

Revenues

Revenues

Language

Language:

Page 1, strike lines 28 through 40 and insert:

	"First Year	Second Year	Total
Unreserved Balance, June 30, 2010	1,066,982,453	0	1,066,982,453
Additions to Balance	90,031,868	(20,616,878)	69,414,990
Official Revenue Estimates	14,718,486,729	15,723,586,847	30,442,073,576
Transfers	423,136,445	490,552,614	913,689,059
Total General Fund Resources Available for Appropriation	16,298,637,495	16,193,522,583	32,492,160,078"

Page 1, strike lines 42 through 49 and insert:

	"First Year	Second Year	Total
Balance June 30, 2010	3,893,497,975	-	3,893,497,975
Official Revenue Estimates	23,303,648,405	23,569,672,220	46,873,320,625
Lottery Proceeds Fund	435,200,000	461,400,000	896,600,000
Bond Proceeds	560,112,011	1,339,406,764	1,899,518,775
Total Nongeneral Fund Revenues Available for Appropriations	28,192,458,391	25,370,478,984	53,562,937,375
TOTAL PROJECTED REVENUES	44,491,095,886	41,564,001,567	86,055,097,453"

Page 2, strike lines 1 through 8.

Explanation:

(This amendment reflects general fund and nongeneral fund revenue adjustments included in the conference committee amendments to House Bill 29).

Judicial Department

Judicial Department Reversion
Clearing Account

Language

Language:

Page 13, line 23, strike "Not set out." and insert:

Judicial Department Reversion Clearing Account (104)

52. Across the Board Reductions (71400)	-3,022,600	-3,022,600
Fund Sources: General	-3,022,600	-3,022,600

Authority: Discretionary Inclusion.

A. On or before June 30, 2011, the Director, Department of Planning and Budget, shall authorize the reversion to the general fund of \$2,300,000 representing additional savings generated by agencies within the Judicial Department in the first year.

B. On or before June 30, 2012, the Director, Department of Planning and Budget, shall authorize the reversion to the general fund of \$2,300,000 representing additional savings generated by agencies within the Judicial Department in the second year.

C.1. Notwithstanding the provisions of §§ 16.1-69.6:1 or 17.1-507, Code of Virginia, the total number of authorized judges in any judicial district or circuit shall be reduced by a number equal to the number of judges retiring, dying or resigning from that district or circuit for any authorized judgeship which was vacant or became vacant on or after February 15, 2010, and before July 1, 2010, effective upon the resignation, death or retirement date of each such judge.

2. Furthermore, notwithstanding the provisions of §§ 16.1-69.6:1 or 17.1-507, Code of Virginia, the total number of authorized judges in any judicial district or circuit shall be reduced by a number equal to the number of judges retiring, dying or resigning from that district or circuit on or after July 1, 2010, and on or before June 30, 2012, effective upon the resignation, death or retirement date of each such judge.

3. Effective July 1, 2011, the provisions of this item shall not apply to any authorized circuit court judgeship in the Second Judicial Circuit in which the retiring incumbent judge was a resident of Northampton or Accomack County.

4. Effective July 1, 2011, the provisions of this item shall not apply to any authorized circuit court judgeship in the Second Judicial Circuit in which the retiring incumbent judge was a resident of the City of Virginia Beach and retired prior to July 1, 2010.

5. Effective July 1, 2011, the provisions of this item shall not apply to any authorized circuit court judgeship in the Fifth Judicial Circuit in which the retiring incumbent judge retired prior to July 1, 2011.

6. Effective July 1, 2011, the provisions of this item shall not apply to any authorized circuit court judgeship in the Sixth Judicial Circuit.

7. Effective July 1, 2011, the provisions of this item shall not apply to any authorized circuit court judgeship in the Ninth Judicial Circuit in which the judgeship became

vacant prior to July 1, 2010.

8. Effective July 1, 2011, the provisions of this item shall not apply to any authorized circuit court judgeship in the Tenth Judicial Circuit in which the retiring incumbent judge retired after January 1, 2011, but prior to July 1, 2011.

9. Effective July 1, 2011, the provisions of this item shall not apply to any authorized circuit court judgeship in the Eleventh Judicial Circuit in which the retiring incumbent judge retired after January 1, 2010, but prior to July 1, 2010.

10. Effective July 1, 2011, the provisions of this item shall not apply to any authorized circuit court judgeship in the Fourteenth Judicial Circuit in which the retiring incumbent judge retired after January 1, 2011, but prior to July 1, 2011.

11. Effective July 1, 2011, the provisions of this item shall not apply to any authorized circuit court judgeship in the Fifteenth Judicial Circuit in which the retiring incumbent judge retired prior to July 1, 2011.

12. Effective July 1, 2011, the provisions of this item shall not apply to any authorized circuit court judgeship in the Eighteenth Judicial Circuit.

13. Effective July 1, 2011, the provisions of this item shall not apply to any authorized circuit court judgeship in the Twenty-fourth Judicial Circuit in which the retiring incumbent judge retired prior to July 1, 2010.

14. Effective July 1, 2011, the provisions of this item shall not apply to any authorized circuit court judgeship in the Twenty-sixth Judicial Circuit in which the retiring incumbent judge retired prior to July 1, 2011.

15. Effective July 1, 2011, the provisions of this item shall not apply to any authorized circuit court judgeship in the Twenty-seventh Judicial Circuit in which the retiring incumbent judge retired prior to July 1, 2010.

16. Effective July 1, 2011, the provisions of this item shall not apply to any authorized circuit court judgeship in the Thirtieth Judicial Circuit in which the vacancy occurred prior to July 1, 2011.

17. Effective July 1, 2011, the provisions of this item shall not apply to any authorized general district court judgeship in the Second Judicial District in which

the retiring incumbent judge retired prior to July 1, 2010.

18. Effective July 1, 2011, the provisions of this item shall not apply to any authorized general district court judgeship in the Sixth Judicial District in which the retiring incumbent judge retired prior to July 1, 2010.

19. Effective July 1, 2011, the provisions of this item shall not apply to any authorized general district court judgeship in the Twelfth Judicial District in which the retiring incumbent judge retired prior to July 1, 2011.

20. Effective July 1, 2011, the provisions of this item shall not apply to any authorized general district court judgeship in the Twentieth Judicial District in which the retiring incumbent judge retired after January 1, 2010, but prior to July 1, 2010.

21. Effective July 1, 2011, the provisions of this item shall not apply to any authorized juvenile and domestic relations general district court judgeship in the Eleventh Judicial District in which the retiring incumbent judge retired prior to July 1, 2010.

22. Effective July 1, 2011, the provisions of this item shall not apply to any authorized juvenile and domestic relations general district court judgeship in the Fifteenth Judicial District in which the retiring incumbent judge retired prior to July 1, 2010.

23. Effective July 1, 2011, the provisions of this item shall not apply to any authorized juvenile and domestic relations general district court judgeship in the Twenty-seventh Judicial District in which the retiring incumbent judge retired prior to July 1, 2010.

24. Effective July 1, 2011, the provisions of this item shall not apply to any authorized judgeship in which the vacancy occurred as a result of a judge being appointed to a judgeship on another Virginia court, provided such appointment is to another authorized judgeship which is funded as provided herein or by existing law.

3-25. On or before June 30, 2011, the Director, Department of Planning and Budget, shall authorize the reversion to the general fund of \$3,980,151 from items within the Judicial Department representing savings generated from the reduction in the number of authorized judges in the first year.

4-26. On or before June 30, 2012, the Director, Department of Planning and Budget,

shall authorize the reversion to the general fund of ~~\$6,531,919~~^{\$1,788,917}
~~\$4,588,352~~ from items within the Judicial Department ~~representing savings~~
~~generated from the reduction in the number of authorized judges in the second year.~~

D. On or before June 30, 2011, the Director of the Department of Planning and Budget shall authorize the reversion to the general fund of \$297,171, representing additional savings generated within the Indigent Defense Commission."

