

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #1: Revenue adjustments

Item 0

Revenues

Revenues

Language

Language:

Page 1, line 23, strike "\$192,536,232" and insert "\$247,536,232".
Page 1, line 23, strike "\$192,987,998" and insert "\$247,987,998".
Page 1, line 27, strike "\$16,980,043,586" and insert "\$17,035,043,586".
Page 1, line 27, strike "\$34,558,014,099" and insert "\$34,613,014,099".
Page 1, line 33, strike "\$1,277,293,373" and insert "\$1,338,293,373".
Page 1, line 33, strike "\$246,000,000" and insert "\$240,000,000".
Page 1, line 33, strike "\$1,523,293,373" and insert "\$1,578,293,373".
Page 1, line 35, strike "\$24,669,983,502" and insert "\$24,730,983,502".
Page 1, line 35, strike "\$21,024,611,219" and insert "\$21,018,611,219".
Page 1, line 35, strike "\$45,694,594,721" and insert "\$45,749,594,721".
Page 1, line 36, strike "\$41,650,027,088" and insert "\$41,766,027,088".
Page 1, line 36, strike "\$38,602,591,732" and insert "\$38,596,591,732".
Page 1, line 36, strike "\$80,252,608,820" and insert "\$80,362,608,820".

Explanation:

(This amendment revises general fund and nongeneral fund revenues available for appropriation as a result of the reversion to the balance of the general fund an additional \$55.0 million from various existing capital outlay projects which will now be bonded rather than direct funded, This amendment also revises appropriations to reflect the movement of a \$6.0 million nongeneral fund bond project from the second year to the first year.)

Amendment #2: Deposit of clerks' fees

Item 74

Administration

Compensation Board

Language

Language:

Page 57, line 50, after "Virginia", insert "or otherwise provided by law".

Explanation:

(This amendment allows circuit court clerks to deposit fees collected into accounts other than those held by the State Treasurer if otherwise provided by law. SB 622, enacted by the 2008 General Assembly, authorizes clerks to deposit a fee collected for the electronic filing of land records into special local accounts. Without this amendment, there would be a conflict between that statute and the Appropriation Act.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #3: Convert Division of Real Estate Services to full internal service fund

Item 79

Administration

Department of General Services

Language

Language:

Page 67, line 48, insert "A." before "This".

Page 68, line 9, strike "\$2,109,566" and "\$2,109,566" and insert "\$59,200,000" and "\$59,200,000".

Page 68, after line 14, insert:

"B. The Director, Department of Planning and Budget, is authorized to transfer general fund appropriations from this Item to agencies paying the Department of General Services' real estate service charges from general fund appropriations based on real estate surcharge rates approved by the Joint Legislative Audit and Review Commission."

Explanation:

(This amendment revises the current sum sufficient appropriation of \$2.1 million to approximately \$59.2 million to reflect the division taking over a large majority of the Commonwealth's lease payments to private property owners. Secondly, the amendment provides language to authorize the director, Department of Planning and Budget, to transfer the current general fund appropriation within the Item to the agencies who pay leases from general fund appropriations to cover the general fund's share of the administrative fees for overseeing the leases.)

Amendment #4: Provide language for sale of Dove Street Armory

Item 79

Administration

Department of General Services

Language

Language:

Page 67, line 48, insert "A." before "This appropriation".

Page 68, after line 14, insert:

"B. The Department of General Services, in consultation with the Department of Military Affairs, is authorized to sell the former Dove Street Armory property located at 500 Dove Street, Richmond, Virginia, to the Richmond Redevelopment Housing Authority pursuant to §2.2-1150. Notwithstanding any law to the contrary, the proceeds from the sale, after deduction of fees and expenses, will be retained by the Department of Military Affairs for facility repairs and improvements."

Explanation:

(This amendment provides language to authorize the sale of the Dove Street Armory property in Richmond, Virginia.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #5: Provide consistency in green building requirements

Item 81

Administration

Department of General Services

Language

Language:

Page 70, Line 52, strike "or the Green Globes rating system" and insert:

"(including the use of Virginia forest products with alternate certifications) or the United States Environmental Protection Agency/Department of Energy's "Energy Star" rating."

Explanation:

(This amendment makes the language in the Appropriation Act consistent with Executive Order 48, Energy Efficiency in State Government, issued by the Governor in 2007.)

Amendment #6: Provide funding for the Daniel Boone Visitor Center

Item 130

Commerce and Trade

FY 08-09

FY 09-10

Virginia Tourism Authority

\$100,000

\$100,000 GF

Language:

Page 107, line 20, strike "\$14,369,330" and insert "\$14,469,330".

