

Governor's 2011 Session Executive Amendments (HB 1500 / SB 800)

Adjust Page One general fund resources

Item 0

Revenues

Revenues

Language

Language:

- Page 1, line 44, strike "\$77,960,311" in the first year and insert "\$85,512,262".
- Page 1, line 44, strike "\$144,710,978" in the second year and insert "\$180,547,136".
- Page 1, line 44, strike "\$222,671,289" under Total and insert "\$266,059,398".
- Page 1, line 46, strike "\$14,717,449,909" in the first year and insert "\$14,716,849,909".
- Page 1, line 46, strike "\$15,452,197,926" in the second year and insert "\$15,451,677,926".
- Page 1, line 46, strike "\$30,169,647,835" under Total and insert "\$30,168,527,835".
- Page 1, line 48, strike "\$427,428,371" in the first year and insert "\$427,603,371".
- Page 1, line 48, strike "\$485,948,869" in the second year and insert "\$472,104,916".
- Page 1, line 48, strike "\$913,377,240" under Total and insert "\$899,708,287".
- Page 2, line 51, strike "\$15,714,082,591" in the first year and insert "\$15,721,209,542".
- Page 2, line 51, strike "\$16,082,857,773" in the second year and insert "\$16,104,329,978".
- Page 2, line 51, strike "\$31,796,940,364" under Total and insert "\$31,825,539,520".
- Page 2, line 18, strike "\$43,699,396,347" in the first year and insert "\$43,706,523,298".
- Page 2, line 18, strike "\$41,026,652,287" in the second year and insert "\$41,048,124,492".
- Page 2, line 18, strike "\$84,726,048,634" under Total and insert "\$84,754,647,790".

Explanation:

(This amendment adjusts resources on page one of the budget. Specifically, these changes include: \$13,843,953 reduction in FY 2012 cash transfers associated with savings from the five percent employee retirement contribution and other related costs of the state employee salary increase; increase in FY 2012 additions to balance of \$35,836,158 to reflect the assumptions used to calculate employer contributions for state employee retirement; savings of \$7,551,951 from the bonus implemented in FY 2011 - Chapter 874 assumed a total need of \$82.2 million whereas actual total distributed to agencies was \$74.6 million; an increase of \$175,000 in cash transfers in FY 2011 from the sale of the Womens Detention Center; and a revenue decrease of \$600,000 in FY 2011 and \$520,000 in FY 2012 resulting from federal tax legislation enacted on December 17, 2010.)

Restore funding associated with the rejected public safety fund

Item 67.20

Administration

FY 10-11

FY 11-12

Compensation Board

\$0

\$6,500,000 GF

Language:

- Page 40, line 4, strike "\$401,169,052" and insert "\$407,669,052".
- Page 40, line 10, strike "\$73,499,313" and insert "\$76,749,313".
- Page 40, line 16, strike "\$161,772,260" and insert "\$165,022,260".

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Explanation:

(This amendment restores a portion of the general fund appropriation for sheriffs' offices in the second year that was proposed to be supplanted by nongeneral funds in the 2010 introduced budget bill. The source of those nongeneral funds was to be additional fee revenues deposited in the Virginia Public Safety Fund. However, the 2010 General Assembly did not pass this legislation. In addition to the funding proposed in this amendment, the introduced budget bill includes \$8.3 million each year towards restoration of the supplanted general fund appropriation.)

Maintain local retirement reimbursement rate

Item 67.90

Administration

Compensation Board

Language

Language:

Page 56, after line 15, insert:

"4. The second year retirement benefits rate reimbursed by the Compensation Board to localities and regional jails shall not exceed the rate identified for FY 2011 in Item 469, paragraph I.1."

Explanation:

(This amendment adds language to maintain current reimbursement rates for constitutional officer and staff retirement costs.)

Reinstate support of the Virginia State Fair

Item 84

Agriculture and Forestry

FY 10-11

FY 11-12

Department of Agriculture and Consumer Services

\$0

\$32,900 GF

Language:

Page 68, line 27, strike "16,482,280" and insert "\$16,515,180".

Explanation:

(This amendment restores funding that was eliminated for the Virginia State Fair. Additional facts have disclosed that the support helps defray costs associated with such actions as livestock winners for 4-H and Future Farmers of America contestants.)

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Provide funding for an offshore wind authority

Item 111

Commerce and Trade	FY 10-11	FY 11-12
Department of Mines, Minerals and Energy	\$0	\$500,000 GF

Language:

Page 87, line 50, strike "\$2,750,473" and insert "\$3,250,473".