Explanation:

(This amendment adjusts the savings assumed in fiscal year 2012 for judicial vacancies to reflect current vacancies. The amendment sets out all of the language originally included in the Judicial Department Reversion Clearing Account as this Item was not set out in House Bill 29.)

General Government - Independent Subcommittee

Item 60 #1h

Executive Offices

Attorney General And Department
Of Law

Language

Language:

Page 14, line 10, strike "Not set out." and insert:

"60. Regulation of Business Practices (55200)	2,241,681	2,241,681
Regulatory and Consumer Advocacy (55201)	2,241,681	2,241,681
Fund Sources: General	1,341,681	1,341,681
Special	900,000	900,000

Authority: Title 2.2, Chapter 5, Code of Virginia.

Included in this item is \$900,000 the first year and ~~\$900,000~~ ^{\$1,250,000} the second year from special funds for the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund as established in Item 48 of Chapter 966 of the Acts of Assembly 1994 and amended herein. The Department of Law is authorized to deposit to the fund any fees, civil penalties, costs, recoveries, or other moneys which from time to time may become available as a result of regulatory and consumer advocacy litigation, litigation in which the Office of the Attorney General participates, or civil enforcement efforts including, but not limited to, those brought pursuant to Article 5 (§ 3.1-336.1 et seq.) and Article 6 (§ 3.1-336.3 et seq.) of Chapter 18 of Title 3.1 of the Code of Virginia. The Department of Law is also authorized to deposit to the fund any attorneys' fees which from time to time may be

obtained. Any deposit to, and interest earnings on, the fund shall be retained in the fund, provided, however, that any amounts contained in the fund that exceed \$900,000 *the first year or \$1,250,000 the second year* on the final day of the fiscal year shall be deposited to the credit of the general fund. In addition to the uses of the fund permitted by Item 48 of Chapter 966 of the Acts of Assembly of 1994, the fund may be used to pay costs associated with enforcement efforts pursuant to Article 5 (§ 3.1-336.1 et seq.) and Article 6 (§ 3.1-336.3 et seq.) of Chapter 18 of Title 3.1 of the Code of Virginia, costs associated with litigation initiated by the Office of the Attorney General, and costs associated with civil commitment procedures pursuant to Chapter 9 of Title 37.2 of the Code of Virginia."

Explanation:

(This amendment increases the special fund appropriation for the Office of the Attorney General for the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund by \$350,000 beginning in fiscal year 2012.)

Public Safety Subcommittee

Item 67.20 #1h

Administration

FY 10-11

FY 11-12

Compensation Board

\$0

(\$944,200) GF

Language:

Page 15, line 7, strike "\$405,794,654" and insert "\$404,850,454".

Page 18, line 5, strike "\$2,294,794" and insert "\$1,744,981".

Explanation:

(This amendment removes funding due to the delay in the opening of the Loudoun County Jail expansion (\$394,387) until February 1, 2012, as well as removing the remaining fiscal year 2012 funding that supports the Pittsylvania County Jail expansion (\$549,813).)

Commerce - Economic Development Subcommittee

Item 98 #1h

Commerce And Trade

Department Of Business Assistance

Language

Language:

Page 27, after line 26, insert:

"B.7. For transportation projects approved under the Public-Private Transportation

Act of 1995, the maximum fee and/or premium charged by the Virginia Small Business Financing Authority pursuant to §§ 2.2-2291 and 2.2-2285, Code of Virginia, for acting as the conduit issuer for any bond financing is not to exceed \$25,000 per annum."

Explanation:

(This amendment caps the charges that may be assessed by the VSBFA for service as the conduit bond issuer for public-private transportation projects. Because this item is not set out in House Bill 29 as introduced, it is the intent of the General Assembly that this language be added to Item 108 as set out in Chapter 890, 2011 Session of the General Assembly, when the bill is enrolled.)

Commerce - Economic Development Subcommittee

Item 100 #1h

Commerce And Trade

FY 10-11

FY 11-12

Department Of Housing And
Community Development

\$0

(\$625,361) GF

Language:

Page 27, line 31, strike "\$61,227,114" and insert "\$60,601,753".

Page 29, line 27, strike "\$4,526,474" and insert "\$3,901,113".

Explanation:

(This amendment adjusts the appropriation for the Fort Monroe Authority in fiscal year 2012 to reflect available balances generated because the federal government did not fully convey the properties according to the originally scheduled time frame thus reducing the utility costs that must be borne by the Authority.)

Commerce - Economic Development Subcommittee

Item 111 #1h

Commerce And Trade

Department Of Mines, Minerals
And Energy

Language

Language:

Page 31, line 19, after "natural gas," insert ", electricity,".

Explanation:

(This amendment authorizes the agency to assess an administrative surcharge on the state electric contracts in order to generate sufficient revenue to support an ongoing reduction strategy of \$95,978. This amount represents a position that was

shifted from general fund support, to fee revenue. According to the agency, an administrative surcharge equal to 0.06 percent of the state's entire electricity contract is sufficient to generate necessary revenue for this purpose.)

Commerce - Economic Development Subcommittee Item 120 #1h

Commerce And Trade	FY 10-11	FY 11-12	
Virginia Tourism Authority	\$0	(\$250,000)	GF

Language:

Page 32, line 37, strike "\$19,908,135" and insert "\$19,658,135".

Explanation:

(This amendment removes the additional funding provided to promote an international tourism event to be held in the Commonwealth but retains the language authorizing the Virginia Tourism Authority to provide up to \$1,250,000 in the second year to support promotion of such an event.)

Elementary & Secondary Education Subcommittee Item 132 #1h

Education: Elementary & Secondary	FY 10-11	FY 11-12	
Direct Aid To Public Education	\$0	(\$108,105)	GF

Language:

Page 38, line 11, strike "\$5,493,100,904" and insert "\$5,492,992,799".

Page 39, line 38, strike "\$70,210,396" and insert "\$70,102,291".

Page 39, line 40, strike "\$88,352,590" and insert "\$88,244,485".

Page 40, line 33, strike "Support for School Construction and" and insert: "Supplemental Support for School".

Page 67, line 35, strike "\$70,210,396" and insert "\$70,102,291".

Explanation:

(This amendment adjusts the funded per pupil amount to \$129.62 for the Supplemental Support for School Operating Costs account. The funded per pupil amount was increased to \$129.78 in House Bill 29, as introduced, to account for a lower average daily membership projection for fiscal year 2012. However, existing language in the budget states that payments for this account shall be paid on the basis of the original per pupil amount of \$129.62.)

Elementary & Secondary Education Subcommittee

Item 132 #2h

**Education: Elementary &
Secondary**

FY 10-11

FY 11-12

Direct Aid To Public Education

\$0

(\$21,039) GF

Language:

Page 38, line 11, strike "\$5,493,100,904" and insert "\$5,493,079,865".

Page 39, line 26, strike "\$13,743,372" and insert "\$13,722,333".

Page 39, line 40, strike "\$88,352,590" and insert "\$88,331,551".

Explanation:

(This amendment captures savings of \$21,039 the second year from the general fund as a result of updating the student enrollment for the spring 2012 semester at the A. Linwood Holton Governor's School.)

Elementary & Secondary Education Subcommittee

Item 132 #3h

**Education: Elementary &
Secondary**

FY 10-11

FY 11-12

Direct Aid To Public Education

\$0

(\$24,415) GF

Language:

Page 38, line 11, strike "\$5,493,100,904" and insert "\$5,493,076,489".

Page 39, line 38, strike "\$70,210,396" and insert "\$63,210,396".

Page 39, line 40, strike "\$88,352,590" and insert "\$81,352,590".

Page 40, line 34, strike "\$17,479,966" and insert "\$24,479,966".

Page 40, line 36, strike "\$454,400,000" and insert "\$461,400,000".

Page 47, line 38, strike "\$454,400,000" and insert "\$461,400,000".

Page 67, line 35, strike "\$70,210,396" and insert "\$63,210,396".

Page 67, line 36, strike "\$17,479,966" and insert "\$24,479,966".