Page 107, line 20, strike "\$14,369,330" and insert "\$14,469,330".

Page 108, after line 46, insert:

"K. Out of the amounts for Tourist Promotion shall be provided \$100,000 the first year and \$100,000 the second year from the general fund for the Daniel Boone Visitor Center."

Explanation:

(This amendment provides pass-through funding for the Daniel Boone Visitor Center. The funds will be used toward the center's operating costs.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #7: Provide funding for the Virginia Career Education Foundation (VCEF)

Item 139

Education: Elementary and Secondary	FY 08-09	FY 09-10
Direct Aid to Public Education	\$50,000	\$50,000 GF

Language:

Page 116, line 11, strike "\$6,865,750" and insert "\$6,915,750".

Page 116, line 11, strike "\$6,558,250" and insert "\$6,608,250".

Page 118, after line 34 insert:

"J. Out of the amounts for this Item, shall be provided \$50,000 the first year and \$50,000 the second year from the general fund for the Virginia Career Education Foundation."

Explanation:

(This amendment restores the funding for the Virginia Career Education Foundation to manage the Commonwealth Scholars and the Governor's Exemplary Standards Award Program for Career and Technical Education.)

Amendment #8: Provide support for modeling and simulation efforts

Item 185

Education: Higher Education	FY 08-09	FY 09-10
Old Dominion University	\$1,500,000	(\$1,500,000) GF

Language:

Page 182, line 14, strike "\$14,917,163" and insert "\$16,417,163".

Page 182, line 14, strike "\$14,917,163" and insert "\$13,417,163".

Page 182, line 20, strike "\$1,500,000 each" and insert "\$3,000,000 the first".

Explanation:

(This amendment provides support for continued modeling and simulation efforts at Old Dominion University in FY 2009.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #9: Authorize Secretary of Health and Human Resources to establish program

Item 282

Health & Human Resources

Secretary of Health and Human Resources

Language

Language:

Page 254, after line 59, insert "E. The Secretary of Health and Human Resources is authorized to expend up to \$500,000 each year from amounts recovered from private health insurance for public health services to match available private donations on a dollar for dollar basis to establish a pilot program in Eastern Virginia providing health insurance for low-income, uninsured workers employed by small businesses. At least 30 days prior to the start of the program, the Secretary of Health and Human Resources shall provide an implementation plan to the Chairmen of the House Appropriations and Senate Finance Committees.

Explanation:

(This amendment authorizes the Secretary of Health and Human Resources to establish a pilot program in Eastern Virginia that will offer health insurance coverage for low-income, uninsured workers employed by small businesses to be supported by monies recovered from private health insurance companies and by private donations. The program will expand access to health insurance coverage for low-income families earning 200 percent of the federal poverty level or less and who work for small businesses. The program will use private insurance coverage, with the nongeneral funds covering one-third of the premium costs for participating individuals, up to \$75 per month. The employer and the employee will each cover one-third of the remaining costs.)

Amendment #10: Clarify language to require use of Medicaid services when appropriate

Item 283

Health & Human Resources

Comprehensive Services for At-Risk Youth and Families

Language

Language:

Page 260, line 15, strike "."

Page 260, line 15, after "youth" insert:

"except when Medicaid-funded services are unavailable or inappropriate for meeting the needs of a child."

Explanation:

(This amendment clarifies language added by the General Assembly that would mandate the use of Medicaid services by specifying that Medicaid is to be used when the services are available and appropriate to meet the needs of a child.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #11: Provide coverage for newborns born to mothers enrolled in FAMIS

Item 305

Health & Human Resources

Department of Medical Assistance Services

Language

Language:

Page 282, after line 35, insert:

"E. The Department of Medical Assistance Services shall have the authority to provide eligibility in the Family Access to Medical Insurance Security (FAMIS) Plan to infants born to mothers enrolled in FAMIS, for the month of birth plus two additional months, even if eligibility is not yet established for the newborn. If federal funds are not available for those months of eligibility, the department shall use state funding. The department shall promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act."

Explanation:

(This amendment provides the authority necessary for the Department of Medical Assistance Services (DMAS) to provide coverage for the birth of a newborn of a FAMIS enrollee for two months after delivery. Because the mother has already qualified for FAMIS, DMAS can offer immediate coverage to the newborn even though paperwork is still underway. This change will make FAMIS coverage consistent with Medicaid. The cost of this change is nominal and no additional funding is necessary.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #12: Add behavioral health drugs to the Medicaid Preferred Drug List

Item 306

Health & Human Resources	FY 08-09	FY 09-10
Department of Medical Assistance Services	(\$500,000)	(\$1,000,000) GF
	(\$500,000)	(\$1,000,000) NGF

Language:

Page 282, line 36, strike "\$5,493,345,441" and insert "\$5,492,345,441".

