting requirement last fulfilled?
- If the report had not been prepared in several years, has the agency received any requests for the report?
- Is the information contained in the report still relevant?
- Is the reporting requirement duplicative of another reporting requirement? Could those reporting requirements be combined?
- Could the information included in the reporting requirement be reported more efficiently or effectively?
- Would there be negative consequences of eliminating or revising the reporting requirement?

As a result of further staff screening and the review of responses from the proponent agencies, staff found that many reporting requirements were necessary or useful but that opportunities for elimination or revision did exist.

***Eliminations or Revisions of Reporting Requirements.*** Staff recommended that 43 reporting requirements could be eliminated or revised through legislative or administrative changes. The Subcommittee agreed that reports on which there was a consensus for elimination from the *Code of Virginia* could be placed into an omnibus bill to effect the recommendations. The Subcommittee directed that several reporting requirements for which elimination from the *Code* might be controversial be addressed through separate bills. In addition, Subcommittee members were advised that other reports not on the list could be brought forward by individual Subcommittee members for consideration at the November meeting. Members of the public and agency representatives were also invited to comment on reports recommended for elimination or revision at the November meeting. The Subcommittee approved this procedure at its September 16, 2003 meeting. The list of 12 reports for elimination through the omnibus bill and the list of six reports for elimination through separate bills are contained in Appendix E.

The Subcommittee directed that the reporting requirements contained in the Appropriation Act that were identified for elimination or revision could be communicated by letter to the Chairmen of the House Appropriations and Senate Finance Committees and to the Director of the Department of Planning and Budget (DPB) along with applicable documentation. Letters were sent in October to the Chairmen and the DPB Director requesting that the identified reporting requirements be eliminated or revised during the drafting of the upcoming biennial budget. The list of 13 reports communicated to the two Chairmen and the DPB Director is contained in Appendix E.

Staff also identified reporting requirements that could be eliminated or revised administratively, without the need for changes to the *Code of Virginia* or Appropriation Act. At the September meeting, the Subcommittee gave staff approval to send letters to appropriate agencies suggesting that the specified reporting requirements had been identified as unnecessary or duplicative and that changes, if appropriate, could be handled administratively. The list of 12 reporting requirements that could be eliminated or revised administratively is contained in Appendix E.

At the November 14, 2003 meeting, the Subcommittee approved for introduction the omnibus bill (HB 14) to eliminate 12 reporting requirements and approved for introduction separate bills to eliminate two additional reports and one obsolete section from the *Code of Virginia*. The separate bills would eliminate the Virginia Employment Commission Workforce Plan (SB 9), the requirement that agencies report on the costs of federal mandates (SB 11), and the optional supplemental health insurance credit for retired State employees (HB 16).

Also at the November meeting, the Subcommittee considered eliminating three reports prepared by the Department of Housing and Community Development in another omnibus bill. These reports include the Report on the Urban Public-Private Partnership Redevelopment Fund, the Report on the Removal or Rehabilitation of Derelict Structures Fund and the Report on Housing Revitalization Zones. The Subcommittee approved for introduction the legislation (SB 4) to eliminate the reporting requirements and repeal the programs and fund accounts, effective July 1, 2007, if no specific appropriation is made for the 2002-2004 biennium, 2005-2006 biennium or 2007-2008 biennium. Staff advised that further action by the Subcommittee was not needed regarding the 13 reports recommended for elimination or revision in the Appropriation Act or the 12 reports recommended for administrative elimination or revision.

#### **OTHER ISSUES RELATED TO AGENCY REPORTING**

During the review of agency reporting requirements, Subcommittee members and staff identified the following problems with agency reporting requirements and other publications:

- Directives on which reports are submitted to the legislature can be in conflict.
- The role of the Department of General Services regarding agency publications is obsolete.
- No comprehensive mechanism exists for monitoring whether legislatively required reports are submitted as (or when) required.
- The current procedures for archiving State documents and the current State records depository system do not address the archiving and distribution of electronic documents.

***Directives on Which Reports Are Submitted to the Legislature Can Be in Conflict.*** The Subcommittee identified conflicting statutes governing how reports are to be submitted to the General Assembly and its members. Section 30-34.15 of the *Code of*

*Virginia* (Chapter 941 of the 2003 Acts of Assembly) states that agencies and other entities only have to submit reports to the Division of Legislative Automated Systems (DLAS) to fulfill the requirement that a report be submitted to the General Assembly. For those reports that specifically are required to be submitted to the chairmen or members of certain legislative committees, agencies and other entities must submit these reports to the specified legislative group or entity and also to DLAS. DLAS is required to provide printed copies of House and Senate Documents to those members of the General Assembly that request to receive them. DLAS provides members with a form with which they can indicate they would like to receive all House and Senate Documents. If members want copies of only certain documents, they must request them separately from DLAS.

Although agencies and other entities meet the requirement of submitting reports to the General Assembly by submitting them to DLAS, Section 2.2-1127 of the *Code* requires agencies and other entities to distribute annual and biennial reports to certain entities, including the Division of Purchases and Supply (Division) within DGS. This section also requires the Division to maintain a distribution list for the General Assembly. Members of the General Assembly could file with the Division a request that they be sent annual and biennial reports from all or only certain agencies. Though DGS staff indicated that the Division has not performed this function for some time, this responsibility remains in statute.

As many annual and biennial reports are specifically required to be submitted to the General Assembly, the Subcommittee recognized that DGS' responsibility under Section 2.2-1127 regarding receiving and distributing reports to the General Assembly, if resumed, would duplicate that of DLAS. At its September 16 meeting, the Subcommittee recommended that Section 2.2-1127 of the *Code* be repealed.

Also at the September meeting, the Subcommittee recommended that Sections 2.2-608 and 30-34.4:1 of the *Code of Virginia* be amended to provide for on-demand notification of agency annual and biennial reports available on the General Assembly web site and on-demand paper distribution of such reports to legislative members. The Subcommittee recommended the amendment of these sections so that the entities named in Section 2.2-1127 of the *Code* would still be entitled to receive notification of the availability of agency annual and biennial reports and that legislators, if requested, could receive printed copies of these reports. The legislation would require DLAS to be responsible for the notification that reports are available. DLAS would also be responsible for notifying the agencies or other entities of those legislators who have requested printed copies of their reports.

***The Role of the Department of General Services Regarding Agency Publications Is Obsolete.*** The Subcommittee found that DGS no longer performed its role regarding agency publications. As described previously, DGS no longer provides a mechanism for distributing agency annual and biennial reports to members of the General Assembly. In addition, Section 2.2-1126 of the *Code of Virginia* gives the Division of Purchases and Supply the responsibility for reviewing agency publications

and providing agencies with suggestions concerning the most economical methods for printing, binding, and mailing publications. This requirement dates to a time when DGS printed many State reports. DGS staff indicated that the Division has not performed this function in recent memory. At its September meeting, the Subcommittee recommended that Section 2.2-1126 be repealed from the *Code of Virginia*.

At its November meeting, the Subcommittee approved for introduction the combined legislation (SB 6) to repeal Sections 2.2-1126 and 2.2-1127 from the *Code* and amend Sections 2.2-608 and 30-34.4:1. This legislation would repeal the responsibilities of DGS regarding agency publications and allow those entities named in Section 2.2-1127 to be notified of the availability of all reports submitted to the General Assembly. In addition, legislators could receive hard copies of any report requested. The legislation would also amend Section 30-34.15 of the *Code* to enable citizens or other interested persons to request notification of the availability of reports submitted to the General Assembly.

***No Comprehensive Mechanism Exists for Monitoring Whether Legislatively Required Reports Are Submitted as (or when) Required.*** Through its review of agency reporting requirements, the Subcommittee identified numerous reports that could be eliminated, some of which had not been reported in recent years. Also, during the course of the Subcommittee's studies, dozens of boards and commissions were found to have lapsed into inactivity. After a comprehensive review, the Subcommittee recommended the elimination of over 40 collegial bodies that either had been inactive for some time or had recently become inactive. In both cases, the lack of comprehensive monitoring resulted in statutes that were, in effect, ignored for years.

Currently, two legislative entities are regularly involved in the process of distributing and tracking reports: DLAS and the indexing staff in the House Clerk's Office. Subcommittee staff met with the staffs of DLAS and the Senate and House Clerks' Offices and discussed mechanisms for tracking reports that could lead to better compliance with legislative intent. It was determined that through the use of existing resources, a directory of all legislatively mandated reports could be placed on the existing General Assembly web site and maintained by DLAS. The web site would serve as a flag for those reporting requirements that have not been met. For those not submitted, it would be the responsibility of the recipient of the report to notify the appropriate agency or entity that a report is due. This site could serve as a means of tracking required reports and making them available to General Assembly members and the public.

The creation and maintenance of a system of monitoring legislatively required reports could be accomplished with existing resources because many of the tasks that would be required are already being accomplished by DLAS and the House Clerk's Office. DLAS is charged with responsibility for printing and distributing various publications during legislative sessions and the interim. These publications include bills and resolutions, daily floor calendars, the Acts of Assembly, House and Senate Journals, and all reports directly requested in legislation. In recent years publication in print has

been augmented by electronic publication on the General Assembly's web site. Moreover, DLAS supplements current documents with many from past years. Various documents and reports dating from the early 1900s are currently available online. (Publications over ten years old were most often scanned and posted on the web site in response to requests for printed copies.)

Chapter 941 of the 2003 Acts of Assembly gave DLAS responsibility for a new category of reports, primarily the electronic publication of ongoing periodic reports made to the General Assembly or its standing committees. (See: <http://leg1.state.va.us/cgi-bin/legp504.exe?031+ful+CHAP0941>). Scanning and posting of these materials on the General Assembly web site is the current practice. While reports obtained from the original publisher provide the highest copy quality, the electronic version of these reports, as found on the web site, is a convenient version of these documents to many users.

Indexing of study requirements is performed by the House Clerk's Office. During session, indexing clerks check for studies in all bills and resolutions. The criteria used for determining a study is that a report be made to the Governor and General Assembly. For bills, the indexing clerks check *Code of Virginia* sections and enacting clauses once the session is over and all legislation has been adopted. For a resolution, the clerks check the title and the resolved clauses. The clerks determine the subject of the study and who is responsible for submission of any data. Once the clerks index the study, they put the entries under subject headings that are then part of the Cumulative Index. When session is over, the clerks also read the Appropriation Act to find studies and add those to the study document that has been created from the legislation that has passed. Clerks currently use the study document to check when they receive House, Senate, or report documents.

Taken together, the activities of DLAS and the indexing clerks of the House of Delegates comprise the majority of actions that would be necessary to construct and maintain an online inventory of legislatively mandated reports. Such an inventory of studies and reports, including information on whether reports have been submitted, would enable legislators to easily monitor compliance with study mandates. Staff at DLAS and the House Clerk's Office agreed to a proposal that they collaborate on a web-based system for monitoring reports due to the General Assembly.

At its September meeting, the Subcommittee recommended that the indexing clerks in the House of Delegates work with the Division of Legislative Automated Systems to make a "real time" compendium of reporting requirements for posting on the General Assembly web site, subject to the review of the Joint Rules Committee. This listing would be limited to reports that are made to the General Assembly, or one of its organizational units, such as the Speaker, the President pro tempore of the Senate, or a committee chairman. The recommended web site would include summary fields for the following information:

- The study mandate including the authority for the report (i.e., the Acts of Assembly, *Code of Virginia*, or the Appropriation Act);

- Reporting requirements, including the date(s) such reports are due;
- The subject of the report;
- Reported by (who is to make the report);
- Reported to (who is to receive the report, the report recipient);
- The date of the most recently received report; and
- Any sunset provisions.

In addition, the report list should be searchable by various search terms, including:

- “Code” or “resolution”;
- Date received;
- “Past due” if applicable;
- Subject;
- Agency; and
- Report recipient (thus a committee could determine all the reports due to it).

***The Procedures for Archiving State Documents and the State Depository System Do Not Address Electronic Documents.*** One of the problems that the Subcommittee faced in comprehensively reforming reporting requirements is the absence of clear procedures for dealing with electronic records. Until such procedures are adopted, paper copies of all State records must be maintained. Consequently, efficiencies the Subcommittee might have adopted must be deferred until such procedures are in place.

Under the Virginia Public Records Act, the Library of Virginia has broad responsibilities for the receipt, distribution, and archiving of State records and reports. However, statutes governing these responsibilities do not adequately address the role of electronic records and the Internet. In addition, the Library is tasked with establishing a depository system for State publications. According to Section 2.2-609 of the *Code of Virginia*, agencies are required to furnish up to 100 copies of all publications to the Library for the depository system and are required to furnish cost information to the Library for all publications. Library staff currently requests 20 copies of publications, but this is not fulfilled by all agencies. Library staff also no longer collects cost information because it has not proven to be useful.

The Librarian of Virginia testified before the Subcommittee and recommended a study to update the Virginia Public Records Act and address the status of the State records depository system, particularly as these matters relate to electronic records. He raised concerns that some reports and publications may only be available in electronic format. For example, as a result of Senate Bill 1036 (Chapter 941 of the 2003 Acts of Assembly), some reports to the General Assembly may no longer be printed in hard copy format. Agencies or other entities can choose to submit legislative reports to the Division of Legislative Automated Systems in electronic format. Further, many agency reports and other publications are now available only on agency web sites.

Consequently, many library patrons do not use the existing depository system but obtain recent agency publications and other State documents from the Internet. At the September meeting, the Subcommittee recommended a study to update the Virginia Public Records Act, specifically to address electronic documents. A copy of the resolution endorsed by the Subcommittee is at Appendix F. At the November meeting, the Subcommittee approved for introduction the resolution (HJ 6 and SJ 1) recommending this study.