Page 88, after line 20, insert:

"D. Out of this appropriation, \$500,000 the second year from the general fund shall be provided for the Virginia Offshore Wind Project Development Authority to assist in efforts to secure the location of the proposed National Offshore Wind Technology Center in Virginia."

Explanation:

(This amendment provides general fund appropriation within the Department of Mines, Minerals and Energy to serve as pass-through funding to the Virginia Offshore Wind Development Authority established by the 2010 General Assembly. This funding will be used to secure professional staff and other contractual resources necessary to assist the Authority in competing for the location of the proposed National Offshore Wind Technology Center to Virginia.)

Restore funding for the Outdoor Advertising Association

Item 120

Commerce and Trade	FY 10-11	FY 11-12
Virginia Tourism Authority	\$0	\$70,965 GF

Language:

Page 94, line 16, strike "\$19,808,135" and insert "\$19,879,100".

Page 96, after line 17, insert:

"P. Out of the amounts provided for Tourist Promotion, \$85,500 the first year and \$70,965 the second year from the general fund shall be provided to the cooperative advertising program operated by the Outdoor Advertising Association of Virginia. The Outdoor Advertising Association of Virginia shall provide a total of at least \$256,500 in advertising value the first year and \$212,895 the second year to promote tourism in Virginia."

Explanation:

(This amendment restores funding for advertising through the Outdoor Advertising Association in FY 2012 and restores language inadvertently stricken providing funding for the association in FY 2011.)

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Transfer funding for Radio Reading Services

Item 123

Education	FY 10-11	FY 11-12
Secretary of Education	\$0	(\$120,163) GF

Language:

Page 98, line 29, strike the second "\$120,163" and insert "\$0".

Explanation:

(This amendment transfers funding for Radio Reading Services from the Secretary of Education to the Department for the Blind and Vision Impaired to more appropriately locate this funding based on its intended programmatic purposes.)

Eliminate rate reduction for therapeutic mental health services

Item 297

Health & Human Resources	FY 10-11	FY 11-12
Department of Medical Assistance Services	\$0	\$357,406 GF
	\$0	\$357,406 NGF

Language:

Page 249, line 7, strike "\$7,244,217,237" and insert "\$7,244,932,049".

Page 268, strike lines 53 through 55.

Explanation:

(This amendment eliminates a Medicaid rate reduction for therapeutic mental health services.)

Update behavioral health Medicaid appropriation

Item 297

Health & Human Resources	FY 10-11	FY 11-12
Department of Medical Assistance Services	(\$415,751)	\$0 GF
	(\$616,145)	\$0 NGF

Language:

Page 249, line 7, strike "\$6,897,802,196" and insert "\$6,896,770,300".

Page 249, line 39, strike "\$99,663,148" and insert "\$90,410,493".

Page 249, line 40, strike "\$125,768,085" and insert "\$133,988,844".

Explanation:

(This amendment captures excess Medicaid appropriation for the Department of Behavioral Health and Developmental Services associated with the decertification of the Hancock Geriatric facility. In addition, numbers embedded in budget language are corrected to reflect the \$8,836,904 general fund supplanted with federal funds as a result of the federal six-month extension of FMAP.)

Correct funding for freestanding children's hospitals

Item 297

Health & Human Resources

Department of Medical Assistance Services

Language

Language:

Page 261, line 37, after "MMM." insert "1."

Page 261, line 37, after "July 1, 2010" insert "through June 30, 2011".

Page 261, line 42, after "the first year" strike "and".

Page 261, line 43, strike "\$2,700,000 total funds the second year".

Page 261, after line 45, insert:

"2. Effective July 1, 2011, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to eliminate additional Indirect Medical Education (IME) payments based on NICU utilization (described in 12 VAC 30-70-291.D)."

Page 266, line 27, after "Medicaid Services" insert "minus \$400,000".

Explanation:

(This amendment limits the funding increase for freestanding children's hospitals to \$2.0 million. The introduced budget included physician supplemental payments in the amount of \$1.2 million and an increase in special Indirect Medical Education payments for freestanding children's hospitals by \$800,000. Based on updated information, the physician supplemental payments are expected to generate \$4.3 million as opposed to the \$1.2 million in the introduced budget. Therefore, to limit the funding increase to \$2.0 million, this amendment eliminates the special IME payment of \$2.7 million and reduces the physician supplemental payments by \$400,000.)