Page 282, line 36, strike "\$5,793,807,165" and insert "\$5,791,807,165".

Page 288, strike lines 11 through 22, and insert:

"7. The department and its Pharmacy and Therapeutics Committee shall review mental health drug classes, including antidepressants, anti-psychotics, and anti-anxiety medications for inclusion in the Preferred Drug List program. In conducting the review of these drug classes, the department and the committee shall exercise prudence to ensure clinical efficacy and patient access to needed prescription medications, including the use of any appropriate clinical criteria as provided in subparagraph 2.a. The department, in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services, shall report to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2008, on the actions taken with respect to the drug classes added to the Preferred Drug List program and the precautions and safeguards built into the program to ensure appropriate patient access to necessary medications."

Explanation:

(This amendment adds behavioral health drugs to the Medicaid preferred drug list (PDL). Including these drugs in the PDL means that Medicaid clients will be prescribed high-quality and cost-effective drugs for their condition unless the doctor can justify their need for a more expensive medication. This measure is a prudent savings strategy without adverse impact on the outcomes of Medicaid clients.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #13: Increase Medicaid rates for ambulance providers

Item 306

Health & Human Resources

Department of Medical Assistance Services

Language

Language:

Page 297, after line 24, insert:

"WW. Out of this appropriation, \$2,700,000 the first year and \$2,700,000 the second year from the general fund, and \$2,700,000 the first year and \$2,700,000 the second year from nongeneral funds shall be used to increase Medicaid reimbursement rates paid to providers of ambulance services."

Explanation:

(This amendment authorizes an increase in Medicaid rates for ambulance providers. The Department of Medical Assistance Services has corrected an error in Medicaid ambulance rates for dual eligibles (people with Medicaid and Medicare) starting April 1, 2008. The rate increase is equivalent to the amount of funding lost due to the overpayment error. As a result of the rate correction ambulance providers across the state will lose about \$5.0 million a year (\$2.5 million general fund). Ambulance providers are already one of the lowest paid providers within the Medicaid program, so this loss of funding is dramatic for those providers. DMAS wants to raise the ambulance rates so that there is no loss in funding for the providers. The agency will utilize fund balances from the substance abuse program to fund this rate increase.)

Amendment #14: Change language to reflect the correct reduction for nursing home rates

Item 306

Health & Human Resources

Department of Medical Assistance Services

Language

Language:

Page 297, line 18, after "by", strike "1.654" and insert "1.329".

Explanation:

(This amendment authorizes the Department of Medical Assistance Services to lower payment rates to nursing homes as part of a strategy to save approximately \$5.8 million in general fund dollars each year. The percent reduction in the language (1.654) would generate savings greater than planned. The correct percentage reduction is 1.329 percent.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #15: Clarify number of Mental Retardation Waiver slots

Item 316

Health & Human Resources

Grants To Localities

Language

Language:

Page 311, line 55, strike "\$2,296,875" and insert "\$11,675,400".

Page 311, line 56, strike "\$4,921,875" and insert "\$17,542,200".

Page 311, line 57, strike "\$2,296,875" and insert "\$11,675,400".

Page 311, line 57, strike "\$4,921,875" and insert "\$17,542,200".

Page 312, line 3, strike "75" and insert "600".

Page 312, line 4, strike "150" and insert "600".

Page 312, line 6, after ".", insert:

"The Department of Mental Health, Mental Retardation and Substance Abuse Services shall phase in the allocation of slots during the first year consistent with the funding provided in this Item."

Explanation:

(This amendment adjusts language to reflect the correct appropriation and number of waiver slots to be made available in FY 2009 and FY 2010. The language instructs the agency to phase in 600 slots over the course of the first year so as not to exceed the appropriation provided.)

Amendment #16: Provide additional support for the Virginia Outdoors Foundation

Item 362

Natural Resources

FY 08-09

FY 09-10

Department of Conservation and Recreation

\$525,000

\$525,000 GF

Language:

Page 348, line 1, strike "\$48,437,884" and insert "\$48,962,884".

Page 348, line 1, strike "\$48,687,884" and insert "\$49,212,884".

Page 348, line 44, strike "\$1,525,000" and insert "\$2,050,000".

Page 348, line 45, strike "\$1,525,000" and insert "\$2,050,000".