The Subcommittee also recommended that Section 2.2-609 of the *Code of Virginia* be amended to (i) reduce the maximum copies of reports that the Library is to receive from 100 to 20 and (ii) remove language requiring agencies to furnish cost information for all publications to the Library. At the November meeting, the Subcommittee approved for introduction the legislation (HB 6 and SB 2) to effect these changes.

## V. SUBCOMMITTEE REVIEW OF DORMANT SPECIAL FUND ACCOUNTS

As with collegial bodies and reporting requirements, some fund accounts are established and later lapse into inactivity. The Subcommittee made recommendations for the elimination of 13 dormant or inactive special fund accounts and the repeal of nine programs and one foundation affiliated with nine of the dormant accounts if no specific appropriation is made for FY 2004 or FY 2005.

### BACKGROUND ON SPECIAL FUNDS

Fund accounting is a central concept in governmental financial management. The State accounting system currently uses eleven funds (Figure 1), each of which is an independent fiscal and accounting entity and may have financial transactions with the other funds. The State's general fund is used to pay for many governmental operations financed from broad taxes (such as income and sales taxes) and other general revenues. Other funds in the State accounting system are used to account for revenues that are used for specific purposes and services, such as motor fuel taxes, college tuition payments, federal grant payments, and the like. Within each non-general fund may be numerous fund detail accounts, which may be authorized by a provision in the *Code of Virginia*, the Appropriation Act, or administrative action.

These fund detail accounts are the basis for this review. As used here, a dormant financial account is considered to be a special fund detail account established by specific legislation (whether the *Code of Virginia*, Appropriation Act, or other legislation) that has had no financial activity or a static (unchanging) balance for at least two years. In other words, to be considered dormant in this review, an account must have been both established by legislation and have had no financial transactions during FY 2001, FY 2002, or FY 2003.

**Figure 1**  
**Types of Funds**

Fund Type	Fund Code
General	01
Special	02
Higher Education Operating	03
Highway Maintenance & Construction	04
Enterprise	05
Internal Service	06
Trust and Agency	07
Debt Service	08
Dedicated Special Revenue	09
Federal Trust	10
General Fixed Assets	15

Source: Office of the Comptroller, Commonwealth Accounting and Reporting System (CARS), Topic 60106.



Dormancy may reflect a lack of interest or ability to generate money for a program, whether the original intention was to solicit State or federal funds or to seek private donations. Consequently, one purpose of this review was to identify dormant legislatively mandated special fund detail accounts and then present the information to the Subcommittee for consideration

#### **STUDY METHODOLOGY FOR DORMANT ACCOUNTS**

Several methods were used to identify potentially dormant financial accounts. First, staff of the Division of Legislative Services conducted a keyword search of the *Code of Virginia* and the Appropriation Act, looking for terms like "special fund." Staff of the Joint Legislative Audit and Review Commission (JLARC) then reviewed the results of the keyword search, identified special fund detail account numbers associated with each search result, and identified cash balances by determining whether the account had a cash balance on February 28, 2002, February 28, 2003, and June 30, 2003. If the account had a cash balance, a determination was made as to whether the balance had changed, thereby indicating activity. Statewide trial balance reports from the Department of Accounts were used for this purpose.

A second method of identifying dormant accounts involved surveying the agencies. JLARC staff distributed surveys to 99 State agencies in May 2003, receiving responses from all by September. The survey asked the agencies' chief financial officers to identify all special funds or accounts established by specific legislation and administered by the agency. The survey also asked whether such accounts had any financial transactions in or since FY 2001, and other information.

The Comptroller and the Department of Planning and Budget (DPB) provided a third method of identifying dormant financial accounts. Language in the Appropriation Act requires the Comptroller to identify fund balances that have had no changes over a 12-month period, and further requires the Comptroller to pay these static balances into the State's general fund. Agencies may subsequently request that the Director of DPB restore these balances. DPB provided these static-balance fund reports to JLARC staff for the 12 months ending September 30, 2002 and the 12 months ending December 31, 2002. Agencies were then contacted to confirm the status of such accounts.

JLARC staff also used various other methods to supplement the above efforts. For example, staff reviewed recently enacted legislation and contacted various agencies to identify potentially dormant financial accounts.

#### **FINDINGS**

A total of 329 legislatively mandated special fund accounts were identified through these combined methods. Each of these accounts is mandated by a section of the *Code of Virginia* or by a requirement in the Appropriation Act.

Most of these are active accounts. On June 30, 2003, a total of \$1.4 billion was on deposit in these special fund accounts. Of the 329 accounts, 87 had a zero balance on

that date, and another 241 had a median balance of \$40,073. One account (the highway maintenance and operations fund) had a balance on that date of \$1.2 billion. (It should be noted that these were *trial* balances, which are preliminary and do not reflect all obligations or other adjustments incurred during the period.)

Three agencies administered 27 percent of all such special fund accounts. The Department of Agriculture and Consumer Services administered 41 such accounts, the Department of Transportation handled 24 such accounts, and the Department of Motor Vehicles was assigned 23 such legislatively mandated accounts.

A glance down a sample of these legislatively mandated special funds reflects the broad reach of State government (Figure 2). In each case, the General Assembly has determined that financial transactions for a specific goal or program should be accounted for separately. In most cases, one purpose for doing so appears to have been to allow interest earnings on the program's funds to accumulate to the exclusive benefit of the program, thereby slightly increasing funds available for the program or activity. Language requiring that such interest be retained in the account is commonly found in *Code* sections that establish the special funds.

**Figure 2**  
**Examples of Legislatively Mandated Special Fund Accounts That Are Active**

<b>Agency</b>	<b>Special Fund Title</b>	<b>Agency &amp; Fund Code</b>
Department of Human Resource Management	Workers' Compensation Insurance Program	129-0742
Department of Housing and Community Development	Removal or Rehabilitation of Derelict Structures Fund	165-0916
Department of Education	Literary Fund	197-0702
Department of Rehabilitative Services	Commonwealth Neurotrauma Initiative Trust Fund	262-0915
Department of Game and Inland Fisheries	Game Protection Fund	403-0900
Department of Environmental Quality	Solid Waste Management Permit Fees	440-0911
Virginia Department of Transportation	Transportation Trust Fund	501-0471
Virginia Department of Health	Nursing Scholarship and Loan Repayment Program	601-0932
Department of Social Services	Fraud Recovery Special Fund	765-0911
Department of Corrections	Contract Prisoners Special Revenue Fund	795-0255

Of the 329 accounts identified in this review, 13 met all the criteria for dormancy. In some instances, agency personnel were unaware that these dormant accounts existed, even though they had been assigned to their agencies for at least three years. Figure 3 lists the 13 identified dormant fund accounts.

The balance of this chapter provides details of each potential dormant account along with the Subcommittee’s actions.

**Figure 3**  
**Dormant Legislatively Mandated Special Fund Accounts**  
**Recommended for Elimination**

<b>Agency</b>	<b>Special Fund Title</b>
Department of Housing and Community Development	Blue Ridge Economic Development Revolving Fund
Department of Housing and Community Development	Alternative Water Supply Assistance Fund
Virginia Employment Commission	Workforce Development Training Fund
Virginia Employment Commission	Advantage Virginia Incentive Fund
Department of Education	Reading Incentive Grants Fund
Department of Education	Virginia Educational Excellence Incentive Reward Fund
Department of Education	Families in Education Incentive Grant Fund
Department of Education	Community-Based Intervention Program for Suspended and Expelled Students Fund
Department of Education	Artists in the Classroom Grants Fund
State Council for Higher Education in Virginia	Virginia Undergraduate Career and Technical Incentive Scholarship Fund
State Council for Higher Education in Virginia	Virginia Higher Education Incentive Fund
Department of Business Assistance	Information Technology Employment Performance Grant Fund
Department of Environmental Quality	Virginia Landfill Cleanup and Closure Fund

**BLUE RIDGE ECONOMIC DEVELOPMENT REVOLVING FUND**

**Secretarial Area:** Commerce and Trade

**Administering Agency:** Department of Housing and Community Development

**Statutory Mandate:** *Code of Virginia* § 59.1-284.7 et seq.

**Year Adopted:** 1992

**Agency & Fund Codes:** Agency 165; fund code never established.

**Purpose of the Fund**

- To make loans to local governments in the Blue Ridge region for promoting tourism, supporting projects, assisting localities in retaining jobs and creating new jobs through expansion, diversification, and modernization of industry.

**How Funded**

- From appropriations, loan repayments, interest, and from any other source, public or private.

**Situation**

- No funds were ever appropriated, nor has any other funding been received. Consequently, no loans have been made.

**Subcommittee Action and Advisory Vote**

- The fund was reviewed at the September meeting. The Subcommittee requested that staff draft an omnibus bill to eliminate the Blue Ridge Economic Development Revolving Fund and the other 12 dormant accounts identified in this report for final approval at the November meeting.
- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously approved for introduction the omnibus bill (SB 3) to eliminate dormant accounts, including the Blue Ridge Economic Development Revolving Fund.

**ALTERNATIVE WATER SUPPLY ASSISTANCE FUND**

**Secretarial Area:** Commerce and Trade

**Administering Agency:** Department of Housing and Community Development

**Statutory Mandate:** *Code of Virginia* § 36-139.8

**Year Adopted:** 2001

**Agency & Fund Codes:** Agency 165; fund code never established.

**Purpose of the Fund**

- To provide grants to localities for entering into agreements with businesses and individuals to harvest and collect rainwater for irrigation and conservation.

**How Funded**

- From appropriations and interest earned on money deposited in the fund.

**Situation**

- No funds have been appropriated since the inception of the fund, nor has any other funding been received. Consequently, no grants have been made.

**Subcommittee Action and Advisory Vote**

- The fund was reviewed at the September meeting. The Subcommittee requested that staff draft an omnibus bill to eliminate the Alternative Water Supply Assistance Fund and the other 12 dormant accounts identified in this report for final approval at the November meeting.
- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously approved for introduction the omnibus bill (SB 3) to eliminate dormant accounts, including the Alternative Water Supply Assistance Fund.

**WORKFORCE DEVELOPMENT TRAINING FUND**

**Secretarial Area:** Commerce and Trade

**Administering Agency:** Virginia Employment Commission

**Statutory Mandate:** *Code of Virginia* § 60.2-318

**Year Adopted:** 2000

**Agency & Fund Codes:** Agency 182; fund code never established.

**Purpose of the Fund**

- To make workforce development training grants to provide or expand training and retraining opportunities that would not otherwise exist for the Commonwealth's workforce. The fund is intended to supplement but not to supplant or compete with money available through other programs.
- Grants are to be made by the Commissioner based on procedures, criteria, and performance measures established by the Virginia Workforce Council.

**How Funded**

- From appropriations and interest earned on moneys in the fund.

**Situation**

- No appropriations have been made to the fund since its inception in 2000. Consequently, no grants have been made.

**Subcommittee Action and Advisory Vote**

- The fund was reviewed at the September meeting. The Subcommittee requested that staff draft an omnibus bill to eliminate the Workforce Development Training Fund and the other 12 dormant accounts identified in this report for final approval at the November meeting.
- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously approved for introduction the omnibus bill (SB 3) to eliminate dormant accounts, including the Workforce Development Training Fund.

**ADVANTAGE VIRGINIA INCENTIVE FUND**

**Secretarial Area:** Commerce and Trade

**Administering Agency:** The Advantage Virginia Incentive Program Foundation,  
through the Virginia Employment Commission

**Statutory Mandate:** *Code of Virginia* § 23-38.53:15

**Year Adopted:** 2000

**Agency & Fund Codes:** Agency 182; fund code never established.

**Purpose of the Fund**

- To provide scholarships of up to \$3,000 per academic year (not to exceed \$12,000) to qualified students who intend to fill high demand jobs in the Commonwealth. The Virginia Workforce Council is annually to designate such jobs. The Advantage Virginia Incentive Program Foundation is established by statute for the purpose of establishing, administering, and making expenditures from the fund.

**How Funded**

- From appropriations, gifts, donations, grants, bequests, and such other funds as may be received, including interest earned on moneys in the fund.

**Situation**

- Since the program and fund's inception in 2000, no funds have been appropriated for this purpose, nor has any other funding been received. Consequently, no scholarships have been awarded.
- Separately, the Foundation has had no one appointed to serve on it since it was established in statute. Thus, the Foundation has never been activated.

**Subcommittee Action and Advisory Vote**

- The fund was reviewed at the September meeting. The Subcommittee requested that staff draft an omnibus bill to eliminate the Advantage Virginia Incentive Fund and the other 12 dormant accounts identified in this report for final approval at the November meeting.
- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously approved for introduction the omnibus bill (SB 3) to eliminate dormant accounts, including the Advantage Virginia Incentive Fund. The Subcommittee also unanimously voted to recommend the repeal of the Advantage Virginia Incentive Program and Foundation if no specific appropriation is made for FY 2004 or FY 2005.

**READING INCENTIVE GRANTS FUND**

**Secretarial Area:** Education

**Administering Agency:** Department of Education

**Statutory Mandate:** *Code of Virginia* § 22.1-208.2:1.1

**Year Adopted:** 1998

**Agency & Fund Codes:** 197-0901

**Purpose of the Fund**

- For the Board of Education to award grants on a competitive basis to successful reading programs in public schools demonstrating low pupil academic performance.
- The Board is to establish criteria for making grants from the Fund, including school eligibility criteria and indicators of low pupil academic performance. The Board is authorized to issue guidelines governing the program.