Implement prospective payment system for outpatient hospital services

Item 297

Health & Human Resources

Department of Medical Assistance Services

Language

Language:

Page 268, after line 55, insert:

"YYYY. Effective January 1, 2012, the Department of Medical Assistance Services shall have the authority to amend the State Plan for Medical Assistance to convert the current cost-based reimbursement methodology for outpatient hospitals to an Enhanced Ambulatory Patient Group (EAPG) methodology. Reimbursement for laboratory services shall be included in the new outpatient hospital reimbursement methodology. The new EAPG reimbursement methodology shall be implemented in a budget neutral manner. The department shall have the authority to implement this action effective January 1, 2012, and promulgate regulations to become effective within 280 days or less from the enactment of this act."

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Explanation:

(This amendment authorizes the Department of Medical Assistance Services to adopt a new prospective payment system for outpatient hospital services, similar to the current system for inpatient services. The current cost-based reimbursement system is antiquated and inefficient; whereas a prospective payment system will provide better incentives for hospitals.)

Implement mandated provisions of federal health care reform law

Item 297

Health & Human Resources

Department of Medical Assistance Services

Language

Language:

Page 268, after line 55, insert:

"YYYY. Notwithstanding item 297 GG of this act, the department shall seek federal authority to move the family planning eligibility group from a demonstration waiver to the State Plan for Medicaid Assistance, effective April 2011. The department shall seek approval of coverage under this new state plan option for individuals with income up to 200 percent of the federal poverty level. For the purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.

ZZZZ. Effective July 1, 2011, the Department of Medical Assistance Services (DMAS) shall have the authority to amend the State Plan for Medical Assistance to enroll and reimburse freestanding birthing centers. Provider qualifications for enrollment shall be determined by DMAS. Reimbursement shall be based on the Enhanced Ambulatory Patient Group methodology applied in a manner similar to the reimbursement methodology for Ambulatory Surgery Centers. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change."

Explanation:

(This amendment authorizes the Department of Medical Assistance Services (DMAS) to move family planning services under the "Plan First" program (which covers men and women not eligible for full-Medicaid coverage) from a waiver to the State Plan for Medical Assistance. The federal Patient Protection and Affordable Care Act (P.L. 111-148) adds these optional services to Medicaid and will no longer allow Virginia to operate Plan First as a demonstration waiver. Therefore, DMAS must make any family planning services eligible under the state plan if they are to be continued. In addition, the same federal law requires states to reimburse freestanding birthing centers under Medicaid. It is anticipated that these new federal requirements will have a negligible impact on Medicaid expenditures.)

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Transfer funding for radio reading services for the blind.

Item 341

Health & Human Resources	FY 10-11	FY 11-12
Department for the Blind and Vision Impaired	\$0	\$120,163 GF

Language:

Page 299, line 41, strike second year amount "\$900,831" and insert "\$1,020,994".

Explanation:

(Transfers money used to fund radio reading services for the blind provided by Virginia Voice from Secretary of Education to the Department of Blind and Vision Impaired.)

Provide appropriation for cafeteria operations

Item 379

Public Safety	FY 10-11	FY 11-12
Department of Corrections	\$0	\$150,000 NGF

Language:

Page 322, line 48, strike "\$827,716,927" and insert \$827,866,927".

Page 325, after line 33, insert

"P. Included in the appropriation for this Item is \$150,000 the second year from nongeneral funds for a culinary arts program in which inmates are trained to operate food service activities serving agency staff and the general public. The source of the funds shall be revenues generated by the program. Any revenues so generated by the program shall not be subject to § 4-2.02 of this act and shall be used by the agency for the costs of operating the program."

Explanation:

(This amendment provides a nongeneral fund appropriation for the Department of Corrections to use in operating a culinary arts program in which inmates are trained to operate food service activities serving agency staff and the general public. The source of the funds will be the revenue generated by the program.)

Provide state trooper overtime funding

Item 408

Public Safety	FY 10-11	FY 11-12
Department of State Police	\$0	\$2,988,795 GF

Language:

Page 343, line 9, strike "\$212,708,179" and insert "\$218,685,769".

Page 343, line 18, strike "\$122,405,151" and insert "\$125,393,946".

Explanation:

(This amendment provides funding to support overtime for state troopers in lieu of compensatory leave. Funding trooper overtime allows the deployment of more troopers to patrol Virginia's roadways.)

Provide vendor contract discretion outside the public procurement act

Item 433

Technology

Virginia Information Technologies Agency

Language

Language:

Page 354, line 18, strike " and General Assembly." and insert:

". Executive Department agencies and institutions may enter into additional Statements of Work with CGI pursuant to Section 2.2.4 of the Enterprise Applications Master Services Agreement for services related to such Agreement, which may include, but not be limited to, services supporting projects in the five towers of enterprise-level endeavors (financial management, human resource management, supply chain management, administrative management, and applications development and management)."