Explanation:

(This amendment captures \$24,425 the second year from the general fund as a result of Spotsylvania school division updating its participation in the K-3 Primary Class Size Reduction program by eliminating funding for one grade in an elementary school. Furthermore, the school division also updated their fall enrollment data.)

Elementary & Secondary Education Subcommittee

Item 132 #4h

Education: Elementary & Secondary

FY 10-11

FY 11-12

Direct Aid To Public Education	\$0	(\$7,000,096)	GF
	\$0	\$7,000,000	NGF

Language:

- Page 38, line 11, strike "\$5,493,100,904" and insert "\$5,493,100,808".
- Page 39, line 38, strike "\$70,210,396" and insert "\$63,210,300".
- Page 39, line 40, strike "\$88,352,590" and insert "\$81,352,494".
- Page 40, strike lines 33 and 34.
- Page 40, after line 34, insert:
"Supplemental Support for School Operating Costs \$0 \$24,479,966".
- Page 40, line 36, strike "\$454,400,000" and insert "\$461,400,000".
- Page 47, line 38, strike "\$454,400,000" and insert "\$461,400,000".
- Page 67, line 35, strike "\$70,210,396" and insert "\$63,210,300".
- Page 67, line 36, strike "\$17,479,966" and insert "\$24,479,966".

Explanation:

(This amendment provides an additional \$7.0 million the second year from updating the Lottery Proceeds Fund revenue estimate. In addition, a like amount of the Supplemental Support for School Operating Costs will be transferred from the general fund into the Lottery Proceeds Fund Service area.)

Elementary & Secondary Education Subcommittee

Item 132 #5h

Education: Elementary & Secondary

FY 10-11

FY 11-12

Direct Aid To Public Education	\$0	\$123,286	GF
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Language:

- Page 38, line 11, strike "\$5,493,100,904" and insert "\$5,493,224,190".
- Page 39, line 38, strike "\$70,210,396" and insert "\$70,333,682".
- Page 39, line 40, strike "\$88,352,590" and insert "\$88,475,876".
- Page 40, line 1, strike "\$62,780,182" and insert "\$62,903,468".
- Page 40, line 34, strike "\$17,479,966" and insert "\$17,351,718".

Explanation:

(This amendment provides a net adjustment of \$123,286 the second year to provide funding for a data correction submitted from Fauquier and Richmond counties school divisions for the Virginia Preschool Initiative program.)

**Education: Elementary &
Secondary**

Direct Aid To Public Education

Language

Language:

Page 40, line 38, strike "\$58,078,000" and insert "\$58,052,000".

Page 55, line 36, strike "\$58,078,000" and insert "\$58,052,000".

Page 56, line 3, strike "\$58,078,000" and insert "\$58,052,000".

Explanation:

(This technical language amendment reflects the adjustment for Prince George County that is based on the number of eligible schools in the district. The proceeds from the Virginia Public School Authority are used to establish a computer-based instructional and testing system for the SOL and to develop the capability for high speed Internet connectivity at high schools followed by middle schools followed by elementary schools.)

Education: Other

FY 10-11

FY 11-12

Virginia Commission For The Arts

\$0

(\$50,355) GF

Language:

Page 71, line 25, strike "\$582,492" and insert "\$532,137".

Explanation:

(This amendment eliminates the proposed restoration of organizational memberships.)

Finance

Department Of Accounts Transfer
Payments

Language

Language:

Page 79, strike lines 43 through 50.

Explanation:

(This amendment deletes language under the Line of Duty program which requires localities that opt-out of the statewide program to use the State Comptroller to process their benefit payments. The non-participating localities would still have to provide benefits included under the Line of Duty Act.)

Compensation - Retirement Subcommittee

Item 258 #2h

Finance

Department Of Accounts Transfer
Payments

Language

Language:

Page 79, line 42, after "the Fund" insert:

", nor shall it be required to contribute to the costs incurred or associated, directly or indirectly, with the administration, management and investment of the Fund".

Explanation:

(This amendment clarifies language under the Line of Duty program to state that localities that do not participate in the statewide pool are not responsible for contributing to the administrative cost of managing the statewide program.)

Compensation - Retirement Subcommittee

Item 258 #3h

Finance

Department Of Accounts Transfer
Payments

Language

Language:

Page 80, strike lines 34 through 41.

Explanation:

(This amendment strikes language included in the introduced budget regarding a work group regarding potential reforms for the Line of Duty act.)

Capital Outlay Subcommittee

Item 271 #1h

Finance

FY 10-11

FY 11-12

Treasury Board	\$0	(\$435,600)	GF
	\$0	\$435,600	NGF

Language:

Page 86, strike lines 38 through 56 and insert:

"Institution	FY 2011	FY 2012
George Mason University	\$1,734,228	\$2,073,870
Old Dominion University	\$832,590	\$966,510
University of Virginia	\$4,266,442	\$4,335,120
Virginia Polytechnic Institute and State University	\$4,084,515	\$4,204,800
Virginia Commonwealth University	\$1,854,360	\$1,558,530
College of William and Mary	\$1,213,882	\$1,284,120
Christopher Newport University	\$101,790	\$108,270
University of Virginia's College at Wise	\$35,108	\$37,350
James Madison University	\$2,430,855	\$2,429,190
Norfolk State University	\$433,605	\$453,960
Longwood University	\$118,410	\$107,910
University of Mary Washington	\$422,985	\$308,790
Radford University	\$304,470	\$251,820
Virginia Military Institute	\$292,118	\$315,900
Virginia State University	\$749,985	\$780,660
Richard Bland College	\$5,730	\$6,300
Virginia Community College System	\$2,336,220	\$3,096,450
TOTAL	\$21,217,293	\$22,319,550"

Explanation:

(This amendment adjusts the debt service table that reflects revenue generated by the capital fee on out-of-state students at public colleges and universities taking into account the latest enrollment data.)

Health and Human Resources Subcommittee

Item 297 #1h

Health And Human Resources	FY 10-11	FY 11-12
Department Of Medical Assistance Services	\$0	(\$26,729,489)
	\$0	\$26,729,489

Language:

Explanation:

(This amendment supplants general fund for Medicaid from a federal bonus payment of \$26,729,489 that was awarded on December 28, 2011. This bonus was authorized by the Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009. The bonus is based on the change in children's enrollment in Medicaid. Last year the budget included savings in fiscal year 2012 of an estimated bonus of \$9,898,348. However, the full amount of the bonus is available to be captured because the Medicaid forecast this year did not include the estimated savings.)

Transportation Subcommittee

Item 436 #1h

Transportation

Secretary Of Transportation

Language

Language:

Page 147, after line 2, insert:

"K.1. Except as required by federal law, when engaged in procuring products or services or letting contracts for construction, maintenance, or operation of any transportation facility paid for in whole or in part by state funds, or when overseeing or administering such procurement, construction, maintenance, or operation, neither the Commonwealth Transportation Board, any state transportation agency, nor any construction manager acting on behalf of the state agency shall, in its bid specifications, project agreements, or other controlling documents require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or related public works projects; or provide an incentive in their scoring favoring entities entering into such agreements or otherwise discriminate against bidders, offerors, contractors, subcontractors, or operators for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or other related public works projects. Nor shall contractors or subcontractors be prohibited from voluntarily entering into such agreements.

2. If an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of any of them performs in a manner contrary to the provisions of paragraph 1, the state agency awarding the contract, grant, or assistance shall be entitled to injunctive relief to prevent any violation of this section.

3. Any interested party, which shall include a bidder, offeror, contractor, subcontractor, or operator, shall have standing to challenge any bid specification, project agreement, neutrality agreement, controlling document, grant, or cooperative agreement that violates the provisions of this section. Furthermore, such interested party shall be entitled to injunctive relief to prevent any violation of this section.