**How Funded**

- From appropriations, gifts, donations, grants, bequests, and such other funds as may be received, including interest earned on moneys in the fund.

**Situation**

- Since the fund's inception in 1998, no funds have been appropriated for this purpose, nor has any other funding been received. Consequently, no grants or awards have been made.
- As there has been no funding available, the Board and Department have deferred development of guidelines and criteria for awarding the funds.
- Staff of the Department of Education has indicated that the department concurs with the recommendation to abolish this fund.

**Subcommittee Action and Advisory Vote**

- The fund was reviewed at the September meeting. The Subcommittee requested that staff draft an omnibus bill to eliminate the Reading Incentive Grants Fund and the other 12 dormant accounts identified in this report for final approval at the November meeting.
- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously approved for introduction the omnibus bill (SB 3) to eliminate dormant accounts, including the Reading Incentive Grants Fund. The Subcommittee also unanimously voted to recommend the repeal of the Reading Incentive Grants Program if no appropriation is made for FY 2004 or FY 2005.



## VIRGINIA EDUCATIONAL EXCELLENCE INCENTIVE REWARD FUND

**Secretarial Area:** Education

**Administering Agency:** Department of Education

**Statutory Mandate:** *Code of Virginia* § 22.1-199.3

**Year Adopted:** 1998

**Agency & Fund Codes:** 197-0911

### **Purpose of the Fund**

- For the Board of Education to provide incentive grants for the improved and exceptional educational performance in the public schools. The Board is required to establish eligibility criteria, performance, benchmarks, and non-monetary awards to recognize exemplary performance by teachers, administrators, and students.
- The Board is to establish criteria for making grants from the fund, including school eligibility criteria and indicators of low pupil academic performance. The Board is authorized to issue guidelines governing the program.

### **How Funded**

- From appropriations, gifts, donations, grants, bequests, and such other funds as may be received, including interest earned on moneys in the fund.

### **Situation**

- No funds have been appropriated since inception, nor has any other funding been received. Thus, no grants have been made.
- Staff of the Department of Education has indicated that the department concurs with the recommendation to abolish this fund.

### **Subcommittee Action and Advisory Vote**

- The fund was reviewed at the September meeting. The Subcommittee requested that staff draft an omnibus bill to eliminate the Virginia Educational Excellence Incentive Reward Fund and the other 12 dormant accounts identified in this report for final approval at the November meeting.
- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously approved for introduction the omnibus bill (SB 3) to eliminate the dormant accounts, including the Virginia Educational Excellence Incentive Reward Fund. The Subcommittee also unanimously voted to recommend the repeal of the Virginia Educational Excellence Incentive Reward Program if no specific appropriation is made for FY 2004 or FY 2005.

**FAMILIES IN EDUCATION INCENTIVE GRANT FUND**

**Secretarial Area:** Education

**Administering Agency:** Department of Education

**Statutory Mandate:** *Code of Virginia* § 22.1-209.1:7

**Year Adopted:** 1999

**Agency & Fund Codes:** 201-0912

**Purpose of the Fund**

- For the Board of Education to provide grants to support innovative family and community involvement programs designed to facilitate parents' creation of a supportive learning environment at home and increased involvement in classroom learning.

**How Funded**

- From appropriations, gifts, donations, grants, bequests, and such other funds as may be received, including interest earned on moneys in the fund.

**Situation**

- No funds have been appropriated since inception, nor has any other funding been received. Thus, no grants have been made.
- Staff of the Department of Education has indicated that the department concurs with the recommendation to abolish this fund.

**Subcommittee Action and Advisory Vote**

- The fund was reviewed at the September meeting. The Subcommittee requested that staff draft an omnibus bill to eliminate the Families in Education Incentive Grant Fund and the other 12 dormant accounts identified in this report for final approval at the November meeting.
- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously approved for introduction the omnibus bill (SB 3) to eliminate the dormant accounts, including the Families in Education Incentive Grants Fund. The Subcommittee also unanimously voted to recommend the repeal of the Families in Education Incentive Grants Program if no specific appropriation is made for FY 2004 or FY 2005.

**COMMUNITY-BASED INTERVENTION PROGRAM  
FOR SUSPENDED AND EXPELLED STUDENTS FUND**

**Secretarial Area:** Education

**Administering Agency:** Department of Education

**Statutory Mandate:** *Code of Virginia* § 22.1-209.1:10

**Year Adopted:** 1999

**Agency & Fund Codes:** 201-0915

**Purpose of the Fund**

- For the Board of Education to award grants to local school divisions for interim instructional programs, intervention and supervision of public school students who have been suspended, excluded or expelled.

**How Funded**

- From appropriations, gifts, donations, grants, bequests, and such other funds as may be received, including interest earned on moneys in the fund.

**Situation**

- No funds have been appropriated since inception, nor has any other funding been received. Thus, no grants have been made.
- Staff of the Department of Education has indicated that the department concurs with the recommendation to abolish this fund.

**Subcommittee Action and Advisory Vote**

- The fund was reviewed at the September meeting. The Subcommittee requested that staff draft an omnibus bill to eliminate the Community-Based Intervention Program for Suspended and Expelled Students Fund and the other 12 dormant accounts identified in this report for final approval at the November meeting.
- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously approved for introduction the omnibus bill (SB 3) to eliminate the dormant accounts, including the Community-Based Intervention Program for Suspended and Expelled Students Fund. The Subcommittee also unanimously voted to recommend the repeal of the Community-Based Intervention Program for Suspended and Expelled Students if no specific appropriation is made for FY 2004 or FY 2005.

**ARTISTS IN THE CLASSROOM GRANTS FUND**

**Secretarial Area:** Education

**Administering Agency:** Department of Education

**Statutory Mandate:** *Code of Virginia* § 22.1-291.2

**Year Adopted:** 1999

**Agency & Fund Codes:** 201-0916

**Purpose of the Fund**

- For the Board of Education to award matching grants to local school divisions that employ full-time artists, musicians, thespians, writers, dancers or athletes who may have demonstrated exemplary professional accomplishments.

**How Funded**

- From appropriations, gifts, donations, grants, bequests, and such other funds as may be received, including interest earned on moneys in the fund.

**Situation**

- No funds have been appropriated since inception, nor has any other funding been received. Thus, no grants have been made.
- Staff of the Department of Education has indicated that the department concurs with the recommendation to abolish this fund.
- Completely separate from this special account is a similar federal program, which provides funding for similar purposes directly to local schools, colleges, museums, etc. These federal funds are not appropriated through the State, but go directly to the receiving entity. Retaining or abolishing this Virginia special fund account will have no effect on the continued receipt of the federal funds.

**Subcommittee Action and Advisory Vote**

- The fund was reviewed at the September meeting. The Subcommittee requested that staff draft an omnibus bill to eliminate the Artists in the Classroom Grants Fund and the other 12 dormant accounts identified in this report for final approval at the November meeting.
- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously approved for introduction the omnibus bill (SB 3) to eliminate the dormant accounts, including the Artists in the Classroom Grants Fund. The Subcommittee also unanimously voted to recommend the repeal of the Artists in the Classroom Grants Program if no specific appropriation is made for FY 2004 or FY 2005.

**VIRGINIA UNDERGRADUATE CAREER AND TECHNICAL INCENTIVE SCHOLARSHIP FUND**

**Secretarial Area:** Education

**Administering Agency:** State Council of Higher Education for Virginia

**Statutory Mandate:** *Code of Virginia* § 23-38.19:4

**Year Adopted:** 1992

**Agency & Fund Codes:** 245-0905

**Purpose of the Fund**

- For the State Council of Higher Education for Virginia (SCHEV) to provide incentive scholarships to students attending certain programs at four-year public and private, not-for-profit institutions of higher education. To be eligible, a student must be Virginia domiciled, maintain a 3.0 grade point average, and meet various other criteria.

**How Funded**

- From appropriations, gifts, donations, grants, bequests, and such other funds as may be received, including interest earned on moneys in the fund.

**Situation**

- No funds have been appropriated since inception, nor has any other funding been received. Thus, no scholarships have been awarded.
- The Executive Director of the State Council has indicated that this program “is completely inactive and unfunded since inception. No award of public or private funds for this program is anticipated into the foreseeable future. For these reasons, SCHEV does not object to abolishing it.”

**Subcommittee Action and Advisory Vote**

- The fund was reviewed at the September meeting. The Subcommittee requested that staff draft an omnibus bill to eliminate the Virginia Undergraduate Career and Technical Incentive Scholarship Fund and the other 12 dormant accounts identified in this report for final approval at the November meeting.
- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee approved for introduction the omnibus bill (SB 3) to eliminate dormant accounts, including the Virginia Undergraduate Career and Technical Incentive Scholarship Fund. The Subcommittee also unanimously voted to recommend the repeal of the Undergraduate Career and Technical Incentive Scholarship Program if no specific appropriation is made for FY 2004 or FY 2005.

## VIRGINIA HIGHER EDUCATION INCENTIVE FUND

**Secretarial Area:** Education

**Administering Agency:** State Council of Higher Education for Virginia

**Statutory Mandate:** *Code of Virginia* §23-38.53:9

**Year Adopted:** 1995

**Agency & Fund Codes:** 245-0915

### **Purpose of the Fund**

- For the State Council of Higher Education for Virginia (SCHEV) to provide scholarships to prison inmates who enroll in a public or private institution of higher education in Virginia, and who are approved by the Board of Correctional Education for participation in accord with the rules of the Board of Corrections.

### **How Funded**

- From appropriations, gifts, donations, grants, and such other funds as may be received, including interest earned on moneys in the fund.

### **Situation**

- No funds have been appropriated since at least FY 1997, nor has any other funding been received. Thus, no scholarships have been awarded.
- The Executive Director of SCHEV has indicated that this program “is completely inactive and unfunded since inception ... no award of public or private funds for this program is anticipated into the foreseeable future. For these reasons, SCHEV does not object to abolishing it.”

### **Subcommittee Action and Advisory Vote**

- The fund was reviewed at the September meeting. The Subcommittee requested that staff draft an omnibus bill to eliminate the Virginia Higher Education Incentive Fund and the other 12 dormant accounts identified in this report for final approval at the November meeting.
- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously approved for introduction the omnibus bill (SB 3) to eliminate dormant accounts, including the Virginia Higher Education Incentive Fund. The Subcommittee also unanimously voted to recommend the repeal of the Virginia Higher Education Incentive Program if no specific appropriation is made for FY 2004 or FY 2005.

**INFORMATION TECHNOLOGY EMPLOYMENT PERFORMANCE GRANT FUND**

**Secretarial Area:** Commerce and Trade

**Administering Agency:** Department of Business Assistance

**Statutory Mandate:** *Code of Virginia* § 59.1-284.19

**Year Adopted:** 1999

**Agency & Fund Codes:** 325-0905

**Purpose of the Fund**

- To provide grants to eligible information technology firms that employ at least 50 persons in permanent full-time positions for at least 36 consecutive months. The statute caps such grants at \$150,000 per firm.

**How Funded**

- From appropriations or any other funds, public or private, including interest earned on moneys in the fund.

**Situation**

- No funds have been appropriated since inception, nor has any other funding been received. Thus, no grants have been made.

**Subcommittee Action and Advisory Vote**

- The fund was reviewed at the September meeting. The Subcommittee requested that staff draft an omnibus bill to eliminate the Information Technology Employment Performance Grant Fund and the other 12 dormant accounts identified in this report for final approval at the November meeting.
- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously approved for introduction the omnibus bill (SB 3) to eliminate dormant accounts, including the Information Technology Employment Performance Grant Fund. The Subcommittee also unanimously voted to recommend the repeal of the Information Technology Employment Performance Grant Program if no specific appropriation is made for FY 2004 or FY 2005.

**VIRGINIA LANDFILL CLEANUP AND CLOSURE FUND**

**Secretarial Area:** Natural Resources

**Administering Agency:** Department of Environmental Quality

**Statutory Mandate:** *Code of Virginia* § 10.1-1413.2

**Year Adopted:** 1999

**Agency & Fund Codes:** 440-0916

**Purpose of the Fund**

- For the Department to provide grants to local governments and political subdivisions which exist to provide solid waste management services, for the proper closure of landfills owned by the local governments or political subdivisions, or which have been abandoned, or are not equipped with liner and leachate control systems.

**How Funded**

- From appropriations, and any other funds, public or private, including interest earned on moneys in the fund.

**Situation**

- No funds have been appropriated since inception, nor has any other funding been received. Thus, no grants have been made.

**Subcommittee Action and Advisory Vote**

- The fund was reviewed at the September meeting. The Subcommittee requested that staff draft an omnibus bill to eliminate the Virginia Landfill Cleanup and Closure Fund and the other 12 dormant accounts identified in this report for final approval at the November meeting.
- Advisory vote: Eight members of the Subcommittee were present. By voice vote, the Subcommittee unanimously approved for introduction the omnibus bill (SB 3) to eliminate dormant accounts, including the Virginia Landfill Cleanup and Closure Fund.



