

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #1: Revenue Adjustments

Item 0

Revenues

Revenues

Language

Language:

Page 1, line 23, strike "\$131,278,370" and insert "\$122,544,028"

Page 1, line 23, strike "\$131,278,370" and insert "\$122,544,028"

Page 1, line 25, strike "\$14,582,339,334" and insert "\$14,583,501,585"

Page 1, line 25, strike "\$15,313,302,884" and insert "\$15,303,132,884 "

Page 1, line 25, strike "\$29,895,642,218" and insert "\$29,886,634,469"

Page 1, line 26, strike "\$411,911,411" and insert "\$414,412,520"

Page 1, line 26, strike "\$446,714,888" and insert "\$444,899,509"

Page 1, line 26, strike "\$858,626,299" and insert "\$859,312,029 "

Page 1, line 28, strike "\$15,379,288,761" and insert "\$15,374,217,779"

Page 1, line 28, strike "\$16,029,331,671" and insert "\$16,017,346,292"

Page 1, line 28, strike "\$31,408,620,432" and insert "\$31,391,564,071"

Page 1, line 37, strike "\$41,915,727,550" and insert "\$41,910,656,568"

Page 1, line 37, strike "\$40,345,011,317" and insert "\$40,333,025,938"

Page 1, line 37, strike "\$82,260,738,867" and insert "\$82,243,682,506"

Explanation:

(This amendment adjusts the general fund resources on Page 1 of the act for the following adjustments:

(\$8.7M) reduction in balance carried forward from June 30, 2010, in HB 29

(\$10.0M) for Section 199 federal tax conformity (FY 2012)

(\$0.8M) relief from Retaliatory Taxes (FY 2012)

\$0.5M from prior year's recovery from Richmond Department of Social Services (FY 2011)

\$0.6M annually from criminal fees (FY 2011 and FY 2012)

\$0.5M in energy rate savings in FY 2011 and \$0.2M in FY 2012

Movement of \$2.0 million in SCC balance reversions from FY 2012 to FY 2011

It is the intent of the General Assembly that this amendment will be revised, if necessary, during re-enrollment based upon actions on these separate resource amendments at the 2010 reconvened session.)

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Amendment #2: Removal of potentially conflicting language

Item 39

Judicial Department

Supreme Court of Virginia

Language

Language:

Page 21, strike lines 1 through 11.

Page 21, line 12, strike "K" and insert "J".

Explanation:

(This amendment removes language establishing two pilot programs for dealing with probation violators based on Hawaii's HOPE program. The General Assembly passed House Bill 927, which authorizes the establishment of a similar program. Removal of the budgetary language will ensure no conflicts ensue with the implementation of House Bill 927.)

Amendment #3: Jails charging inmates for operating costs of inmate work programs

Item 67.20

Administration

Compensation Board

Language

Language:

Page 40, after line 36, insert:

“N. Notwithstanding the provisions of §§ 53.1-131 through 53.1 -131.3, Code of Virginia, local and regional jails may charge inmates participating in inmate work programs a reasonable daily amount, not to exceed the actual daily cost, to operate the program.”

Explanation:

(This amendment would allow sheriffs and regional jails to charge inmates on work programs an amount each day to help offset the costs for these programs. This language is intended to allow sheriffs and regional jails to be reimbursed for costs incurred for overseeing individuals sentenced to day work crews (i.e., they do not stay overnight in a jail). At present, sheriffs and regional jails can only seek reimbursement for individuals sentenced to spending time in jails and participating in work programs.)

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Amendment #4: Clarify career development program language

Item 67.90

Administration

Compensation Board

Language

Language:

Page 53, after line 3, insert:

"R. Notwithstanding Items 67.20, 67.40, 67.50, 67.60, 67.70 and 67.80, any Career Development Program supported by the Compensation Board with state funds shall remain in effect for those individuals who were participating in the program prior to January 1, 2010, and still meet all necessary program qualifications."

Explanation:

(This amendment clarifies that career development programs supported by state funding shall be suspended for any individual who was not participating in the program on January 1, 2010. This amendment is intended to supersede language in House Bill 30 that conflicts with the General Assembly's action to restore funding for the various constitutional officers' career development programs.)

Amendment #5: Clarify retirement reimbursement rate

Item 67.90

Administration

Compensation Board

Language

Language:

Page 53, after line 3, insert:

"R.1. Compensation Board payments of, or reimbursements for, the employer paid contribution to the Virginia Retirement System, or any system offering like benefits, shall not exceed the Commonwealth's proportionate share of the following, whichever is less: (a) the actual retirement rate for the local constitutional officer's office or regional correctional facility as set by the Board of the Virginia Retirement System or (b) the employer rate established for the general classified workforce of the Commonwealth covered under and payable to the Virginia Retirement System.

2. The rate specified in paragraph R.1. shall exclude the cost of any early retirement program implemented by the Commonwealth.

3. Any employer paid contribution costs for rates exceeding those specified in paragraph R.1. shall be borne by the employer."

Explanation:

(This amendment clarifies the level of payment at which the Compensation Board shall reimburse localities for retirement costs for constitutional offices. This language was inadvertently not restored when the General Assembly restored funding to cover retirement costs.)

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Amendment #6: Remove surplus retirement funding and restore budget reduction

Item 67.95

Administration	FY 10-11	FY 11-12
Compensation Board	(\$5,270,419)	(\$5,270,419) GF

Language:

Page 53, after line 3, insert:

"67.95 Executive Management (71300)	(\$5,270,419)	(\$5,270,419)
Savings From Management Actions (71301)	(\$5,270,419)	(\$5,270,419)
Fund Sources: General	(\$5,270,419)	(\$5,270,419)

Authority: Discretionary Inclusion

A. Included in this appropriation is \$15,792,620 the first year and \$15,792,620 the second year from the general fund to eliminate the constitutional offices' across-the-board funding reduction strategy. As of July 1, 2010, the Compensation Board shall not implement reduction strategies relying on personnel turnover and vacancy savings from constitutional offices.

B. Included in this appropriation is a reduction of \$21,063,039 the first year and \$21,063,039 the second year from the general fund to reflect savings due to adjusted payable retirement benefits rates identified in Item 469, paragraph I.1."

Explanation:

(This amendment identifies \$21.1 million each year of general fund savings resulting from the restoration to constitutional officers of retirement and related benefits funding removed in the introduced budget. The amount restored was based on Virginia Retirement System (VRS)-related rates assumed at the beginning of the General Assembly session, and not on the VRS-related rates assumed in the enrolled bill. Although this results in savings to the state, the General Assembly intended to reduce the cuts to the constitutional offices. Consistent with this intent, this amendment also provides \$15.8 million each year from the general fund and language to eliminate an across-the-board reduction to constitutional offices previously identified with turnover and vacancy savings. The net result is a savings of \$5.3 million of general fund.)

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Amendment #7: Amend Weights and Measures Program inspection

Item 88

Agriculture and Forestry

Department of Agriculture and Consumer
Services

Language

Language:

Page 66, line 32, after "devices" insert ", or third-party agencies on behalf of the owner,"

Explanation:

(This amendment adds language to allow third-party agencies to submit the required reports on behalf of their clients. This additional language will provide clarification for owners who have their weights and measures devices inspected by third-party service agencies.)

Amendment #8: Provide general fund support for economic development projects

Item 96

Commerce and Trade

FY 10-11

FY 11-12

Economic Development Incentive Payments

\$3,420,000

\$5,800,000 GF

Language:

Page 71, line 2, strike "\$50,050,436" and insert "\$53,470,436".

Page 71, line 2, strike "\$30,798,436" and insert "\$36,598,436".

Page 72, strike lines 8 through 18.

Page 72, line 44, after "year" insert "and \$1,000,000 the second year".

Page 73, after line 49, insert:

"L. Out of the appropriation for this Item, up to \$3,420,000 the first year from the general fund shall be paid for a grant for the reimbursement of sales and use taxes paid by an eligible entity for purchase of certain computer equipment and enabling hardware pursuant to the second enactment clause of Senate Bill 130/House Bill 302, 2010 Session of the General Assembly.

M. Out of the appropriation for this Item, up to \$4,800,000 the second year from the general fund shall be transferred to the Department of Mines, Minerals and Energy for deposit to the Biofuels Production Fund. These funds are to be used to provide a grant in support of the location and construction of a non-advanced neat biofuel production facility in the City of Hopewell. In the event grant obligations are due in the first year, the Director, Department of Planning and Budget is hereby authorized to transfer funding from the second year to the first year to make necessary payments. The grant shall be in an amount equal to \$0.10 for each gallon of neat biofuels sold by the producer in the calendar year. Such producer shall be eligible for a grant from the Biofuels Production Fund established under § 45.1-393, Code of Virginia, only for each gallon of neat biofuels that it produces in the Commonwealth on or after January 1, 2008, which gallon has also been sold by the producer to customers."

Explanation:

(This amendment provides \$3.42 million in FY 2011 and \$5.80 million in FY 2012, from the general fund, for existing economic development commitments. These funds will be used as follows: \$1.0 million in FY 2012

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toward a \$22 million grant program for the location of a research entity; \$3.42 million in FY 2011 for an incentive grant relating to sales and use tax exemptions for the purchase of computer equipment, as provided for in the second enactment clause of HB302/SB130, 2010 Session; and \$4.8 million for a Biofuels Production Incentive Grant in support of the location and construction of a non-advanced neat biofuel production facility in the City of Hopewell. The amendment also provides authorization for the Director of the Department of Planning and Budget to transfer appropriation to the first year as necessary for Biofuels Production Incentive Grant payments. In addition, the amendment strikes language earmarking funds for the Biofuels Production Incentive Grant and the grant for the reimbursement of sales and use taxes as provided for in HB302/SB130 from the Governor's Development Opportunity Fund.)

Amendment #9: Restore funds for the Governor's Development Opportunity Fund

Item 96

Commerce and Trade	FY 10-11	FY 11-12
Economic Development Incentive Payments	\$0	\$6,000,000 GF

Language:

Page 71, line 2, strike "\$30,798,436" and insert "\$36,798,436".

Page 71, line 13, strike "\$5,811,055" and insert "\$11,811,055".

Explanation:

(This amendment increases funding for the Governor's Development Opportunity Fund by \$6.0 million in FY 2012.)

Amendment #10: Restore a portion of the administrative appropriation reduction

Item 98

Commerce and Trade	FY 10-11	FY 11-12
Department of Business Assistance	\$300,000	\$0 GF

Language:

Page 74, line 15, strike "\$15,774,897" and insert "\$16,074,774"

Explanation:

(This amendment restores a portion of the administrative appropriation reduction proposed by the General Assembly in the first year. The agency plays an integral part in the economic development of jobs and training through programs such as the Virginia Jobs Investment Program, the Loan Guarantee Program, and the Business One-Stop Program. With additional economic development demands, the agency's work demands will increase.)

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Amendment #11: Amend language prioritizing Virginia Jobs Investment Program grants

Item 98

Commerce and Trade

Department of Business Assistance

Language

Language:

Page 74, line 39, strike "30" and insert "10"

Page 74, line 42, after "section." insert "Periodically, the agency shall report to the Governor and the Secretary of Commerce and Trade the expenditure of the Small Business Jobs Grant Fund and anticipated needs for small business development in order to monitor the effective use of funds and provide additional funding as needed for small businesses."