Explanation:

(This amendment allows Executive Department agencies and institutions to contract for additional services related to the existing master services agreement.)

Amend provisions regarding transportation commission

Item 447

Transportation

Department of Rail and Public Transportation

Language

Language:

Page 383, line 33, strike "Rail".

Page 383, line 34, at the end of the line, insert "Notwithstanding any other provision of law, funds allocated to Metro under this program may be disbursed by the Department of Rail and Public Transportation directly to Metro or to any other transportation entity that has an agreement to provide funding to Metro as deemed appropriate by the Department. In appointing the Virginia members of the board of directors of the Washington Metropolitan Area Transit Authority (WMATA), the Northern Virginia Transportation Commission shall include the Secretary of Transportation or his designee as a principal member on the WMATA board of directors."

Explanation:

(This amendment authorizes the Department of Rail and Public Transportation to make payments directly to the Washington Area Metropolitan Transit Authority or other eligible entities. It also requires the Northern Virginia Transportation Commission to appoint the Secretary of Transportation or his designee to the Board of Directors of the Washington Metropolitan Area Transit Authority.)

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Remove reference to revenue sharing program

Item 452

Transportation

Department of Transportation

Language

Language:

Page 386, strike lines 27 through 31.

Explanation:

(This amendment removes a reference to the funding level of the revenue sharing program, allowing the Code of Virginia to direct the program's funding level.)

Authorize use of debt for constructing new warehouses

Item 462

Transportation

Virginia Port Authority

Language

Language:

Page 395, line 50, after "407-17513." insert "Such bonds may also be used for the purpose of constructing warehouses at the Newport News Marine Terminal."

Explanation:

(This amendment authorizes the Virginia Port Authority to use proceeds from the planned July 2011 issuance of Commonwealth Port Fund bonds for the construction of warehouses at the Newport News Marine Terminal.)

Governor's 2011 Session Executive Amendments (HB 1500 / SB 800)

Make adjustments to salary increase and retirement rate assumptions

Item 469

Central Appropriations	FY 10-11	FY 11-12
Central Appropriations	\$0	\$25,754,867 GF

Language:

Page 405, line 11, after "below:" insert:

"The rates listed in the table below for FY 2012 shall be effective as of July 10, 2011. For the first two paydays of FY 2012, the rates shall be as follows; 2.08 percent for Regular VRS, 7.73 percent for SPORS, 5.07 percent for VaLORS, and 28.65% for JRS."

Page 406, line 13, strike "\$135,467,080" and insert "\$171,303,238".

Page 410, line 6, strike "July 1" and insert "July 10".

Page 410, line 14, strike "on July 1" and insert "effective July 10".

Page 410, line 25, strike "\$32,991,493" and insert "\$7,236,626".

Page 410, line 30, strike "\$18,201,242" and insert "\$4,357,289".

Explanation:

(This amendment makes technical corrections to assumptions included in the introduced budget bill for a) the three percent salary increase, b) the five percent employee contribution, and c) the increase in employer contributions for state employees. Specifically, this amendment sets the effective date for all of these actions to the beginning of the August 1, 2010, pay period, which is July 10, 2011, and appropriately accounts for the lag of fourth quarter retirement payments to the Virginia Retirement System consistent with language in Chapter 874. This amendment, along with companion amendments to Section 3-1.01 and to the front page of the budget bill, result in a combined \$3.8 million decrease in general fund resources.)

Capture savings from hiring freeze

Item 469

Central Appropriations	FY 10-11	FY 11-12
Central Appropriations	\$0	(\$5,266,510) GF

Language:

Page 411, after line 9, insert:

"V. The Director, Department of Planning and Budget shall withhold and transfer to this Item, amounts estimated at \$5,266,510 the second year, from the general fund and various nongeneral fund appropriations of state agencies representing savings associated with the freeze on new hires in Executive Department agencies. The Secretary of Finance shall establish the procedures to be used in determining the amounts to be reverted from impacted agencies."

Explanation:

(This amendment reflects savings resulting from a hiring freeze for Executive branch agencies.)

Construct Dining and Student Center

Item C-37.10

Education: Higher Education

FY 10-11

FY 11-12

University of Mary Washington

\$0

\$45,000,000 NGF

Language:

Page 434, after line 28, Insert "New Construction: Construct Dining and Student Center (17909) \$45,000,000
Fund Sources: Bond Proceeds \$45,000,000"

Explanation:

(This amendment authorizes the university to construct a dining and student center to be funded with school-supported 9(d) bond proceeds.)