**Appendix A**

**HOUSE JOINT RESOLUTION NO. 159**

**Establishing a joint subcommittee to study the operations, practices, duties, and funding of the Commonwealth's agencies, boards, commissions, councils and other governmental entities.**

WHEREAS, the Commonwealth of Virginia spends in excess of \$25 billion each year and employs a workforce in excess of 112,000 employees; and

WHEREAS, the taxpayers of Virginia expect the Commonwealth of Virginia to provide the goods and services citizens need and desire in the most cost-effective manner; and

WHEREAS, even though the United States and Virginia economies have experienced a record ten-year long expansion of economic activity, most businesses have tried during this time of record-setting economic growth to become more efficient, and to utilize technology and innovation strategies to produce better products and services at less cost to the consumer; and

WHEREAS, the citizens and taxpayers of Virginia expect and deserve from their government the same aggressive cost-cutting and innovative strategies to reduce the cost of the goods and services their state government provides; and

WHEREAS, the best method for instilling confidence in the government of the Commonwealth is to ensure that the government is accountable to its citizenry; and

WHEREAS, it is important to ensure that government entities are accountable and operating as statutorily authorized; and

WHEREAS, all operations of state government must demonstrate accountability by showing its citizens what they are gaining from the use of public funds, how these expenditures benefit their lives or the lives of those they care about, and how efficiently and effectively the funds are used; and

WHEREAS, some governmental entities have never been reviewed during their existence and others have not been reviewed for a long time; and

WHEREAS, there should be strong incentives to encourage all government entities to minimize costs, ensure unnecessary functions are eliminated, and perform the remaining critical functions as efficiently and cost-effectively as possible; now, therefore, be it

**HOUSE JOINT RESOLUTION NO. 159 (CONTINUED)**

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the operations, practices, duties, and funding of the Commonwealth's agencies, boards, commissions, councils and other governmental entities. The joint subcommittee shall be composed of 10 members as follows: 6 members of the House of Delegates to be appointed by the Speaker of the House in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; and 4 members of the Senate to be appointed by the Senate Committee on Privileges and Elections.

In conducting its study, the joint subcommittee shall (i) examine the history, budget, and current activities of each governmental entity, (ii) determine whether critical functions are being performed as efficiently and cost-effectively as possible, (iii) identify duplicative functions and activities, (iv) determine whether the entity is funded at appropriate levels, (v) compare and evaluate the entity's work and results with its stated statutory mission, and (vi) make recommendations for consolidation, elimination, reduction, or increase of activities and funding of each entity based upon the review.

The direct costs of this study shall not exceed \$25,000.

The Division of Legislative Services and the Joint Legislative Audit and Review Commission shall provide staff support for the study. The Secretary of the Commonwealth shall provide technical assistance.

All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall submit an interim report of its findings and recommendations to the Governor and the 2003 Session of the General Assembly, and shall complete its work by November 30, 2003, and shall submit its final written findings and recommendations to the Governor and the 2004 Session of the General Assembly, as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

## Appendix B

## LIST OF BILLS INTRODUCED BY THE SUBCOMMITTEE FOR THE 2003 SESSION

Bill #	Bill Name	Patron	Adopted by General Assembly	Signed by Governor (Acts of Assembly)
HB 1444	Reciprocity Board	Amundson	Yes	Yes (Ch. 299)
HB 1509	State Networking Users Advisory Committee	Cox	Yes	Yes (Ch. 176)
HB 1510	State Public Records Advisory Council	Cox	Yes	Yes (Ch. 177)
HB 1511	Blue Ridge Economic Development Advisory Council	Cox	Yes	Yes (Ch. 348)
HB 1512	Council on the Status of Women	Cox	No	No
HB 1627	Virginia Scenic River Board	Cox	Yes	Yes (Ch. 240)
HB 1628	Southside Virginia Business and Education Commission	Cox	Yes	Yes (Ch. 349)
HB 1784	Administration; records on gubernatorial appointees	Miles	Yes	Yes (Ch. 556)
SB 750	National Voter Registration Coordinating Committee	O'Brien	Yes	Yes (Ch. 20)
SB 751	Administration; records on gubernatorial appointees	O'Brien	Yes	Yes (Ch. 532)
SB 763	Home Care Services Advisory Board	Ruff	Yes	Yes (Ch. 449)
SB 764	Virginia Correctional Enterprises Advisory Board	Ruff	Yes	Yes (Ch. 94)
SB 765	Southside Virginia Development Authority	Ruff	Yes	Yes (Ch. 158)
SB 766	Virginia Outdoors Foundation Regional open space preservation advisory boards	Ruff	Yes	Yes (Ch. 78)
SB 802	Maternal and Child Health	Martin	Yes	Yes (Ch. 451)
SB 803	Human Services Information and Referral Advisory Council	Martin	Yes	Yes (Ch. 54)
SB 804	Virginia Council for Adult Education and Literacy	Martin	Yes	Yes (Ch. 452)
SB 805	AIDS Advisory Committee	Martin	Yes	Yes (Ch. 453)
SB 806	Advisory Committee for the Regional Competitiveness Act	Martin	Yes	Yes (Ch. 55)
SB 807	Specialized Transportation Council	Martin	Yes	Yes (Ch. 454)
SB 914	Department of Conservation and Recreation board consolidation	Ruff	Yes	Yes (Ch. 79)
SB 957	Merger; Board of Rehab Services with State Rehab Council	Martin	Yes	Yes (Ch. 57)
SB 975*	Blue Ridge Regional Education and Training Council	Trumbo	No	No

\*An identical bill, HB 2428, patroned by Delegate Hugo, was amended to delay the elimination of the Blue Ridge Regional Education and Training Council until July 1, 2004 (Acts of Assembly, Chapter 210).

**LIST OF BILLS INTRODUCED BY THE SUBCOMMITTEE FOR THE 2003 SESSION  
(CONTINUED)**

<b>Bill #</b>	<b>Bill Name</b>	<b>Patron</b>	<b>Adopted by General Assembly</b>	<b>Signed by Governor (Acts of Assembly)</b>
SB 1061	Consolidation; Museums of VA.; Science and Natural History	O'Brien	No	No
SJ 303	Study; Increasing HJR 159 Membership	O'Brien	No	No

## Appendix C

## LIST OF BILLS INTRODUCED BY THE SUBCOMMITTEE FOR THE 2004 SESSION

Bill #	Bill Name (short title)	Patron	Page(s) of Report
HB 6	Publications, state; reduces number submitted to State Library	Cox	70-71
HB 7	Rehabilitation Providers, Advisory Board on; abolished	Cox	31-32
HB 8	Certified Practices, Advisory Committee on; abolished	Cox	33-34
HB 9	Business-Education Partnership Program, Advisory Council on; abolished	Cox	35-36
HB 10	Charity Food Assistance Advisory Board; abolished	Cox	60-61
HB 11	Military Affairs, Board of; abolished	Cox	19*
HB 12	Advisory Boards for the Virginia Industries for the Blind	Cox	26-27
HB 13	Sweet Potato Board and Fund; abolished	Cox	57
HB 14	State agency reporting requirements; certain eliminated	Amundson	64-66, E-2 - E-6
HB 15	Early Intervention Agencies Committee; abolished	Amundson	46-47
HB 16	Optional supplemental health insurance credit - retired state employees	Miles	66, E-8
HJ 6	Study; Virginia Public Records Act	Cox	70-71, F-1 - F-2
SB 1	Out-of-Family Investigations Advisory Committee; membership, meetings	Martin	28-30
SB 2	State publications; reduces number submitted to Library of Virginia	Martin	70-71
SB 3	Dormant special funds	Martin	72-88
SB 4	Housing funds; abolishes those that are dormant	Martin	66, E-7
SB 5	Medical and psychological complaint investigation/audit committees	Martin	50-55
SB 6	Agency reports; changes in distribution of annual and biennial copies	Martin	66-68
SB 7	Collegial body; definition	Martin	13, 14
SB 8	Disabled, Interagency Coordinating Council on Housing for; abolished	Ruff	48-49
SB 9	Virginia Employment Commission workforce plan	Ruff	66, E-8

\*Information on the Board of Military Affairs can be found on p. 38 of the Interim Report, House Document 13 of the 2003 session.

**LIST OF BILLS INTRODUCED BY THE SUBCOMMITTEE FOR THE 2004 SESSION  
(CONTINUED)**

<b>Bill #</b>	<b>Bill Name (short title)</b>	<b>Patron</b>	<b>Page(s) of Report</b>
SB 10	Intergovernmental Relations, Advisory Commission on; abolished	Ruff	58-59
SB 11	Agency reports on the costs of federal mandates	Ruff	66, E-8
SB 12	Recycling Markets Development Council; duties	Whipple	62-63
SB 50	Advisory Board on Child Abuse and Neglect	Martin	28-30
SJ 1	Study; Virginia Public Records Act	Martin	70-71, F-1 - F-2

**Appendix D**

This Appendix contains a copy of the Attorney General's September 11, 2003 opinion on the compensation and reimbursement of expenses of collegial body members.



SEP 15 2003

# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Richmond 23219

September 11, 2003

Jerry W. Kilgore  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804 - 786 - 2071  
804 - 371 - 8946 TDD

The Honorable Stephen H. Martin  
Member, Senate of Virginia  
P.O. Box 700  
Chesterfield, Virginia 23832

Dear Senator Martin:

I am responding to your request for an official advisory opinion in accordance with § 2.2-505 of the *Code of Virginia*.

## Issues Presented

You ask several questions pertaining to compensation and expense reimbursement for members of state-level boards and commissions ("collegial bodies"), pursuant to § 2.2-2813. Each question, and subsequent answer, is set forth under a separate heading within this opinion.

## Applicable Law and Discussion

Section 2.2-2813 is a portion of Chapter 28 of Title 2.2, and pertains to compensation and expense payments from state funds for members serving on collegial bodies. Section 2.2-2813(A) defines the following terms as used in Chapter 28, relating to state officers and employees:

"*Compensation*" means any amount paid in addition to reimbursement for expenses.

"*Expenses*" means all reasonable and necessary expenses incurred in the performance of duties.

"*Salary*" means a fixed compensation for services, paid to part-time and full-time employees on a regular basis.

Section 2.2-2813(B) provides that, subject to § 2.2-2813(C) and (D),<sup>2</sup>

---

<sup>1</sup>For purposes of standardizing a nomenclature system, § 2.2-600 provides that every board, commission or council "established by law or executive order within the executive branch of state government" is "a permanent collegial body."

<sup>2</sup>Section 2.2-2813 (C) limits payment to reimbursement for expenses of full-time state employees or employees of local political subdivisions; § 2.2-2813(D) limits the total compensation a collegial body member shall receive to no more than "one payment of the highest per diem amount specified in subsection B for attending meetings and for services performed that day" for all collegial bodies, and any related entities of such bodies, of which such person is a member. The compensation and expenses of a member performing services or attending two or more meetings a day for two or more collegial bodies "shall be prorated among the bodies served." VA. CODE ANN. § 2.2-2813(D) (LexisNexis Supp. 2003).



members of boards, commissions, committees, councils and other collegial bodies, who are appointed at the state level, shall be compensated at the rate of \$50 per day, unless a different rate of compensation is specified by statute for such members, plus expenses for each day or portion thereof in which the member is engaged in the business of that body.

Section 2.2-2823(A) provides:

Pursuant to § 2.2-2825, any person traveling on state business shall be entitled to reimbursement for certain actual expenses as are necessary and ordinarily incidental to travel. If transportation is by public means, reimbursement shall be at the actual cost thereof. If transportation is by private means, reimbursement shall be at the rate as specified in the current general appropriation act.

Section 2.2-2825 provides that “[p]ersons conducting official business of the Commonwealth shall be reimbursed for their reasonable and necessary travel expenditures that shall include transportation as provided in § 2.2-2823, parking, and lodging.”

#### Question One

You ask whether the phrase in § 2.2-2813(B), “members of ... collegial bodies, who are appointed at the state level,” includes persons appointed by state-level officials or entities and persons appointed to their position by enabling legislation.

Absent a statutory definition, words used in a statute are to be given their ordinary meaning.<sup>3</sup> For the purposes of this opinion, I must assume that “members of ... collegial bodies, who are appointed at the state level” are those persons who are appointed by an authorized state official or entity, or as set forth in the collegial bodies’ enabling legislation. I must further assume that the phrase “state level” refers only to those collegial bodies established or authorized by the General Assembly to function at the state level and does not include such bodies that operate at a local government level.

#### Question Two

You ask whether a collegial body, including its membership, must be established by statute in order for its members to be entitled to compensation and reimbursement for expenses. As an example, you cite § 51.5-72. Section 51.5-72(B) requires the Board for the Blind and Vision Impaired to establish an advisory board for each of the manufacturing and services industries established by the section.

Given the assumptions that collegial body members “appointed at the state level” are those persons who are appointed by an authorized state official or entity, or as set forth in the enabling statute of the body in question, and that the phrase “state level” refers only to those collegial bodies established pursuant to enabling legislation, I conclude that only members of collegial bodies that are established or authorized to be established by the General Assembly are entitled to compensation or reimbursement for expenses under § 2.2-2813.

---

<sup>3</sup>See *Grant v. Commonwealth*, 223 Va. 680, 684, 292 S.E.2d 348, 350 (1982) (noting ordinary meaning of “pre-  
scribe” as applied to probation period or period of suspension within meaning of § 19.2-306); 1987-1988 Op. Va.  
Att’y Gen. 513, 514.

If the legislature creates a state-level advisory, supervisory or policy collegial body to advise an agency or public official or to exercise some portion of the Commonwealth's sovereignty and fails to establish a specific limitation on membership, I cannot say that members of such a body are precluded from receiving compensation for their services pursuant to § 2.2-2813. In the example you cite, however, § 51.5-72(B) authorizes the Board for the Blind and Vision Impaired to create advisory boards and limits the membership on each board to nine persons. Accordingly, members of the Board are entitled to receive compensation and reimbursement for expenses pursuant to § 2.2-2813.