Explanation:

(This amendment changes the amount required to be transferred from the Virginia Jobs Investment Program to the Small Business Jobs Grant Fund to ten percent. The amendment also adds language for the Governor and the Secretary of Commerce and Trade to receive reports to help determine and provide additional funding for small businesses.)

Amendment #12: Restore administrative funding

Item 112.10

Commerce and Trade

FY 10-11

FY 11-12

Department of Mines, Minerals and Energy

\$750,000

\$0 GF

Language:

Page 82, line 5, strike "(\$750,000)" and insert "\$0".

Explanation:

(This amendment restores funding in the first year to the administrative budget for the Department of Mines, Minerals and Energy to help ensure the execution of state programs that limit safety risks for the public and for the workers in the industries regulated by the agency.)

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Amendment #13: Restore funds for the Virginia Commercial Space Flight Authority

Item 114

Commerce and Trade	FY 10-11	FY 11-12
Virginia Economic Development Partnership	\$541,220	\$162,125 GF

Language:

Page 82, line 40, strike "\$18,875,114" and insert "\$19,416,334".

Page 82, line 40, strike "\$19,253,134" and insert "\$19,415,259".

Page 83, line 52, strike "\$837,875" and insert "\$1,379,095".

Page 83, line 53, strike "\$837,875" and insert "\$1,000,000".

Explanation:

(This amendment provides additional general fund support for the operations of the Virginia Commercial Space Flight Authority.)

Amendment #14: Restore funding for the Virginia Economic Development Partnership

Item 114

Commerce and Trade	FY 10-11	FY 11-12
Virginia Economic Development Partnership	\$528,313	\$0 GF

Language:

Page 82, line 40, strike "\$18,875,114" and insert "\$19,403,427".

Explanation:

(This amendment partially restores funds for the operating expenses of the Partnership. HB30/SB30, as introduced, included a 10 percent reduction in each year to the Partnership's operating budget; the 2010 General Assembly increased that reduction to approximately 15 percent in each year. The funds included in this amendment are necessary in order for the Partnership to execute new and expanded programs included in HB30/SB30, as passed by the General Assembly.)

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Amendment #15: Provide language to extend designation of federal Reed Act funding

Item 115

Commerce and Trade

Virginia Employment Commission

Language

Language:

Page 85, after line 38, insert:

"D. There is hereby appropriated out of the funds made available to this state under § 1103 of the Social Security Act (42 U.S.C.), as amended, the balance of the \$8,300,000 second year of Reed Act Funds, if any, provided in Item 125 C. of Chapter 781, 2009 Acts of Assembly, to be used under the direction of the Virginia Employment Commission, and notwithstanding the requirements of § 60.2-305 A.2.b., Code of Virginia, for the purpose of administering the federal Wagner-Peyser Job Service Grant and the federal Unemployment Insurance Grant."

Explanation:

(This amendment includes language under the Virginia Employment Commission to continue the designation of federal Reed Act funding for the agency's information technology project. This federal Reed Act funding is designated for the new system in the current budget, and due to contract complications the agency needs to extend the designation in FY 2011 and FY 2012.)

Amendment #16: Strike earmark for public television and radio promotion

Item 120

Commerce and Trade

Virginia Tourism Authority

Language

Language:

Page 88, strike lines 15 through 19.

Page 88, line 20, strike "N." and insert "M."

Explanation:

(This amendment strikes language directing Tourism provide \$200,000 in each year to the Virginia Association of Public Television and Radio to promote Virginia Tourism. The 2010 General Assembly did not provide funding for this purpose.)

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Amendment #17: Continue phase-out of funding for public radio and television

Item 122

Education	FY 10-11	FY 11-12
Secretary of Education	\$0	(\$592,835) GF

Language:

Page 90, line 30, strike the second "\$1,915,743" and insert "\$1,322,908".

Page 90, line 43, strike "\$10,000 the first year and \$10,000" and insert "\$7,500 the first year and \$5,000".

Page 91, line 7, strike "\$39,000 the first year and \$39,000" and insert "\$29,250 the first year and \$19,500".

Explanation:

(This amendment phases out funding for public radio and television over a four-year period to account for the availability of other sources of educational programming.)

Amendment #18: Phase out funding for educational telecommunications

Item 123

Education	FY 10-11	FY 11-12
Secretary of Education	(\$555,334)	(\$1,110,668) GF

Language:

Page 91, line 12, strike the first "\$2,221,336" and insert "\$1,666,002".

Page 91, line 12, strike the second "\$2,221,336" and insert "\$1,110,668".

Explanation:

(This amendment phases out funding for educational telecommunications and radio reading services over a four-year period to account for the availability of other sources of educational programming.)

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Amendment #19: Transfer additional Literary Fund monies

Item 132

Education: Elementary and Secondary	FY 10-11	FY 11-12
Direct Aid to Public Education	(\$3,575,000)	(\$3,575,000) GF
	\$3,575,000	\$3,575,000 NGF

Language:

Page 107, line 4, strike "\$138,000,000" and insert "\$141,575,000".

Page 107, line 4, strike "\$124,511,428" and insert "\$128,086,428".

Explanation:

(This amendment transfers additional Literary Fund money to support teacher retirement. Additional revenue is anticipated from the increased penalties for speeding violations. A corresponding reduction in the general fund is made resulting in a net zero impact for Direct Aid. This is a companion to the amendment in general provisions, section 5.0, which increases the fines for speeding violations.)

Amendment #20: Include authority for the purchase of hand held devices

Item 132

Education: Elementary and Secondary

Direct Aid to Public Education

Language

Language:

Page 114, after line 52, insert:

"c) For purposes of establishing or enhancing a computer-based instructional program supporting the Standards of Learning pursuant to paragraph g. 1) above, school divisions may use these grant funds to purchase handheld multifunctional computing devices that support a broad range of applications and that are controlled by operating systems providing full multimedia support and mobile Internet connectivity. School divisions that elect to use these grant funds to purchase such qualifying handheld devices must continue to meet the on-line testing requirements stated in paragraph g. 1) above."

Page 114, line 53, strike "c" and insert "d".

Page 115, line 9, strike "d" and insert "e".

Explanation:

(This amendment provides authority for school divisions to purchase hand held devices through the use of technology notes. This language is permissive and school divisions must still meet all on-line testing requirements.)

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Amendment #21: Provide funding to support 100 percent match for federal funds

Item 224

Education: Higher Education	FY 10-11	FY 11-12
VSU Cooperative Extension and Agricultural Research Services	\$440,753	\$0 GF

Language:

Page 172, line 32, strike "\$9,867,707" and insert "\$10,308,460".

Explanation:

(This amendment provides funding to meet the required 100 percent state match for federal land grant funds in FY 2011. Without this funding, Virginia State University is at risk of not receiving its full complement of federal funding required to continue its extension and research efforts in support of Virginia's farmers.)

Amendment #22: Provide funding for the Hampton University Proton Therapy Institute

Item 244

Education: Other	FY 10-11	FY 11-12
Higher Education Research Initiative	\$0	\$510,000 GF

Language:

Page 181, line 4, strike "\$0" and insert "\$510,000".

Page 181, line 13, after "year" insert "and \$510,000 the second year".

Explanation:

(This amendment provides funding in FY 2012 to honor the Commonwealth's commitment to support construction of the Hampton University Proton Therapy Institute and the resulting economic benefits that it brings to the Tidewater area.)

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Amendment #23: Address treatment of general fund support for higher education

Item 248

Finance

Department of Accounts

Language

Language:

Page 185, strike lines 18 through 23, and insert:

"E. It is the intent of the General Assembly that the Governor's Commission on Higher Education Reform, Innovation, and Investment will review the proposal to no longer permit the transfer of general fund appropriations to nongeneral funds for institutions of higher education. The review should include the anticipated costs and benefits associated with this action, as well as a recommendation on the appropriate course of action for potential implementation by FY 2012. It is anticipated that such review would take into account the efforts by the Commonwealth to upgrade the capabilities of its financial systems."

Explanation:

(This amendment modifies language addressing the treatment of general fund support for higher education by directing the Governor's Higher Education Commission to study this issue and recommend an appropriate course of action for possible implementation by FY 2012. This change allows time to study the impacts of this proposal in order to fully understand the advantages and consequences of implementing it, as well as avoid possible violations of federal State Fiscal Stabilization Fund maintenance of effort (MOE) requirements that are in effect through FY 2011.)

Amendment #24: Modify communication sales and use tax distribution language

Item 262

Finance

Department of Taxation

Language

Language:

Page 195, line 21, strike "J." and insert "J.1."

Page 195, line 28, after "Virginia" insert ", and Item 279 of this act".

Page 195, after line 30, insert:

"2. It is the intent of the General Assembly that all such revenues be distributed to counties, cities, and towns, the Department for the Deaf and Hard-of-Hearing, and for the costs of administering the Virginia Communications Sales and Use Tax."

Explanation:

(This amendment clarifies the intent that all communication sales and use tax revenue be distributed to counties, cities, and towns, the Department for the Deaf and Hard-of-Hearing, and for the Department of Taxation's costs incurred in administering the tax. Item 279 provides for the use of these funds by the Department for the Deaf and Hard-of-Hearing for the Technology Assistance Program, which provides adaptive telecommunication equipment to qualified applicants whose hearing loss or disabilities prevent them from using a standard telephone.)

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Amendment #25: Capture additional debt service savings

Item 271

Finance

	FY 10-11	FY 11-12
Treasury Board	(\$4,956,050)	(\$4,822,975) GF

Language:

Page 199, line 16, strike "\$576,402,915" and insert "\$571,446,865".

Page 199, line 16, strike "\$624,232,591" and insert "\$619,409,616".

Page 200, line 47, strike "\$20,432,958" and insert "\$15,476,908".

Page 200, line 47, strike "\$59,712,424" and insert "\$54,889,449".

Page 200, line 48, strike "\$255,606,772" and insert "\$250,650,722".

Page 200, line 48, strike "\$287,542,443" and insert "\$282,719,468".

Explanation:

(This amendment captures general fund dollars that are budgeted for debt service payments. Treasury Board secured more favorable rates than anticipated for a recent issuance through the Virginia Public Building Authority.)

Amendment #26: Authorize issuance of bonds for RSW Regional Jail

Item 271

Finance

Treasury Board

Language

Language:

Page 201, after line 7, insert:

"RSW Regional Jail \$32,840,850"

Page 201, line 8, strike "\$208,561,768" and insert "\$241,402,618".

Page 201, line 13, after "\$875,294." insert:

"The Commonwealth's share of the total cost of construction of the RSW Regional Jail project shall not exceed \$32,840,850."

Page 201, line 14, after "projects" insert:

"shall be subject to the approval of the Board of Corrections of the final expenditures and".

Explanation:

(This amendment authorizes the Virginia Public Building Authority to issue bonds in the amount of \$32.8 million to pay the state's share of the construction costs of the new RSW Regional Jail. The regional jail will serve Rappahannock, Shenandoah, and Warren counties. The amendment also specifies that no state reimbursement for the project shall be made before July 1, 2012, and clarifies that any reimbursement for the new projects contained in the budget bill shall be subject to the Board of Corrections' approval of the final expenditures. A companion amendment to Item 377 removes conflicting language.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #27: Modify language related to information technology health records grants

Item 273

Health & Human Resources

Secretary of Health and Human Resources

Language

Language:

Page 206, strike lines 15 through 22 and insert:

"F. By July 1, 2010, the Secretary of Health and Human Resources shall report to the Chairmen of the Senate Finance Committee and the House Appropriations Committee on the status of grants that have already been awarded, and by December 1, 2010, on the status of the Health Information Exchange Grant process."

