2004 Special Session I

Budget Bill - HB5001 (Chapter 4)

Item 255	First Year - FY2005	Second Year - FY2006
Historic and Commemorative Attraction Management (50200)	**$5,265,025**	**$5,522,025**
Commemorative Attraction Management (50202)	$5,265,025	$5,522,025
Fund Sources:		
General	$241,460	$241,460
Special	$23,565	$280,565
Dedicated Special Revenue	$5,000,000	$5,000,000

Authority: Discretionary Inclusion

A.1. The funds in this appropriation are designated for organizing, coordinating and supporting the planning, promotion, and commemoration of the 400th anniversary of the Jamestown Settlement in 2007. Allotment of this appropriation by the Department of Planning and Budget shall be consistent with the operating plan and progress reports submitted pursuant to paragraph D below.

2. Any employees paid from this appropriation shall be exempt from the Virginia Personnel Act.

B.1. The State Comptroller shall continue on the books of the Commonwealth a special non-reverting fund to be known as the Virginia 400th Anniversary Fund (V400). Private funds associated with the Jamestown 2007 commemoration shall be deposited to this Fund for sole use by the Jamestown-Yorktown Foundation to provide planning and support for the 2007 commemoration and related events, to provide matching grants to the Virginia Cultural Network special 2007 programs as well as 2007-related cultural and community programs, to provide for 2007-focused educational outreach programs, and to provide for regional cooperative advertising programs with a 2007 commemoration related theme.

2. The Jamestown-Yorktown Foundation shall have the responsibility for recording and maintaining all appropriate records and financial reporting of the Fund in accordance with generally accepted accounting principles. The State Comptroller and the Auditor of Public Accounts shall periodically review the Foundation’s accounting and financial procedures for compliance with the requirement of this subparagraph.

C.1. The Secretary of Finance shall provide Jamestown 2007 an interest-free anticipation loan in the amount of $5,000,000 to serve as an advance stream of funds in anticipation of private funding generated from corporate sponsorships and other activities or revenue as may be transferred to the Fund pursuant to Item 254, paragraph B.2. Any loan shall be based on the revenue estimated from these activities and, notwithstanding the provisions of §4-3.02 b. of this act, may be extended for a period longer than twelve months. The Jamestown-Yorktown Foundation shall report quarterly to the Secretary of Finance and the Secretary of Education regarding its request for, and planned use of, funds loaned pursuant to this provision, and the funds so requested shall be disbursed with the approval of the Secretary of Finance and the Secretary of Education.

2. The Secretary of Finance, with the concurrence of the Secretary of Education, may increase the amount of the treasury loan pursuant to this provision based on a financial analysis identifying revenues to be received by the Fund in excess of $5,000,000.

D. By August 1 of each year, the Jamestown-Yorktown Foundation shall submit annual progress reports, which shall include the physical and programmatic aspects of the events, the fund-raising activities of the Virginia 400th Anniversary Fund, and the uses of the Fund to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees regarding the planned and completed work of the Jamestown 2007 Steering Committee.

E. With the prior written approval of the Director of the Department of Planning and Budget, funding and positions in the Jamestown 2007 appropriation may be transferred to the Jamestown-Yorktown Foundation if deemed appropriate.

F. 1. In addition to all other fees required by law, there is imposed a one-dollar annual fee on the registration by the Department of Motor Vehicles of each pickup or panel truck and each motor vehicle, to be charged and collected at the time of registration under subdivisions A1 through A12 of § 46.2-694, Code of Virginia.

2. The Commissioner of Motor Vehicles shall cause appropriate language and symbols calling attention to the 400th anniversary of the Jamestown settlement in 2007 to be placed on all standard license plates issued by the Department of Motor Vehicles. In each fiscal year, the funds collected from the one-dollar annual registration fee pursuant to paragraph F.1 of this Item shall be applied first to cover the costs of the Department of Motor Vehicles in administering the commemorative license program. The next $3,000,000 in funds collected under the provisions of paragraph F.1 of this Item shall be paid to the Virginia 400th Anniversary Fund to support educational programs sponsored or approved by the Jamestown-Yorktown Foundation, community programs, facility operations and other activities related to the planning, promotion and commemoration of the 400th anniversary of Jamestown and Virginia in 2007. Any funds in excess of $3,000,000 but not greater than $5,000,000 collected under the provisions of paragraph F.1 of this Item shall be paid as follows: (i) one-half of the excess amount shall be deposited to the Virginia 400th Anniversary Fund to be used for the same purposes specified above for the Fund, and (ii) one-half of the excess amount shall be deposited to the special fund of the Department of Motor Vehicles to assist with the costs of implementing Chapter 817 and Chapter 819 as enacted by the 2003 Session of the General Assembly. Any funds in excess of $5,000,000 collected under the provisions of paragraph F.1. of this Item shall be deposited to the Virginia Land Conservation Fund to be distributed pursuant to § 10.1-1020, Code of Virginia, and the provisions of Item 383, Paragraph J, of this act.

3. The Jamestown-Yorktown Foundation shall prepare an operating plan for the use of any monies paid into the Virginia 400th Anniversary Fund pursuant to the provisions of paragraphs F.1 and F.2 of this Item and receive the Governor's approval of such operating plan prior to the allotment of such monies for expenditure.

4. It is the intent of the General Assembly that the provisions of this Item to support the special license plate program and other activities in commemoration of the 400th anniversary of the Jamestown settlement and Virginia not be continued past January 1, 2008.

G. Except as provided otherwise in this paragraph, the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq., Code of Virginia) shall not apply to the expenditure of funds from the Virginia 400th Anniversary Fund. However, the provisions of this paragraph shall not be effective until such time as the Board of Trustees of the Jamestown-Yorktown Foundation has adopted guidelines generally applicable to the procurement of goods and services by the Jamestown-Yorktown Foundation and Jamestown 2007 through the expenditure of funds from the Virginia 400th Anniversary Fund. The guidelines shall implement a system of competitive negotiation for professional services; shall prohibit discrimination because of race, religion, color, sex or national origin of the bidder or offeror in the solicitation or award of contracts; may take into account in all cases the dollar amount of the intended procurement, the term of the anticipated contract, and the likely extent of competition; may

implement a prequalification procedure for contractors or products; may include provisions for cooperative procurement arrangements; shall incorporate the prompt payment principles of §§ 2.2-4350 and 2.2-4354, Code of Virginia; and may implement provisions of law. The following sections of the Virginia Public Procurement Act shall continue to apply to procurement by the Jamestown-Yorktown Foundation and Jamestown 2007 with funds from the Virginia 400th Anniversary Fund: §§ 2.2-4311, 2.2-4315, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4340 through 2.2-4342, and 2.2-4367 through 2.2-4377, Code of Virginia.