### Question Three

You ask whether members serving on *ad hoc* collegial bodies, which are established solely on the authority of a state-level official or entity, are entitled to compensation and reimbursement for expenses.

Given the assumptions that collegial body members "appointed at the state level" are those persons who are appointed by an authorized state official or entity, or as set forth in the enabling statute of the body in question, and that the phrase "state level" refers only to those collegial bodies established pursuant to enabling legislation, I must conclude that *ad hoc* collegial bodies established only on the authority of a state-level official or entity are not entitled to receive compensation and reimbursement for expenses. Such *ad hoc* bodies, by their very nature, are not created or authorized by the General Assembly. Any other interpretation would allow state officials to expend public funds without authorization by the General Assembly. Consequently, members of collegial bodies that are not created or established by the General Assembly, but, rather, are created only on authority of a state-level official or entity, are not entitled to compensation under § 2.2-2813 or travel expenses under § 2.2-2825.

### Question Four

You next ask whether, pursuant to § 2.2-2813, members serving on collegial bodies are entitled to (a) compensation or expenses if such bodies' enabling legislation specifically prohibits compensation or expense reimbursement; (b) compensation if such bodies' enabling legislation authorizes reimbursement for expenses but is silent as to compensation; or (c) compensation and expenses if such bodies' enabling legislation is silent as to both.

It is well accepted that statutes relating to the same subject should not be read in isolation.<sup>4</sup> Such statutes should be considered *in pari materia*.<sup>5</sup> Moreover, statutes dealing with the same subject matter should be construed together to achieve a harmonious result, resolving conflicts to give effect to legislative intent.<sup>6</sup> An accepted principle of statutory construction is that, when it is not clear which of two

---

<sup>4</sup>2B NORMAN J. SINGER, SUTHERLAND STATUTORY CONSTRUCTION § 51.02 (West 6th ed. 2000); Op. Va. Att'y Gen.: 1999 at 22, 22; 1998 at 19, 21; *id.* at 123, 124; 1996 at 197, 198; 1995 at 146, 147; 1993 at 135, 137; *id.* at 160, 162; 1992 at 108, 112.

<sup>5</sup>*See Prillaman v. Commonwealth*, 199 Va. 401, 405-06, 100 S.E.2d 4, 7-8 (1957); 2B SINGER, *supra* note 4, § 51.03 (West 6th ed. 2000); 1996 Op. Va. Att'y Gen. 134, 135. "*In pari materia*" is the Latin phrase meaning "[o]n the same subject; relating to the same matter." BLACK'S LAW DICTIONARY 794 (7th ed. 1999).

<sup>6</sup>*See* 2B SINGER, *supra* note 4, § 51.02, at 191; 2000 Op. Va. Att'y Gen. 182, 185.

statutes applies, the more specific statute prevails over the more general.<sup>7</sup> Also, when statutes provide different procedures on the same subject matter, "the general must give way to the specific."<sup>8</sup>

(a) You cite § 10.1-1422.03 as an example of a statute prohibiting the members of an advisory board from receiving compensation or reimbursement for expenses.<sup>9</sup> Section 10.1-1422.03(B) is specific as to the compensation and reimbursement of expenses of members of the board. As such, the specific prohibitions of § 10.1-1422.03(B) prevail over the more general provisions of § 2.2-2813. Consequently, the members of the Litter Control and Recycling Fund Advisory Board are not entitled to compensation or reimbursement of expenses under § 2.2-2813.

(b) You cite § 46.2-1503 as an example of a statute providing only for the reimbursement of actual and necessary expenses of members of the Motor Vehicle Dealer Board.<sup>10</sup> Sections 46.2-1503 and 2.2-2813 may be read to together without conflict. Because § 46.2-1503 is silent as to compensation, the compensation provisions of § 2.2-2813 apply to the members of the Board. As to expenses, to the extent the two statutes are in conflict or it is unclear which of the two statutes applies, the specific provisions of § 46.2-1503(E) dictate the method and amount of such reimbursement.

(c) You cite § 23-9.3 as an example of an enabling statute that is silent as to compensation and expense reimbursement for members of the State Council of Higher Education for Virginia. Reading § 23-9.3 in conjunction with § 2.2-2813 to achieve a harmonious result, it is evident that there is no conflict. The two statutes may be read together in harmony, with the provisions of § 2.2-2813 providing the method and amount of compensation and expense reimbursement for such members.

#### Question Five

Finally, with regard to the above question, you ask whether it matters if § 2.2-2813 or the specific enabling legislation of the collegial body is the later enacted statute. As an example, you note that the General Assembly enacted § 2.2-2813 following its enactment of § 10.1-1422.03. Another rule of statutory construction requires the presumption that, in enacting statutes, the General Assembly has full knowledge of existing law and interpretations thereof.<sup>11</sup> Although the repeal of statutes by implication is

---

<sup>7</sup>See *Va. Nat'l Bank v. Harris*, 220 Va. 336, 257 S.E.2d 867 (1979); *Scott v. Lichford*, 164 Va. 419, 180 S.E. 393 (1935); *City of Roanoke v. Land*, 137 Va. 89, 119 S.E. 59 (1923); *Op. Va. Att'y Gen.*: 2001 at 17, 19; 1990 at 227, 228; 1987-1988 at 276, 277; 1980-1981 at 330, 331.

<sup>8</sup>*Davis v. Davis*, 206 Va. 381, 386, 143 S.E.2d 835, 839 (1965); *see also Op. Va. Att'y Gen.*: 2001, *supra* note 7, at 19; 2000 at 94, 95; 1976-1977 at 93, 94.

<sup>9</sup>Section 10.1-1422.03(B) stipulates that the Litter Control and Recycling Fund Advisory Board "shall not receive a per diem, compensation for their service, or travel expenses."

<sup>10</sup>Section 46.2-1503(E) requires that members of the Motor Vehicle Dealer Board "be reimbursed their actual and necessary expenses incurred in carrying out their duties, such reimbursement to be paid from the special fund referred to in § 46.2-1520."

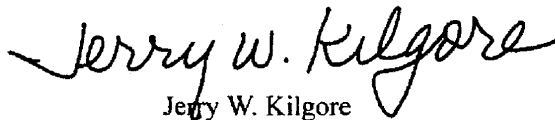
<sup>11</sup>*See City of Richmond v. Sutherland*, 114 Va. 688, 693, 77 S.E. 470, 472 (1913); *Op. Va. Att'y Gen.*: 1996 at 51, 52 (noting that General Assembly, in repealing one statute and enacting another, had full knowledge of existing law and construction placed upon it by Attorney General, and intended to change law); 1995 at 130, 131 (noting that General Assembly, in amending statute, had full knowledge of existing law and construction placed upon it by courts, and intended to change then existing law).

The Honorable Stephen H. Martin  
September 11, 2003  
Page 5

not favored, if two statutes are *in pari materia*, then to the extent that their provisions are irreconcilably inconsistent and repugnant, the latter enactment repeals or amends the earlier enacted statute.<sup>12</sup> The examples cited in the answers to question 4(a)-(c) are not irreconcilably inconsistent or repugnant. Therefore, it does not matter which of the statutes is last enacted. Only in those instances where the provisions of § 2.2-2813 and the statute in question are so irreconcilably repugnant or inconsistent would the timing of enactment be implicated.

With kindest regards, I am

Very truly yours,



Jerry W. Kilgore  
Attorney General

2:875; 54/03-032

---

<sup>12</sup>See *Standard Drug Co., Inc. v. Gen. Elec. Co.*, 202 Va. 367, 378-79, 117 S.E.2d 289, 297-98 (1960) (declaring that later enacted Fair Trade Act of 1958 prevails over Anti-monopoly Act insofar as they conflict); accord *City of South Norfolk v. City of Norfolk*, 190 Va. 591, 58 S.E.2d 32 (1950); *Am. Cyanamid Co. v. Commonwealth*, 187 Va. 831, 48 S.E.2d 279 (1948).

## **Appendix E**

This Appendix contains a list of reporting requirements recommended for elimination or revision. The list is organized into four general areas: 1) reports to be eliminated through an omnibus bill, 2) reports to be eliminated through separate bills, 3) reports for elimination from or revision in the Appropriation Act, and 4) reporting requirements that could be administratively eliminated or revised.

**List of Reports for Elimination Through Omnibus Bill**

Name of Report and Responsible Agency	Required by	Requirement	Situation
<p><b>Annual Report</b> Council on Human Rights</p>	<p>Section 2.2-2634 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>Annual comprehensive written report submitted to the Governor and the General Assembly.</li> </ul>	<ul style="list-style-type: none"> <li>The Council’s survey response indicated that the last official report was produced in 1992. Since then, in-house reports have been produced but not approved by the Council or published.</li> <li>Staff indicated that the annual report provided information on the Council’s and the agency’s outreach efforts, but most requests were for statistical information.</li> <li>Staff produces monthly statistical reports for the Council; staff also makes this information available upon request.</li> <li>Staff indicated no inquiries have been made as to why reports have not been submitted.</li> <li>Situation indicates that the reporting requirement is a candidate for elimination.</li> </ul>
<p><b>Report on the use of earnings of schools and workshops</b> Department for the Blind and Vision Impaired (DBVI)</p>	<p>Section 51.5-75 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>Annual report to the Governor on the proceedings and operations of each fiscal year.</li> </ul>	<ul style="list-style-type: none"> <li>DBVI staff indicated that the agency has not prepared this separate report since the early 1980s and that it has not been requested.</li> <li>DBVI’s survey response indicated that this requirement is now met by the annual preparation and submission of financial statements as required by the Department of Accounts.</li> <li>Situation indicates that the reporting requirement is a candidate for elimination.</li> </ul>
<p><b>Virginia State Park Standards Report</b> Department of Conservation and Recreation (DCR)</p>	<p>Section 10.1-200 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>Annual report to the Governor and General Assembly on the development of the standard determining the extent to which the Commonwealth is meeting park and recreational needs; where the park system falls short of, meets, or exceeds the standards; and the methodology used in making the determinations.</li> </ul>	<ul style="list-style-type: none"> <li>DCR staff recommended that the report could be eliminated and the required information placed in the Virginia Outdoors Plan that is reported every five years. As the report is based on census data, it does not appear that an annual report is needed.</li> <li>DCR was directed to adopt a standard by 1999 and then annual reports would be required. The standard is based on park usage, population trends and densities, and outdoor recreational facility demands.</li> <li>DCR’s survey response indicated that the report required calculating, on an annual basis, the number of acres of State</li> </ul>

Name of Report and Responsible Agency	Required by	Requirement	Situation
<p><b>Virginia State Parks Standards Report</b> (continued)</p>			<p>park land needed in each Planning District Commission based on population data.</p> <ul style="list-style-type: none"> <li>• Situation indicates that the reporting requirement is a candidate for elimination and that this information could be combined into another existing reporting requirement.</li> </ul>
<p><b>Chesapeake Bay Resources Report</b></p> <p>Department of Environmental Quality (DEQ)</p>	<p>Section 2.2-216 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>• Biennial report to the General Assembly on the results of the water quality and living resources monitoring program and the status of resources of the Chesapeake Bay and its tributaries.</li> </ul>	<ul style="list-style-type: none"> <li>• DEQ's survey response indicated that the reporting requirement for the Resources Report was established in 1984. More recent legislation was adopted that requires the Secretary of Natural Resource to report on progress toward achieving the Chesapeake Bay Agreement (<i>COV</i> § 2.2-220.1) and tributary strategies (<i>COV</i> § 2.2-220).</li> <li>• DEQ staff was not aware of anyone requesting the Resources Report.</li> <li>• DEQ staff indicated much of this information is also on the web.</li> <li>• Situation indicates that this report is duplicative of other reporting requirements and is a candidate for elimination.</li> </ul>
<p><b>Report on Health Insurance Accounts</b></p> <p>Department of Human Resource Management (DHRM)</p>	<p>Section 2.2-2820.1 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>• Report to the General Assembly on recommendations for developing a program for State employees where, upon retirement from State service, employees could convert accrued health insurance balances to fund private health insurance coverage for themselves and dependents.</li> </ul>	<ul style="list-style-type: none"> <li>• DHRM's survey response identified this as an obsolete reporting requirement.</li> <li>• DHRM was required to report this information by December 1, 2001; DHRM completed the reporting requirement.</li> <li>• DHRM reported that the payment of premiums on a pre-tax basis from the retirement annuity was clearly prohibited; thus, the study did not recommend a program to convert accrued health insurance balances to fund private health insurance coverage.</li> <li>• Situation indicates that this reporting requirement is a candidate for elimination.</li> </ul>
<p><b>Report on Public School Teacher Compensation</b></p> <p>Department of Human Resource Management (DHRM)</p>	<p>Section 22.1-289.1 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>• Biennial report to the Governor, General Assembly, and Board of Education on the review of compensation of</li> </ul>	<ul style="list-style-type: none"> <li>• DHRM's survey response indicated this report is unnecessary or of limited use. It focuses on salaries paid to entry-level teachers compared to entry-level employees in other occupational areas. The comparison has limited value in the</li> </ul>