Explanation:

(This amendment revises language to correspond to the health information exchange grant process since much of the grant funding has been awarded to extra-governmental entities.)

Amendment #28: Reduce funding for comprehensive services act

Item 274

Health & Human Resources

Comprehensive Services for At-Risk Youth and Families

FY 10-11

(\$3,298,432)

FY 11-12

(\$6,596,864) GF

Language:

Page 206, line 28, strike "\$329,843,220" and insert "\$326,544,788".

Page 206, line 28, strike "\$326,608,613" and insert "\$320,011,749".

Page 207, line 8, strike "\$66,119,312" and insert "\$62,820,880".

Page 207, line 9, strike "\$66,119,312" and insert "\$59,522,448".

Page 210, after line 13, insert:

"L. Notwithstanding the provisions of C.3. of this Item, or any law to the contrary, reimbursements to localities shall not exceed the amount appropriated in this Item."

Explanation:

(This amendment reduces funding for the Comprehensive Services Act and caps general fund expenditures at the appropriated level. The reduction of one percent in FY 2011 and two percent in FY 2012 is consistent with the decline in expenditures in the current fiscal year. Maintaining a steady and predictable state appropriation will allow for more accurate budgeting at the state and local levels, and will encourage localities to expand their use of the cost-effective system of community-based care.)

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Amendment #29: Increase appropriation in the Emergency Medical Services Program

Item 281

Health & Human Resources

Department of Health

FY 10-11

\$2,052,723

FY 11-12

\$2,052,723 NGF

Language:

Page 214, line 8, strike the first "\$36,899,788" and insert "\$38,499,788".

Page 214, line 8, strike the second "\$36,899,788" and insert "\$38,499,788".

Page 214, line 12, strike the first "\$18,495,551" and insert "\$20,548,274".

Page 214, line 12, strike the second "\$18,495,551" and insert "\$20,548,274".

Page 214, line 13, strike the first "\$17,998,654" and insert "\$17,545,931".

Page 214, line 13, strike the second "\$17,998,654" and insert "\$17,545,931".

Explanation:

(This amendment accounts for the new revenue from the motor vehicle registration fee increase in the program's special fund.)

Amendment #30: Modify language on podiatry coverage under FAMIS

Item 296

Health & Human Resources

Department of Medical Assistance Services

Language

Language:

Page 224, line 42, strike "2010" and insert "2011".

Page 224, line 43, after "change." insert:

"If there is an extension through June 30, 2011, of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the reduction in this paragraph shall not become effective."

Explanation:

(This amendment conforms language regarding the elimination of podiatry services in the Family Access to Medical Insurance Security (FAMIS) program to be consistent with the Medicaid program. The General Assembly modified podiatry coverage under Medicaid to allow the coverage to continue in FY 2011 and made coverage in FY 2012 contingent on the state receiving additional funds from an extension of the increased Federal Medical Assistance Percentage by Congress. Through an oversight, the same language impacting podiatry coverage was not modified in the FAMIS program. This amendment is technical and simply conforms the language to the intent of the General Assembly.)

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Amendment #31: Transition rates for intensive in-home services for children

Item 297

Health & Human Resources	FY 10-11	FY 11-12
Department of Medical Assistance Services	\$4,650,380	\$0 GF
	\$5,868,462	\$0 NGF

Language:

Page 225, line 27, strike "\$6,601,096,380" and insert "\$6,611,615,222".

Page 239, strike lines 25 through 28, and insert:

"XXX. Effective July 1, 2010, the Department of Medical Assistance Services shall set the reimbursement rate for Intensive In-Home Services for Children and Adolescents and the assessment to \$65. Effective July 1, 2011, the department shall set the rate at \$60."

Explanation:

(This amendment provides a transition period for rates paid for intensive in-home services for children. This service provides interventions for children up to age 21 who are at risk of being moved into an out-of-home placement. Previous budget actions reduced the rate from \$70 to \$60, effective February 1, 2010. This action will adjust the rate to \$65 per hour, effective July 1, 2010, and then on July 1, 2011, reduce the rate to \$60.)

Amendment #32: Add behavioral health drugs to the Medicaid PDL

Item 297

Health & Human Resources	FY 10-11	FY 11-12
Department of Medical Assistance Services	(\$247,349)	(\$559,614) GF
	(\$312,138)	(\$559,614) NGF

Language:

Page 225, line 27, strike "\$6,601,096,380" and insert "\$6,600,536,893".

Page 225, line 27, strike "\$6,961,767,204" and insert "\$6,960,647,977".

Page 228, line 16, after "medications" strike remainder of line.

Page 228, line 17, strike "illnesses such as bi-polar disorders, schizophrenia, and depression"

Page 228, strike lines 52 through 58.

Page 229, strike lines 1 through 6, and insert:

"7. The Department of Medical Assistance Services shall grandfather existing Medicaid recipients who are currently receiving, as of July 1, 2010, anti-psychotic, anti-depressant, or anti-anxiety medications from participating in the Medicaid Preferred Drug List (PDL) program for these drug classes."

Explanation:

(This amendment adds antidepressant, antianxiety and atypical antipsychotic drugs to the Medicaid Preferred Drug List (PDL) and grandfathers current recipients so the PDL will have no impact on their drug regimen. The Preferred Drug List (PDL) is a list of preferred drugs that promotes the clinically appropriate utilization of drugs in a cost-effective manner.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #33: Adjust Indirect Medical Education payments for high NICU hospitals

Item 297

Health & Human Resources	FY 10-11	FY 11-12
Department of Medical Assistance Services	\$839,800	\$950,000 GF
	\$1,060,200	\$950,000 NGF

Language:

Page 225, line 27, strike "\$6,601,096,380" and insert "\$6,602,996,380".

Page 225, line 27, strike "\$6,961,767,204" and insert "\$6,963,667,204".

Page 237, line 39, after "(described in 12 VAC 30-70-291.D)", insert:

", except for hospitals with greater than 50 percent overall Medicaid utilization,".

Page 237, line 40, after "(described in 12 VAC 30-70-291.E).", insert:

"The amount of IME to be apportioned among the remaining hospitals that qualify under 12 VAC 30-70-291.D shall be \$1,900,000 total funds."

Explanation:

(This amendment provides funding to hospitals with a high Medicaid utilization of neonatal intensive care services that also have a high overall Medicaid utilization (greater than 50 percent). The funding will be provided through indirect medical education payments in an amount of \$1.9 million a year. There is currently only one Virginia hospital that will qualify for this payment.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #34: Permit allocation of FMAP extension funding

Item 297

Health & Human Resources

Department of Medical Assistance Services

Language

Language:

Page 226, line 25, after "effective." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 226, line 37, after "effective." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 227, line 9, after "year." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 235, line 15, after "list." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 235, line 29, after "effective." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 236, line 16, after "effective." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 236, line 25, after "effective." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 237, line 58, after "effective." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 238, line 6, after "effective." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 238, line 34, after "effective." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 239, line 39, after "effective." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 240, line 16, after "effective." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 240, line 31, after "effective." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 240, line 39, after "effective." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 240, line 46, after "effective." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 241, line 1, after "effective." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 241, line 23, after "effective." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 241, line 29, after "effective." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 241, line 34, after "effective." insert:

"This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item."

Page 241, after line 37, insert:

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"KKKK. The Governor shall have authority to direct that the reduction or funding, contingent on an extension through June 30, 2011, of increased Federal Medical Assistance Percentage, be imposed, either partially or in full, as he deems necessary in order to ensure that the costs to the Commonwealth of contingent restorations in various items within this act do not exceed the amount of funding available from an extension of the increased Federal Medical Assistance Percentage."

Explanation:

(Allows the Governor to allocate federal Medicaid stimulus funding, as necessary, to match available funding. The General Assembly added language restoring a variety of budget reduction strategies if Congress approves an extension of increased Federal Medicaid Assistance Percentage (FMAP), which is the federal match rate for Medicaid. However, the total cost of the restorations exceed the amount the state is expected to receive by \$13.8 million. Therefore, in order to ensure that the costs of the restorations do not exceed the resources available from an FMAP extension, the Governor needs the discretion to either partially or fully implement the reductions.)

Amendment #35: Reflects savings from repeal of dealer discount on tobacco products

Item 297

Health & Human Resources	FY 10-11	FY 11-12
Department of Medical Assistance Services	(\$300,000)	(\$300,000) GF
	\$300,000	\$300,000 NGF

Language:

Page 230, line 6, strike "\$297,401,874" and insert "\$297,701,874".

Page 230, line 7, strike "\$299,642,812" and insert "\$299,942,812".

Page 230, line 18, strike "\$295,422,750" and insert "\$295,722,750".

Page 230, line 18, strike "\$297,638,249" and insert "\$297,938,249".

Explanation:

(This amendment reflects savings in the Medicaid program due to increased revenue from the repeal of the dealer discount for the tax on "other tobacco products." The General Assembly restored the dealer discount for cigarette taxes, but left the repeal in for "other tobacco products" (cigars, pipe and smokeless tobacco products). However, the budget does not reflect the increased revenue of \$300,000 a year the state will now collect. Since these revenues are deposited to the Health Care Fund, which is used as state match for Medicaid, the additional \$300,000 a year offsets general fund appropriation that is no longer necessary.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #36: Limit restoration for long-stay hospitals to incentive payment

Item 297

Health & Human Resources

Department of Medical Assistance Services

Language

Language:

Page 235, line 28, after "paragraph", insert ", related to elimination of the incentive plan,".

Explanation:

(This amendment limits the restoration of Medicaid budget reductions applicable to long-stay hospitals to their incentive plan. The budget includes the elimination of inflation and the incentive plan for long-stay hospitals. The enrolled budget includes a provision that restores the reduction if Congress extends the increased FMAP for Medicaid by six months. However, the language reverses both the incentive plan and the elimination of inflation. The intent of the General Assembly is to only reverse the incentive plan. This language is necessary to ensure that the inflation reductions are not restored adding additional costs for the Commonwealth.)

Amendment #37: Modify out-of-state hospital reimbursement

Item 297

Health & Human Resources

Department of Medical Assistance Services

Language

Language:

Page 239 , strike lines 43 through 52, and insert:

"ZZZ. Effective January 1, 2011, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to reimburse out-of-state non-cost reporting hospitals who treat Virginia Medicaid recipients inpatient operating rates that are the lesser of: a) the amount they would be reimbursed by their state Medicaid program; or b) the current payment based on the statewide average operating rate. The department shall have the authority to implement this change effective January 1, 2011, and prior to the completion of any regulatory process undertaken in order to effect such change. If there is an extension through June 30, 2011, of increased Federal Medical Assistance Percentage under the American Recovery and reinvestment Act (P.P. 111-5), the change authorized in this paragraph shall become effective July 1, 2011."

Page 240, strike lines 1 through 5.

