2006 Special Session I

Budget Bill - HB5012 (Introduced)

Department of Minority Business Enterprise

Item 125	First Year - FY2005	Second Year - FY2006
Industrial Development Services (53400)	**$435,013**	**$463,163**
Minority Enterprise Coordination and Promotion (53406)	$435,013	$463,163
Fund Sources:		
General	$435,013	$463,163

Authority: Title 2.2, Chapter 14; Title 11, Chapter 7, Article 2, Code of Virginia.

A. Notwithstanding paragraphs F, G, H, I, and J of Item 107, out of the amounts provided for the Department of Business Assistance, $199,592 in the first year and $200,408 in the second year from the general fund and $1,065,924 in the first year and $1,065,924 in the second year from Commonwealth Transportation funds shall be transferred to the Department of Minority Business Enterprise. In addition, 3.00 general fund positions and 13.50 nongeneral fund positions in each year shall be transferred from the Department of Business Assistance to the Department of Minority Business Enterprise.

B. Notwithstanding paragraph G of Item 107, the Department of Minority Business Enterprise, in conjunction with the Department of General Services, the Virginia Employment Commission and the Virginia Department of Transportation, is authorized to conduct analyses of the availability of minority business enterprises in Virginia and the utilization of such businesses by the Commonwealth of Virginia, localities or private industry in the acquisition of goods and services. To carry out such analyses, the Department is authorized to receive and accept from the United States government, or any agency thereof, and from any other source, private or public, any and all gifts, grants, allotments, bequests or devises of any nature that would assist the Department in conducting such analyses or otherwise strengthen its services to minority business enterprises. The Department is further authorized to create and hold an institutional fund for its exclusive use and purposes into which it may deposit the proceeds of any gift, grant, bequest, allotment, or devise of any nature received from private sources. Such fund shall be subject to the Uniform Management of Institutional Funds Act (§ 55-268.1 et seq., Code of Virginia). The fund and the income from such fund shall not be subject to the provisions of § 2.2-1802, Code of Virginia. The availability of such fund shall not be taken into consideration in, nor be used to reduce, state appropriations or payments, but such funds shall be used in accordance with the wishes of the donors thereof to offset the costs of conducting analyses of the availability and utilization of minority business enterprises or otherwise strengthen the services rendered by the Department to minority business enterprises in the Commonwealth. The Director, Department of Planning and Budget, is authorized to establish a nongeneral fund appropriation for the purposes of expending revenues that may be received for this program.

C. Notwithstanding paragraph K of Item 107, the Governor shall determine an appropriate entity to perform all accounting, financial reporting, procurement, purchasing, personnel, payroll, and other nonprogram administrative functions for the Department of Minority Business Enterprise. Both agency directors shall certify to the State Comptroller that the systems, processes, and procedures are sufficient to provide each agency with adequate internal controls and comply with all applicable laws, rules, and regulations of the Commonwealth and any applicable federal grants or contracts. Should either agency director determine that a system, process, or

procedure prevents them from fulfilling their programmatic mission, he shall document this concern in writing to the State Comptroller, who shall recommend changes, if any, to accommodate the concern. An interagency agreement shall be entered into by July 1, 2005, stipulating any payment to be made by the Department of Minority Business Enterprise for services rendered. Terms of such agreement are to be reflected in the budget bill submitted to the 2006 Session of the General Assembly.