Explanation:

(This amendment provides enhanced operational support for the Virginia Outdoors Foundation to respond to requests for assistance from landowners so that the land may be put under conservation easement in a timely manner.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #17: Provide funding for the preservation of Civil War historic battlefields

Item 374

Natural Resources

Department of Historic Resources

FY 08-09

\$5,000,000

FY 09-10

\$0 GF

Language:

Page 354, line 23, strike "\$5,315,801" and insert "\$10,315,801".

Page 356, line 10, strike "\$190,000 each" and insert "\$5,190,000 the first year and \$190,000 the second".

Explanation:

(This amendment provides funding for the Civil War Historic Site Preservation Fund. These funds are to be used to make grants to private non-profit organizations for the purpose of preserving endangered Virginia Civil War historic sites. Eligibility for grants shall require recipient non-profit organizations to provide at least \$2 in matching funds for every \$1 provided from the fund.)

Amendment #18: Exempt Patrick County from jail construction moratorium

Item 388

Public Safety

Department of Corrections

Language

Language:

Page 365, line 49, after "Martinsville" insert "or, alternatively, Patrick County, in order to proceed in planning for a replacement of the existing local jail facility".

Explanation:

(This amendment would exempt Patrick County from the moratorium on jail construction and allow it to proceed in planning for the replacement of its existing jail, rather than entering into an agreement with Martinsville and Henry County to build a regional jail.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #19: Post-secondary education in correctional centers

Item 390

Public Safety

Department of Corrections

Language

Language:

Page 369, line 51, strike "Liberty University shall" and insert "any public or private institution of higher education may".

Page 369, line 54, strike "Liberty University" and insert "the institution of higher education".

Page 370, line 5, strike "shall" and insert "may".

Page 370, line 6, strike "Green Rock Correctional Center" and insert "any correctional center".

Page 370, strike lines 8 through 10.

Page 370, line 11, strike "otherwise" and insert "the institution of higher education".

Explanation:

(This amendment provides the Departments of Corrections and Correctional Education greater flexibility in establishing a computer-based program of post-secondary education for inmates in cooperation with public and private higher education institutions.)

Amendment #20: Provide Woodrum funding

Item 391

Public Safety

FY 08-09

FY 09-10

Department of Corrections

\$29,362

\$0 GF

Language:

Page 370, line 23, strike "\$78,013,144" and insert "\$78,042,506".

Page 373, after line 35, insert:

"L. Included in the appropriation for this Item is \$29,362 the first year from the general fund for the estimated net increase in the operating costs of adult correctional centers resulting from the enactment of HB 113 and SB 368 (\$16,887), and of SB 284 (\$12,475) by the 2008 Session of the General Assembly. This amount shall be paid into the Corrections Special Reserve Fund, established in accordance with § 30-19.1:4, Code of Virginia."

Explanation:

(This amendment provides \$16,887 for the correctional bed space impact associated with HB 113 and SB 368, which increase, from a Class 6 felony to a Class 4 felony, the penalty for failing to heed the signal of a law enforcement officer to bring a vehicle to a stop and trying to elude police if such action resulted in the death of a law enforcement officer. It also provides \$12,475 for the correctional bed space impact associated with SB 284, which increases the penalty to a Class 6 felony for assaulting a Department of Motor Vehicles' law enforcement officer. In accordance with the directive set out in the Code of Virginia to conduct an analysis of proposed legislation that might result in an increase in prison population (the "Woodrum" requirement), the Virginia Criminal Sentencing Commission determined that HB 113/ SB 368 (identical bills) and SB 284 would result in an increase in the number of persons housed in prison and assigned a cost to this impact. The Code requires that any such legislation be accompanied with an appropriation for the projected cost (its "Woodrum number"). The amendment provides a Woodrum appropriation for these bills.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #21: Clarify HB 599 distribution

Item 397

Public Safety

Department of Criminal Justice Services

Language

Language:

Page 377, line 32, after "A.", strike "The" and insert "Except for the funds referred to in paragraph E. of this Item, the"

Explanation:

(This amendment clarifies that the method to be used for distributing financial assistance to localities with police departments (HB 599 funds) is not applicable to the entire appropriation contained in the Item.)

Amendment #22: County improvements to state system roadways

Item 458

Transportation

Department of Transportation

Language

Language:

Page 418, strike lines 52 through 56 and insert:

"F. The Department of Transportation is encouraged to promote the construction and improvement of primary and secondary highways by counties, consistent with Section 33.1-75.3 of the Code of Virginia, whether or not such improvements are contained in the Six-Year Improvement Program or Plan. If such improvements are not contained in the Six-Year Improvement Program or Plan, the counties may not seek reimbursement from the department for the improvements."