Explanation:

(This amendment modifies language that requires the Department of Medical Assistance Services to pay out-of-state border hospitals inpatient operating rates similar to what those states pay to Virginia hospitals that are out-of-state. The requirements in the enrolled bill would be difficult to implement administratively and may conflict with federal requirements. This amendment modifies the language to make implementation more practical and is compliant with federal requirements, but still meets the intent of the original language.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #38: Technical corrections to hospital savings language

Item 297

Health & Human Resources

Department of Medical Assistance Services

Language

Language:

Page 240, line 9, after "Type One hospitals." insert:

"The department shall not replace through other payment mechanisms the losses of Type One hospitals from this reduction unless the provider is able to transfer the state share or certify the public expenditures. The department shall have the authority to implement these reimbursement changes effective July 1, 2010, and prior to the completion of any regulatory process undertaken in order to effect such change."

Page 240, line 13, after "hospitals." insert:

"The department shall not replace through other payment mechanisms the losses of Type One hospitals from this reduction unless the provider is able to transfer the state share or certify the public expenditures."

Page 240, line 19, after "from", strike "94 percent of cost to 91 percent of cost" and insert:

"94.2 percent of operating cost to 91.2 percent and from 90 percent of capital cost to 87 percent".

Page 240, line 22, after "expenditures." insert:

"The department shall have the authority to implement these reimbursement changes effective July 1, 2010, and prior to the completion of any regulatory process undertaken in order to effect such change."

Page 240, line 25, after "from" strike "91 percent of cost to 90 percent of cost" and insert:

"91.2 percent of operating cost to 90.2 percent and from 87 percent of capital cost to 86 percent".

Page 241, line 13, after "cost for" strike "Type One and".

Page 241, line 13, after "Type Two hospitals" insert:

", except that Type Two Hospitals with greater than 50 percent Virginia Medicaid utilization shall be reduced from 80 percent of cost to 77 percent of cost, and from 100 percent of cost to 97 percent of cost for Type One hospitals. The department shall not replace through other payment mechanisms the losses of Type One hospitals from this reduction unless the provider is able to transfer the state share or certify the public expenditures."

Page 241, line 18, after, "cost for" strike "Type One and".

Page 241, line 18, after "Type Two hospitals" insert:

", except that Type Two Hospitals with greater than 50 percent Virginia Medicaid utilization shall be reduced from 77 percent of cost to 76 percent of cost, and from 97 percent of cost to 96 percent of cost for Type One hospitals. The department shall not replace through other payment mechanisms the losses of Type One hospitals from this reduction unless the provider is able to transfer the state share or certify the public expenditures."

Page 241, line 18, strike "The department shall have the".

Page 241, strike lines 19 through 20.

Explanation:

(This amendment ensures that the projected savings from reducing reimbursement to hospitals for inpatient and capital costs are achieved by modifying language that makes the reductions apply to the two state teaching hospitals, which the General Assembly intended. Due to the unique way the teaching hospitals are reimbursed for Medicaid the language must be specific enough to prevent losses from these reductions being offset through other payment mechanisms. Outpatient hospital reimbursement language must also be modified to specifically state what the rates are for the operating and capital reductions to the teaching hospitals. Lastly, the language operating, capital and outpatient hospital reductions is modified to allow the Department of Medical Assistance Services to implement the reductions prior to completion of the regulatory process.)

Amendment #39: Authorize expansion of Medicaid managed care

Item 297

Health & Human Resources

Department of Medical Assistance Services

Language

Language:

Page 241, after line 37, insert:

"KKKK.1. The Secretary of Health and Human Resources shall direct the Department of Medical Assistance Services to seek federal authority to implement a program of integrated managed care for the Medicaid/FAMIS populations and all covered services, including all community mental health/substance abuse services and all community and institutional long term care services. The program is intended to be statewide with regional contracts under a risk-based, capitated payment arrangement. This program shall not modify the delivery of services for individuals enrolled in the Program of All-Inclusive Care for the Elderly (PACE), nor shall this program modify the delivery of dental services to eligible Medicaid/FAMIS populations. The program may be modified as best practices in Medicaid coverage emerge and pilot projects may be implemented.

2. The program shall be designed in phases. For the first phase of this program, the department shall procure managed care organizations or entities to include all regions of the Commonwealth for managed care coverage of acute care needs, including the addition of community mental health and substance abuse services, residential treatment services, and mental health/substance abuse case management services, which are currently carved out of the managed care program. These programs shall be mandatory for all individuals enrolled in eligibility categories currently included under Medallion, Medallion II, or FAMIS. The department shall have the authority to promulgate emergency regulations to implement this provision effective December 1, 2011.

3. The second phase of this managed care program will include the mandatory coverage of acute and/or long term care services for Medicaid eligible children who are in foster care and under the custody of a local department of social services; for all recipients of community based care waiver programs and institutional long term care services; and individuals dually eligible for both Medicare and Medicaid. The department shall have the authority to promulgate emergency regulations to implement these changes prior to the completion of any regulatory process undertaken to effect such change.

4. The Director, Department of Planning and Budget, is authorized to transfer appropriation, from the second year to the first year within this Item, to fund the administrative and programmatic implementation costs of expanding Medicaid managed care. Implementation of this effort shall be deemed to meet the criteria of appropriation transfers pursuant to §4-1.03 c.5.b). The director is further authorized to transfer appropriation from Item 297 to Item 300, as necessary, to fund related administrative costs.

Explanation:

(This amendment authorizes the expansion of Medicaid managed care statewide and across virtually every population and service within Medicaid. The purpose of this expansion is to move Virginia forward with an established best practice that the Commonwealth can use as a vehicle to transition the state to a more cost-effective model in anticipation of federal Health Care Reform. Beginning January 1, 2014, Virginia's Medicaid program will experience it's most significant expansion since Medicaid began in 1965. The enactment of the federal Health Care Reform law has already eliminated the ability of Virginia to manage eligibility for the

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program. Therefore, the most significant change the Commonwealth can implement to generate long-term savings, is expanding Medicaid managed care. In addition, to the degree that an expansion of managed care contains future Medicaid costs, the state will be in a better position to improve provider reimbursement for services.)

Amendment #40: Permit allocation of FMAP extension funding

Item 305

Health & Human Resources

Grants To Localities

Language

Language:

Page 249, line 16, after "children." insert:

"The Governor shall have authority to direct that the reduction referenced in this paragraph be imposed, either partially or in full, as he deems necessary in order to ensure that the costs to the Commonwealth of contingent restorations in various items within this act do not exceed the amount of funding made available due to an extension of the increased Federal Medical Assistance Percentage."

Explanation:

(This amendment allows the Governor to allocate federal Medicaid stimulus funding, as necessary, to available funding. The General Assembly added language restoring a variety of budget reduction strategies if Congress approves an extension of increased Federal Medicaid Assistance Percentage (FMAP), which is the federal match rate for Medicaid. However, the total cost of the restorations exceed the amount the state is expected to receive by \$13.8 million. Therefore, in order to ensure that the costs of the restorations do not exceed the resources available from an FMAP extension, the Governor needs the discretion to either partially or fully implement the reductions.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #41: Permit allocation of FMAP extension funding

Item 320

Health & Human Resources

Department of Rehabilitative Services

Language

Language:

Page 254, line 8, after "effective." insert:

"The Governor shall have authority to direct that the first year reduction referenced in this paragraph be imposed, either partially or in full, as he deems necessary in order to ensure that the costs to the Commonwealth of contingent restorations in various items within this act do not exceed the amount of funding made available due to an extension of the increased Federal Medical Assistance Percentage."

Explanation:

(This amendment allows the Governor to allocate federal Medicaid stimulus funding, as necessary, to match available funding. The General Assembly added language restoring a variety of budget reduction strategies if Congress approves an extension of increased Federal Medicaid Assistance Percentage (FMAP), which is the federal match rate for Medicaid. However, the total cost of the restorations exceed the amount the state is expected to receive by \$13.8 million. Therefore, in order to ensure that the costs of the restorations do not exceed the resources available from an FMAP extension, the Governor needs the discretion to either partially or fully implement the reductions.)

Amendment #42: Supplant general fund with surplus TANF

Item 327

Health & Human Resources

Department of Social Services

FY 10-11

(\$5,362,276)

\$5,362,276

FY 11-12

\$0 GF

\$0 NGF

Language:

Explanation:

(This amendment supplants surplus TANF dollars for general fund being spent for mandated benefits. A portion of the general fund savings will be used to fund child support enforcement operations. The lost maintenance of effort (MOE) will be replaced with eligible spending in the state pre-K program. Companion amendments in Items 327 and 333 make the necessary cuts.)

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Amendment #43: Reduce TANF spending for supplemental child support payments

Item 327

Health & Human Resources

Department of Social Services

FY 10-11

(\$2,400,000)

FY 11-12

\$0 NGF

Language:

Page 257, line 21, strike "\$315,566,537" and insert "\$313,166,537".

Page 258, line 13, strike "\$4,800,000" and insert "\$2,400,000".

Explanation:

(This amendment reduces one-time TANF support in FY 2011 for child support supplements. The resulting TANF surplus will be used to supplant eligible general fund; a portion of which will be used to fund child support enforcement operations. The lost maintenance of effort (MOE) will be replaced with eligible spending in the state pre-K program. A companion amendment in Item 327 supplants the surplus TANF generated in this action.)

Amendment #44: Permit allocation of FMAP extension funding

Item 328

Health & Human Resources

Department of Social Services

Language

Language:

Page 260, line 19, after "effective." insert:

"The Governor shall have authority to direct that the reduction authorized in this paragraph be imposed, either partially or in full, as he deems necessary in order to ensure that the costs to the Commonwealth of contingent restorations in various items within this act do not exceed the amount of funding made available due to an extension of the increased Federal Medical Assistance Percentage."

Explanation:

(This amendment allows the Governor to allocate FMAP extension funding to limit restorations to the amount the Commonwealth receives. The General Assembly added language to a variety of budget reduction strategies that will be restored if Congress approves an extension of increased FMAP. However, the total cost of the restorations exceed the projected amount the state is expected to receive by \$13.8 million. Therefore, in order to ensure that the costs of the restorations do not exceed what the state actually receives from an FMAP extension, the Governor must have the authority to determine if items should be prorated or not restored, at his discretion, to stay within the resources available.)

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Amendment #45: Maintain child support enforcement operations

Item 329

Health & Human Resources

Department of Social Services

FY 10-11

\$5,000,000

FY 11-12

\$0 GF

Language:

Page 260, line 20, strike "\$759,587,590" and insert "\$764,587,590".

Explanation:

(This amendment covers an anticipated operational shortfall in the child support enforcement program with savings generated by reducing discretionary Temporary Assistance for Needy Families (TANF) spending in FY 2011. The 2009 General Assembly supplanted approximately \$6.6 million general fund, that supported child support enforcement operations, with federal revenue associated with the American Recovery and Reinvestment Act (ARRA) of 2009. This federal funding is no longer available. In addition, a decline in TANF collections has further exacerbated the general fund shortfall since a portion of those dollars are retained (and matched) to cover operating expenses.)

Amendment #46: Permit allocation of FMAP extension funding

Item 330

Health & Human Resources

Department of Social Services

Language

Language:

Page 261, line 45, after "effective." insert:

"The Governor shall have authority to direct that the reduction authorized in this paragraph be imposed, either partially or in full, as he deems necessary in order to ensure that the costs to the Commonwealth of contingent restorations in various items within this act do not exceed the amount of funding made available due to an extension of the increased Federal Medical Assistance Percentage."