4. These provisions shall not apply to any public-private agreement for any construction or infrastructure project in which the private body, as a condition of its investment or partnership with the state agency, requires that the private body have the right to control its labor relations policy and perform all work associated with such investment or partnership in compliance with all collective bargaining agreements to which the private part is a signatory and is thus legally bound with its own employees and the employees of its contractors and subcontractors in any manner permitted by the National Labor Relations Act, 29 U.S.C. § 151 et seq. or the Railway Labor Act, 45 U.S.C. § 151 et seq.; prohibit an employer or any other person covered by the National Labor Relations Act or the Railway Labor Act, 45 U.S.C. § 151 et seq.; from entering into agreements or engaging in any other activity protected by law; or be interpreted to interfere with the labor relations of persons covered by the National Labor Relations Act or the Railway Labor Act."

Explanation:

(This amendment states that no project may be undertaken by the Commonwealth Transportation Board or any state funds be expended in support of a project if such project or projects are subject to mandatory project labor agreements. Companion legislation which was passed by the House, House Bill 33, would codify these requirements. It is the intent of the General Assembly that this item will be set out during enrolling.)

Transportation Subcommittee

Item 448 #1h

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 147, after line 14, insert:

“G.1. Prior to July 1, 2011, the director, Department of Rail and Public transportation, with the approval of CSX Transportation, shall initiate infrastructure improvement projects which *promote safety or* reduce the average dwell times of

hazardous material shipments subject to regulation under Title 49 CFR Part 174 et seq. within rail yards, depots, sidings, and other intermediate terminals or facilities and properties located in the City of Fredericksburg ~~to not longer than 24 hours~~. These improvements may include, but are not limited to, those that (i) increase capacity at existing storage facilities terminating near Fredericksburg; (ii) increase the physical distance between commodity storage areas and residential communities; and (iii) transfer intermediate storage of commodities to locations closer to terminus of the shipment.

2. Out of the funds available for Rail Industrial Access pursuant to § 33.1-22.1:1, Code of Virginia, up to \$450,000 in the first year and up to \$450,000 in the second year is hereby authorized for associated infrastructure improvements in the City of Fredericksburg ~~and~~ or Spotsylvania County. Such funds may be awarded to CSX Transportation or other entities or political subdivisions identified by the Department as having responsibility for implementing the associated infrastructure improvement. In the allocation of funds for this project by the Commonwealth Transportation Board, the requirements of § 33.1-22.1:1, Code of Virginia, with the exception of § 33.1-22.1:1 F., are waived.

3. Not later than September 1, 2011, and December 31, 2011, the director, Department of Rail and Public Transportation, shall report to the Chairmen of the Senate Finance and House Appropriations Committees on the progress in implementing these improvements. The report shall include specific dates by which infrastructure improvements or other means of reducing average dwell times of hazardous material shipments are anticipated to be implemented or placed in service. In addition, this report shall also assess the adequacy of training provided by CSX Transportation to local first responders and regional hazmat response teams and establish a plan for enhanced training on addressing railroad and hazmat incidents including the development of a comprehensive emergency response plan.

4. In implementing this report, the Director, Department of Rail and Public Transportation, shall solicit the input and involvement of the affected jurisdictions. All agencies of the Commonwealth, upon request, shall provide necessary technical expertise."

Explanation:

(This amendment modifies language related to average dwell times of hazardous material shipments related to certain infrastructure projects and adds language that clarifies the goal of the projects include promoting safety. The current language is

too narrowly worded to facilitate a grant agreement that would fund the projects agreed to by the various parties. Because this item is not set out in House Bill 29, it is the intent of the General Assembly that the proposed amendments to the language would occur during enrollment of House Bill 30 as adopted.)

Transportation Subcommittee

Item 452 #1h

Transportation

Department Of Transportation

Language

Language:

Page 149, line 53, after "Bank." insert:

"\$9,900,000 of the general fund amounts deposited into the Virginia Transportation Infrastructure Bank in the second year shall be transferred to Item 447 for statewide transit formula assistance."

Explanation:

(This amendment directs that \$9.9 million of the fiscal year 2011 general fund surplus amounts dedicated to transportation be used to support the Mass Transit Fund. The amount represents 14.7% of the general fund amounts, the share of funds which mass transit receives from the transportation trust fund.)

Transportation Subcommittee

Item 455 #1h

Transportation

Department Of Transportation

Language

Language:

Page 151, line 45, after "\$1,500,000 the first year" strike the remainder of the line.

Explanation:

(This amendment makes a technical correction to ensure that the language governing the second year amount provided for this program in this paragraph accurately reflects the amounts appropriated for it.)

General Government - Independent Subcommittee

Item 469 #1h

Central Appropriations

FY 10-11

FY 11-12

Central Appropriations

\$0

\$5,000,000 GF

Language:

Page 158, line 8, strike "\$59,471,557" and insert "\$64,471,557".

Page 158, line 8, strike "Not set out." and insert:

"Compensation and Benefit Adjustments (75700)	-4,680,268	59,471,557 64,471,557
Adjustments to Employee Compensation (75701)	-5,927,794	97,283,744 102,283,744
Adjustments to Employee Benefits (75702)	1,247,526	-37,812.187
Fund		
Sources: General	-4,680,268	59,471,557 64,471,557

Authority: Discretionary Inclusion.

A. Transfers to or from this item may be made to decrease or supplement general fund appropriations to state agencies for:

1. Adjustments to base rates of pay;
2. Adjustments to rates of pay for budgeted overtime of salaried employees;
3. Salary changes for positions with salaries listed elsewhere in this act;
4. Salary changes for locally elected constitutional officers and their employees;
5. In-band salary adjustments for employees subject to the Virginia Personnel Act to recognize changes in duties or professional skill development, establish internal alignment (equitable salary relationships), or respond to labor market conditions (retention);
6. Employer costs of employee benefit programs when required by salary-based pay adjustments;
7. Salary changes for local employees supported by the Commonwealth, other than those funded through appropriations to the Department of Education; and
8. Adjustments to the cost of employee benefits to include but not limited to health insurance premiums and retirement and related contribution rates.

B. Transfers from this item may be made when appropriations to the state agencies concerned are insufficient for the purposes stated in paragraph A of this item, as

determined by the Department of Planning and Budget, and subject to guidelines prescribed by the department. Further, the Department of Planning and Budget may transfer appropriations within this item from the second year of the biennium to the first year, when necessary to accomplish the purposes stated in paragraph A of this item.

C. Except as provided for elsewhere in this item, agencies supported in whole or in part by nongeneral fund sources, shall pay the proportionate share of changes in salaries and benefits as required by this item, subject to the rules and regulations prescribed by the appointing or governing authority of such agencies. Nongeneral fund revenues and balances required for this purpose are hereby appropriated.

D. The Governor is hereby authorized to transfer funds from agency appropriations to the accounts of participating state employees in such amounts as may be necessary to match the contributions of the qualified participating employees, consistent with the requirements of the Code of Virginia governing the deferred compensation cash match program. Such transfers shall be made consistent with the following:

1. The maximum cash match provided to eligible employees shall not be less than \$10.00 per pay period, or \$20.00 per month in the first year, and \$20.00 per pay period, or \$40.00 per month in the second year. The Governor may direct the agencies of the Commonwealth to utilize funds contained within their existing appropriations to meet these requirements.

2. The Governor may direct agencies supported in whole or in part with nongeneral funds to utilize existing agency appropriations to meet these requirements. Such nongeneral revenues and balances are hereby appropriated for this purpose, subject to the provisions of § 4-2.01 b of this act. The use of such nongeneral funds shall be consistent with any existing conditions and restrictions otherwise placed upon such nongeneral funds.

3. Employees who are otherwise eligible but whose 403 (b) provider does not participate in the cash match program by establishing a 401 (a) account are ineligible to receive a cash match.

4. The procurement of services related to the implementation of this program shall be governed by standards set forth in § 51.1-124.30 C, Code of Virginia, and shall not be subject to the provisions of Chapter 7 (§ 11-35 et seq.), Title 11, Code of Virginia.

5. Pursuant to § 3-1.01 of this act, amounts estimated at \$3,491,632 the first year shall be transferred from eligible nongeneral fund accounts to the general fund, representing nongeneral fund savings associated with a reduction in the level of state match, from \$20 per pay period to \$10 per pay period, in the first year.