Page 419, strike lines 1 through 6.

Explanation:

(This amendment would encourage the Virginia Department of Transportation to support counties wishing to undertake primary and secondary road improvements.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #23: Provide economic development incentive for research related entity

Item 473

Central Appropriations	FY 08-09	FY 09-10
Central Appropriations	\$2,000,000	\$2,000,000 GF

Language:

Page 444, line 7, strike "\$20,956,806" and insert "\$22,956,806".

Page 444, line 7, strike "\$41,016,406" and insert "\$43,016,406".

Page 448, after line 12 insert:

"M. Out of the general fund appropriation for this Item, the Governor is authorized to expend \$2,000,000 the first year and \$2,000,000 the second year to provide an incentive for the location of a research-related entity in accordance with § 2.2-2240.1, Code of Virginia."

Explanation:

(This amendment provides funding for the continuation of economic development incentive payments to a research related entity in Virginia to help ensure a steady source of start-up funding to help attract high caliber researchers.)

Amendment #24: Domestic and foreign corporation annual registration fee enactment date

Item 479

Independent Agencies

State Corporation Commission	Language
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Language:

Page 453, line 10, strike "2006" and insert "2008".

Explanation:

(This amendment corrects the date regarding registration fees for domestic and foreign corporations from July 1, 2006, to July 1, 2008.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #25: Revert additional GF capital amounts

Item 2-0

Capital General Conditions

Capital General Conditions

Language

Language:

Page 465, after line 46 insert:

"S. On or before August 30, 2008, the State Comptroller shall revert to the general fund an amount estimated at \$55,000,000 from the following capital projects listed in the table below by agency, fund code, and project code; provided however, that the Director, Department of Planning and Budget, may direct the restoration of any portion of the reverted amount if the director shall subsequently verify an unpaid obligation cannot be paid as a result of this reversion:

Agency Code	Project Code	Fund Code
194	17091	0100
194	17490	0100
199	16937	0100
204	17189	0100
208	16713	0100
208	16792	0100
208	16793	0100
208	17424	0100
208	17494	0100
211	17119	0100
212	16798	0100
212	17306	0100
214	16301	0100
214	16802	0100
214	17017	0100
214	17317	0100
214	17323	0100
215	17325	0100
216	16808	0100
216	16809	0100
217	16813	0100
221	17339	0100
236	16403	0100
236	16825	0100
236	17452	0100
242	16774	0100
246	17362	0100
246	17451	0100
260	16178	0100
260	16501	0100
260	16614	0100
260	16718	0100

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260	16837	0100
260	16841	0100
260	16850	0100
268	17489	0100
425	17209	0100
702	17231	0100
720	17140	0100
777	17179	0100
799	16110	0100
799	16113	0100"

Explanation:

(This amendment reverts general fund dollars from existing capital projects. Companion amendments restore the funding through proceeds from the Virginia Public Building Authority and the Virginia College Building Authority.)

Amendment #26: Change project title and move funds from second year to first year

Item C-36.50

Education: Higher Education

	FY 08-09	FY 09-10
George Mason University	\$6,000,000	(\$6,000,000) NGF

Language:

Page 471, line 14, strike "Swing Space and Data Center" and insert "Surge Space on Fairfax Campus".
 Page 471, line 15, strike "\$0" and insert "\$6,000,000".
 Page 471, line 15, strike "\$6,000,000" and insert "\$0".

Explanation:

(This amendment corrects the title for this project and moves the 9(d) appropriation from FY 2010 to FY 2009. This action will allow George Mason University to award the construction contract as soon as funds become available.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #27: Authorize a capital lease for Prince William research laboratory space

Item C-36.60

Education: Higher Education

George Mason University

Language

Language:

Page 471, after line 16, insert new item:

"C-36.60. George Mason University is authorized to enter into a capital lease, as defined by Generally Accepted Accounting Principles (GAAP), for research laboratory space adjacent to the Prince William campus. The university will report such lease to the Department of Accounts, the Department of the Treasury, and the Department of Planning and Budget. Approval is granted to expend a total of \$12,000,000 for such lease over a term not to exceed 10 years. Any such agreement is exempt from Section 4-3.03 b.2. of this act. The lease will be funded from indirect cost recoveries or other non-Educational and General Program revenues."

Explanation:

(This amendment provides capital lease authority for George Mason University to lease research space adjacent to the Prince William campus. The lease will be for a period of 10 years at a cost of approximately \$1.0 million annually.)

Amendment #28: Expands scope of capital project "New Construction: Residence Halls."

