

Chief Patron: Albo

Item 37 #9h

Judicial Department

Supreme Court

Language

Language:

Page 23, after line 8, insert:

“K. As a follow up to the Judicial Weighted Caseload Study and in order to assess more accurately the added weight to be given cases (i) requiring the use of interpreters, and (ii) involving pro se litigants in circuit, general district, and juvenile courts of the Commonwealth, and in order to better evaluate the impact of (i) travel time, and (ii) the use of prosecutors in misdemeanor cases in district courts, the Virginia Supreme Court shall gather empirical data on these issues and make recommendations to the Chairmen of the House Appropriations and Senate Finance Committees and the Chairmen of the House and Senate Committees for Courts of Justice by November 1, 2015.”

Explanation:

(This amendment is self explanatory.)

Chief Patron: Krupicka

Item 83 #4h

Administration

Department Of Elections

FY 14-15

\$236,313

FY 15-16

\$236,313 GF

Language:

Page 67, line 22, strike "\$7,188,150" and insert "\$7,424,463".

Page 67, line 22, strike "\$7,246,764" and insert "\$7,483,077".

Page 68, line 2, after "appropriation," strike "\$212,687 the first year and \$212,687" and insert "\$449,000 the first year and \$449,000".

Explanation:

(This amendment provides \$236,313 each year from the General Fund to increase the allocation of funding for the actual production of photo voter IDs, estimated at \$3.00 per card, from \$12,687 each year up to \$248,635 per year.)

Chief Patron: Krupicka

Item 130 #7h

**Education: Elementary &
Secondary**

FY 14-15

FY 15-16

Department Of Education, Central Office Operations	(\$1,500,000)	(\$1,500,000)	GF
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Language:

Page 102, line 16, strike "\$40,029,088" and insert "\$38,529,088".

Page 102, line 16, strike "\$40,029,088" and insert "\$38,529,088".

Page 102, line 22, strike the first "\$28,080,678" and insert "\$26,580,678".

Page 102, line 22, strike the second "\$28,080,678" and insert "\$26,580,678".

Page 102, after line 25, insert:

"1.) Out of this appropriation, savings realized from the Standard of Learning consolidation efforts, pursuant to House Bill 930, shall be used to provide competitive grants to the school divisions in order to help develop and implement required local assessments."

Explanation:

(This amendment realizes savings of \$1.5 million the first year and \$1.5 million the second year from the general fund revenue.)

Chief Patron: Kory

Item 136 #25h

**Education: Elementary &
Secondary**

FY 14-15

FY 15-16

Direct Aid To Public Education

\$3,550,000

\$3,550,000 GF

Language:

Page 107, line 50, strike "\$6,168,046,960" and insert "\$6,171,596,960".

Page 107, line 50, strike "\$6,217,037,169" and insert "\$6,220,587,169".

Page 129, line 23, after "budget." insert:

"In no case shall a school division be eligible for fewer slots than 95 percent of what they actually used for this program in FY 2014."

Explanation:

(This amendment provides \$3.55 million the first year and \$3.55 million the second year from the general fund for the Virginia Preschool Initiative (PreK). The funding will be used to fund the PreK slots at the greater of either the amount in House Bill 30 budget, as introduced, or the amount spent for 95 percent of the number of slots used in FY 2014.)

Education: Elementary & Secondary	FY 14-15	FY 15-16	
Direct Aid To Public Education	\$3,500,000	\$3,500,000	GF

Language:

Page 107, line 50, strike "\$6,168,046,960" and insert "\$6,171,546,960".

Page 107, line 50, strike "\$6,217,037,169" and insert "\$6,220,537,169".

Page 119, after line 5, insert:

"3) This appropriation includes funding for the Standards of Quality salary payments for support positions in school divisions of the localities set out below and have been adjusted for the equivalent portion of the Cost of Competing Adjustment (COCA) rates that are paid to the local school divisions in Planning District 8 for SOQ Basic Aid support positions, which are estimated at 2.38 percent in the first year and 2.38 percent in the second year. For the counties of Stafford, Fauquier, Spotsylvania, Clarke, Warren, Frederick, and Culpeper and the Cities of Fredericksburg and Winchester, the SOQ payments have been increased each year by 25 percent of the COCA rates paid to school divisions in Planning District 8."