Page 262, line 20, after "effective." insert:

"The Governor shall have authority to direct that the reduction authorized in this paragraph be imposed, either partially or in full, as he deems necessary in order to ensure that the costs to the Commonwealth of contingent restorations in various items within this act do not exceed the amount of funding made available due to an extension of the increased Federal Medical Assistance Percentage."

Explanation:

(This amendment allows the Governor to allocate FMAP extension funding to limit restorations to the amount the Commonwealth receives. The General Assembly added language to a variety of budget reduction strategies that will be restored if Congress approves an extension of increased FMAP. However, the total cost of the restorations exceed the projected amount the state is expected to receive by \$13.8 million. Therefore, in order to ensure that the costs of the restorations do not exceed what the state actually receives from an FMAP extension, the Governor must have the authority to determine if items should be prorated or not restored, at his discretion, to stay within the resources available.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #47: Reduce support for local departments of social services

Item 330

Health & Human Resources

Department of Social Services

FY 10-11

\$0

FY 11-12

(\$1,750,000) GF

Language:

Page 261, line 6, strike "\$36,303,254" and insert "\$34,553,254".

Explanation:

(This amendment reduces state funding for local departments of social services by eliminating the remaining support for other purchased services in FY 2012. Other purchased services is a 'catch-all' category of expenditures that cannot be allocated to other funding resources. Specifically, these services are associated with protecting abused, neglected, or exploited adults and children.)

Amendment #48: Permit allocation of FMAP extension funding

Item 331

Health & Human Resources

Department of Social Services

Language

Language:

Page 263, line 8, after "effective." insert:

"The Governor shall have authority to direct that the reduction authorized in this paragraph be imposed, either partially or in full, as he deems necessary in order to ensure that the costs to the Commonwealth of contingent restorations in various items within this act do not exceed the amount of funding made available due to an extension of the increased Federal Medical Assistance Percentage."

Page 263, line 12, after "restored." insert:

"The Governor shall have authority to direct that the reduction authorized in this paragraph be imposed, either partially or in full, as he deems necessary in order to ensure that the costs to the Commonwealth of contingent restorations in various items within this act do not exceed the amount of funding made available due to an extension of the increased Federal Medical Assistance Percentage."

Explanation:

(This amendment allows the Governor to allocate FMAP extension funding to limit restorations to the amount the Commonwealth receives. The General Assembly added language to a variety of budget reduction strategies that will be restored if Congress approves an extension of increased FMAP. However, the total cost of the restorations exceed the projected amount the state is expected to receive by \$13.8 million. Therefore, in order to ensure that the costs of the restorations do not exceed what the state actually receives from an FMAP extension, the Governor must have the authority to determine if items should be prorated or not restored, at his discretion, to stay within the resources available.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #49: Limit general relief to child-only population

Item 332

Health & Human Resources

Department of Social Services

Language

Language:

Page 263, line 23, before "If" insert "1."

Page 263, after line 26, insert:

"2. However, if the extension referenced in paragraph 1. does not occur and the General Relief Program is reduced by \$2,400,000 million each year then the Department of Social Services shall eliminate all components of the General Relief Program except for the unattached children notwithstanding §63.2-802, Code of Virginia. The department shall have the authority to enact emergency regulations to affect this change within 280 days of enactment."

Explanation:

(This amendment adds language to limit the General Relief Program to child-only cases in order to enact the budget reduction strategy. However, since the reduction strategy would only be implemented if the state fails to receive additional funding due to an extension of FMAP under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5); this language will only take affect if the General Relief Program is cut by \$2.4 million.)

Amendment #50: Permit allocation of FMAP extension funding

Item 332

Health & Human Resources

Department of Social Services

Language

Language:

Page 263, line 26, after "effective." insert:

"The Governor shall have authority to direct that the reduction authorized in this paragraph be imposed, either partially or in full, as he deems necessary in order to ensure that the costs to the Commonwealth of contingent restorations in various items within this act do not exceed the amount of funding made available due to an extension of the increased Federal Medical Assistance Percentage."

Explanation:

(This amendment allows the Governor to allocate FMAP extension funding to limit restorations to the amount the Commonwealth receives. The General Assembly added language to a variety of budget reduction strategies that will be restored if Congress approves an extension of increased FMAP. However, the total cost of the restorations exceed the projected amount the state is expected to receive by \$13.8 million. Therefore, in order to ensure that the costs of the restorations do not exceed what the state actually receives from an FMAP extension, the Governor must have the authority to determine if items should be prorated or not restored, at his discretion, to stay within the resources available.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #51: Reduce TANF spending for nonstate entities

Item 333

Health & Human Resources	FY 10-11	FY 11-12
Department of Social Services	(\$2,962,276)	\$0 NGF

Language:

Page 263, line 28, strike "\$37,621,418" and insert "\$34,659,142".

Page 263, line 44, strike "\$1,139,713" and insert "\$569,857".

Page 264, line 11, strike "\$3,557,306" and insert "\$1,778,653".

Explanation:

(This amendment reduces the one-time TANF support in FY 2011 for the following expanded activities: Community Action Agencies (\$0.6 million), Healthy Families of Virginia (\$1.8 million), and Homeless Assistance and Prevention (\$0.6 million). The resulting TANF surplus will be used to supplant eligible general fund, a portion of which will be used to fund child support enforcement operations. The lost maintenance of effort (MOE) will be replaced with eligible spending in the state pre-K program. A companion amendment in Item 327 supplants the surplus TANF generated in this action.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #52: Permit allocation of FMAP extension funding

Item 333

Health & Human Resources

Department of Social Services

Language

Language:

Page 264, line 20, after "effective." insert:

"The Governor shall have authority to direct that the reduction authorized in this paragraph be imposed, either partially or in full, as he deems necessary in order to ensure that the costs to the Commonwealth of contingent restorations in various items within this act do not exceed the amount of funding made available due to an extension of the increased Federal Medical Assistance Percentage."

Explanation:

(This amendment allows the Governor to allocate FMAP extension funding to limit restorations to the amount the Commonwealth receives. The General Assembly added language to a variety of budget reduction strategies that will be restored if Congress approves an extension of increased FMAP. However, the total cost of the restorations exceed the projected amount the state is expected to receive by \$13.8 million. Therefore, in order to ensure that the costs of the restorations do not exceed what the state actually receives from an FMAP extension, the Governor must have the authority to determine if items should be prorated or not restored, at his discretion, to stay within the resources available.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #53: Require Waste Management Board to establish fees

Item 354

Natural Resources

Department of Environmental Quality

Language

Language:

Page 275, line 23, strike "at" and insert "not"

Page 275, line 24, strike "least 58" and insert "more than 60"

Page 275, line 24, strike ", but no more than 100 percent,"

Page 275, after line 33, insert:

" 4. The Department of Environmental Quality shall convene a representative group of stakeholders for the purpose of reviewing and making recommendations to the Secretary of Natural Resources and Chairmen of the Senate Finance and House Appropriations Committees concerning the appropriate solid waste fee structure for funding a portion of the department's direct solid waste program and efficiencies in containing permit costs. The department shall work in accordance with EO 2 (2010) and make a final report no later than December 1, 2010."

Explanation:

(This amendment requires the Waste Management Board to establish fees which cover no more than 60 percent of direct costs for Solid Waste Permits. Further, this amendment will include language for a stakeholder group to make recommendations on appropriate solid waste fee structure.)

Amendment #54: Limit fees established by State Water Control Board to cover costs

Item 355

Natural Resources

Department of Environmental Quality

Language

Language:

Page 276, line 14, strike "no less than 39" and insert "not more than 50"

Page 276, line 14, strike ", not to exceed 100 percent,"

Explanation:

(This amendment requires the State Water Control Board to establish fees which cover no more than 50 percent of direct costs for water permits.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #55: Delete language relating to construction of regional jail

Item 377

Public Safety

Department of Corrections

Language

Language:

Page 288, strike lines 1 through 11.

Page 288, line 12, strike "G." and insert "F."

Explanation:

(This amendment removes language placing conditions on the construction of a regional jail serving Rappahannock, Shenandoah, and Warren counties. A companion amendment to Item 271 authorizes the issuance of bonds by the Virginia Public Building Authority after FY 2012 for the state share of the cost of this facility.)

Amendment #56: Study change in definition of state responsible offenders

Item 377

Public Safety

Department of Corrections

Language

Language:

Page 288, strike lines 12 through 17 and insert:

"G. The Secretaries of Finance, Public Safety, and Administration shall establish a task force to examine the ramifications of changing the definition of which offenders the Department of Corrections shall be responsible for transferring from local and regional jails to state correctional facilities. In addition to representatives of the affected state agencies, the task force shall include representatives of local and regional jails, local governments, and the Senate Finance and House Appropriations Committees. The task force shall report its findings and recommendations to the Secretaries and the Chairmen of the Senate Finance and House Appropriations Committees by October 1, 2010."

Explanation:

(This amendment removes language changing the definition of state responsible offenders from those with a sentence of one year or more to those with a sentence of two years or more and directs the Secretaries of Finance, Public Safety, and Administration to establish a task force to study this issue and its ramifications. This action is to address concerns that this change could result in significant stress on local and regional jails.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #57: Restore funding related to prison closing

Item 379

Public Safety	FY 10-11	FY 11-12
Department of Corrections	\$1,307,733	\$0 GF

Language:

Page 288, line 41, strike "\$826,583,374" and insert "\$827,891,107".

Page 290, strike lines 43 through 46 and insert:

"L. The Department of Corrections shall prepare an assessment of which correctional facilities that it may be appropriate to close in the future. The assessment shall take into account the inmate population forecast, the condition of the physical plants at various correctional facilities and the projected cost to maintain those facilities, the projected need by the department for beds by security level, the relative operating costs of various facilities, the net savings that would be realized from any closing, and the contribution of each facility under consideration to the various functions of the agency. The assessment shall include the advantages and disadvantages of closing any specific facility. The department shall report the results of its assessment to the Secretaries of Finance and Public Safety and the Chairmen of the Senate Finance and House Appropriations Committees by November 1, 2010."

Explanation:

(This amendment restores the funding cut in the first year related to the potential closing of one or more correctional facilities. It also deletes language requiring additional actions, including closing of prisons, to realize savings and substitutes language directing the department to assess which correctional facilities may be most appropriate to close. These actions, along with a companion amendment to evaluate a change in the definition of state responsible offenders, will provide an opportunity to give careful consideration to the most appropriate means of housing felony offenders in the Commonwealth.)

Amendment #58: Delete early release language

Item 380

Public Safety

Department of Corrections	Language
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Language:

Page 292, strike lines 22 through 33.

Page 292, line 34, strike "I." and insert "H.".

Page 292, line 37, strike "J." and insert "I.".

Page 292, line 40, strike "K." and insert "J.".

Page 292, line 49, strike "L." and insert "K.".

Page 293, line 1, strike "M." and insert "L.".

Explanation:

(This amendment deletes language authorizing the Department of Corrections to release nonviolent offenders 90 days before the end of their prison term, rather than 30 days earlier as is now authorized.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #59: Restore funding for Alzheimer's Training

Item 381

Public Safety	FY 10-11	FY 11-12
Department of Criminal Justice Services	\$50,000	\$0 GF

Language:

Page 293, line 15, strike the first "\$1,742,035" and insert "\$1,792,035".