Item C-44.20

Education: Higher Education

University of Mary Washington

Language

Language:

Page 473, after line 1, insert:

"C-44.20. The project listed in Item C-86.50, Chapter 847, 2007 Acts of Assembly, is authorized to include renovation of residence halls in the scope of the project."

Explanation:

(This amendment expands the scope of capital project "New Construction: Residence Halls.")

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #29: Remove capital project language related to battlefield preservation

Item C-110

Natural Resources

Department of Conservation and Recreation

Language

Language:

Page 484, line 24, strike "the Department of".
Page 484, line 25, strike "Historic Resources,".
Page 484, line 29, strike "A".
Page 484, strike lines 30 through 33.

Explanation:

(This amendment deletes the language in the land acquisition capital project related to Civil War battlefield preservation. General fund support instead of Virginia Public Building Authority bond funds is being provided in a separate amendment to the Civil War historic site preservation grant program.)

Amendment #30: Revise language regarding bonds for maintenance reserve projects

Item C-176

Central Appropriations

Central Capital Outlay

Language

Language:

Page 496, line 34 strike "funds:" and insert "funds to finance the following capital costs:".
Page 496, line 46, strike "or address minor deficiencies".

Explanation:

(This amendment makes language changes to clarify the distinction between allowable "capital" items versus "operational" items.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #31: Provide supplemental funding for George Mason University

Item C-177

Central Appropriations	FY 08-09	FY 09-10
Central Capital Outlay	\$5,000,000	\$0 NGF

Language:

Page 497, line 14, strike "\$34,405,000" and insert "\$39,405,000".

Page 497, after line 32, insert:

"George Mason University 17365 Construct Academic VI and Research II".

Explanation:

(This amendment authorizes additional Virginia College Building Authority debt to address market escalation of construction costs for George Mason University's Academic VI and Research II. The project is included in HB 5001 as a stand alone capital project supplement. This action transfers the George Mason capital project to the list of cost overrun projects listed in the budget bill.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #32: Redirect planning dollars

Item C-177.10

Central Appropriations	FY 08-09	FY 09-10
Central Capital Outlay	\$5,000,000	(\$5,000,000) GF

Language:

Page 498, line 49, strike "\$0" and insert "\$5,000,000".

Page 498, line 49, strike "\$5,300,000" and insert "\$300,000".

Page 498, strike lines 51 through 55 and insert:

"A.1. Out of this appropriation, \$250,000 the first year from the general fund is designated but not limited to determining the technical and functional requirements and acquisition, provided the appropriation is sufficient for purchase, of a capital project electronic information management solution by the Department of General Services to implement the provisions of HB 5001 and SB 5001 of the 2008 Special Session I of the General Assembly. The Department of General Services shall determine the procurement processes, pursuant to § 2.2-4300 et seq. of the Code of Virginia, that result in the most cost efficient and timely means to satisfy the requirements of this provision and in doing so, may determine that such procurement processes specifically related to information technology goods and services not be subject to § 2.2-2005 et seq. of the Code of Virginia. The Department of General Services shall also have the authority to determine if the software solution is best hosted by the provider or the Virginia Information Technologies Agency. The Director, Department of Planning and Budget, shall transfer this amount to the Department of General Services on July 1, 2008.

2. Out of this appropriation, \$300,000 the first year from the general fund and \$300,000 the second year from the general fund is designated for hiring the required professional staff within the Department of General Services to implement the provisions of HB 5001 and SB 5001 of the 2008 Special Session I of the General Assembly. The Director, Department of Planning and Budget, shall transfer this amount to the Department of General Services on July 1 of each fiscal year."

Page 499, strike lines 1 through 6.

Page 499, line 7 strike "2." and insert "3."

Page 499, after line 15, insert:

"B. The Director, Department of Planning and Budget may transfer the remaining amount of the first year appropriation in this Item to the Treasury Board to pay for the additional debt service costs attributable to capital outlay projects authorized for debt financing in the 2008 Regular Session or in the 2008 Special Session I of the General Assembly."

Explanation:

(This amendment provides funding in both years of the biennium for the Department of General Services to support the analysis and reporting of capital outlay projects by moving existing funding in enrolled HB 30 from the second year to the first year. The amendment also provides that any remaining amount in this appropriation may be transferred to the Treasury Board to help pay for additional debt service costs.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #33: Increase supplanting of general fund capital with VPBA debt

Item C-181.10

Central Appropriations	FY 08-09	FY 09-10
9(D) Revenue Bonds	\$10,700,000	\$0 NGF

Language:

Page 503, after line 60, insert:

"C-181.10 Supplant Capital Projects - VPBA (17643)	\$10,700,000	\$0
Fund Sources: Bond Proceeds	\$10,700,000	\$0

A.1. This Item authorizes capital projects to be financed pursuant to Article X, Section 9(d) of the Constitution of Virginia.