Explanation:

(This amendment provides \$3.5 million the first year and \$3.5 million the second year to fund the Cost of Competing Adjustment (COCA) rate for the SOQ Basic Aid support positions at an estimated 2.38 percent in both fiscal year 2015 and fiscal year 2016 for school divisions in Planning District 8 (City of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the counties of Arlington, Fairfax, Loudoun, Prince William). The COCA rate for the SOQ Basic Aid support positions for the counties of Clarke, Culpeper, Fauquier, Frederick, Spotsylvania, Stafford, and Warren and the Cities of Fredericksburg and Winchester will be funded at an estimated 0.59 percent in fiscal year 2015 and fiscal year 2016.)

Chief Patron: Krupicka

Item 138 #5h

**Education: Elementary &
Secondary**

FY 14-15

FY 15-16

Opportunity Educational Institution

(\$600,059)

(\$600,059) GF

-7.00

-7.00 FTE

Language:

Page 138, line 32, strike "\$600,059" and insert "\$0".

Page 138, line 32, strike "\$600,059" and insert "\$0".

Page 138, strike lines 31 through 47.

Page 139, strike lines 1 through 57.

Page 140, strike lines 1 through 14.

Explanation:

(This amendment decreases \$600,059 the first year and \$600,0259 the second year from the general fund and eliminates the seven associated full-time positions for the Opportunity Educational Institution.)

Health and Human Resources	FY 14-15	FY 15-16	
Department Of Medical Assistance	\$82,944	\$113,597	GF
Services	\$746,498	\$1,022,377	NGF

Language:

Page 245, line 42, strike "\$8,495,724,272" and insert "\$8,496,553,714".

Page 245, line 42, strike "\$8,761,183,102" and insert "\$8,762,319,076".

Page 259, line 5, strike "and FAMIS Moms program".

Page 259, line 6, after "for", insert "and enrolled in".

Explanation:

(This amendment adds funding to restore eligibility for individuals enrolled in the the Plan First program who are not able to enroll in the federal Health Insurance Marketplace. Funding for this program was eliminated last year in anticipation of individuals enrolling in the marketplace. Many low-income individuals are not eligible for subsidized coverage through the marketplace due to family circumstances, application difficulties, processing problems, and enrollment deadlines. Language in the budget is modified to effectuate this change.)

Health and Human Resources	FY 14-15	FY 15-16
Department Of Behavioral Health And Developmental Services	\$500,000	\$0 GF

Language:

Page 267, line 46, strike "\$71,541,230" and insert "\$72,041,230".

Page 269, after line 48 insert:

"N.1. Out of this appropriation, \$500,000 the first year from the General Fund is included to provide compensation to individuals who were involuntarily sterilized pursuant to the Virginia Eugenical Sterilization Act and who were living as of February 1, 2014.

2. Furthermore, at the end of fiscal year 2015, the State Comptroller shall reserve an amount on the balance sheet for the general fund of up to \$500,000 from discretionary general fund balances recommended for reversion by the Governor to be provide compensation during fiscal year 2016 for additional individuals if the funding provided in fiscal year 2015 is exhausted.

3. A claim may be submitted on behalf of an individual by a person lawfully authorized to act on the individual's behalf. A claim may be submitted by the estate of or, personal representative of, an individual who dies on or after February 1, 2014.

4. Reimbursement shall be contingent on the individual or their representative providing appropriate documentation and information to verify the claim under guidelines established by the Department.

5. The Department of Behavioral Health and Developmental Services shall assist in identifying individuals who were subjected to involuntarily medical records by releasing medical records to immediate family members of individuals who may have been subjected to forced sterilization upon request of such records. Furthermore, the Department shall make available to the public records of detailing the actions undertaken pursuant to the Virginia Eugenical Sterilization Act that have redacted any personal information.

6. Reimbursement per verified claim shall be \$50,000 and shall be contingent on funding being available, with disbursements being prioritized based on the date at which sufficient documentation is provided. Should the funding for FY 2015 be exhausted prior to June 30, 2015, those individuals identified as eligible for compensation shall be eligible for compensation during fiscal year 2016 contingent on available funding pursuant to subparagraph 2. above.

7. The Department of Medical Assistance Services shall seek federal authority to ensure that funds received through this act shall not be counted in determination of

Medicaid eligibility.

8. In order for the Department of Behavioral Health and Developmental Services, and the Department of Medical Assistance Services to implement the provisions of this act, both departments shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this act."

Explanation:

(This amendment provides for a reimbursement of \$50,000 per individual to individuals who were victims of forced sterilization. The amendment provides \$500,000 from the general fund in fiscal year 2015 and includes language which would authorize an additional \$500,000 in FY 2016 contingent on any discretionary unspent general fund appropriations recommended by the Governor for reversion to the General Fund at the end of fiscal year 2014 .)