Page 293, after line 20, insert:

"A. Out of this appropriation, \$50,000 the first year from the general fund is authorized to oversee and conduct training of law enforcement and first responder personnel in managing persons with Alzheimer's disease or other memory-related impairments. The department shall provide the training coordinator position and the leadership role for developing, implementing, organizing, conducting, and promoting train-the-trainer courses while other participating first responder agencies shall provide other program support as needed.

B. The Department of Criminal Justice Services shall research not-for-profit groups working on this issue to identify potential private funding or private implementation of this program for FY 2012 and beyond."

Explanation:

(This amendment restores funding in the first year to allow for Alzheimer's training for law enforcement and emergency personnel. Furthermore, this amendment requires the Department of Criminal Justice Services to work with non-profits and other potential private sources to identify funding alternatives to continue the program in FY 2012 and beyond.)

Amendment #60: Amend reduction language

Item 396

Public Safety	
Department of Forensic Science	Language

Language:

Page 300, line 35, strike "including" and insert "which may include".

Explanation:

(This amendment provides the Secretary of Public Safety with the flexibility to best manage agency budget reductions to minimize impact to operations.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #61: Add language to excuse agency from rent payment for closed facility

Item 397

Public Safety

Department of Juvenile Justice

Language

Language:

Page 301, at the beginning of line 4, insert "A."

Page 301, after line 5, insert:

"B. This Item includes no funding for the lease of a facility located at 1314 2nd Street, Roanoke, Virginia 24016, as of July 1, 2010."

Explanation:

(This amendment authorizes the Department of Juvenile Justice to suspend rent payments for a building after the program it has housed (juvenile halfway house) ceases to operate due to budget cuts. All funding for the project, including rent payments, has been removed from the budget. This language is required to allow the agency to dissolve its lease on the facility.)

Amendment #62: Provide funding for the Challenge Program

Item 399

Public Safety

Department of Juvenile Justice

Language

Language:

Page 302, after line 42, insert:

"H. Out of this appropriation \$600,000 the first year and \$1,335,213 the second year from the general fund, from the amount that is provided for the Virginia Juvenile Community Crime Control Act Program, shall be used to support the Department of Military Affairs' Virginia Commonwealth Challenge Program."

Explanation:

(This amendment allows funding from the Virginia Juvenile Community Crime Control Act Program to support the Department of Military Affairs' Virginia Commonwealth Challenge Program. The Challenge Program addresses at-risk youth, consistent with the intent of the funding provided for the Juvenile Community Crime Control Act Program. The Challenge Program helps at-risk youth from around the state become productive citizens, instead of ending up in the correctional system or on state and federal support programs.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #63: Capture savings from agency closure of Washington appeals office

Item 413

Public Safety	FY 10-11	FY 11-12
Department of Veterans Services	(\$74,500)	(\$74,500) GF

Language:

Page 309, line 18, strike "\$5,445,226 and insert "\$5,370,726".

Page 309, line 18, strike "\$5,445,226 and insert "\$5,370,726".

Explanation:

(This amendment captures savings resulting from the agency's shift of the appeals caseload from the Washington office to the Fairfax office initiated last year.)

Amendment #64: Increase number of full-time Parole Board members

Item 416

Public Safety	FY 10-11	FY 11-12
Virginia Parole Board	\$62,533	\$0 GF
	3.00	2.00 FTE

Language:

Page 310, line 23, strike "\$801,843" and insert "\$864,376".

Page 310, strike lines 27 through 30, and insert:

"The annual salaries of the full-time members of the Parole Board, other than the chairman, shall be \$105,188. The salary of the chairman shall be that set out in § 4-6.01 of this Act."

Explanation:

(This amendment provides funding for an additional full-time member of the Parole Board. It also designates the salaries of the full-time members, other than the chairman. Finally, it provides additional positions to bring the authorized position level to the correct amount. This additional position will help accommodate the increased workload anticipated for the Parole Board from review of clemency petitions and the holding of parole hearings.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #65: Correct references to the now defunct ITIB and CAO

Item 432

Technology

Virginia Information Technologies Agency

Language

Language:

Page 315, line 22, strike " Information Technology Investment Board" and insert "Chief Information Officer (CIO)".

Page 315, line 22, strike "Secretary of" and insert "Secretaries of Technology and".

Page 315, line 27, strike "Information Technology" and insert "CIO".

Page 315, line 28, strike "Investment Board".

Page 315, line 28, strike "report its findings, along with the anticipated cost savings by agency for" and insert: "fold any identified strategies into the report required in § 2.2-2013, Code of Virginia.".

Page 315, strike lines 29 and 30.

Explanation:

(This amendment brings the budget bill into conformity with Chapter 145, 2010 Acts of Assembly, by reassigning responsibilities formerly given to the ITIB and CAO and deleting language where appropriate.)

Amendment #66: Correct references to the now defunct ITIB and CAO

Item 433

Technology

Virginia Information Technologies Agency

Language

Language:

Page 315, strike lines 39 through 44.

Page 315, line 45, strike "B." and insert "A.".

Page 316, strike lines 4 through 7.

Page 316, line 8, strike "D." and insert "B.".

Page 316, line 15, strike "Information Technology Investment Board and the Secretary of" and insert "Secretaries of Technology and ".

Page 316, line 16, strike "CAO shall inform" and insert:

"Chief Information Officer shall inform the Secretary of Technology, ".

Page 316, line 34, strike "E." and insert "C.".

Page 316, line 35, strike "Information" and insert "Secretary of".

Page 316, line 36, strike "Investment Board."

Page 316, line 36, strike "board" and insert "Virginia Information Technologies Agency".

Explanation:

(This amendment brings the budget bill into conformity with Chapter 145, 2010 Acts of Assembly, by reassigning responsibilities formerly given to the ITIB and CAO and deleting language where appropriate.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #67: Correct references to the now defunct ITIB and CAO

Item 434

Technology

Virginia Information Technologies Agency

Language

Language:

Page 321, line 49, strike "Information Technology Investment Board" and insert "Chief Information Officer, Secretary of Technology".

Page 322, strike lines 1 through 6.

Page 322, line 7, strike "F." and insert "E.".

Page 322, line 15, strike "G." and insert "F.".

Page 322, line 23, strike "H." and insert "G.".

Page 322, line 37, strike "I." and insert "H.".

Page 322, line 42, strike "J." and insert "I.".

Explanation:

(This amendment brings the budget bill into conformity with Chapter 145, 2010 Acts of Assembly, by reassigning responsibilities formerly given to the ITIB and CAO and deleting language where appropriate.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #68: Update language involving contract modifications for IT infrastructure

Item 434

Technology

Virginia Information Technologies Agency

Language

Language:

Page 322, line 27, insert " " before "In addition".

Page 322, line 29, insert " " before "The analysis"..

Page 322, line 31, insert " " before "If goods".

Page 322, line 31, insert "the analysis should " before "identify all".

Page 322, line 37, strike "to" and insert "for".

Page 322, line 38, strike "an analysis of" and insert "with a report detailing".

Page 322, line 39, strike "proposed ".

Page 322, line 39, strike ", and" and insert ". The report shall include ".

Page 322, line 40, strike "accompanying ".

Page 322, line 40, strike "proposed ".

Page 322, line 41, strike "with such an impact, prior to the execution of the changes." and insert:

"and shall be submitted within 30 days following the signing of the amended agreement."

Page 322, after line 41, insert:

"J. Fifteen days prior to the June 25, 2010, and Dec 31, 2010, milestones of the comprehensive infrastructure agreement, the Chief Information Officer shall provide to the Governor, the Chairmen of the Senate Finance and House Appropriations Committees, the Secretary of Technology, the Department of Planning and Budget, and the Joint Legislative Audit and Review Commission a report on activities, progress and performance related to the operational and contractual changes as outlined in Amendment 60 of the comprehensive infrastructure agreement."

Page 322, line 42, strike "J.1" and insert "K.1"

Explanation:

(This amendment updates language requiring the CIO to provide a report of all proposed amendments or modifications to the comprehensive infrastructure agreement. The changes also require the CIO to report on activities, progress and performance related to operational and contractual changes.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #69: Update language establishing action plans for VITA

Item 434

Technology

Virginia Information Technologies Agency

Language

Language:

Page 322, strike lines 42 through 46.

Page 323, strike lines 1 through 41, and insert:

"J. Consistent with the provisions of Chapter 145, the Chief Information Officer will develop and implement a plan to improve the productivity, efficiency, and effectiveness of VITA. As part of this review, the Chief Information Officer shall assess the feasibility of reducing or eliminating the Enterprise Application Division by June 30, 2011. The plan will be submitted to the Governor, the Secretary of Technology, and the Chairmen of the House Appropriations and Senate Finance Committees no later than September 1, 2010. The plan shall include the estimated dollar and position savings for each year of the biennium. An annual assessment of the VITA organization will be provided to the Governor, the Secretary of Technology, and Chairmen of the House Appropriations and Senate Finance Committees by June 30 of each year."

Explanation:

(This amendment updates enrolled language to conform to the spirit of Chapter 145, 2010 Acts of Assembly. Chapter 145 renders the enrolled language as unnecessary as it limits the ability of the Secretary of Technology and the Chief Information Officer to decide on the agency's optimum structure. This amendment reflects the efforts the CIO will undertake to improve the productivity, efficiency, and effectiveness of VITA.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #70: Correct references to the now defunct ITIB and CAO

Item 457

Transportation

Department of Transportation

Language

Language:

Page 340, line 54, strike "Application" and insert "Information".

Page 341, line 1, strike "CAO" and insert "CIO".

Page 341, line 2, strike " October 1, 2008, and the CAO" and insert "July 1, 2010, and the CIO".

Page 341, line 2, strike "adopt" and insert "utilize".

Page 341, line 2, strike "as" and insert "to develop".

Page 341, line 3, after "Commonwealth's" insert "data".

Page 341, line 3, strike " for future enterprise applications".

Page 341, line 3, strike "of their".

Page 341, line 4, strike "adoption, the CAO" and insert:

"following completion of data standards development, the CIO".

Page 341, line 4, strike "Information Technology Investment".

Page 341, line 5, strike "Board" and insert "Secretary of Technology".

Page 341, line 5, strike "their".

Page 341, line 5, strike "2.2-2458" and insert "2.2-225".

Page 341, line 6, strike "Information Technology Investment Board" and insert "Secretary of Technology".

Explanation:

(This amendment brings the budget bill into conformity with Chapter 145, 2010 Acts of Assembly, by reassigning responsibilities formerly given to the Information Technology Investment Board (ITIB) and Chief Application Officer (CAO) and deleting language where appropriate.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #71: Adjust Craney Island bond issuance date

Item 462

Transportation

Virginia Port Authority

Language

Language:

Page 343, line 5, after "2011." strike the remainder of the line.

Page 343, line 6, strike "begin no earlier than July 1, 2012, and all" and insert "All".

Explanation:

(This amendment removes a restriction on the timing of debt service payments associated with the issuance of up to \$155 million in bond funding previously authorized for work on the Craney Island Marine Terminal. Present budgetary language does not allow the payment of debt service for this authorized bond funding until FY 2013. This language amendment would allow for the possibility of issuing the debt at an earlier date.)