Name of Report and Responsible Agency	Required by	Requirement	Situation
<p><b>Report on Public School Teacher Compensation</b> (continued)</p>		<p>teachers and other occupations requiring similar education and training.</p>	<p>comparison of teacher salaries.</p> <ul style="list-style-type: none"> <li>• The Department of Education provides salary data on average teachers salaries.</li> <li>• Situation indicates that this reporting requirement is a candidate for elimination.</li> </ul>
<p><b>Intermediate Sanction Juvenile Boot Camp Annual Evaluation</b></p> <p>Department of Juvenile Justice (DJJ)</p>	<p>Enactment Clause 5 of Chapters 755 and 914, 1996 Acts of Assembly</p>	<ul style="list-style-type: none"> <li>• Annual report on the findings of the evaluations of the effectiveness of sentencing juveniles to boot camps.</li> <li>• Submitted to House committees: Appropriations; Courts of Justice; Health, Welfare and Institutions; Senate committees: Finance; Courts of Justice; Education and Health.</li> </ul>	<ul style="list-style-type: none"> <li>• DJJ's survey response indicated that this report should be eliminated because Cornerstone Camp Kenbridge (boot camp) was closed due to budget cutbacks.</li> <li>• DJJ staff indicated that they did not anticipate the opening of future boot camps.</li> <li>• The survey suggested repealing the enactment clause.</li> <li>• Situation indicates that this reporting requirement is a candidate for elimination.</li> </ul>
<p><b>Report to General Assembly on receipts from all sources and expenditures</b></p> <p>Department of Forestry (DOF)</p>	<p>Section 10.1-1118 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>• Annual report to the General Assembly that shows in detail, the receipts from all sources and the expenditures and the purposes for which expenditures have been made by DOF.</li> </ul>	<ul style="list-style-type: none"> <li>• DOF's survey response indicated this was an obsolete report.</li> <li>• DOF staff indicated that they did not know when this report was last prepared and submitted.</li> <li>• This information is available from the DOF fiscal department, if requested.</li> <li>• The report appears to be duplicative because this information is also submitted to the Departments of Planning and Budget and Accounts and to the Auditor of Public Accounts.</li> <li>• DOF staff indicated the General Assembly, or its staff, has never requested this report.</li> <li>• Situation indicates that this reporting requirement is a candidate for elimination.</li> </ul>
<p><b>Duplicative copy of gross amount received from sale of special use permits</b></p> <p>Department of Forestry (DOF)</p>	<p>Section 10.1-1155 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>• Duplicate copy submitted to the Comptroller of the quarterly report that is submitted to the State Forester</li> </ul>	<ul style="list-style-type: none"> <li>• DOF's survey response indicated that providing the duplicate copy to the Comptroller is an obsolete requirement.</li> <li>• Clerks or other authorized officials issue permits for hunting in State forests. The clerks are required to report to the State</li> </ul>



Name of Report and Responsible Agency	Required by	Requirement	Situation
<p><b>Duplicative copy of gross amount received from sale of special use permits</b> (continued)</p>		<p>containing information regarding the sale of special use permits.</p>	<p>Forester the serial numbers and quantity of permit forms received, sold and on hand unsold, and the amount of gross collections remitted for the quarter.</p> <ul style="list-style-type: none"> <li>• DOF staff indicated that this requirement is duplicative of other financial reporting.</li> <li>• Situation indicates that this reporting requirement is a candidate for elimination.</li> </ul>
<p><b>Annual Report on S1 Unfunded Scholarships</b> Higher Education Institutions</p>	<p>Section 23-31 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>• Annual report to the State Council of Higher Education for Virginia (SCHEV) showing the number and value of unfunded scholarships awarded according to each student classification.</li> </ul>	<ul style="list-style-type: none"> <li>• A responding university indicated in its survey response that this was an unnecessary report for the university because it no longer awards any unfunded scholarships; the university has been submitting a report showing \$0 amount.</li> <li>• SCHEV staff indicated that this data collection could be eliminated, with the understanding that SCHEV may need to request specific information from the institutions, from time to time, to respond to questions from the Governor and General Assembly.</li> <li>• Situation indicates that this report is a candidate for elimination as an annual report; <i>Code</i> section could be amended to reflect that SCHEV shall collect this information as needed.</li> </ul>
<p><b>Issue of Bulletins and Quarterly Reports</b> Department of Agriculture and Consumer Services (VDACS)</p>	<p>Section 3.1-362 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>• Report on results of inspections, the results of analyses made by the State Chemist, and other information as may come to the Commissioner relating to the adulteration of food and drink products and of dairy products.</li> </ul>	<ul style="list-style-type: none"> <li>• VDACS' survey response indicated that this is an obsolete reporting requirement.</li> <li>• The Commissioner of VDACS was to prepare, print, and distribute this to all papers of the Commonwealth and also make them available upon request.</li> <li>• The requirement also states that the Commissioner shall publish a brief summary of all work done by the Commissioner and his assistants in the enforcement of laws in the Commonwealth, but not more than 10,000 of such quarterly bulletins shall be published.</li> <li>• VDACS indicated that the reporting requirement was discontinued during the Wilder Administration as part of a paperwork reduction directive.</li> <li>• Situation indicates that the reporting requirement is a candidate for elimination.</li> </ul>

Name of Report and Responsible Agency	Required by	Requirement	Situation
<p><b>Managed Care Health Insurance Plan (MCHIP) Certification of Quality Report</b></p> <p>Virginia Department of Health (VDH)</p>	<p>Enactment Clause 3 of Chapter 891, 1998 Acts of Assembly</p>	<ul style="list-style-type: none"> <li>• Report to the Joint Commission on Health Care (JCHC) on the status of the quality assurance certification program for managed health care health insurance plans.</li> </ul>	<ul style="list-style-type: none"> <li>• VDH's survey response indicated this is an obsolete reporting requirement.</li> <li>• VDH only made one presentation, in 1999, to JCHC.</li> <li>• VDH staff indicated that MCHIP had received intense scrutiny from the former State Health Commissioner and the MCHIP representative on the Board of Health. Since those individuals are no longer associated with VDH or the Board, the controversy surrounding the program has faded.</li> <li>• VDH has not received requests for the report and has not prepared one for submission.</li> <li>• The situation indicates that the reporting requirement is a candidate for elimination.</li> </ul>

**List of Reports for Elimination through Separate Bills**

Name of Report and Responsible Agency	Required by	Requirement	Situation
<p><b>Report on Urban Public-Private Partnership Redevelopment Fund</b></p> <p>Department of Housing and Community Development (DHCD)</p>	<p>Section 15.2-2418 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>Annual report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees on the summary of the reports received from localities on the status of all sites being prepared for redevelopment with grants or loans from the fund.</li> </ul>	<ul style="list-style-type: none"> <li>DHCD's survey response indicated this report has never been prepared because no funds have been appropriated by the General Assembly or received from any other public or private sources. There are no fund recipients on which to report.</li> <li>Consideration should be given to whether the program is needed as well.</li> <li>Situation indicates that the reporting requirement is a candidate for elimination.</li> </ul>
<p><b>Report on the Removal or Rehabilitation of Derelict Structures Fund</b></p> <p>Department of Housing and Community Development (DHCD)</p>	<p>Section 36-156 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>Annual report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees on the summaries of the reports from localities on properties acquired by the locality with grant from the fund.</li> </ul>	<ul style="list-style-type: none"> <li>DHCD's survey response indicated that the department is not currently preparing this report because no funds have been appropriated by the General Assembly for the program since 2000. Funding could also be provided by other public and private sources. There are no fund recipients on which to report.</li> <li>Grants from the fund were to be awarded to localities for acquisition, demolition, removal, rehabilitation, or repair of derelict structures, which are causing blight.</li> <li>Consideration should be given to whether the program is needed as well.</li> <li>Situation indicates that the reporting requirement is a candidate for elimination.</li> </ul>
<p><b>Report on Housing Revitalization Zones</b></p> <p>Department of Housing and Community Development (DHCD)</p>	<p>Section 36-169 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>Annual report on the findings of the periodic reviews of the effectiveness of the grant program and local incentives to increase investment in each housing revitalization zone.</li> <li>Submitted to the Senate and House Committees of Finance and Commerce and Labor.</li> </ul>	<ul style="list-style-type: none"> <li>DHCD's survey response indicated that the department is not currently preparing the report because no funds have been appropriated by the General Assembly. Funding could also be provided by other public and private sources.</li> <li>There are no participating localities with housing revitalization zones on which to report.</li> <li>Consideration should be given to whether the program is needed as well.</li> <li>Situation indicates that this reporting requirement is a candidate for elimination.</li> </ul>

Name of Report and Responsible Agency	Required by	Requirement	Situation
<p><b>Workforce Plan</b> Virginia Employment Commission (VEC)</p>	<p>Section 60.2-113 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>A plan for the implementation during times of economic recession, natural disaster, or military mobilization whereby necessary workers can be provided.</li> </ul>	<ul style="list-style-type: none"> <li>VEC’s survey response indicated that this plan is obsolete. Subsection 4 of this section also contains an obsolete reference to the now-defunct Governor’s Employment and Training Department (GETD).</li> <li>VEC staff indicated that Section 2.2-2670 requires local workforce investment boards to develop annual workforce demand plans and submit them to the Virginia Workforce Council. These plans are more responsive to local needs.</li> <li>Situation indicates that this plan is a candidate for elimination.</li> </ul>
<p><b>Form FM (Federal Mandates)</b> Agencies (excluding higher education institutions)</p>	<p>Section 2.2-603 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>Annual report to the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees on the listing and cost of any federal mandate or regulation affecting the agency.</li> </ul>	<ul style="list-style-type: none"> <li>The report was identified through survey responses as not being useful because some mandate costs cannot be accurately monitored or estimated due to overlapping compliance. The inability to separate costs could create a misleading picture of the costs of specific mandates.</li> <li>This information is reported in a form to the Department of Planning and Budget (DPB).</li> <li>DPB indicated that the information is used “marginally” in budget development, but having the information could help evaluate the overall fiscal impact of mandates on agencies.</li> <li>Senate Finance Committee staff confirmed that this information was marginally useful.</li> <li>Situation indicates that this reporting requirement is a candidate for elimination.</li> </ul>
<p><b>Optional supplemental health insurance credit for State retirees</b> Department of Human Resource Management (DHRM)</p>	<p>Section 51.1-1404 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>This is not a report but an obsolete <i>Code</i> section that has not become effective due to provisions in its enactment clause. Any State employee retiring from service who participates in the State health insurance plan shall have the option to require that his lump sum payment amount be credited to a supplemental health insurance account.</li> </ul>	<ul style="list-style-type: none"> <li>DHRM’s survey response identified this as an obsolete <i>Code</i> section.</li> <li>An enactment clause was added to the legislation so that the act would only become effective after the Department of Personnel and Training (now DHRM) obtained an affirmative ruling from the Internal Revenue Service stating that the plan could be treated as a qualified plan for federal income tax purposes.</li> <li>Survey response indicated that the IRS provided a negative ruling, thus the proposed plan would not be qualified for federal income tax purposes.</li> <li>Situation indicates that this <i>Code</i> section is a candidate for elimination.</li> </ul>

**List of Reports for Elimination from or Revision in the Appropriation Act**

Name of Report and Responsible Agency	Required by	Requirement	Situation
<p><b>Report on the Progress of Implementation of Silvicultural Water Quality Laws in Virginia</b></p> <p>Department of Forestry (DOF)</p>	<p>Item 109 F, 2003 Appropriation Act</p>	<ul style="list-style-type: none"> <li>Annual report to the Chairmen of the House Appropriations and Senate Finance Committees on the progress of implementation of silvicultural water quality laws.</li> </ul>	<ul style="list-style-type: none"> <li>DOF's survey response indicated that this report could be eliminated or reported biannually rather than annually.</li> <li>DOF staff reported they were not sure if anyone reads the report; the water quality laws were enacted in 1993 with amendments in 1997 and 2002.</li> <li>DOF stated that the information reported is redundant and that reporting this is a routine activity for DOF; no purpose is served by having the requirement in the Appropriation Act.</li> <li>Situation indicates that this reporting requirement is a candidate for elimination.</li> </ul>
<p><b>Report on the Privatization Activities of Child Support Enforcement</b></p> <p>Department of Social Services (DSS)</p>	<p>Item 359 D, 2003 Appropriation Act</p>	<ul style="list-style-type: none"> <li>The Department of Social Services and the Office of the Attorney General shall annually report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees a detailed summary and evaluation of the privatization of child support enforcement activities.</li> </ul>	<ul style="list-style-type: none"> <li>DSS's survey response indicated that Item 359 D requires a report pursuant to Section 63.1-249.1 D of the <i>Code of Virginia</i>. The statute required the Attorney General and DSS to annually report to the Governor and General Assembly a detailed summary and evaluation of the privatization of child support enforcement programs. That section was deleted from the <i>Code</i> during recodification in 2002.</li> <li>This section was changed to Section 63.2-1907, but the reporting requirement described above was removed.</li> <li>Situation indicates that the reporting requirement is a candidate for elimination, or that in the least, the <i>Code</i> reference should be corrected.</li> </ul>
<p><b>Report on Sliding Fee Scale Status</b></p> <p>Department of Social Services (DSS)</p>	<p>Item 360 B, 2003 Appropriation Act</p>	<ul style="list-style-type: none"> <li>Annual report on the sliding fee scale and eligibility criteria adopted by the Board of Social Services.</li> </ul>	<ul style="list-style-type: none"> <li>DSS's survey response indicated that the only factor that changes on an annual basis is the federal poverty level. A report is not necessary to notify the General Assembly of this change.</li> <li>The Appropriation Act does not specify who is to receive the report.</li> <li>Situation indicates that this reporting requirement is a candidate for elimination.</li> </ul>