Health and Human Resources

Department Of Social Services

Language

Language:

Page 289, after line 38, insert:

"L. As a condition of appropriation in this item, no state agency, instrumentality of the Commonwealth, or child placing agency receiving funds for foster care or adoption services, shall discriminate against any Virginia resident based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation or status as a special disabled veteran or other veteran covered by the Veterans Readjustment Assistance Act of 1974, as amended."

Explanation:

(This amendment conditions the appropriation of funds for child welfare services.)

Chief Patron: BaCote

Item 389 #7h

Public Safety

FY 14-15

FY 15-16

Department Of Criminal Justice
Services

\$87,000

\$77,000 GF

Language:

Page 322, line 25, strike "\$80,360,071" and insert "\$80,447,071".

Page 322, line 25, strike "\$80,360,071" and insert "\$80,437,071".

I. The Department of Criminal Justice Services shall establish compulsory training standards and publish and disseminate a model policy for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are aware of human trafficking offenses and the identification of victims of human trafficking."

Explanation:

(This amendment provides general fund support for the costs of establishing compulsory human trafficking training for law-enforcement officers.)

Chief Patron: Spruill

Item 414 #4h

Public Safety

FY 14-15

FY 15-16

Department Of State Police

\$2,416,241

\$0 NGF

Language:

Page 337, line 2, strike "\$240,358,547" and insert "\$242,774,788".

Explanation:

(This amendment provides additional nongeneral fund balances for use by the State Police the first year. The balances include uncommitted balances in the Insurance Fraud Fund and the Help Eliminate Auto Theft, or HEAT Fund.)

General Provisions

Operating Policies

Language

Language:

Page 454, after line 14 insert:

“e. The Attorney General shall immediately cease and refrain from any involvement of his office in the case of *Bostic v. Rainey*, Case No. 2:13-cv-395, in the Norfolk Division of the United States District Court for the Eastern District of Virginia, including any appeals in such case. In addition the Attorney General shall cease and refrain from any involvement of his office in any other case in which the constitutionality of Article I, § 15-A of the Constitution of Virginia is challenged. The Speaker of the House of Delegates shall appoint special counsel to represent the Commonwealth in *Bostic v. Rainey*, including any appeals, to defend the constitutionality of Article I, § 15-A of the Constitution of Virginia. The Comptroller shall not issue warrants for the payment of services by the special counsel unless the Speaker has approved requisitions drawn upon the Comptroller for such warrants. The funds for all such payments for services shall come out of the general fund appropriations for the Office of the Attorney General.”

Explanation:

(This amendment adds language to require the Attorney General to cease and refrain from any involvement of his office in the case of *Bostic v. Rainey* and any similar case, and directs the Speaker to appoint special counsel to represent the Commonwealth in such case. The special counsel's fees shall be paid out of the general fund appropriations of the Office of the Attorney General.)

General Provisions

Operating Policies

Language

Language:

Page 454, after line 14 insert:

“e. The Attorney General shall immediately cease and refrain from any involvement of his office in the case of Bostic v. Rainey, Case No. 2:13-cv-395, in the Norfolk Division of the United States District Court for the Eastern District of Virginia, including any appeals in such case. In addition the Attorney General shall cease and refrain from any involvement of his office in any other case in which the constitutionality of Article I, § 15-A of the Constitution of Virginia is challenged.”

Explanation:

(This amendment adds language to require the Attorney General to cease any involvement of his office in the case of Bostic v. Rainey and any similar case.)

General Provisions

Operating Policies

Language

Language:

Page 454, after line 14 insert:

“e. The Attorney General shall immediately cease and refrain from any involvement of his office in the case of *Bostic v. Rainey*, Case No. 2:13-cv-395, in the Norfolk Division of the United States District Court for the Eastern District of Virginia, including any appeals in such case. In addition the Attorney General shall cease and refrain from any involvement of his office in any other case in which the constitutionality of Article I, § 15-A of the Constitution of Virginia is challenged. The Speaker of the House of Delegates shall appoint special counsel to represent the Commonwealth in *Bostic v. Rainey*, including any appeals, to defend the constitutionality of Article I, § 15-A of the Constitution of Virginia. The Speaker of the House of Delegates shall appoint special counsel to represent the Commonwealth in any future civil matter wherein the Attorney General declines to represent the Commonwealth and the Governor declines to appoint special counsel to render necessary legal services. The Comptroller shall not issue warrants for the payment of services by the special counsel unless the Speaker has approved requisitions drawn upon the Comptroller for such warrants. The funds for all such payments for services shall come out of the general fund appropriations for the Office of the Attorney General. No general fund appropriations for the Office of the Attorney General shall be expended by the Attorney General in any civil legal matter in which the Attorney General adopts or advances a legal position or argument that is contrary to the laws or Constitution of the Commonwealth.”