Amendment #72: Restore Productivity Investment Fund appropriation

Item 466

Central Appropriations

Central Appropriations

FY 10-11

\$500,000

FY 11-12

\$0 GF

Language:

Page 346, line 47, strike "\$0 \$0" and insert "\$500,000 \$0".

Page 346, after line 50 insert:

"Out of this appropriation, \$500,000 the first year from the general fund is provided to support reengineering efforts aimed at increasing state government efficiency, effectiveness, and customer service. This funding will support technology-based or other reengineering approaches to improve the efficiency and effectiveness of processes: 1) performed by multiple agencies in order to enhance service delivery and efficiency through collaboration or consolidation of state functions and service delivery, 2) within an agency to improve efficiency in service delivery and the achievement of critical outcomes for Virginians, and 3) to significantly improve customer service."

Explanation:

(This amendment restores funding for the Productivity Investment Fund. This fund is intended to support reengineering efforts to increase state government efficiency and service delivery.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #73: Clarify state employee health insurance coverage changes

Item 469

Central Appropriations

Central Appropriations

Language

Language:

Page 349, after line 34, insert:

"5. Notwithstanding any provision of law, the funding included in this Item pursuant to this Paragraph for state employee health insurance assumes the cessation of coverage for non-sedating antihistamines and erectile dysfunction drugs, and the implementation of a 90-day network for maintenance drugs pursuant to subparagraph 6. below.

6. The Department of Human Resource Management shall implement a 90-day network for maintenance drugs that includes mail or participating 90-day retail pharmacies. Members taking maintenance drugs for the treatment of chronic conditions will be required to obtain their prescriptions through the 90-day maintenance network after the completion of two 30-day supply prescriptions. The copayment for a 90-day supply of a maintenance drug under the 90-day maintenance network shall be twice the retail copay for a 30-day supply. Maintenance medications include oral contraceptives as well as recurring prescriptions for treatment of chronic conditions such as, but not limited to hypertension, high cholesterol, diabetes, arthritis, and heart disease."

Explanation:

(This amendment clarifies that funding provided in the budget assumes the cessation of coverage for non-sedating antihistamines and erectile dysfunction drugs and the implementation of a new 90-day network for maintenance drugs. These program changes result in annual savings of approximately \$7 million from all fund sources.)

Amendment #74: Correct group life rate

Item 469

Central Appropriations

Central Appropriations

Language

Language:

Page 351, line 9, strike "0.33% 0.33%" and insert "0.28% 0.28%".

Explanation:

(This amendment changes the rate for state employee group life coverage to make it consistent with amounts captured as savings and the rate assumed for public school teachers.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #75: Use of benefits rate savings

Item 469

Central Appropriations

Central Appropriations

Language

Language:

Page 352, after line 5, insert:

"3. It is anticipated the local savings related to the funded rates for public school teachers will be used to help maintain local school and law enforcement funding levels. The estimated savings is expected to be over \$500 million for the biennium."

Explanation:

(This amendment expresses legislative intent that localities use local savings from benefits rate reductions to help maintain local school and law enforcement funding levels. The estimated savings is expected to be over \$500 million for the biennium.)

Amendment #76: Modify local retirement language

Item 469

Central Appropriations

Central Appropriations

Language

Language:

Page 353, strike lines 6 through 16 and insert:

"P. The election of a Virginia Retirement System employer to pay, for any employee who was a Virginia Retirement System member on or before June 30, 2010, an equivalent amount in lieu of all member contributions under the provisions of § 51.1-144F is irrevocable. The provisions of this paragraph are declaratory of existing public policy and law."

Explanation:

(This amendment provides language that declares that an employer's election to pick up and pay Virginia Retirement System member contributions for employees is irrevocable as a matter of present policy and law.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #77: Modify potential bonus language

Item 469

Central Appropriations

Central Appropriations

Language

Language:

Page 355, strike lines through 10 and insert:

"S.1. All classified employees of the Executive branch and other full-time employees of the Commonwealth, except elected officials, who were employed on June 30, 2010 and remain employed until at least December 1, 2010, shall receive a one-time bonus payment equal to three percent of base pay on December 1, 2010, contingent upon additional general fund resources equaling or exceeding \$82,200,000 from the combination of actual general fund revenue collections for FY 2010 exceeding the official FY 2010 revenue estimate contained in the first enactment of HB 29 of the 2010 session of the General Assembly, and by any discretionary unspent general fund appropriations recommended by the Governor for reversion at the end of FY 2010. If the combination of additional general fund revenue collections and year-end general fund balances recommended for reversion by the Governor for FY 2010 exceed the official revenue estimate by less than \$82,200,000, the one-time bonus payment shall be prorated to a percent of base pay for the general fund payroll that equates to the amount of excess resources collected.

2. For purposes of paying the general fund share of the December 1, 2010, one-time bonus, the State Comptroller shall reserve \$82,200,000 on the balance sheet for the general fund attributable to FY 2010 general fund revenue collections in excess of the official revenue estimate and discretionary general fund balances recommended for reversion by the Governor."

Explanation:

(This amendment modifies language that contingently appropriates funding for an employee bonus to include year-end general fund balances recommended for reversion in the total amount used to quantify whether the trigger had been met. It also limits the bonus to classified employees and other full-time employees of the Commonwealth employed on June 30, 2010 and requires employees to remain in employment with the Commonwealth on December 1, 2010 in order to receive the bonus.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #78: Capture Dominion Power rate savings

Item 473

Central Appropriations	FY 10-11	FY 11-12
Central Appropriations	(\$551,301)	(\$218,223) GF

Language:

Page 357, line 33, strike "\$454,487" in the first year and insert "\$1,005,788".

Page 357, line 33, strike "\$454,487" in the second year and insert "\$672,710".

Page 357, line 35, strike "\$454,487" in the first year and insert "\$1,005,788".

Page 357, line 35, strike "\$454,487" in the second year and insert "\$672,710".

Page 358, after line 11, insert:

“D.1. The Director, Department of Planning and Budget shall transfer to this Item, amounts estimated at \$551,301 the first year and \$218,223 the second year, from the general fund appropriations of state agencies, representing savings resulting from a reduction in the rate charged to agencies by Virginia Dominion Power.

2. Pursuant to § 3-1.01 of this act, amounts estimated at \$523,843 the first year and \$207,355 the second year shall be transferred from eligible nongeneral fund accounts to the general fund, representing nongeneral fund savings associated with the reduction in the rate charged to state agencies by Virginia Dominion Power. Of this amount, \$149,982 the first year and \$59,368 the second year is reserved for federal reversion upon request, to be transferred by the State Comptroller.”.

Explanation:

(This amendment captures agency savings generated from the Virginia Dominion Power rate reduction approved by the State Corporation Commission in March, 2010. Exclusions from amendment include all institutions of higher education and all transportation agencies except the Department of Motor Vehicles. Federal funds are exempted. A companion amendment in Part III captures eligible nongeneral dollars.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #79: Bond authority for medical education facility in Southwest Virginia

Item C-76.10

Education: Other

Southwest Virginia Higher Education Center

Language

Language:

Page 379, after line 8, insert:

"§ 2-16.5. Southwest Virginia Higher Education Center (948)

C-76.10. Pursuant to §23-30.24 et seq., of the Code of Virginia, the General Assembly hereby authorizes the Virginia College Building Authority (VCBA) to issue revenue bonds to provide funds to the Southwest Virginia Higher Education Center, to finance a portion of the capital costs for a medical education facility to be located in Abingdon, Virginia. The amount of the bonds shall not exceed \$20,000,000, plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during construction and for up to one year after completion thereof, and other financing expenses. This project shall include, without limitation, constructing, improving, furnishing, equipping, acquiring, and renovating buildings, facilities, improvements, and land therefore. Bonds to finance this project will not be issued prior to July 1, 2013. The proceeds of such bonds are hereby appropriated for disbursement from the state treasury pursuant to Article X, Section 7 of the Constitution of Virginia, and § 2.2-1819, Code of Virginia."

Explanation:

(This amendment provides bond authorization to finance a portion of the capital cost to establish a medical education facility in Southwest Virginia.)

Amendment #80: Increase central maintenance reserve

Item C-84

Central Appropriations

FY 10-11

FY 11-12

Central Capital Outlay

\$15,000,000

\$0 NGF

Language:

Page 381, line 10, strike "\$50,000,000" and insert "\$65,000,000".

Page 381, line 13, strike "\$50,000,000" and insert "\$65,000,000".

Page 381, line 20, strike "\$3,104,240" and insert "\$4,806,408".

Page 381, line 23, strike "\$242,630" and insert "\$712,807".

Page 381, line 32, strike "\$2,160,318" and insert "\$2,779,095".

Page 381, line 33, strike "\$1,679,598" and insert "\$2,443,950".

Page 381, line 35, strike "\$2,815,549" and insert "\$6,547,183".

Page 381, line 42, strike "\$4,728,695" and insert "\$5,496,565".

Page 381, line 46, strike "\$2,389,973" and insert "\$4,441,355".

Page 382, line 10, strike "\$3,165,218" and insert "\$8,058,858".

Explanation:

(This amendment provides debt authorization to restore maintenance reserve funding to eight agencies (General Services, Agriculture and Consumer Services, George Mason University, James Madison University, Norfolk State University, Virginia Community College System, Virginia State University, and Corrections) which were

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

originally funded in Chapter 781 with federal stimulus dollars. There were a number of issue with using stimulus dollars for facility maintenance. This funding addresses large deferred maintenance needs for these agencies.)

Amendment #81: Address technical issue with bond authorization language

Item C-85

Central Appropriations

Central Capital Outlay

Language

Language:

Page 383, line 16, after "Virginia" strike "." and insert:

"or the Virginia Public Building Authority pursuant to § 2.2-2263, Code of Virginia."

Page 383, line 17, after "Bonds" insert:

"of the Virginia College Building Authority"

Page 383, after line 21, insert:

"From the list of projects included in paragraph B of this Item, the Director of the Department of Planning and Budget shall provide the Chairmen of the Virginia College Building Authority and the Virginia Public Building Authority with the specific projects, as well as the amounts for these projects, to be financed by each authority within the dollar limit established by this authorization."

Page 384, line 6, after "Authority" insert:

"pursuant to § 23-30.24 et. seq., Code of Virginia, and the Virginia Public Building Authority pursuant to § 2.2-2263, Code of Virginia,"

Explanation:

(This amendment includes the Virginia Public Building Authority as a source of bond funding for the construction of certain projects listed in paragraph B of this item. This is a technical adjustment as not all projects in the list can be funded with Virginia College Building Authority debt as presently stated in the budget.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #82: Add Potomac Science Center and planning language

Item C-85

Central Appropriations

Central Capital Outlay

Language

Language:

Page 384, after line 17, insert "Construct Potomac Science Center (17634)"

Page 385, after line 22, insert:

"F.1. Capital projects authorized in paragraph B of this Item may proceed from preliminary working drawings to detailed working drawings.

2. Such nongeneral funds as may be required for this purpose are hereby appropriated.

3. Nongeneral funds expended for the purposes of projects in paragraph B of this Item may be reimbursed from such funds as may be appropriated for the construction of the project for which planning is undertaken, upon the authorization of such funds."