E. The Secretary of Administration, in conjunction with the Secretary of Finance, may establish a program that allows for the sharing of cost savings from improved productivity and performance with agencies and employees. Such gain sharing programs require a management philosophy of open communication encouraging employee participation; a system which seeks, evaluates and implements employee input on increasing productivity; and a formula for measuring productivity gains and sharing these gains between employees and the agency. The Department of Human Resource Management, in conjunction with the Department of Planning and Budget, shall develop specific gain sharing program guidelines for use by agencies. The Department of Human Resource Management shall provide to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees an annual report no later than October 1 of each year detailing identified savings and their usage.

F.1. Out of the appropriation for this item, amounts estimated at \$11,376,638 the first year and \$12,227,009 the second year from the general fund shall be transferred to state agencies and institutions of higher education to support the general fund portion of costs associated with changes in the employer's share of premiums paid for the Commonwealth's health benefit plans.

2. Notwithstanding any contrary provision of law, the health benefit plans for state employees resulting from the additional funding in this item shall allow for a portion of employee medical premiums to be charged to employees.

3. The Department of Human Resources Management shall explore options within the health insurance plan for state employees to promote value-based health choices aimed at creating greater employee satisfaction with lower overall health care costs. It is the General Assembly's intent that any savings associated with this employee health care initiative be retained and used towards funding state employee salary or fringe benefit cost increases.

4. Notwithstanding any provision of law, effective July 1, 2009, coverage for lap band and gastric bypass surgery under the state employee health insurance program shall be conditional on the successful participation in a progressive weight

management program to be developed by the Department of Human Resource Management.

5. Notwithstanding any provision of law, the funding included in this item pursuant to this Paragraph for state employee health insurance assumes the cessation of coverage for non-sedating antihistamines and erectile dysfunction drugs.

6. Included in this appropriation in the second year is funding to adjust the employer premiums for the state employee health insurance program to reflect the enactment of House Bill 2467 and Senate Bill 1062 of the 2011 General Assembly Session.

G. Out of the general fund appropriation for this item is included \$3,077,123 the first year and \$3,692,986 the second year to support the general fund portion of the costs associated with changes in premiums paid by state agencies on behalf of their employees for workers compensation coverage. The Director, Department of Planning and Budget, is authorized to transfer these funds to the impacted state agencies based upon new workers compensation premiums as provided by the Department of Human Resource Management. Also, the Director, Department of Planning and Budget, is authorized to transfer funds between agencies based on these new premiums.

H.1. On July 1, 2010, the State Comptroller shall establish a fund on the books of the Commonwealth to be known as the Virginia Retirement System Suspense Payment Fund. For the purposes of the provisions of § 2.2-813, Code of Virginia, this fund shall be considered part of the general fund and shall contain all payments made to it by agencies of the Commonwealth and any appropriations or other deposits directed to be made to it by the General Assembly. Within this fund, the State Comptroller shall establish separate fund details for each of the programs (retirement, group life insurance, retiree health care credit, and the Virginia Sickness and Disability Program) for which payment is required to be made to the Virginia Retirement System (VRS). All funds remaining in this fund at the close of any fiscal year shall become part of the general fund balance.

2. Effective July 1, 2010, any agency that participates in a program sponsored by VRS shall make its contribution payment for each program to the Department of Accounts for deposit into the Virginia Retirement System Suspense Payment Fund. Such payments may be made either by payment through the state's payroll system or by direct payment from the agency. Payments made to the Department of Accounts shall be based upon the funded rates which are set out below:

Retirement	FY 2011	FY 2012
Regular VRS	6.58%	6.58%
SPORS	21.16%	21.16%
VaLORS	13.09%	13.09%
JRS	42.58%	42.58%
 Other Post Employment Benefits		
Group Life	1.02%	1.02%
Retiree Health Care Credit	0.99%	0.99%
Virginia Sickness and Disability Program	0.66%	0.66%

3. Out of the general fund appropriation for this item is included \$6,839,113 the first year and \$7,136,455 the second year from the general fund to support the general fund portion of the net costs resulting from changes in employer contributions for state employee retirement as provided in the above table.

4. Pursuant to § 3-1.01 of this act, amounts estimated at \$258,636 the first year and \$269,882 the second year shall be transferred from eligible nongeneral fund accounts to the general fund, representing nongeneral fund savings associated with reductions in employer contributions for the Virginia Law Officers Retirement System as provided in the above table.

5. The Director, Department of Planning and Budget, shall withhold and transfer to this item, amounts estimated at \$983,313 the first year and \$1,026,049 the second year from the general fund appropriations of state agencies and institutions of higher education, representing the net savings resulting from changes in contribution rates for state employee Other Post Employment Benefits as provided in the above table.

6. Pursuant to § 3-1.01 of this act, amounts estimated at \$4,855,893 the first year and \$5,066,977 the second year shall be transferred from eligible nongeneral fund accounts to the general fund, representing nongeneral fund savings associated with savings resulting from changes in contribution rates for state employee Other Post Employment Benefits as provided in the above table.

I. The payments prescribed in paragraph H.2. above shall be made according to a schedule approved by the State Comptroller for each agency.

1. From these funds, the State Comptroller shall make payment to VRS for all programs in accordance with the rates approved by the General Assembly and set out

below:

Retirement	FY 2011	FY 2012
Regular VRS	2.13%	2.08%
SPORS	7.76%	7.73%
VaLORS	5.12%	5.07%
JRS	28.81%	28.65%
Other Post Employment Benefits		
Group Life	0.28%	0.28%
Retiree Health Care Credit	0.10%	0.10%
Virginia Sickness and Disability Program	0.00%	0.00%

Such payment shall be made after the tenth day following the close of each quarter of the fiscal year. Beginning July 1, 2011, such payments shall be made no later than the tenth day following the close of each month.

2. For pay periods effective on or after March 25, 2012 the payments to VRS for the retirement programs as shown in I.1. above shall be increased to 6.58 percent for Regular VRS, 21.16 percent for SPORS, 13.09 percent for VaLORS, and 42.58 percent for JRS.

3. The State Comptroller shall transfer any excess balances paid into the fund that are not needed to make the payments set out in paragraph 1 above and that are attributable to federal trust funds, transportation funds from the Virginia Department of Transportation, bond funded capital projects, and the appropriate federal portion of Internal Service funds to the agencies and fund sources from which they were derived.

4. Notwithstanding any contrary provision of law, on or before June 30 of each fiscal year, the State Comptroller shall deposit to the general fund all excess balances in the fund, less any amounts needed to make payments pursuant to paragraphs 1 and 2 above. Such deposits are estimated at \$245,727,423 the first year and \$224,149,479 the second year. These amounts represent the savings associated with reduced employer contribution rates for retirement, group life insurance, retiree health care credit, and the Virginia Sickness and Disability Program for these fiscal years.

5. Notwithstanding any contrary provision of law, the State Comptroller shall have broad authority to establish the policies and procedures needed to execute the provisions of this section in order to maintain its intended objective and to comply

with any accounting standards or requirements of federal law.

6. The Virginia Retirement System Board of Trustees shall account for the employer retirement contribution payments deferred for the 2010-2012 biennium based on limiting employer retirement contributions to the Virginia Retirement System to the actuarial normal cost. In setting the employer retirement contribution rates for the 2012-2014 biennium, and subsequent biennia, the Board shall calculate a separate, supplemental employer contribution rate that will amortize such deferred payments over a period of ten years using the Board's assumed long-term rate of return. The Governor shall include funds to support payment of such Board-approved, supplemental employer contribution rates in the budget submitted to the General Assembly.

J.1 Retirement contribution rates paid for public school teachers, excluding the five percent employee portion, shall be 3.93 percent in the first year and 6.33 percent in the second year.

2. Contribution rates paid for public school teachers for the retiree health care credit shall be 0.60 percent in the first and the second year.

K.1. Pursuant to the enactment of House Bill 1189, 2010 Session of the General Assembly, the Director, Department of Planning and Budget, shall withhold and transfer to this item, amounts estimated at \$4,283,243 the first year and \$11,491,947 the second year, from the general fund appropriations of state agencies and institutions of higher education, representing savings from the provision requiring employees hired on or after July 1, 2010, with no prior service, to pay the five percent employee contribution for their retirement benefit.