Provides funding for the purchase of property adjacent to campus

Item C-37.20

Education: Higher Education

FY 10-11

FY 11-12

University of Mary Washington

\$0

\$5,000,000 NGF

Language:

Page 434, after line 28, insert "Acquisition: Blanket Property Acquisition (17910) \$5,000,000
Fund Source: Higher Education Operating \$5,000,000"

Explanation:

(This amendment authorizes the use of school-generated funds to purchase properties that become available for future campus expansion.)

Authorize the transfer of funding to the university's operating budget

Item C-55.05

Education: Higher Education

Virginia Commonwealth University

Language:

Page 436, after line 28 insert:

"The Director, Department of Planning and Budget, may transfer the funding provided in this Item to the university's operating budget if deemed appropriate to meet the final settlement for the property associated with this project."

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Explanation:

(This amendment adds language that provides authority for the Director, Department of Planning and Budget, to transfer the funding included in this Item to the university's operating budget to comply with the final settlement for the property associated with this project.)

Authorize construction of new warehouses

Item C-83.10

Transportation	FY 10-11	FY 11-12
Virginia Port Authority	\$0	\$6,500,000 NGF

Language:

Page 443, following line 11 insert:

“ New Construction: Cargo Handling Facilities (16048) \$6,500,000
Fund Sources: Bond Proceeds \$6,500,000”

Explanation:

(This amendment authorizes the Virginia Port Authority to construct additional warehouse space at the Newport News Marine Terminal.)

Equipment for new Biotechnology/Centennial Hall facility

Item C-85

Central Appropriations	FY 10-11	FY 11-12
Central Capital Outlay	\$0	\$4,675,000 NGF

Language:

Page 446, line 16, strike "\$44,462,000" and insert "\$49,137,000"

Page 446, after line 32, insert "James Madison University (216)
Construct Biotechnology/Centennial Hall (17673)"

Explanation:

(This amendment funds equipment for a previously approved capital project at James Madison University that is scheduled to open in June 2012.)

Governor's 2011 Session Executive Amendments (HB 1500 / SB 800)

Amends 9(d) table to include additional Mary Washington project

Item C-89

Central Appropriations

9(D) Revenue Bonds

Language

Language:

Page 451, line 6, strike "\$227,999,293" and insert "\$272,999,293".

Page 451, after line 42, insert "Construct Dining and Student Center C-37.10 17909 \$45,000,000".

Page 452, line 10, strike "\$227,999,293" and insert "\$272,999,293".

Explanation:

(This amendment amends the 9(d) bond table to properly account for the addition of the University of Mary Washington capital project Construct Dining and Student Center.)

Make adjustments for changed retirement rate assumptions

Item 3-1.01

Transfers

Interfund Transfers

Language

Language:

Page 460, line 28, strike "\$18,201,242" and insert "\$4,357,289".

Explanation:

(This amendment reduces cash transfers associated with the savings from the five percent employee retirement contribution and the related state employee salary increase. Assumption adjustments used to calculate the savings amounts are included in a companion amendment to Item 469. This amendment, along with companion amendments to Item 469 and to the front page of the budget bill, result in a combined \$3.8 million decrease in general fund resources.)

Account for final sale proceeds for Richmond Women's Detention Center

Item 3-1.01

Transfers

Interfund Transfers

Language

Language:

Page 460, line 38, strike "\$300,000" and insert "\$475,000".

Explanation:

(This amendment accounts for the final proceeds from the sale of the Richmond Women's Diversion Center. This surplus property was authorized for sale in the past biennium, but was not sold until this year. The proposed budget had an estimated amount from the proceeds of the sale of \$300,000. The final amount is \$475,000 after accounting for sale-related costs.)

Governor's 2011 Session Executive Amendments (HB 1500 / SB 800)

Restrict use of state funds for stem cell research

Item 4-5.04

Special Conditions and Restrictions on Expenditures

Goods and Services

Language

Language:

Page 497, after line 21, insert:

"k. RESEARCH SERVICES: No state funds appropriated in this Act or by authority of this Act may be spent for the purposes of conducting human stem cell research from stem cells obtained from human embryos, or for conducting research using human embryos, except as otherwise required by federal law. This provision shall not apply to research conducted using stem cells other than embryonic stem cells."

Explanation:

(This amendment prohibits the use of state funds for the purposes of conducting human stem cell research from stem cells obtained from human embryos, or for conducting research using human embryos, except as otherwise required by federal law.)