Explanation:

(This amendment adds language to require the Attorney General to cease and refrain from any involvement of his office in the case of *Bostic v. Rainey* and any similar case, and directs the Speaker to appoint special counsel to represent the Commonwealth in such cases. The special counsel's fees shall be paid out of the general fund appropriations of the Office of the Attorney General. In addition, this amendment prohibits the Attorney General from expending general funds advancing a legal position in opposition to the constitution, laws or regulations of the Commonwealth of Virginia.)

Positions and Employment

ANTI-DISCRIMINATION POLICY APPLICABLE TO STATE
EMPLOYEES

Language

Language:

Page 495, after line 21 insert:

"§ 4-6.07 ANTI-DISCRIMINATION POLICY APPLICABLE TO STATE
EMPLOYEES

a.1. No state agency, institution, board, bureau, commission, council, or instrumentality of the Commonwealth shall discriminate in employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity and expression, or status as a special disabled veteran or other veteran covered by the Veterans Readjustment Assistance Act of 1974, as amended (38 U.S.C. § 4212).

No state agency, institution, board, bureau, commission, council, or instrumentality of the Commonwealth shall discriminate in employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity, or status as a special disabled veteran or other veteran covered by the Veterans Readjustment Assistance Act of 1974, as amended (38 U.S.C. § 4212).

2. For the purposes of this section: "Sexual orientation" means a person's actual or perceived heterosexuality, bisexuality, or homosexuality and "Gender identity" means the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

b. Notwithstanding any other provision of law, any employee of the Commonwealth, including employees of public institutions of higher education, who has been subjected to discriminatory treatment in hiring, promotion, compensation, treatment, discipline or termination in violation of the Virginia Human Rights Act, § 2.2-3900, et seq., Article 1, Section 11 of the Virginia Constitution or the Equal Protection Clause of the Constitution of the United States, shall have the right to bring a grievance and be protected from retaliation for doing so as provided in the Code of Virginia, § 2.2-3000, et seq. and to seek and obtain any of the remedies permitted pursuant to § 2.2-3005.1A. The Department of Human Resources Management shall ensure that all state employees are aware of the right to bring a grievance and to be protected from retaliation as provided herein."

Explanation:

(This amendment is self explanatory.)

Effective Date

Effective Date

Language

Language:

Page 504, after line 36, insert:

"3. That § 30-347 of the code of Virginia is amended and reenacted as follows:

§ 30-347. Medicaid Innovation and Reform Commission; membership; terms; compensation and expenses; definition.

A. The Medicaid Innovation and Reform Commission (the Commission) is established as a commission in the legislative branch of state government. The purpose of the Commission shall be to review, ~~recommend and approve~~ and monitor such innovation and reform proposals affecting the implementation of Title XIX and Title XXI of the Social Security Act, ~~including eligibility and financing for proposals set out in Item 307 of this~~ as set forth in the general appropriation act. Specifically, the Commission shall review and monitor (i) the development of such reform proposals; (ii) progress in obtaining federal approval for such reforms such as benefit design, service delivery, payment reform, and quality and cost containment outcomes; and (iii) implementation of such reform measures.

B. The Commission shall consist of 12 members as follows: the chair of the House Committee on Appropriations, or his designee, and four members of the House Committee on Appropriations appointed by the chair and the chair of the Senate Finance Committee, or his designee, and four members of the Senate Finance Committee appointed by the chair. In addition, the Secretaries of Finance and Health and Human Resources shall serve as ex officio, nonvoting members of the Commission.

C. Members shall serve terms coincident with their terms of office. Vacancies for unexpired terms shall be filled in the same manner as the original appointments. Members may be reappointed for successive terms.

D.1. The members of the Commission shall elect a chairman and vice chairman annually. A majority of the voting members of the Commission shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request. The Commission shall meet

bimonthly beginning in June 2013, or as soon as possible thereafter.

~~2. An affirmative vote by three of the five members of the Commission from the House of Delegates and three of the five members of the Commission from the Senate shall be required to endorse any reform proposal to amend the State Plan for Medical Assistance under Title XIX of the Social Security Act, and any waivers thereof, to implement coverage for newly eligible individuals pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act.~~

E. Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative members shall receive such compensation as provided in § 2.2-2813.