2. Pursuant to § 3-1.01 of this act, amounts estimated at \$2,890,092 the first year and \$8,370,859 the second year shall be transferred from eligible nongeneral fund accounts to the general fund, representing nongeneral fund savings associated with the requirement for new employees to pay the 5 percent employee contribution.

L.1 Pursuant to the enactment of House Bill 1189 of the 2010 General Assembly Session, the Director of Department of Planning and Budget shall withhold and transfer to this item, amounts estimated at \$379,321 the first year and \$716,999 the second year, from the general fund appropriations of state agencies and institutions of higher education, representing savings from the provision decreasing the state's contribution into the optional retirement plans for employees hired on or after July 1,

2010, with no prior service.

2. Pursuant to § 3-1.01 of this act, amounts estimated at \$414,365 the first year and \$793,825 the second year shall be transferred from eligible nongeneral fund accounts to the general fund, representing nongeneral fund savings associated with the decrease in the contribution rates into the optional retirement plans for employees hired on or after July 1, 2010, with no prior service.

M.1. Notwithstanding any provision to the contrary, any references to a period of 14 days or a period of 28 days in §§ 51.1-1111, -1112, -1122, and -1123 of the Virginia Sickness and Disability Program (VSDP) are hereby changed to a period of 45 days. Moreover, the period of 45 days shall be consecutive days that the participating employee is (i) actively at work and (ii) fully released to return to work full time, full duty. The Virginia Retirement System shall develop policies and procedures to administer the effects of the 45-day period in connection with participants who are deemed to have a major chronic condition.

2. Notwithstanding any provision to the contrary, any eligible employee commencing employment or re-employment on or after July 1, 2009, shall not be entitled to receive Virginia Sickness and Disability Program benefits under Article 3, Chapter 11, Title 51.1, Code of Virginia, (Nonwork Related Disability Benefits) until the employee completes one continuous year of active employment or re-employment.

3. Notwithstanding any provision to the contrary, for all eligible employees commencing employment or re-employment on or after July 1, 2009, short-term disability coverage under the Virginia Sickness and Disability Program shall provide income replacement for no more than 60 percent of a participating employee's creditable compensation for the first 60 months of continuous state service after employment or re-employment.

N. Notwithstanding the provisions of § 2.2-3205(A), Code of Virginia, the terminating agency shall not be required to pay the Virginia Retirement System the costs of enhanced retirement benefits provided for in § 2.2-3204(A), Code of Virginia. Instead, the entire cost of such benefits for involuntarily separated employees shall be factored into the employer contribution rates paid to the Virginia Retirement System beginning with the June 30, 2011, actuarial valuation.

O.1. Notwithstanding any other provisions of law, the State Comptroller shall delay the transfer of all employer-paid retirement contributions under all defined benefit

plans administered by VRS for the final five paydays of fiscal year 2011 to fiscal year 2012. The applicable transfers shall occur no later than July 10, 2011.

2. The Director, Department of Planning and Budget, shall withhold and transfer to this item amounts estimated at \$14,399,470 the first year from the general fund appropriations of state agencies and institutions of higher education, representing savings from the delay in payments provided for in this paragraph.

3. Out of the general fund appropriation for this item, \$41,725,458 in the second year is available to be transferred to state agencies and institutions of higher education to support the general fund cost, and if necessary to offset any one-time non-general fund cost incurred by the institutions of higher education, related to eliminating the delay in the transfer of employer paid retirement payments beginning in fiscal year 2012.

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

Q. The purpose of this paragraph is to provide a transitional severance benefit, under the conditions specified, to eligible city, county, school division or other political subdivision employees who are involuntarily separated from employment with their employer.

1.a. "Involuntary separation" includes, but is not limited to, terminations and layoffs from employment with the employer, or being placed on leave without pay-layoff or equivalent status, due to budget reductions, employer reorganizations, workforce downsizings, or other causes not related to the job performance or misconduct of the employee, but shall not include voluntary resignations. As used in this paragraph, a "terminated employee" shall mean an employee who is involuntarily separated from employment with his employer.

b. The governing authority of a city, county, school division or other political subdivision electing to cover its employees under the provisions of this paragraph shall adopt a resolution, as prescribed by the Board of Trustees of the Virginia Retirement System, to that effect. An election by a school division shall be evidenced by a resolution approved by the Board of such school division and its local governing

authority.

2.a. Any (i) “eligible employee” as defined in § 51.1-132, (ii) “teacher” as defined in § 51.1-124.3, and (iii) any “local officer” as defined in § 51.1.124.3 except for the treasurer, commissioner of the revenue, attorney for the Commonwealth, clerk of a circuit court, or sheriff of any county or city, and (a) for whom reemployment with his employer is not possible because there is no available position for which the employee is qualified or the position offered to the employee requires relocation or a reduction in salary and (b) whose involuntary separation was due to causes other than job performance or misconduct, shall be eligible, under the conditions specified, for the transitional severance benefit conferred by this paragraph. The date of involuntary separation shall mean the date an employee was terminated from employment or placed on leave without pay-layoff or equivalent status.

b. Eligibility shall commence on the date of involuntary separation.

3.a. On his date of involuntary separation, an eligible employee with (i) two years' service or less to the employer shall be entitled to receive a transitional severance benefit equivalent to four weeks of salary; (ii) three years through and including nine years of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to four weeks of salary plus one additional week of salary for every year of service over two years; (iii) ten years through and including fourteen years of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to twelve weeks of salary plus two additional weeks of salary for every year of service over nine years; or (iv) fifteen years or more of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to two weeks of salary for every year of service, not to exceed thirty-six weeks of salary.

b. Transitional severance benefits shall be computed by the terminating employer's payroll department. Partial years of service shall be rounded up to the next highest year of service.

c. Transitional severance benefits shall be paid by the employer in the same manner as normal salary. In accordance with § 60.2-229, transitional severance benefits shall be allocated to the date of involuntary separation. The right of any employee who receives a transitional severance benefit to also receive unemployment compensation pursuant to § 60.2-100 et seq. shall not be denied, abridged, or modified in any way due to receipt of the transitional severance benefit; however, any employee who is

entitled to unemployment compensation shall have his transitional severance benefit reduced by the amount of such unemployment compensation. Any offset to a terminated employee's transitional severance benefit due to reductions for unemployment compensation shall be paid in one lump sum at the time the last transitional severance benefit payment is made.

d. For twelve months after the employee's date of involuntary separation, the employee shall continue to be covered under the (i) health insurance plan administered by the employer for its employees, if he participated in such plan prior to his date of involuntary separation, and (ii) group life insurance plan administered by the Virginia Retirement System pursuant to Chapter 5 (§ 51.1-500 et seq.) of Title 51.1, or such other group life insurance plan as may be administered by the employer. During such twelve months, the terminating employer shall continue to pay its share of the terminated employee's premiums. Upon expiration of such twelve month period, the terminated employee shall be eligible to purchase continuing health insurance coverage under COBRA.

e. Transitional severance benefit payments shall cease if a terminated employee is reemployed or hired in an individual capacity as an independent contractor or consultant by the employer during the time he is receiving such payments.

f. All transitional severance benefits payable pursuant to this section shall be subject to applicable federal laws and regulations.