Explanation:

(This amendment includes a technical adjustment to add the Potomac Science Center, formerly known as the Belmont Bay Science Center, to the list of the authorized projects contained in paragraph B of this Item. As referenced in the 2010 conference actions of the General Assembly (Item C-76 #1c), this project was intended to be included in this list. Additionally, this amendment allows agencies with projects authorized in paragraph B of this Item to continue planning with their own nongeneral funds.)

Amendment #83: Department of Taxation Indirect Cost Recoveries Transfer

Item 3-1.01

Transfers

Interfund Transfers

Language

Language:

Page 389, strike line 27 through 30

Page 389, strike line 32 through 34

Page 389, line 31, strike "e)" and insert "a)"

Page 389, line 35, strike "i)" and insert "b)"

Page 389, line 36, strike "j)" and insert "c)"

Explanation:

(This amendment reverses the \$22,734 cost recovery transfer from Commodity Boards to the Department of Taxation for costs incurred for the administration of taxes. The Commodity Boards impacted are: the Apple, Egg Promotion, Soybean, Corn, Small Grain, Assessment of Sheep Sold, and the Cotton Tax Assessment.

The Commodity Boards self-assess themselves in order to provide market development, promotional, educational, and research programs for their particular industry. Any administrative cost takes funds directly away from the growers and producers.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #84: Capture Dominion Power rate savings

Item 3-1.01

Transfers

Interfund Transfers

Language

Language:

Page 394, after line 36, insert:

"PP. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$523,843 the first year and \$207,355 the second year from savings associated with the reduction in the rate charged to state agencies by Virginia Dominion Power. Of this amount, \$149,982 the first year and \$59,368 the second year is reserved for federal reversion upon request."

Explanation:

(This amendment captures agency savings generated from the Virginia Dominion Power rate reduction approved by the State Corporation Commission in March, 2010. Exclusions from amendment include all institutions of higher education and all transportation agencies except the Department of Motor Vehicles. Federal funds are also exempted. A companion amendment in Central Appropriations captures general fund dollars.)

Amendment #85: Adjust State Corporation Commission unobligated transfer amounts

Item 3-1.01

Transfers

Interfund Transfers

Language

Language:

Page 394, line 29 strike "\$10,000,000" and insert "\$12,000,000".

Page 394, line 31 strike "\$10,000,000" and insert "\$8,000,000".

Explanation:

(This amendment adjusts the amount of unobligated balances to be transferred from State Corporation Commission in each year.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #86: Establish repayment source for enterprise applications

Item 3-1.01

Transfers

Interfund Transfers

Language

Language:

Page 394, line 17, after "fund, insert:

" Any additional savings will be transferred to the Virginia Infrastructure Technology Fund and shall be used to pay down balances on the working capital advance for enterprise applications, pursuant to paragraph D in Item 433. The Department of Medical Assistance Services shall determine the actual amount the State Comptroller shall transfer based on the most available expenditure data when the transfer is made."

Explanation:

(This amendment transfers any additional general fund dollars from anticipated medical equipment savings toward the repayment of the Virginia Information Technologies Agency's working capital advance. The advance is used for the development of enterprise applications such as the Financial Management and Performance Budgeting Systems. The savings are being achieved by reducing reimbursement rates for durable medical equipment and implementing a competitive bidding process to buy incontinence supplies.)

Amendment #87: Clarify nongeneral fund interest withholdings

Item 3-3.03

General Fund Deposits

Interest Earnings

Language

Language:

Page 389, line 56 after "regulation" insert:
"or Virginia constitutional requirement,".

Explanation:

(This amendment exempts those funds that are required to retain interest per state mandate.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #88: Amend language for retaliatory costs to other states tax credit

Item 3-5.02

**Adjustments And Modifications To Tax
Collections**

Retaliatory Costs To Other States Tax Credit

Language

Language:

Page 401, line 37, after "2001." insert:

"In addition, such credit for those companies receiving a credit for the taxable year 2000 shall be limited to \$1,600,000 for license years beginning on and after July 1, 2010, and taxable years ending on and after December 31, 2010, provided, however, that no more than \$266,667 of such refund shall reduce the amount deposited to the Priority Transportation Trust Fund pursuant to § 58.1-2531."

Explanation:

(This amendment increases the statutory cap on the amount of the Tax Credit for Retaliatory Costs to Other States for companies that received a credit for taxable year 2000 from \$800,000 to \$1.6 million.)

Amendment #89: Modify phase out of the accelerated sales tax

Item 3-5.08

**Adjustments And Modifications To Tax
Collections**

Accelerated Sales Tax

Language

Language:

Page 403, line 12, strike "year 2015. The payment amount for June 2015" and insert:
"year 2013. The payment amount for June 2013".

Explanation:

(This amendment would begin the phase out of the accelerated sales tax in FY 2013.)

Amendment #90: Clarify discounts and allowances language

Item 3-5.09

**Adjustments And Modifications To Tax
Collections**

Discounts and Allowances

Language

Language:

Page 403, line 16, after "shall", strike "not be available to" and insert "be suspended for".
Page 403, line 25, after "be", strike "repealed" and insert "suspended".

Explanation:

(This amendment expresses that intent that the elimination of the dealer discount for those who are required to file electronically, and for the tire, communications, tobacco, and e911 taxes is temporary in nature.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #91: Abortion services

Item 4-5.04

Special Conditions and Restrictions on Expenditures

Goods and Services

Language

Language:

Page 430, after line 19, insert:

"j. MEDICAL SERVICES: No expenditures from general or nongeneral fund sources may be made out of any appropriation by the General Assembly for providing abortion services, except as otherwise required by federal law or state statute."

Explanation:

(This amendment prohibits state expenditures for abortion services, unless required by federal law or state statute.)

Amendment #92: Modify manpower control language

Item 4-7.01

Statewide Plans

Manpower Control Program

Language

Language:

Page 444, strike lines 47 through 53 and insert:

"e. Prior to implementing any Executive Department hiring freeze, the Governor shall consider the needs of the Commonwealth in regards to the safe and efficient operation of state facilities and performance of essential services to include the exemption of certain positions assigned to agencies and institutions that provide services pertaining to public safety and public health from such hiring freezes."

Page 445, strike lines 1 through 6.

Explanation:

(This amendment modifies language to provide the Governor with greater flexibility in implementing administrative hiring freezes of Executive branch positions.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #93: Adjust eVA performance requirement language

Item 4-9.02

Higher Education Restructuring

Assessment of Institutional Performance

Language

Language:

Page 451, line 28, strike "(with the exception of Virginia Commonwealth University)".

Page 451, line 30, strike "VCU will process no less than 70 percent of its transactions through eVA with no less".

Page 451, line 31, strike " than 80 percent of its purchase transactions by fiscal year 2010."

Explanation:

(This amendment removes language which excludes Virginia Commonwealth University (VCU) from performance requirements related to the Commonwealth's enterprise-wide internet procurement system (eVA). VCU was not in the original group of institutions granted Level III authority. As part of the negotiations of their Management Agreement, VCU asked for a time period to increase their eVA performance. The period is now complete and the VCU standard should now equal that of other institutions. If the proposed amendment is not made, VCU will be the only Level III institution of higher education that does not have a FY 2011 and FY 2012 eVA performance requirement. This language fixes a technical error that should have been made during the 2010 session.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #94: Increase certain criminal penalty fees

Item 5-0.00

Additional Enactments

Language

Language:

Page 457, after line 45 insert:

“5. That §§ 15.2-1627.3 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1627.3. Attorneys for the Commonwealth and city attorneys; in criminal cases; when no costs or fees taxed.

The fees of attorneys for the Commonwealth in all felony and misdemeanor cases in which there is a conviction and sentence not set aside on appeal or a judgment for costs against the prosecutor, and for expenditures made in the discharge of his duties shall be as follows:

For each trial of a single count felony indictment, ~~fifteen dollars~~ \$40.

For each trial of a multiple count felony indictment, ~~fifteen dollars~~ \$40 per count.

For each person tried for a misdemeanor in his circuit court, ~~five dollars~~ \$15, and for each person prosecuted by him before such court of his county or city for a misdemeanor, which he is required by law to prosecute, or upon an indictment found by a grand jury, ~~five dollars~~ \$15, and in every misdemeanor case so prosecuted the court or judge shall tax in the costs and enter judgment for such misdemeanor fee.

No attorney for the Commonwealth or city attorney shall receive a fee for appearing in misdemeanor cases before a district court notwithstanding any provision of law to the contrary.

No costs or fees shall be taxed for, or in any way allowed to, an attorney for the Commonwealth of any city or county or a city attorney of any city in any case, unless he in person, or by a duly authorized assistant, actually appears and prosecutes the proceedings before the court.”

Page 458, line 1, strike “5.” and insert “6.”

Page 458, line 2, strike “6.” and insert “7.”

Page 458, line 3, after “fourth”, strike “and fifth” and insert “, fifth, and sixth”.

Explanation:

(This amendment increases fees for certain felony indictments from \$15 to \$40 per count and fees for certain misdemeanor convictions from \$5 to \$15 per count.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #95: Increase fines for speeding

Item 5-0.00

Additional Enactments

Language

Language:

Page 457, after line 45, insert:

“5. That § 46.2-878.3 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-878.3. Prepayment of fines for violations of speed limits.

Except as otherwise provided in this section, the Traffic Infractions and Uniform Fine Schedule adopted by the Supreme Court for prepayment of fines shall, in all instances where prepayment of a fine is permitted, include a fine of ~~\$5~~ \$6 per mile-per-hour in excess of posted speed limits provided for in this article. However, ~~in any case involving prepayment of a fine for a violation of §§ 46.2-873, 46.2-878.1, or § 46.2-878.2, such Traffic Infractions and Uniform Fine Schedule shall include a fine of more than \$5 per mile per hour in excess of posted speed limits of \$7 per mile-per-hour in excess of posted speed limits for a violation of §§ 46.2-873 and 46.2-878.1 and \$8 per mile-per-hour in excess of posted speed limits for a violation of § 46.2-878.2.”~~

Page 458, line 1, strike “5.” and insert “6.”

Page 458, line 2, strike “6.” and insert “7.”

Page 458, line 2, after “fourth” strike “and fifth” and insert:

“,fifth, and sixth”.

Explanation:

(This amendment increases the fine for speeding by \$1 per mile-per-hour in excess of the posted speed limit. In addition to the additional revenue that will be realized by the Commonwealth, it is projected that the increase will result in an additional \$2.9 million collected by counties, cities, and towns.)

Governor's 2010 Reconvened Session Executive Amendments (HB 30)

Amendment #96: Modify Internal Revenue Code Section 199 deduction

Item 5-0.00

Additional Enactments

Language

Language:

Page 453, strike lines 8 through 18 and insert:

"5. The amount of the deduction allowed for domestic production activities pursuant to § 199 of the Internal Revenue Code for taxable years beginning on or after January 1, 2010. For Virginia income tax purposes, two-thirds of the amount deducted pursuant to § 199 of the Internal Revenue Code for federal income tax purposes during the taxable year may be deducted for Virginia income tax purposes for taxable years beginning on and after January 1, 2010;

Explanation:

(This amendment will maintain the § 199 deduction at the taxable year 2009 rate of six percent per year in taxable years 2010 and 2011.)