2. This paragraph shall constitute the authority for the Virginia Public Building Authority to finance capital projects contained in Item C-326.30 of HB 29 as enacted by the 2008 Session of the General Assembly as well as the following capital projects listed in this Item through the issuance of revenue bonds in aggregate principal amounts not to exceed \$125,000,000, plus amounts to fund related issuance costs, reserve funds, and other financing expenses, in accordance with § 2.2-2263 of the Code of Virginia. The Director, Department of Planning and Budget, shall provide the Chairman of the Virginia Public Building Authority with the specific projects as well as the amounts for those projects to be financed within the dollar limit established by this authorization.

3. The Director, Department of Planning and Budget, shall restore from proceeds of bonds authorized for issuance by the Virginia Public Building Authority pursuant to § 2.2-2263 of the Code of Virginia, an amount equivalent to the general fund appropriation reverted from the following capital projects listed in the table below by agency, fund code, and project code:

Agency Code	Project Code	Fund Code
194	17091	0100
194	17490	0100
199	16937	0100
425	17209	0100
702	17231	0100
720	17140	0100
777	17179	0100
799	16110	0100
799	16113	0100

4. The Director, Department of Planning and Budget, shall restore from proceeds of bonds authorized for issuance by the Virginia Public Building Authority pursuant to § 2.2-2263 of the Code of Virginia, an amount equivalent to the general fund appropriation reverted from the capital projects contained in Item C-326.30 of HB 29 as enacted by the 2008 Session of the General Assembly.

5. The appropriations for the capital projects contained in this Item and in Item C-326.30 of HB 29, as enacted by the 2008 Session of the General Assembly, are subject to paragraph F. of § 2-0 of this act."

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Explanation:

(This amendment authorizes the issuance of \$125.0 million in Virginia Public Building Authority bonds to finance a portion of the \$300.0 million in general fund appropriations for capital projects that were reverted in HB 29, as enacted by the 2008 Session of the General Assembly, as well as an additional \$10.7 million in general fund projects reverted in FY 2009 in this act. Companion amendments revert general fund capital amounts and provide the Virginia College Building Authority with financing authority.)

Amendment #34: Add project funding to the 9(d) revenue bond table

Item C-182

Central Appropriations

9(D) Revenue Bonds

Language

Language:

Page 504, line 7, strike "\$112,561,373" and insert "\$117,561,373".

Page 505, line 27, strike "\$34,405,000" and insert "\$39,405,000".

Page 505, line 28, strike "\$112,561,373" and insert "\$117,561,373".

Explanation:

(This amendment adds funding to the 9(d) bond table to reflect additional funding to address market escalation of construction costs for George Mason University's Academic VI and Research II capital project. A companion amendment adds funding to Item C-177 for this project.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #35: Increase supplanting of general fund capital with VCBA debt

Item C-182.10

Central Appropriations	FY 08-09	FY 09-10
9(D) Revenue Bonds	\$44,300,000	\$0 NGF

Language:

Page 505, after line 28, insert:

"C-182.10 Supplant Capital Projects - VCBA (17644) \$44,300,000 \$0

Fund Sources: Bond Proceeds \$44,300,000 \$0

A.1. This Item shall constitute the authority for the Virginia College Building Authority to finance the capital projects contained in Item C-326.30 of HB 29, as enacted by the 2008 Session of the General Assembly, as well as the following capital projects listed in this Item through the issuance of bonds pursuant to § 23-30.24 et seq. Code of Virginia in aggregate principal amounts not to exceed \$230,000,000. The Director, Department of Planning and Budget, shall provide the Chairman of the Virginia College Building Authority with the specific projects as well as the amounts for those projects to be financed within the dollar limit established by this authorization.