Name of Report and Responsible Agency	Required by	Requirement	Situation
<p><b>Report on Assessing the Implementation of the Child Care and Development Fund</b></p> <p>Department of Social Services (DSS)</p>	<p>Item 360 J, 2003 Appropriation Act</p>	<ul style="list-style-type: none"> <li>Annual report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the findings on the assessment as to how the plan's proposed use of child day care funds is meeting the needs of low-income families.</li> </ul>	<ul style="list-style-type: none"> <li>DSS's survey response indicated that federal law requires the states to submit a child care and development fund plan every two years. Therefore, an annual report is not necessary.</li> <li>Situation indicates that this reporting requirement is a candidate for elimination.</li> </ul>
<p><b>Report on the Status of Child Care Automation</b></p> <p>Department of Social Services (DSS)</p>	<p>Item 360 K, 2003 Appropriation Act</p>	<ul style="list-style-type: none"> <li>Annual report to the Governor and General Assembly on the status of the automation, system adequacy, and needed actions to automate day care assistance programs.</li> </ul>	<ul style="list-style-type: none"> <li>DSS's survey response indicated that the Department has been working on the automation of child care for a number of years. There is nothing additional to report.</li> <li>Situation indicates that this report is a candidate for elimination.</li> </ul>
<p><b>Eminent Scholars Funding Expense Report</b></p> <p>Higher Education Institutions</p>	<p>State Council of Higher Education for Virginia under the authority of Item 165 B 2, 2003 Appropriation Act</p>	<ul style="list-style-type: none"> <li>Institutions are required to submit an annual report on Eminent Scholars spending.</li> <li>This information is used for evidence of activity prior to the distribution of funds.</li> </ul>	<ul style="list-style-type: none"> <li>A survey respondent indicated that higher education institutions could be required to maintain this information in their files for easy access if needed. The State Council of Higher Education for Virginia staff confirmed this.</li> <li>Staff of the House Appropriations and Senate Finance Committees stated that the language in the Appropriation Act should be clarified.</li> <li>Situation indicates that this reporting requirement is a candidate for revision.</li> </ul>
<p><b>Report on the Total Cost of Ownership</b></p> <p>Agencies and Higher Education Institutions</p>	<p>Section 4-5.06 b.2.b, 2003 Appropriation Act</p>	<ul style="list-style-type: none"> <li>Before acquiring any desktop computers, all agencies shall perform a Total Cost of Ownership evaluation, but not more frequently than every two years.</li> </ul>	<ul style="list-style-type: none"> <li>A survey respondent indicated that the report requires a lot of detailed work. It was originally required as a measure for agencies to determine if they were required to participate in Seat Management. The creation of the Virginia Information Technologies Agency (VITA) and information required to be reported to them through their strategic planning web site provides the same asset information.</li> <li>Situation indicates that this reporting requirement is a candidate for elimination.</li> </ul>

Name of Report and Responsible Agency	Required by	Requirement	Situation
<p><b>Report on Examination of New HIV Therapies</b></p> <p>Virginia Department of Health (VDH)</p>	<p>Item 310 E, 2003 Appropriation Act</p>	<ul style="list-style-type: none"> <li>Annual report to the Joint Subcommittee studying HIV on findings and recommendations resulting from examination of new therapies, including if additional treatment options and funding should be made available through the Virginia Medications Assistance Program.</li> </ul>	<ul style="list-style-type: none"> <li>VDH's survey response indicated that this reporting requirement is obsolete because the Joint Subcommittee studying HIV no longer exists.</li> <li>Situation indicates that this reporting requirement is a candidate for elimination.</li> </ul>
<p><b>Report on Jamestown 2007</b></p> <p>Virginia Tourism Authority (VTA)</p>	<p>Item 135 H, 2003 Appropriation Act</p>	<ul style="list-style-type: none"> <li>Annual report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the status of plans for the events marking the 400<sup>th</sup> anniversary of the 1607 settlement of Jamestown, to include plans of other agencies and State entities.</li> </ul>	<ul style="list-style-type: none"> <li>VTA's survey response indicated that the Foundation and 2007 agency are charged with the planning and administration of the 400<sup>th</sup> anniversary activities. The Appropriation Act, Item 257 D, requires annual reports by the Foundation relative to the planning of the celebration in 2007. This report is due by August 1 of each year. The report generated by VTA is a duplicative effort. The Jamestown 2007 report, which is due by October 1 of each year, is dependent on the completion of the Foundation's report.</li> <li>Situation indicates that this reporting requirement is a candidate for elimination.</li> </ul>
<p><b>Core Marketing and Advertising Report</b></p> <p>Virginia Tourism Authority (VTA)</p>	<p>Item 135 I, 2003 Appropriation Act</p>	<ul style="list-style-type: none"> <li>Annual report to the Chairmen of the House Appropriations and Senate Finance Committees on goals, objectives, and strategies of the Authority's marketing and advertising programs including the media used and dollars spent for advertising and the effectiveness and efficiencies of each.</li> </ul>	<ul style="list-style-type: none"> <li>VTA's survey response indicated that the Appropriation Act language was an attempt to develop reports to demonstrate the effectiveness of VTA's marketing and advertising programs. VTA prepares a marketing strategic plan for the General Assembly with its annual operating plan by July 1 of each year.</li> <li>Situation indicates that this reporting requirement is a candidate for elimination.</li> </ul>

Name of Report and Responsible Agency	Required by	Requirement	Situation
<p><b>Unique Military Activities Budget Submission</b></p> <p>State Council of Higher Education for Virginia (SCHEV)</p>	<p>Item 242 A.2, 2003 Appropriation Act</p>	<ul style="list-style-type: none"> <li>Annual report to the Director of the Department of Planning and Budget on the estimate of general and nongeneral funds necessary to support unique military activities.</li> </ul>	<ul style="list-style-type: none"> <li>SCHEV staff indicated that there is little if any value added by requiring SCHEV to act as the intermediary. It would save time and money if the institutions (only the Virginia Military Institute, Virginia Tech, and Mary Baldwin College) submitted their annual reports directly to the Department of Planning and Budget.</li> <li>Situation indicates that this reporting requirement is a candidate for revision.</li> </ul>
<p><b>Cadet Certification Report</b></p> <p>Virginia Tech (VT) and Mary Baldwin College (MBC)</p>	<p>Item 242 C, 2003 Appropriation Act</p>	<ul style="list-style-type: none"> <li>The Unique Military Appropriation for the Virginia Military Institute is distributed among cadets of the Virginia Corps of Cadets at MBC and VT as defined in a plan based on such contract and approved by the Secretary of Education. MBC and VT have to certify the cadets before receiving money.</li> </ul>	<ul style="list-style-type: none"> <li>According to VT, the allotment of the Unique Military Activities funds are withheld until the number of cadets is certified to the Secretary of Education. VT must manage program expenditures in a temporary manner until the number of cadets can be certified. It is inefficient for appropriations to be withheld until reporting requirements are met, and the Virginia Military Institute is not bound by the same restriction.</li> <li>Situation indicates that this reporting requirement is a candidate for elimination or revision.</li> </ul>
<p><b>Report on Auxiliary Enterprise Investment Yields</b></p> <p>State Council of Higher Education for Virginia (SCHEV)</p>	<p>Comptroller, Department of Accounts, under authority of Section 3-4.01, 2003 Appropriation Act</p>	<ul style="list-style-type: none"> <li>The educational and general programs in institutions of higher education shall recover the full indirect cost of auxiliary programs as determined by the State Council of Higher Education.</li> </ul>	<ul style="list-style-type: none"> <li>Institutions report this information to SCHEV; SCHEV reports it to the Comptroller. The Comptroller credits those institutions meeting the requirement with the interest earned by the investment of the funds of their auxiliary programs.</li> <li>SCHEV staff indicated it would make more sense for institutions to certify directly to the Comptroller that they are in compliance with the provisions of the law rather than having SCHEV serve as the intermediary.</li> <li>Senate Finance and House Appropriations Committee staff recommended that the institutions certify to DOA and that the Auditor of Public Accounts audit.</li> <li>Situation indicates that this reporting requirement is a candidate for revision.</li> </ul>



**List of Reporting Requirements that Could Be Eliminated or Revised Administratively**

Name of Report and Responsible Agency	Required by	Requirement	Situation
<p><b>Annual Virginia Best Management Practices (BMP) Program Report</b></p> <p>Department of Conservation and Recreation (DCR)</p>	<p>Item 436 J2, 1998 Appropriation Act</p>	<ul style="list-style-type: none"> <li>Report to the Chairmen of the House Appropriations and Senate Finance Committees on the agricultural BMPs program, including the number of participating farmers, acres under program management, types and frequencies of BMPs used, amounts of local and private funding matches, and results.</li> </ul>	<ul style="list-style-type: none"> <li>DCR's survey response indicated that the report was unnecessary or of limited use and that the information could be posted on the web or in a table.</li> <li>The language in the Appropriation Act has not been carried forward in recent years; however, DCR staff continues to prepare the report. The report was originally required through the Water Quality Improvement Act.</li> <li>Situation indicates that this reporting requirement could be eliminated administratively by DCR.</li> <li>The Director of DCR indicated that DCR has decided to post this information on its web site rather than submit the information to every member of the General Assembly.</li> </ul>
<p><b>Semi Annual Capital Outlay Status Report</b></p> <p>All agencies with capital projects</p>	<p>Section 4-8.01.d, 2003 Appropriation Act and the Department of General Services</p>	<ul style="list-style-type: none"> <li>Agencies report status of capital projects to the Department of General Services (DGS).</li> </ul>	<ul style="list-style-type: none"> <li>DGS's survey response indicated that the report format could be changed from printed forms to an electronic web-based format. This would save printing costs.</li> <li>In addition, DGS indicated that it has inquired about a web-based project management data program. Agencies could input data regarding capital projects as changes occur. This would allow for real time data about capital projects.</li> <li>Some of the information provided to DGS duplicates information provided to the Department of Planning and Budget (DPB). DPB could obtain information from the data program.</li> <li>Situation indicates that revisions to this reporting requirement could be handled administratively by DGS and DPB.</li> </ul>
<p><b>Capital Outlay Change Orders</b></p> <p>All agencies with capital projects</p>	<p>Department of General Services (DGS)</p>	<ul style="list-style-type: none"> <li>Report changes to capital projects to DGS who tracks the expenditures for capital projects and tracks unexpended funds.</li> </ul>	<ul style="list-style-type: none"> <li>Survey response indicated that this reporting requirement is unnecessary. The reporting consists of forwarding a copy of each capital project change order as the change order is issued. This is an after-the-fact distribution of information. No comments or questions (by DGS) have been asked.</li> <li>DGS indicated that it has inquired about a web-based project management data program. Agencies could input data regarding capital projects as changes occur. This would allow for real</li> </ul>

Name of Report and Responsible Agency	Required by	Requirement	Situation
<p><b>Capital Outlay Change Orders</b> (continued)</p>			<p>time data about capital projects.</p> <ul style="list-style-type: none"> <li>Some of the information provided to DGS duplicates information provided to the Department of Planning and Budget (DPB). DPB could obtain information from the data program.</li> <li>Situation indicates that revisions to this reporting requirement could be handled administratively by DGS and DPB.</li> </ul>
<p><b>Capital Project Review Summary (DPB Form A)</b></p> <p>All agencies with capital projects</p>	<p>Section 4-5.05.d.1, 2003 Appropriation Act</p>	<ul style="list-style-type: none"> <li>Agencies report capital project performance measurement information to DPB.</li> <li>This form is used to collect capital project performance measurement information and project reappropriation information.</li> </ul>	<ul style="list-style-type: none"> <li>Survey response indicated that some of the information required is duplicative of information provided to the Department of General Services. These reporting requirements should be coordinated.</li> <li>DGS indicated that it has inquired about a web-based project management data program. Agencies could input data regarding capital projects as changes occur. This would allow for real time data about capital projects.</li> <li>Some of the information provided to DGS duplicates information provided to the Department of Planning and Budget (DPB). DPB could obtain information from the data program.</li> <li>Situation indicates that revisions to this reporting requirement could be handled administratively by DGS and DPB.</li> </ul>
<p><b>Form BE (Budget Estimates)</b></p> <p>All agencies</p>	<p>Section 2.2-1504 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>A biennial report to the Governor in odd-numbered years in which agencies must submit estimates of their budget requirements for the four years after the biennial budget request. This information is also submitted to the Chairmen of the House Appropriations and Senate Finance Committees.</li> </ul>	<ul style="list-style-type: none"> <li>A university survey response indicated that information submitted in this form duplicates information submitted to the State Council of Higher Education for Virginia (SCHEV).</li> <li>DPB staff indicated that this information is required by the General Assembly and that the form could be eliminated if the General Assembly determined it no longer required the information.</li> <li>Senate Finance Committee staff indicated that this form provides needed information to the Committee and did not recommend its elimination.</li> <li>Situation indicates that streamlining this reporting requirement with SCHEV's requirement, if appropriate, could be handled administratively.</li> </ul>