4.a. In lieu of the transitional severance benefit provided in subparagraph 3 of this paragraph, any otherwise eligible employee who, on the date of involuntary separation, is also (i) a vested member of the Virginia Retirement System, including a member eligible for the benefits described in subsection B of § 51.1-138, and (ii) at least fifty years of age, may elect to have the employer purchase on his behalf years to be credited to either his age or creditable service or a combination of age and creditable service, except that any years of credit purchased on behalf of a member of the Virginia Retirement System, including a member eligible for the benefits described in subsection B of § 51.1-138, who is eligible for unreduced retirement shall be added to his creditable service and not his age. The cost of each year of age or creditable service purchased by the employer shall be equal to fifteen percent of the employee's present annual compensation. The number of years of age or creditable service to be purchased by the employer shall be equal to the quotient obtained by dividing (i) the cash value of the benefits to which the employee would be entitled under subparagraphs 3.a. and 3.d. of this paragraph by (ii) the cost of each

year of age or creditable service. Partial years shall be rounded up to the next highest year. Deferred retirement under the provisions of subsection C of §§ 51.1-153 and 51.1-205, and disability retirement under the provisions of § 51.1-156 et seq., shall not be available under this paragraph.

b. In lieu of the (i) transitional severance benefit provided in subparagraph 3 of this paragraph and (ii) the retirement program provided in this subsection, any employee who is otherwise eligible may take immediate retirement pursuant to §§ 51.1-155.1 or 51.1-155.2.

c. The retirement allowance for any employee electing to retire under this paragraph who, by adding years to his age, is between ages fifty-five and sixty-five, shall be reduced on the actuarial basis provided in subdivision A. 2. of § 51.1-155.

d. The retirement program provided in this subparagraph shall be otherwise governed by policies and procedures developed by the Virginia Retirement System.

e. Costs associated with the provisions of this subparagraph shall be factored into the employer contribution rates paid to the Virginia Retirement System beginning with the June 30, 2011 actuarial evaluation.

R. Out of the general fund appropriation for this item, \$3,400,000 in the second year shall be transferred to state agencies and institutions of higher education to support the general fund portion of costs associated with benefits provided pursuant to the Line of Duty Act.

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

for the general fund payroll that equates to the amount of excess resources collected.

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

3. The Director of the Department of Planning and Budget shall administratively increase nongeneral fund appropriations as required to implement the one-time bonus payment.

T.1. Every (i) "state employee," as defined in § 51.1-124.3, Code of Virginia, except an elected official, who is a member covered by the defined benefit plan of the Virginia Retirement System established under Chapter 1 of Title 51.1 (§ 51.1-100 et seq.), (ii) member of the State Police Officers' Retirement System under Chapter 2 of Title 51.1 (§ 51.1-200 et seq.), or (iii) member of the Virginia Law Officers' Retirement System under Chapter 2.1 of Title 51.1 (§ 51.1-211 et seq.), who is not a "person who becomes a member on or after July 1, 2010," as defined in § 51.1-124.3, Code of Virginia, shall be required to pay member contributions on a salary reduction basis in accordance with § 414(h) of the Internal Revenue Code in the amount of five percent of creditable compensation, effective June 25, 2011.

2. The base salary of employees described in subparagraph T.1. above shall be increased by five percent effective on June 25, 2011.

3. Out of the general fund appropriation for this item, \$15,057,664 in the second year shall be transferred to state agencies and institutions of higher education to support the net general fund cost as a result of the actions described in paragraphs 1 and 2 above.

U. The Director, Department of Planning and Budget, shall withhold and transfer to this item, amounts estimated at ~~\$10,533,020~~ \$5,533,020 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 reduces the estimated savings associated with the freeze on new

hires in Executive Department agencies by \$5.0 million in fiscal year 2012. The amendment includes all of the language included in Item 469 because Item 469 was not set out in House Bill 29.)

Commerce - Economic Development Subcommittee

Item 470 #1h

Central Appropriations

Central Appropriations

Language

Language:

Page 160, strike lines 53 and 54 and insert:

“K.1. Out of the appropriation for this item, \$30,000,000 the second year from the general fund is provided to capitalize a reserve to be known as the Federal Action Contingency Trust (FACT) Fund. It is the intent of the General Assembly that \$7,500,000 of that amount be set aside and provided to fund needs associated with the implementation of and response to the recommendations of the 2005 Base Realignment and Closure Commission which were subsequently agreed to by the President and the United States Congress relating to any locality in which a United States Navy Master Jet Base is located. State funds appropriated for this purpose and administered by the Office of the Secretary of Veterans Affairs and Homeland Security shall be used to mitigate adverse affects on any military operations caused by the encroachment of incompatible land uses. However, state funds shall be used only to mitigate adverse impacts in Accident Potential Zone 1 and Clear Zone areas.

2. The purposes of this FACT Fund are to address: (i) impacted localities in funding needs associated with the implementation of and response to the recommendations of the 2005 Base Realignment and Closure Commission (BRAC) or any subsequent BRAC recommendations; (ii) in order to continue statutorily required federally mandated services at the present level if federal budget reductions are imposed; or (iii) unique economic development opportunities to expand the Commonwealth’s ability to attract businesses in targeted sectors to help transition industries negatively affected by federal budget reductions or BRAC recommendations.

3. There is hereby created an advisory committee to provide advice to the Governor concerning the use of the Federal Action Contingency Trust (FACT) Fund. The FACT Fund Approval Commission is established as an advisory commission in the legislative branch and shall consist of 10 members, including the Chairman of the House Appropriations Committee and four members of the House Appropriations Committee selected by the chairman, the Chairman of the Senate Finance Committee

and four members of the Senate Finance Committee selected by the chairman. The secretaries of Commerce and Trade, Health and Human Resources and Finance shall also be available to provide technical assistance to the advisory committee.

4. Prior to the distribution of any funds from the Federal Action Contingency Trust (FACT) Fund, The FACT Fund Approval Commission shall review all prospective uses of the FACT Fund and recommend approval or denial of such uses to the Governor. The Governor shall also notify the chairmen of the Senate Finance Committee and the House Appropriations Committee in writing within ten days concerning his decision to distribute money from the FACT reserve having previously received approval from the advisory committee."

Page 161, strike line 1.

Explanation:

(This amendment modifies language authorizing the Federal Action Contingency Trust (FACT) Fund in order to establish criteria for use of the funding as well as to establish an advisory committee.)

General Government - Independent Subcommittee

Item 473 #1h

Central Appropriations

Central Appropriations

Language

Language:

Page 161, after line 49, insert:

"G. The Director of the Department of Planning and Budget shall, on or before June 30, 2012, authorize the reversion to the general fund of \$1,500,000 representing savings generated from fiscal year 2011 year end balances from program 534 in Item 98.

H. The Director of the Department of Planning and Budget shall, on or before June 30, 2012, authorize the reversion to the general fund of \$12,000,000 representing savings generated from fiscal year 2011 year end balances from Paragraph B in Item 96.

I. The Director, Department of Planning and Budget, shall, on or before June 30, 2012, authorize the reversion to the general fund of \$100,000 representing savings generated from fiscal year 2011 year-end balances from the Department of Criminal Justice Services.

J. The Director, Department of Planning and Budget, shall, on or before June 30, 2012, authorize the reversion to the general fund of \$100,000 representing savings generated from fiscal year 2011 year-end balances from the Department of Juvenile Justice.

K. The Director, Department of Planning and Budget, shall, on or before June 30, 2012, authorize the reversion to the general fund of \$25,000 representing savings generated from fiscal year 2011 year-end balances from the Parole Board.

L. The Director, Department of Planning and Budget, shall, on or before June 30, 2012, authorize the reversion to the general fund of \$25,000 representing savings generated from fiscal year 2011 year-end balances from the Department of Conservation and Recreation.

M. The Director, Department of Planning and Budget, shall, on or before June 30, 2012, authorize the reversion to the general fund of \$156,567 from the Productivity Investment Fund (program 715) within Central Appropriations representing savings generated from fiscal year 2011 year-end balances.

N. The Director, Department of Planning and Budget, shall unallot in the second year \$2,500,000 from the Department of Social Services (765), Item 329 of Chapter 890 of the Acts of Assembly of 2011, which reflects unused balances in Child Support Enforcement Services.

O. The Director, Department of Planning and Budget, shall unallot in the second year \$88,000 from the Department of Social Services (765), Item 333 of Chapter 890 of the Acts of Assembly of 2011, which reflects unused balances in Financial Assistance to Community Human Services Organizations."