2. The Director, Department of Planning and Budget, shall restore from proceeds of bonds authorized for issuance by the Virginia College Building Authority pursuant to § 23-30.24 et seq. Code of Virginia, an amount equivalent to the general fund appropriation reverted from the following capital projects listed in the table below by agency, fund code, and project code:

Agency Code	Project Code	Fund Code
204	17189	0100
208	16713	0100
208	16792	0100
208	16793	0100
208	17424	0100
208	17494	0100
211	17119	0100
212	16798	0100
212	17306	0100
214	16301	0100
214	16802	0100
214	17017	0100
214	17317	0100
214	17323	0100
215	17325	0100
216	16808	0100
216	16809	0100
217	16813	0100
221	17339	0100
236	16403	0100
236	16825	0100

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

236	17452	0100
242	16774	0100
246	17362	0100
246	17451	0100
260	16178	0100
260	16501	0100
260	16614	0100
260	16718	0100
260	16837	0100
260	16841	0100
260	16850	0100
268	17489	0100

3. The Director, Department of Planning and Budget, shall restore from proceeds of bonds authorized for issuance by the Virginia College Building Authority pursuant to § 23.20.24 et seq. Code of Virginia, an amount equivalent to the general fund appropriation reverted from the capital projects contained in Item C-326.30 of HB 29 as enacted by the 2008 Session of the General Assembly.

4. Debt service on the projects contained in this Item shall be provided from appropriations to the Treasury Board.

5. The appropriations for the capital projects contained in this Item and in Item C-326.30 of HB 29, as enacted by the 2008 Session of the General Assembly, are subject to paragraph F. of § 2-0 of this act."

Explanation:

(This amendment authorizes the issuance of \$230.0 million in Virginia College Building Authority bonds to finance a portion of the \$300.0 million in general fund appropriations for capital projects that were reverted in HB 29, as enacted by the 2008 Session of the General Assembly, as well as an additional \$44.3 million in general fund projects reverted in FY 2009 in this act. Companion amendments revert general fund capital amounts and provide the Virginia Public Building Authority with financing authority.)

Amendment #36: Eliminate taking interest from the State Asset Forfeiture Fund

Item 3-3.04

General Fund Deposits

Interest Earnings

Language

Language:

Page 512, strike line 33.

Explanation:

(This amendment eliminates taking interest from the Department of State Police's State Asset Forfeiture Fund as court orders require the department to return amounts in the fund along with any interest earned.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #37: Eliminate overly restrictive limitations to withhold appropriations

Item 4-1.02

Appropriations

Withholding of Spending Authority

Language

Language:

Page 517, line 27, after "action" insert:

"pursuant to a budget reduction plan approved by the Governor to address a declared shortfall in budgeted revenue"

Page 518, line 33, after "appropriations." strike the remainder of the line.

Page 518, strike line 34.

Explanation:

(This amendment clarifies that the withholding of spending authority to address a revenue shortfall will be subject to conditions spelled out in the General Provisions (including a reforecast of revenues) and specified reporting requirements but such conditions and reporting shall not apply to unallotment actions to capture savings that may occur in the normal course of state operations.)

Amendment #38: Modify language on separation of powers

Item 4-1.06

Appropriations

Limited Adjustments Of Appropriations

Language

Language:

Page 523, line 35, after "with" strike "the written concurrence of " and insert "notification to".

Explanation:

(This amendment strikes a provision which requires the State Comptroller (an executive official) to obtain the approval of the Auditor of Public Accounts (a legislative official) before making cash disbursements which the State Comptroller is otherwise charged to do by statute. This provision is inappropriate on constitutional grounds.)

Governor's 2008 Reconvened Session Executive Amendments (HB/SB 30)

Amendment #39: Correct language regarding settlements in favor of the Commonwealth

Item 4-2.02

Revenues

General Fund Revenue

Language

Language:

Page 527, line 30, after "contract," insert "(c) involving the interest of the Virginia Retirement System,".
Page 527, line 30, strike "(c)" and insert "(d)".

Explanation:

(This amendment excludes legal settlements involving the interests of the Virginia Retirement System from provisions that require such payments to be deposited to the general fund. Due to the constitutional nature of the Virginia Retirement System trust fund and the fact that the source of the legal expenses involved in such settlements are not just from state government but also include funds from local governments and employees, it is more appropriate for these settlements to be deposited into the retirement system trust as is the current practice.)

Amendment #40: Remove language restricting the Governor's powers of appointment

Item 4-6.01

Positions and Employment

Employee Compensation

Language

Language:

Page 545, line 26 after "shown." strike the remainder of the line.
Page 545, strike lines 27 through 29.

Explanation:

(This amendment removes language restricting the Governor's powers in the appointment of cabinet positions.)

Amendment #41: Amend language for Virginia Community College System

Item 4-6.01

Positions and Employment

Employee Compensation

Language

Language:

Page 551, line 29, after "reflect", strike "the" and insert "an".
Page 551, line 30, strike "required by this act"
Page 551, line 30, after "institutions", insert "and for faculty at Northern Virginia Community College"

Explanation:

(This amendment clarifies the language for the salary differential for faculty at Northern Virginia Community College.)