Name of Report and Responsible Agency	Required by	Requirement	Situation
<p><b>Form FS (Federal Spending)</b> Agencies (excluding higher education institutions)</p>	<p>Section 2.2-603 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>Agency directors are required to report to the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees an annual report on the percentage of the agency's total annual budget that was supplied by funds from the federal government.</li> </ul>	<ul style="list-style-type: none"> <li>Survey response from a higher education institution indicated that the report was of no value to the institution.</li> <li>Agencies report this information through Form FS to DPB.</li> <li>Form FS specifically states that higher education institutions are exempt from this reporting requirement.</li> <li>Situation indicates that more communication needs to occur regarding what is and is not required of higher education institutions and that this could be handled administratively.</li> </ul>
<p><b>Estimates of Nongeneral Fund Revenue</b> All agencies</p>	<p>Section 2.2-1503 of the <i>Code of Virginia</i>; Item 136 E.6, 2003 Appropriation Act (State Council of Higher Education for Virginia), Section 4-1.05 b.3.10.c. (Department of Planning and Budget)</p>	<ul style="list-style-type: none"> <li>Agencies and higher education institutions report this information so that the Governor can prepare and submit his annual report to the General Assembly on the estimate of anticipated revenues for general and nongeneral funds.</li> <li>Both DPB and SCHEV are authorized to collect this information.</li> </ul>	<ul style="list-style-type: none"> <li>Survey responses indicated that the information reported to DPB and to SCHEV is duplicative and requests that the two agencies develop a coordinated request and form to meet all needs.</li> <li>SCHEV staff indicated that the DPB report did not include sufficient student level detail to satisfy this requirement.</li> <li>DPB collects this information for the Governor's report to the General Assembly on estimates of anticipated revenues.</li> <li>The 2003 Appropriation Act also requires DPB to review budget estimates, including nongeneral fund revenue, and verify their accuracy, as part of the budget planning and review process.</li> <li>Situation indicates that the revision of this reporting requirement could be handled administratively by DPB and SCHEV, if appropriate.</li> </ul>
<p><b>EEE – Early Enrollment Estimate Report</b> Institutions of higher education</p>	<p>Section 23-9.6:1 of the <i>Code of Virginia</i></p>	<ul style="list-style-type: none"> <li>Annual report to the State Council of Higher Education for Virginia (SCHEV) of fall semester enrollment used to verify accuracy of SCHEV enrollment projections.</li> </ul>	<ul style="list-style-type: none"> <li>Survey responses indicated that this report is of no value.</li> <li>SCHEV staff indicated that this report could be eliminated, but to do so would mean that higher education institutions would have to strictly adhere to the November deadline for the fall headcount submission.</li> <li>Situation indicates that this reporting requirement could be handled administratively as it is SCHEV's discretion as to the method for collecting this information.</li> </ul>

Name of Report and Responsible Agency	Required by	Requirement	Situation
<p><b>Consolidated Year End Collection for Financial Aid Programs</b></p> <p>Institutions of higher education</p>	<p>State Council of Higher Education for Virginia (SCHEV) under authority of Section 4-5.01.b, 2003 Appropriation Act</p>	<ul style="list-style-type: none"> <li>Report to SCHEV of the actual student financial aid awards.</li> </ul>	<ul style="list-style-type: none"> <li>Survey response from a university indicated that the information is not useful to the institution.</li> <li>SCHEV staff indicated that this information is used to respond to an annual national survey and to provide general answers to inquiries.</li> <li>SCHEV staff also indicated that this information could be extracted from the financial aid data file if institutions submitted their data file in time to use for this purpose.</li> <li>Situation indicates that revisions to this reporting requirement could be handled administratively by SCHEV.</li> </ul>
<p><b>Quarterly Agency Training and Expenditure Report</b></p> <p>All agencies</p>	<p>Department of Human Resource Management</p>	<ul style="list-style-type: none"> <li>Report demographics and associated costs of employees attending training.</li> </ul>	<ul style="list-style-type: none"> <li>This reporting requirement was identified as being unnecessary as the respondent did not know how or for what purposes the information was used.</li> <li>Situation indicates that this reporting requirement could be eliminated administratively by DHRM, if appropriate.</li> </ul>
<p><b>Quarterly Out of Country Travel Report</b></p> <p>All agencies</p>	<p>Executive Memorandum 7, 1994</p>	<ul style="list-style-type: none"> <li>Report to the Cabinet Secretaries on every out-of-country trip and out-of-state conference; was issued by Governor Allen to reduce travel costs.</li> </ul>	<ul style="list-style-type: none"> <li>Survey response from higher education institutions indicated that this report is no longer prepared and submitted to the Secretary of Education. Virginia State University thought that it was the only institution that still submitted this report.</li> <li>A 2001 report by the State Council of Higher Education for Virginia indicated that the Secretary of Education did not use the report or require the approval process.</li> <li>Situation indicates that this report could be eliminated administratively as it does not appear to be required at this time.</li> </ul>
<p><b>Minority Business Expenditures Report</b></p> <p>All agencies</p>	<p>Department of Minority Business Enterprises (DMBE) under the authority of Section 2.2-1405 of the Code of</p>	<ul style="list-style-type: none"> <li>Agencies report this information to DMBE so that the Director can annually report to the Governor and General Assembly on State expenditures to minority business enterprises during the</li> </ul>	<ul style="list-style-type: none"> <li>Survey responses indicated that this reporting requirement does not provide useful information.</li> <li>Another survey response indicated that the requirement could be changed to an annual report rather than a quarterly report.</li> <li>Executive Order 29 directed the Governor's Chief of Staff, Secretary of Administration, Department of Minority Business Enterprises, Department of General Services, and the Office of</li> </ul>

<b>Name of Report and Responsible Agency</b>	<b>Required by</b>	<b>Requirement</b>	<b>Situation</b>
<b>Minority Business Expenditures Report</b> (continued)	<i>Virginia</i> and Executive Order 29, 2002	previous fiscal year.	the Attorney General to develop a model written program for increasing the participation of small businesses and businesses owned by women and minorities in procurement transactions with agencies and public bodies. <ul style="list-style-type: none"><li>• Situation indicates that this reporting requirement could be eliminated or revised administratively, if appropriate.</li></ul>

**Appendix F**

**The Joint Subcommittee  
to  
Study the Operations, Practices, Duties and Funding  
of the  
Commonwealth's Agencies, Boards, Commissions, Councils  
and Other Governmental Entities**

**16 September 2003**

**The Library of Virginia  
Request for a Review of the Public Records Act**

---

In support of the Joint Subcommittee's work, the Library of Virginia has been pleased to provide information to the Joint Legislative Audit and Review Commission and the Division of Legislative Services on the Library's current innovative technology programs and cost-effective information-management strategies.

The Library, moreover, strongly supports the Subcommittee's efforts to ensure greater state-agency accountability and the effective, efficient, and economical use of current limited resources.

Specifically, the Library supports the utilization of the General Assembly's website for collecting and tracking reports due to the General Assembly and legislative agencies. The Library also supports the removal of obsolete or duplicative reporting requirements as recommended by JLARC and Legislative Services.

In that spirit, the Library recommends that the Subcommittee consider initiating a study of the Virginia Public Records Act, which establishes "a single body of law applicable to all public officers and employees on the subject of public records management and preservation" (42.1-123). The current act, however, carries no provisions addressing the growth and permanent significance of electronic records and publications.

The Library thus respectfully requests a review of the Public Records Act based on two of the agency's several mandated missions:

- ▶ as the Commonwealth's archival and records management agency (42.1-79), and
- ▶ as the state agency charged with responsibility for the Commonwealth's state documents program (2.2-609 B).

The Library, for example, already processes, preserves, and makes available to state agencies and citizens more than 200,000 Virginia government publications as well as 37,960 cubic feet of state records, or approximately 57 million items.

However, the remarkable and increasing utilization of electronic media for records storage and online publication poses particular challenges for ensuring better products and services at less cost to government and the consumer. It also poses several opportunities.

A revised Public Records Act thereby might include provisions, for example, that extend the act's current scope:

- ▶ by providing and assigning the authority to establish and maintain guidelines or regulations for the creation, transfer, and archival preservation of electronic state records and publications,
- ▶ by providing and assigning the authority to establish and maintain procedures for the official authentication of e-records and documents, and
- ▶ by establishing a means to identify, describe, receive, and manage discrete electronic government information products covered by copyright.

The Library of Virginia respectfully recommends that the proposed Study Commission be composed of eleven members, as follows: two members of the Senate, four members of the House of Delegates, a member of the Library Board appointed by the Senate Committee on Privileges and Elections, one citizen at large appointed by the Speaker of the House of Delegates, and the President of the Circuit Court Clerks Association. Two members shall serve as ex-officio members: the Director of Legislative Automated Systems and the State Records Administrator. The Library also recommends that two of its staff be named to provide technical support: the State Archivist and the Director of the State Documents Program.

The Library expects that such a review will further ensure cost effectiveness and streamline several mandated functions. Thank you for considering our request.

Nolan T. Yelich  
The Librarian of Virginia

Contact Information:  
Mary Clark  
804-692-3754  
mclark@lva.lib.va.us

## Appendix G

SPEAKERS ADDRESSING THE HOUSE JOINT RESOLUTION 159  
JOINT SUBCOMMITTEE IN 2003

<u>MEETING</u>	<u>SPEAKER</u>	<u>HANDOUTS PROVIDED*</u>
March 18, 2003	Edwards, Ginny, Division of Legislative Services	Yes
	Ford, Linda, Joint Legislative Audit and Review Commission	Yes
	Jonas, Kirk, Joint Legislative Audit and Review Commission	Yes
	Smiley, Walt, Joint Legislative Audit and Review Commission	Yes
May 20, 2003	Andrews, Debra Price, Board of Social Services	Yes
	Benedetto, Michael, Virginia Recycling Markets Development Council	No
	Bond, Charles, Advisory Board on Child Abuse and Neglect	Yes
	Courter, J. Carlton, III, Department of Agriculture and Consumer Services	Yes
	Davidson, Bambi, Greater Richmond Chamber of Commerce	No
	Edwards, Ginny, Division of Legislative Services	Yes
	Finley, Sarah, Office of the Secretary of Education	No
	Ford, Linda, Joint Legislative Audit and Review Commission	Yes



<u>MEETING</u>	<u>SPEAKER</u>	<u>HANDOUTS PROVIDED*</u>
	Holloman, Vernon, Proprietary Child Care Association	Yes
	Johnson, Gail, Child Day-Care Council	Yes
	Jonas, Kirk, Joint Legislative Audit and Review Commission	Yes
	Jones, Maurice, Department of Social Services	Yes
	Jones, Reggie, Lobbyist representing American Consulting Engineers Council of Virginia, Virginia Society of the American Institute of Architects, and Virginia Society of Professional Engineers	No
	Murphy, Michael, Department of Environmental Quality	Yes
	Nebiker, Robert A., Department of Health Professions	Yes
	Proto, Paul N., Design- Build/Construction Management Review Board	No
	Rimler, The Honorable Anita, Secretary of the Commonwealth	No
	Sliwoski, Richard, Department of General Services	No
	Smiley, Walt, Joint Legislative Audit and Review Commission	Yes
September 16, 2003	Abraham, Phil, Virginia Recycling Markets Development Council	No

<u>MEETING</u>	<u>SPEAKER</u>	<u>HANDOUTS PROVIDED*</u>
	Benedetto, Michael, Virginia Recycling Markets Development Council	Yes
	Bond, Charles, Advisory Board on Child Abuse and Neglect	Yes
	Bowman, Joseph, Department for the Blind and Vision Impaired	Yes
	Courter, J. Carlton, III, Department of Agriculture and Consumer Services	No
	Duke, Edward, Virginia Recycling Markets Development Council	No
	Edwards, Ginny, Division of Legislative Services	Yes
	Howe, Paul, Virginia Forestry Association	No
	Jackson, Ellen, Joint Legislative Audit and Review Commission	Yes
	Jonas, Kirk, Joint Legislative Audit and Review Commission	Yes
	Jones, Diane, Virginia Recycling Markets Development Council	No
	Knapp, Jack, Child Protective Services Out-of-Family Investigations Advisory Committee	No
	Nebiker, Robert A., Department of Health Professions	Yes

<u>MEETING</u>	<u>SPEAKER</u>	<u>HANDOUTS PROVIDED*</u>
	Pardue, Ray, Child Protective Services Out-of-Family Investigations Advisory Committee	No
	Ricks, Shirley, Department of Mental Health, Mental Retardation and Substance Abuse Services	Yes
	Smiley, Walt, Joint Legislative Audit and Review Commission	Yes
	Smith, Mark, Office of the Secretary of Education	No
	Turner, C. Harrell, Board of Forestry	Yes
	Youngblood, Gary, Reforestation Board	No
November 14, 2003	Abraham, Phil, Virginia Recycling Markets Development Council	No
	Bawcum, Connie, Virginia First Cities Coalition	No
	Discenza, Mary Ann, Department of Mental Health, Mental Retardation, and Substance Abuse Services	No
	Edwards, Ginny, Division of Legislative Services	Yes
	Ernst, Bill, Department of Housing and Community Development	No
	Jackson, Ellen, Joint Legislative Audit and Review Commission	Yes

<u>MEETING</u>	<u>SPEAKER</u>	<u>HANDOUTS PROVIDED*</u>
	Jonas, Kirk, Joint Legislative Audit and Review Commission	Yes
	Katzman, Rita, Department of Social Services	No
	Knapp, Jack, Child Protective Services Out-of-Family Investigations Advisory Committee	No
	McCormack, Ted, Department of Housing and Community Development	No
	Messick, Eric, Joint Legislative Audit and Review Commission	Yes
	Murphy, Mike, Department of Environmental Quality	No
	Rauschberg, Carolyn, Department of Human Resource Management	No
	Rothrock, Jim, Department of Rehabilitative Services	No
	Smiley, Walt, Joint Legislative Audit and Review Commission	Yes

\* Speaker handouts may be obtained by contacting Ellen Jackson, Joint Legislative Audit and Review Commission (804-786-1258), or Ginny Edwards, Division of Legislative Services (804-786-3591, extension 238).