4. That the Secretary of Health and Human Resources shall develop and implement a program to allow individuals described in 42 U.S.C. §1396a(a)(10)(A)(i)(VIII) to purchase health care coverage through a private insurance network, which shall be designed to promote efficiency, accountability, personal responsibility, and competitive, value-based purchasing of health care and ensure a model of health coverage for participants that is fiscally sustainable and cost effective. Such program shall include: (i) requirements for a health benefit package based on the Anthem KeyCare 30 Plan; (ii) requirements to include traditional and community-based behavioral health services; (iii) systems for determining eligibility for participation in the program; (iv) provisions for payment of premium assistance for participants; (v) requirements for cost-sharing of up to 5 percent of total household income for health care expenses, as appropriate; (vi) requirements for personal responsibility and accountability related to the delivery of health care such as appropriate use of health care services to avoid overutilization of emergency care and to promote healthy behaviors; (vii) provisions for participation in work search activities for participants not currently employed, receiving unemployment compensation benefits, enrolled as full-time students, or caring for dependent family members under 12 months of age or disabled family members of any age; (viii) provisions for monitoring and oversight of the use of health care services to ensure appropriate utilization; (ix) establishment of a Health Reform and Innovation Fund to consist of projected general fund savings, identified in consultation with the Secretary of Finance, that are attributable to coverage for program participants related to behavioral health services, inmate health care and indigent care and used to provide grants of up to \$3.5 million annually to reduce the rate of growth of health care spending; (x) establishment of a Taxpayer Recovery

Fund to consist of taxes and other payments paid by residents of the Commonwealth to the federal government and recovered by the Commonwealth and used to support the program; and (xi) a provision for termination of the program if revenues received by the Taxpayer Recovery Fund are less than the commitments set forth in 42 C.F.R. § 433.10(c)(6). The Secretary shall see all federal approvals necessary to implement the provisions of this enactment clause.

5. That the Secretary of Health and Human Resources shall apply for available federal funding for the purpose of establishing and operating marketplace Virginia to include but not be limited to eligibility, enrollment, consumer assistance, plan management and financial management.

6. That the second enactment of Chapter 679 of the Acts of Assembly of 2013 is repealed. "

Explanation:

(This amendment adds four enactment clauses to the appropriation act.

Enactment clause 3 removes the requirement that the Medicaid Innovation and Reform Commission (MIRC) recommend and approve Medicaid reform proposals and deletes a requirement that the Commission must approve by an affirmative vote an expansion of Medicaid to newly eligible individuals.

Enactment clause 4 requires the Secretary of Health and Human Resources to develop and implement a program to allow low-income uninsured Virginians to purchase health care coverage through a private insurance network. The program must include: (i) requirements for a health benefit package based on the Anthem KeyCare 30 Plan; (ii) requirements to include traditional and community-based behavioral health services; (iii) systems for determining eligibility for participation in the program; (iv) provisions for payment of premium assistance for participants; (v) requirements for cost-sharing of up to 5 percent of total household income for health care expenses, as appropriate; (vi) requirements for personal responsibility and accountability related to the delivery of health care such as appropriate use of health care services to avoid overutilization of emergency care and to promote healthy behaviors; (vii) provisions for participation in work search activities for participants not currently employed, receiving unemployment compensation benefits, enrolled as full-time students, or caring for dependent family members under 12 months of age or disabled family members of any age; (viii) provisions for monitoring and oversight of the use of health care services to ensure appropriate utilization; (ix) establishment of a Health Reform and Innovation Fund to consist of projected general fund savings, identified in consultation with the Secretary of Finance, attributable to coverage for program participants related to behavioral

health services, inmate health care and indigent care and used to provide grants of up to \$3.5 million annually to reduce the rate of growth of health care spending; (x) establishment of a Taxpayer Recovery Fund to consist of taxes and other payments paid by residents of the Commonwealth to the federal government and recovered by the Commonwealth and used to support the program; (xi) a provision for termination of the program if revenues received by the Taxpayer Recovery Fund are less than the commitments set forth in 42 C.F.R. § 433.10(c)(6). The Secretary shall seek all federal approvals necessary to implement the provisions of this enactment clause.

Enactment clause 5 requires the Secretary of Health and Human Resources to apply for available federal funding for the purposes of establishing and operating marketplace Virginia to include but not be limited to eligibility, enrollment, consumer assistance, plan management and financial management.

Enactment clause 6 repeals the second enactment clause of Chapter 679 of the 2013 Virginia Acts of Assembly related to the creation of a health benefits exchange.)