Explanation:

(This amendment reverts \$1.5 million general fund from fiscal year 2011 appropriation balances in the Department of Business Assistance Virginia Jobs Investment Partnership Program, and \$12.0 million fiscal year 2011 appropriation balances from the Governor's Development Opportunity Fund. These reversions do not impact any outstanding commitments or the appropriations available for these programs in the current fiscal year. These year-end appropriation balances are derived from the Department of Criminal Justice Services, the Department of Juvenile Justice, the Parole Board, and the Department of Conservation and Recreation. Also included are fiscal year 2011 year-end balances from the Productivity Investment Fund, which is a component of the Central Appropriations.

These balances are derived from a study of regionalism and an uncommitted balance. The study on regionalism is duplicative of a similar effort being conducted by JLARC. Language is also added to capture balances in fiscal year 2012 of \$2.5 million general fund in Child Support Enforcement Services and \$88,000 general fund in financial assistance to community human services organizations within the Department of Social Services.)

General Government - Independent Subcommittee

Item 473 #2h

Central Appropriations

Central Appropriations

Language

Language:

Page 161, after line 49, insert:

"G. In addition to the reversions required in Item 32 of this Act, on or before June 30, 2012 the Committee on Joint Rules shall authorize the reversion to the general fund of \$2,799,135 representing additional savings within legislative agencies. This savings includes estimated savings within the legislative agencies as follows:

Legislative Agency	Estimated Savings
Auditor of Public Accounts (133)	\$500,000
Capitol Police (961)	\$423,406
Sesquicentennial of American Civil War Comm. (859)	\$500,000
Division of Legislative Services (107)	\$300,000
Division of Legislative Automated Systems (109)	\$575,000
Joint Legislative Audit & Review Commission (110)	\$250,000
Virginia Code Commission (108)	\$175,000
Commission on Youth (839)	\$25,000
Joint Commission on Health Care (844)	\$15,000
State Crime Commission (142)	\$15,000
Prevention of Human Trafficking Commission (866)	\$18,720
Chesapeake Bay Commission (842)	\$2,009".

Explanation:

(This amendment captures \$2.8 million in additional balance reversions within the legislative branch.)

General Government - Independent Subcommittee

Item 473 #3h

Central Appropriations

Central Appropriations

Language

Language:

Page 161, after line 49, insert:

"G. The Director of the Department of Planning and Budget shall, on or before June 30, 2012, authorize a reversion to the general fund of \$885,381 from Items 67.20, 67.40, 67.50, 67.60, 67.70 and 67.80 representing unallocated funds as a result of the policy of limiting state support to for the Career Development programs to those individuals participating in the program prior to January 1, 2010."

Explanation:

(This amendment captures \$885,381 in unallocated appropriation within the Compensation Board as a result of the policy limiting state support to for the Career Development programs to those individuals participating in the program prior to January 1, 2010.)

Capital Outlay Subcommittee

Item

C-5.10 #1h

Education: Higher Education

FY 10-11

FY 11-12

Christopher Newport University

\$0

\$2,000,000 NGF

Language:

Page 169, line 10, strike "\$1,000,000" and insert "\$3,000,000".

Page 169, line 10, strike "Not set out." and insert:

"Christopher Newport University (242)

5.10. Planning: Student Success Center (17872) 500,000 0
3,000,000

Fund Sources: Higher Education Operating 500,000 0
3,000,000

1. This appropriation provides funding to conduct preplanning for the construction of a Student Success Center. Christopher Newport University is authorized to use up to ~~\$500,000~~\$3,500,000 of nongeneral funds for which it shall be reimbursed when the project is funded to move into the construction phase.

2. Christopher Newport University is authorized to increase the project scope to 80,870 square feet of new construction."

Explanation:

(This amendment requests additional nongeneral fund authority and a project scope change for the Student Success Center at Christopher Newport University. The

item is not set out in the introduced budget but it will be set out as part of enrolling the budget.)

Capital Outlay Subcommittee Item C-20.50 #1h

Education: Higher Education

George Mason University

Language

Language:

Page 170, after line 2, insert:

"C-20.50. Construct Institute for Conflict Analysis and Resolution (16835)

"A. George Mason University is authorized to proceed with the construction of the Institute for Conflict Analysis and Resolution (16835) project within the funding previously authorized. The project includes 27,000 square feet for a conference center / academic facility, a wastewater treatment facility and residential space for faculty, students and guests.

B. George Mason University shall provide a semiannual report on the project status to the Chairmen of the House Appropriations Committee and Senate Finance Committee until project completion."

Explanation:

(This amendment modifies the scope of a previously approved project at George Mason University.)

Capital Outlay Subcommittee Item C-73.10 #1h

Education: Higher Education

Virginia State University

FY 10-11

\$0

FY 11-12

\$4,500,000 NGF

Language:

Page 172, line 21, strike "\$0" and insert "\$4,500,000".

Explanation:

(This amendment requests a nongeneral fund supplement for the land acquisition related to the Multipurpose Center (17312) at Virginia State University. The item is not set out in the introduced budget but it will be set out as part of enrolling the budget.)

Public Safety Subcommittee

Item 3-1.01 #1h

Transfers

Interfund Transfers

Language

Language:

Page 182, after line 18, insert:

"WW. On or before June 30, 2012, the State Comptroller shall transfer \$200,508 from the general fund to the Trust and Agency Fund (Fund 0700) for the Department of State Police to restore revenue inadvertently deposited to the general fund in fiscal year 2011."

Explanation:

(This amendment restores nongeneral fund revenue inadvertently deposited to the general fund in fiscal year 2011.)

Commerce - Economic Development Subcommittee

Item 3-1.01 #2h

Transfers

Interfund Transfers

Language

Language:

Page 182, after line 8, insert:

"6. On or before June 30, 2012, the State Comptroller shall restore \$2,689 from the general fund to the State Asset Forfeiture Fund (Fund 0233) in the Department of Agriculture and Consumer Services, pursuant to § 4-1.05 b. of this act."

Explanation:

(This amendment restores amounts that were reverted from the State Asset Forfeiture Fund (Fund 0233) in the Department of Agriculture and Consumer Services.)

General Government - Independent Subcommittee

Item 3-1.01 #3h

Transfers

Interfund Transfers

Language

Language:

Page 182, line 14, after "year" insert "and proceeds estimated at \$3,611,000 from the sale of the former Tax Department Building shall be deposited into the general fund in the second year."

Explanation:

(This amendment reflects the revenue that is expected to be realized in fiscal year 2012 from the sale of the former Tax Department Building. The introduced budget assumed the sale would occur in fiscal year 2013.)

General Government - Independent Subcommittee

Item 3-1.01 #4h

Transfers

Interfund Transfers

Language

Language:

Page 175, after line 43, insert:

"8. Commission on The Virginia Alcohol Safety Action Program (Special)

For expenses incurred for care, treatment, study
and rehabilitation of alcoholics by the Department
of Behavioral Health and Developmental Services
and other state agencies.

\$0

\$1,000,000".

Page 175, line 46, strike "\$74,936,039" and insert "\$75,936,039".

Explanation:

(This amendment transfers \$1.0 million in nongeneral fund balances within the Commission on the Virginia Alcohol Safety Action Program to support expenses incurred by the Department of Behavioral Health and Developmental Services to support treatment and rehabilitation of those suffering from substance abuse.)

General Government - Independent Subcommittee

Item 3-3.03 #1h

General Fund Deposits

Interest Earnings

Language

Language:

Page 184, line 12, strike "\$16,675,169" and insert "\$16,649,754".

Page 185, strike line 30.

Explanation:

(This amendment allows the Parking Fund to retain its interest. All proceeds collected by the Parking Fund are made through fees charged to state employees. Any interest earnings help offset those fees.)

Adjustments and Modifications to Tax Collections

Qualified Equity and Subordinated Debt Investment Tax Credit

Language

Language:

Page 189, line 20, after "\$5,000,000." insert:

"For taxable years beginning on and after January 1, 2011, the amount of the Qualified Equity and Subordinated Debt Investments Tax Credit available under §58.1-339.4, Code of Virginia, shall be limited to \$3,000,000."

Explanation:

(This amendment continues the cap on the tax credit that has been in effect since January 1, 2006 with the exception of tax year 2010.)
